



**CITY OF BURLINGTON  
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A  
Post Office Box 849  
Burlington, VT 05402-0849  
802.863.9094 VOICE  
802.863.0466 FAX  
802.863.0450 TTY  
[www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

---

**Chapin Spencer**  
*DIRECTOR OF PUBLIC WORKS*

# MEMORANDUM

TO: PUBLIC WORKS COMMISSION  
FM: CHAPIN SPENCER, DIRECTOR  
DATE: NOVEMBER 14, 2013  
RE: PUBLIC WORKS COMMISSION MEETING

Enclosed is the following information for the meeting on November 20, 2013 at 6:30 PM at 645 Pine St, Main Conference Room.

1. Agenda
2. Consent Agenda
3. Refinance of Wastewater Debt.
4. Minutes of 10/30/13

**Non-Discrimination**

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.



**CITY OF BURLINGTON  
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A  
Post Office Box 849  
Burlington, VT 05402-0849  
802.863.9094 VOICE  
802.863.0466 FAX  
802.863.0450 TTY  
[www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

**Chapin Spencer**  
*DIRECTOR OF PUBLIC WORKS*

## **M E M O R A N D U M**

To: Amy Bovee, Clerks Office  
From: Chapin Spencer, Director  
Date: November 14, 2013  
Re: Public Works Commission Agenda

Please find information below regarding the next Commission Meeting.

Date: **November 20, 2013**  
Time: 6:30 – 9:00 p.m.  
Place: 645 Pine Street – Main Conference Room

## **A G E N D A**

### ITEM

- 1 Agenda
- 2 5 Min Public Forum
- 3 30 Min Consent Agenda
  - 3.10 North St Parking Request
  - 3.20 Main St Parking Changes
  - 3.30 Center Street Loading Zones
  - 3.40 Bradley St at Hungerford Terrace Stop Sign Request
  - 3.50 Elmwood Avenue No Parking
- 4 20 Min Refinance of the Wastewater Debt.
  - 4.10 Communication, L. Adams
  - 4.20 Discussion
  - 4.30 Decision

### Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.

- 5 30 Min Bike Path Intersection Scoping Study
  - 5.10 Oral Communication, N. Losch
  - 5.20 Discussion
  
- 6 20 Min Continuation of Appeal of Code Enforcement Order for 234-240 College St
  - 6.10 Oral Communication, W. Ward, N. Baldwin, N. Holt & Appellant
  - 6.20 Discussion
  - 6.30 Decision
  
- 7 15 Min Residential Parking Program
  - 7.10 Oral Communication, DPW Commission
  - 7.20 Discussion
  
- 8 Minutes of 10/30/13
  
- 9 Director's Report
  
- 10 Commissioner Communications
  
- 11 Deliberative Session to Discuss Appeal
  
- 12 Adjournment & Next Meeting Date – 12/18/13



MEMORANDUM

October 24, 2013

**TO:** Public Works Commission  
**FROM:** Joel Fleming   
**RE:** North Street Parking Request

---

**Background:**

Staff has received three different requests from residents of North Street for changes to the parking on North Street around Rose Street.

- **Item 1:** The first request is requesting that parking is removed on the north side of North Street just east and west of Rose Street.
- **Item 2:** The second request has asked for a loading zone to be installed in front of 128 North Street.
- **Item 3:** The third request is for a loading zone in the current 15 minute space on north side of North Street just east of Rose Street. The petitioner would like the loading zone to be active during the morning and would like the 15 minute space to stay for the afternoon hours.

**Observations:**

- **Item 1:** Currently there is 20 feet of no parking on the north side of North Street both east and west of Rose Street. This gives drivers attempting to exit Rose Street a sight distance of 80 feet to the east and 120 feet to the west. One parking space to the west and 2 parking spaces to the east would need to be removed to give the vehicles on Rose Street the minimum stopping sight distance of 155 feet. This intersection does not have any accident history.
- **Item 2:** In January of 2013 the Commission approved the removal of a 15 minute parking space in front of 128 North Street. The resident complained that he did not want the space removed but wanted a loading zone installed. Currently the parking space is unrestricted at all hours of the day. A loading zone would help not only this business but the businesses around it as well.

AR 11/13

- **Item 3:** On the north side of North Street in the first space east of Rose Street there is currently a 15 minute parking space. The owners of JR's Market have asked staff to install a loading zone in this space for the morning hours. The space could continue working as it does today, a 15 minute space during the afternoon hours while serving this business and others during the morning hours. If the space goes in they would like the hours to be from 7:00 am to 12:00 pm, vehicle loading zone and from 12:00 PM to 10 PM, 15 minute parking.

#### **Conclusions:**

- **Item 1:** In balancing the safety of side street traffic entering north street and the adequacy of the sight lines in balance with the parking needs of the adjacent businesses, seeing no pattern that warrants action it is in our judgment at this time to deny the request to prohibit parking on North Street east and west of Rose Street.
- **Item 2:** Putting in a loading zone in front of 128 North Street will only help the business and since this was recently changed from a 15 minute parking space to unrestricted, staff does not feel that it will affect the residents negatively.
- **Item 3:** Changing the 15 minute space to a loading zone for the morning hours will only help the business, this change will not affect residents trying to park during the day.

#### **Recommendations:**

- **Item 1:** Staff would recommend that the commission deny the petitioners request to remove parking on the north side of North Street around Rose Street.
- **Item 2:** Staff recommends that the commission adopt a Vehicle Loading Zone in front of 128 North Street from 8:00 am to 5:00 pm.
- **Item 3:** Staff recommends that a Vehicle Loading Zone is installed in the first space east of Rose Street on the north side of North Street between the hours of 7:00 am and 12:00 pm, the 15 Minute parking space hours would be changed from 8:00 am-10:00 pm to 12:00 pm-10:00 pm.



CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

Request # 1631

# SERVICE REQUEST

## Name and Address

Name: Abigail Wager

Request Date: 05/24/2013 1:43 PM

Due Date: 6/23/2013

Address: Rose Street

Phone Number: 206-390-7800

Email Address:

abigail.wager@uvm.edu

## Request

Location: Rose St &amp; North St

Request Description: See attached e-mail and diagram from 5/23/13, requesting that DPW look at the site distance for vehicles exiting Rose Street onto North Street; parked cars.

## Assign History

Date	Assigned To	Description
5/24/2013 1:43:14 PM	Joel Fleming	Request Assigned

## Work History

Date	Staff Person	Description
09/26/2013	Helen Plumley	Customer called and left voice mail saying she hasn't heard from anyone following up on her request. 206-390-7800; abby.wager@gmail.com. I will e-mail her to let her know I have passed on her message. ( Entered on 9/26/2013 12:56:18 PM by Helen Plumley )
05/24/2013	Helen Plumley	I attached the e-mail and diagram to this RFS, and e-mailed Abby to let her know I would create a RFS and forward to Joel Fleming. ( Entered on 5/24/2013 1:44:28 PM by Helen Plumley )

## Customer Service

Status: New

Request created by: Helen Plumley

Print Date: 9/26/2013 12:56:27 PM

RFS #1631

**Helen Plumley**

---

**From:** Wager, Abigail B <Abigail.Wager@med.uvm.edu>  
**Sent:** Thursday, May 23, 2013 3:22 PM  
**To:** Helen Plumley  
**Subject:** RE: Sorry Abby!  
**Attachments:** Capture.JPG

Helen,

Thanks for getting back to me. The issue is at the intersection of Rose St. and North St. It is very difficult to see beyond the cars that are parked along North St. turn onto North St. from Rose St. I live on Rose St. and have had multiple close calls trying to turn onto North St. The problem may be as simple as removing the two parking spots along North St. on either side of that intersection so that it is easier to see if cars are coming. I've attached a diagram so that you can better understand the problem.

The fact of the matter is, this is a very dangerous situation. People often drive faster than 25 mph on North St. and no matter how careful you are, there is no way to see if cars are coming along North St. I almost got hit as I pulled out this morning and although I've been talking about writing for a long time, I have decided that it's not worth waiting any longer.

Thanks very much for your help!  
Abby

Abigail Wager  
Laboratory Manager/Clinical Coordinator  
Freeman Lab  
University of Vermont College of Medicine  
<http://www.uvm.edu/medicine/freemanlab/>  
T: (206) 390-7800  
E: [abigail.wager@uvm.edu](mailto:abigail.wager@uvm.edu)<<mailto:abigail.wager@uvm.edu>>

**From:** Helen Plumley [<mailto:hplumley@burlingtonvt.gov>]  
**Sent:** Thursday, May 23, 2013 2:26 PM  
**To:** 'abby.wager@gmail.com'  
**Subject:** Sorry Abby!

Abby,  
I just found your e-mail address...my apologies for the delay. Things got very busy here and it went out of my head.

Helen  
Customer Service  
Department of Public Works



CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

Request # 223

# SERVICE REQUEST

**Name and Address**

Name: Abdi Sharif

Request Date: 10/19/2012 3:26 PM

Due Date: 10/26/2012

Address:

Phone Number: 865-1165

Email Address:

**Request**

Location: 128 North Street

Request Description: There is a 15 minute parking sign in front of this business but people are parking there all day. Has called parking enforcement to no effect. Would like to take the sign down.

**Assign History**

Date	Assigned To	Description
10/19/2012 3:26:33 PM	Joel Fleming	Request Assigned

**Work History**

Date	Staff Person	Description
02/01/2013	Joel Fleming	Commission passed the request ( Entered on 2/1/2013 11:02:13 AM by Joel Fleming )

**Customer Service**

Status: Closed  
Request created by: Holly Lane

Print Date: 10/17/2013 12:51:25 PM

*Install Loading zone @ this Location.*

*# 2230*



Request # 2653

CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

# SERVICE REQUEST

### Name and Address

Name: Rachel Siegel

Request Date: 09/23/2013 2:25 PM

Due Date: 10/23/2013

Address: Ward 3 City Councilor

Phone Number:

Email Address: rsiegel@burlingtonvt.gov

### Request

Location: 144 North St

Request Description: Per Councilor Siegel's 9/10/13 e-mail to Dave Garen, to Joel, to Helen: 3- JRs convenience store on North St is having great challenges getting deliveries b/c they do not have a dedicated loading zone. The owner, Cheryl, had some one come from DPW some time ago and was told that b/c of fire hydrants there was no viable site for loading. However, there is a 15 min parking space out front. It seems that that space could serve as an early morning loading zone and a 15 min space after a set time. Who should we turn to for support and information to solve this? We want to keep North Street vital and supporting these small businesses is important. They are losing customers b/c they can't get deliveries sometimes and thus run out of stock.

### Assign History

Date	Assigned To	Description
9/23/2013 2:25:04 PM	Joel Fleming	Request Assigned

### Work History

### Customer Service

Status: New

Request created by: Helen Plumley

Print Date: 9/23/2013 2:25:22 PM

Dave

1 - the missing light post on the southeast corner of North St and No Champlain St: There is no way for anyone (and i'm mostly concerned with children) to activate the pedestrian cross signal. When we last spoke about this in June you thought it would be resolved in July. Any new timeline on that?

Dave

2- the lack of pedestrian cross signals at the intersections of No Champlain and Manhattan, and Park St and Manhattan: It is very hard to see the vehicular signals when standing on the sidewalk - esp at the No Champlain intersection. I think we need to create safer crossings here. There are kids who cross these intersections to get to IAA and there are not crossing guards there. There are other kids who are allowed to walk to their friends' houses alone except when it involves these streets. I hope we can find a solution.

144 NORTH

3- JR's convenience store on North St is having great challenges getting deliveries b/c they do not have a dedicated loading zone. The owner, Cheryl, had some one come from DPW some time ago and was told that b/c of fire hydrants there was no viable site for loading. However, there is a 15 min parking space out front. It seems that that space could serve as an early morning loading zone and a 15 min space after a set time. Who should we turn to for support and information to solve this? We want to keep North Street vital and supporting these small businesses is important. They are losing customers b/c they can't get deliveries sometimes and thus run out of stock.

New RFS, # 2653, assigned to Joel.

4- The sidewalks on the south end of Pitkin St, on both sides of the street, are in really bad condition. It is quite dangerous for kids on scooters and generally an eyesore. How do we find out if these sidewalks are in the queue for repairs already or how to get them on the list if not?

RFS #1278, added to the already-existing one. Ron assigned it to Erin.

5- The sidewalks on the eastern side of Rose St b/t Cedar St and North St are also in bad shape.

New RFS # 2652 to Ron 9/2

Thank you so much for getting back to me about all these issues.

Best,  
Rachel Siegel  
Ward 3 City Councilor



#128

Requested Loading Zone

15 Minute

Rose Street

#144

Requested Morning Loading Zone

15 Minute

Murray Street



MEMORANDUM

November 7, 2013

**TO:** Public Works Commission  
**FROM:** Joel Fleming *JF*  
**RE:** Proposed parking prohibition east of South Willard and Main Street

---

**Background:**

The State of Vermont paved Main Street from South Willard Street east to the City boundary with South Burlington. They lengthened the left turn lane at South Willard Street by 65 feet to the east. The new turn lane forced the State to remove a five or six of parking spaces on the north side of Main Street east of South Willard Street.

**Observations:**

Staff has examined the site and determined that the state proposed to remove five or six spaces on the north side of Main Street by installing a fog line as part of the State paving project in the summer of 2012-2013.

**Conclusions:**

Since the paving the traffic department has removed the fog line that had previously marked no parking on Main Street. However, staff would like to remove the first space east of South Willard Street on the north side of Main Street. Currently vehicles can park and take up part of the travel lane on Main Street where the left turn lane begins. If parking is pushed back another 40 feet to the east traffic could easily flow down Main Street and into either the two lanes.

**Recommendations:**

Staff recommends the commission adopt the removal of one additional parking space on the north side Main Street east of South Willard Street.

*NB 11/14/13*



CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

Request # 2584

# SERVICE REQUEST

**Name and Address**

Name: No Name

Request Date: 09/11/2013 3:49 PM

Due Date: 10/11/2013

Address:

Phone Number: Not left

Email Address:

**Request**

Location: 378-382 Main Street

Request Description: Westbound lane on Main St, just east of Willard St, new striping in the road. However, the "No Parking Here to Corner" sign has not yet been moved, so cars are parking in the travel lane.

**Assign History**

Date	Assigned To	Description
9/11/2013 3:49:57 PM	Joel Fleming	Request Assigned

**Work History**
**Customer Service**

Status: New

Request created by: Helen Plumley

Print Date: 9/11/2013 3:50:04 PM



South Willard Street

Left Hand turn lane

Remove 1 parking space

Current no parking here to Corner

Proposed no parking here to Corner

N

Main Street



MEMORANDUM

November 14, 2013

**TO:** Public Works Commission  
**FROM:** Joel Fleming   
**RE:** Center Street Loading Zones

---

**Background:**

Staff was contacted by the City Attorney's office asking to remove the 2 loading zones on the west side of Center Street and put one larger loading zone on the east side of the street. Center Street is a narrow one way street in the downtown that connects College Street and Bank Street.

**Observations:**

Center Street is 25 feet wide with a current configuration East to west: 8 foot parking lane, 9 foot travel lane and 8 foot loading zone. With large trucks parking and delivering on the west side of the street it often makes the street impassible forcing drivers to back down a one-way street or sit and wait for the trucks to unload and move. If the trucks end up parking on the sidewalk vehicles can get through but then pedestrians are forced to walk out into the road to get around the trucks.

Currently there are 16 metered parking spaces on Center Street. If two spaces are removed on the northern end of the street it would allow enough space to put a truck loading zone in. This would allow trucks to load and unload without parking on the street or sidewalk. Staff talked to the owners of Ken's Golf Shop and Phoenix Books about the proposed changes and left messages for the owners of The Daily Planet and Revolution Kitchen. Neither Ken's Golf Shop nor Phoenix Books were against the changes but neither supported them. Staff did not hear back from the other two businesses. The Daily Planet and Revolution Kitchen get most of their deliveries in the morning and Phoenix Books and Kens Golf Shop get deliveries at all hours of the day.

AB 11/14/13

**Conclusions:**

Removing the loading zones from the west side of Center Street and replacing them with one larger loading zone on the east side would improve safety for all users of the street.

**Recommendations:**

We have witnessed that truck loading zones stay active throughout the day, restricting the street to a narrow, non-passable roadway condition. With hesitation staff recommends that the commission adopt a Vehicle Loading and Unloading zone on the east side of Center Street starting in the first space south of Bank Street extending south for 40 feet. Staff recommends that the commission adopts the removal of the two loading zones on the west side of Center Street leaving the west side of Center Street to be restricted to no parking at all times.



Handicapped

Loading Zone

M M M

M M M

Bank Street

M M

M M

M M M

Proposed Removal of Existing Loading Zone

Proposed New Loading Zone

Proposed Removal of Existing Loading Zone

N

Center Street

South Winoski Avenue

College Street



MEMORANDUM

November 7, 2013

**TO:** Public Works Commission  
**FROM:** Joel Fleming   
**RE:** Bradley Street at Hungerford Terrace stop sign request

---

**Background:**

Staff received a request from a resident of Buell Street asking to make the intersection of Hungerford Terrace and Bradley Street a 3-way stop controlled intersection. Hungerford Terrace is a low volume, low speed, one way street, serving south bound traffic only. Bradley Street is a low volume, low speed street only a few blocks from the downtown.

**Observations:**

The intersection of Bradley Street and Hungerford Terrace:

- Has balanced traffic volumes consistent with what you would normally associate with multi-way stop control,
- Entering traffic volumes do not exceed stop sign warrant volume thresholds,
- Accident experience does not exceed stop sign accident warrant thresholds,
- Adjacent intersections currently have multi-way stop control in place and predictably the public would expect the same controls in place at Hungerford and Bradley Street,

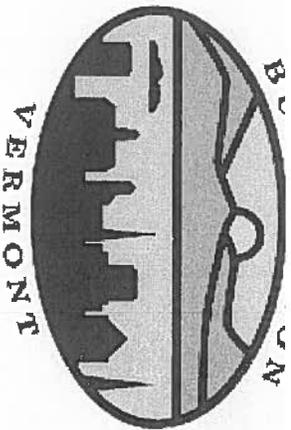
**Conclusions:**

Though accident and volume warrant thresholds were not met there is a higher level of importance for the control measures to be predictably placed in order to command the respect of the driving public. The two adjacent intersections at Hungerford and Buell Street & South Union and Buell Street are multi-way stop controlled while this intersection currently is not.

**Recommendations:**

Staff recommends that the commission adopt stop control for all legs of the Bradley Street and Hungerford Terrace intersection making it 3-way stop controlled.

*NB 11/14/13*



CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

# 2269

# SERVICE REQUEST

## Name and Address

Name: Greg Goetssh

Request Date: 07/25/2013 4:28 PM

Due Date: 8/24/2013

Address: Buell Street

Phone Number: 999-4176

Email Address:

## Request

Location: Bradley St & Hungerford Terr

Request Description: See attached e-mail asking for a 4-way STOP at Bradley and Hungerford. I will attach.

## Assign History

Date	Assigned To	Description
7/25/2013 4:28:01 PM	Joel Fleming	Request Assigned

## Work History

Date	Staff Person	Description
10/21/2013	Joel Fleming	Staff has finished the stop sign warrant analysis and Fleming determined that this intersection does not meet any of the technical warrants. It does appear that it does meet an optional warrant. Staff should have this item ready for next months commission meeting. ( Entered on 10/21/2013 2:18:14 PM by Joel Fleming )
10/01/2013	Joel Fleming	Staff will be conducting counts in the coming weeks ( Entered on 10/1/2013 3:56:53 PM by Joel Fleming )

## **Helen Plumley**

---

**From:** greg goetssh <ggoetsch@citymarket.coop>  
**Sent:** Thursday, July 25, 2013 9:52 AM  
**To:** Valerie Ducharme; Holly Lane; Helen Plumley  
**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 'Public Works Department' from <http://www.BurlingtonVT.gov/ContactUs>

Sent on 7/25/2013 9:52:18 AM from IP Address: 204.13.43.18

Phone number provided: 802-999-4176

Comment/Question: Hello. I live on Buell street. I was talking with my wife and my neighbor on Bradley street, and we all agree that there should be a four-way stop at Bradley and Hungerford Tr. People (including myself!) get Buell and Bradley mixed up and sometimes stop on Bradley where there is no stop (thinking they are on Buell) More dangerously, people don't stop on Buell, thinking they are on Bradley. Plus, people drive way to fast going up Bradley, using it as a thru street. We don't see any good reason not to have a stop sign on Bradley.  
Thanks

**Stop Sign Warrant**  
**MUTCD 2B.07 Multi-way Stop Application**

01. Multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multi-way stops include, pedestrians, bicyclists, and all road users expecting other road users to stop. Multi-way stop control is used where the volume of traffic on the intersecting roads is approximately equal.

02. The restrictions on the use of STOP signs described in Section 2B.04 also apply to Multi-way stop applications.

Guidance:

03. The decision to install multi-way stop control should be based on an engineering study.

04. The following criteria should be considered in the engineering study for a multi-way STOP sign installation:

A. Where the traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.

DOES NOT WARRANT

---

B. Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions

DOES NOT MEET WARRANT

No accidents at this intersection over the past 2 years.

C. Minimum Volumes:

1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages 300 vehicles per hour for any 8 hours of an average day; and

DOES NOT WARRANT

Peak hour traffic is well below the 300 VPH Threshold.

2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but

NOT APPLICABLE

---

3. if the 85<sup>th</sup>-percentile approach speed of the major -street exceeds 40 MPH, the minimum vehicular volume warrants are 70 percent of the volumes provided and Items 1 and 2.

D. Where no single criterion is satisfied, but criteria B, C.1 and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this criterion.

DOES NOT WARRANT

---

Option:

Other criteria that may be considered in an engineering study include:

A. The need to control left-turn conflicts;

DOES NOT WARRANT

B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;

DOES NOT WARRANT

C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and

DOES NOT WARRANT

B. in intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve operational characteristics of the intersection.

WARRANTS STOP CONTROL

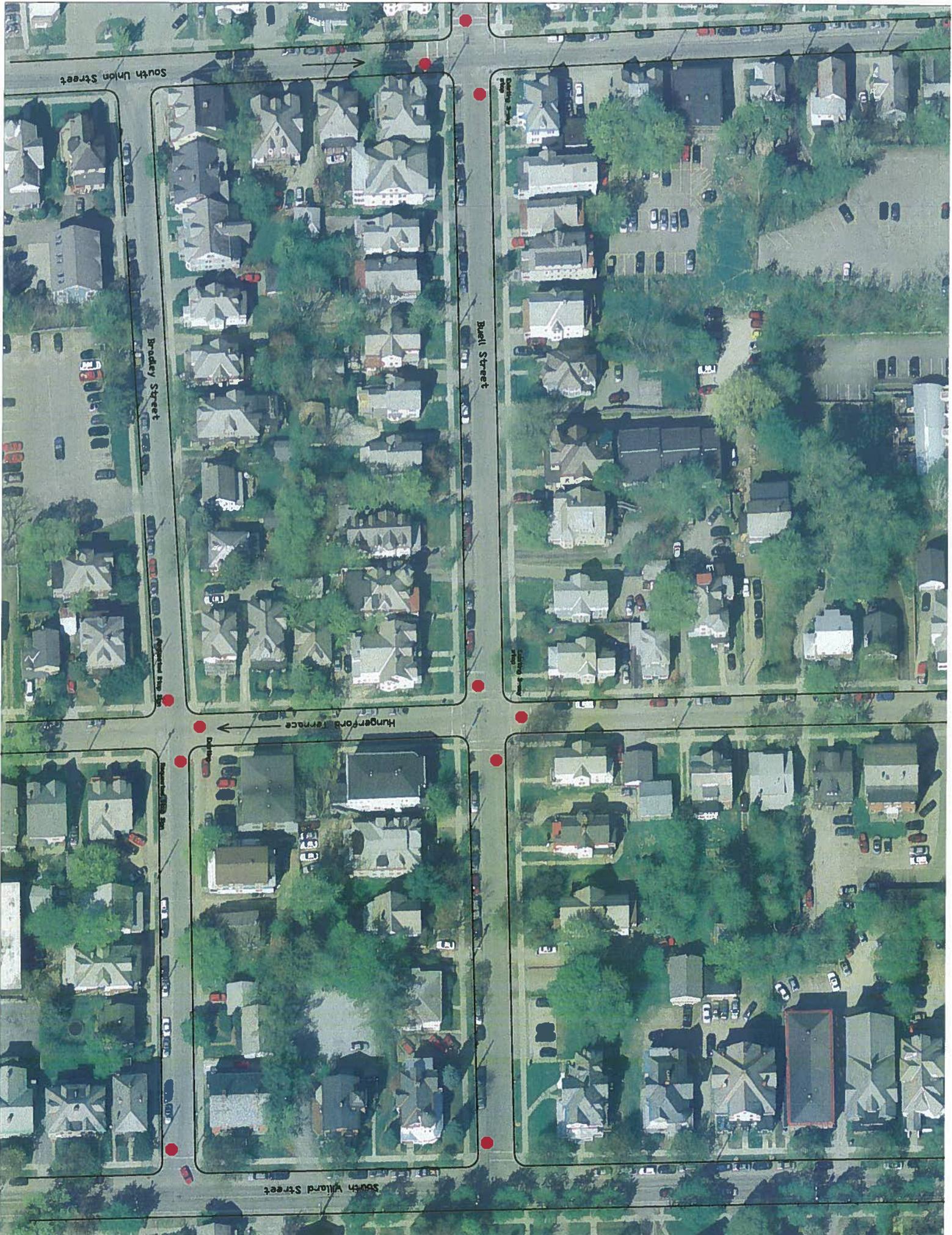
Two other intersections in this neighborhood are set up similar and have 3-way stop control

9/19/2013, PM count, C. Brett

Time		Major: Bradley			Minor: Hungerford Terr		
Start	Stop	E	W	S	E	W	S
4:30	4:45	5	2	2	5	2	1
4:45	5:00	12	4	0	13	1	0
5:00	5:15	15	4	5	6	0	2
5:15	5:30	12	4	4	7	1	0
Total:		44	14	11	31	4	3

9/24/2013, AM count, C. Brett

Time		Major: Bradley			Minor: Hungerford Terr		
Start	Stop	E	W	S	E	W	S
7:30	7:45	5	1	0	1	0	3
7:45	8:00	3	1	3	1	0	6
8:00	8:15	6	2	1	0	1	4
8:15	8:30	1	0	3	1	1	2
Total:		15	4	7	3	2	15





MEMORANDUM

November 7, 2013

**TO:** Public Works Commission  
**FROM:** Joel Fleming *JF*  
**RE:** Elmwood Avenue No parking

---

**Background:**

Staff was notified by the traffic division of Public Works that there is a current no parking area starting at the driveway to 52 Elmwood Ave extending north to Grant Street that has been on the street for nearly 30 years that does not have an ordinance to support it. These spaces are directly across from the City owned Elmwood Avenue parking lot.

**Observations:**

Staff examined the street and determined that this no parking area should be formally adopted by the Public Works Commission. Currently the no parking sign sits 120 feet south of Grant Street on the east side of Elmwood Avenue. The no parking area clears out the area in front of the parking lot on Elmwood Avenue to make it possible to plow snow. This no parking area also gives vehicles turning north from Grant Street on to Elmwood Ave adequate sight lines.

**Conclusions:**

This parking prohibition provisions space for the Department of Public Works Staff to clear snow from the parking lot and it gives an adequate sight distance for vehicles entering Elmwood Ave from Grant Street.

**Recommendations:**

Staff recommends that the commission formally adopt this no parking area starting 120 feet south of Grant Street on the east side of Elmwood Avenue extending north to Grant Street.

*NB 11/14/13*

## Joel Fleming

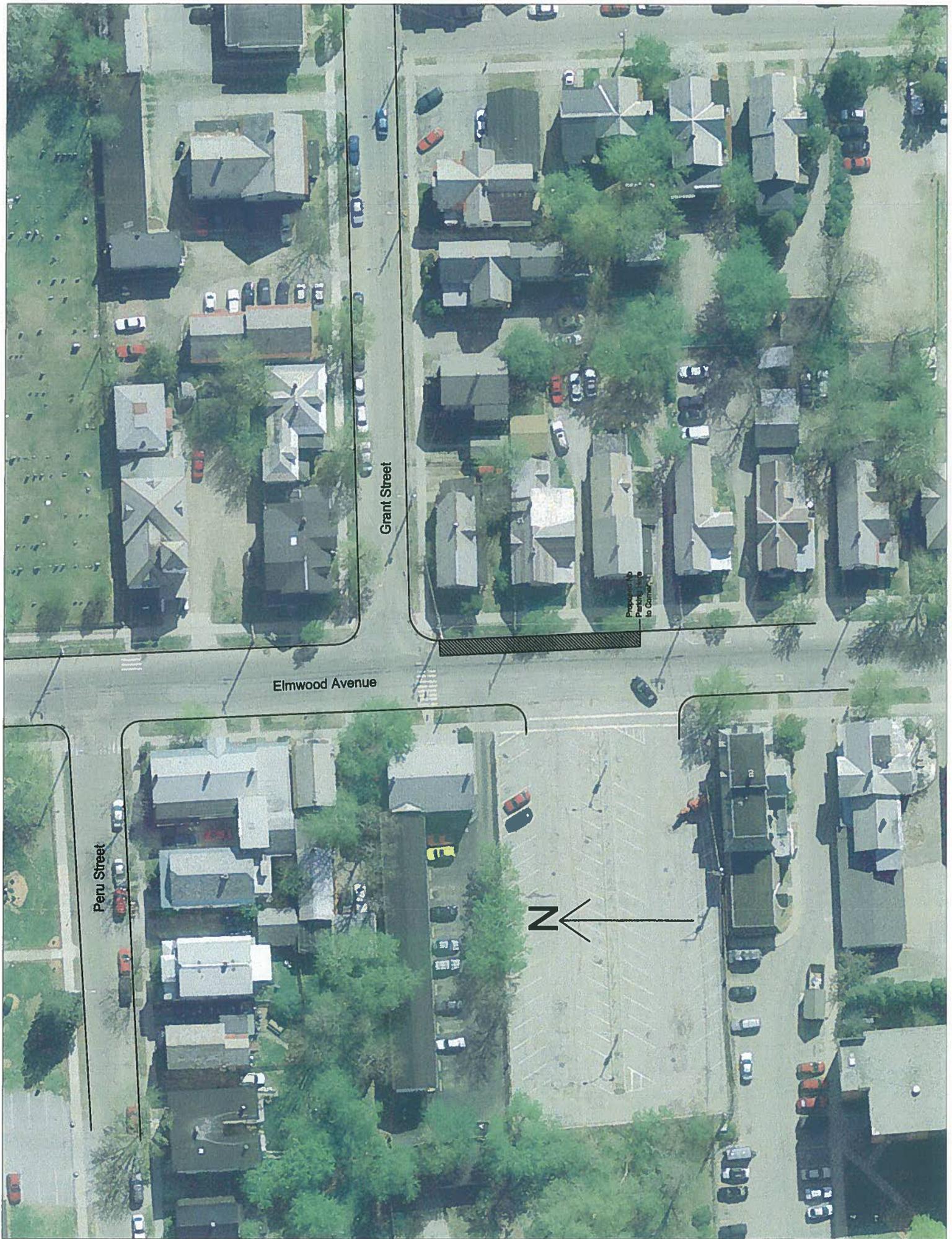
---

**From:** William Burns  
**Sent:** Tuesday, November 05, 2013 6:58 AM  
**To:** Joel Fleming  
**Subject:** Elmwood Ave

Hi Joel, I was asked to replace an old faded sign on Elmwood Avenue yesterday. The sign has been across from our parking lot on Elmwood Ave for 30 years anyways. It clears the east side of Elmwood Ave from #52 towards the north to the corner of Grant Street. The problem is I could not find an ordinance for it. It really make sense to have it because it helps us plow the lot and for sight coming west on Grant Street. Could you take a look at it and write an ordinance for it.

Sorry and thanks, Billy

William P. Burns  
Traffic Foreman  
Crossing Guard Supervisor  
645 Pine Street  
Burlington, VT 05401  
(802) 863-6351 Work  
(802) 863-0466 Fax



Grant Street

Elmwood Avenue

Peru Street

Property No Parking To Grant St



Chapin Spencer  
Public Works Director



P.O. Box 878  
Burlington, VT  
05402

Laurie Adams  
Assistant Director

(802) 863-4501 P  
(802) 864-8233 F

Memo

To: DPW Commission  
From: Laurie Adams, Assistant Director DPW Water Quality *LA*  
Date: November 12, 2013

Re: Wastewater Financing

In the late 1980s the Wastewater Division completed work for the abatement of combined sewer overflows through sewer separation and the treatment of storm flows, upgraded the City's North, East, and Main wastewater treatment facilities and constructed an outfall line at the Main wastewater treatment facility.

Financing included in part two loans through the State of Vermont Revolving Loan Fund. These loans were very attractive in that they were principal only. That said the first loan (1991-2010) had a balloon payment of \$4,033,580 due on December 1, 2010. The City did not refinance this payment, paid cash, and the Wastewater fund has since returned to a positive cash balance. The second loan (1995-2014) has a balloon payment of \$14,570,520 due January 1, 2014. With the Clerk/Treasurers office a refinancing plan has been developed to pay this balance off with a loan through the Vermont Municipal Bond Bank. Terms are 20 years with a projected interest rate of 4.12%. The first interest payment in May 2014 projected at \$178,158 is covered in the FY14 approved budget.

The Wastewater fund has been positioning itself for this new borrowing since FY2009. As one can see from the attached rate history, rates have been adjusted after years of artificially low charges. This allowed Wastewater to pay back the \$4 M balloon and be in a positive cash balance in preparation for this new borrowing. Also attached is a current summary of how our rates compare to surrounding towns. Burlington does not have the highest wastewater rates, and is ranked fourth after Shelburne, Montpelier and Hinesburg.

The Vermont Municipal Bond Bank requires a preliminary opinion from bond counsel as to the authority of the City to borrow the Loan proceeds and issue its Series 2013 Bonds. Burak Anderson & Melloni are acting as the bond counsel to the City and have given their preliminary approval. This opinion is included with this Memo.

At this time, staff is requesting approval to issue refunding bonds for the purpose of paying any of its outstanding wastewater system bonds at maturity with further approval necessary from the full City Council.

An Equal Opportunity Employer  
For access to a TTY line (for persons with hearing impairments), call 802-863-0450

# Historical Rate Chart

Fiscal Year	Water	Wastewater	Total Rate Per 100/CF
1988	\$1.865	\$0.91	\$2.78
1989	\$1.80	\$1.06	\$2.86
1990	\$1.80	\$1.06	\$2.86
1991	\$2.07	\$1.38	\$3.45
1992	\$2.35	\$2.23	\$4.58
1993	\$2.42	\$2.31	\$4.73
1994	\$2.42	\$2.82	\$5.24
1995	\$2.49	\$3.07	\$5.56
1996	\$2.49	\$3.07	\$5.56
1997	\$2.49	\$3.07	\$5.56
1998	\$2.49	\$3.07	\$5.56
1999	\$2.49	\$3.07	\$5.56
2000	\$2.49	\$3.07	\$5.56
2001	\$2.49	\$3.07	\$5.56
2002	\$2.49	\$3.07	\$5.56
2003	\$2.49	\$3.07	\$5.56
2004	\$2.49	\$3.07	\$5.56
2005	\$2.68	\$3.24	\$5.92
2006	\$2.68	\$3.24	\$5.92
2007	\$2.68	\$3.24	\$5.92
2008	\$2.68	\$3.24	\$5.92
2009	\$2.62	\$3.89	\$6.51
2010	\$2.88	\$4.28	\$7.16
2011	\$3.17	\$4.71	\$7.88
2012	\$3.17	\$5.18	\$8.35
2013	\$3.33	\$5.44	\$8.77
2014	<b>\$3.50</b>	<b>\$5.44</b>	<b>\$8.94</b>

## Comparison of Rates for Cities & Towns for Wastewater

Rank	City/Town	Rates	Measurement	Annual Charge based on 60,000 gals. or 8,021 cf
1	Shelburne	\$11.63	per 1,000 gallons	\$697.80
2	Montpelier	\$8.72	per 1,000 gallons	
3	Hinesburg	\$31.25	admin charge per quarter	\$648.20
		\$0.027	per cf	\$506.57
4	Burlington	\$72.50	admin charge per quarter	
		\$5.44	per 100 cf	\$436.34
5	Town of Essex	\$7.14	per 1,000 gallons	\$428.40
6	Williston	\$6.10	per 1,000 gallons	\$423.76
7	Winooski	\$14.44	admin charge per quarter	
		\$48.57	per 1,000 cf	\$389.58
8	South Burlington	\$36.11	per 1,000 cf	\$289.64
9	Essex Junction	\$0.00890	per cf	\$169.07
		\$24.42	admin charge per quarter	

\* Where there is an administration charge in addition to the unit cost, this has been added to the annual charge.

**BURAK ANDERSON  
&  
MELLONI** PLC

Counsellors at Law

Michael L. Burak\*  
Jon Anderson  
Thomas R. Melloni\*  
Michael B. Rosenberg\*  
Shane W. McCormack\*‡

Gateway Square • 30 Main Street  
Post Office Box 787  
Burlington, Vermont 05402-0787  
Phone: 802 862-0500  
Fax: 802 862-8176

[www.vtlaw1.com](http://www.vtlaw1.com)

\*Also admitted in New York  
\*Also admitted in the District of Columbia  
‡Also admitted in Massachusetts

October 17, 2013

Vermont Municipal Bond Bank  
Champlain Mill  
20 Winooski Falls Way, Suite 305  
Winooski, Vermont 05404

RE: Proposed City of Burlington, Vermont – Wastewater Department  
Revenue Bonds  
Preliminary Approving Opinion

Ladies and Gentlemen:

We are acting as bond counsel to the City of Burlington, Vermont (the “City”) in connection with a proposed loan in the principal amount of \$13,539,472 from the Vermont Municipal Bond Bank (the “Bond Bank”) to the City (the “Loan”). It is contemplated that the City, as evidence of repayment of the Loan, will issue its wastewater revenue bonds in the principal amount of the Loan (the “Series 2013 Bonds”) pursuant to the General Bond Resolution adopted by the City Council on December 6, 1990 (as supplemented and amended, the “General Bond Resolution”).

As a requirement of the approval process for the Loan to the City, the Bank requires a preliminary opinion from counsel as to the authority of the City to borrow the Loan proceeds and issue its Series 2013 Bonds. The Loan and the use of proceeds of the Series 2013 Bonds will be to currently refund the outstanding Wastewater System Revenue Bonds, 1992 Series 1, of the City, issued February 12, 1992 in the principal amount of \$15,449,196, as amended March 30, 1993, to an original principal amount of \$18,052,633 (the “Prior Bond”). The Prior Bond was issued by the City to the Bond Bank as evidence of the repayment of a prior loan, the proceeds of which were used to carry out a Lake Champlain pollution abatement project (the “Project”).

In such capacity, we have examined the City’s Charter, as contained in Title 24A of Vermont Statutes Annotated, the certified results of the vote of the electorate held June 21, 1988 as to the Project and the authorization of the issuance of wastewater revenue bonds, and the

General Bond Resolution. In addition, we have reviewed and such other laws, court decisions and documents as we have deemed relevant for purposes of delivering this opinion.

As to any facts material to this opinion, we have assumed and relied upon: (1) the completeness and authenticity of all documents and instruments submitted to us as originals; (2) that the certificates and documents examined and relied upon by us are true, complete, and accurate as to the representations, statements, and matters contained therein; (3) the accuracy and completeness of the records of the City delivered to us for examination; and (4) the constitutionality of all statutes, laws, ordinances and regulations reviewed and relied upon by us in rendering this opinion.

We have not attempted to verify independently such representations, statements, and factual matters contained or set forth in any of the documents or certificates we received. The City Council, and the Board of Commissioners of the City's Public Works Department, have not yet acted to approve the borrowing of the Loan or the execution and delivery of the Series 2013 Bonds. Such authorization, when duly adopted in accordance with Vermont law, is a condition to the execution, issuance and delivery of the Series 2013 Bonds or evidence of indebtedness for repayment of the Loan.

Based upon, and subject to, and in reliance on the foregoing, as of the date hereof, under existing statutes, court decisions and regulations, we are of the opinion that:

(1) The City is a lawfully existing municipal corporation, and a political subdivision of the State of Vermont.

(2) The City has the authority, under its Charter, to borrow the Loan for the Project and to issue its wastewater revenue bonds under the General Bond Resolution. The City has the authority to pledge the net earnings and profits of the wastewater division of the public works department of the City to the payment of bonds issued under the General Bond Resolution. The Series 2013 Bonds, when and if issued in accordance with the General Bond Resolution, will be entitled to the benefits set forth therein.

(3) The City, upon the approval of the board of public works commissioners and the city council of the City, may issue refunding bonds for the purpose of paying any of its outstanding wastewater system bonds at maturity or upon acceleration or redemption. No affirmative vote of the registered voters of the City shall be necessary to authorize the issuance of such refunding bonds.

The foregoing opinions are qualified to the extent that enforceability of the Series 2013 Bonds and the General Bond Resolution may be limited by the exercise of judicial discretion in accordance with general equitable principles and by bankruptcy, insolvency, moratorium and other laws affecting creditors' rights generally heretofore or hereafter enacted, and their enforcement may also be subject to the exercise of judicial discretion in appropriate cases.

The Series 2013 Bonds, when and if issued, are payable solely from the net revenues of the wastewater system under the General Bond Resolution and shall not constitute a general obligation of the City. Neither the full faith and credit nor the taxing power of the City will be pledged to the payment of the Series 2013 Bonds.

We opine only as to the laws of the State of Vermont and the United States of America.

This opinion is rendered to you solely in connection with the subject transaction and may not be disclosed to, quoted, or relied upon for any reason by any person other than you, without our prior written consent. This opinion is rendered as of the date hereof and we disclaim any obligation to update this letter based upon any future changes in laws or circumstances, which changes may have the effect of causing us to reach a different opinion than that expressed herein.

Very truly yours,

*Burak Anderson & Melloni, PLC*

**From:** Laurie Adams <[LAdams@burlingtonvt.gov](mailto:LAdams@burlingtonvt.gov)>  
**Date:** Wednesday, November 13, 2013 12:57 PM  
**To:** Nathan Lavery <[nql6@georgetown.edu](mailto:nql6@georgetown.edu)>  
**Cc:** Chapin Spencer <[cspencer@burlingtonvt.gov](mailto:cspencer@burlingtonvt.gov)>, Norm Baldwin <[nbaldwin@burlingtonvt.gov](mailto:nbaldwin@burlingtonvt.gov)>, Richard Goodwin <[rgoodwin@burlingtonvt.gov](mailto:rgoodwin@burlingtonvt.gov)>  
**Subject:** RE: Nov Agenda

Hi Nate,

I will do my best to answer questions on the original borrowings that took place before my time in Wastewater and more importantly speak to positioning Wastewater for the future. Please know that final decisions concerning financing and rate structure are made at the level of CAO under the direction of the Administration in office. Rich Goodwin, Assistant CAO for Finance will attend the meeting with me on Wednesday. My answers are in the same order as presented.

1. What is the total amount of interest payments that the city will pay under the interest assumptions of the new bonds?

The preliminary schedule developed by the Vermont Municipal Bond Bank totals \$6,230,6598 in interest over 20 years.

2. What does it cost the city to issue these bonds (eg the money we pay to the bond bank or other entity to create and issue the bonds)?

The Clerk/Treas. office has estimated \$35,000 in bond counsel fees that are in the total amount to be borrowed.

3. Is it fair to say that the costs of questions 1. and 2. are the approximate additional cost the city will be incurring as a result of refinancing (as opposed to paying off the current bond)?

Yes

4. When the current bonds were issued, is it your understanding that refinancing of the final balloon payment was always the intent of the issuers? Yes If so, is there any written evidence of this? Most of what I learned was passed on verbally both within the department and the previous CAO. I would think there is a record whether it be in Board of Finance or City Council minutes it must have been discussed when the original loan agreement was executed. What was the argument for making this decision? Again my knowledge is only based on word of mouth and refinancing would occur as the balloon payments came due. Who made the decision to structure the debt in this manner? These decisions to my knowledge were made by the CAO and the City Administration in place at the time.

5. Will the refinanced debt be structured with another balloon payment, or will the debit be fully amortized at the end of the new bond term? The debt will be fully amortized at the end of the new bond term.

6. Based on the answer to question 5, is the current wastewater rate sufficient to make all of the necessary payments over the term of the loan? The current wastewater rate will not be sufficient for 20 years. Rates have been increased over the last several years to be able to initially take on the principal and interest payments but adjustments will be necessary based on increases in variable expenses such as wages, insurances, energy, chemicals etc. If not, what rate increase will be necessary in the future? Rates for FY15 will coincide with the FY15 budget development process.

7. Why were wastewater rates kept at artificially low levels for so long? Changes in rates either

up or down, end up as a combination based on need and support or influence by the Administration in office. See Memo from 2008 by CAO Leopold to City Council as an example (attached).

8. When will the wastewater system be due for its next major maintenance/refurbishing over and above routine annual maintenance. To answer your question I will break the wastewater system into its various components. For the three treatment plants the typical engineering design life for mechanical equipment is 20 years. East and North Plants were at 20 years in 2011 and Main Plant is approaching 20 years in 2014. Wastewater staff have done an amazing job keeping these systems operational. There will be some point where maintenance will exceed replacement costs. The structures of the plants such as concrete have a projected life of 50 years. The collection system varies in longevity based on type (clay tile, ductile iron) of line.

What is your best guess as to the cost of this work? If your question is in relation to a wholesale replacement or upgrade of all plants, pump stations and sewer lines the cost would be in the 100's of millions of dollars.

Do you expect to be requesting additional borrowing to fund this work when the time arrives? Our plan at this time is to proceed with a phased capital approach by system need. System need is evaluated based on a risk assessment factoring conditions such as probability of failure, permit regulations current and proposed, etc. I would expect other than a certain amount of operating capital that a future borrowing will be necessary.

If so, what additional rate increase will be necessary to support such additional borrowing? A prioritized plan is needed before we can project future rate increases. Although some of the Engineering Evaluation may be done in-house any large scale review will need outside engineering services. The systems that we see in need right now in order of importance are:

1. Main Plant sludge dewatering upgrades and biosolids disposal options
2. Collection system replacement or relining staged in sync with the Capital Street Program and/or historical trouble spots
3. Wastewater Plants mechanical system updates

We will endeavor to develop and present a Wastewater Capital Plan in the next year based on a prioritization of need.

If there is any further information in advance of the meeting please let me know.  
Laurie

Laurie Adams  
Assistant Director DPW Water Quality  
802-863-4501  
PO Box 878  
Burlington, VT 05402

**BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION**  
**MONTHLY MEETING – MINUTES, October 30, 2013**  
**645 Pine Street**  
**(DVD of meeting on file at DPW)**

**COMMISSIONERS PRESENT:** Bob Alberry, Asa Hopkins, Nathan Lavery (Chair), Solveig Overby (via conference phone), Jeffrey Padgett (returning after six years to the Commission) and Mark Porter (Vice Chair)

**ABSENT:** Tiki Archambeau

Commissioner Lavery called the meeting to order at 6:30 p.m.

**ITEM 1 – AGENDA**

**Commissioner Alberry moved to:**

- Add Item 11.5 – Deliberative Session, and
- Remove Item 5 – 144 South Willard St Appeal of Second Means of Egress Order.

Commissioner Porter seconded. Unanimous.

**Commissioner Porter moved to:**

- Remove Item 3.20 – 523 North Street Handicap Parking Request, from the Consent Agenda and not add it to the regular Agenda but rather add it to a future meeting pending further investigation. Commissioner Alberry seconded. This will allow Mr. Fleming to do further work on the Item before bringing it back to the November meeting.

**Commissioner Padgett moved to:**

- Move Item 3.40 – Manhattan Drive at Oak Street Stop Control Request, from the Consent Agenda to 8.5 on the full Agenda. Commissioner Alberry seconded.

**ITEM 2 – PUBLIC FORUM**

Martha Lang: Thanked Commissioners Porter, Lavery, Parking Enforcement Director John King and DPW Engineer Joel Fleming for their help in finding a parking solution for her Colchester Avenue tenants.

Sharon Bushor, City Councilor: Thanked Commission and DPW staff for adding Item 3.50 to the Consent Agenda; announced substantial progress on the proposed Colchester Avenue sidewalk (along the cemetery).

**ITEM 3 – CONSENT AGENDA**

(Refer to Commission Packet)

3.10 Charles St – Handicapped Parking Space Removal

3.30 Spruce Ct – Parking Removal

3.50 Berry St – Loading Zone Request

3.60 Bilodeau Ct – Loading Zone Request

(3.20 & 3.40 were voted to be removed from the original Consent Agenda during Item 1 of this meeting)

**Commissioner Alberry moved** to approve the amended Consent Agenda; Commissioner Hopkins seconded. Unanimous.

**ITEM 4 – DOWNTOWN PARKING INITIATIVE**

(Communication, DPW Assistant Director Patrick Buteau)

(Refer to Commission packet)

Pat Buteau (DPW Assistant Director of Parking and Fleet Services); Nate Wildfire (Assistant Director for Economic Development for CEDO); and Kelly Devine representing the Burlington Business Association (BBA) talked briefly about their goals and means to attain their goals.

- The trio asked the Commission to endorse a draft resolution, “Resolution Launching the Downtown Parking Improvement Initiative” prior to their presenting it to the City Council at its November 18<sup>th</sup> meeting. The Commission’s support will empower the threesome to continue with their work.
- The trio identified key needs: Public and private parking garage infrastructure improvements; and the need for reinvestment.
- Two goals: 1) Improve customer experience (by initiating pilot projects and experiments); and 2) Revenue (keeping revenues neutral or growing revenue).

The trio will use advocacy, education and communication to achieve the two goals. 1) What are we doing, why, and how do we tell the public about it? 2) Pilot projects/experiments will be utilized to improve technology, change enforcement hours, use valet, public/private parking partnerships. 3) Parking Study: What do we have, what is the condition of our assets, how do we bring in national-level consultants to teach us about marketing, demand pricing, technologies, funding of projects.

The upcoming BBA event: “Downtown Parking Summit,” presented by DPW, BBA and CEDO, to be held on the morning of November 13<sup>th</sup> at the Burlington Hilton. This summit is the first level of engaging stakeholders.

**Commissioner Padgett moved** to endorse the draft resolution. Commissioner Hopkins seconded. Unanimously endorsed.

Discussion points: DPW Director Chapin Spencer will initiate follow-up and discussion prior to the resolution being presented to the City Council, about the possibility of residents being represented on the Advisory Committee (11-person group with two resident seats) or through some other channel. The Advisory Committee will act as advisors to the initiative/team. It was suggested that the team be clear about the “box”/area affected by the parking improvement initiative.

Brown’s Court (parking lot on St. Paul/King Street): Public parking will be preserved. No Champlain College students will be allowed to use the lot. Design and revenue are still being determined.

**ITEM 5 – 144 SOUTH WILLARD ST – APPEAL OF SECOND MEANS OF EGRESS ORDER**

(Refer to Commission packet)

Under Item 1 of this Agenda, Commissioner Alberry had made a motion to remove this Item; Commissioner Porter seconded.

**ITEM 6 – APPEAL OF CODE ENFORCEMENT ORDER FOR 234-240 COLLEGE ST**

(William Ward, Director of Code Enforcement and Appellant)

(Refer to Commission Packet)

**Director Ward:**

*CORRECTION:* Page 1 of Director Ward's October 22, 2013 Memo to Chair Lavery states that the College Street property is between South Willard and South Union Streets; the property is actually between South Winooski Avenue and South Union Street.

- The property was inspected this year. The outstanding issue is that there is no stairway from either the second or third floor on the front side of the brick structure. In the rear, there is a fire escape from the third floor all the way to grade level.
- Submitted into the record by Director Ward: PowerPoint presentation he showed during the meeting which included:
  - 234/240 College Street front- and rear-view photos
  - Sketched square footage on file with the Assessor's office;
  - Minimum Housing Inspector Kim Ianeli's report of August 14, 2013, stating two findings which are presently unresolved and which the Appellant is appealing, and remedies:
    - 1) Finding: Third floor (or higher) occupied without second means of egress; Remedy: Obtain permits and construct second means of egress to code. Building permit required. And,
    - 2) Finding: Required egress path goes through another unit or bathroom; Remedy: Construct and maintain safe path of egress to code; cannot pass through another unit or bathroom.
  - Burlington City Ordinance - 18-95 – Means of egress.
  - Code Enforcement recommendation: "We request the Public Works Commission uphold the findings of the Code Enforcement inspector that a second means of egress is required for the units on the South side of the building."
- Director Ward is asking the Public Works Commission to uphold the findings of the Code Enforcement inspector and that a second means of egress be required for units on the south side of the building: the front side units facing the Fletcher Free Library.
- City Attorney Gene Bergman was present acting as the Commission's counsel if needed.

**Joseph Handy, Principal of Sisters & Brothers, and David Greenberg, Attorney for Sisters & Brothers**

**Atty. Greenberg:**

- There are four units on the third floor. The front two units do not have a separate fire exit; the back two do: they both go on to the fire escape.
- Mr. Handy purchased the building in 1998. This condition was there and has had several inspections prior to and after the purchase.
- The building was inspected in October, 2005 and given a rental compliance for three years after the building was inspected. October, 2009 it was inspected again and given approval. January 16, 2005 there was a complaint about the building; it was inspected and given approval. In 2008 the Fire Marshall inspected the building at the behest of the Minimum Housing office and suggested that because of this situation that a fire alarm system be installed for the entire building. The fire alarm system was installed and inspections and approvals have continued since then.
- The door on one of the upper apartments on the back has a plastic panel right in the middle of the door and is painted black. There is a big sign there which indicates that you need to push the plastic panel, reach in and turn the doorknob and go through the apartment. Atty. Greenberg assumes that that has been there since the '80's.
- Despite the existing condition, there have been numerous inspections and approvals, yet now Mr. Handy is being asked to address the situation.

- This is an historic building. There is no place to put a fire escape in the front of the building or on the side.

**Mr. Handy:**

- Concurs with Atty. Greenberg's assessment. There are four apartments on the third floor: two in the front and two in the back. If there is a problem, tenants need to go through Apartment #10 by pushing on a plastic panel on the door. There is an axe nearby if needed. The person would then reach in through the door and go through that Apartment to the fire escape.
- This has been in place since he bought the building. He has had inspections by Minimum Housing and the Fire Marshall and no one has questioned the situation. The sign for the third floor access is visible. The sign is located at the top of the stairs in the hallway at the third floor and points to the door.
- The Fire Marshall had recommended that a fire alarm system be installed in the building because there were over 10 units.

**Director Ward:**

- Because Atty. Greenberg and Mr. Handy both spoke about the Fire Marshall's findings from past inspections, Director Ward wanted to clarify their interpretations of Fire Marshall Barry Simays' findings. Director Ward stated that Mr. Simays directly communicated to him that the conditions were *not* acceptable.
- The Building Inspector, Fire Marshall and the Code Enforcement Director meet monthly. Director Ward asked the Fire Marshall about this building. Assistant Fire Marshall Joe Keenan went through the building and found that it was not acceptable to break through another unit to get out; it is an obstruction.

**Mr. Handy:**

- He spoke with Mr. Simays and said that Mr. Simays' report indicated that the Fire Marshall's expectations are not as high as the Minimum Housing expectations. He said that Terry Francis was the one who inspected the building, and he was the one who ordered Mr. Handy to install a fire alarm system. He is unaware of anyone else from the Fire Marshall's office doing an inspection.

**Norman Baldwin, Assistant Director, Technical Services:**

- Recommended that the Commission ask for floor plans and an explanation map of the route egress.

**Gene Bergman, City Attorney's Office:**

- Suggested that unless there is an emergent situation that would require immediate action, the Commission ask the Fire Marshall to conduct an initial inspection and do a report. Atty. Bergman's 16-year experience leads him to believe that there is no "grandfathering" to life safety issues. There may be reasons why variances can be given but only in terms of the requirements of the law. There are many potential ways that people can meet the fire code and an understanding of the current life safety codes and their relationship to Minimum Housing codes may be helpful in determining if a variance in the Minimum Housing codes would be one of the possible solutions.
- The building is located in a dense area so a fire would not only affect the residents of this building but the neighboring buildings as well.

**Clarifications:**

- Though four units are listed in violation, only *two* units – the two third floor units on the south side of the building – are in violation.
- The Commission has the authority to make sure that the purposes of the code are being taken into account through equivalent means of protection while still meeting Minimum Housing Code.

Commissioner Lavery asked Director Ward, Mr. Handy and Atty. Greenberg whether they had any objections to

- Director Ward’s only concern was the length of time that is needed for the Fire Marshall to do an inspection in case of an emergency at the building and report back at the next Commission meeting.
- Commissioner Padgett would like the Fire Marshall to attend the next Commission meeting but also in the meantime, meet with staff to attempt to come up with a solution. **Commissioner Padgett moved** to table this Item until the next meeting with the caveat that staff reach out to the Appellant and the Fire Marshall, work together over the next couple of weeks and attempt in good faith, to return to the November Commission meeting with a solution. Commissioner Alberry seconded. Mr. Handy and Atty. Greenberg are agreeable.
- Atty. Bergman asked for the Commission, through staff, to formally request that the Fire Marshall participate and be available to come to the November 20<sup>th</sup> meeting.
- Commissioner Overby wants to enforce the Minimum Housing Code with two methods of egress and opposes further discussion.

The motion to suspend the hearing until the November 20<sup>th</sup> meeting carried, with Commissioner Overby opposed and the five other commissioners in favor.

**ITEM 7 – BRADLEY ST – RESIDENT PARKING REQUEST** (Joel Fleming, DPW Engineer)

(Refer to Commission packet) **Commissioner Alberry moved** to accept staff recommendations: That the Commission denies the petitioners’ request for 24 hours a day, 7 days a week resident parking restriction on the south side of Bradley Street. The existing condition suggests resident use alone represents full use of the existing on-street inventory, leading staff to believe the institutionalization of resident parking will be a permitting burden without benefit; Commissioner Porter seconded. Unanimous.

**ITEM 8 – ST PAUL AT SOUTH UNION ST PARKING REQUEST** (Joel Fleming, DPW Engineer)

(Refer to Commission packet) **Commissioner Alberry moved** to accept staff recommendation: That the Commission adopts an additional parking restriction of 20’ as opposed to the loss of three (3) parking spaces. Commissioner Padgett added a friendly amendment and seconded the motion: That DPW staff bring back to the Commission suggestions for *long*-term treatments. Mr. Fleming offered that for the *short*-term, advance north and south stop warnings could be added. Commissioner Porter opposed the motion; the five other Commissioners voted in favor.

**ITEM 8.5 – MANHATTAN DR AT OAK ST STOP CONTROL REQUEST**

(Joel Fleming, DPW Engineer)

(Refer to Commission packet) **Commissioner Padgett moved** to accept staff recommendations: To deny the petitioners’ request to install a three-way STOP at Manhattan Drive and Oak Street, given the intersection does not meet or exceed STOP sign warrant thresholds. Commissioner Hopkins seconded. Unanimous.

## ITEM 9 – MINUTES OF 09/18/13

(Refer to Commission packet) **Commissioner Alberry moved** to accept the Minutes; Commissioner Porter seconded. Commissioner Padgett abstained as he was not present at last month's meeting. The five remaining commissioners voted in favor.

## ITEM 10 – DIRECTOR'S REPORT (Chapin Spencer, Director)

(Refer to Commission packet) **Commissioner Archambeau moved** to accept staff recommendations; Commissioner Porter seconded. Unanimous.

## ITEM 11 – COMMISSIONERS' COMMUNICATIONS

### Commissioner Overby

- Reminder that discussion of refinancing of the \$14.5M wastewater debt will be on the November Agenda;
- Supports the Consent Agenda format and suggests that for the public's benefit, those items under future Consent Agendas be explained prior to voting. Commissioner Lavery will try to read a basic description of each Consent Agenda item at future meetings.
- Requested that the DPW Website address be projected onto the screen and captured by the camera technician prior to the start of the meetings.

### Commissioner Padgett

- Suggested that Director Spencer read his Director's Reports in a bulleted format for the public's benefit.

### Commissioner Lavery

- Thanked Customer Service Representative Valerie Ducharme for posting the Commission packets on the DPW Website.
- Receives e-mail notification when a new agenda goes onto the Website. Assistant Director Baldwin pointed out on the projector screen what to click on to receive such notifications:

**GOVDELIVERY**  or:

<https://public.govdelivery.com/accounts/VTBURLINGTON/subscriber/new>

### Commissioner Porter

- Appreciates the line painted on Brookes Avenue to separate two parking spaces and acknowledges that it is a test.

## ITEM 11.5 – DELIBERATIVE SESSION TO DISCUSS APPEAL – Cancelled.

## ITEM 12 – ADJOURNMENT & NEXT MEETING DATE

The next DPW Commission meeting is scheduled for Wednesday, November 20, 2013 at 6:30pm  
**Commissioner Alberry moved** to adjourn at 8:20pm; unanimous.



**CITY OF BURLINGTON  
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A  
Burlington, VT 05401  
802.863.9094 VOICE  
802.863.0466 FAX  
802.863.0450 TTY  
[www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

---

**Chapin Spencer**  
*DIRECTOR OF PUBLIC WORKS*

To: DPW Commissioners  
Fr: Chapin Spencer, Director  
Re: **Director's Report**

November 12, 2013

In an effort to update Commissioners on key issues while minimizing the time needed for my Director's report at Commission meetings, I will be providing this written report with the Commission packet. I welcome your feedback on how this can be most useful.

**ENSURING CONSENT AGENDA IS ACCESSIBLE**

When the Commission is discussing the consent agenda at upcoming meetings, CCTV will include the Department's website at the bottom of the screen to make it apparent that the public can view those items online. CCTV will continue to do that each month.

**WASTEWATER REFINANCING**

We are looking for Commission approval to refinance our current debt. See Laurie Adams' information in this packet for more detail along with our responses to questions raised by Chair Lavery.

**NATIONAL CONSULTANT COMING TO LOOK AT NORTH AVE**

AARP is helping to bring transportation consultant **Dan Burden** to Burlington to explore ways to improve the walkability and livability along North Avenue on November 18<sup>th</sup> and then along the Champlain Parkway on November 19<sup>th</sup>. If you would like to participate in either of these events, please let me or Nicole Losch know.

**PARKING SUMMIT A SUCCESS, RESOLUTION OFF TO COUNCIL**

150 diverse stakeholders attended the Parking Summit November 13. This event was co-hosted by the Burlington Business Association, CEDO and DPW and started the public dialogue about the Downtown Parking Improvement Initiative. Thank you to Commissioner Asa Hopkins for attending. My apologies if I missed seeing and recognizing others. The feedback from the event was very positive. Parking consultant **Jeffrey Tomlin** from Nelson/Nygaard

Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.

(<http://www.nelsonnygaard.com/Resumes-NN/TUMLIN-J-resume.pdf>) was the keynote speaker and his message was well received by the Mayor and everyone I talked to. His talk will be posted online by BBA in the next couple of days. The Resolution on the Downtown Parking Improvement Initiative received a unanimous vote of support at this week's Planning Commission and goes to the full City Council on November 18.

### **UNITED WAY CAMPAIGN SUCCESS**

I'm pleased to announce that DPW's great United Way campaign team (Nate Lavery, Rob Green, Lee Perry, Jessica Lavalette, Guillermo Gomez, Valerie Ducharme did amazing work. Pledges to the United Way were up nearly 75% from the previous year and together with the Parks Department, we raised over \$10,000!

### **QUICK BITS:**

- 60 people attended the first public meeting on the North Ave Corridor Study on October 29<sup>th</sup>
- The DPW staff will be having a Thanksgiving lunch at Noon on November 20<sup>th</sup>. Please feel free to come join staff at this fun event at 645 Pine Street.
- Training for the upcoming plowing season is underway this week.

### **DECEMBER COMMISSION MEETING**

The regular meeting schedule would have the December Commission meeting on Wednesday, December 18. Please confirm that this works for you and notify me of items the Commission would like to add.

See you all next Wednesday.