



City Council Meeting

Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Please click the link below to join the webinar:

<https://zoom.us/j/99238679091>

Or Telephone: +1 646 931 3860 US

Webinar ID: 992 3867 9091

****CCTV link: https://www.youtube.com/playlist?list=PLIjLFn4BZd2PwCge7INoKug676jIf_iUA ****

To participate in Public Forum in person, sign up at the meeting.

To participate in Public Forum via ZOOM sign up here:

<https://www.burlingtonvt.gov/citycouncil/publicforum>

****ONLINE closes one hour prior to the beginning of public forum****

Do not sign up in person and via Zoom - select one only

1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda as follows: remove from the consent agenda item 5.28. Proposed ZA-24-04 Neighborhood Code Part 2 Topics - Planning and place it on the deliberative agenda as item 6.7, moving to 6.8 the Resolution: Negotiations Between The Vermont Federation Of Nurses And Health Professionals And The University Of Vermont Medical Center (per City Council President Traverse per Councilor Grant); and add to the consent agenda item 5.36. Indoor and Outdoor Entertainment Permit Renewals (2024-2025)

2. Public Forum: Time Certain: 6:15 pm **See above for signup instructions**

Subject	2.1. Verbal Comments
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	2. Public Forum: Time Certain: 6:15 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

3. Climate Emergency Reports (5 - 10 mins.)

Subject	3.1. Verbal reports
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Climate Emergency Reports (5 - 10 mins.)
Department	Council and Board
Type	Information

4. Public Health & Safety Emergency Updates (5-10 mins.)

Subject	4.1. Verbal reports
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	4. Public Health & Safety Emergency Updates (5-10 mins.)
Department	Council and Board
Type	Information

5. Consent Agenda

Subject	5.1. Motion to adopt the consent agenda (as amended) and take the actions indicated
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Council and Board
Type	Action (Consent)

Recommended Action	Motion to adopt the consent agenda (as amended) and take the actions indicated
Subject	5.2. Communication: C/T Office, re: Accountability List
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	5.3. Communication: Pat Robins, Member, Retirement Board, re: Resignation
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days (already did) and send a letter of appreciation to Pat Robins thanking him for his time served as a Member of the Retirement Board
Subject	5.4. Communication: Lynne Clauss, re: Vandalism
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	5.5. Communication: Colin Larsen, re: Winooski Bridge replacement project
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	5.6. Communication: McCormick, Fitzpatrick, Kasper & Burchard, P.C., re: Crime and Drug Use in the Vicinity of Burlington's Homeless Pods
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	5.7. Fence Viewer Report - Shay Totten, Report From 2023-24
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Report
Recommended Action	waive the reading, accept the report and place it on file
Subject	5.8. Communication: C/T Office, re: Openings Burlington City Commissions/Boards
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	5.9. Communication: Pike Porter, re: GREET model comments to TAG
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	5.10. Communication: C/T Office, re: March 25, 2024 City Council With Mayor Presiding Meeting Minutes, Draft
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Information Minutes Communication
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the May 20, 2024 Regular City Council Meeting
Subject	5.11. Communication: C/T Office, re: March 25, 2024 Regular City Council Meeting Minutes, Draft
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the May 20, 2024 Regular City Council Meeting
Subject	5.12. Communication: C/T Office, re: April 1, 2024 City Council Organization Day Meeting Minutes, Draft
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the May 20, 2024 Regular City Council Meeting

Subject **5.13. Communication: C/T Office, re: April 15, 2024 Regular City Council Meeting Minutes, Draft**

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 5. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication
Information
Minutes

Recommended Action waive the reading, accept the communication, place it on file and adopt the minutes at the May 20, 2024 Regular City Council Meeting

Subject **5.14. Communication: C/T Office, re: April 15, 2024 Local Control Commission Meeting Minutes, Draft**

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 5. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication
Information
Minutes

Recommended Action waive the reading, accept the communication, place it on file and adopt the minutes at the May 29, 2024 Regular City Council Meeting

Subject **5.15. Special Event Indoor and Outdoor Entertainment Permit Application (one day only): Despacito LLC/Tank Studio Inc./Goldenjunk LLC, May 25, 2024, 5 pm - 12 am, Plex Art Event**

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 5. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)

Recommended Action approve the one day only special event indoor and outdoor entertainment permit application for Despacito LLC/Tank Studio Inc./Goldenjunk LLC, May 25, 2024, 5 pm - 12 am, Plex Art Event

Subject **5.16. Special Event Outdoor Entertainment Permit Application (one day only): The Pinery, 377 Pine Street, June 1, 2024, 4 pm - 11 pm, Country for a Cure Benefit Concert**

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the one day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, June 1, 2024, 4 pm - 11 pm, Country for a Cure Benefit Concert
Subject	5.17. Special Event Indoor and Outdoor Entertainment Permit Application (one day only): CannaPlanners LLC, 1 Lawson Lane, June 14, 2024, 6 pm - 10 pm, Office Party
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the one day only indoor and outdoor special event entertainment permit application for CannaPlanners LLC, 1 Lawson Lane, June 14, 2024, 6 pm - 10 pm, Office Party
Subject	5.18. Special Event Outdoor Entertainment Permit Application (one day only): South End Get Down, Brian's Auto, 98 North Avenue, June 29, 2024, 5 pm - 10 pm
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the one day only special event outdoor entertainment permit application for South End Get Down, Brian's Auto, 98 North Avenue, June 29, 2024, 5 pm - 10 pm
Subject	5.19. Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, August 25, 2024, 3 pm - 11 pm, Wallflower Fest
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the one day only special event outdoor entertainment permit application for The Wallflower Collective, August 25, 2024, 3 pm - 11 pm, Wallflower Fest

Subject **5.20. Special Event Outdoor Entertainment Permit Application (two days only): The Pinery, 377 Pine Street, September 6 - 7, 2024, Art Hop**

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 5. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)

Recommended Action approve the two day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, September 6 - 7, 2024, Art Hop

Subject **5.21. Special Event Outdoor Entertainment Permit Application (one day only): OKAY!OKAY!/REIB, Juneteenth Celebration, June 15, 2024, 11 am - 11 pm, various locations around the City**

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 5. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)

Recommended Action approve the one day only special event outdoor entertainment permit application for OKAY!OKAY!/REIB, Juneteenth Celebration, June 15, 2024, 11 am - 11 pm, various locations around the City

Subject **5.22. Umbrella Entertainment Permit Application (five days only): Flynn Center for the Performing Arts, June 5 - 9, 2024, Jazzfest, various locations around the City**

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 5. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)

Recommended Action approve the Umbrella Entertainment Permit Application for June 5 - 9, 2024, Flynn Center for the Performing Arts, Jazzfest, various locations around the City

Subject **5.23. Tobacco License and Tobacco Substitute Endorsement Renewals: Greenleaf Central, 191 College Street**

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 5. Consent Agenda

Department Clerk/Treasurer's Office

Type	Action (Consent)
Recommended Action	approve the tobacco license and tobacco substitute endorsement renewals for Greenleaf Center, 191 College Street
Subject	5.24. ONE Cleanup/Cleanout Proposal - Gene Bergman, Ward Two City Councilor
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Council and Board
Type	Action (Consent)
Recommended Action	to approve the expenditure of up to \$5,000 from City Council Initiative Funds to support the ONE clean-up in May 2024 and to authorize the Chief Administrative Officer to reimburse expenses up to \$5,000 for this event accordingly
Subject	5.25. Distribution and Collection System Improvements - Consultant Amendment and Contractor Budget Amendment - DPW - Water Resources
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent)
Recommended Action	1. To authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$196,785.00 for Calendar Year 2024 administration and inspection services, for a total contract with Dubois and King not to exceed value of \$743,076.00, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer. 2. To authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$135,000.00, for a total Distribution and Collections System contract value with Inliner not to exceed \$8,136,131.13 provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.
Subject	5.26. BPRW Budget Neutral Amendments - BPRW
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	to approve and authorize the budget adjustments as detailed in the attached budget neutral amendment forms, and further authorize the Chief administrative Officer or

designee to effect all necessary transfers of funds to carry out such amendments subject to the final review and approval of the Chief Administrative Officer

Subject	5.27. Regular Schedule of Meetings of the Board of Finance and City Council through April 2025
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the regular schedule of meetings of the Board of Finance and City Council through April 2025
Subject	5.28. Proposed ZA-24-04 Neighborhood Code Part 2 Topics - Planning **now agenda item 6.8.**
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Planning
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	5.29. Authorization to Execute Easements with UVM Regarding the Redstone Water Storage Tabk Site - DPW - Water Resources
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent)
Recommended Action	1. To authorize the Mayor to execute an easement allow the City access to UVM property for the purposes of project staging and to access to its parcel located at 354 South Prospect Street for inspection and maintenance. 2. To authorize the Mayor to execute an easement to allow UVM access to its parcels through the City site located at 354 South Prospect Street.
Subject	5.30. 2024 Legislative Update, April 22, 2024 - Jamie Feehan
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	5.31. 2024 Legislative Update, April 29, 2024 - Jamie Feehan
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	5.32. Annual Report of the Design Advisory Board Fiscal Year 2024: July 1, 2023-June 30, 2024
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Report
Recommended Action	waive the reading, accept the report and place it on file
Subject	5.33. Annual Report of the Burlington Development Review Board Fiscal Year 2023: July 1, 2022 - June 30, 2023
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Report
Recommended Action	waive the reading, accept the report and place it on file
Subject	5.34. FIO Documents
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	for information only
Subject	5.35. 111 Saint Paul Street - Outdoor Seating Encumbrance Permit Application - Devil Takes a Holiday - DPW
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	5. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve the Encumbrance Application for DJINN LLC d/b/a Devil Takes a Holiday at 111 Saint Paul Street requesting use of the sidewalk for an outdoor seating area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office
Subject	5.36. Indoor and Outdoor Entertainment Permit Renewals (2024-2025)
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	
Recommended Action	

6. Deliberative Agenda

Subject	6.1. Tobacco License Application (2024-2025): Three Five 45 Community Store & Kitchen, 1563 North Avenue
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	approve the 2024-2025 Tobacco License Application for Three Five 45 Community Store & Kitchen, 1563 North Avenue

Subject	6.2. Lease Agreement for the Community Justice Center at Post Apartments - CEDO/CJC (20 mins.)
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Deliberative Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action
Recommended Action	that the City Council approve and authorize the Mayor to execute the proposed 15-year lease between the City of Burlington and Post Apartments Housing Limited Partnership for office space located at 176 S. Winooski Avenue, to be used to house the Community Justice Center
Subject	6.3. Potential Sale of 200 Church Street - CT/CEDO/I&T (40 mins.)
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	1. Approve the proposed Purchase Option Exercise Agreement and License and Use Agreement with Champlain Broadband, LLC, for the sale and use of 200 Church Street, and authorize the Mayor to execute both agreements on behalf of the City. 2. Authorize the Mayor or designee to take such further actions and to execute such further instruments as may be necessary or convenient to accomplish the transactions contemplated in the Purchase Option Exercise Agreement and License and Use Agreement, subject to review and approval of the City Attorney. 3. Authorize the Chief Administrative Officer to: establish a separate fund in the Assigned Fund Balance to accept the proceeds of the sale of 200 Church Street; make any expenditures required to carry out the Purchase Option Exercise Agreement and License and Use Agreement; and make all necessary budget transfers in relation thereto
Subject	6.4. BED Heat Pump Bill Credit Program and Commercial Demand Response Program - BED (30 mins.)
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Deliberative Agenda
Department	Burlington Electric Department
Type	Action
Recommended Action	The City Council approves the General Manager of Burlington Electric Department, or his designee, to file with the Vermont Public Utility Commission a pilot rate to provide a monthly bill credit and/or a pilot rate to customers installing BED approved measurement and control devices on electric heating systems.
Subject	6.5. Chittenden Solid Waste District Proposed FY 25 Budget - CSWD (20 mins.)

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Deliberative Agenda

Department Clerk/Treasurer's Office

Type Action

Recommended Action approve the CSWD Proposed FY25 Budget OR disapprove the CSWD Proposed FY25 Budget

Subject 6.6. Resolution Relating to The Relationship Between City Officials and The Neighborhood Planning Assemblies City of Burlington - passed by the Ward 1 NPA at their March 2024 meeting (15 mins.)

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Deliberative Agenda

Department Clerk/Treasurer's Office

Type Action
Resolution

Recommended Action to refer the resolution from the Ward 1 Neighborhood Planning Assembly Concerning the Relationship Between City Officials & the NPAs to the Community Development and Neighborhood Revitalization Committee for further review and recommended action

Subject 6.7. Proposed ZA-24-04 Neighborhood Code Part 2 Topics - Planning (30 mins.) **was consent agenda item 5.28.**

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Deliberative Agenda

Department Planning

Type Action
Communication
Information

Recommended Action waive the reading, accept the communication and place it on file

Subject 6.8. Resolution: Negotiations Between The Vermont Federation Of Nurses And Health Professionals And The University Of Vermont Medical Center (Councilors Neubieser, Bergman, Grant, Broderick, Kane) (15 mins.)

Meeting May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Deliberative Agenda

Department Council and Board

Type	Action Resolution
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Recommended Action	waive the reading and adopt the resolution
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7. Committee Reports

Subject	7.1. Verbal reports
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Committee Reports
Department	Council and Board
Type	Information

8. City Council - General Affairs (up to 15 mins.)

Subject	8.1. Verbal reports
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. City Council - General Affairs (up to 15 mins.)
Department	Council and Board
Type	Information

9. City Council President - Council Updates (up to 5 mins.)

Subject	9.1. Verbal reports
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	9. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

10. Mayor - General Affairs (up to 10 mins.)

Subject	10.1. Verbal reports
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Mayor - General Affairs (up to 10 mins.)
Department	Council and Board
Type	Information

11. Adjournment

Subject	11.1. Motion to adjourn
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Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	11. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

12. Informational and Non-Discrimination Statements

Subject	12.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. 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, crime victim status or genetic information.
Meeting	May 6, 2024 - Regular City Council Meeting - Monday, May 6, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	12. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information

Lori Olberg

From: Melo Grant
Sent: Monday, May 6, 2024 3:15 PM
To: Lori Olberg; Kristen Kaichen
Cc: Carter Neubieser; Mark Barlow
Subject: State's Attorney's Case Numbers as of 05/06/2024
Attachments: Backlog and Clearance Summary as of 050624.xlsx; Police Chief's April 2024 Commission Report.pdf

Hello Lori,

Please attach the message below and the excel attachment to to the City Council's agenda tonight under Agenda item 4 - Public Safety updates along with the attached Police Chief's April report.

Hi Kristen, Please attach the same to the Agenda for our next Public Safety Committee meeting.

Message from State's Attorney Sarah George

Attached is the backlog data, including May numbers.

As of today, we have the following pending (of the nearly 3000 criminal cases):

Aggravated Assaults = 139

Assault and Robberies = 35

Burglaries = 96

Retail Thefts = 675

Operation without Owners Consent (car thefts) = 182

Grand Larceny (also mostly related to car thefts) = 51

I would also just highlight again that the total cases pending is just criminal court - we also prosecute all the juvenile delinquencies, CHINS petitions, fish and game tickets, judicial bureau appeals, and post-conviction appeals. These all total well over an additional 1000 cases we have pending.

Note from Melo:

FYI - CHINS stands for Child In Need of Care or Supervision. These cases involve children who may be abandoned and or abused.

Sincerely,

Melo Grant
City Councilor Central District (Wards 2 and 3)
megrant@burlingtonvt.gov
802.310.0962

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

2023	JUNE OVER DISPO	JUNE TOTAL PENDING	JULY OVER DISPO	JULY TOTAL PENDING	AUG OVER DISPO	AUG TOTAL PENDING	SEPT OVER DISPO	SEPT TOTAL PENDING	OCT OVER DISPO	OCT TOTAL PENDING	NOV OVER DISPO	NOV TOTAL PENDING	DEC OVER DISPO	DEC TOTAL PENDING	JAN 2024 OVER DISPO	JAN 2024 TOTAL PENDING	FEB 2024 OVER DISPO	FEB 2024 TOTAL PENDING	MARCH 2024 OVER DISPO	MARCH 2024 TOTAL PENDING	MARCH NEW CASES FILED	APRIL 2024 OVER DISPO	APRIL 2024 TOTAL PENDING	MAY 2024 OVER DISPO	MAY 2024 TOTAL PENDING	MAY 2024 NEW CASES FILED	
Addison	805	1509	Addison	711	937	Addison	725	1613	Addison	715	1536	Addison	717	1533	Addison	701	1,430	Addison	681	1,234	Addison	665	1,441	Addison	516	1,322	86
Bennington	690	1509	Bennington	711	937	Bennington	725	1613	Bennington	715	1536	Bennington	717	1533	Bennington	701	1,430	Bennington	681	1,234	Bennington	665	1,441	Bennington	516	1,322	86
Caledonia	757	1300	Caledonia	761	1264	Caledonia	794	1312	Caledonia	884	1481	Caledonia	774	1262	Caledonia	775	1265	Caledonia	773	1,294	Caledonia	802	1,305	Caledonia	662	1,137	48
Chittenden	851	2776	Chittenden	863	2865	Chittenden	906	2970	Chittenden	1082	3388	Chittenden	930	2947	Chittenden	971	2973	Chittenden	1028	3049	Chittenden	934	2,990	Chittenden	961	3052	261
Essex	113	219	Essex	115	221	Essex	112	216	Essex	125	250	Essex	112	225	Essex	110	223	Essex	116	238	Essex	95	205	Essex	99	222	12
Franklin	216	1122	Franklin	208	1077	Franklin	224	1211	Franklin	205	1040	Franklin	209	1060	Franklin	186	1007	Franklin	183	1,062	Franklin	195	1,054	Franklin	161	954	97
Grand Isle	29	83	Grand Isle	25	82	Grand Isle	17	71	Grand Isle	30	88	Grand Isle	17	85	Grand Isle	16	87	Grand Isle	17	73	Grand Isle	19	67	Grand Isle	18	62	6
Lamoille	440	867	Lamoille	381	781	Lamoille	324	787	Lamoille	446	868	Lamoille	340	733	Lamoille	305	684	Lamoille	320	631	Lamoille	303	573	Lamoille	187	538	41
Orange	121	367	Orange	111	366	Orange	140	382	Orange	182	478	Orange	149	437	Orange	141	396	Orange	141	357	Orange	131	357	Orange	122	365	30
Orleans	1027	1621	Orleans	1009	1599	Orleans	1038	1619	Orleans	1054	1658	Orleans	1038	1539	Orleans	1039	1,519	Orleans	1,009	1,530	Orleans	946	1,435	Orleans	917	1448	69
Rutland	1304	2180	Rutland	1153	2134	Rutland	1258	2189	Rutland	1249	2231	Rutland	1106	1977	Rutland	1061	1956	Rutland	941	1,781	Rutland	855	1,699	Rutland	755	1595	134
Washington	387	1306	Washington	337	1208	Washington	357	1429	Washington	388	1520	Washington	301	1232	Washington	277	1303	Washington	270	1,282	Washington	271	1,284	Washington	272	1294	121
Windham	620	1339	Windham	614	1368	Windham	641	1437	Windham	626	1362	Windham	610	1362	Windham	609	1,299	Windham	545	1,342	Windham	563	1,349	Windham	566	1357	103
Windsor	261	763	Windsor	268	790	Windsor	284	862	Windsor	340	1012	Windsor	248	791	Windsor	212	774	Windsor	218	750	Windsor	219	758	Windsor	262	781	58

	2022 December	2023 January	2023 February	2023 March	2023 April	2023 May
Addison	207%	69%	133%	300%	91%	91%
Bennington	59%	97%	132%	62%	92%	92%
Caledonia	93%	63%	85%	200%	197%	197%
Chittenden	75%	114%	67%	105%	122%	122%
Essex	114%	85%	136%	325%	94%	94%
Franklin	128%	101%	91%	217%	105%	105%
Grand Isle	100%	120%	110%	85%	64%	64%
Lamoille	74%	57%	95%	85%	191%	191%
Orange	83%	65%	94%	86%	88%	88%
Orleans	59%	75%	75%	147%	101%	101%
Rutland	142%	108%	106%	114%	153%	153%
Washington	124%	147%	122%	114%	83%	83%
Windham	124%	101%	112%	275%	117%	117%
Windsor	121%	84%	130%	136%	111%	111%

2023 June	2023 July	2023 August	2023 September	2023 October	2023 November
75%	98%	89%	62%	76%	111%
111%	65%	95%	88%	88%	128%
179%	71%	72%	99%	130%	94%
83%	80%	107%	69%	118%	88%
125%	65%	78%	77%	108%	100%
62%	135%	111%	89%	80%	99%
72%	130%	263%	67%	75%	55%
239%	119%	154%	113%	102%	179%
90%	94%	58%	56%	90%	122%
83%	114%	68%	115%	109%	145%
117%	109%	105%	138%	160%	115%
107%	91%	64%	109%	97%	98%
104%	64%	92%	93%	97%	108%
129%	73%	98%	111%	109%	102%

2023 December	2024 January	2024 February	2024 March	2024 April
86%	85%	131%	105%	143%
101%	130%	95%	129%	139%
98%	75%	97%	100%	241%
78%	95%	114%	86%	109%
183%	150%	75%	147%	59%
140%	85%	71%	84%	84%
240%	113%	138%	267%	160%
166%	87%	134%	157%	68%
161%	178%	138%	103%	65%
96%	110%	93%	173%	110%
123%	136%	133%	145%	122%
87%	90%	115%	107%	96%
119%	93%	99%	113%	73%
122%	79%	102%	99%	105%

2024 May
213%
127%
148%
115%
76%
117%
240%
170%
133%
123%
134%
111%
100%
73%



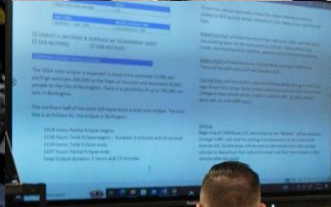
BURLINGTON POLICE CHIEF'S REPORT

April 2024





IT WAS "TOTALITY" AWESOME!





Apr 19, 2024 – all data preliminary & subject to change



ARSON AT SENATOR SANDERS'S OFFICE

On Friday April 5, 2024, a perpetrator set fire to the office vestibule of United States Senator Bernie Sanders on Church Street. The arsonist was recorded on security video spraying a liquid near the outer door of the office and then lighting the area with a handheld lighter. A blaze quickly began while the suspect fled via a staircase.

No one was injured in the fire, and the Senator was not in the office at the time, but members of his staff were. The fire caused significant damage to the vestibule, but, as with the arson the BPD experienced at our headquarters at One North Avenue in November 2023, the sprinklers resulted in even more property destruction.

Burlington detective Eric Kratochvil worked with our partners at the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to identify Shant Soghomonian, 35, also known as Michael Soghomonian. Police arrested him in Shelburne less than 48 hours after the crime.

On April 18 a federal grand jury returned an indictment Soghomonian with using fire to damage the offices of United States Senator Bernard Sanders. He is currently detained pending further proceedings. If convicted, Soghomonian faces a maximum possible penalty of not less than 5 years and not more than 20 years in prison and a fine of up to \$250,000.





25 YEARS OF SERVICE

Earlier this month we wished Corporal Taylor a happy retirement after 25 years of service with the Burlington Police Department.

Corporal Taylor joined the BPD in 1998; his last day was April 6, 2024. Throughout his career, Corporal Taylor served as a uniformed patrol officer, an airport officer, and a longtime firearms instructor. In May 2009, Corporal Taylor was one of four officers assigned to the first-ever fully staffed Street Crimes Unit deployment.

During his career, Corporal Taylor received a number of recognitions both internally from the BPD and externally from other law-enforcement partners and community members. Corporal Taylor was awarded the Lifesaving Award in 2002, a Certificate of Recognition for outstanding performance during a 2003 firearms training cycle, and a Letter of Commendation in 2009 from the BPD.

We sincerely thank Corporal Taylor for all the hard work, dedication, and contributions he has made over the years.





NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

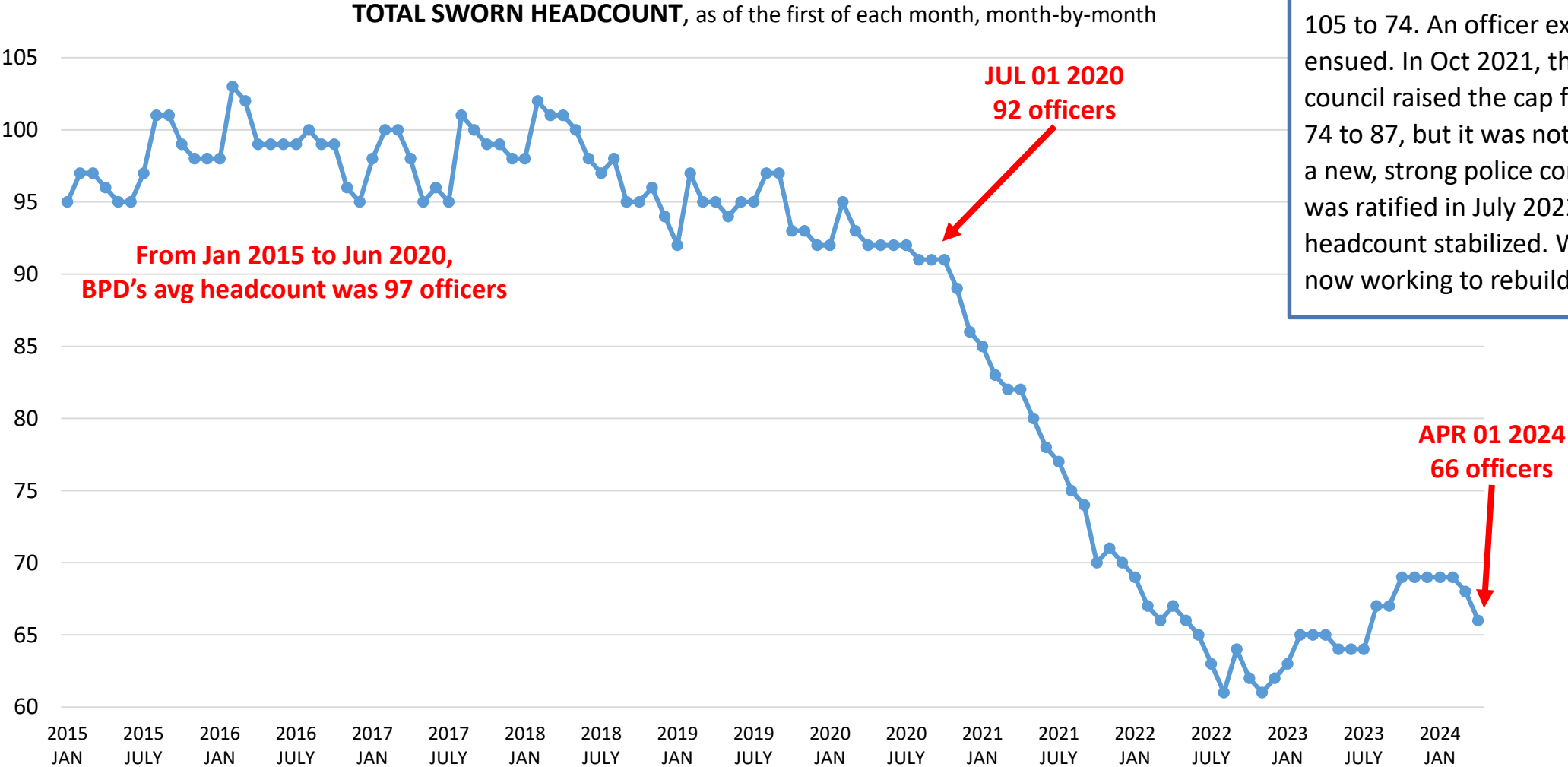
Every year during the second full week of April, telecommunications professionals within the public safety industry are recognized. Our ECS team, for Emergency Communications Specialists, are the first line of response and do stressful, rewarding work for our community.

Over the past few years, we weathered a staffing crisis in our Emergency Communications Center, or ECC. Both the BPD and the Burlington Fire Department are dispatched from the BPD ECC. Allotted 14 full-time dispatchers, the team had fallen to four at its low point. We've worked hard to rebuild and currently have 10 ECS employees, plus the Emergency Communications Manager, Larry Barbeau.





BPD SWORN OFFICER HEADCOUNT, 2015-2024



In June 2020, the Burlington City Council voted to reduce, by attrition, the BPD's authorized headcount from 105 to 74. An officer exodus ensued. In Oct 2021, the council raised the cap from 74 to 87, but it was not until a new, strong police contract was ratified in July 2022 that headcount stabilized. We are now working to rebuild.



65 TOTAL, 59 AVAILABLE

As of April 15 2024, we are authorized for 87 sworn officers. Of those 87, we have 65. Of those 65, 59 are able to be deployed as solo officers, or “effective.”

minus 6 injured, light, military, VPA, etc. = 59
minus 15 supervisors = 44
minus 10 detectives = 34
minus 7 airport officers = 27
minus 3 special assignments = 24

24

officers on Patrol

In addition to sworn patrol officers, we have 6 Community Service Officers (CSOs) and 6 Community Support Liaisons (CSLs).





PUBLIC SAFETY ROLES UNIQUE TO BPD

Public safety is more than police. When sworn-officer staffing began to fall, we created the 2021 Public Safety Continuity Plan. That plan augmented an existing non-sworn role:

- **Community Service Officers** (CSOs),

These are unarmed, unsworn officers who answer quality-of-life calls for service. BPD currently has six employees in the role, and **the budget allots us 11 CSOs and one CSM** (or Community Service Manager). The role is also a stepping stone to becoming a police officer.

**BPD
currently
has 6 CSOs
and 6 CSLs**

The 2021 Public Safety Continuity Plan also created:

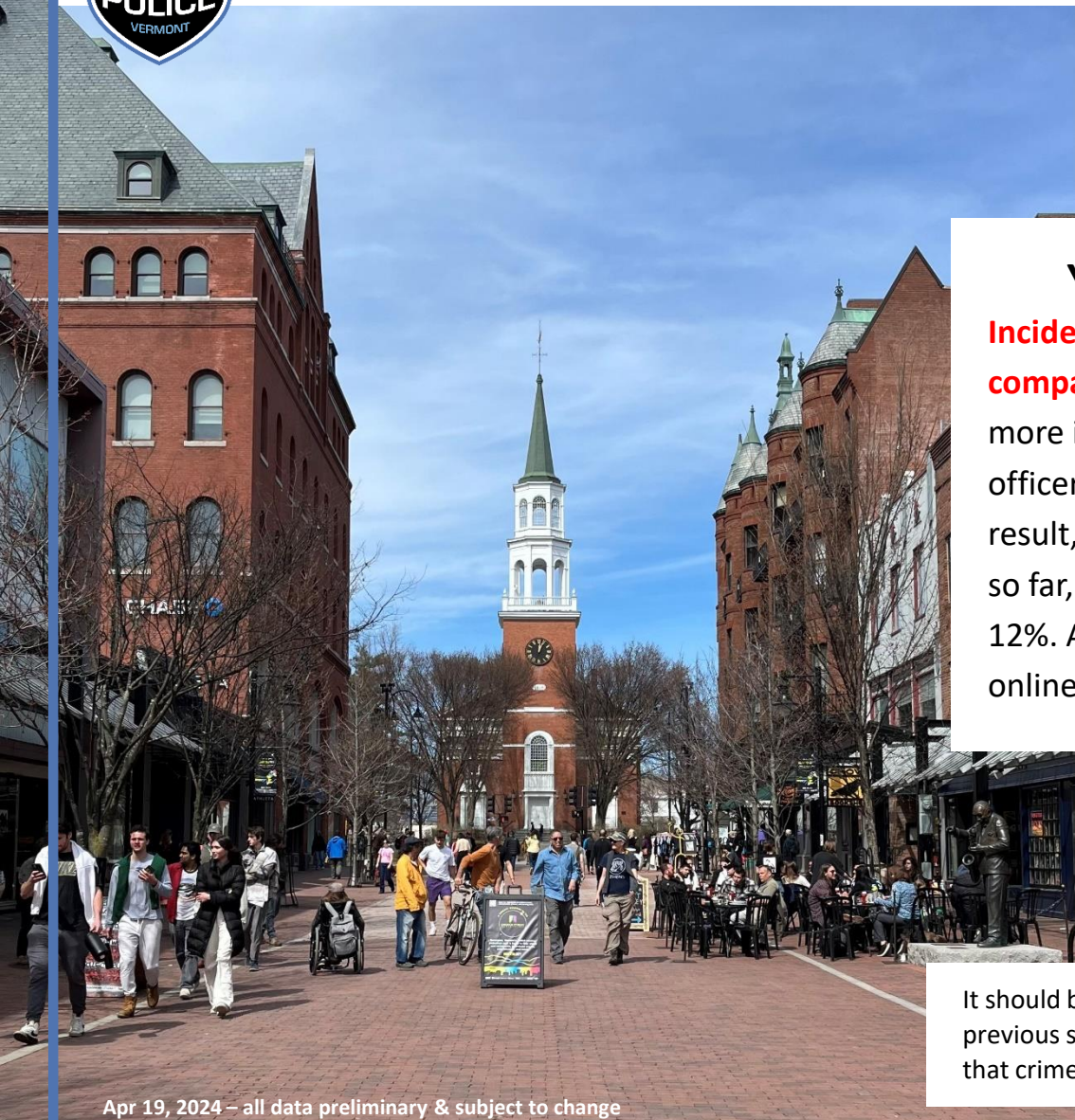
- **Community Support Liaisons** (CSLs)

These are embedded social workers with expertise in mental health, substance use disorder, and homelessness. BPD currently has five employees in the role, and **the budget allots us six CSLs and one CSS** (or Community Support Supervisor). The CSLs are the core of our new CAIP division (Crisis, Advocacy, Intervention Programs).





INCIDENT VOLUME



YEAR-TO-DATE 04/15

Incidents in 2024 are up 9% compared to 2023. BPD is addressing more incidents with fewer patrol officers—50% fewer, actually. As a result, of the 7,598 incidents in 2024 so far, 886 have been “stacked”—i.e., 12%. And 484 have been referred to online reporting, or 6%.

	YTD INCIDENTS (as of 04/15)	%Δ
2019	7,456	100%
2020	7,124	↓5%
2021	4,949	↓31%
2022	5,265	↑6%
2023	6,955	↑32%
2024	7,598	↑9%
	Δ 2019 to 2024:	↑2%

It should be noted that not all incidents are crimes. They are more accurately “calls for service.” As shown on the previous slide, there are more than 100 categories of incident. The fact that incidents are up does not necessarily mean that crime is up; as the next slide shows, some categories of criminal incident are up and some are not.



THE PRIORITY RESPONSE PLAN

With staffing down and incident volume up, the BPD had to create the Priority Response Plan. It husbands resources while remaining true to our duty to prioritize our **NEIGHBORS' PHYSICAL SAFETY** and their sense of safety. **The Plan goes into effect when two or fewer sworn police officers are available for response; when that happens, Priority 2 and Priority 3 incidents get “stacked” and do not receive an in-person response.** When three or more officers are available, they are dispatched to all incidents regardless of Priority category.

Incidents labeled “CSO” or “CSL” initially receive a response from a CSO or CSL, rather than a sworn officer, unless the incident evolves in a way that changes its category or requires a sworn officer.

Incidents labeled “ONL” (for “Online Only”) are to be diverted to an online reporting function. Note that larcenies and retail thefts are NOT supposed to be online reports.

Additionally, during daytime weekday hours when DSB detectives are available, **DSB will handle untimely deaths.**

PRIORITY 1	High priority.
PRIORITY 2	Middle priority. (*) = situationally dependent; some may be Priority 1 or Priority 3.
PRIORITY 3	Low priority. Response may be delayed based on officer availability; may receive a CSO response.

911 Hangup		Cruelty to Animals	CSO	Illegal Dumping	CSO	Robbery	
Airport AOA Violation		Custodial Interference *		Impeding a Public Officer		Runaway	
Airport Duress Alarm		Disorderly Conduct *		Impersonation of a Police Officer *		Runaway Apprehension	
Airport PHASE		Disorderly Conduct by Elec Comm	ONL	Inciting a Felony		Search	
Alarm *		Disturbance		Intoxication	CSO	Search Warrant	
Alcohol Offense	CSO	DLS		Investigation - Cold Case		Service Coordination	CSL
Animal Problem	CSO	Domestic Assault - Felony		Juvenile Problem *		Sex Offender Registry Violation	
Arrest on Warrant		Domestic Assault - Misd		Kidnapping		Sexual Assault	
Arson		Domestic Disturbance		Larceny - from a Building		Sheltering/Aiding Runaway	
Assault - Aggravated		Drugs		Larceny - from a Motor Vehicle		SRO Activity	
Assault - Simple		Drugs - Possession		Larceny - Other		Stalking	
Assist - Agency		Drugs - Sale		Larceny from a Person		Stolen Vehicle	
Assist - Car Seat Inspection	CSO	DUI		Lewd and Lascivious Conduct		Subpoena Service	CSO
Assist - K9		Eluding Police		Lockdown Drill		Suicide - Attempted	
Assist - Motorist	CSO	Embezzlement	ONL	Mental Health Issue *		Suspicious Event *	
Assist - Other		Enabling Consumption by Minors		Minor in Possession of Alcohol		Theft of Rental Property	ONL
Assist - Public		Encampment Outreach	CSL	Missing Person		Theft of Service	ONL
Background Investigation		Encampment Policy	CSL	Motor Vehicle Complaint	CSO	Threats/Harassment *	
Bad Check	ONL	Escape		Neighbor Dispute	CSL	Traffic	
Bar / Liquor License Violation		Extortion	ONL	Noise	CSO	Trespass *	
Bomb Threat		False Info to Police		Obstruction of Justice		TRO/FRO Service	
Burglary *		False Pretenses	ONL	Operations		TRO/FRO Violation	
CHINS		False Public Alarms		Ordinance Violation - Other	CSO	Unlawful Restraint	
Community Outreach		False Swearing		Overdose		Untimely Death	DSB
Compliance Check		Fireworks	CSO	Parking	CSO	Use of Elec Comm to Lure a Child	
Computer Crime	ONL	Foot Patrol		Possession of Stolen Property		Uttering a Forged Instrument	ONL
Contributing to Delinquency of Minor		Forgery	ONL	Prescription Fraud	ONL	Vandalism	ONL
Counterfeiting	ONL	Found/Lost Property	CSO	Prohibited Acts		VIN verification	CSO
Crash - Fatality		Fraud	ONL	Property Damage	CSO	Violation of Conditions of Release *	
Crash - Injury to person(s)		Fugitive From Justice		Reckless Endangerment *		Voyeurism *	
Crash - LSA *		Graffiti Removal		Recovered Property	CSO	Weapons Offense	
Crash - Non-Investigated	CSO	Hindering Arrest		Resisting Arrest		Welfare Check *	
Crash - Property damage only	CSO	Homicide		Retail Theft			
Cruelty to a Child		Identity Theft	ONL	Roadway Hazard			



SELECTED VALCOUR INCIDENTS, YTD AS OF APRIL 15

	Assault - Agg	Assault - Simple	Burglary	Crash w Injury or Fatal	Disorderly Conduct	Domestic Assault*	Domestic Disturb	Gunfire	Larceny (all)**	Mental Health Issue	Overdose	Robbery	Sexual Assault	Stolen Vehicle	Traffic
2019	9	41	18	20	29	25	105	1	106	240	14	5	19	16	744
2020	12	39	27	16	36	13	171	3	133	263	33	3	21	18	612
2021	9	33	21	21	14	7	133	3	190	243	28	2	14	16	308
2022	17	34	53	25	27	12	144	3	205	260	31	7	9	55	208
2023	6	46	44	31	20	17	124	1	319	264	103	2	7	103	154
2024	18	44	46	21	14	7	131	5	309	244	67	2	9	55	355

* = combines incidents categorized as “Domestic Assault – Felony” and “Domestic Assault – Misdemeanor”

** = combines incidents categorized as “Larceny from a Person,” “Larceny – from a Building,” “Larceny – from Motor Vehicle,” and “Larceny – Other”

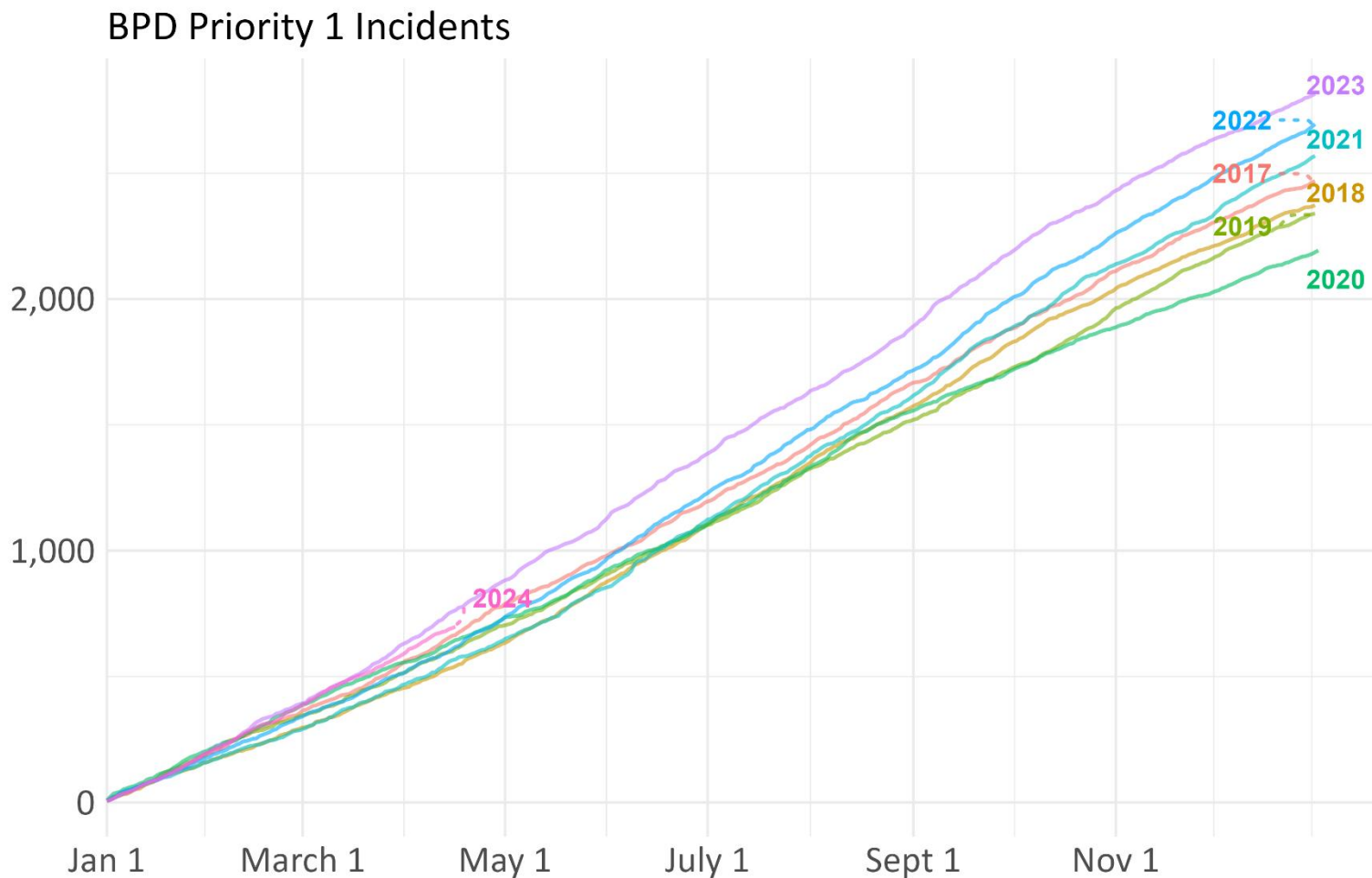
NOTE: All categories shown year-to-date, through April 15 of their respective year

NOTE: These data are derived from Valcour incidents. Valcour is the BPD’s computer-aided dispatch and records-management system. Incidents are initially categorized by dispatch according to the information provided by a caller; the category may be changed by the officer who responds to the scene and/or the detective who takes the case. Offense data and/or NIBRS data may differ.



PRIORITY 1 INCIDENTS

Priority 1 incidents have been climbing steadily over the past few years. Last year's total was significantly affected by the huge increase in overdose. So far 2024 is a bit lower than 2023, which was the highest in nearly a decade.



Data through 04/15/2024



TRAFFIC

The City of Burlington’s 2023 **Annual Report** is expected to be released in the coming month, and will provide a deep dive into data around the volume of incidents and offenses, traffic stops, arrests, and uses of force.

Traffic stops are down nearly 90% from the high a decade ago. Enforcement is an important tool to address unsafe driving behavior, but across the country, traffic stops have also been a source of concern with regard to disparities and stop outcomes.

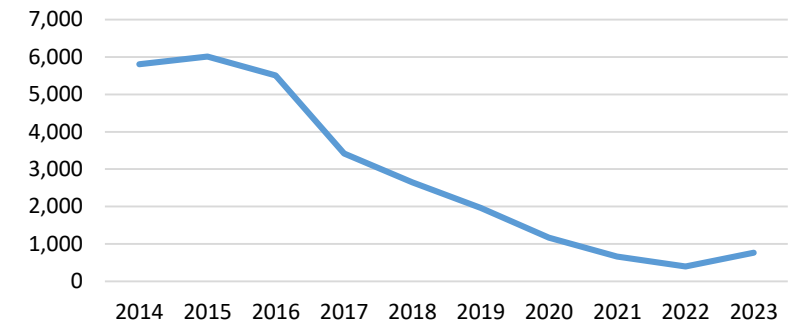
VEHICLE SEARCHES		
	WHITE	BLACK
2016	78	34
2017	49	22
2018	26	15
2019	7	0
2020	8	2
2021	1	3
2022	1	0
2023	1	0

In Burlington, vehicle searches presented a particular problem. Although black drivers made up less than 10% of the driving population, they were more likely to be subject to searches. Through internal emphasis and training, we significantly decreased the number of searches along with overall stops, and eliminated the disparity.

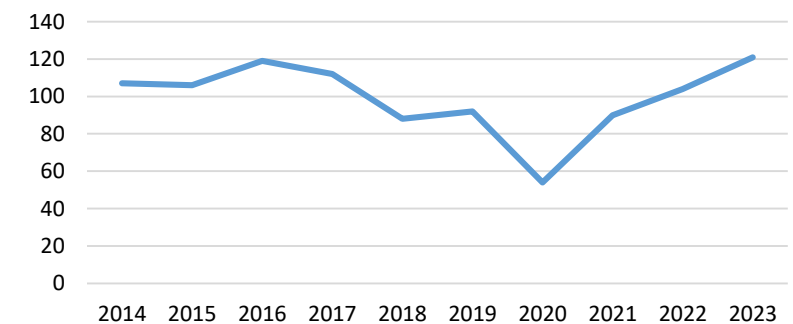
We also improved fairness by making sure that all drivers receive warnings at the same rate. In Burlington, all drivers receive warnings more than 80% of the time.

But we have seen **a potentially troubling increase in disparity in rates of stop**. The demographics of BPD traffic stops have historically been close to the demographics of crashes, which is the best way to determine a city’s driving population. In 2023 there was a notable deviation, shown at right. Chief Murad is concerned about it, and wants to be reflective and responsive to it. The BPD will examine all of 2023’s stops to ensure they met the Department of Justice’s standards for courteous, transparent stops.

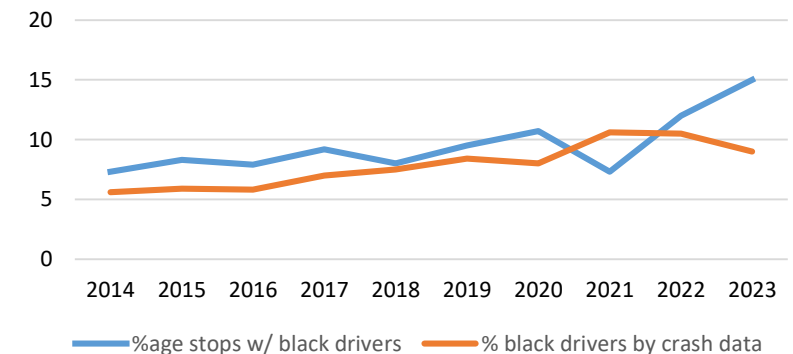
Traffic Stops



Fatal Crash & Crash w/ Injury



Black Drivers, Stops v Crash





USE OF FORCE

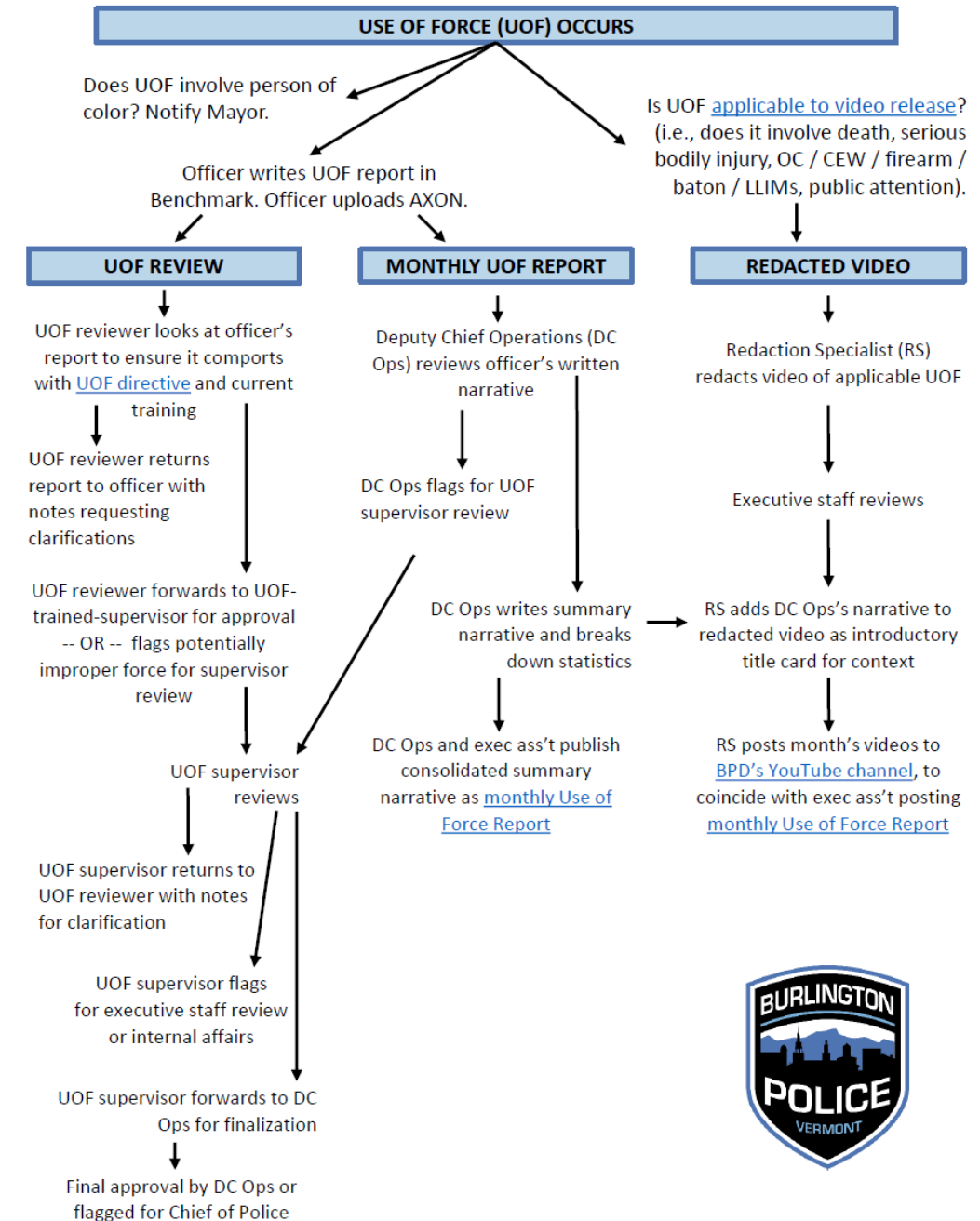
The 2023 Annual Report is also expected to show **an increase in the number of incidents of use of force**. Chief Murad is concerned about this increase, too, and will be reflective and responsive to it.

In Burlington, any action beyond compliant handcuffing is considered a use of force. The BPD examines EVERY SINGLE use of force, and makes descriptions of and data about ALL of them public via the

[Monthly Use-of-Force Reports](#)

No other police department in Vermont does this. The flowchart at right is available online, at the BPD's Transparency & Data page, under "[Use-of-Force Incidents & Info](#)." The online version contains hyperlinks to a variety of sources, like the Statewide Use-of-force Directive.

The Monthly Use-of-Force Reports capture approximately 248 incidents in which force was used in 2023. (This is a different count than the Annual Report, which counts person-incidents. If officers stop a stolen car with four occupants and order them out at gun point, it is one use-of-force incident but four person-incidents.) Nearly 25% of last year's uses of force can be [seen on YouTube](#), where the BPD posts any use of force that includes serious bodily injury or death; or that includes the use of tools like OC spray, conducted electrical weapons, or firearms (including merely pointing firearms); or that occasions significant public concern.





THE BPD IS HIRING!

\$72,248 to \$79,693
starting pay*

\$100,000
top pay

and a \$15,000
hiring bonus

- City retirement with 5-year vesting
- Shift differential, weekend, and holiday pay
- **full medical benefits** and wellness incentives
- Retirement after 20 years of service at 50% salary
- Retirement after 25 years of service at 75% salary
- 15-step pay scale for non-supervisory employees
- Overtime can be received as cash or vacation accrual
- **10-hour workday, 4-days-on/3-days-off schedule**
- **Weekends off every other month**
- Yearly education bonus
- Beards and tattoos permitted
- Various **specialty assignments** such as detectives, narcotics, K9, domestic violence prevention, airport
- **Applicant can be a non-U.S. citizen** if applicant is a permanent resident / green-card holder

*depending on experience

www.bpdcareers.com

CITY COUNCIL ACCOUNTABILITY LIST

This list is a working document. It is a record of resolutions, ordinances, communications that have come to the Council and there is an action requested.

Prepared by: Lori Olberg, Licensing, Voting & Records Coordinator

5/2/2024

	Meeting Date	Type of Document and Title	Action Requested	Updated Next Steps in the Process
1	2/6/2023	Communication re Ward 2/3 NPA Resolution to Name the New Shelburne Street Roundabout After Tony Redington and Resolution in Support of Big Heavy World Teen Center Proposal for Memorial Auditorium	refer the communication to TEUC and CDNR Committees respectively for further review and engagement	TEUC Item was taken up at the March 2023 meeting. No further action taken
2	3/13/2023	Communication re Ward 5 NPA Steering Committee to Name the New Shelburne Street Roundabout after Tony Redington	refer the communication to TEUC for further review	TEUC Item was taken up at the March 2023 meeting. No further action taken
3	3/13/2023	Resolution: Supporting LGBTQIA+ Community Members and Condemning Transphobia	City Council will work in collaboration with community members and organizations and the City administration to develop a plan for ongoing activities to support and amplify the voices of the LGBTQIA+ community; City Council urges Burlington’s state legislative delegation to look at current state hate crime statute to look to extend protections for schools and organizations that advocate/support LGBTQ+ (and other minoritized communities) from hate motivated targeted crimes, examine Burlington’s graffiti ordinance and consider changes that address continued defacement of public property, and graffiti that spreads hateful and harmful messages.	There have been stakeholder meetings brought forward by the Administration to address the directives in the resolution. UPDATE: Work is being done in the Legislature, a former resident created a physical Burlington trans pride flag to fly in front of City Hall in recognition of Trans Day of Visibility; the flag will fly the flag from March 15 - April 15 to celebrate Trans Day of Visibility and reboot the Trans People Belong campaign.
4	6/5/2023	Resolution: Accepting Grant Funding from the Department of Mental Health for the Crisis Response Team and Exploring the Creation of a Burlington CAIP Department	The City Council requests an evaluation be done to explore Burlington CAIP becoming a department of the City , an evaluation be done to review the reporting and supervisory structure needed to support three public safety departments (police, fire and CAIP), that a report come to Public Safety Committee in October 2023, approval for the Chief of Police to accept the Department of Mental Health grant for Burlington CARES	A report was to come to Public Safety in late 2023. UPDATE: this was presented to the Public Safety Committee as per the resolution in March 2024, report to the full Council in April 2024.
5	7/24/2023	Resolution: The Climate Emergency and the Council Request to Count Vermont Air National Guard GHG Emissions and to Plan to Eliminate VTANG Aviation and Ground GHG Emissions in the Spirit of the City's 2030 Net Zero Goals	requests that the Vermont Air Force National Guard Adjutant General, beginning for the year 2023, calculate aviation and ground fuel usage at the VTANG base and to annually provide BTV Director and TEUC with a complete record of the calculated aviation and ground greenhouse gas emission; for VTANG to work collaboratively to draft a plan to adopt simulation and augmented reality training to substantially reduce or eliminate GHG with initial meeting on or before 12/31/23 and follow up at TUEC's March 2024 meeting	Initial meeting of the parties by 12/31/2023; UPDATE: parties met at March TEUC meeting
6	12/18/2023	Ordinance: Burlington Code of Ordinances-Sections 21-45 - 21-49 Trespass	refer the proposed to the ordinance committee for further review to include, but not be limited to, consideration of the list of parties authorized to issue no trespass orders, balancing no trespass orders with proactive harm reduction efforts and to evaluate expanding the ability to enforce the trespass ordinance on private property.	Work being done on this in the Ordinance Committee
7	1/16/2024	Proposed Charter Change: Articles 62, 63 and 65 regarding Police Oversight	Referred the proposed Charter change to the Police Commission for further consideration and a request for a report back to the Council by June 3, 2024.	Report back to the City Council in June 2024 from Police Commission
8	3/11/2024	City of Burlington, VT 2021-2023 Dog Task Force	To refer the recommendations of the 2021-2023 Dog Task Force Report to the following Committees, Commissions, and Departments for further review, study, and recommended action, and to request that such bodies report back to the full Council with their findings by the first Council meeting of September, 2024: Recommendation regarding updates and additions to Chapter 5 and Chapter 22 of the Burlington Code of Ordinances to the Ordinance Committee, with Council recommendation to engage the Clerk Treasurer’s Office and Parks, Recreation, and Waterfront Department regarding sharing of license revenues; and Recommendation regarding additional Animal Control staffing and improvements to include animal related concerns to the online police report system to the Public Safety Committee and Police Commission for concurrent review; and Recommendation regarding creation of additional off-leash areas to the Parks Commission; and Recommendation regarding standing up an Education Campaign with respect to licensing requirements to the Clerk Treasurer’s Office; and, best practices for animal ownership in the City to the Police Department and the Parks, Recreation, and Waterfront Department	first council meeting in September 2024

Lori Olberg

From: Katherine Schad <kschad@burlingtonvt.gov>
Sent: Monday, April 22, 2024 3:17 PM
To: Lori Olberg
Subject: FW: Time to move on!

Hi Lori,

See below - how do we go about filling Pat Robin's seat on BERS?

Thanks, Katherine

-----Original Message-----

From: Robert Hooper <hooper9999@gmail.com>
Sent: Monday, April 22, 2024 10:46 AM
To: Pat Robins <gpattio70@gmail.com>
Subject: Re: Time to move on!

[WARNING]: This email was sent from someone outside of the City of Burlington.

Sorry to hear this Pat. Like everyone else, all input has value. I will convey to City Council chair and Katherine your decision and allow them to do their job since you were a Council appointee.

Keep in touch. And thank you for your years of service to BERS.

Hooper

> On Apr 22, 2024, at 10:36 AM, Pat Robins <gpattio70@gmail.com> wrote:

>

> Dear Bob. It's been an interesting few years to have participated on
> the BERS board but age and technology have persuaded me that the time
> has come to call it quits, so please accept this email as my
> resignation from the BERS group. If I need to communicate it to
> someone else kindly let me know. Thanks for your excellent work as
> the chair. Best wishes for a long bull market! Pat Sent from my iPhone

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Lori Olberg

From: City of Burlington Vermont
Sent: Sunday, April 14, 2024 5:33 PM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

You are receiving this message because you are a designated recipient for: City Council

Received from: Lynne Clauss

Reply to e-mail Address: clausshome@gmail.com

Subject: Vandalism

Message: I'm a resident of Shelburne for 30 years, grew up in South Burlington. I have been downtown Burlington at least once a week almost my whole 62 years. It's disheartening to see the increase in crime and vandalism that is taking place downtown. I worry about the people who need to live and work and be out later at night. I hope the City council and New Maypr can really focus on addressing this issue.

Submitted on Sunday, April 14, 2024 - 17:32 from IP address: 2601:198:4101:62a0:305e:520c:d0c1:ca02

Check IP address location: <https://viewdns.info/iplocation/?ip=2601:198:4101:62a0:305e:520c:d0c1:ca02>

Questions about this form? e-mail webmaster@burlingtonvt.gov

Hello Councilors,

I wanted to share some thoughts about recent developments and meetings around the Winooski Bridge replacement project. This has been a frustrating process as a member of the public, and I am currently unsure what exactly the purpose of public engagement is at this juncture. We have also been receiving conflicting and inconsistent justifications for design decisions from various stakeholders. The process has overall lacked clarity.

The first public meeting for this project was held on September 16th, 2023. The overwhelming sentiment in the room concerning the bridge design proposed (approved by the city council from the CCRPC Scoping Study in 2019) was that there were too many lanes, the lanes were too wide, and most frequently, bike and ped traffic was not separated. The initial design was for a 4-lane bridge, 11 foot lanes with a 2-foot shoulder, and a shared path on either side.

Members of the public counter-proposed maintaining the existing lane width (10.5 feet) or shrinking lanes to [10 feet to align with NACTO recommendations for urban streets](#) in order to reduce vehicle speeding. This was initially dismissed by the project team for some of the following reasons:

- Project team stated that 11 feet is the “standard” established by VTrans, which is the case for state highways but not urban streets designed for non-motorists.
- Project team stated that GMT had requested the additional width to reduce mirror collisions on buses. When we asked GMT about this, they claimed they had experienced only 2 mirror collisions in the last 12 months, neither of which occurred on the Winooski Bridge.
- Project team stated that additional width was necessary for plowing. There are examples of 10-foot (and even 9-foot) lanes in Burlington that are plowed during winter.

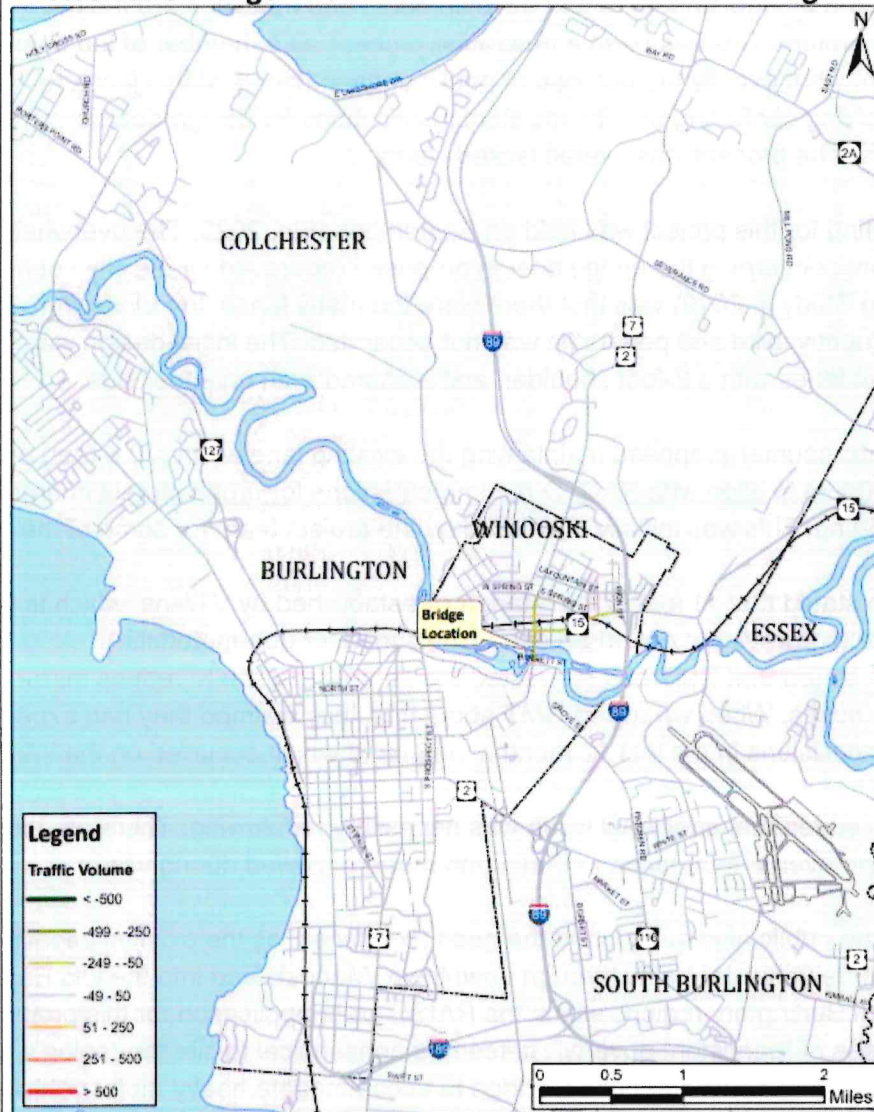
Some members of the public also questioned the need for 4 lanes, as the existing capacity of the bridge funnels more vehicular traffic through downtown Winooski and into the Old East End and Old North End of Burlington, regions which the RAISE grant application for this project characterized as areas of “persistent poverty”. It seemed nonsensical to cite the region’s poverty as justification for receiving funding to build a bridge to accommodate heavy motor vehicle use through that very region.

We were told, repeatedly, that a lane reduction would cause “unacceptable congestion” in both the Winooski circulator and elsewhere in Chittenden County. A lane reduction was never seriously considered in the original scoping study for this reason and the RAISE grant application included a 4-lane configuration in its “purpose and need” statement.

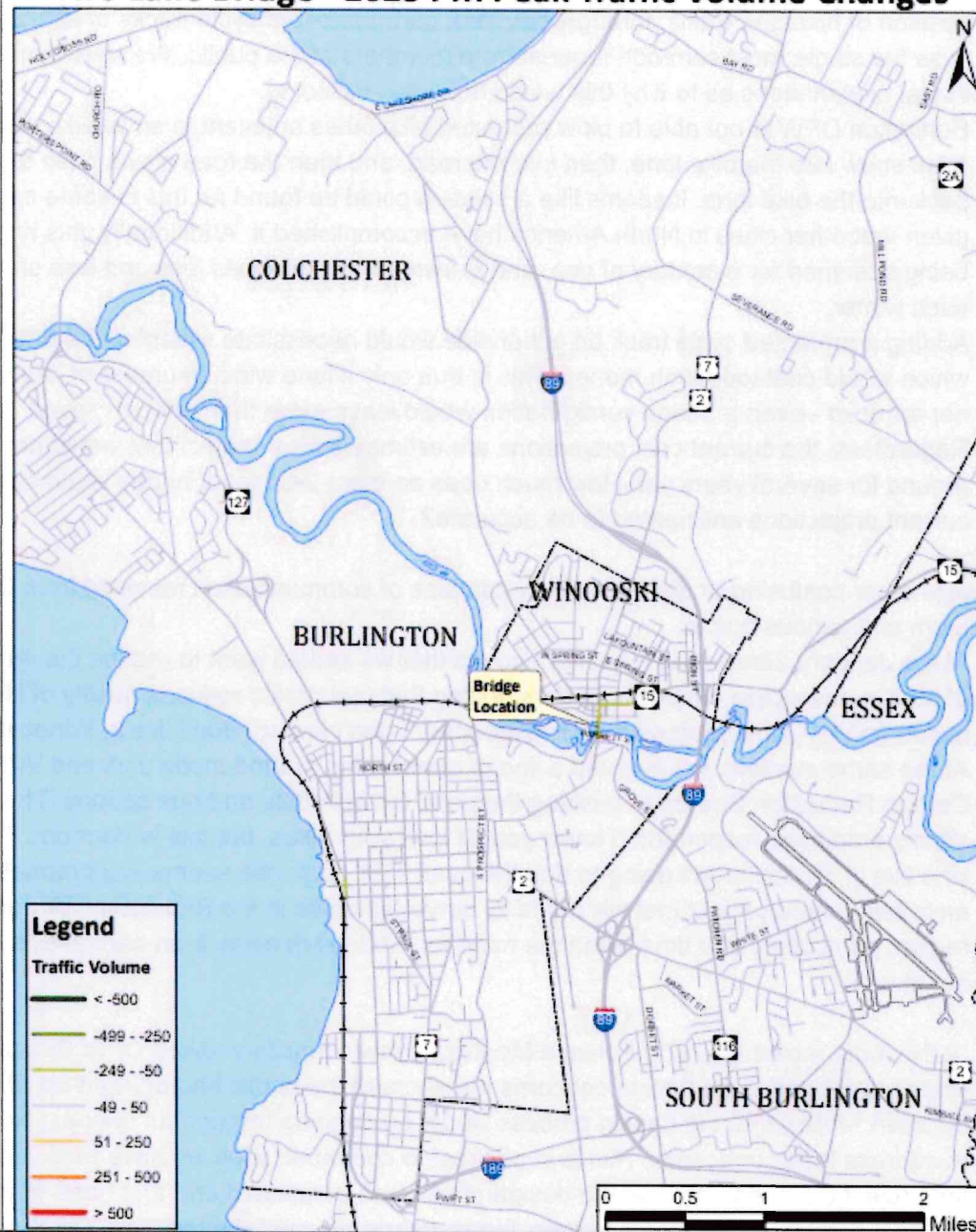
I find this claim confusing. CCRPC performed a traffic simulation for 2025 under a scenario in which 2 bridge lanes were closed for construction, effectively simulating a two-lane bridge. Here are the results for AM and PM peak times (i.e. the absolute busiest):

Winooski River Bridge Scoping Study - Construction Scenarios

Two Lane Bridge - 2025 AM Peak Traffic Volume Changes



Winooski River Bridge Scoping Study - Construction Scenarios Two Lane Bridge - 2025 PM Peak Traffic Volume Changes



You will note the lack of significant traffic volume increase on the map. In fact, downtown Winooski shows a **reduction** in traffic volume at peak times. This to me would indicate a

superior result for a project attempting to improve environmental justice/equity than a scenario in which speeds/throughput are increased.

The separation of bike/ped traffic, through elevated, curb-protected cycle tracks or similar design, was the single most common request from members of the public. We were similarly given several explanations as to why this would not work, including:

- Burlington DPW is not able to plow protected bike lanes adjacent to sidewalks, as they push snow into the bike lane, then into the road, and then the road plows push the snow back into the bike lane. It seems like a solution could be found for this in some capacity given that other cities in North America have accomplished it. Additionally, this bridge is being designed for a century of use, and Burlington experiences less and less snow each winter.
- Adding a protected cycle track on either side would necessitate widening the bridge, which would cost too much money. This is true only if lane widths/number of lanes are not reduced - even a 3-lane configuration would leave more than enough space. Regardless, the current cost projections are estimates for a project that would not break ground for several years yet. How much does an extra 2-5 feet of bridge width cost? Are current projections anticipated to be accurate?

There were other confusing or disheartening examples of communication received from the project team and various points:

- At the January 23rd public meeting, I posed that we should want to reduce the number of cars in downtown Winooski, understanding that high traffic reduces quality of life for residents. A VTrans representative responded "I don't know, I don't live in Winooski."
- At the same meeting, we pursued a line of questioning around mode shift and Vtrans' Carbon Reduction Strategy - pushing the need for walk/bike and bus options. The same Vtrans employee responded "I know you all love your bikes, but this is Vermont. People who live in Fairfax aren't going to ride the bus." This response seems inappropriate for an infrastructure project that will primarily serve residents in the Burlington/Winooski region, particularly at a time when the need for mode-shift away from car travel is most acute.
- At the most recent Board of Finance Meeting, a few councilors asked DPW Director Chapin Spencer about design concerns members of the public had brought up. Director Spencer replied that the design process would be ongoing throughout the next few years to address these concerns. This is in contrast to communication we have received from the project team, namely that the design phase was completed and that none of the material aspects of the bridge - width, lanes, nature of walk/bike facilities, were malleable. Instead "ongoing design" appears to refer to largely immaterial aspects of the bridge such as signage or architectural style.
- The April 11th Project Update sent out via email states the following concerning the vote at tonight's meeting:

"This action by the Burlington City Council does not commit to the final concept for either project; it also does not change the existing commitments of the City Council. These commitments are replacement of the bridge structure as supported by the preferred alternative in the scoping study and RAISE grant application"

This statement reads as paradoxical to me. How is it that the City Council has **not** committed to a final concept, yet have already committed to the preferred alternative from the scoping study/RAISE grant application (a 4-lane bridge with 11-foot lanes and 2 multi-use paths)?

Fundamentally, I am unsure where the project stands, whether public engagement is actually desired or even required at this point, and what the city's goals are. These things have only become less clear to me as time has passed.

Sincerely,
Colin Larsen

McCormick, Fitzpatrick,
Kasper & Burchard, P.C.

Daniel L. Burchard
Jason R. Ferreira
Peter R. Cruice
David A. Grebe
Eric A. Johnson
Craig S. Matanle
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Email: [attorney's initials]@mc-fitz.com

March 29, 2024

Hon. Miro Weinberger
Room 34
149 Church Street
Burlington, VT 05401

Re: Crime and Drug Use in the Vicinity of Burlington's Homeless Pods

Dear Mayor Weinberger:

We are writing in follow-up to your meeting with Tom Simon and Lorie Flynn from our office last July. As this letter details, the situation on George Street remains a significant problem for our firm, our employees and our neighbors.

Despite the assurances we received from you last summer, the trespassing and open drug use on our premises here on George Street has continued, and from our perspective has only gotten worse. We have been politely informing trespassers that they cannot shoot up, loiter, or defecate/urinate on our property, and they usually move on. Not infrequently, however, they become hostile, threatening, and refuse to leave, and even then the police do not respond to our calls.

Our female employees feel unsafe so we have now implemented a system of walking them to their cars at the end of the day, but that does not address their concerns about morning arrivals to the office, as the Pods and the vagrants they attract present problems around the clock. We are also worried about our firm's estate-planning clients, who are typically elderly people, not only for their safety but also about the impact that an incident involving one of our clients would have on our law practice. We have already incurred significant expense installing a new security system with perimeter cameras. As City taxpayers, we do not feel we should have to hire a 24/7 security guard as well.

To give you an idea of how this situation is affecting us, the following is a list of just some the incidents that have occurred on our premises and at our business since our meeting with you last July:

7/24/23 at 2 p.m. - (This was the next business day after our meeting with you.) We found a male urinating in bushes. When asked to move on, he threatened to bash in our employee's head.

7/25/23 at 7:30 a.m. - Shattered glass and broken pots and pans found in our paved lot.

8/1/23 at 2 p.m. - 6 people in our south parking lot openly using drugs; an employee asked them to leave.

8/2/23 at 3 p.m. - 4 people on our office buildings front steps, openly using drugs. When asked to leave, they threatened and yelled at our employee.

8/3/23 at 2:30 a.m. - Our cameras taped a man on our office building's front porch, shooting up.

8/3/23 at 7:30 a.m. - We cleaned up the needles and drug paraphernalia left on porch and thrown into our bushes by the man described above.

8/6/23 at 12:34 a.m. - The same man from 8/3 returned to our front porch. We later found and removed 4 dirty needles from the bushes in front of the porch.

8/8/23 at 3:20 a.m. - Our cameras taped a man loitering on front steps for over an hour.

8/8/23 at 1:30 p.m. - Two men were hiding behind our building by a back window. They were asked to leave. We believe they were linked with the overdose incident that was occurring out front. (See next entry.)

8/8/23 at 1:45 p.m. - a man named "Conrad" had a serious drug reaction across the street from our building. Numerous people (various passers-by, a young male tenant in house across the street, employees of our office) made numerous calls to BPD and 911. It took approximately 30 minutes for first two officers to arrive. They appeared reluctant to deal with Conrad and immediately radioed for back-up. Within a minute or so, 3 additional patrol cars and two fire department vehicles arrived, demonstrating that the police can get here quickly when they want to do so. Officers on the scene told our employees this was a dangerous situation. If you like, we can send you video clips of this incident so you have some idea as to the type of thing with which we are dealing with.

8/8/23 at 2:50 p.m. - Woman was in south parking lot casing/loitering near vehicles. She was asked to move on.

8/16/23 at 4:46 a.m. - Our cameras taped a man on front porch for approximately one hour.

When he left he stole our front door mat (second mat that was stolen from our porch), and left behind a bunch of needles, drug paraphernalia, and garbage which needed to be picked up.

8/16/23 at 5:00 p.m. - A man was sitting on the steps by our main entry door (believed to be Jonathan Narbonne), and was about to shoot up between his toes when he was asked to move on.

8/16/23 at 5:00 p.m. - Three more people were loitering by the dumpster in our parking lot, apparently going through and removing the contents of a stolen purse. They were asked to move on.

8/17/23 at 4:30 a.m. - Our cameras taped a man in our south parking lot with a backpack and a box, both of which appeared to be stolen. This was the same man who was on our porch on 8/16. After going through the contents of each he left most of it behind for us to pick up.

8/20/23 at 6:25 a.m. - Our cameras taped a man in our south parking lot with two backpacks which appeared to be stolen. After he went through them he left what he did not want behind.

8/20/23 at 6:39 a.m. - Our cameras taped the same guy returning to the front of our building and smashing the window of a car parked on George Street. He took a duffel bag out of the backseat, got on a bicycle and headed towards Peru Street.

8/20/23 at 6:31 p.m. - Our cameras taped two people enter our south lot and go directly to the stolen backpacks that were left behind that morning. After going through the backpacks they leave.

8/20/23 at 7:01 p.m. - Our cameras taped another guy enter our south lot. He goes through the backpacks and then leaves.

8/21/23 - Drug paraphernalia/needles removed from premises.

8/22/23 - Drug paraphernalia/needles removed from premises.

8/23/23 - Drug paraphernalia/needles removed from premises.

8/24/23 - Drug paraphernalia/needles removed from premises.

8/25/23 - Drug paraphernalia/needles removed from premises.

8/27/23 - 12:01 p.m. A man is in our south parking lot, shooting up and then passing out. The man had knife. An employee of our firm called 911 at 12:30 p.m. as he was unable to move his car due to the man being passed out next to it.

8/27/23 at 6:56 p.m. - Our cameras taped a man walking by who threw a dirty needle onto our

front walkway. The needle was removed when staff arrived the following morning.

8/28/23 - 10:20 p.m - Our cameras taped a vehicle parking in our north parking lot. Two people get out and urinate in our parking lot.

8/29/23 - 8:40 a.m. 2 men are found in our north parking lot using drugs. When asked to leave they became very aggressive, walking up to our employee as if to assault employee. Our employee showed that he was carrying mace, but did not spray it. One of the men repeatedly threatened to "kill," "f-up," and "kick" our employee's "ass," claiming to have a "way more dangerous weapon" in his bag.

9/5/23 - More needles, drug paraphernalia, stolen purse, etc. removed from our property.

9/6/23 - late morning - an employee found three people injecting drugs on the steps of our building and asked them to leave, then picked up lots of paraphernalia they left behind.

9/6/23 - three additional/different people doing drugs behind our building had to be asked to leave.

9/6/23 - 2:10 p.m. - an employee found 2 people on our elderly next-door neighbor's front lawn where they were shooting up drugs, asked them to leave.

9/6/23 - 10:30 a.m. - a female employee asked a man to leave our south parking lot, which is a place that is frequently used for shooting up drugs. The man was aggressive and confrontational with our employee.

9/6/23 - 4:15 p.m. - an employee found a person on the front steps of our business, preparing to shoot up, and asked them to leave.

9/6/23-9/7/23 - beginning at 11:30 p.m. on 9/6/23, our cameras taped a man who was very high on drugs in our north parking lot. He removed all of his clothing and was jumping around and yelling. Someone evidently called 911, but by the time the patrol car arrived he had hidden himself behind our building where he remained until the police/ambulance left.

9/7/23 - at 2:30 a.m. - our cameras taped the same man return and use drugs at the back of our building

9/8/23 - AM -- an employee picked up 2 dirty needles and 2 bottles of alcohol from the front bushes.

9/8/23 - at 3 PM -- an employee picked up drug paraphernalia from our south parking lot, and an empty alcohol container from our front bushes.

9/8/23 - 7:15 - 11:58 PM -- Our cameras taped a man shooting up numerous times on our front porch.

9/9/23 - 9:50 AM -- Our cameras taped a woman stripping naked and peeing in our south parking lot.

9/10/23 -- 9:36 AM -- Our cameras taped a couple using drugs on our front porch.

9/10/23 - 11:54 AM -- Our cameras taped a man shooting up in our south parking lot.

9/10/23 -- An employee kicked out two groups of men who were shooting up on our front steps. One of the men was Michael Reynolds, a person with whom City officials are evidently acquainted. Back in 2017, Mark Redmond (a man highly respected in the field of social services) alerted you, the City Council, and the BPD about the danger Mr. Reynolds posed to the public, and advocated for involuntary commitment. Nothing was done, and Mr. Reynolds assaulted someone less than two weeks later. At that time, more than six years ago, Mr. Reynolds already had approximately 900 contacts with police, and had been charged with over 100 crimes. We are obviously concerned that he is now back in our neighborhood, doing hard drugs.

9/11/23 - 9:50 AM -- An employee removed two people shooting up drugs on our front steps.

9/11/23 -- 10 AM -- Ten minutes later an employee kicked out two more people shooting up drugs on our front steps.

9/11/23 - at 10:50 AM -- An employee picked up drug needles/paraphernalia and a stolen bike pump found in our south parking lot.

9/11/23 -- 2:55 PM -- An employee picked up needle paraphernalia, a crack/meth pipe, and stolen clothes around building.

9/12/23 - 8:15 AM -- An employee picked up more drug paraphernalia left on our premises.

9/16/23-9/17/23 - Our cameras taped a man putting a yellow towel over the railing of our front porch and spending the better part of the weekend camping out on our front porch, doing drugs, passing out, and urinating off our front porch.

9/20/23 - 7:30 AM -- An employee picked up drug foil and lots of garbage left on our premises

9/20/23 - noon -- An employee picked up a used syringe, drug foil, and drug baggie.

9/21/23 - noon -- An employee had to ask a male to remove himself from our south parking lot, and then picked up the drug baggie, clothes, and trash he left behind.

9/22/23 - 3:15 PM -- An employee had to escort 4 individuals off our property

9/24/23 - 6:46 PM -- Our cameras filmed a young female performing oral sex on a male in our south parking lot, in broad daylight.

9/25/23 - 2:15 PM -- An employee picked up glass crack pipe, needle paraphernalia.

10/2/23 - 12:50 PM -- An employee picked up needle paraphernalia and trash

10/4/23 - 12:15 PM -- And employee picked up a glass heroin tube

10/4/23 - 2:05 PM -- An employee had to ask a man with a large knife to remove himself from our north front steps

10/5/23 - 3 PM -- An employee had to ask several men sitting on our front porch steps to leave.

10/16/23 - 7:15 AM -- Employee had to pick up bloody rag from in front of our building.

10/17/23 - 9:25 AM -- Employee picked up needles, used drug spoon, used drug foil, and a variety of stolen items left on our property.

10/18/23 - 7:30 AM -- Employee verbally harassed and threatened.

10/18/23 - 10:12 AM -- 3 people doing drugs on north steps.

10/19/23 - 8:45 AM -- Employee picked up multiple needles, used drug foil around property.

10/19/23 12:25 PM -- Employee had to pick used condom off sidewalk.

10/19/23 - 12:25 PM -- Person jumping on employee cars in north parking lot.

10/20/23 - 7 AM -- Employee picked up various alcohol bottles, garbage on property.

10/23/23 - 7:30 AM --Employee had to remove sweat shirt covered in feces off front porch railing.

10/23/23 - 11:35 AM -- Picked up dirty needles, other drug paraphernalia from south lot.

10/24/23 - 4:20 PM -- Employee picked up drug paraphernalia in south lot.

10/30/23 - 11:20 AM -- Employee removed used drug foil from back yard.

11/7/23 - noon -- Employee removed needle paraphernalia, garbage from south lot.

11/15/23 - 11:05 AM – Employee removed drug foil from paved lot.

11/17/23 - 10:45 AM – Removed stolen bike, significant garbage left around property.

11/21/23 - 8:50 AM – 2 guys smoking crack on north steps; employee asked them to leave.

11/27/23 - 4:35 PM – Guys smoking drugs on north steps; employee asked them to leave.

12/4/23- 8 AM – Employee removed numerous dirty needles and other drug paraphernalia from south lot.

12/12/23 - 9:35 AM – Dirty needle and lighter removed from south lot, along with crutch that was thrown in bushes.

12/13/23 - 11:10 AM – People using drugs on north porch; employee asked them to leave.

12/28/23 - 11:45 AM – Drug pipe, drug baggies, various other trash removed from property.

1/3/24 - 4:15 PM – Employee removed numerous dirty needles and clean needles, crack/meth pipe, pills, drug paraphernalia, other garbage from property.

1/10/24 - 10:20 AM – Man drinking beer on south stoop; garbage on property.

1/24/24 - 6:42 PM – 3 people using drugs on front porch, who threw needle in our bushes.

1/25/24 - 7 AM – Employee picked up dirty needle.

2/6/24 - 4:23 PM – Large amount of drug paraphernalia, needle, alcohol containers, cigarette butts left around property, had to be removed.

2/6/24 - 4:33 PM – Tampon removed from property.

2/8/24 - 7:23 AM – Large quantity of garbage removed from property.

2/8/24 - 9:45 AM – Needle paraphernalia removed from property.

2/9/24 -12:00 PM – Trash removed from the property.

2/12/24 – 12:15 PM – Drug paraphernalia and garbage removed from property.

2/13/24 – 12:40 PM – Broken crack pipe and garbage removed from the property.

2/24/24- 2:25 AM – Drug paraphernalia removed from the property.

2/26/24 – 5:30 PM - Woman on porch intoxicated with what appear to be a crack pipe.

3/4/24 – 7:45 AM - Trash removed from the property.

3/4/24 – 11:25 AM - Drug paraphernalia and trash removed from the property.

3/6/24 – 7:20 AM – Needles removed from the property.

3/11/24 – 8:05 AM – Garbage removed from the front porch.

3/11/24 – 7:30 AM – Garbage removed from front bushes.

3/13/24 – 7:28 AM – Garbage and stolen items removed from south parking lot.

3/13/24 – 8:30 AM – Dirty Needles removed from south parking lot.

3/14/24 – Drug Needles removed from North Parking lot. Cleaned up blood droplets on front porch.

3/14/24 - 4:33 PM – Cleaned up drug paraphernalia on side of building.

3/17/24 - 3:48 AM – Two men on front porch. They went to south parking lot and returned to front porch.

3/18/24 – 7:35 AM – Picked up dirty needles and drug paraphernalia on the property.

3/19/24 – 9:00 AM – Picked up condom in parking lot, used tampon in front of building, other garbage left around building.

3/25/24 – 9:10 AM – Found graffiti spray painted on both our building and on the fence between our parking lot and Federal building lot on George Street; picked up garbage the vandal left behind.

3/25/24 – 3:25 PM – Two people about to smoke meth in glass pipe on our front steps, employee asked them to leave.

We have video of many of those incidents that we can share with you, or BPD, if you are interested in seeing it.

The problems the Pods have brought to our neighborhood have been going on for a year at this point, and from all appearances the City is doing little to address the situation. We are concerned that something very bad is going to happen - such as the incident that occurred early last year

when an elderly, wheelchair-bound next-door neighbor was assaulted in the north parking lot that we share with the McKenzie House. We thought and hoped that incident might lead to improved law enforcement and a greater law enforcement presence at the Pods, as initially promised. However, as our list of incidents demonstrates, it has not.

We are also concerned to hear the City is considering buying the Zampieri building from the State to provide housing units in addition to those the City provided when the City constructed the Pods on Elmwood Avenue. To be clear, we are not against the idea of providing more housing for the homeless. Our concern is that the City is not providing adequate security and supervision over the Pods, and we feel that shortcoming needs to be addressed before the City considers creating even more housing for the homeless in the same area where that shortcoming already exists.

In addition to the significant amount of money we spent upgrading our firm's security system, we have also wasted many, many hours of employee time dealing with the issues the Pods have brought to our neighborhood. The time wasted includes time spent filing numerous complaints with the BPD, only to have BPD close every one of those complaints within hours without doing anything, which has been incredibly frustrating for us, and for our employees. As a result, we have stopped asking our employees to waste their time by submitting further reports, since the City is not responding to them. We have heard that others have had the same experience and have also given up on making reports to the City, which suggests that numerous serious incidents may be going unreported.

Although the frequency of these incidents has lessened to some degree with the onset of cold weather, we are concerned that as the weather starts warming up in the weeks ahead the trespassing and drug use will increase again. We fear that the summer of 2024 may end up being even worse than the summer of 2023.

This is a crisis, and one that has the potential for snowballing even further. Already businesses are leaving Burlington, including L.L. Bean and several locally owned stores on Church Street. Every one of us here in our office has friends who have told us they will no longer come to the City because they fear for their personal safety. The situation is having a negative impact on our business as well. Visiting insurance adjusters have told us they are afraid to visit our firm, and to walk from our firm to Church Street, because of the drug use and vagrancy in our neighborhood. In addition, this past December, when we extended a job offer to hire a female attorney she rejected our offer, telling us that she did so "primarily because I had some safety concerns when going to my vehicle after work."

We have a great deal of empathy for people with addiction issues, psychological issues, and housing issues. However, safety is our biggest concern - the safety of our employees, our clients and our neighbors. The current situation is untenable because the City has yet to provide the security and/or the police presence necessary to manage, not just the Pods and their occupants, but also the problems that the Pods have caused to spill out into our parking lot and

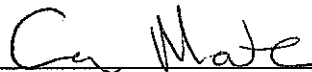
neighborhood.

In closing, we are aware that you will be stepping down as mayor in the coming days. However, since you remain in office, at least for a few more days, we are asking again for your help. For starters, we need an immediate, significant, and consistent police presence in the George Street and Elmwood Avenue area. Before you leave office will you take any steps to make that happen?

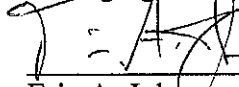
We look forward to hearing from you in reply.

Sincerely,

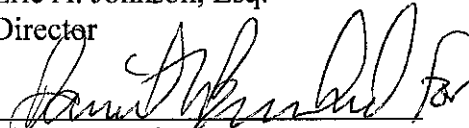
McCORMICK, FITZPATRICK,
KASPER & BURCHARD, P.C.



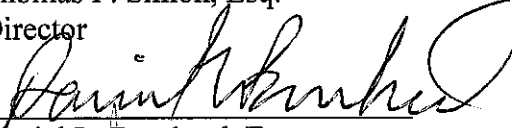
Craig S. Matanle, Esq.
Managing Director



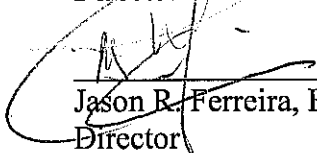
Eric A. Johnson, Esq.
Director



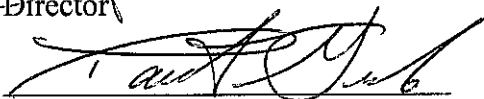
Thomas P. Simon, Esq.
Director



Daniel L. Burchard, Esq.
Director



Jason R. Ferreira, Esq.
Director



David A. Grebe, Esq.
Director



Krystn M. Perettine, Esq.
Director

cc (by regular mail):

Office of Governor Phil Scott
109 State Street, Pavilion
Montpelier, VT 05609

cc (by email only):

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jmurad@bpdvt.org

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zhightower@burlingtonvt.gov

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Joe Magee, Ward 3 City Councilor
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Sarah E Carpenter, Ward 4 City Councilor
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Hannah King, Ward 8 City Councilor
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Melo Grant, Central District Councilor
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Timothy C. Doherty, Jr., East District Councilor
tdoherty@burlingtonvt.gov

Mark Barlow, North District Councilor
mbarlow@burlingtonvt.gov

Emma Mulvaney-Stanak
Mayor Elect
emulvaneystanak@leg.state.vt.us

Joan Shannon, South District
Councilor
jshannon@burlingtonvt.gov

FENCE VIEWER REPORT

- *Shay Totten*

April 15, 2024

REPORT FROM 2023-24

Mayor and members of the City Council,

This is my Fence Viewer report for my current term as Fence Viewer for the City of Burlington.

In the past 10 months, I've received three inquiries, which are detailed below.

Fence maintenance

I was forwarded an inquiry via Councilor Mark Barlow about a constituent's concern about a fence in disrepair behind a CHT-owned property in the New North End. I contacted CHT's maintenance chief and confirmed the broken fence and was told they would be repairing the fence in a couple of months. I asked CHT to keep the neighbor apprised of the repair work and when it would be done.

Likely improper fence replacement

I received an inquiry from a resident who had concerns about a fence replacement by her neighbor in the New North End. I confirmed with Planning & Zoning the rules and regulations related to fence replacement and it appeared as if the neighbor did not get the proper permits. I suggested that the inquirer contact the city for them to contact the landowner.

Boundary encroachment

In March, I received a phone call from a resident who said the tenants of a neighboring apartment building in the Old North End were parking on her property and tearing up the soil. The resident also sent me photos. I did a walk-by of the property and could clearly see damage to her side yard and reviewing lot lines in the city's property database, could see that it was unmistakably happening on her property.

I tracked down the landlord/owner and sent him a letter. He said that he's had some problem tenants who are vacating and once they are gone, relatives are moving into that apartment and will be helping him clean up the property. He was / is not averse to creating a more distinct boundary line for future tenants. This is still in progress as the original caller would like to have a more clearly identified property boundary reaffirmed. This would take a surveyor, which is outside the scope of a fence viewer.

My goal is to follow up in late April / early May to see if I can get the two parties to meet, review the damage and devise a mutually agreed upon plan.

If you have any questions about this report, feel free to email me at stotten@burlingtonvt.gov or call me at (802) 324-3198.

Burlington City Council



802/865-7136
TTY 802/865-7142

OPENINGS BURLINGTON CITY COMMISSIONS/BOARDS

Chittenden Solid Waste District – alternate -	Term Expires 5/31/24	One Opening
Housing Board of Review	Term Expires 6/30/24	One Opening
Fence Viewer	Term Expires 6/30/24	One Opening
Vehicle for Hire Licensing Board	Term Expires 6/30/24	One Opening
Vehicle for Hire Licensing Board	Term Expires 6/30/25	One Opening

Applications may be submitted to the Clerk/Treasurer's Office, 149 Church Street, Burlington, VT 05401 Attn: Lori NO later than Wednesday, May 1, 2024, by 4:30 pm. If you have any questions, please contact Lori at (802) 865-7136 or via email lolberg@burlingtonvt.gov.

City Council President Traverse will plan for appointments to take place at the May 6, 2024 City Council Meeting/City Council With Mayor Presiding Meeting.

23-2220-RULE
23-2221-INV

2/2/2024

Technical Advisory Group Members,

Per federal policy, the GREET model published by the Argonne National Lab treats wood combustion as “carbon-neutral,” and does not count CO₂ emissions from the combustion of wood. The question, “is burning woody biomass carbon neutral?” is both an environmental question and a policy question. At the national level, moderate republican senator Susan Collins annually requires a statement that burning woody biomass is carbon-neutral be inserted into any budget package in exchange for her vote.

2016: <https://www.collins.senate.gov/newsroom/senators-collins-klobuchar-king-biomass-amendment-passes-senate>

2020: <https://www.latimes.com/opinion/story/2020-12-28/wood-burning-power-plants-clean-energy>

2022: <https://www.eenews.net/articles/carbon-neutral-scores-another-victory-in-omnibus/>

2023: <https://www.collins.senate.gov/newsroom/bill-to-fund-key-interior-and-environmental-programs-in-maine-clears-appropriations-committee>

You find this language on page 922 of the 2023 Senate Appropriations Budget Amendment:
(<https://www.appropriations.senate.gov/imo/media/doc/JRQ121922.PDF>)

Policies Relating to Biomass Energy

SEC. 432. To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

- (1) ensure that Federal policy relating to forest bioenergy—
 - (A) is consistent across all Federal departments and agencies; and
 - (B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and
- (2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—
 - (A) **reflect the carbon neutrality of forest bioenergy and recognize biomass as a renewable energy source**, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use;
 - (B) encourage private investment through out the forest biomass supply chain, including in—
 - (i) working forests;
 - (ii) harvesting operations;
 - (iii) forest improvement operations;
 - (iv) forest bioenergy production;
 - (v) wood products manufacturing; or
 - (vi) paper manufacturing;
 - (C) encourage forest management to improve forest health; and
 - (D) recognize State initiatives to produce and use forest biomass.

In 2018, climate crisis denier and Trump EPA director Scott Pruitt declared burning woody biomass carbon-neutral:

[Sierra Club on Pruitt on Biomass](#)

[NRDC on Pruitt on Biomass](#)

[Cliamte News on Pruitt on Biomass](#)

[Scientific American on Pruitt and Congress on Biomass](#)

As these articles make clear, while the politicians are declaring the burning of wood carbon neutral, the climate scientists are advising that burning wood adds CO₂ to the atmosphere. This conflict between the policy and the science led the EPA to issue its Biomass Policy Statement in 2018, found here: [EPA Biomass Policy Statement](#). The policy statement recognizes that executive orders and congressional directives have forced it to claim that burning wood is carbon-neutral despite the science:

To proactively address congressional directives and stakeholder concerns specific to the use of forest biomass for energy, EPA's policy in forthcoming regulatory actions will be to treat biogenic CO₂ emissions resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral....

This statement of agency policy is not a scientific determination and does not revise or amend any scientific determinations that EPA has previously made....

Beginning in 2010, in response to stakeholder comments, EPA sought to advance the technical understanding for assessing the net biogenic CO₂ emissions associated with the use of biomass at stationary sources. In 2011, as part of this process to advance our technical understanding, EPA submitted for peer review with the EPA Science Advisory Board (SAB) a draft technical report presenting considerations for evaluating the biogenic CO₂ emissions associated with biomass use for energy at stationary sources (2011 Draft Framework). The SAB peer review of the 2011 Draft Framework found that it is not scientifically valid to assume that all biogenic feedstocks are carbon neutral, but rather that the net biogenic carbon profile related to the use of biomass feedstocks depends upon factors related to feedstock characteristics, production and consumption, and alternative uses....

The SAB further acknowledged that accounting for biogenic CO₂ emissions associated with stationary sources involves both scientific and policy considerations, including the policy context in which the accounting is applied....

The Argonne National Lab follows federal policy, and thus does not count the emissions from wood-combustion. The GREET model follows this policy, counting only upstream CO₂ emissions from logging activity. I don't believe the ePUC site allows for .xls documents so I've attached a .pdf export of the bioelectric tab from the 2023 GREET .xls spreadsheet. Note that CO₂ is not among the tracked greenhouse gases.

Here in Vermont, the Scott administration falls squarely in the Scott Pruitt camp. It continues to be the policy of the Vermont Agency of Natural Resources (ANR) to consider burning wood carbon-neutral, despite clear evidence to the contrary. In ANR's [Vermont Greenhouse Gas Emissions Inventory and Forecast Methodologies](#) ANR makes the following erroneous statement:

Carbon dioxide from electricity generated through biomass combustion is not included because the CO₂ is of biogenic origin, but CH₄ and N₂O emissions are included in the totals. States in the region differ on this accounting practice, however, it is consistent with IPCC inventory guidelines for the treatment of biogenic CO₂.

Again, ANR's statement about IPCC guidelines is incorrect; IPCC guidelines do not claim that biomass combustion should not be included in inventories. ANR Secretary Julie Moore admitted this in an email to me dated May 16, 2023, stating, "You are correct that the IPCC guidelines do not state that biogenic CO₂ shouldn't be included greenhouse gas inventories." Sec. Moore then goes on to incorrectly claim that IPCC guidelines state "that the CO₂ released [from wood-combustion] will eventually be re-sequestered through the regrowth of the biogenic material." IPCC guidelines make no such claim.

In Act 170 of 2012, "An act relating to the Vermont energy act of 2012," the Vermont legislature mandated that ANR draft rules for greenhouse gas accounting by September 1, 2013. Ten years later, Secretary Moore acknowledged that ANR has still not drafted these rules. By fiat only is ANR making the decision not to count emissions from wood, and is doing so without proper rule making or oversight. Further, ANR has directed consultants it hires to exclude the emissions from wood-burning. The recent 2023 Vermont Energy Report published by the Department of Public Service (DPS) demonstrates this. Writing about the *Cadmus/Energy Futures Group Pathways Analysis*, the DPS report advises that ANR guided EFG to consider wood-burning carbon neutral:

"For example, advanced wood heat is identified as being the most cost-effective measure through 2030, with reductions in vehicle miles traveled (VMT) being the most expensive. It must be noted that, like any modeling, the analysis here is directly related to the inputs. For example, emissions from biomass were, consistent with Agency of Natural Resources guidance,¹¹ assumed to be zero...." (11, [2023 Vermont Energy Report, DPS](#))

In order to actually reduce greenhouse gas emissions, the TAG must provide for accurate emission factors for all fuel types, including and especially wood. The emission factors from the EPA website is a good place to start, though the EPA only provides factors on a 100-year global warming potential (GWP) basis. Using emission factors with a 20-year GWP would be even better.

District Energy Systems (DES) that use geothermal heating and cooling systems can play an important role in reducing thermal related greenhouse gases. However, not all DES are created equal. Vermont Gas (VGS) and Burlington Electric (BED) are proposing a DES that relies on the highly inefficient McNeil wood-burning generator to supply heat the University Medical Center (UVMC). They've modeled their system using GREET. I've attached two slides from a BED and VGS presentation of their DES proposal to the Burlington City Council. They claim that the proposed District Energy System will reduce CO₂ emissions by about 13,000 tons annually. They claim this because VGS and BED also claim that burning wood is carbon-neutral. Climate scientists have thoroughly debunked this belief. Even so, at Vermont's current rate of deforestation, even by the accounting methods used by VGS and BED, **Vermont forests will be net carbon emitters in only 25 years** if the Vermont legislature does not take action. Using the MMBTU amounts on the first slide and the carbon emissions factors found in the EPA website: <https://www.epa.gov/climateleadership/ghg-emission-factors-hub>, we find that the proposed VGS-BED district energy system will actually *increase* CO₂ emissions by 6,778 tons annually.

Wood: 93.80kg CO₂ per mmBtu 93.8 X 190,000 MMBTU = 17,822,000 kg CO₂

Natural Gas: $53.06 \text{ kg CO}_2 \text{ per mmBtu} \times 220,000 \text{ MMBTU} = 11,673,200 \text{ kg CO}_2$

Net **increase** by switching to wood is **6,148,800 kg CO₂** per year
or **6,778 tons of CO₂ annually**.

It is no wonder why the VGS representative at the 2/2/2024 TAG meeting promoted the use of GREET: if you count the actual emissions, the DES is more polluting. GREET should not be used to model wood-combustion systems. If the TAG chooses to use the GREET model, TAG must also ensure that clear and significant, well documented and published changes are made to the emission factors for wood and other bio-fuels used in the GREET model.

Sincerely,

Pike Porter
Burlington, VT
pikeporter@gmail.com

This document uses active hyperlinks. If a link is broken, please contact me and I'll supply the correct link.

Bio-Electricity Generation

Hon

1) Scenario Control and Key Input Parameters

Forest resource extraction

Residues collection energy use	2
Source of wood chips	1
Source of wood pellets	1
Properties of pulplogs (for transportation calculation)	2

Assumptions on emissions

Emission factors for bio-power plant	1
GWP for black carbon (BC)	1

Allocation method (lumber mill operation)

	wood chips
Sawing process	3
Planning process	3

2) Key Input Parameters for Electricity Generation Mixes, Combustion Technology**2.1) Regional Combustion Technology Shares and Power Plant Energy Conversion Efficiency**

Fuel	
Combustion Technology	
Region	U.S.
Efficiency	21.7%
Technology Share	100.0%
Emissions (g/kWh)	
VOC	0.032
CO	1.182
NOx	0.679
PM10	0.073
PM2.5	0.069
SOx	0.122
BC	0.010
OC	0.022
CH4	0.113
N2O	0.060

2.2) Urban Emission Share for Stationary Applications

1.30%

2.3) Electric Transmission and Distribution Loss

Region	U.S.
T&D Loss factor	4.9%

2.4) Electricity mix and T&D Loss for each state if NERC level data option is selected

Notice of Non-compliance 2011, No. 170 (Adj. Sess.), § 14., 10 VSA 582(g)

Moore, Julie <Julie.Moore@vermont.gov>

Tue, May 16, 2023 at 10:40 AM

To: Pike Porter <pikeporter@gmail.com>

Cc: ANR - Info <ANR.Info@vermont.gov>, "Hughes, Kelly" <Kelly.Hughes@vermont.gov>, "Beling, John" <John.Beling@vermont.gov>, "Schmeltzer, John" <John.Schmeltzer@vermont.gov>, "McKelvie, John" <John.McKelvie@vermont.gov>, "Tierney, June" <June.Tierney@vermont.gov>, pbaruth <pbaruth@leg.state.vt.us>, jkrowinski <jkrowinski@leg.state.vt.us>, "jim@dumontlawvt.com" <jim@dumontlawvt.com>, "McNamara, Ed" <Ed.McNamara@vermont.gov>

Dear Mr. Porter:

Thank you for your email dated May 3, 2023, regarding the most recent Greenhouse Gas Inventory and the supplemental Methodology; below I respond to your concerns about the methodology point by point.

1. Regarding the methodology for the treatment of the biogenic CO₂ emissions from the McNeil and Ryegate facilities and the suggested inconsistencies with the IPCC inventory guidelines:

You are correct that the IPCC guidelines do not state that biogenic CO₂ shouldn't be included greenhouse gas inventories. The methodology document is not explicit enough, in that what it should say is "Even though the emissions from these two facilities occur within the state, they are not included in the inventory totals for two reasons. The first is because the combustion of wood for electricity generation produces CO₂ that is considered biogenic, and no biogenic CO₂ is included in the energy related sectors of the GHG inventory totals per IPCC inventory guidelines because it is assumed that the carbon will be captured in the fluxes in the land-use, land use change and forestry sector, and that the CO₂ released will eventually be re-sequestered through the regrowth of the biogenic material."

To be clear, the most recent version of the IPCC guidelines state:

carbon dioxide (CO₂) emissions from the combustion of biomass or biomass-based products are captured within the CO₂ emissions in the AFOLU sector through the estimated changes in carbon stocks from biomass harvest, even in cases where the emissions physically take place in other sectors (e.g., energy). This approach to estimate and report all CO₂ emissions from biomass or biomass-based products in the AFOLU sector was introduced in the first IPCC guidelines for national greenhouse gas emissions (IPCC 1995), reflecting close linkages with data on biomass harvesting, and for the pragmatic reason to avoid double counting. ^[1]

This was done in the Vermont GHG Emissions Inventory and Forecast (1990 – 2020) report. The Land-Use, Land Use Change, and Forestry (LULUCF) or what is in the more recent IPCC guidelines called the Agriculture, Forestry, and Other Land Use (AFOLU) sector captures emissions from McNeil and Ryegate facilities, consistent with the most recent IPCC guidelines.

2. Use of outdated IPCC Guidelines:

The 2006 guidelines were cited because they are a more comprehensive reference for readers interested in the Vermont Greenhouse Gas Emissions Inventory and Forecast reports to review. In addition, ANR generally followed the 2019 refinement document, which contains updates to the 2006 guidelines for specific sectors.

Historically, Vermont has not included LULUCF emissions as part of the official Inventory totals because of the significant uncertainty associated with the data sources and the complexity of the methodology involved. Estimating emissions and sinks of CO₂ related to forests and carbon fluxes related to land use change involves an accurate quantification of very complex processes and ecosystems at a statewide level. Work is ongoing to make these estimates possible, and the recent release of the Vermont Greenhouse Gas Emissions Inventory and Forecast (1990 – 2020) report does include a more comprehensive LULUCF sector than previous iterations of the report based on newly available datasets from EPA and advances in some of these estimates.

Notwithstanding improvements in the estimates for the LULUCF sector, we still have concerns that the accuracy of this forest carbon sequestration and land use change data is not high enough resolution spatially or temporally to be able to adjust emissions from the other sectors, where more accurate data exists to support those numbers.

3. 10 VSA 582 does not allow you to arbitrarily decide which emissions will be counted:

The accounting decision related to emissions of biogenic CO₂ in the Vermont Greenhouse Gas Emissions Inventory and Forecast reports is not arbitrary but is rather based on the IPCC Guidelines for National Greenhouse Gas Inventories which were developed with the expertise, knowledge, cooperation of, and review by, hundreds of experts from around the world. The issue of accounting for emissions of biogenic CO₂ is a complex one that has been evolving in recent years as more research is done and new data becomes available to help to better understand carbon fluxes through land use change as well as considerations around time scales. The Agency is using the most up-to-date methodology and working with other jurisdictions to understand how other states are dealing with this issue and to work together to inform best practices for accounting in this space.

I trust I have addressed your questions and comments, but please do not hesitate to reach out if you should have further questions or concerns.

[Quoted text hidden]

[1] 2019 Refinement to the 2006 IPCC Guidelines for National Greenhouse Gas Inventories: https://www.ipcc-nggip.iges.or.jp/public/2019rf/pdf/2_Volume2/19R_V2_2_Ch02_Stationary_Combustion.pdf



Why District Energy in Burlington?

- Improve McNeil's efficiency 10%
- Use local renewable thermal resource instead of fossil gas
- Reduces over 220,000 MMBTU of natural gas usage *every year* by creating 190,000 MMBTU of renewable steam (including 3 steam sources - waste heat, steam extraction, and supplementary electric boiler), plus 34,000 MMBTU of efficiency savings
- Cut commercial sector natural gas use 16% in Burlington, cut Burlington carbon dioxide emissions approximately 13,000 tons annually, taking single-biggest step to move towards Burlington's Net Zero Energy 2030 Roadmap goal

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
March 25, 2024
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Hannah King
Miro Weinberger

OTHERS PRESENT:

Katherine Schad
Jordan Redell
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Weinberger at 8:18 PM.

MOTION by City Council President Paul, SECOND by Councilor Magee, to adopt the agenda.

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated

2.2 Communication: C/T Office, re: Openings Burlington City Commissions/Boards – waive the reading, accept the communication, and place it on file.

MOTION by City Council President Paul, SECOND by Councilor Magee, to adopt the consent agenda and take the actions indicated for items 2.1-2.2.

VOTING: unanimous; motion carries.

3. 2024 BOARD AND COMMISSION APPOINTMENTS

2.1 Electric Light Commission: Term Expires 6/30/25

MOTION by Councilor Shannon to nominate Andrew Vota to the Electric Light Commission.

MOTION by Councilor Magee to nominate Rob Conboy to the Electric Light Commission.

DISCUSSION:

- Councilor Bergman noted that Mr. Conboy reached out to him and that he was thoroughly impressed with the work the applicant has done on developments like CityPlace, noting that the applicant has done a lot of work on climate resilience and selecting climate-friendly building materials. He said that having the applicant on the commission would be extremely beneficial.
- Councilor Dieng added that Councilors should listen to the podcast that Mr. Conboy did related to climate change.
- Councilor Traverse expressed support for Mr. Vota on the Electric Light Commission, noting his engagement at many Ward 5 meetings and that he is a dedicated member of the community, and also noting his qualifications working at VEIC and supporting energy efficiency programs.
- Councilor King expressed support for Mr. Vota and said that his work at VEIC has made him an excellent candidate for this board.

VOTING (for Mr. Vota) 8-4; motion carries.

4. ADJOURNMENT

4.1 Motion to adjourn

The City Council meeting adjourned without objection at 8:25 PM.

RScty: AACoonradt

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
March 25, 2024
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon (at 5:40 PM)
Ali Dieng
Zoraya Hightower
Sarah E Carpenter
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant (via Zoom, then in person at 6:23 PM)
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Lori Olberg
Colin Hilliard
Peter Lynch
Adama Ndiaye
Elhadji Mamadou Ba
Chapin Spencer
Clayton Clark
Brian Pine
Nic Longo
Larry Lackey
Marie Friedman
Jeff Bartley
Meagan Tuttle
Sarah Morgan

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:34 PM.

MOTION by Councilor Magee, SECOND by Councilor King, to amend and adopt the agenda as follows:

- **add to the consent agenda item 6.51. Communication: Mary Gade, re: Neighborhood Code;**
- **add to the consent agenda item 6.52. Communication: Michael Long, re: Neighborhood Code: Send It Back to the Drawing Board;**
- **add to the consent agenda item 6.53. Communication: Kason Hudman, re: Support for Neighborhood Code Change;**
- **add to the consent agenda item 6.54. Communication: Evan Gould, re: Neighborhood Code Support Petition;**
- **add to the consent agenda item 6.55. Communication: Ry Sherman, re: Please Pass the Neighborhood Code on Monday!;**
- **add to the consent agenda item 6.56. Communication: Jak Tiano, re: Assessment of and Support for the Neighborhood Code;**
- **add to the consent agenda item 6.57. Communication: Jake Twarog, re; Fwd: Neighborhood Code Must Pass!;**
- **add to the consent agenda item 6.58. Communication: Colin Larsen, re; 3/25 Comments: Support the Neighborhood Code;**
- **add to the consent agenda item 6.59. Communication: Midori Little, re: Please pass the Neighborhood Code for a sustainable future in Vermont;**
- **add to the consent agenda item 6.60. Communication: Benjamin Cooley, re: Please pass Neighborhood Code;**
- **add to the consent agenda item 6.61. Communication: Ashley Dembinski, re: Support for Neighborhood Code;**
- **add to the consent agenda item 6.62. Communication: Chris Yuen, re: In support of Neighborhood Code;**
- **add to the consent agenda item 6.63. Communication: Tim Stevens, re: Support for Neighborhood Code;**
- **add to the consent agenda item 6.64. Communication: Evan Gould, re: Support for the Neighborhood Code (Responses) - Form Responses 1-2.pdf;**
- **add to the consent agenda item 6.65. Communication: Paul Bierman, re: Petition with 303 signatures to send Neighborhood Code back to Committee for refinement;**
- **remove on 7.7. Ordinance: Comprehensive Development Ordinance ZA-24-02 Neighborhood Code, Part 1 ZA-24-02 Amendment 1,2,5 V 2_for CCPH 2 on 032524 (per Councilor Traverse, per Council President Paul).**

VOTING: unanimous; motion carries (Councilor Shannon absent for vote).

2. PRESENTATION: SISTER CITY RELATIONSHIPS

2.1. Creation Of A Sister City Relationship Between The City Of Burlington Vermont And Thies East Senegal
Councilor Dieng began by noting that Senegal is a stable country and many Senegalese families are living in Burlington and surrounding communities. He noted that the Vermont National Guard has had an active partnership with Senegal since 2008, and have assisted them with security, medical responsiveness, and climate change. He noted that several Senegalese presidents have visited Burlington as a result of this partnerships. He said that in 2023, he traveled to Senegal to begin the establishment of the sister city relationship between Thies East and Burlington, noting that Thies East is his hometown. He said that there is potential for continued development of educational, cultural, environmental, and economic opportunities between the two municipalities. He said that Burlington has never had any sister city relationship with a country in Africa.

Peter Lynch, of Green Across the World, spoke about Senegal, as well as his experience assisting in cultural exchanges with students from Vermont to places such as Senegal. He noted that Senegal is one of the safest and most stable countries in Africa and that its electoral

system is functioning well, given last night's election of a young opposition leader as the country's newest president. He spoke about a Vermont senate bill to establish 5 sister states, of which Senegal will certainly be one, noting that this could lead to funding opportunities at the state level.

Mayor Gene Enriquez, the Director of International Affairs with the Vermont National Guard, spoke further about Senegal's partnership with the Vermont National Guard through the State Partnership Program. He noted that over 8,900 National Guard men and women have had the opportunity to travel to Senegal and provide military assistance and security cooperation. He said that with the election of a new president yesterday, there will likely be opportunities for Burlington to contribute to change, especially around governance, development, and peace in the region.

2.2 Establishing A Sister City Relationship With The Kuyalnick Community Of Ukraine

Mayor Weinberger noted that as part of his State of the City address last spring, he charged Colin Hilliard and Adam Roof with exploring a sister city relationship with a city in Ukraine. He said that creating such a relationship is more important than ever, given the continuation of the war in the Ukraine and the federal government struggling to play a role in supporting the people of Ukraine. He said that the City is in a position to take meaningful action on a local level in that vacuum. He said that Mr. Hilliard and Mr. Roof have established a relationship with USAID and identified a community in the Odessa region that is comparable to the size of Burlington and has many similarities in terms of the way in which society functions, and he expressed hope that this is the beginning of a long relationship that will be important for the people of both communities.

Mr. Hilliard noted that this sister city is Kuyalnick Village in Odessa, in southwestern Ukraine. He noted that the village has a population of about 20,000 and is a county seat for the region, and that major industries include agriculture and green tourism. He said that they have expressed a strong interest in opportunities for educational and professional exchanges and partnerships in the areas of agriculture, solar infrastructure, energy efficiency and energy independent projects. He said that they have also recently opened a rehabilitation hospital for the treatment of soldiers. He said that in terms of cultural opportunities for exchange, this village has one of Ukraine's largest borscht festivals, as well as strong pride in its choral traditions.

Adama Ndiaye, International Outreach Director at Green Across the World (and Senegalese resident of Winooski), urged the Council to support this resolution and spoke about the importance of establishing connections to solve problems within communities. She noted that there are a number of Senegalese living in the greater Burlington area who would be very willing to help with this work.

Elhadji Mamadou Ba spoke about his experience living in the Burlington community as an immigrant from Senegal. He said that this sister city relationship is an excellent opportunity for both Thies East and Burlington.

Mayor Weinberger thanked Councilor Dieng for his hard work and effort to establish this sister city relationship, and said that a sister relationship with a city in Africa is long overdue and important.

3. PUBLIC FORUM: TIME CERTAIN: 6:30 PM

3.1. Verbal Comments

Forum opened at 6:27 PM.

COMMENTS:

Burlington residents (in person):

- Jennifer Ely spoke about Burlington's biodiversity, saying that contributing factors include its varied topography of streams and ravines. She said that it is important to preserve wildlife habitat, even at these expense of certain housing development, since the wildlife is proving redeeming qualities to human residents, and she used the example of medium-sized mammals such as foxes keeping the skunk and Lyme-carrying mouse populations in check. She asked that language be included in the new Neighborhood Code that calls out the importance of ravines for wildlife habitats and corridors.
- David Cauley spoke in favor of the Neighborhood Code proposed ordinance. He said that the Neighborhood Code removes significant barriers to "missing middle" housing and he is not afraid that it will result in runaway development. He said that the City will be able to blend the missing middle into the existing neighborhood fabric and that there are still many development and permitting process controls that will remain in place. He said that as a Ward 1 resident, he supports the amendments proposed by Councilor Hightower.
- Joanne Tetla spoke about the Neighborhood Code proposed ordinance, saying she is supportive of it. She said that as a recruiter, it is difficult to recruit top talent to this area when there is a housing crisis, and commended the City Council for starting the conversation about it. She said that the Council should continue to work on this, with a new Council and Administration coming in, as well as refer it to the Ordinance Committee again for further review.
- Michelle Everleth said that she has lived in Burlington for 30 years and that she agrees with the process of ordinance change with the Neighborhood Code proposal, but said that the process should be slowed and does not need to be finished tonight. She said that housing is a priority for Burlington, but said that the City needs to do it in a meaningful way now that its residents are aware of it.
- Janet Kilburn urged the Council to slow down the process for the Neighborhood Code and said that they shouldn't have to go back and fix things where there were unintended consequences. She said that this has been pushed through very quickly and that her neighborhood only became aware of it several weeks ago and that it hasn't been vetted with a lot of diverse public input. She said that they need legislation that ensures that housing will be equitable and affordable, and that the wealthiest areas in Burlington are not allowed to remain low-density. She said that UVM also needs to be part of the solution.
- Romeo van Hermann thanked the outgoing City Councilors (including City Council President Paul) and the Mayor for their contributions to the City.
- Marianne Davis spoke as a resident of the Lakeside neighborhood, expressing concern that new zoning and neighborhood code will change the historic designation of the Lakeside neighborhood. She urged the Council to continue to review the proposed ordinance and its impact on historic neighborhoods prior to passing any changes.
- Laura Hallowell said that the Neighborhood Code is not about gentle infill and incremental change, but represents a massive rezoning of the City, and hands the keys to developers and removes the guardrails that protect its neighborhoods from speculation and overdevelopment. She spoke about the parts of Burlington where density would increase, which are the very parts of Burlington that are so important and hard to find. She said that these small lots with green spaces absorb stormwater, protect the lake, and create beautiful streets and sustainable communities. She urged the Council to support a new neighborhood code that protects these neighborhoods.
- Eric Farrell urged the Council to pass Neighborhood Code without delay, saying that City needs all the housing it can get. He said that though he is a developer and has developed a number of projects in Burlington that aren't the most affordable, the Neighborhood Code is a serious opportunity to provide affordable housing at scale in the City. He said it will also likely roll out more slowly than most people think, that it will evolve, and that there will be plenty of opportunities to tweak the ordinance as needed.
- Kathleen Donahue commended City staff for attempting to address the housing crisis, but said that they need to pause now and work to incorporate feedback from the public in order to make the proposed ordinance stronger, more enduring, and to gain wider support from the public by ensuring that the ordinance meets the needs and addresses the pressures and characters of different neighborhoods. She said that improvements can be made to create better opportunities for affordable homeownership, stable neighborhoods, and that values permanent residents and the green spaces within the City. She asked that the code be sent back to the committee to be modified and strengthened. As a compromise, she asked that Councilor Doherty's amendment #4 be adopted.

- Solveig Overby asked that the Council not approve the current neighborhood code and that they give it to the incoming Council and Ordinance Committee for their consideration. She expressed concern about the potential for predatory real estate and private equity companies buying properties, if property taxes increase this summer. She encouraged the Council to consider this, given that this code will make properties in Burlington much more valuable if density increases are allowed.
- Annie Hallow said that the City needs to study the larger City systems, such as the housing needs, water, parking, and green spaces, as well as the specifics of the proposed Neighborhood Code at the ground level, including the developers and landlords, and loopholes that are taken advantage of. She said that the language should represent the ideal, but also the specifics, so that the City can ensure that whatever passes doesn't have unintended consequences.
- Todd Schlossberg spoke about how two thirds of the population growth in the City since 1990 is accounted for by UVM student growth, without concurrent construction by UVM. He said he is supportive of Neighborhood Code that is equitable and responsible, and that the code cannot leave the largest, wealthiest lots exempt from increased density and expansion. He said that the code cannot place the greatest burdens on the neighborhoods in Wards 1 and 5 that are closest to the campuses that have already borne so much without an effort made by UVM to make up for student increases. He said that this should be sent back to the Planning Commission and Ordinance Committee for further work.
- Andrew LeSturgeon thanked the outgoing Councilors and Mayor for their hard work over the last number of years and Council session.
- Julie Springer said she is supportive of modifying zoning regulation to allow for increased density throughout the City, but urged caution to the Council and Mayor not to move forward with the proposed code as written. She echoed earlier concerns and said that her most pressing concern is keeping green spaces in the City. She spoke about the myriad positive impacts of green spaces in the City, and urged adding a minimum green space requirement to the code.
- Kathy Neilsen said that the push to pass the Neighborhood Code has been a flawed process, saying that it will have a lasting impact for decades to come, and that she and many other residents are only just hearing about it now. She said that what started as moderate upzoning proposal in October has turned into a more radical and far-reaching document by the end of January. She said that this process has resulted in a significant amount of confusion and distress. She urged that the Neighborhood Code be sent back to committee for further work and improvement.
- Nick Persampieri urged the Council to pass the Neighborhood Code tonight without weakening amendments, saying that this is a needed first step to allow for more housing and more affordable housing with increased density. He said that increased density will increase affordability and reduce the emissions of greenhouse gases through reduced transportation emissions.
- Robert Bristow Johnson expressed concern about the loss of institutional memory with the high turnover on City Council next week.
- Lauren Twobey said that affordability and lack of supply are massive barriers to starting a family in Burlington. She said that passing the code is a huge step in making the City more vibrant and affordable, and urged the Council to pass the code tonight.
- Phillip Kieffer urged the Council to pass the Neighborhood Code as written without amendments, except for the wildlife corridor amendments up for consideration tonight. He said that he and others are tired of constant delays in passing meaningful code reforms, citing concerns about misinformation campaigns that are essentially NIMBYism. He said that there have been months of outreach about the code, refuting the claims about lack of public outreach. He said that this isn't a valid reason not to take this first step at reforming discriminatory neighborhood code.
- Lisa Lax said that she supports increasing density in Burlington but that the proposed plan needs to be reconsidered and studied further, given that there has been no study of how this plan would affect the infrastructure in Burlington, or how it would contribute to much-needed affordable housing. She said she hopes the next Council and Mayor engage more with the public to develop a vision for what they want Burlington to look like for the next 10, 20, and 30 years.
- Matthew Premessler expressed support for the Neighborhood Code, saying that though there are concerns with it, there are urgent needs for housing in the City.

- Sam Blackman spoke in support of the Neighborhood Code and passing it without amendments or sending it back to committee. He spoke about how housing prices in Burlington and across the state are extreme, and said that it is an untenable situation. He said that passing the Neighborhood Code tonight is the best way to remedy that situation.
- Ry Sherman urged the Council to pass the Neighborhood Code tonight. He said that Burlington needs new zoning policies to replace outdated policies that have exacerbated the current housing crisis. He said that new policies are needed to build more residential units, which is crucial to provide housing to the City's growing population and reduce reliance on dangerous and environmentally-unfriendly transportation. He said that this is a small but critical step to create more housing in the City.
- Jason Van Dreische spoke about his love for the City and said that he wants people who have arrived after him to be able to live here and enjoy the City, which is what the Neighborhood Code is ultimately about. He said that people who are urging that this process move more slowly are essentially trying to prevent people from moving here. He said that the Council should pass this without amendments.
- Martin Gillies spoke in support for the Neighborhood Code as written, and that it is one of the tools in the City's arsenal to help address the housing crisis. He said that calls for delaying the passage of the ordinance or sending it back to committee bear the mark of privilege.
- Kathy Owell expressed support for more housing, and said that she is supportive of Neighborhood Code. However, she noted that Neighborhood Code is silent on affordability, and affordable housing is ultimately what is needed. She said she would like to see Councilor Doherty's amendments and Councilor Hightower's' amendments passed prior to adoption.
- Caryn Long said that she has stayed informed about the Neighborhood Code since October, but finds it troubling that the January proposal was so different than what was originally proposed in October. She spoke about a petition from residents who are supportive of housing, affordability, and protecting the lake. She said that UVM should provide their own housing, and that more housing needs to be protected for the City's residents. She said that one-size-fits-all is not good zoning, and expressed concern about increased density on very tiny lots.
- Michael Long spoke about Plan BTV's statements to increase density through small, incremental changes. He said that Neighborhood Code increases density 8-to-10-fold, and that this is not small or subtle. He said that Neighborhood Code is illegal under Vermont law. He said that the community is unified in its desire for more housing, but that it is deeply divided over this ordinance.
- Jim Podrasky spoke about the proposed meter increase, and asked how it will be set up, given that there is a lot of public confusion and lack of understanding around it.
- William Morris encouraged the Council to pass the Neighborhood Code without amendments. He said that this type of reform should have been passed 20 years ago to address the evolving and growing City.
- Amy Menten urged the Council to revisit the proposed Neighborhood Code, saying that the City should start small with infill.
- Ron Wanamaker expressed support for more housing, but that the solution to the problem isn't more development. He said that he is also a preservationist, and that the City needs to increase density in a way that doesn't impact the character of the neighborhoods and City that its residents love. He said that sending the proposed code back to committee for revisions is part of the process, saying that there is a lot of room for improvement.
- Janet McDougal spoke about the sidewalk on Cherry Street next to the courthouse, saying that isn't finished and needs to be replaced. She also spoke about an apartment complex on Cherry Street that is being built by SD Ireland.
- Susan Muncrest spoke about the Neighborhood Code and urged the Council to pass it tonight without amendments. She spoke about how projects, such as community gardens, bike lanes and other bicycle infrastructure, is consistently delayed for more review and planning and input from people who are not skilled or understand infrastructure and its development. She said that she trusts that the Council has done its research and encouraged the Council to have confidence in what they have learned and to proceed with this process for updating the Neighborhood Code.

- Doug Viehmann spoke as a resident and architect who has worked with developers, noting that he has studied the Neighborhood Code proposal and determined that it does not make affordable housing, only expensive housing. He said that he submitted written comment that includes proposals for how to make affordable housing through this ordinance. He said that the cost of building new housing in Burlington is such that there is no way to construct new housing that is affordable without some kind of subsidy. He said one of his suggestions is to allow people to build modular housing somewhere within City limits and charge a no-profit rent to use that space. He said that just adding units doesn't bring the cost of housing down, since other costs increase (such as labor and infrastructure).
- Mark Stephenson spoke about the heart and soul of this area as the architecture and space of this place. He said that Burlingtonians live in a tight-knit community, and this community isn't characterized by the cookie-cutter architecture and development that one sees in surrounding communities. He urged the Council to protect the integrity of the City. He said that 40 years ago, the City was dealing with similar issues on vacancy rates, affordability, and tax issues.

Burlington residents (via Zoom):

- Julia Randall spoke as a member of the Planning Commission and a resident of the City. She focused her comments on the fabric of Burlington's neighborhoods. She noted that some have claimed that this neighborhood code proposal will destroy the fabric of Burlington's neighborhoods, and spoke about what makes Burlington's neighborhoods strong, which is its people, and that the City is very quickly losing people. She said that Burlington's intergenerational community fabric is unravelling because there are not enough places for people to live. She said that the Neighborhood Code would be a small step in the right direction, and urged the Council to pass the ordinance.
- Paul Bierman said that the City can protect both housing and the environment, and that they are not mutually exclusive. He spoke a petition from Burlington citizens, which urges the Council to not pass the Neighborhood Code as is and send it back to committee for more public input and improvements. He said that this is not about delay, but about doing this right. He said that improvements could be made to increase affordability, equity, diverse housing options, and the protection of green spaces. He asked the Council to put pressure on UVM, which has created some of the pressures related to the housing crisis.
- Ana Drummond urged the Council to pause on Neighborhood Code and send it back to committee for further consideration and improvements, saying that as written, there will be unintended consequences in that the new code will only benefit developers and investors who can then rent to students at high prices.
- Richard Single asked that the Council postpone voting on the Neighborhood Code until a strong MOU is negotiated with UVM. He said that he supports the underlying ideas of the Neighborhood Code, but that the City needs to first negotiate a strong MOU with UVM, which has contributed to much of the current housing crisis. He expressed concern that as written, the Neighborhood Code would add more housing but have little positive impact for non-student residents. He said that the code could include strong disincentives for adding in housing in the areas around UVM for students, and that the code could also limit infill to only owner-occupied houses.
- Karen Dawson urged the Council to delay the vote on the Neighborhood Code and refer it back to committee for further improvements. She spoke with concern about the proposed development in the Lakeside neighborhood, saying that many residents hadn't heard about it until about three weeks ago.

Non-Burlington residents (in person):

- Keren Sita spoke about the solar eclipse and the presence of God. She also spoke about how people need to treat each other respectfully and allow them to speak the truth.

Forum closed at 7:59 PM.

Mayor Weinberger spoke briefly about his tenure serving the City over the last 12 years. He also acknowledged the work and contributions of the five departing members of the City Council (Councilors Magee, Dieng, Hightower, King, and Paul), as this is their and his last City Council meeting. He thanked them all for their service. Councilors Hightower, King, Magee, Dieng, and Paul also made remarks about their service on the Council, thanking each other, the Mayor, City staff, and their constituents, friends, and families for their work and support during their tenure.

4. CLIMATE EMERGENCY REPORTS

4.1 Verbal Reports

Mayor Weinberger noted that it has been five years since the City adopted the most ambitious climate policy in the country (its net zero energy policy), and he spoke about the number of climate events that have occurred since then. He spoke about the number of activities that Burlington has undertaken and continues to complete in order to attempt to meet its net zero energy goals, including the installation of 2,300 heat pumps and the use of heat pump rebates, hybrid or electric vehicle assistance for qualifying families, and the electrification of the City fleet. He noted that the City is 18% below its 2018 emission levels. He said that with pioneering policy and collective action across the community, it is possible to end our reliance on fossil fuels and save Vermont families and businesses money at the same time. He said that the City announced a new slate of programs and incentives last week, and encouraged the community to look into them.

5. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

5.1 Verbal Reports

Councilor Doherty spoke about the last Public Safety Committee meeting, at which they received the monthly report-out from Police Chief Murad and Fire Chief LaChance. He noted that Chief LaChance's report showed that the monthly overdose response has decreased dramatically from August through February. While a definitive cause has not been identified, Chief Murad and Chief LaChance both spoke about a number of law enforcement activities against out-of-state drug dealers who were supplying the community with xylazine, which is more resistant to Narcan and other overdose prevention drugs. He said that there is speculation that there might be some connection between those enforcement activities and the decline in overdose rates in the community.

Mayor Weinberger spoke about the operations of the Cherry Street shelter, noting that it was open for a total of 10 days. He said that there was very little communication with local communities before the opening of the shelter, and that the City only had about 72 hours of notice prior to its opening. He said that it remained open and was well-used during the winter storm that hit the City this past weekend. He noted that the City had previously advocated for the establishment of a permanent additional shelter at that location in the spring of 2023, and said that he believes it is still needed. He said that without an additional facility, he is concerned about the possibility of a difficult summer with unprecedented levels of unsheltered homelessness. He said that Burlington has been a good local partner in finding alternative shelter options, but said that the burden of this cannot all fall to the City to take action and that the City needs state support.

Mayor Weinberger additionally noted that the Opioid Settlement Advisory Committee also met today, saying that it decided to issue a letter to the legislature endorsed by the Committee to recommend the funding of overdose prevention sites and the use of settlement dollars to fund those sites. He spoke about the importance of using settlement dollars in this way, rather than funding overdose prevention sites through a new or increased tax. He said that the public would likely be more comfortable funding these controversial sites through the use of targeted, restricted funding from opioid settlements than through tax dollars. He also said that the Governor is likely to veto legislation related to overdose prevention sites, as he is not supportive of increased taxes, and funding them through settlement dollars would decrease the likelihood of a veto on those grounds.

Mayor Weinberger finally noted that the City has not heard back yet on whether the state will make funding available for the methadone dosing unit that the City would like to open in downtown Burlington in partnership with the Howard Center. He urged the next Administration and City Council to continue to advocate for this.

Councilor Grant noted that she attended last Thursday's Ward 5 NPA meeting along with a resident of Decker Towers and a community member who has been involved in helping the residents of Decker Tower. She said that they had a discussion about mutual aid in the community and that once the security issues are under control, there could be some improvements made to the building itself. She said that the residents would like to do most of the work themselves, but that they could use donations of art or sweat equity. She said that the Council and community need to look deeper at these issues and ensure it is doing all it can to help both the Police Department and the Fire Department.

6. CONSENT AGENDA

6.1 Motion to adopt the consent agenda (as amended) and take the actions indicated

6.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.

6.3 Communication: R. Marcus West, re: "Smart Enough" Women In Politics And A Test Of Cognitive Function – waive the reading and place the communication on file.

6.4 Communication: Solveig Overby, Burlington, Ward 2, re: Public Forum, City Council Meeting, 3/11/2024 – waive the reading and place the communication on file.

6.5 Communication: Caryn Long, re: Neighborhood Code in Action – waive the reading and place the communication on file.

6.6 Communication: Lakeside Neighborhood Letter – waive the reading and place the communication on file.

6.7 Communication: Kathleen, re: Abusive surveillance cameras – waive the reading and place the communication on file.

6.8 Communication: Kathy & Bill Neilsen; Amy Demarest & Fred Magdoff, re: Please add to your records - Neighborhood Code document – waive the reading and place the communication on file.

6.9 Parking Facilities Fund FY'24 Budget Amendment for Credit Card Service Charges – DPW – approve the attached FY24 Parking Facilities Fund budget amendment dated March 18, 2024.

6.10 Request to execute a Lease Agreement with the Burlington School District for the use of the "South Hangar" as the new home of aviation-oriented education at the Burlington Technical Center – Airport - approve and authorize the leasing of certain identified space, the so-called South Hangar building located at 200 Da Vinci Drive, at the Patrick Leahy Burlington International Airport to the Burlington School District, and to authorize the Mayor of Burlington to execute the lease agreement, subject to final review and approval by the City Attorney's Office.

6.11 CY24 Paving Contract – DPW - 1. Approve and authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments and transfers of funds from the above-referenced funding sources, as further detailed in the attached CY24 paving project budget, as needed to a total of \$1,027,573.00 for the projected construction costs to complete the CY24 Paving Project; 2. Approve and authorize the Director of Public Works, or their designee, to execute a construction contract with Engineers Construction Inc. for the CY24 Paving Project in the amount of \$1,027,573.00, with an additional \$289,628.00 in contingency funds, equaling a total authorized expenditure of \$1,317,201.00, subject to the final review and approval by the Office of the City Attorney.

6.12 Contract Renewal for Continuing Engagement with Burlington Telecom – I&T – approve and authorize the Chief Innovation Officer to execute a five-year contract with Burlington Telecom to provide high-speed internet and phone services in an amount not to exceed a total contract value of \$4,000,000, subject to review and approval by the City Attorney's Office.

6.13 Contract for UKG Payroll and Human Resources Software – HR/I&T - approve and authorize the Director of Human Resources and/or the Chief Innovation Officer to execute a three-year contract with UKG to provide payroll and human resources information technology services

for a total contract value not to exceed \$550,000 (including \$38,000 for implementation and system migration services), subject to review and approval by the City Attorney's Office.

6.14 Contract for TylerTech FireCAD Cloud Migration – Fire/I&T - approve and authorize the Fire Chief and/or the Chief Innovation Officer to execute a three-year contract with TylerTech to provide cloud based FireCAD services for a total contract value not to exceed \$385,000 (including \$75,000 for implementation and system migration services and three years of an annual software and hosting cost of \$89,500), subject to review and approval by the City Attorney's Office.

6.15 Conservation Legacy Fund Request – Open Space Plan Re-Write – DPI - approve up to \$100,000 in Conservation Legacy Fund monies for a comprehensive rewrite of the Open Space Plan as recommended by the Conservation Board and Parks Commission.

6.16 Authorization for a Budget Amendment for Emergency Phase of Sewer Siphon Break Response – DPW – Water Resources - 1. To approve a budget amendment totaling \$50,331.51 of expenses and revenues to the Wastewater Capital Fund 862 by increasing the accounts as described in Table 2 of this memo; and 2. To authorize the use of Fund 480 fund balance and approve an expense budget amendment of \$259,194.44 to the Wastewater Fund 480 by increasing the accounts described in Table 3 of this memo.

6.17 Champlain Street Park Renovations, Contract Amendments – BPRW - approve and authorize the execution of a contract amendment in the additional amount of \$19,950.00 with Waterman Siteworks, LLC, for a contract value not to exceed \$183,794.00 for the Champlain Street Park Renovations Construction project, plus a contingency of \$15,481.09, for a total authorized expenditure not to exceed \$199,275.09; and, to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract amendment and any related documents needed to carry out the project, subject to review by the City Attorney's Office

6.18 Conservation Legacy Fund Discussion – Arms Park Connection to Greenway – BPRW - take the following actions with respect to the Department of Parks and Recreation: To approve and authorize City Council the use of the Conservation Legacy Fund, in the amount of \$101,975, towards improved access, connectivity and amenities in Arms Park from the Burlington Greenway through the newly acquired Elks Property.

6.19 Request to Execute a Contract and Property Use Agreement with Friends of the FRAME – CEDO - approve and authorize the Director of the Community & Economic Development Office to enter into a Property Use Agreement and Contract with Friends of the FRAME for the purposes of ongoing collaboration, activation of the site and development of a Phase 2 capital strategy, with a maximum limiting amount of \$105,000, subject to final review and approval of the City Attorney's Office.

6.20 Indoor and Outdoor Entertainment Permit Renewals (2024-2025): see attached list – approve the 2024-2025 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions.

6.21 Special Event Outdoor Entertainment Permit Application (three days only): BCA, City's eclipse event, April 6 - 8, 2024, Various Hours and Locations - approve the three day only special event outdoor entertainment permit application for BCA, City's eclipse event, April 6 -- 8, 2024, Various Hours and Locations.

6.22 Special Event Indoor and Outdoor Entertainment Permit Application (two days only): Zero Gravity, 716 Pine Street, May 25-26, 2024 - approve the two day only special event indoor and outdoor entertainment permit application for Zero Gravity, 716 Pine Street, May 25 - 26, 2024.

6.23 Tobacco License and Tobacco Substitute Endorsement Renewals (2024-2025): see attached list - approve the 2024-2025 Tobacco License and Tobacco Substitute Endorsement Renewals as listed.

6.24 Assessor's office final grand list reports – City Assessor – approve the corrections as presented.

6.25 Communication: Richard Single, re: Neighborhood Code & UVM-MOU need to be considered jointly - waive the reading and place the communication on file.

6.26 Communication: Sharon Bushor, re: Neighborhood Code - waive the reading and place the communication on file.

6.27 Communication: Michael Long, re: Neighborhood Code: Please Return to Committee for Necessary Revisions - waive the reading and place the communication on file.

6.28 Communication: Tom & Diane Freiheit, re: Neighborhood Code to be sent back to committee - waive the reading and place the communication on file.

6.29 Communication: Ashton MacKenzie, re: In support of the Neighborhood Code - waive the reading and place the communication on file.

6.30 Communication: Jason Van Driesche, re: support the Neighborhood Code - waive the reading and place the communication on file.

6.31 Communication: Caryn Long, re: Save Our Neighborhoods - waive the reading and place the communication on file.

6.32 Communication: Kate Kruesi, re: Please support the Neighborhood Code as proposed - waive the reading and place the communication on file.

6.33 Communication: Lorinda Button, re: Neighborhood Code – vote yes! - waive the reading and place the communication on file.

6.34 Communication: Paul Bierman, re: Petition – waive the reading and place the communication on file.

6.35 CityPlace Burlington – Encumbrance Application – Bank and Cherry Street Right-of-Way – DPW - approve and authorize the Second Amendment to the Construction Encumbrance License Agreement between the City and CityPlace Partners, dated October 2022, requesting to extend the term date to expire April 1, 2025, and to further recommend that the City Council authorize the Mayor to enter into a Second Amendment of the License Agreement with the Applicant for use of the right-of-way outlined in Attachment E, subject to review by the City Attorney's Office.

6.36 Request to Execute a Contract with Utile for the South End Coordinated Redevelopment Public Realm Design – CEDO - approve and authorize the Director of the Community & Economic Development Office to execute the contract with Utile for the design of the public realm elements of the South End Coordinated Redevelopment, with a cost up to \$133,000 subject to final review and approval by the City Attorney's Office.

6.37 Department of Public Works – Main Street and Winooski Ave Parking Lot – Encumbrance Permit Request – DPW - approve the Encumbrance Application for the parking lot located at the intersection of Main Street and S. Winooski Ave requesting use of the lot and parking spaces for construction activities and equipment staging, and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

6.38 Communication: C/T Office, re: February 12, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.39 Communication: C/T Office, re: February 12, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.40 Communication: C/T Office, re: February 12, 2024 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.41 Communication: C/T Office, re: February 12, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.42 Communication: C/T Office, re: February 26, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.43 Communication: C/T Office, re: February 26, 2024 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.44 Communication: C/T Office, re: February 26, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.45 Communication: Douglas R. Viehmann, re: Proposed Neighborhood Code – waive the reading and place the communication on file.

6.46 Communication: Evan Litwin, Housing Board of Review, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Evan Litwin thanking him for his time served as a member of the Housing Board of Review.

6.47 FIO Documents – for information only.

6.48 Resolution: Release Of Certain Glebe And Perpetual Lease-Land Interests And Revision Of The City Of Burlington Perpetual Lease Land Interests List (Councilor Traverse) – waive the reading and adopt the resolution.

6.49 Resolution: Creation Of A Sister City Relationship Between The City Of Burlington And Thies East Senegal (Councilors Dieng, Traverse, Bergman, Paul, Shannon, Barlow, Carpenter, Grant, Doherty, King) – waive the reading and adopt the resolution.

6.50 Resolution: Establishing A Sister City Relationship With The Kuyalnick Community Of Ukraine (Councilors Traverse, Paul, Doherty, Barlow, Carpenter, King, Shannon) – waive the reading and adopt the resolution.

6.51. Communication: Mary Gade, re: Neighborhood Code - waive the reading and place the communication on file.

6.52 Communication: Michael Long, re: Neighborhood Code: Send It Back to the Drawing Board - waive the reading and place the communication on file.

6.53 Communication: Kason Hudman, re: Support for Neighborhood Code Change - waive the reading and place the communication on file.

6.54 Communication: Evan Gould, re: Neighborhood Code Support Petition - waive the reading and place the communication on file.

6.55 Communication: Ry Sherman, re: Please Pass the Neighborhood Code on Monday! - waive the reading and place the communication on file.

6.56 Communication: Jak Tiano, re: Assessment of and Support for the Neighborhood Code - waive the reading and place the communication on file.

6.57 Communication: Jake Twarog, re: Fwd: Neighborhood Code Must Pass! - waive the reading and place the communication on file.

6.58 Communication: Colin Larsen, re: 3/25 Comments: Support the Neighborhood Code - waive the reading and place the communication on file.

6.59 Communication: Midori Little, re: Please pass the Neighborhood Code for a sustainable future in Vermont - waive the reading and place the communication on file.

6.60 Communication: Benjamin Cooley, re: Please pass Neighborhood Code - waive the reading and place the communication on file.

6.61 Communication: Ashley Dembinski, re: Support for Neighborhood Code - waive the reading and place the communication on file.

6.62 Communication: Chris Yuen, re: In support of Neighborhood Code - waive the reading and place the communication on file.

6.63 Communication: Tim Stevens, re: Support for Neighborhood Code - waive the reading and place the communication on file.

6.64 Communication: Evan Gould, re: Support for the Neighborhood Code (Responses) - Form Responses 1-2.pdf - waive the reading and place the communication on file.

6.65 Communication: Paul Bierman, re: Petition with 303 signatures to send Neighborhood Code back to Committee for refinement - waive the reading and place the communication on file.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to approve the consent agenda as amended and take the actions indicated for items 6.1-6.65.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1 Indoor Entertainment Permit Application (2024-2025): Taco Gordo, 208 North Winooski Avenue

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2024-2025 Indoor Entertainment Permit Application for Taco Gordo, 208 North Winooski Avenue with all standard conditions.

VOTING: unanimous; motion carries.

7.2 Indoor Entertainment Permit Application (2024-2025): Tank Studio, Inc. (Tank Recording Studio), 322 North Winooski Avenue

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2024-2025 Indoor Entertainment Permit Application for Tank Studio, Inc. (Tank Recording Studio), 322 North Winooski Avenue with all standard conditions.

VOTING: unanimous; motion carries.

7.3 Resolution: Green Mountain Transit Funding (TEUC)

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Barlow said that this a topic that the TEUC has taken up for two years in a row, and that sustainable funding for GMT is particularly significant now that GMT is facing a fiscal cliff. He said that in Fiscal Year 2026, GMT will have a significant shortfall and that the only way they have to address it without securing additional funding is to cut 29% of their service. He said that the TEUC has been working with the legislative delegation to support ideas on how to make funding more sustainable.
- Clayton Clark, the General Manager of GMT, noted that urban transit and public transit systems across the country are struggling, and cost pressures have been amplified by the pandemic. He said that costs have increased by 34%, despite a 10% reduction in service and a 19% reduction in administrative staffing. He noted that COVID relief funding will sunset in Fiscal Year 2026, and that with an already-lean budget, GMT doesn't have the room to cut anything other than service. He noted that the 20% match rate that Burlington provides to GMT shows its commitment to public transit and the social and climate equity that it provides.
- Director Spencer said that it is incumbent on the Burlington community to lead in this action, as other municipalities have signaled that they will follow suit.
- Councilor Bergman said that said he is proud of the work that the TEUC and this Council to bring awareness of GMT's plight to Montpelier. He said that with Neighborhood Code and increased density, the City must have a vibrant and healthy public transit system.
- Councilor Hightower spoke about the high level of service and consistent schedules of the bus system, and said that she is supportive of the Council taking strong action to support GMT.
- Councilor Carpenter spoke in support of this resolution, saying that there are some potential solutions on the table, such as a tax on a driver's license, or increased rental car fees. She said she hopes that all potential viable solutions are considered, as Chittenden County needs public transit and to find a solution to this funding issue.

VOTING: unanimous; motion carries.

7.4 Resolution: Housing Trust Fund (HTF) Administrative Updates (Councilors Carpenter, Magee)

MOTION by Councilor Magee, SECOND by Councilor Carpenter, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Magee said that this resolution acknowledges both the housing crisis and the depleted federal resources that had previously been used to continue to support the City's housing initiatives, and that the City needs to adapt and

figure out how to support some of these initiatives moving forward. He said that with additional revenue sources going toward the City's Housing Trust Fund, this is an appropriate time to explore this change.

- Director Pine said that this seeks the Council's approve to do two things: firstly, to approve the ability for CEDO to use the administrative component of the Housing Trust Fund (i.e., staff) for services related to those experiencing homelessness, and secondly, to refer an item to the Ordinance Committee for the ability to use trust fund dollars more flexibly, since they are currently restricted to be put toward permanent, affordable housing (and shelters are not permanent).
- Mayor Weinberger said that he is sympathetic to the ideal of using the Housing Trust Fund to support permanent affordable housing, but that the City is completely overwhelmed in terms of its housing needs. He noted that the vacancy rate has been under 1% for years and that the City does not have adequate shelter capacity, despite having opened three new shelters in the community. He said that in the short term, the City needs to put staff and funding resources into shelter in a way that is not currently allowed under the Housing Trust Fund Ordinance. He said that the Special Assistant to End Homelessness position was created and funded through federal dollars, which are sunseting, and that the Housing Trust Fund is well-funded and will be for years to come, in part due to the short-term rental revenue that is now being generated, through action taken by this Council.
- Councilor Carpenter said that as an advocate of the Housing Trust Fund, this is a change that is needed at this point in time and is absolutely critical. She agreed that further administrative support for human services is also something that constituents have cited as a continued need in the City, to better coordinate with the State's Agency of Human Services.
- Councilor Hightower expressed support for this, and for diverting a higher proportion of Housing Trust Fund specifically toward supporting people who are experiencing homelessness and prioritizing permanent shelter for those who are experiencing homelessness.
- Councilor Dieng asked about feedback from the recipients of this funding. Director Pine replied that they receive applicants for this funding for brick and mortar construction costs, as well as request for operating funds to provide capacity grants. He said that the administrative component of this would ensure that the City can bolster its capacity to continue administer grants through this program.

VOTING: unanimous; motion carries.

7.5 Request to Accept and Execute a Federal Aviation Administration (FAA) Grant for design, construction manager at risk coordination and selection, pricing, construction, inspection, and construction of the North Concourse Replacement Project "Project NEXT" – Airport

MOTION by Councilor Carpenter, SECOND by Councilor King, to approve and authorize the Director of Aviation to execute a grant from the Federal Aviation Administration to accept an amount up to \$34,000,000.00, with a 15% contingency, totaling up to \$39,100,000.00, as allowed under the grant, for design, construction manager at risk coordination and selection, pricing, construction inspection and construction of the North Concourse Replacement Project "Project Next", subject to review and approval by the City Attorney's Office.

DISCUSSION:

- Aviation Director Longo began by saying that this is a request to accept a large Federal Aviation Administration grant to accomplish a number of things. He said that first and foremost, this includes the safety of the airport, given that the airport needs to accommodate larger aircraft landing and approaching the gates, and that they need more space adjacent to gates and more room inside the terminals to handle this increased volume of passengers.
- Councilor Barlow expressed support for this, saying that it is a good addition to BTV.

- **Councilor Bergman said that Airport staff are attending tomorrow night's TEUC meeting and presenting their airport emissions report, noting the importance of considerations on getting a handle on airport emissions as an important component of combating the climate crisis.**
- **Councilor Dieng expressed thanks to the airport and its staff for their continued ability to secure federal dollars for the Burlington International Airport, as well as their ability to run the airport with an eye to climate change and climate change innovation and technology.**
- **Mayor Weinberger noted that this grant would not have been possible without the support of former Senator Leahy, given that this is a Congressionally directed spending item.**

VOTING: unanimous; motion carries.

7.6 Public Hearing Regarding ZA-24-02 Neighborhood Code/ZA-24-02 Neighborhood Code Amendments 1-6
City Council President Paul opened the public hearing.

COMMENTS:

- Colin Hilliard spoke as the Deputy Director of the Burlington Business Association, saying that the BBA supports the Neighborhood Code proposal. He said that his organization represents businesses across Burlington, the majority of which will say that affordable housing and diverse housing types are critical to moving Burlington forward. He urged the Council to pass the zoning amendment as is tonight. He spoke about the number of public engagement opportunities on this proposal that he has attended since 2022, and said that this zoning amendment is critical to retaining younger residents and renters in the City. He noted that when Minneapolis passed zoning amendments to target missing middle housing, it allowed the City to evolve.
- Peter Lachowski said that the City needs affordable housing, and that to get that, a policy intervention at the State and City level are needed. He said that this amendment will allow a great deal of money to be made, and that the City can get a much better deal out of that if it uses its leverage now to negotiate a situation where more affordable housing is made. He said that if the proposal passes tonight, the negotiating power of the next administration and City Council will be significantly weakened.
- Jean Heller urged the Council to send this proposal back to committee to be worked on further. She pointed out that upzoning creates value for developers and landowners, and that it is the City's job and right to get the best deal out of it for its residents. She said that the City can make a better deal than the deal currently on the table, and that one of the problems with the current proposal is that there is nothing specific in it to link it to some kind of inclusionary zoning. She said that UVM is also likely eagerly awaiting the passage of this, because it wants the City to house its students, and the City simply cannot do that anymore.
- Evan Gould noted others' comments that the current proposal does not include affordability, but he pointed out that the City's Comprehensive Development Ordinance includes provisions for inclusionary zoning, noting that inclusionary zoning is triggered in aggregate and across developments by a single developer, if they build five or more units. He spoke about the Wright Avenue proposal as the type of housing that the Neighborhood Code is supposed to enable. He urged the Council to pass the proposal tonight.
- Colin Larson said that there is a misconception about existing lot coverage in the City, saying that if the City were razed and built to today's current code standards, the City would have significantly less housing than it does now, particularly in the Old North End. He said that in some neighborhoods, over 55% of the buildings already exceed lot coverage limits according to current standards. He said that it isn't accurate to say that this is a huge departure from what has historically been built in Burlington. He said that downzoning in both 1973 and 1994 created the single-family housing that the City has today and reduced flexibility to account for future growth, which is why the City is in its current predicament. He urged the Council to pass the Neighborhood Code tonight.
- Gordon Dagoon spoke about a number of articles in the late 1970s that were critical of the creation of a pedestrian Church Street Marketplace, saying that the current critics of the Neighborhood Code seem similar. He said that sending the proposal back to

committee would only allow the housing crisis to fester for another 6 to 12 months and then result in a proposal very much like the current proposal. He urged the Council to have confidence in the City's Planning Department and to support the proposal on the table tonight.

- Mary Kehoe urged the Council to follow process as much as possible. She noted that many community members have felt as though there hasn't been enough public process, and that it is important to give people this process and the confidence that things have been done correctly. She urged the Council to refer this back to the committee for further input.
- Ryan Frink spoke about his neighborhood in the New North End, saying that many of the affordable units and developments wouldn't be allowed to be built under current regulations. He said that the City needs to roll back some of these very tight zoning restrictions to allow for more affordable housing development. He urged the City to pass the Neighborhood Code tonight, as the first of many steps to strengthen social housing.
- Dan Castrigano urged the Council to pass the Neighborhood Code, given the urgency of the housing crisis. He said that though it is not equitable, the current regulations are even less equitable.
- Tim Stevens said that the City needs to do as much as it can to improve housing availability in the City. He said that though affordable housing isn't within the scope of this proposal, by increasing supply of housing and relying on the City's inclusionary zoning requirements, the City will realize more affordable housing over time. He noted that Champlain Housing Trust and other nonprofit developers will be able to take advantage of this amendment just as well as for-profit developers.
- Marek Broderick spoke in support of passing the Neighborhood Code. He said that he supports making residential medium the floor for density in the City, as well as Councilor Traverse's amendments. He also agreed with arguments around equity concerns, and urged the Council not to carve neighborhoods out of the ordinance, because that sets dangerous and inequitable precedents.
- Jak Tiano said that sending the code back to committee would be a mistake for two reasons: one, that most of the objections raised are external to the code itself and are rooted in falsehoods, and many of the biggest oversights are already mitigated by existing ordinances and are mitigated well; the second, that slowing down the process to hear every objection and try to anticipate them all will only lead to unfocused, watered-down policy.
- Erhard Mahnke urged the Council to refer this back to committee, or, barring that, to pass it with amendments as presented tonight and postpone portions of it for six months so that it can be further worked on and improved. He said that upzoning is a good solution, but that this proposal goes too far too quickly.
- Michael Monte said that the Neighborhood Code embraces economic development, social equity, and environmental justice. He said that this proposal won't solve the housing crisis or create affordable housing automatically, but it will create the opportunity to create a variety of housing that is currently missing. He urged the Council to pass the proposal tonight and make adjustments down the road as needed.
- Andy Montroll said that over the last 30 years, housing has not worked for so many people in the community. He said that what has struck him during this conversation about the Neighborhood Code is the difference in voices and the difference in the generational voices that have been heard, noting that younger residents have said that Burlington housing doesn't meet their needs. He said that the Neighborhood Code is intended to ensure housing that works in Burlington for the generations to come.
- Lee Morrigan spoke in support of the Neighborhood Code, saying that Burlington is the first city they have lived in that people who grew up here can't afford to live here. They said that the City is at the convergence of multiple crises, and one of the solutions is more housing. They said that the type of building that needs to occur will require a cultural shift on how the City examines its systems as a whole, and particularly how it looks at sociological changes.
- Sharon Bushor (via Zoom) said that spoke about the missing middle housing, saying that what is still missing is the inclusion of affordable units, as well as an incentive to create family housing. She said that the Neighborhood Code should also include a commitment to the lake and to the environment, as well as a validation of the data that was compiled for this proposal. She said that

there was also not adequate time for public input. She urged the Council to postpone action on this but to still take action on it during 2024.

- Ashley Adams (via Zoom) expressed support for the Neighborhood Code proposal, saying that it is the most viable path for solving the City's housing crisis and homelessness problems. She said it is important to also recognize this as an important piece of climate legislation, as it increases density within City limits and would reduce greenhouse gas emissions from cars as fewer people would need to commute within the City. She expressed support for amendment 3, which would support and preserve the wildlife habitat.
- Carlos Esquivel (via Zoom) spoke in favor of the Neighborhood Code, saying that the City needs more density to be more environmentally friendly.
- Michael Arnold urged the Council to vote in support of the Neighborhood Code proposal. He noted that exclusionary zoning plays an exacerbating role in almost every crisis the State is facing, such as the housing shortage, homelessness rate, climate crisis, and racial wealth gap. He also noted that UVM Medical Center paid \$120 million in unexpected costs last year due to wage premiums for travel nurses, in part because current housing codes have made it impossible for them to fill full-time nursing positions.

City Council President Paul closed the public hearing.

7.7 Ordinance: Comprehensive Development Ordinance ZA-24-02 Neighborhood Code, Part 2 (Office of City Planning, Planning Commission, Council Ordinance Committee)(3rd reading)

MOTION by Councilor Traverse, SECOND by Councilor Carpenter, to waive the reading and adopt the ordinance.

DISCUSSION:

- **Councilor Traverse began by acknowledging the housing crisis in Burlington and noting that the Mayor-elect reached out to the Council over the weekend and encouraged the Council to take action tonight on this proposal. He then briefly outlined the various joint meetings between the Planning Commission and Ordinance Committee where this proposal was developed and discussed, and noted that the Office of City Planning held multiple public engagement sessions on this over the last number of months. He noted that this proposal has come to the Council with unanimous support from the Planning Commission, as well as support from affordable housing developers, such as Champlain Housing Trust and Habitat for Humanity. He said that it will allow for new neighborhood-oriented housing opportunities and smaller multi-unit buildings. He said that changes that come from the Neighborhood Code should be incremental, and is designed to preserve the existing characteristics of neighborhoods. He spoke about how regulations would still be in place to allow for development to conform to requirements. He spoke about how people have turned down job opportunities in Burlington due to the housing crunch. He said that he will be supporting amendments that address concerns, and will be introducing an amendment to delay the effective date provisions that would allow for secondary buildings on lots.**

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Doherty, to move the proposed amendments #1 and #2 as listed on the CEDO website.

DISCUSSION OF AMENDMENTS:

- **Councilor Hightower noted that the two amendments are to reduce the lot coverage proposed in RM from 60% to 55% and to reduce the maximum number of units in RM per building from 6 to 4, to allow 8 units instead of 12 units. She acknowledged that the City could have engaged the public better when this proposal was in the Ordinance Committee, but that she thinks that the right balance was struck was this ordinance with these compromise amendments. She said that she supports continued strengthening of the City's inclusionary zoning requirements. She said that allowing smaller**

units is a move forward affordability, and that this proposal allows for smaller units. She also spoke about how increased infill will increase the tax base and decrease everyone's taxes.

- Councilor Bergman expressed support for these amendments, saying that they help improve the RM zones. He said that even with these two amendments, the RM zone is being upzoned (and he is in favor of that), but that in light of the community tension that exists, these amendments are a good compromise.
- Mayor Weinberger said that Burlington is a great small city, but it has problems with high rent, unaffordable housing, and homelessness. He said that tonight represents a chance to fix the broken land use policies of the 70s and 90s. He noted that he included this as part of his Housing Action Plan, and is heartened by the work done on this over the last 2 years. He said that if passed tonight, this represents the first time in 70 years that zoning regulations will make it easier to build housing in Burlington, not more difficult. He urged the Council to pass the Neighborhood Code tonight.

VOTING ON AMENDMENT: 11-1 (Councilor Grant dissenting); motion carries.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Doherty, to move proposed amendment #3 as posted on the CEDO website.

DISCUSSION OF AMENDMENT:

- Councilor Hightower said that this is in response to public comments about concerns around fauna hot spots. She said that this would connect the Intervale and Salmon Run to Centennial Woods. She said that this would ensure that that wildlife hot spot and corridor is protected while the City's Planning Office works on a more detailed plan for the protection of wildlife corridors in conjunction with the Parks Department. She said that this amendment would change a section of Colchester Avenue's zoning to include this as a wildlife corridor. She said that she supports the creation and preservation of public green space in the City.
- Councilor Shannon asked if this area is a documented wildlife corridor that is being actively protected in other ways. Director Tuttle replied that this is an interim solution while the City works to more accurately and precisely document wildlife corridors rather than relying on public-reported wildlife sightings.

VOTING ON AMENDMENT: 11-1 (Councilor Grant dissenting); motion carries.

MOTION TO AMEND by Councilor Doherty, SECOND by Councilor Hightower, to move proposed amendment #4 as posted on the CEDO website.

DISCUSSION:

- Councilor Doherty said that this would amend the proposed zoning maps to apply the newly-defined residential low district to the area bounded by North Willard Street, Mansfield Avenue, Archibald Street, and Pearl Street, except for the first 200 feet of depth on properties with frontage on Pearl Street between North Willard and North Prospect Streets, because these are in the proposed residential corridor district. He said that a 1% vacancy rate is unacceptable and has a negative and perverse impact on every point of the socioeconomic spectrum in Burlington. He said that the Neighborhood Code is a much-needed effort to address the City's housing crisis, though he does not agree with the end results of this process tonight. He said that many members of the community have raised concerns about the process by which this proposal was developed, and features of the code, such as parking, water, wildlife, and affordability, which he thinks all warrant more consideration. He said that the most significant issue that isn't addressed in this code is the incredible pressure this community faces from undergraduate student housing needs. He said that the crisis has been

exacerbated by the failure of UVM to build student housing commensurate with its enrollment increases. He said that this amendment was made to address that some neighborhoods bear this burden more than others.

- Councilor Hightower said she would be supporting this amendment, though she does not normally agree with carving certain neighborhoods out of zoning regulations. She said that this section of the City in question currently has some of the highest numbers of students and that it deserves special treatment until the City figures out a better relationship with UVM.
- Councilor Grant said that amendments 1 and 2 eliminate the need for amendment 4. She said she understands the stresses that her Ward 1 neighbors are under, because the concerns of the Old North End are also very similar to the concerns that Ward 1 has. She said that there is a mass exodus of people in their late twenties and early thirties leaving Burlington, and that the generational disagreements in how this code is being looked at is interesting to her. She said that there are pressures on the Old North End, Ward 5, and Ward 8, because these include neighborhoods closest to UVM and UVMMC, which are the biggest employers in the state. She said that while this code can't control capitalism, it can help improve the supply side of the housing market. She spoke about the misperception that UVM students are all wealthy, and shared statistics about wealth levels of off-campus students. She said that she cannot support carve-outs in the Neighborhood Code.
- Councilor Traverse expressed support for this amendment, though reluctantly. He said that 68% of the lots in these neighborhoods already exceed RL density, so they wouldn't qualify for any further buildout.
- Councilor Dieng said that this carve-out issue is what will water down this amendment, and he cannot support it.
- Councilor Shannon said she identified this neighborhood as one she is concerned about, knowing the pressures especially around absentee landlords. She said there are misperceptions about what the change from RM to RL really means. She said that people think this means that there won't be dramatic changes allowed in an RL neighborhood, but in fact Neighborhood Code dramatically changes RL. She said that in this neighborhood, one would still be able to take a single-family home and turn it into a four-plex, and, if the lot is big enough, be able to have more accessory lot coverage. She said that this amendment doesn't make a big change, and she will support it.
- Councilor King expressed support for this amendment.
- Councilor Grant said that these neighborhoods would further benefit from an executed MOU with UVM, but that the City does not have that and doesn't know when it will.

VOTING ON AMENDMENT: 8-4 (Councilors Bergman, Dieng, Grant, and Magee dissenting); motion carries.

MOTION by Councilor Magee, SECOND by Councilor Bergman, to suspend the rules and complete the remainder of the deliberative agenda.

VOTING: unanimous; motion carries.

MOTION TO AMEND by Councilor Grant, SECOND by Councilor Bergman, to move the amendment #5 as listed.

DISCUSSION:

- Councilor Grant said that this amendment relates to addressing equity issues. She said that there are sections of the South End and New North End that are being exempt from the RM density within the Neighborhood Code. She said that these are areas that have the most potential for growth, but would be carved out from this increased density classification. She said that this amendment would make RM density the floor or minimum for the entire City.

- Councilor Bergman said that he has been pushing for the removal of RL as a density classification in the City for the last two years. He said that RM should be the standard for the City, and upzoning the entire City is the most equitable thing to do.
- Councilor Shannon said that this proposal would upzone the entire City without a doubt, with or without this amendment. She said that these zoning changes could be windfalls for those who live in RL zones.
- Councilor Doherty disagreed that equity equates to treating all neighborhoods the same. He said that one goal of the Neighborhood Code was to recognize the unique situations and pressures for each diverse neighborhood.
- Councilor Traverse said that now that action has been taken to amend the code to allow up to 8 units in RM and RL, the largest difference between the two is their maximum lot coverage requirements.
- Councilor Grant said that though this upzoning could result in windfalls for property owners, there are no windfalls for renters, and that is an equity issue.

VOTING: 5-7 (Councilors Barlow, Carpenter, Doherty, King, Shannon, Traverse, and Paul dissenting); motion fails.

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Magee, to move amendment #6 as listed.

DISCUSSION:

- Councilor Traverse said that this amendment would add language to the City's Development Ordinance to allow the City the right to deny a property owner a building permit if they have outstanding unresolved minimum housing violations.

VOTING: unanimous; motion carries.

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Shannon, to move amendment #7, which would take the amendments of the Neighborhood Code that allow for a secondary structure within the RL and RM zones to be effective on October 1, 2024.

DISCUSSION:

- Councilor Traverse said that this addresses concerns by constituents about some of the current Neighborhood Code language around secondary buildings, and will allow the Planning Commission to work on improving the language around this in the ordinance prior to this component going into effect.
- Councilor Shannon said that she has been opposed to the process around developing this Neighborhood Code and fast-tracking its development and approval, given that she feels that further public input and support are warranted. She said that this compromise amendment allows her to support this full package, and allows the City to continue to review a number of the issues that have come up tonight and at other public forums around this proposal.
- Councilor Doherty expressed support for this amendment, as a compromise between passing the Neighborhood Code tonight and sending the entire proposal back to Committee.
- Councilor Hightower said that she will gladly support this compromise amendment.

VOTING: 10-2 (Councilors Grant, and Magee dissenting); motion carries.

DISCUSSION ON ORDINANCE AS AMENDED:

- Councilor Bergman noted that there are still a number of areas identified for further work by the Ordinance Committee, including around affordability, wildlife corridors, parking, green space, infrastructure impacts, and solar orientation. He asked the Planning Office what the process will look like for continued work on these areas in the context of the

Neighborhood Code. Planning Director Tuttle replied that there are likely to be several different processes that will follow this work. She noted that this is currently Part 1 of the Neighborhood Code proposal, and Part 2 will include work on the cottage courts and other issues identified, such as above. She said that she will be happy to work with the Planning Commission and Ordinance Committee on an approach for next steps on this work.

- Councilor Dieng expressed support for this package of amendments.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (12 ayes, 0 nays); motion carries.

8. COMMITTEE REPORTS

8.1. Verbal reports
None.

9. CITY COUNCIL – GENERAL AFFAIRS

9.1. Verbal reports
None.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports
None.

11. MAYOR – GENERAL AFFAIRS

11.1. Verbal reports
None.

12. ADJOURNMENT

12.1 Motion to Adjourn

MOTION by Councilor Magee, SECOND by Councilor King, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 11:07 PM.

RScty: AACoonradt

**BURLINGTON CITY COUNCIL
ORGANIZATION DAY
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 1, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Katherine Schad
Lori Olberg
Joe Magee
Charity Clark
Nick Leddy

1. CALL TO ORDER and AGENDA

The meeting was called to order by Chief Administrative Officer Schad at 6:04 PM.

MOTION by Councilor Bergman, SECOND by Councilor Traverse, to adopt the agenda.

VOTING: unanimous; motion carries.

2. MAYOR - OATH OF OFFICE

2.1 Swearing In Of Mayor

Vermont Attorney General Clark administered the oath of office and swore in Emma Mulvaney-Stanak as the Mayor of Burlington.

3. MAYOR'S STATE OF THE CITY ADDRESS

3.1 Mayor Presents State of the City Address

Mayor Mulvaney-Stanak began by welcoming community and state leaders, as well as members of the community. She thanked outgoing City Councilors for their service to the City, and welcomed newly-elected City Councilors to the table. She spoke about her love of Burlington and how she shares the anxiety felt by many about the unravelling of the sense of community over the last several years. She noted the collective sentiments of hope and readiness to address the City's challenges and renew its sense of community. She spoke about the complex challenges associated with homelessness, addiction, and mental health that cause suffering to many in the City, as well as the related crises of affordability and the availability of safe and stable housing. She additionally spoke of the challenges associated with closing a \$9 million budget gap for Fiscal Year 2025. She said that these crises can be addressed through thoughtful engagement and collaboration, and that she is confident that together, the City can find solutions to make Burlington a vibrant and resilient community for years to come.

Mayor Mulvaney-Stanak spoke about community safety as one of her top priorities. She said that all members of the community deserve dignity, respect, and support from the City. She said that in her first few months as Mayor, she will work to break down silos to ensure that work can continue to confront these challenges in a collaborative and cohesive manner. She said that they will work together to develop a Citywide strategy to coordinate community safety work in the coming weeks, as well as establish a dedicated Special Assistant to the Mayor on Community Safety. She said that she will look to continue initiatives established by the prior administration that have been working, and thanked Mayor Weinberger for his efforts to combat the overdose crisis in Burlington. She thanked the Burlington Fire Department for their efforts to develop a Community Response Team, as well as ongoing efforts by the Police Department to develop the BTV CARES Initiative. She spoke about the importance of harm reduction strategies, such as establishing overdose prevention centers in Vermont (and specifically in Burlington) once related legislation passes. She spoke about the importance of increasing investment and coordination across the continuum of care to support those struggling with addiction. She spoke about the importance of more housing on all levels, from low barrier shelters to affordable permanent housing. She said that several community safety initiatives have shown early promise, but that asking first responders to continue working additional hours isn't sustainable. She expressed gratitude to all City employees who have been on the front lines of these crises, including dedicated staff at the Fletcher Free Library. She spoke about collaborating with City staff, the Howard Center, and the University of Vermont Medical Center to bolster mental health and harm reduction capacity in the community's safety system. She also spoke about rebuilding the Police Department to address Burlington's needs, including staffing of social workers, sworn officers, and first responders. She spoke about collaborating to support the Community Justice Center to prevent and respond to crime and ensuring that victims receive ongoing support.

Mayor Mulvaney-Stanak spoke about the need to ensure that Burlington addresses its affordability issues. She said that the City must make every effort to ensure that Burlingtonians, particularly low-and-middle income residents, are not priced out of the City. She said that she is committed to working with City staff to develop a budget that maintains the level of service that Burlingtonians deserve, while doing everything possible to minimize the impact on working people. She spoke about several tools to do this, including lessons provided by an ongoing operational study and creative structured solutions for long-term affordability. She said that she is committed to providing transparency, clear community, and as many opportunities for engagement as possible throughout the remainder of the budget development process.

Mayor Mulvaney-Stanak said that racism, identity-based hate, and violence have no place in the City. She said that they must work to create safe spaces for productive dialogue on divisive issues, removing transphobic stickers from public spaces as soon as they appear, condemning

acts of hate swiftly, and coming together as a community to show up for impacted people. She said that the City's Racial Equity, Inclusion, and Belonging Department will play a key role in this, and will be supported throughout these efforts to foster an inclusive community.

Mayor Mulvaney-Stanak then spoke about the work needed to address the climate crisis. She spoke about resilience on many fronts, including those of farmers in the Intervale who persevered after the flooding of last summer. She said that the latest report by the Burlington Electric Department was encouraging, showing that the City's climate metrics have begun to trend downward again. She said that to continue this progress, the City needs to take bold action and think broadly about how to align climate goals with all major City decisions, such as housing and urban development.

Mayor Mulvaney-Stanak ended by asking for the Council's partnership to ensure that public conversations create a space for open, honest, and difficult conversations in the years ahead, as well as looking forward to strengthening partnerships with legislators at the State level to advance the important issues that Burlington is facing. She thanked City staff for their tireless work on behalf of the City's residents, businesses, and visitors.

4. OATH OF OFFICE – NEWLY ELECTED AND RE-ELECTED CITY COUNCILORS

4.1 Swearing In Of Newly Elected and Re-elected City Councilors

Mayor Mulvaney-Stanak swore in newly elected and re-elected City Councilors Bergman, Broderick, Carpenter, Kane, Litwin, McKnight, Neubieser, and Traverse.

5. PUBLIC COMMENT

5.1 Verbal Comments

None.

6. ELECTION OF CITY COUNCIL PRESIDENT

6.1 Election of City Council President

Chief Administration Officer Schad called for nominations for City Council President.

MOTION by Councilor Carpenter to nominate Ben Traverse as City Council President.

DISCUSSION:

- **Councilor Carpenter spoke about the work embodied by former City Council President Paul that the Council should represent and serve those in the City as its primary duty, and said that Councilor Traverse will uphold and carry on this guiding philosophy and high standard. She said that Councilor Traverse is a clear leader on the Council and is able to grasp and analyze issues quickly, as well as thoughtfully presents the issues to other Councilors and the public. She said that he is respectful of others' views, is fair in this position, and works hard to try and forge consensus.**

There were no other nominations.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, Councilor Traverse – aye (10 ayes, 2 nays); motion carries.

City Council President Traverse congratulated newly-elected and re-elected City Council members and Mayor Mulvaney-Stanak. He said that the Council will strive to partner, collaborate, and find common ground where it can in its work this session. He said that all Councilor voices will be vital to the work this session. He emphasized the importance of transparency in government, and committed to working with Mayor Mulvaney-Stanak to ensure that there are ample opportunities to engage the public throughout the Council's work this session. He spoke about the importance of ensuring that the Council fosters a welcoming and inviting space for all members of the community at its meetings. He also spoke about working to ensure that service on the Council is as accessible as possible for future generations of City Councilors.

7. ELECTION OF BOARD OF FINANCE MEMBERS

7.1 Election of Board of Finance Members

City Council President Traverse called for nominations to the Board of Finance.

MOTION by Councilor Bergman, SECOND by Councilor Grant, to nominate Councilors Kane, Carpenter, and Barlow to the Board of Finance.

There were no other nominations.

VOTING: unanimous; motion carries.

8. ADJOURNMENT

8.1 Motion to Adjourn

MOTION by Councilor Bergman, SECOND by Councilor Grant, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 6:49 PM.

RScty: AACoonrad

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 15, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Ben Traverse
Tim Doherty
Melo Grant (at 6:10 PM)
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Katherine Schad
Kim Sturtevant
Lori Olberg
Brian Pine
Erik Ramakrishnan
Jamie Feehan
Darren Springer
Brian Pine
David White
Chapin Spencer
Laura Wheelock
Madeline Suender
Nathan Lavery
Michael LaChance
Kyle Blake

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:02 PM.

MOTION by Councilor Carpenter, SECOND by Councilor Neubieser, to adopt the agenda.

VOTING: unanimous; motion carries (Councilor Grant absent for vote).

2. COMMUNICATION: ERIK RAMAKRISHNAN, ASSISTANT CITY ATTORNEY, BRIAN PINE, CEDO DIRECTOR, KATHERINE SCHAD, CAO, AND SCOT BARKER, I&T DIRECTOR, RE: DISCUSSION OF REAL ESTATE NEGOTIATIONS REGARDING POTENTIAL SALE OF CITY PROPERTY AT 200 CHURCH STREET (VERBAL) **EXPECTED EXECUTIVE SESSION**

2.1. Communication: Erik Ramakrishnan, Assistant City Attorney, Brian Pine, CEDO Director, Katherine Schad, CAO and Scot Barker, I&T Director, re: Discussion of real estate negotiations regarding potential sale of City property at 200 Church Street (verbal) **expected executive session** (30 mins.)

Director Pine said that this pertains to the potential sale of 200 Church Street. He noted that the City acquired the space in 2005 to provide office space and a location for Burlington Telecom's network operations center. He said that the City retained ownership when Burlington Telecom's assets were transferred in 2014 to a holding company created to allow the City sufficient time to resolve the legal and financial issues facing Burlington Telecom at the time. He noted that two-thirds of the building is leased by the City to Burlington Telecom for approximately \$10,000 per month, and that the remaining space houses office space for the Human Resources department and a portion of the Community Justice Center. He noted that the annual operating expenses for the building are approximately \$65,000. He noted that the CJC will be relocated in 2025 to a building through an agreement with Champlain Housing Trust and that the City will work to relocate its human resources functions. He noted that the company that owns Burlington Telecom has a practice of owning the buildings in which it houses its subsidiaries, as well as making investments and improvements to those buildings. He said that the asset purchase agreement between the City and Burlington Telecom provided BT with the right of first refusal or a purchase option on the 200 Church Street building. He said that though it may seem advantageous for the City to sit on the property and allow it to grow in value prior to selling, ultimately, the end buyer will likely be Burlington Telecom. He noted that the building has a number of systems that are beyond their useful life and would require investment in upgrades, including the HVAC system and the roof of the building. He noted that there are no reserve funds available for capital improvement projects such as this, and that the City does not have the bonding capacity to borrow the fund for investment in this building.

Councilor Grant asked if the City could retain the building if it chose not to sell it now. Director Pine replied that the City could keep the building until 2034, which is when the purchase option is available to Burlington Telecom.

Councilor Broderick asked for further details around the \$850,000 to \$1.2 million cost estimate to replace the HVAC system. Director Pine replied that the estimate was provided by facility staff in the City based on their knowledge of replacing similarly-sized systems. Councilor Broderick asked whether the City has examined alternative options, such as a federal or state programs to replace the HVAC system in a cheaper way. Director Pine replied that typically, it is in the City's best interest to make upgrades when it owns buildings. However, there is a trade-off if the City knows it will ultimately end up selling the building, and it may not be in its best interest to make the public investment in the building if a private entity has the option to buy it. He said that the City hasn't pursued more creative ways to fund the investment, given that there are other pressing City capital needs.

Councilor Neubieser asked whether the HVAC system upgrades entail replacing ductwork as well. Director Pine replied that he is unsure if it entails ductwork in addition to the air handling units and distribution system and pumps. Councilor Neubieser asked if the City has conducted an analysis of how much the building may be worth in 2034 and what the increase in value may look like. Director Pine replied that it is

challenging with commercial properties to estimate future value, given the impact that Covid has had on the value of office space. Councilor Neubieser expressed reluctance to sell off public assets, especially given potential federal support and grants for efficiency upgrades for infrastructure. Director Pine replied that when the federal government looks at requests for funding for public assets, it typically looks at buildings that are wholly public assets, whereas two thirds of this building are currently being leased to a private entity, which makes this less competitive for federal grants. Chief Administrative Officer Schad noted that the grants team has prioritized this to pursue funding, and that they have not been successful in finding grants for municipal buildings, especially for buildings that are partially leased by private entities.

Councilor Kane asked whether the City has determined what the return on investment might be if it made capital improvements. Director Pine replied that owning a building of this type would require a longer-term lease than what remains in this 10-year lease period in order to see a return on investment of this level. He confirmed that the ballpark estimate for the HVAC system could include the cost of installing a heat pump and making improvements to the building envelope. Councilor Kane said that it seems as though the City would be selling the building at a low point and that commercial values may rise, given the amount of development that is beginning that had previously been delayed. Director Pine replied that the City approached the lessee on this transaction, not the other way around.

MOTION by Councilor Carpenter, SECOND by Councilor Shannon, to enter into executive session to discuss real estate negotiations in connection with 200 Church Street, pursuant to 1 V.S.A. 313(a)(2), to include the Mayor, Chief of Staff, legal counsel, the CEDO Director, the Chief Administrative Officer, and the Chief Innovation Officer.

VOTING: unanimous; motion carries.

3. LEGISLATIVE UPDATE – JAMIE FEEHAN

3.1 Legislative Update – Jamie Feehan

Jamie Feehan of Primmer Piper Eggleston & Cramer began by speaking about the legislative priorities identified by the Mayor's Office and City Council. He noted that activity is picking up in Montpelier with an eye toward adjournment of the session, which should occur in mid-May. He noted several must-pass bills coming out of committee, including the Fiscal Year 2025 budget bill, which is about to be voted on by Senate Appropriations. He noted that many policy bills that had previously been standalone pieces of legislation will ultimately end up in the budget bill. He said that in terms of specific Burlington issues, one item making its way through the legislature is the municipal charter changes for this year, which includes expanding BED's line of credit for liquidity and capital purposes, as well as the municipal charter changes from last year, which include just cause/no cause evictions. He noted that a study to look at just cause evictions was added by the House to a separate housing bill (H829) and is currently in Senate committee for review. He noted that the funding source for this and other housing improvement measures is controversial, because it's attached to a personal income tax increase.

Councilor Carpenter asked whether the housing improvements items will die if the Senate chooses not to fund them through an increase in personal income taxes. Mr. Feehan replied that the budget will contain the housing improvement items, but it is unclear how much funding will be available to put toward these items within the budget construct. Councilor Carpenter asked for an update on Act 250 and delegated authority. Mr. Feehan noted that the House passed H687, which creates tiers for Act 250 review based on certain criteria and encourages growth in urban areas that are suitable for it and discourage growth in more rural areas. He said that under this bill, Burlington would fall under Tier 1A, which designates it as an areas suitable for growth. He spoke about the timeline for this bill, saying that it would have implementation steps in 2025 and go into effect in 2026. Mr. Feehan also noted that the FY25 budget has several tens of millions of dollars directed toward emergency housing and general assistance, as well as a separate bill (H879) that would modernize the General Assistance Program to make it more transparent and predictable.

Mr. Feehan then spoke about public transit issues and developments. He said that the annual transportation bill is another must-pass bill, as it appropriates funding in the transportation sector for various modes of transportation, infrastructure, and administration. He noted that the bill includes \$1 million in one-time bridge funding for Green Mountain Transit to address its financial uncertainties, which is contingent upon resumption of fares, discussion with other transit agencies about more efficient commuter routes, and examining its own administrative efficiencies. He also noted that the transportation bill includes between \$4.5-\$7 million in federal carbon reduction funds, which can be used for capital purchases for electric vehicles for fleets.

Mr. Feehan then spoke about issues related to substance use disorder treatment and prevention. He noted that the Senate Health and Welfare Committee is anticipated to vote on H72, which would set up an overdose prevention center pilot in Burlington, and would be funded by \$1.1 million from the State's Opioid Settlement Fund.

Councilor Broderick asked if there have been discussions in the legislature regarding a path forward on returning to fare free public transit through GMT. Mr. Feehan replied that there was a recent study looking at funding of transit in Vermont, which was driven by declining revenues for GMT (which were primarily due to the move to fare free transit during Covid). He noted that there was a \$500,000 appropriation to rural transit services to keep them fare free. He said that GMT needs a more predictable and stable funding source in the future. Councilor Broderick asked what options have been looked at for that future stable funding source, and Mr. Feehan replied that options included increasing the motor vehicle registration fee, changing the structure of the motor vehicle registration fee, a tax on the home delivery of goods in excess of \$100, and other types of user fees. He noted that the legislature is also examining the transportation fund more generally, given declining revenues from the gas tax.

Councilor Neubieser said that he hopes the City continues to emphasize the importance of those at the top paying their fair share, particularly when all are faced with record property tax hikes. He also asked for an update on climate initiatives in the legislature. Mr. Feehan said that he will create a section in his written reports to the Council on climate-related bills and begin providing updates.

Councilor Litwin spoke about some of the conversations on the Opioid Settlement Fund Advisory Committee, noting that there was \$800,000 in cuts to prevention measures, which was coming out of the opioid abatement special fund, and that Dr. Levine had said that these cuts violate state law. Mr. Feehan said he would look into this further and report back.

Councilor Grant asked about potential proposed cuts from the Governor for more prosecutor support for the State's Attorneys Office that would be funded through tax increases. Mr. Feehan noted significant commitment from the legislature to fund the judiciary to help deal with the backlog of cases. He spoke about H880, which would fund increased judiciary support through an increase in the corporate income tax and remove several Vermont deductions at the federal level for corporations. He said he anticipates that the Senate version of the budget bill will include funding.

Councilor Kane asked if the short-term rental tax at the state level would pre-empt Burlington's local ordinance on short-term rental fees. Mr. Feehan replied that it would be unaffected and that the surcharge would be in addition to what is currently collected. He said that it would set the property tax rates and yields for the next fiscal year and has a 1.5% surcharge on short-term rentals, which is estimated to generate around \$6 million to help buy down the education fund increase, thus reducing overall property tax increases. Councilor Kane noted that he would also like to see more climate-related policy updates. He said that Minnesota has created a number of initiatives related to networked geothermal program pilots and a rebate program and would like to know if Vermont is pursuing similar initiatives. He said he would also appreciate being briefed on universal childcare efforts.

Councilor McKnight expressed support for legislative efforts to ban ghost guns, and asked whether it is likely that that bill will pass. Mr. Feehan replied that the chances of it passing are very good, and the House has proposed amending the bill to prohibit possession or carrying of firearms at polling places.

4. PUBLIC FORUM: TIME CERTAIN: 7:00 PM

4.1. Verbal Comments

Forum opened at 7:05 PM.

COMMENTS:

Burlington residents (in person):

- Steve Goodkind spoke about BED's Net Zero Energy Plan, noting that one required element of its CO2 emissions reporting is absent. He reminded the Council that as part of the District Energy resolution, BED was required to begin reporting CO2 stack emissions from McNeil Energy Plan in its climate change reports, as well as their effort to mitigate them. He said that it is imperative that the Council require BED to include these statistics in its reporting.
- Nick Persampieri said that Burlington needs a new climate policy and needs to transfer responsibility for development of climate policy away from BED, which is the number one emitter of greenhouse gases in the state. He said that responsibility should be translated to another City department. He said that the City's net zero energy policy is flawed in that it focuses on reducing fossil fuel emissions, not all greenhouse gas emissions, and that it only focuses on the heating and ground transportation sectors, rather than all sectors.
- Lena Greenberg said that there are a number of things that the City can do right now to combat climate change, but that there isn't time to study things and delay further meaningful action.
- David Maher spoke about the importance of a motivational push and spoke about the YMCA as a potential option for housing as the City looks to curb homelessness within the community.
- Greg Hancock spoke about BED and the negative health impacts of CO2 emissions, noting that the McNeil Plant is the largest emitter of greenhouse gases in the state, with more than 400,000 tons annually emitted. He spoke about other gases emitted from McNeil, including nitrous oxides, carbon monoxide, and VOCs (volatile organic compounds).
- Romeo van Hermann spoke in support of the Fire Department's Community Response Team (CRT) pilot program, saying that it has emerged as an indispensable asset to the City to address its opioid crisis. He said that the continuation of this service is prudent and vital. He said that long-term investment in the CRT program signals commitment to the well-being of the City and its community members.
- Ashley Adams spoke about the Net Zero Energy road map, which touts itself as a climate action plan while ignoring 80% of Burlington's emissions. She said that scientists have said that the world needs to switch to non-combustion sources of power, rather than renewables like wood. She noted that the McNeil Plant is the largest stationary source of greenhouse gas pollution in the state. She said that burning wood emits more carbon pollution than all fossil fuels, and even if the City switched to burning fossil fuels, it would allow trees to continue to sequester and store more carbon, support biodiversity, mitigate flooding, and clean the water and air. She urged the City to shut down the McNeil Plant.
- Nolan Rogers said that he is thankful that Burlington has a utility that is partially owned by the City and said that it generally is doing a good job. He said that he would like more transparency and documentation from BED around its net zero energy updates.
- Jane McDougal spoke about the Memorial Auditorium, saying that it needs a new heating system and asked when the City will get the auditorium fixed.
- Jack Hanson spoke about the Net Zero Energy roadmap, saying that it doesn't go far enough to reduce emissions in Burlington. He said that the City has only reduced emissions by 18% and is almost halfway to 2030, and said that the City is off to a slow start. He

urged the Council to pass and implement more robust policies. He said that the City needs building performance standards to drive down emissions.

- Ryan Hagan said that accounting around the City's climate action plan needs to be more comprehensive and that the climate emergency is the biggest challenge both globally and locally for policymakers.
- Dan Castrigano noted that the Biden Administration just approved the Sea Port Oil Terminal off the coast of Texas, which will be new fossil fuel infrastructure to export 2 million barrels of oil every single day. He urged the Council to follow through on their campaign promises to take action. He said that the City needs a new net zero energy plan that includes emissions from the McNeil Plant and the Airport, and it needs to decouple that plan from the City's energy utility.
- Jackson Walsh said that not enough is being done by the City in terms of climate action, and urged the Council to do more.
- Chris Gish spoke about the Net Zero roadmap, saying that by BED's own statistics, the City is behind where it needs to be in order to meet the goals it set in the roadmap by 2030. He said that BED has said that it does not expect to meet net zero energy goals even by 2040 and that they are expecting electrification to meet national trends. He said that the net zero energy roadmap should be discarded and that net zero means reducing greenhouse gas emissions, not reducing fossil fuel usage in some sectors while ignore most of the emissions in others. He noted that the McNeil Plant and Airport on their own emit more than the total carbon budget included in the roadmap itself. He said that a new entity needs to coordinate a new plan and needs to be held accountable by a citizen advisory board.
- Lee Morrigan urged the Council to extend the funding for the Fire Department's CRT program. They said that early results show that the pilot is working. They spoke about their own experience with getting clean and sober, saying that the experience is much different now than it was when they went through it.

Non-Burlington residents (via Zoom):

- Keren Sita expressed hope that the new Mayor will issue a proclamation for Black people as quickly as there was a proclamation created on behalf of LGBTQ people.

Forum closed at 7:36 PM.

5. NET ZERO ENERGY BURLINGTON, VERMONT PRESENTATION – BED

5.1 Net Zero Energy Burlington, Vermont Presentation – BED

General Manager Springer began by providing an overview of the Burlington Electric Department (BED), noting that it has been the City's public power utility since 1905, is the third-largest electric utility in Vermont, serving over 21,000 customers, and has 123 employees. He noted that 100% of BED's power is from renewable generation, and has been since 2014.

He said that the purpose of this presentation is to discuss the Net Zero Energy Roadmap, which has a vision of making Burlington a net zero energy City 2030 by eliminating fossil fuel usage across electric, thermal, and ground transportation sectors. He said that the goal is the most ambitious local climate change plan in the country. He said that the roadmap focuses on these sectors because they are two biggest sources of emissions in the state and country. He said that the roadmap is updated annually, and he provided highlights from the annual update. He said that greenhouse gas emissions in ground transportation and thermal/buildings sector have decreased by 18.2% between 2018 and 2023. He said that this has primarily been driven by a decrease in natural gas consumption. He said that Burlington's progress is ahead of the state and national pace for this metric, and he spoke briefly about initiatives to date that have supported this progress (renewable heating ordinance, incentives for climate-friendly solutions, etc). He noted that coming out of the pandemic, they have seen a sustained trend in reduced vehicle miles traveled, which is in part due to remote or hybrid work arrangements. He highlighted several incentives and rebate programs, including for heat pumps and electric vehicles or plug-in hybrids. He spoke about City and national trends in emissions reductions

and natural gas consumption from 2018 through 2023. He spoke about next steps in net zero energy for BED, including new programs launching more green incentive programs, expanding outreach and engagement to increase equitable access to programs, the beginning of the City's carbon fee ordinance, working with buildings on decarbonization, and implementing the Clean Heat Standard.

Councilor Barlow asked about the new EV incentives that were noted, and the timing of them and how they would work. General Manager Springer replied that the incentives include either \$250 or \$500 boosts for customers who are driving the most miles. He spoke about working through issues with the EV rate, where customers were inadvertently not receiving credits. Councilor Barlow asked about extending the carbon pollution impact fee to buildings less than 50,000 square feet, and absent that extension, he asked what BED is doing to work with those buildings. General Manager Springer replied that they convened a group of building owners and tenants and listening to them about what they are doing, and BED learned that those tenants and owners are interested in learning more about geothermal and other commercial sector heat pumps, which is why BED has begun holding webinars on them.

Councilor Broderick asked about rental weatherization, noting that it is a Department of Permitting & Inspections (DPI) initiative. He asked what BED's role is in how the rental weatherization ordinance is being followed through on, and asked about collaboration between BED and DPI. General Manager Springer spoke about collaboration between BED and DPI, saying that BED was heavily involved in the development of that policy and continues to offer technical assistance to DPI. He also noted that Vermont Gas is one of the other prominent partners in this to help support weatherization of buildings. Councilor Broderick asked if there is regular reporting on greenhouse gas emissions from sources such as biomass. General Manager Springer replied that the McNeil Plant's data is reported publicly to the federal government and that those emissions are tracked.

Councilor Neubieser asked about the target emissions reduction for 2023 and what the emissions would be if the City were on the trend line. General Manager Springer replied that if the City were on the 2030 trend line, there would be 137,000 metric tons of emissions (and the City is currently at about 175,000 metric tons). Councilor Neubieser noted that BED discussed challenges related to workforce development and making progress on rental weatherization, and said that the Council should consider prioritizing investing in workforce development as it relates to the City's climate agenda. He then spoke about reporting, and requested that instead of comparing Burlington's emissions to national trends that Burlington to be compared to similar cities, such as Ithaca, New York, to make more meaningful comparisons. General Manager Springer noted that one challenge in making comparisons like that is that not every city has the same timelines for their reduction goals, but he will take this request back and explore what comparisons are feasible and can be provided. Councilor Neubieser also requested more frequent reporting on polluting energy in all sectors, including at the McNeil Plant and the Airport.

Councilor Kane asked about the 175,000 tons of emissions and whether that includes the Airport, and asked for further specifics about what that does include. He also asked how BED is proposing to close the gaps in emissions reductions where the City isn't on target. He said he would follow up with General Manager Springer offline for a response.

6. CLIMATE EMERGENCY REPORTS

6.1 Verbal Reports

None.

7. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

7.1 Verbal Reports

Councilor Grant encouraged Councilors to review the written legislative update, because it discusses a number of important public safety-related items, such as strengthening state statute around car theft, and funds being allocated to various forms of harm reduction. She said that she has been working to obtain a more detailed update on Decker Towers, which she will share at the next City Council meeting.

Councilor Doherty spoke about a March 29, 2024 letter that was sent to the previous City Council and previous Mayor regarding a letter from a law firm on George Street, thoroughly documenting a year-long list of criminal activity that this business has been subjected to. He noted that the letter requests consistent and immediate police presence in the George Street/Elmwood Avenue area. He urged Councilors and the Mayor to review this request. He also noted communication from the owner of the Thorn & Roots restaurant, which was recently vandalized.

Councilor Barlow spoke about the Thorn & Root incident, saying that with the warming weather, the City can anticipate an increased frequency of this type of activity. He said that the City needs to do a better job supporting its business community during this crisis, and needs a clear plan for patrolling the streets, challenging anti-social behaviors, and enforcing the City's rules.

Councilor Neubieser highlighted the four public reports related to this agenda item, which include the Police Chief's report, the Fire Department April Commission Report, the Fire Chief's Commission Report, and the Burlington Fire Department's Community Response Team (CRT) program data. He said he looks forward to working with the Mayor to make sure that the Council and public understand this data and what it conveys.

Councilor Grant noted that the Public Safety Committee meeting is this Thursday at 6:00 PM and includes a call-in option to attend virtually.

Mayor Mulvaney-Stanak highlighted the work of the Community Justice Center in bridging the gap between the incident of harm and the victims. She also spoke about the arson attempt at Senator Sander's office and the increased targeting of elected officials.

8. CONSENT AGENDA

8.1 Motion to adopt the consent agenda and take the actions indicated

8.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.

8.3 Communication: C/T Office, re: February 12, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.4 Communication: C/T Office, re: February 12, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.5 Communication: C/T Office, re: February 12, 2024 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.6 Communication: C/T Office, re: February 12, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.7 Communication: C/T Office, re: February 26, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.8 Communication: C/T Office, re: February 26, 2024 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.9 Communication: C/T Office, re: February 26, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.10 Budget Neutral Amendment making adjustments based on recent budget to actual – C/T - approve and authorize the City’s Chief Administrative Officer or their designee, to execute a budget amendment to reduce the CT budget by \$700,000 and to reduce expenses by a total of \$700,000 in the CT, REIB, CA, and Assessor departments, per the attached form.

8.11 Waterfront Overnight Security Contract – BPRW - authorize the contract with Green Mountain Concert Services to provide waterfront overnight security services for a total contract amount not to exceed \$138,000 and to authorize Cindi Wight, BPRW Director to execute the contract and any related documents, subject to review by the City Attorney’s Office.

8.12 Lease for the Spirit of Ethan Allen – BPRW - approve and authorize the lease of the assigned area shown in the map in Attachment A to Green Mountain Boat Lines through 12/31/2028, in substantial conformance with the existing lease terms and the updated terms as detailed herein; and, to further authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney’s Office.

8.13 Champlain Parkway – City of Burlington and Champlain Water District MOA – DPW - authorize the Director of Public Works or his designee to execute the Memorandum of Agreement with Champlain Water District, for the purposes of delineating the Parties’ respective rights and obligations with respect to CWD’s existing easement that was recorded in the City of Burlington Land Records on March 19, 1984 and City’s easement originally executed on November 7, 1988.

8.14 Approval to Execute Master Lease – C/T - approve and authorize Katherine Schad, Chief Administrative Officer, or designee to execute a Tax-Exempt Lease Purchase with NBT Bank for the amount of \$1,092,704 with an annual payment of \$177,454 to be paid out of Water Resources and Recycling Budgets within the approved Fiscal Year 2024 Budgets subject to review by the City Attorney’s Office.

8.15 FY23 City of Burlington TIF District Reports to the Vermont Economic Progress Council (VEPC) – waive the reading, accept the communication, and place it on file.

8.16 Burlington Electric Department Memorandum of Understanding for CityPlace Public Improvements – DPW - authorize the Director of Public Works to execute a Memorandum of Understanding with the Burlington Electric Department in an amount up to \$311,237 for construction of street lighting associated with the CityPlace Public Improvements project, subject to the review and approval of the City Attorney’s Office.

8.17 Authorization to Execute a Contract with Corrosion Products & Equipment for the Rebuild of Three Finished Pumps at Water Plant – DPW – Water Resources - authorize the Director of the Department of Public Works to award a contract with Corrosion Products & Equipment for up to \$182,500 to complete the rebuilding of the Water Plant’s three (3) Vertical Turbine finished pumps, subject to the final review and approval of the City Attorney’s Office.

8.18 Authorization to Execute a Contract with Hallam ICS for Supervisory Control and Data Acquisition (SCADA) System Upgrade at Water Point – DPW – Water Resources - authorize the Director of the Department of Public Works to award a contract with Hallam-ICS for up to \$110,000 to complete the SCADA upgrade scope at the Water Plant, subject to final review and approval of the City Attorney’s Office.

8.19 Annual Report on Livable Wage Ordinance for FY24 – City Attorney’s Office – waive the reading, accept the report, and place it on file.

8.20 Communication: Thea Knight, BRV Member, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Thea Knight thanking her for her time served as a Member of the Board for Registration of Voters.

8.21 Fletcher Free Library Commission Report - waive the reading, accept the report, and place it on file.

8.22 Annual Report from Winooski Valley Park District – waive the reading, accept the report, and place it on file.

8.23 Agreement Letter – City of Burlington & the Burlington Housing Authority – Mayor’s Office - waive the reading, accept the communication, and place it on file.

8.24 Communication: Ben Traverse, City Council President, re: Standing Committee Appointments - waive the reading, accept the communication, and place it on file.

8.25 Communication: R. Marcus West, re Various Communications - waive the reading and place the communication on file.

8.26 Communication: Jackson McCormick, re: Drug Use - waive the reading and place the communication on file.

8.27 Communication: Erhard Mahnke, re: Neighborhood Code Comments 03/25/24 - waive the reading and place the communication on file.
8.28 Communication: Paul Bierman, re: Neighborhood Code Comments 03/24/24 - waive the reading and place the communication on file.
8.29 2024-2025 Tobacco and Tobacco Substitute Endorsement Renewals: see attached list - approve the 2024-2025 Tobacco and Tobacco Substitute Endorsement Renewals as listed
8.30 2024-2025 Indoor and Outdoor Entertainment Permit Renewals: see attached list - approve the 2024-2025 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions.
8.31 Memorandum of Agreement Between Burlington Fire Fighters Association (BFFA) and the City of Burlington regarding Retention Bonus, Article 10.5A of the Collective Bargaining Agreement (FY220FY25) - CAO, HR, and Fire - 1. Approve and authorize the Fire Chief to execute on behalf of the City, the propose Memorandum of Agreement; and 2. Authorize the Chief Administrative Officer, or their designee to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the proposed retention bonuses.
8.32 FIO Documents - for information only.

MOTION by Councilor Shannon, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 8.1-8.32.

VOTING: unanimous; motion carries.

9. DELIBERATIVE AGENDA

9.1 Resolution: Authorization for Refinancing City of Burlington's \$18,840,000 General Obligation Waterfront Tax Increment Note, Series 2023 (Board of Finance)
Director Pine began by noting that the City holds Waterfront TIF District debt in a note as opposed to a bond, in the amount of \$18,840,000. He said that the Amended and Restated Development Agreement (ARDA) obligated the City to refinance the note, as the dollars are needed for public improvements. He said that the City borrowed this money and placed it in an account, where it also earned money (positive arbitrage). He said that this note matures at the end of May and that the City needs to refinance it, which it would do by going out with a request for proposals to see what the best interest rate and term is that the City can get. He said that this would buy the City more time to ensure that the financing is available, should it be needed, but that ultimately, this money would be converted into permanent financing through a bond. He spoke briefly about a few unknown variables, such as the totality of the whole CityPlace project, which means that the City does not know exactly how much it needs to borrow through bonding. He said that until the City knows the total cost of the north portion of the project and the pricing for the public improvements, it won't be able to convert to a more permanent financing mechanism. He said that this refinancing poses no risk to taxpayers and that there are safeguards in place to protect the City within the ARDA.

David White of White & Burke Real Estate Advisors began by noting that his firm has been involved in tax increment financing (TIF) throughout the state. He said that his role is assisting municipalities in getting TIF districts set up, obtaining the necessary approvals, and helping to negotiate the agreements between municipalities and developers within TIF districts.

Mr. White spoke about debt refinancing for the Waterfront TIF District. He began by noting that Burlington has two TIF Districts (the Waterfront and Downtown TIF districts). He spoke briefly about how TIF works, saying that it establishes a geographic area to incentivize development and that municipalities borrow money to invest in infrastructure that makes it possible to do projects that would otherwise be infeasible. He said that the municipality then looks at the assessed value of the district at the beginning of the district and uses the incremental value above that original value to pay the debt service on the debt the municipality incurred to pay for the infrastructure improvements. He said that through this mechanism, the burden does not fall on taxpayers. He said that 75% of the revenue that comes

from the increased value in the TIF district goes to finance TIF debt and that the other 25% goes to the state's education fund. He spoke briefly about the history of the Waterfront TIF District, saying that it was established in 1996, that most of it ends in FY25, and that the legislature extended 3 parcels to 2035 (these largely correspond to the Burlington Town Center mall area and what is currently under construction for CityPlace). He spoke about the previous infrastructure projects in the Waterfront TIF District, including the bike path, Lake Street, Westlake & Lakeside garages, the fishing pier, and the Moran Frame. He spoke about the CityPlace Development Agreement, saying that they include the Pine and St. Paul Street rights-of-way, that the City will pay for public infrastructure and incremental property taxes from CityPlace pay the debt service, and that there are numerous protections in place within the agreement for the City. He spoke about what the agreement commits the City to, which includes reconnecting Pine and St. Paul Streets and improving Bank and Cherry Street to Great Street standards. He spoke about the property values in the Waterfront TIF District, saying that the original taxable value in 1996 was \$42 million and that it is currently valued at \$151 million, representing an incremental value of \$109 million. He said that the CityPlace Phase 1 rough estimated value is \$115 million and the CityPlace Phase 2 estimate is \$60 million. He said that in terms of taxes and debt, when most of the district ends in FY25, \$800,000 per year will begin to be added to the General Fund and older debt will be paid off, and at the end of FY35, the remainder of the district ends and an estimated \$1.4 million per year will be added to the General Fund, and that all debt will be paid off at that time. He then spoke about refinancing the current note, which matures on May 31, 2024. He said that the current proposal is to refinance for a second year and then go out for a long-term bond after the CityPlace incremental values are known, construction pricing is known, and interest rates become more favorable.

MOTION by Councilor Carpenter, SECOND by Councilor Grant, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Grant noted that past state audits on the City's TIF District accounting had some findings, and said that it would be good for the City to ensure that future audits do not have similar findings.**

VOTING: unanimous; motion carries.

9.2 Burlington – Winooski Bridge Finance and Maintenance Agreement Acceptance BF RAIZE(2) – FM0449 – DPW

Director Spencer said that this item and the next item relate to two generational investments and their finance and maintenance agreements with state and federal partners. He said that though the Winooski Bridge is owned equally by Burlington and Winooski, both the state and federal government are prepared to fund the majority of both of these projects. He noted that Winooski has already approved a bond for their local share of the project and that they are also voting on their finance and maintenance agreements tonight. He said that the City is committed to ongoing stakeholder engagement with stakeholders and the public for the project.

Senior Engineer Wheelock said that this project includes the replacement of the Winooski Bridge as well as the reconfiguration of the Colchester/Barrett/Riverside/Mill intersection. She said that the two projects are federally separate, and that the timeline for bridge construction is to begin in June 2026 and complete the project by 2030. She said that to minimize disruption to the two communities, they are pushing to complete the intersection project on the same timeline. She noted that VTTrans procured a consultant and kicked off the project with community engagement through public meetings, surveys, local outreach, and visiting different local pop-up opportunities such as farmers markets to talk about the project with the public. She spoke about the new bridge and its features, which will include separated bike/pedestrian facilities from vehicles, and will maintain four travel lanes and added shoulders. She said that the width of the bridge would increase from the current 57 feet to 76 feet. She spoke about pursuing an on-alignment bridge design versus a shifted alignment bridge design (which would be curved). She said that though the shifted alignment design would entail a longer-duration detour during construction, it would allow for natural traffic calming and the potential to have a under-bridge path in Burlington. She spoke about the intersection project, saying that it is lagging slightly behind the bridge project, and they are currently looking at how to advance designs that balance the needs of

all roadway users to maximize safety and the capacity of the intersection. She said that DPW will continue to refine the project by continuing outreach, evaluating alignment, and working through the intersection arrangement.

Councilor Neubieser asked for confirmation that the finance and maintenance agreements do not obligate the City to design alternatives as they relate to exact dimensions. Senior Engineer Wheelock confirmed this, but said that it requires the City to keep the commitments previously made to both projects. Councilor Neubieser said that one prominent request he has heard from constituents is the desire for a roundabout, and Senior Engineer Wheelock replied that the consultant team reviewed a roundabout alternative and determined that it is not functionally feasible in this location, given the high volume of traffic, the constraints posed by the river and dam, and a large list of federal regulations related to constructing near the dam. Councilor Neubieser expressed support for separated foot and bicycle lanes.

Councilor Kane asked about the possibility to extend the bridge width to 77 feet. Senior Engineer Wheelock replied that VTrans is also supportive of extending the width to 77 feet and are working to ensure that it fits, both in terms of geometry as well as permitting. She noted that there will be an increased cost for widening the bridge by another foot. Councilor Kane asked about what the City's obligations are in the event that it does not give final approval for a design. Senior Engineer Wheelock said that the finance agreement comes with a number of clauses on what the City is liable for under various circumstances. Councilor Kane asked about design flexibilities and whether the community could request a 10.5 foot lane and still remain in compliance with the grant funding, and Senior Engineer Wheelock replied that a 10.5 foot lane is possible but requires a waiver of a federal standard, and that both communities have expressed a desire for 10.5 foot lanes on the straight alignment configuration.

Councilor Grant asked that the Council and public be given the opportunity for input when a contractor is selected and a final design is proposed.

Councilor Doherty said it will be important for this project to communicate to the public why a rotary is not feasible or physically possible for this project, given the high level of community interest in it.

Councilor McKnight asked when the public can anticipate seeing the next version of the plan related to the bridge. Senior Engineer Wheelock replied that there is another meeting on Thursday. Councilor McKnight asked how the project has evolved and become more focused on bicycle and pedestrian safety. Senior Engineer Wheelock replied that the project moved from a 12-foot shared use path on the downstream side to a 15 foot allocated use path on the downstream side. She spoke about how it was determined that a separated bike facility path is infeasible.

MOTION by Councilor Barlow, SECOND by Councilor Broderick, to 1. Authorize the Director of Public Works to execute the FM0449: Standard Finance and Maintenance Agreement for Federal-Aid Projects, Burlington-Winooski BF RAIZ(2) from the Vermont Agency of Transportation for design and construction of the Winooski Bridge with the funding split for this project being 80% Federal, 10% State, 5% Burlington, and 5% Winooski; and 2. Authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the above-referenced project expenses in FY24 and Overall Project Budgets, as further detailed in Attachment 2.

VOTING: unanimous; motion carries.

9.3 Colchester/Riverside/Barrett/Mill Intersection Finance and Maintenance Agreement Acceptance: Burlington STP 5000(29) – DPW

See discussion in item 9.2 above.

MOTION by Councilor Barlow, SECOND by Councilor Carpenter, to 1. Authorize the Director of Public Works to execute the FM0477: Standard Finance and Maintenance Agreement for Federal-Aid Projects, Burlington STP 5000(29) from the Vermont Agency of Transportation for design and construction of the Colchester/Riverside/Barrett/Mill Intersection with a VTrans commitment to cover 100% of eligible project costs; and 2. Authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the above-referenced project expenses in FY24 and Overall Project Budgets, as further detailed in Attachment 2.

VOTING: unanimous; motion carries.

9.4 Resolution: Authorization for Reimbursement from Public Improvement Bonds for School District Capital Improvements for Integrated Arts Academy (Board of Finance)

Finance Director Lavery began by speaking about the Integrated Arts Academy resolution, which would allow the school district to reimburse itself for the costs of the project once bonding takes place. He said that more broadly, there are three major ways that the school district can access bond funding to support infrastructure projects. These include an annual \$2 million authorization that the school district uses every year, a \$19 million voter-authorized bond from 2017 which was envisioned at the time as part of a larger \$39 million effort to improve school district facilities over a ten year period, and the more recent \$165 million bond for the project to replace the high school and technical center. He said that the high school and technical center project are being funded by that large bond, but also through some of the money allocated to the capital plan. He said that federal funding became available to help with qualifying infrastructure projects, and that because the IAA project includes a major HVAC component, it qualified for \$10 million of federal funding. He also spoke about a project at Rock Point in partnership with the Episcopal Diocese, where the school district is renovating space and entering into a long-term lease (and he noted that this project does not require any debt to accomplish). He spoke about a project at the Airport where the school district leased a hangar for a component of its technical center programming. He said that the IAA project will displace students for the next school year but noted that the project will allow significant upgrades to occur at IAA in the near-term and prevent the project from being split into multiple phases, which would entail further displacement in future.

Councilor Doherty expressed support and gratitude for these needed capital improvements at IAA.

MOTION by Councilor McKnight, SECOND by Councilor Barlow, to waive the reading and adopt the resolution.

VOTING: unanimous; motion carries.

9.5 Burlington Fire Department Community Response Team (CRT) – Fire

Fire Chief LaChance said that this item seeks to continue funding the CRT program, which began in October of 2023 with an allocation of \$182,598 for a 6-month pilot.

Councilor Grant said that as the City continues to put forth solutions to combat its drug crisis it needs data-driven programs, and that this program has been successful so far. She said that as the City moves into a difficult budget environment, they should think about how this program saves wear and tear on larger Fire Department vehicles, which are significantly costlier to replace.

Councilor Litwin said that from a prevention lens, this type of success is rarely seen so quickly. He said that the type of relational work that goes into this takes time to play out and that six months isn't enough time to have a successful pilot of this nature, and that he will continue to support this pilot and program to ensure its success.

Burlington Fire Fighter's Association (BFFA) President Blake said that the membership of BFFA has been extremely willing to engage in this pilot and that they are appreciative of the Council's continued support for the program. He said that in addition to reducing the strain on the Fire Department's vehicles, this program also attempts to address strain on the human capital of the frontline workers in this department. He said that this program helps to reduce strain on employees and reduce burnout.

Councilor McKnight said that from a systems perspective, the Fire Department is extremely innovative, and said she would like to work collaboratively to take this model and study how it was successfully implemented, and potentially implement models like this in other departments across the City.

MOTION by Councilor Grant, SECOND by Councilor Litwin, to approve and authorize the Chief Administrative Officer to make any and all necessary budget amendments to allocate the use of the assigned Opioid Money Fund to support operating costs of the Fire Department Community Response Team until funds are exhausted with a budget not to exceed the original approval of \$182,598.00; and, to further authorize the extension of the CRT pilot program through the end of City Fiscal Year '24 and \$10,000 contingent upon available funding or the end of available funding.

VOTING: unanimous; motion carries.

10. COMMITTEE REPORTS

10.1. Verbal reports

Councilor Barlow said that the Transportation, Energy, and Utilities Committee is meeting on April 23 at 645 Pine Street, and will discuss two bus routes and GMT returning to fares next month, as well as committee priorities and agenda items for the coming year.

Councilor McKnight said that the Parks, Arts, and Culture is meeting on Thursday, April 25 at 12:00 PM in the Sharon Bushor Conference Room at City Hall.

Councilor Neubieser said that the Community Development and Neighborhood Revitalization Committee will meet on May 15th.

Councilor Grant noted that the Public Safety Committee will meet on Thursday and the Racial Equity, Inclusion, and Belonging Committee will meet on April 30th.

11. CITY COUNCIL – GENERAL AFFAIRS

11.1. Verbal reports

Councilor Broderick said that the Ward 8 NPA is meeting on Thursday, April 25th in the Bushor Conference Room at 6:30 PM.

Councilor Grant noted a meeting between the University of Vermont students and staff called Community and Coalition, which discusses many of the issues being faced by off-campus students. She noted that there was a survey conducted of 1,000 students, which highlighted some food insecurity and utility insecurity issues faced by off-campus students.

Councilor Neubieser noted that spring street cleaning is occurring now and that there are occasionally parking bans in effect.

Councilor Litwin noted constituent concern about tree clearing in one of the City's parks and that he was in touch with Parks Director Cindi Wight. He noted that the tree clearing was an error by a construction contractor and that a plan is being developed with the City arborist for restoration. He said that the plan should live within a committee or should at least have public input and feedback.

12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

12.1. Verbal reports

City Council President Traverse noted that this is the City Council's first meeting since the eclipse and thanked former Mayor Weinberger and Mayor Mulvaney-Stanak and Burlington's incredible City staff for their hard work on eclipse-related events. He encouraged Councilors to communicate with their constituents about vacancies on the City's various public boards and commissions, and that annual appointments will be made at the Council's June 10th meeting. He further noted that they will be warning a Local Control Commission meeting on April 29th to approve any liquor licenses that would have expired on the annual cycle prior to the next City Council meeting.

13. MAYOR – GENERAL AFFAIRS

13.1. Verbal reports

Mayor Mulvaney-Stanak began by speaking about the warm reception she received on Organization Day and the optimism that is being felt throughout the City currently. She spoke about staff appointments, including Chief of Staff Erin Jacobsen, Communications Director Joe Magee, Administrative Assistant Emma Allen, and Transition Director Darren Fergeron (for a two-month period). She also spoke about establishing regular meetings with the City Council President as an opportunity to continue important work together. She also thanked staff for additional support, given that she has received threats of violence as the new mayor. She said that department heads and others are working to figure out how to create a safer environment for elected officials. She said that in terms of priorities, she is focused intensely on the Fiscal Year 2025 budget and community safety. She spoke about collaborating with department heads. She spoke about community engagement activities and encouraged Councilors to participate in engagement activities with her and the community. She ended by saying that Burlington's relationship with its legislative delegation can be improved and she looks forward to future collaboration with state representatives, Councilors, and the City's lobbyists.

14. ADJOURNMENT

14.1 Motion to Adjourn

MOTION by Councilor Grant, SECOND by Councilor McKnight, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 10:30 PM.

RScty: AACoonradt

**BURLINGTON LOCAL CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 15, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

Katherine Schad
Lori Olberg

1.0 AGENDA

City Council President Traverse called the meeting to order at 8:04 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to adopt the agenda.

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated.

2.2 First, Second, Third Class Liquor License and Outside Consumption Permit Renewals (2024-2025): see attached list - approve the 2024 - 2025 First, Second, Third Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

2.3 Festival Permit Application (two days only): Vermont Brewers Festival, July 19-20, 2024, Waterfront Park – approve the two day only festival permit application for Vermont Brewers Festival, July 19-20, 2024, Waterfront Park.

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to adopt the consent agenda and take the actions indicated for items 2.1-2-3.

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 8:05 PM.



Fee \$25.00

May 1, 2024 ---- April 30, 2025

**CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION**

☒ Indoor

☒ Outdoor

**PART I
ORGANIZATION**

All information in this section is required

1. Corporation/Sole Proprietor name Despacito LLC / Tank studio INC / Phinneus Sonin / Goldenjunk LLC
2. D/B/A (Business Name) Despacito / Tank Recording
3. Bus. Phone (603) 660-4903 / (802) 870-8265
4. Business Address 314 N Winooski Ave, Burlington VT, 05401
5. Mailing Address 294 N Winooski Ave #112C / 322 N Winooski Ave / 328 N Winooski Ave, Burlington VT 05401
6. Contact person Josephine Bunnell
7. Contact Phone (609) 836-2122
8. Email contact address bunnell.josephine@gmail.com

**PART II
OPERATION**

1. Do you currently have a Liquor License? Yes or No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No
3. Proposed Date(s) for this Special Event May 25, 2024
4. Proposed Hours for this Special Event setup: 12 pm - 5 pm
event: 5 pm - 12 am
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
Location at Despacito / Tank Recording studio / Junktiques / Ratsmission
AS WELL AS Archibald street between N. Winooski Ave & Hyde st.

For this Proposed location please answer the following questions:

- a) Occupancy Load 324 total ^{indoor > 100 outdoor} b) # of Restrooms 4 c) # of Egresses 5
- d) Date of last Fire/Safety Check Dec / April e) Dancing by Patrons? Yes or No
- f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

PART III DESCRIPTION OF ENTERTAINMENT

Please give DETAILED description of the type of entertainment for which you are applying:

Description Plex is an immersive art event taking place in the Old North End of Burlington at locations specified on page 1 (indoor/outdoor), as well as a section of Archibald Street. There will be scheduled music performances and other performances, film screenings, sculptural installations, and a visual art gallery. The festival will start at 5pm with Tank Recording studio closing at 10 or 11pm and other locations closing at 12 am. There will be on participant serving alcohol for a short time and will submit their own catering permit. We have submitted a street closure permit as well for Archibald street. Any food trucks will be already licensed/permited.

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 04.09.24

SIGNATURE OF APPLICANT 

PRINT NAME: Josephine Bunnett

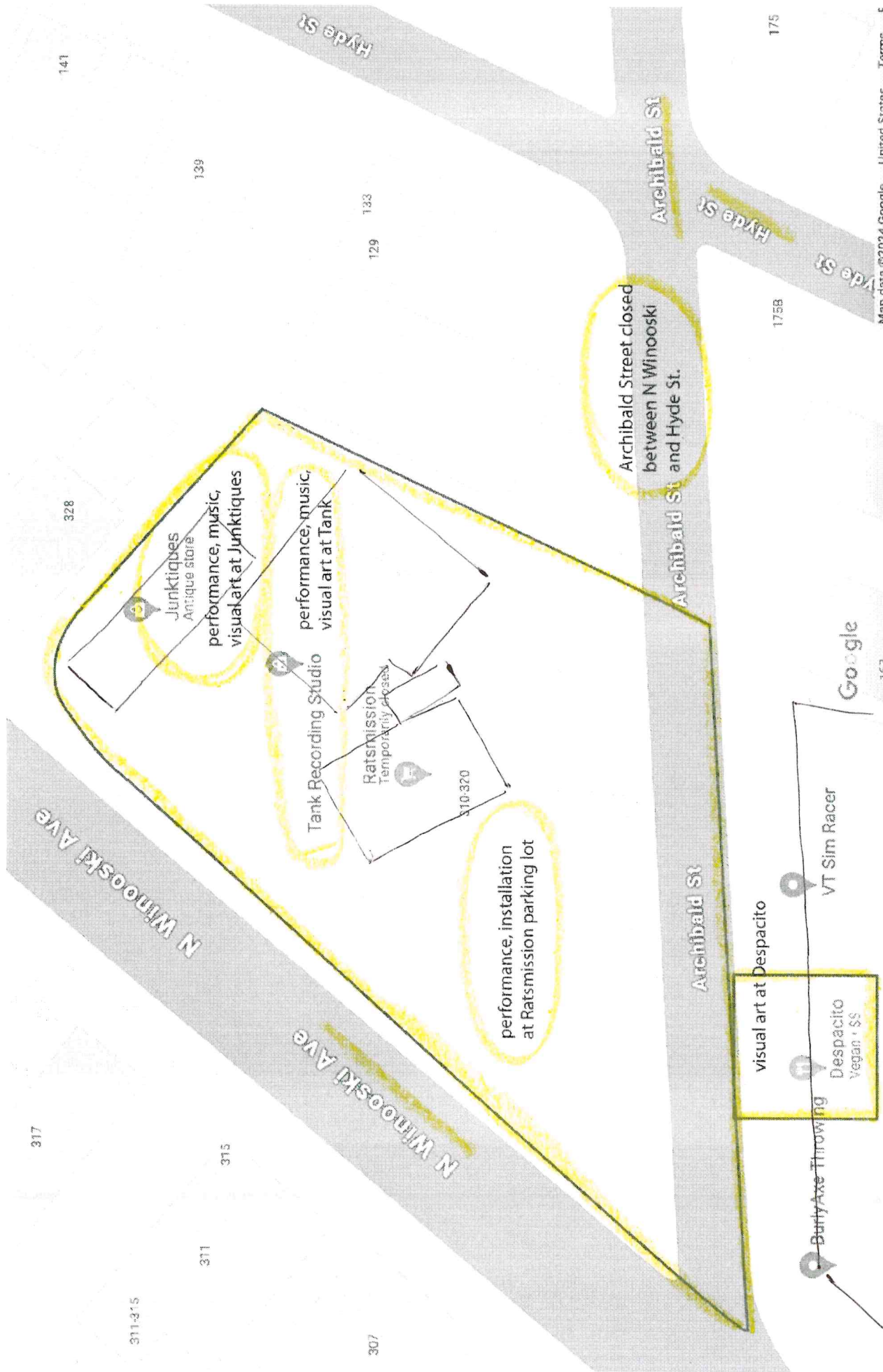
RELATIONSHIP TO BUSINESS Event Organizer

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of 5/1/24, the Burlington City Council License Committee recommended
Approval X Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.





Fee \$25.00

May 1, 2024 ---- April 30, 2025

**CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION**

☐ Indoor

☒ Outdoor

**PART I
ORGANIZATION**

All information in this section is required

1. Corporation/Sole Proprietor name Pine & Ginger LLC
2. D/B/A (Business Name): The Pinery 3. Bus. Phone (802) 363-9305
4. Business Address 377 Pine Street Burlington, VT 05401
5. Mailing Address 190 North Ave. Burlington, VT
6. Contact person Louie Orleans 7. Contact Phone (802) 363-9305
8. Email contact address info@thepineryvt.com

**PART II
OPERATION**

1. Do you currently have a Liquor License? Yes or No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No
3. Proposed Date(s) for this Special Event June 1st 2024
4. Proposed Hours for this Special Event 4:00 – 11:00pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
N/A

For this Proposed location please answer the following questions:

- a) Occupancy Load 4000 b) # of Restrooms 7 c) # of Egresses: N/A - outdoor event
d) Date of last Fire/Safety Check N/A – outdoor event e) Dancing by Patrons? Yes or No
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

*pd chk #1056 \$25.00
lo 4/2/24*

**PART III
DESCRIPTION OF ENTERTAINMENT**

Please give DETAILED description of the type of entertainment for which you are applying:

Description: "Country for a Cure" is a benefit concert being held in support of Sam Torney's LLS (Leukemia and Lymphoma Society) Visionaries of the Year fundraising campaign. Sam is a two-time Lymphoma survivor from Shelburne, Vermont who has a goal of raising \$150,000 toward Leukemia and Lymphoma research over the ten-week fundraising period. The second annual concert, which was held in Shelburne last year, features Dalton and the Sheriffs, a prominent country band based out of Boston and known for their philanthropic involvement. All proceeds from concert ticket sales go toward the LLS fundraising campaign. Last year's concert raised over \$40,000 toward the effort through the sale of around 400 tickets, and this year we hope to sell even more given the larger venue at South End Get Down. Several local businesses donated goods and services toward the cause last year, including Vermont Tent Company, Gallagher & Flynn, and others, many of whom hope to be involved again this year. The band typically plays for about 3 hours, with a break in the middle, playing a mix of their own original music and country cover songs. We will employ several food trucks to offer food and alcohol for sale at the event.

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 3/25/24

SIGNATURE OF APPLICANT Jack Torney

PRINT NAME: Jack Torney

RELATIONSHIP TO BUSINESS Patron/Concert Partner

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

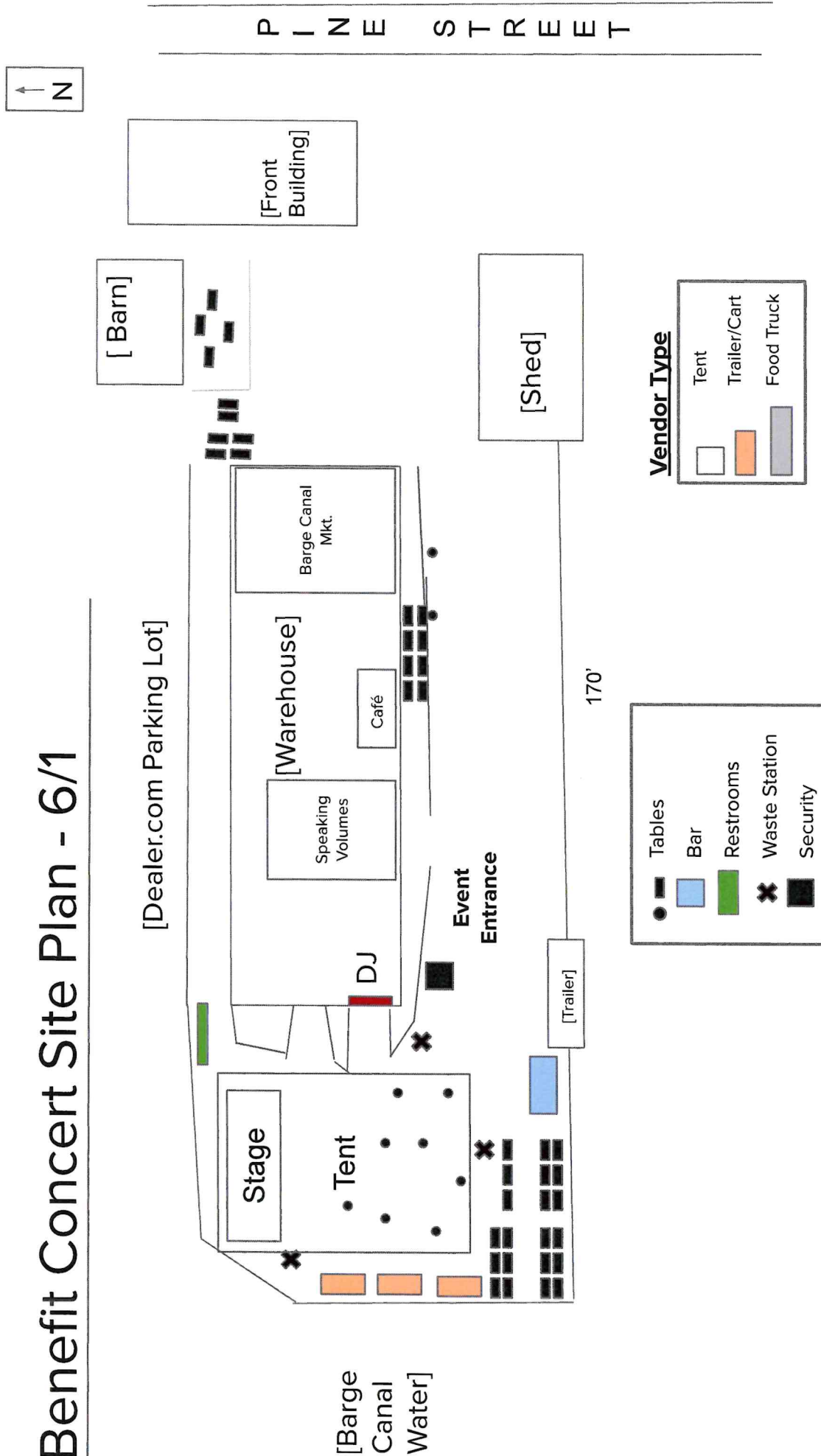
At their meeting of 5/1/24, the Burlington City Council License Committee recommended

Approval X Denial _____

Fee \$25.00

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.

Benefit Concert Site Plan - 6/1





Fee \$25.00

May 1, 2024 ---- April 30, 2025

**CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION**

☒ Indoor

☒ Outdoor

**PART I
ORGANIZATION**

All information in this section is required

1. Corporation/Sole Proprietor name CannaPlanners LLC
2. D/B/A (Business Name) _____ 3. Bus. Phone 802-923-9800
4. Business Address 1 Lawson Lane, Burlington VT 05401
5. Mailing Address 1 Lawson Lane, Box 12 - Burlington VT 05401
6. Contact person Will Read 7. Contact Phone 315-212-0924
8. Email contact address will@cannaplanners.com

**PART II
OPERATION**

1. Do you currently have a Liquor License? Yes or No *but Orlando's does*
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No *but Orlando's does*
3. Proposed Date(s) for this Special Event Friday June 14
4. Proposed Hours for this Special Event 6pm -10pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
1 Lawson Lane Burlington VT 05401

For this Proposed location please answer the following questions:

- 160 (Ser)*
a) Occupancy Load 70 (pubs) b) # of Restrooms 6 c) # of Egresses 4
d) Date of last Fire/Safety Check 4/17/24 e) Dancing by Patrons? Yes or No
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

*pdew #1235 \$25.00
lo 4/23/24*

(Continued on back)

Fee \$25.00

**PART III
DESCRIPTION OF ENTERTAINMENT**

Please give DETAILED description of the type of entertainment for which you are applying:

Description SEE ATTACHMENT

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: April 22, 2024

SIGNATURE OF APPLICANT



PRINT NAME: William Read

RELATIONSHIP TO BUSINESS Founder and CEO

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of 5/1/24, the Burlington City Council License Committee recommended
Approval X Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.

Part III - Description of Entertainment

June 14 2024 - 6-11 pm - Office Party!

This is a private event that will be hosted at our offices at 1 Lawson Lane. In addition to co-mingling and networking within our offices, we will be utilizing Orlando's as our private host for food and beverages. The purpose of the event is to network with clients, and celebrate our employees.

We would like to set up a band in the lower parking lot outside the front doors of 1 Lawson Lane (abutting the back of 135 College St). Nothing crazy - acoustic/semi-electric Grateful Dead cover band. We have explicit permission from the owner of that parking lot, Nick Parent, for usage.

We would like to invite 2-3 food trucks to park in the upper parking lot (on the corner of College and St. Paul), close to the entrance of the alleyway. We have explicit permission from the owner of that lot as well, Barry Mossman, to host our event.



May 1, 2024 ---- April, 2025

Fee: \$25.00/event

Fee: \$25.00

CITY OF BURLINGTON SPECIAL EVENT

ENTERTAINMENT PERMIT APPLICATION

Indoor

Outdoor

PART I ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name: Orleans Events, LLC
2. D/B/A (Business Name): South End Get Down; Bus Phone: 802-363-9305
4. Business Address: 190 North Ave, Apt 1, Burlington, VT 05401
5. Mailing Address: 190 North Ave, Apt 1, Burlington, VT 05401
6. Contact person: Louie & Max Orleans 7. Contact Phone: 802-363-9305 & 802-373-2600
8. Email contact address: getdown@orleansevents.com

PART II OPERATION

1. Do you currently have a Liquor License? Yes or No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No
3. Proposed Date(s) for this Special Event: **Saturday, June 29, 2024**
4. Proposed Hours for this Special Event: **5-10pm. (Hours of operation, 5-9pm**
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
98 North Ave, Burlington, VT 05401. This is the parking lot of Brian's Auto.

For this Proposed location please answer the following questions:

- a) Occupancy Load: 999 patron b) # of Restrooms: 8 port-a-potties c) # of Egresses: 2
- d) Date of last Fire/Safety Check: N/A e) Dancing by Patrons? Yes or No
- f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

pdch #1079 \$25.00
lo 3/2/24

PART III
DESCRIPTION OF ENTERTAINMENT

For the first time ever, The South End Get Down is teaming up with Brian's Auto to create an amazing family-friendly community event in the Old North End. We are using the same format as the South End Get Down (free entrance, lots of food vendors, bar, music, lots of seating, etc.) which has been very successful and safe for the last three years. It will be mainly walking traffic, so parking shouldn't be an issue.

Max and Louie Orleans (Orleans Events, LLC) will operate the event.

There will be 6 food vendors in the garage bay doors, one food truck, a band and mobile bar truck. We will have snow fencing around the border of the event and create one opening for security to check IDs at the entrance. This will prohibit alcohol from leaving the event. We put 999 as our capacity, in order to show that it's less than 1,000. But we will most likely only have 500-600 people there at any given time due to the size of the parking lot.

We applied until 10pm to be safe, but anticipate the event ending at 9pm sharp due to the neighborhood setting.

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 3/14/2024

SIGNATURE OF APPLICANT _____



PRINT NAME: Louie Orleans

RELATIONSHIP TO BUSINESS: Owner - Partner

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____
At their meeting of 5/1/24, the Burlington City Council License Committee recommended
Approval X Denial _____

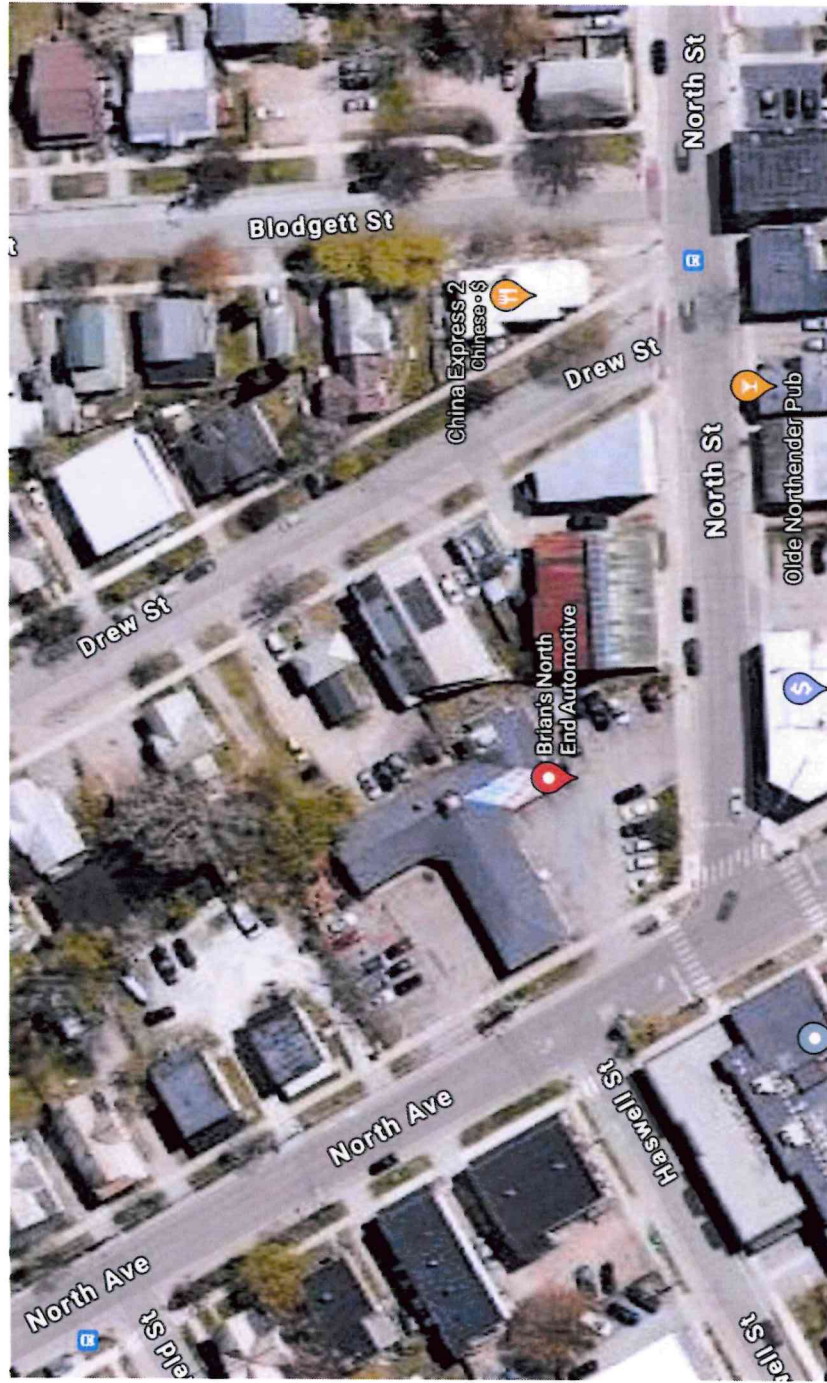
At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.



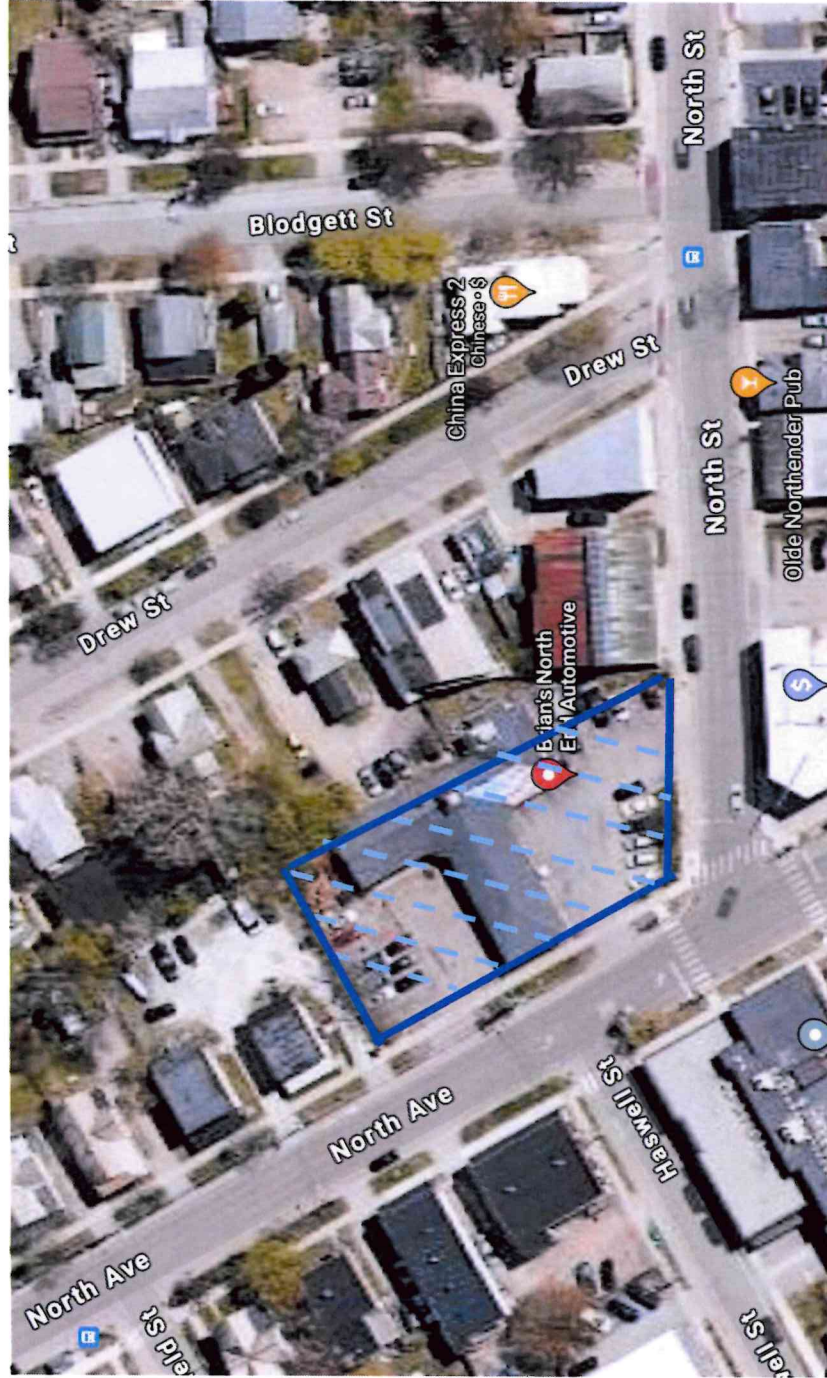
Brian's Auto x Get Down

Saturday
June 29, 2024
5-9pm

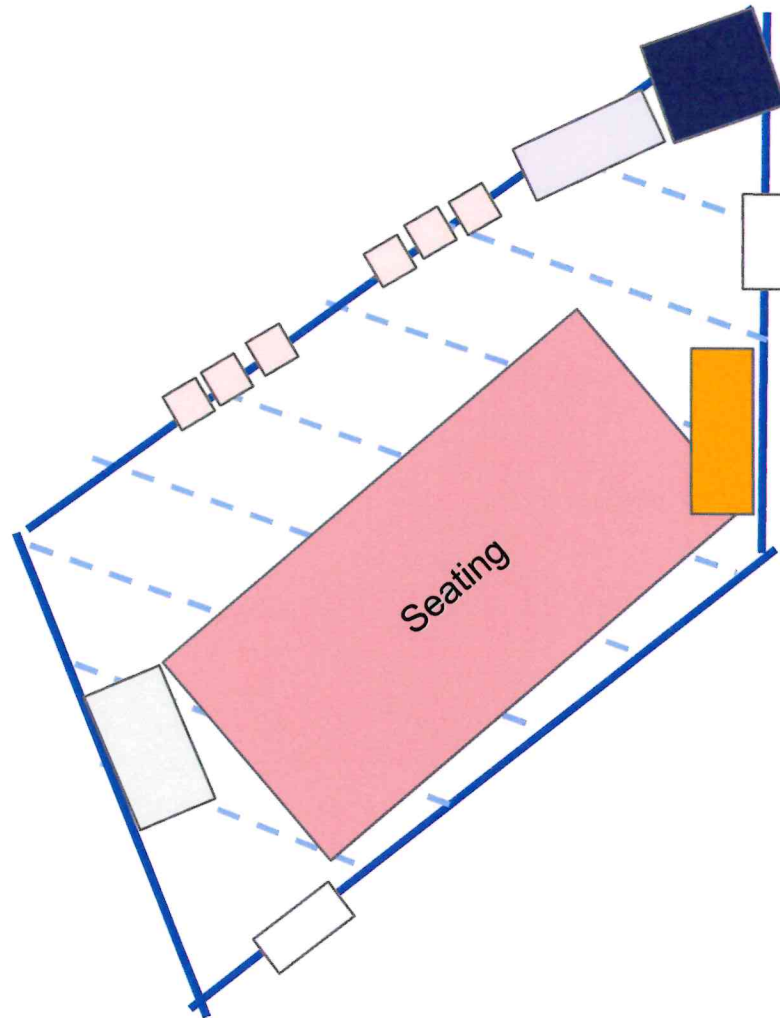
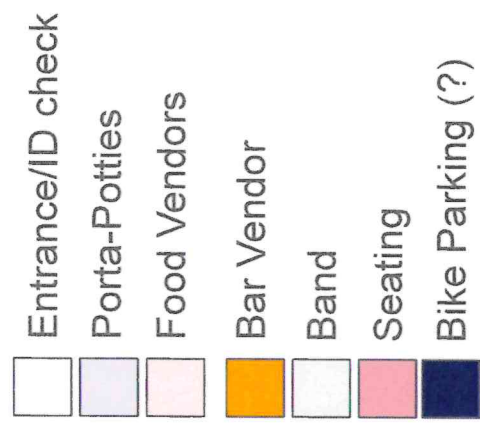
Site Map 1



Site Map 2



Site Map 3





May 1, 2023 — April 30, 2024

Fee \$25.00

**CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION**

☐ Indoor

☒ Outdoor

**PART I
ORGANIZATION**

All information in this section is required

1. Corporation/Sole Proprietor name The Wallflower Collective
2. D/B/A (Business Name) _____ 3. Bus. Phone 843-532-0525
4. Business Address 71 Union St #4 Burlington, VT 05401
5. Mailing Address 71 Union St #4 Burlington, VT 05401
6. Contact person Lauren McKenzie 7. Contact Phone 843-532-0525
8. Email contact address lauren.mckenzie7@gmail.com

**PART II
OPERATION**

1. Do you currently have a Liquor License? (Yes) or No
2. Do you currently have an Entertainment Permit/Special Event Permit? (Yes) or No
3. Proposed Date(s) for this Special Event August 25th, 2024
4. Proposed Hours for this Special Event 9pm - 11pm (doors @ 3:30pm, music @ 4pm)
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
3rd annual "Wallflower Fest" anniversary party in the adjacent/adjoining private parking lot

For this Proposed location please answer the following questions:

- a) Occupancy Load 950 b) # of Restrooms 8 c) # of Egresses outdoors
- d) Date of last Fire/Safety Check 6/5/23 e) Dancing by Patrons? (Yes) or No
- f) Amplified Music? (Yes) or No g) Will additional staff and/or security be required? (Yes) or No

pd check # 1282
\$25.00
8/24/2024

(Continued on back)

Fee \$25.00

**PART III
DESCRIPTION OF ENTERTAINMENT**

Please give DETAILED description of the type of entertainment for which you are applying:

Description live music afternoon/evening festival hosting local &
touring bands in adjoining parking lot. The event will be 21+,
ticketed, w/ fenced perimeter, built stage, projected music,
to end sharply at 11pm or before. Additional bathrooms &
security will be employed. Neighboring businesses will be open
& involved in the event. (Grass Queen & folios)

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 4-12-24

SIGNATURE OF APPLICANT 

PRINT NAME: Lauren McKenzie

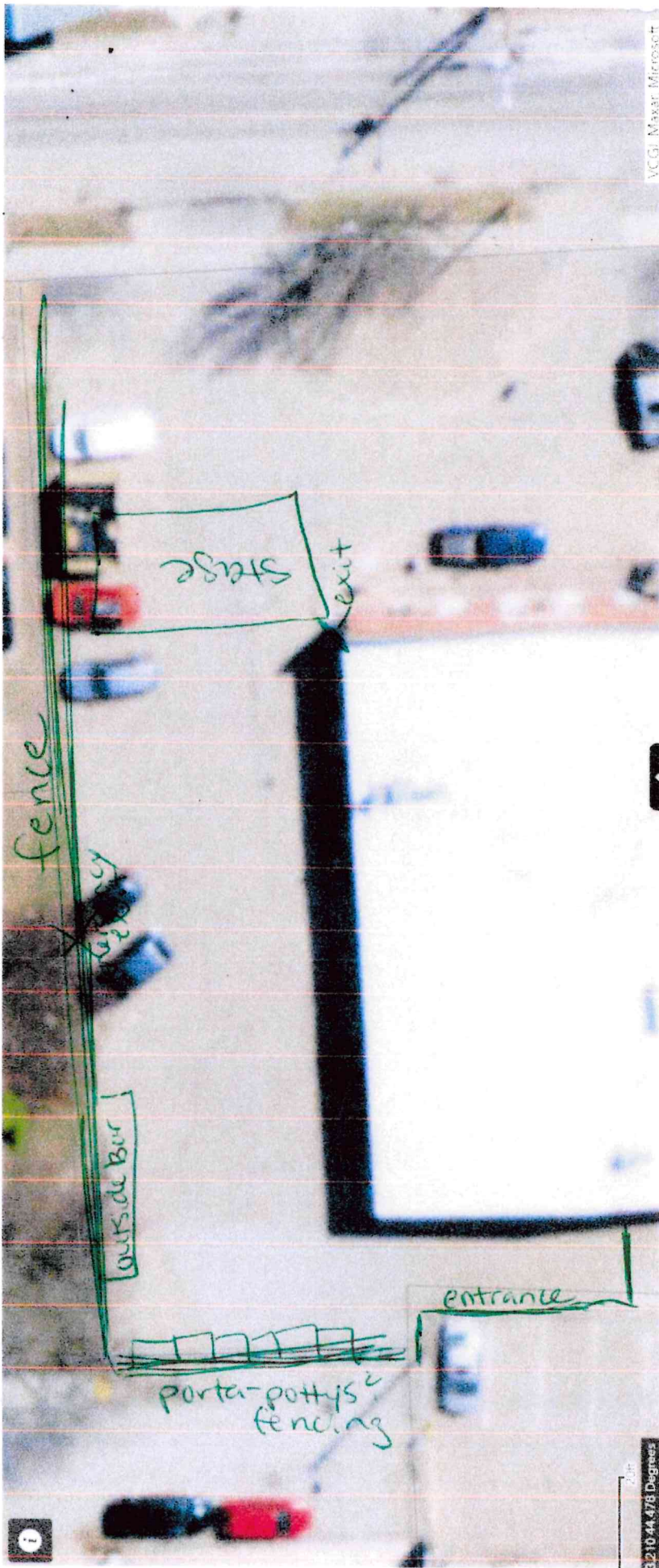
RELATIONSHIP TO BUSINESS owner/operator

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of 5/1/24, the Burlington City Council License Committee recommended
Approval ☒ Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.



Wellflower Fest 2024

August 25?

From: Lauren McKenzie <laurenmckenzie7@gmail.com>

Sent: Tuesday, April 30, 2024 8:47 PM

To: Carter Neubieser <cneubieser@burlingtonvt.gov>; Gene Bergman <gbergman@burlingtonvt.gov>; Joe Kane <jkane@burlingtonvt.gov>; Sarah Carpenter <scarpenter@burlingtonvt.gov>; Benjamin Traverse <btraverse@burlingtonvt.gov>; Becca Brown McKnight <bbrownmcknight@burlingtonvt.gov>; Evan Litwin <elitwin@burlingtonvt.gov>; Marek Broderick <mbroderick@burlingtonvt.gov>; Melo Grant <megrant@burlingtonvt.gov>; Tim Doherty <tdoherty@burlingtonvt.gov>; Mark Barlow <mbarlow@burlingtonvt.gov>; Joan Shannon <jshannon@burlingtonvt.gov>

Subject: The Wallflower Collective - on Wed's Deliberative Agenda

[WARNING]: This email was sent from someone outside of the City of Burlington.

Dear Burlington City Council,

My name is Lauren McKenzie, owner/operator of The Wallflower Collective, a business that is on the deliberative agenda for tomorrow's city council meeting. I've been suffering from a bit chronic bout of laryngitis, and while I am indeed able to talk, some days I'm easier to hear than others, so I figured I could try to make tomorrow's meeting slightly easier for everyone by attempting to address some potential questions for me in advance 😊

I'd like to start by saying thank you for hearing me out and considering our permit request amongst the many, many, and often much more important issues you daily face. Tomorrow, Wallflower will be on the agenda in an attempt to get city approval to host our (hopeful) 3rd annual "Wallflower Fest." To give some background to the event for those who might not be familiar, it is our anniversary party and mini-music festival that we put on at the end of summer. We make use of our adjacent private parking lot, set up fencing, a large stage, an outside bar, and book 6 touring bands to perform. We also host 5 local bands on our indoor stage, and partner with several local businesses and artists as vendors. The undertaking is massive and takes many months to organize. And while the festival has become a beloved-by-many summer event that we are proud of, it has not yet, and very far from, turned a profit. Not only is it organized to a large deficit, we also were dropped by our insurers and forced to go with a more expensive policy because of it. Still, we hope to try again.

In a time of flux for downtown Burlington, we aim to be a business that brings excitement and art to the area. As I'm sure you know, over the past few years, the city has lost some treasured music venues, events have been cancelled, festivals reduced in size, and we've felt a strong desire from the community and local musicians for a rejuvenation of the arts and opportunity to enjoy them, and we hope that Wallflower Fest can be a part of that. While in the past two years it has grown to be something that hundreds of folks look forward to, we know that not everyone does, and the inherent noise a festival makes can be burdensome to our neighbors. The imposition we create is not taken lightly.

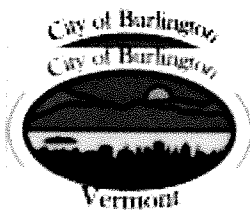
Last year we upgraded the outdoor stage and in truth, I did feel the sound was a bit too loud for Wallflower Fest and aim to better mediate it with our hired sound production this coming year. In years past, we have sent out several rounds of letters to nearby houses notifying them of the upcoming festival, asking them to reach out with concerns, and offering paid hotel stays to those who did. In the aftermath, I found the radius in which I sent the letters was not large enough and feel deeply apologetic to those we caught off guard by the event and the noise. While our attempts at lettering the neighborhood are good, they remain imperfect since many of the addresses have unknown numbers of units within them and they rotate their tenants throughout the summer. This year we hope to take further measures to notify the community of the event, such as; wider circumference of mailed letters, a SevenDays ad or radio notification, targeted social media ads, etc. We are also open to your recommendations and ideas. While I know that we will never please everyone, and music festivals are (justly) not everyone's cup-o-tea, I want to minimize the negative impact we make on our neighbors, who have been so tolerant and kind to us since we opened.

One of the questions you might ask is why host it on a Sunday rather than a Friday or Saturday. There is a two-fold answer to this. Firstly, our parking lot is shared and our business neighbors so graciously let us commandeer it for the event, but it is far more burdensome for them to relinquish the lot for our exclusive use during the busy weekend days when their staff and customers most need it. The second reason is that our "bread and butter" is Burlington's service industry. Our most regular patrons are our fellow servers and bartenders; they are the people who are truly keeping Wallflower's lights on. They are the same people who work every weekend when most all festivals and events occur in the city, unable to attend themselves. Since Wallflower Fest is our anniversary party, it feels only right to be able to share and enjoy the event with the folks who most support us. In an effort to reduce any potential negative impact, the event is set to occur before school resumes since most (though not all) of our neighbors are college students.

I hope this letter helps to clarify the scope and intention of the event and can answer some of the questions you might pose. As always, we are open to input and learning from you all, and are inexpressibly grateful to be a part of this community. Thanks for taking the time to read this and I look forward to meeting with y'all tomorrow 😊

Be Well!

-Lauren McKenzie



May 1, 2024 ---- April, 2025

Fee: \$25.00/event

Fee: \$25.00

CITY OF BURLINGTON **SPECIAL EVENT**

ENTERTAINMENT PERMIT APPLICATION

Indoor

Outdoor

PART I ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name: Pine & Ginger, LLC
2. D/B/A (Business Name): The Pinery; Bus Phone: 802-363-9305
4. Business Address: 190 North Ave, Apt 1, Burlington, VT 05401
5. Mailing Address: 190 North Ave, Apt 1, Burlington, VT 05401
6. Contact person: Louie & Max Orleans 7. Contact Phone: 802-363-9305 & 802-373-2600
8. Email contact address: info@thepineryvt.com

PART II OPERATION

1. Do you currently have a Liquor License? Yes or No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No
3. Proposed Date(s) for this Special Event: **Friday, September 6, 2024 and Saturday, September 7, 2024**
4. Proposed Hours for this Special Event: **4:30 - 11pm (Friday). 10a - 11p (Saturday)**
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way

377 Pine Street, Burlington, VT, 05401. This is a parking lot on the west side of Pine Street. For reference, it is the same parking lot that Myer's Bagels and Barge Canal Market both use.

For this Proposed location please answer the following questions:

- a) Occupancy Load: 999 patron b) # of Restrooms: 8 port-a-potties c) # of Egresses: 2
- d) Date of last Fire/Safety Check: N/A e) Dancing by Patrons? Yes or No
- f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

pdchm #7B2
\$25.00
3/21/24
bo

**PART III
DESCRIPTION OF ENTERTAINMENT**

Please give DETAILED description of the type of entertainment for which you are applying:

The site plan for this event is the exact same as the South End Get down, which has gone very well over 3 years. However, it will be run by The Pinery and is NOT the South End Get Down (Orleans Events). This is Art Hop weekend, so there will be many artists on the east side of the parking lot and we will have music playing on the west side of the parking lot. There will be 4-5 food vendors on the west side of the parking lot as well.

Max Orleans, Louie Orleans, and Tyson Ringey (Pine & Ginger LLC DBA The Pinery) will operate this event.

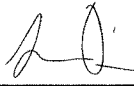
The parking lot has fencing on the North/South sides, and is naturally enclosed on the west side by the Barge Canal. We would provide security at the main entrance on the East side of the parking lot. The event is focused on the art, food trucks and beverage; it is not focused on the music, but is more for an ambiance. This is a family-friendly event and really caters to a very broad audience of mainly local traffic.

Because Art Hop's official hours end at 10pm on both nights, we've applied to 11pm to ensure that the parking lot is clear by 11pm.

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 3/18/2024

SIGNATURE OF APPLICANT



PRINT NAME: Louie Orleans

RELATIONSHIP TO BUSINESS: Owner - Partner

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____
At their meeting of 5/1/24, the Burlington City Council License Committee recommended
Approval X Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.



Fee \$25.00

May 1, 2024 ---- April 30, 2025

CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION

Indoor

Outdoor

PART I
ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name OKAY!! OKAY!! Marketing & Creative / REIB Department of City of Burlington
2. D/B/A (Business Name) _____ 3. Bus. Phone 949-201-8700
4. Business Address 215 College St Studio 3D Burlington, VT 05401 - 149 Church ST
5. Mailing Address _____
6. Contact person Taryn Maitland 7. Contact Phone 917-922-2297
8. Email contact address taryn@okay-okay.com

PART II
OPERATION

1. Do you currently have a Liquor License? Yes or (No)
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or (No)
3. Proposed Date(s) for this Special Event Saturday June 15th, 2024
4. Proposed Hours for this Special Event 11:00AM-11:00PM
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
City Hall Park from 11am-11pm, Church St from 11am-7pm, Contois Auditorium 11am-6pm
BCA 11am-8:30pm

For this Proposed location please answer the following questions:

- a) Occupancy Load 1k- through out day b) # of Restrooms 2 stalls from 802 restrooms c) # of Egresses _____
- d) Date of last Fire/Safety Check Outside e) Dancing by Patrons? (Yes) or No
- f) Amplified Music? (Yes) or No g) Will additional staff and/or security be required? (Yes) or No

Fee \$25.00

(Continued on back)

**PART III
DESCRIPTION OF ENTERTAINMENT**

Please give DETAILED description of the type of entertainment for which you are applying:

Description The office of REIB and the City of Burlington are proud to invite Burlingontian's to
honor history, culture, and diversity at our 4th annual Juneteenth Celebration.
Our event is centered in City Hall Park, lower Church St, BCA, and Contois Auditorium
The Juneteenth programming is coordinated with the BTV Market. There will be extensive
programming, diverse talent, and music through out the day.

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 4/26/2024

SIGNATURE OF APPLICANT Luis Calderin

PRINT NAME: Luis Calderin

RELATIONSHIP TO BUSINESS Owner

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of 5/1/24, the Burlington City Council License Committee recommended
Approval X Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.



Fee \$25.00

CITY OF BURLINGTON
UMBRELLA ENTERTAINMENT PERMIT APPLICATION

~~2023-2024~~ (2024)

PART I
ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name: Flynn Center for the Performing Arts, Ltd.
2. D/B/A (Business Name): Flynn Center for the Performing Arts, Ltd. 3. Bus. Phone: 802-652-4500
4. Business Address: 153 Main Street, Burlington, VT 05401
5. Mailing Address: 153 Main Street, Burlington, VT 05401
6. Contact person: Amy Harting 7. Contact Phone: 802-652-4554 (o); 717-940-3820 (c)
8. Email contact address: aharting@flynnvt.org

PART II
OPERATION

1. Proposed Date(s) for this Event: June 5 – 9, 2024
2. Proposed Hours for this Event: See attached calendar
3. Proposed Location for this Event. Specify if event will be on a City street/Right-of-Way or Park
Attach any diagrams that will be helpful.

Venues outside the Flynn include the Waterfront Park, Church Street Marketplace,

The Vermont Comedy Club and City Hall Park.

For this proposed location please answer all questions that apply:

- a) Occupancy Load _____ b) # of Restrooms _____ c) # of Egresses _____
- d) Date of last Fire/Safety Check _____ e) Dancing by Patrons? Yes or No
- f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No
- h) Tents ? Yes or No i) Will alcohol be served? Yes or No

See
attached
for
each
venue

(Continued on back)

Ad # 4013795 4/29/24
lo \$25.00

**PART III
DESCRIPTION OF ENTERTAINMENT**

1. Please give DETAILED description of the type of entertainment for which you are applying:

Description: The Flynn is producing JazzFest which is a live music festival that takes place in and around Burlington. There are performances indoors and outdoors from June 5 – 9, 2024. This is the 41st Jazz Festival where audiences will be able to gather together and listen to live jazz music.

2. ***** Please attach list of all scheduled events or performances*****

**PART IV
PARTICIPATING ORGANIZATIONS**

Please list all participating organizations/businesses/agencies:

- | | |
|------------------------------|----------------------------|
| 1. Burlington Parks & Rec | 7. Atomic Pro Audio |
| 2. Church Street Marketplace | 8. City of Burlington, BCA |
| 3. Vermont Comedy Club | 9. Vermont Blues Society |
| 4. NEFCU | 10. Jazz at Lincoln Center |
| 5. Lake Champlain Chocolate | 11. Casella |
| 6. Zero Gravity | 12. P&P Septic |

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 4/24/24

SIGNATURE OF APPLICANT _____

PRINT NAME: Jay Wahl

RELATIONSHIP TO BUSINESS: Executive Director

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of 5/1/24, the Burlington City Council License Committee recommended
Approval X Denial _____

At their meeting of _____, the Burlington City Council _____ this UMBRELLA
entertainment permit application.

For this proposed location please answer all questions that apply:

- a) Occupancy Load Mktplace capacity b) # of Restrooms 0 c) # of Egresses On the Mktplace
d) Date of last Fire/Safety Check ? e) Dancing by Patrons? Yes or No
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No
h) Tents? Yes or No i) Will alcohol be served? Yes or No

↳ If it rains, we might pop-up some tents to cover the kids

↳ No security for school bands. fym staff only.

For this proposed location please answer all questions that apply:

- a) Occupancy Load 800 b) # of Restrooms 2 c) # of Egresses On the Mktplace
d) Date of last Fire/Safety Check ? e) Dancing by Patrons? Yes or No
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No
h) Tents? Yes or No i) Will alcohol be served? Yes or No

↳ private security, BPD, + fym staff

For this proposed location please answer all questions that apply:

- a) Occupancy Load 6,000 b) # of Restrooms 29 c) # of Egresses 2 official points of entry + exit
d) Date of last Fire/Safety Check ? e) Dancing by Patrons? Yes or No
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No
h) Tents? Yes or No i) Will alcohol be served? Yes or No

↳ private security, BPD, EMS, fym staff

For this proposed location please answer all questions that apply:

- a) Occupancy Load Park capacity b) # of Restrooms 0 c) # of Egresses in the park
d) Date of last Fire/Safety Check ? e) Dancing by Patrons? Yes or No
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No
h) Tents? Yes or No i) Will alcohol be served? Yes or No

↳ BPD + Vermont Blues Society staff

(Continued on back)

Programming Calendar (as of 4/24/24)					
	Wednesday 6/5	Thursday 6/6	Friday 6/7	Saturday 6/8	Sunday 6/9
	Day 1	Day 2	Day 3	Day 4	Day 5
Main Stage	7:30p Cecile McLorin Salvant	10:00a Women and Jazz Panel (HS students)			7:30p Robert Glasper
Main Lobby				10:00 - 10:45a FlynnZone Artist TBD	
FlynnSpace	5:30 - 7:00p Fundraiser Geoff Kim Organ Trio	Load In	9:00p - 2:00a The Illustrious Blacks for Hot Butter		
Bottom of Church Street Amphitheater #1	11:00 - 11:40a Westside Jazz Combo 12:20 - 1:00p Shelburne Community Stage Band 1:40 - 2:20p Hinesburg Community School Chorus 3:00 - 3:40p Winooski High School Chorus	11:00 - 11:40a Spaulding 1:00 - 1:40p EES 4/5 Chorus 2:00 - 2:40p EMS Jazz 3:00 - 3:40p BHS Jazz Ensemble 4:20 - 5:00p SB Wolves	11:00 - 11:40a BFA St. Albans Jazz Band 12:20 - 1:00p ADL Jazz Band 1:20 - 2:00p Essex Middle School 2:20 - 3:00p Essex Jazz Collective 3:40 - 4:20p Mill River Big Band 4:20 - 5:00p Mill River Combo		
Mall Entrance Amphitheater #2	11:40 - 12:20 Arlington Memorial HS Jazz Band 1:00 - 1:40p Commodore Jazz Band 2:20 - 3:00p Twinfield Jazz Ensemble	11:40 - 12:20p Middlebury Union Middle 12:20 - 1:00p MUHS Jazz Ensemble 1:40 - 2:20 LUHS Jazz 4:20 - 5:00p The Sentinel Big Band	11:40 - 12:20 Rutland Town Elementary School 1:00 - 1:40p MVU Jazz Ensemble 3:20 - 4:00p CMS Jazz Band 4:20 - 5:00p Colchester HS Jazz Band		
Top of the Block Amphitheater #3	11:00 - 11:40a The St. Johnsbury MS Jazz Band 12:20 - 1:00p CCS Jazz Band 1:40 - 2:20p CBMS Jazz Band 2:30 - 3:10p CBMS Chorus	TOB Performance 5:00p - Kerubo 6:00p - Carrtoons 7:20p - Lady Wray 8:40p - Phony Ppl	11:00 - 11:40a WRVHS Jazz / Funk Band 12:20 - 1:00p Winooski Jazz Band 1:40 - 2:20 MSMS Jazz Messengers 2:20 - 3:00p Red Clay 3:40 - 4:20 Fairfax Jazz		
City Hall Park	4:00 - 4:45p FlynnTones				12:00p - 5:00p Joe Moore Tribute Concert
Waterfront		Load In	6:00p - Acqua Mossa 7:00p - Durand Bernarr 8:00p - Adi Oasis 9:35p - Big Freedlia	5:00p - Wesli 6:20p - Underground System 7:30p - Mononeon 9:00p - Seun Kuti & Egypt 80	Load Out
Big Joe's	10p - 1a Tyreek McDole	10p - 1a Tyreek McDole	1:30 - 2:30p Winooski HS Jazz Band w/ JALC 10p - 1a Tyreek McDole	10p - 1a Tyreek McDole	10p - 1a Tyreek McDole
Hunt Middle School Auditorium		1:00 - 2:00p JALC school performance			
Integrated Arts Academy	1:15 - 1:50p Adi speaks at assembly				

**Burlington Jazz Festival
School Bands
Wednesday June 5 – Friday, June 9, 2024**

Overview:

The Flynn Center will invite school bands from across the state to come perform on Church Street as part of the Burlington Discover Jazz Fest that is free to the public. There will be no stages, the students will perform directly on the brick. Audiences will be welcome to dance if the music moves them.

Tickets – Free, no reservation

Time

- June 5, 11a – 5p
- June 6, 11a – 5p
- June 7, 11a – 5p

Locations

- See attached maps. There are 3 different locations on Church Street where the students will perform.

Parking

- Parking at downtown parking garages and streets

Food / Alcohol

- None

Audience

- Families of students and people passing by
- No seating provided

Bathrooms

- None

Trash

- None

Security

- None

Equipment Setup

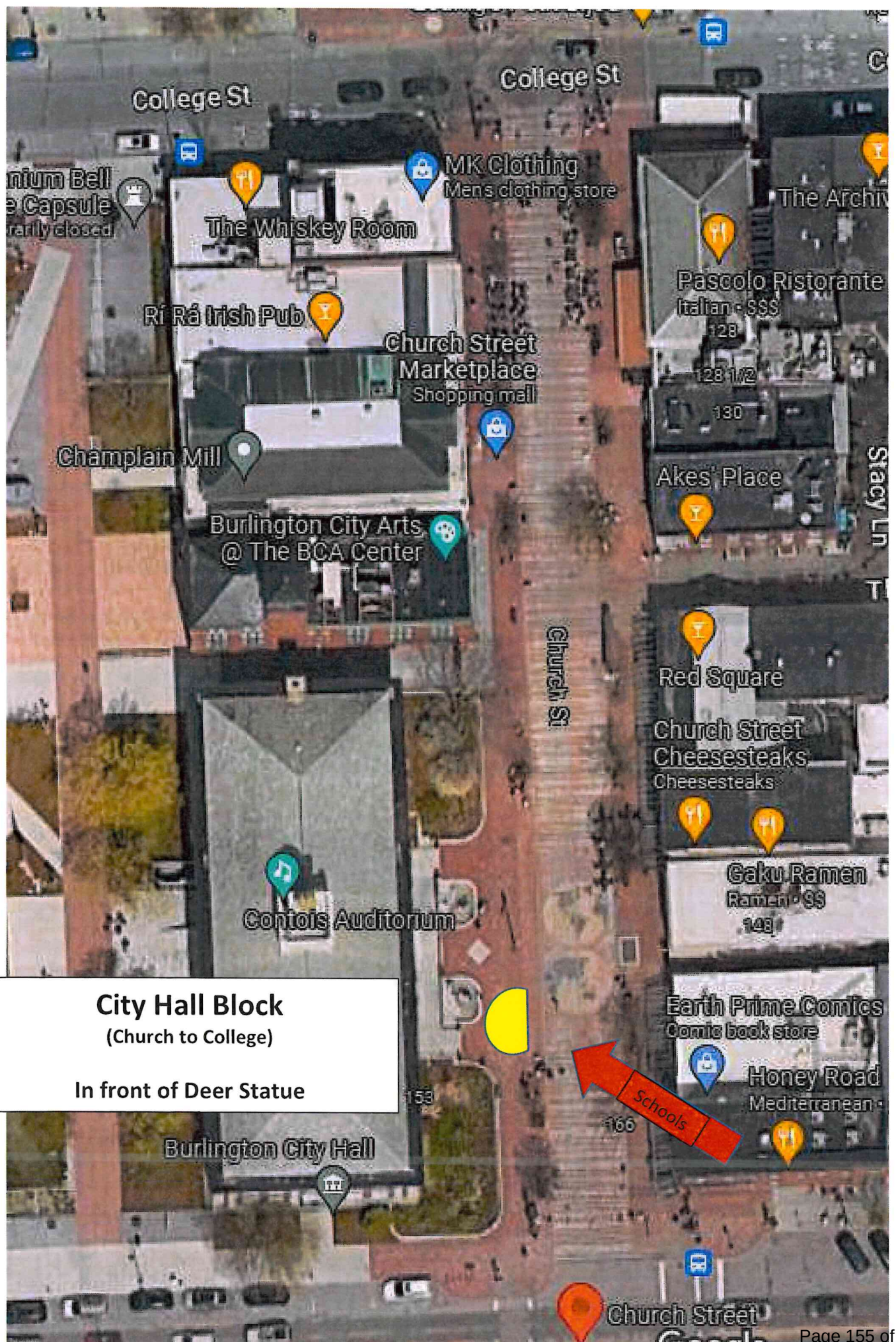
- No stages
- No tents
- Amplification: Students will bring their own guitar, bass, and keyboard amps as needed.
- Flynn will provide folding chairs
- Flynn will roll out amphitheater set ups for each location (poles with flags)

Staffing

- The Flynn will provide staff to meet the students and make sure the performances stay on time
- Marketplace staff will assist with power, chairs, etc. as needed.

School Band Schedule (as of 4.24.24)

Wednesday 6/5		10:40	11:00	11:20	11:40	12:00	12:20	12:40	1:00	1:20	1:40	2:00	2:20	2:40	3:00	3:20	3:40	4:00	4:20	4:40	5:00
Location	Bottom of Church Street	11 - 11:40a	Westside Jazz Combo	West Rutland School	11:40 - 12:20	Arlington Memorial High School Jazz Band	12:20 - 1:00p	Shelburne community Stage Band	Shelburne Community School	1:00 - 1:40p	Commodore Jazz Band	1:40 - 2:20p	Hinesburg Community School Jazz Band	Hinesburg Community School	3:00 - 3:40p	Winooski High School Chorus	3:40 - 4:20p	4:20 - 5:00p			
	Lower Middle of Church Street				11:40 - 12:20	Arlington Memorial High School				1:00 - 1:40p	Commodore Jazz Band	1:40 - 2:20p	Hinesburg Community School Jazz Band	Hinesburg Community School	3:00 - 3:40p	Winooski High School Chorus	3:40 - 4:20p	4:20 - 5:00p			
	Top of the Block	11 - 11:40a	The St. Johnsbury Middle School Jazz Band	The St. Johnsbury School	11:40 - 12:20	Arlington Memorial High School	12:20 - 1:00p	CCS Jazz Band	Charlotte Central School	1:00 - 1:40p	Commodore Jazz Band	1:40 - 2:20p	Hinesburg Community School Jazz Band	Hinesburg Community School	3:00 - 3:40p	Winooski High School Chorus	3:40 - 4:20p	4:20 - 5:00p			
Thursday 6/6		10:40	11:00	11:20	11:40	12:00	12:20	12:40	1:00	1:20	1:40	2:00	2:20	2:40	3:00	3:20	3:40	4:00	4:20	4:40	5:00
Location	Bottom of Church Street	Load-in	11 - 11:40a	Spaulding	Load-in	Load-in BSD	Load in BSD	Load in BSD	1:00 - 1:40	EES 4/5 Chorus	1:40 - 2:20p	Transition	2:00 - 2:40p	EMS Jazz	Transition	3:00 - 3:40p	BHS Jazz Ensemble	Load-out by 4:00p	4:20 - 5:00p	SB Wolves	Frederick H. Tuttle Middle School
	Lower Middle of Church Street				11:40 - 12:20	Middlebury Union Middle School	12:20 - 1:00p	MUHS Jazz Ensemble	Middlebury Union High School	1:00 - 1:40	EES 4/5 Chorus	1:40 - 2:20p	LUMHS Jazz	Lamotte Union High School	3:00 - 3:40p				4:20 - 5:00p	The Sentinel Big Band	Ticonderoga Junior/Senior High School
Friday 6/7		10:40	11:00	11:20	11:40	12:00	12:20	12:40	1:00	1:20	1:40	2:00	2:20	2:40	3:00	3:20	3:40	4:00	4:20	4:40	5:00
Location	Bottom of Church Street	11 - 11:40a	BFA St. Albans Jazz Band	BFA St. Albans	11:40 - 12:20	Rutland Town Elementary School	12:20 - 1:00p	ADL Jazz Band	Albert D. Laviton	1:00 - 1:40p	Transition	2:00 - 2:40p	Essex Middle School All American Flying Submarine Band	Essex High School	3:00 - 3:40p	Essex Jazz Collective	3:40 - 4:20p	Mill River Big Band	4:20 - 5:00p	Mill River Combo	Mill River Union High School
	Lower Middle of Church Street				11:40 - 12:20	Rutland Town Elementary School				1:00 - 1:40p	MVU Jazz Ensemble	1:40 - 2:20p	Essex Middle School All American Flying Submarine Band	Essex High School	3:00 - 3:40p	Essex Jazz Collective	3:40 - 4:20p	Mill River Big Band	4:20 - 5:00p	Mill River Combo	Mill River Union High School
	Top of the Block	11 - 11:40a	WRVHS Jazz/Funk Band	White River Valley High School	11:40 - 12:20	Rutland Town Elementary School	12:20 - 1:00p	Winooski Jazz Band	Winooski High School	1:00 - 1:40p	MVU Jazz Ensemble	1:40 - 2:20p	Essex Middle School All American Flying Submarine Band	Essex High School	3:00 - 3:40p	Essex Jazz Collective	3:40 - 4:20p	Mill River Big Band	4:20 - 5:00p	Mill River Combo	Mill River Union High School



City Hall Block

(Church to College)

In front of Deer Statue

School Bands Locations

1. Deer Statue in front of City Hall



- **Band Set Up:** In front of the Deer Statue and the southern staircase. Bricks in good condition, slant of street is minimal.
- **Bus Drop Off:** Main and Church
- **Rain Location Options:** Contois, BCA Gallery

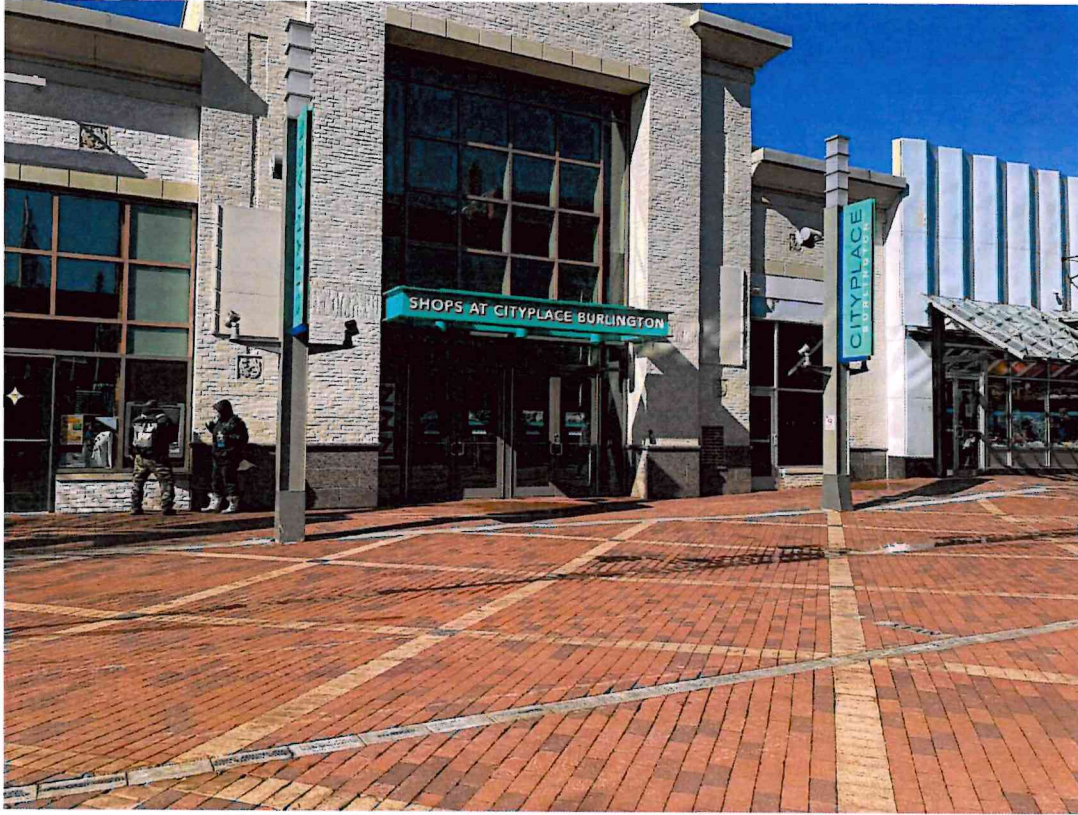


Mall Block

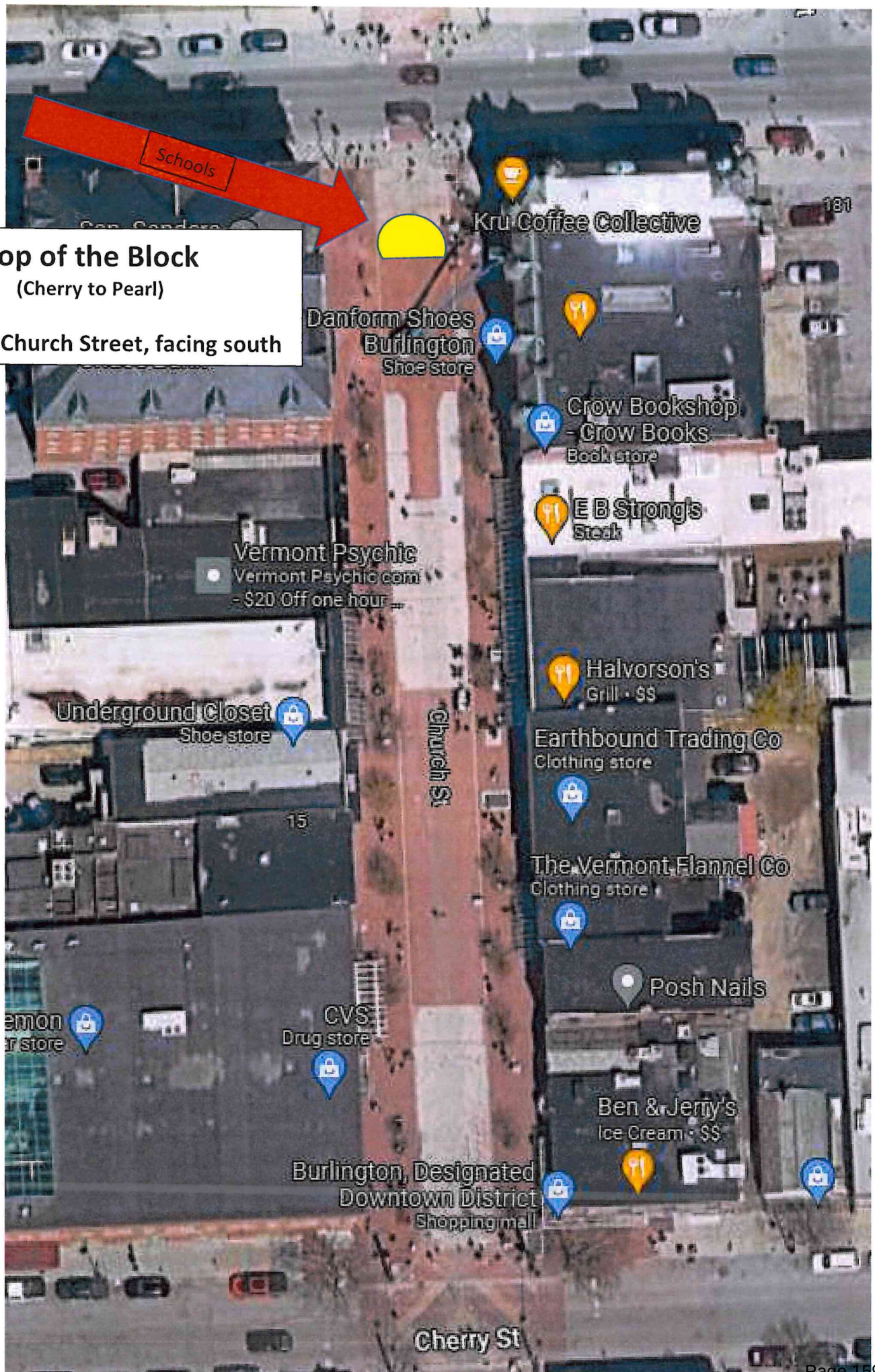
(Bank to Cherry)

In front of Mall Entrance

2. Mall



- **Band Set Up:** In front of the mall entrance. Bricks in good condition, slant of street is minimal. Exact same set up as 2022.
- **Bus Drop Off:** Cherry and Church
- **Rain Location Options:** Inside the mall? First Congregational Church (Cherry & S. Winooski)



Top of the Block

(Cherry to Pearl)

Center of Church Street, facing south

3. Top of Block



- **Band Set Up:** In the middle of Church Street facing south.
- **Bus Drop Off:** Pearl and Church
- **Rain Location Options:** Unitarian Universalist Church, Swan Dojo

**Burlington Jazz Festival
Top of the Block
Thursday, June 7, 2024**

Overview:

The Flynn Center will set up a stage at the Top of Church Street to produce a free concert as part of Burlington Discover Jazz Fest. Audiences will be welcome to dance if the music moves them.

Tickets – Free, no reservation

Time

- June 7
 - o 7:00a Stage Load-In
 - o Load-in / Sound Checks
 - o 5p – 10p Performances
 - o Load-out
 - o 1:00a Clear of Church Street

Parking

- Parking at downtown parking garages and streets

Food / Alcohol

- No alcohol or food
- Security by Chocolate Thunder and/or GMCS

Audience

- Capacity of approx. 600 people over the course of the 5 hours
- No seating provided

Bathrooms

- 1 single and 1 ADA from P&P Septic on Cherry by the Outdoor Gear Exchange wall

Trash

- None provided

Security

- Security will be on site at all times starting at load-in
- Flynn has contracted with BPD for 4 officers + 1 supervisor from 4:30p – 11:00p

Equipment Setup

- A stage will be set up

- Tents: Yes, tents will be Flynn owned 10 x 10 pop-ups if needed
- Amplification: Yes, Backline and PA system will be rented

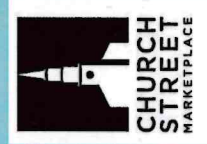
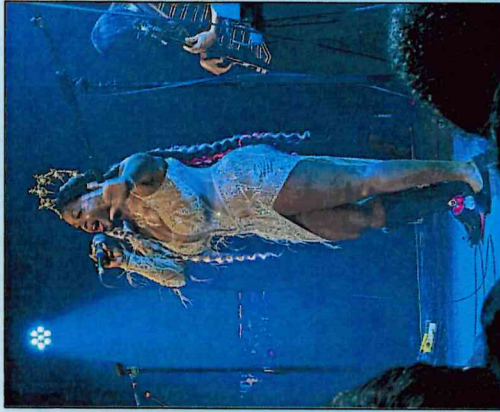
Staffing

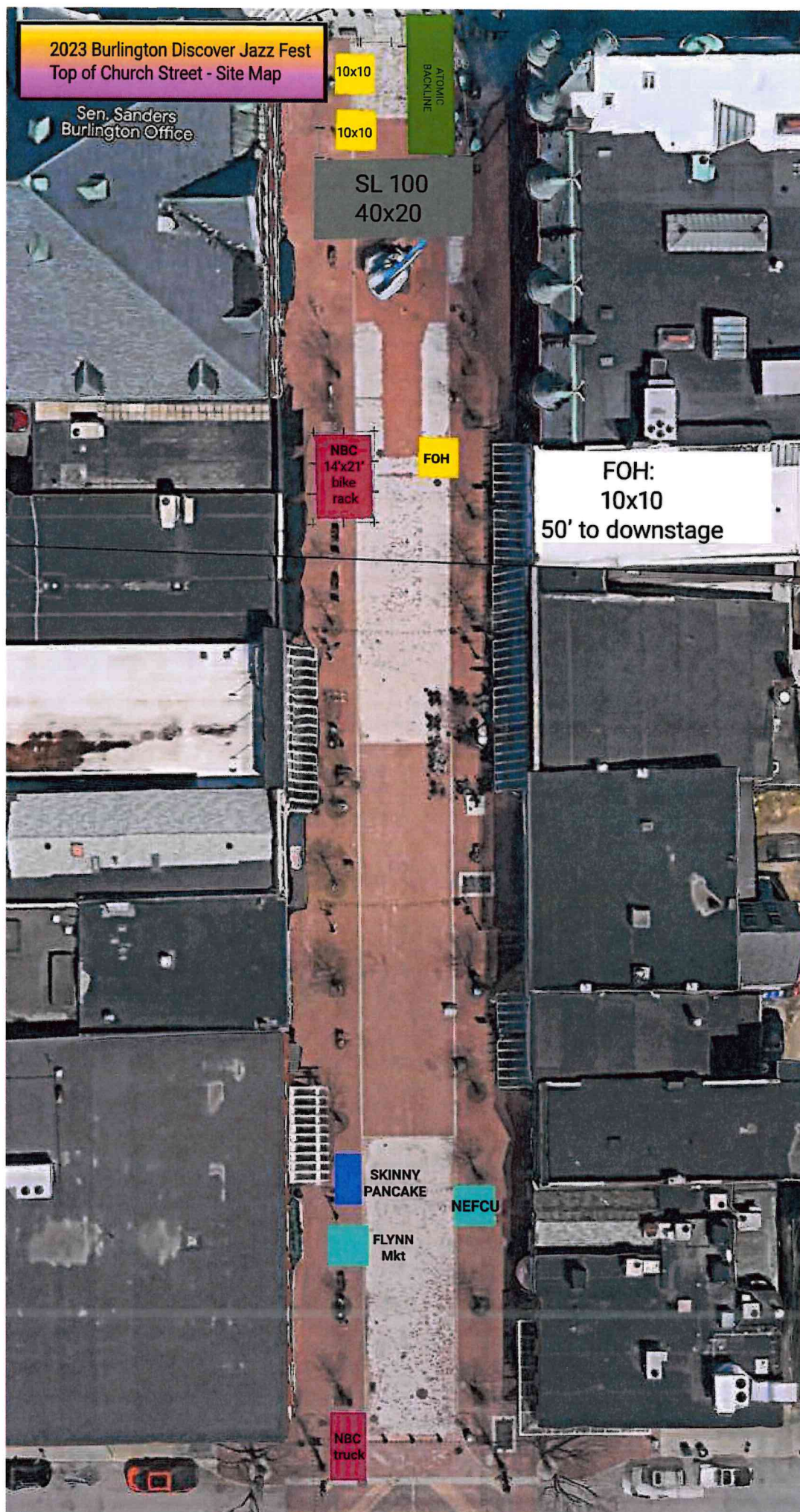
- The Flynn will provide staff to work this event including a site manager, stage manager, an artist manager, security manager and staff to help load-in and out.
- Atomic Pro Audio will staff the stage, audio, and lighting.
- Chocolate Thunder and/or Green Mountain Concert Services will provide the security staffing.

Top of the Block **Thursday, June 6** **5p – 10p**

Artists

5:00p - Kerubo
 6:00p - Carrtoons
 7:20p - Lady Wray
 8:40p - Phony Ppl





2024
Map will
be very
similar

- NEFCU
- Flynn
- NBC
- Skinny
Pancake
- SL100

**Burlington Jazz Festival
Waterfront
Friday, June 7 & Saturday, June 8, 2024**

Overview:

The Flynn Center will produce a concert as part of Burlington Discover Jazz Fest that is free to the public. The concert venue will be at the Waterfront Park –greater park area. Alcohol will be sold. A stage will be set up. Audiences will be welcome to dance is the music moves them. The Flynn is working with Richard Bailey on details.

Tickets – Free, no reservation

Time

- June 6
 - o Stage Load in
 - o Vendors Load in
- June 7
 - o Audio Load in / sound checks
 - o 6p – 10:45p Performances (hard stop at 11p with amplified sound)
- June 8
 - o Sound Checks
 - o 5:00p – 10:30p Performances
 - o 10:45p Load Out begins
- June 9
 - o Load out may run into the early morning hours
 - o Vendors Load out complete

Parking

- Parking on street via meters

Food Trucks

- Food trucks will participate

Audience

- Capacity of approx. 3,000 – 4,000 people each day
- No seating provided

Bathrooms

- Portopotties will be rented and set up
- 25 standard and 4 ADA and 5 handwashing stations
- ADA accessible bathroom

Trash

- 1 10-yard trash dumpster with locks, 2 10-yard recycle dumpster with locks
- Compost totes
- 20 racks of each trash / recycling / compost

Alcohol - Yes

- Alcohol will be served by Higher Ground
- Security by Chocolate Thunder and GMCS
- Entire venue is double fenced
- Security will ID and wrist band 21+ people at the line for the bar

Security

- Security will be on site at all times starting overnight on June 6 and through the load-out on June 10
- Flynn is working with BPD on staffing as well

EMS

- Flynn is working with BFD on EMS services and evacuation plans.

Equipment Setup

- Large stage will be set up by Atomic
- Tents: Yes, tents are being provided by VT Tent.
- Amplification: Yes, Backline and PA system will be rented through Atomic

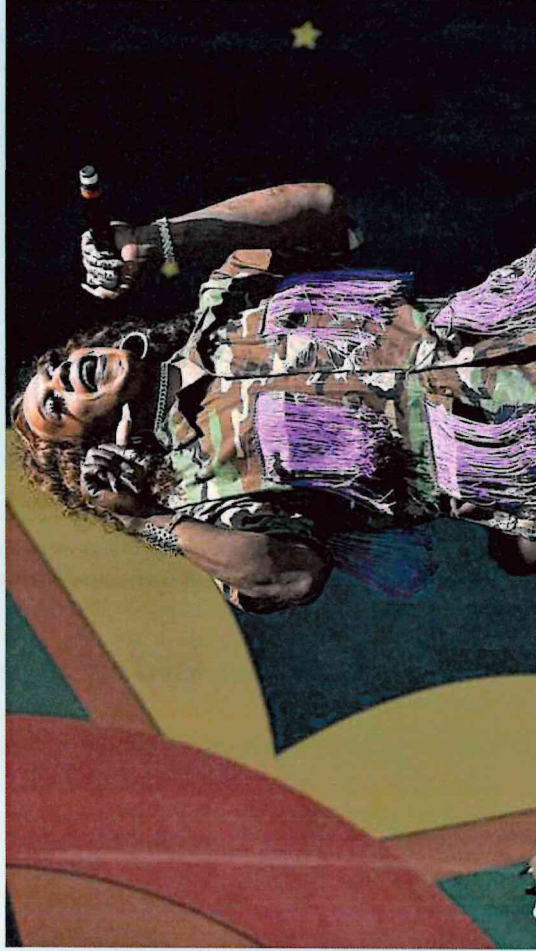
Staffing

- The Flynn will provide staff to work this event including a site manager, stage manager, an artist manager, security manager, staff to help load-in and out, and volunteers
- City staff will be on site to assist in the placement of equipment, tents, egress areas, etc.
- Atomic staff will be on site to manage the stage and audio equipment
- Chocolate Thunder and Green Mountain Concert Services will provide the security staffing.

Waterfront Artists

Friday, June 7

6:00p – Acqua Mossa
7:00p – Durand Bernarr
8:00p – Adi Oasis
9:35p – Big Freedria



Saturday, June 8

5:00p – Wesli
6:20p – Underground System
7:30p – Mononeon
9:00p – Seun Kuti & Egypt 80



Burlington Discover Jazz Festival
Waterfront June 7 & 8, 2024
Frequently Asked Questions

Is it free?

Yes! All events at the waterfront are free of charge. No reservations or tickets required.

Am I guaranteed admittance?

The events are first come, first serve.

Where are the entrances?

There are 2 public entrances. One on the south side and one on the north side of the park.

What time are the performances each day?

Friday, June 7: Performances from 6p – 10:45p

Saturday, June 9: Performances from 5p – 10:30p

What time do the gates open each day?

Friday, June 7 – Gates open at 5:00p

Saturday, June 8 – Gates open at 4:00p

Is there re-entry?

Yes, however you will have to get back in line and wait to re-enter if the park is at capacity.

Can I bring a blanket or chair?

Yes! Blankets and chairs are encouraged and welcomed.

Can I bring a bag?

Yes, there will be a security check point which includes a bag check.

Where do I get my ID checked?

You will show your ID if you are 21+ and want to drink alcohol when you get in line at the bar.

Security will put a wristband on you at this time as well.

Will there be food?

Yes, we will have a variety of food trucks at the event.

Will there be alcohol?

Yes, with Credit Card Only (no cash).

Can I bring outside food in?

Yes.

Can I bring outside beverages?

Each person is allowed one sealed bottle of water. No other drinks and no alcohol is allowed to be brought inside.

Water Refilling Station

Yes, there will be a place to refill your water.

Are there ATM's inside the gate?

No ATM's

What is your Covid Policy?

These events are outside. No masks or proof of vaccination required.

Where can I park?

We highly recommend car-pooling and parking away from the festival to walk to the event.

What if it rains?

The concert will go on rain or shine. If it is forecasted to pour all day, the event might be moved into the Flynn. Watch social media for updates.

What Can I bring?

- 1) Chairs
- 2) Sunscreen
- 3) Small bag
- 4) Personal umbrella
- 5) Point-and-shoot cameras
- 6) Food
- 7) One bottle of sealed water
- 8) Medications and prescriptions
 - a. Please bring a valid photo ID that matches the name printed on your prescription

What Can't I bring?

- 1) Bags larger than 20"x20"x10"
- 2) Glass containers
- 3) Coolers
- 4) Beach Umbrella
- 5) Lasers
- 6) Un-sealed beverages
- 7) Alcoholic beverages
- 8) Firearms
- 9) Tools including knives
- 10) Professional audio, photography and video equipment
- 11) Pets
- 12) Pop-up tents
- 13) Drones

[illegible]

FLYNN

April 29, 2024

Lori Olberg
Licensing, Voting and Records Coordinator
149 Church Street
Burlington, VT 05401
lolberg@burlingtonvt.gov

Dear Lori,

Thank you very much for your assistance in helping us fill out the correct permit applications for the JazzFest.

Please find included the City of Burlington Umbrella Entertainment Permit Application for JazzFest which takes place from June 5 – 9, 2024. Included with the application is a full festival calendar along with maps and the \$25 application fee. Please note that all this information is up to date as of today and is still a work in progress.

Please let us know if you have any questions or need further information.

Sincerely,



Amy Harting
Producer

The Flynn Center for the Performing Arts
aharting@flynnvt.org
802-652-4554

Gene Bergman
Ward Two City Councilor
gbergman@burlingtonvt.gov

To: Board of Finance and City Council
From: Gene Bergman
Re: ONE Cleanup/Cleanout Proposal
Date: April 29, 2024 and May 6, 2024

This is to request \$5,000 in Council Initiative Funds to pay for an Old North End Cleanup/Cleanout Day on Saturday, May 18 sponsored by the ONE's city councilors, Bergman, Grant, and Kane. The departments of Public Works, Parks, Recreation, and Waterfront, and the Burlington School District are supporting the activity.

The funds will go to pay for two Myers' 30-yard roll-offs, two small DPW dump trucks and staff for drop off and pick up and disposal, publicity (door-to-door flyers and a few signs), Front Porch Forum ads, water and other refreshments and supplies for volunteers, and limited paid organizing assistance and coordination.

The purpose is to provide ONE residents with two centrally located roll offs and other facilities to dispose of household goods and other solid waste from homes, yards, city streets, sidewalks, and greenbelts. ONE councilors conducted this event in the past, the last time being in 2019. It was beneficial to residents. The ONE was greened up. It built a greater sense of community. It improved community confidence in the ability of our local government to address resident needs.

The day would begin for the public at 10 a.m. and end at 2:30 p.m., with set up from 9-10 and breakdown from 2:30-3:30. There are two sites: (1) the Sustainability Academy on North St. and (2) the Integrated Arts Academy on Archibald, St. Superintendent Flanagan has approved the siting of the project at the schools; we will work with principals on the exact locations.

Besides the roll-offs, there will be small dump trucks for metal recycling, recycling totes, and sharps containers. Volunteers will be provided with heavy duty trash bags for litter pickup. Water and refreshments will be available. There will be publicity. Councilors will utilize a limited amount of paid assistance in the organizing of the event.

The estimated cost for the roll-offs is \$3,000. The estimated cost for the DPW dump trucks and staff time is \$1,000. The estimated cost for publicity, supplies, and staff time is \$1,000 for a total of \$5,000.

Councilor Kane will be available to answer questions at the BOF meeting on April 29th. I have a conflict with a pre-existing meeting at the CCRPC regarding the Battery St. Scoping Study. I will attend if that conflict disappears. If you have questions before the meeting, please don't hesitate to contact me. Thank you.

BOF Action: To recommend to the City Council that it approve the expenditure of up to \$5,000 from City Council Initiative Funds to support the ONE clean-up in May 2024 and to authorize the Chief Administrative Officer to reimburse expenses up to \$5,000 for this event accordingly.

CC Action: To approve the expenditure of up to \$5,000 from City Council Initiative Funds to support the ONE clean-up in May 2024 and to authorize the Chief Administrative Officer to reimburse expenses up to \$5,000 for this event accordingly.



MEMORANDUM

TO: Board of Finance / City Council

FROM: Martin Lee, PE DPW Water Resources Engineering Manager
Ashley Walenty, PE DPW Water Resources Engineer

CC: Megan Moir, Division Director Water Resources
Chapin Spencer, DPW Director

DATE: April 29, 2024 / May 6, 2024

RE: Distribution and Collection System Improvements – Consultant
Amendment and Contractor Budget Amendment

REQUEST

The Department of Public Works (“DPW”) and its Water Resources Division (“WRD”) seek authorization, through the attached motions, 1) to amend the contract with DuBois & King (“D&K”) for construction oversight by increasing the contract by \$196,785 for a total not to exceed value of \$743,076, and 2) to increase the Inliner construction budget to cover anticipated overages for water line rehabilitation work for a total increase of \$135,000 which includes contingency.

Project Summary

This project is a large (\$8M+) multi-year comprehensive construction project that includes improvements to the following infrastructure: water mains, sewer mains, stormwater mains, and street pavement. The project involves collaboration between the General Fund Technical Services and the Water Resources work groups at the Department of Public Works, with each infrastructure type funded or financed through appropriate sources. The construction project started in 2021 and is expected to be complete by July 2024. Overall, this project includes 1,905 feet of sewer pipe replacement, 22,000 feet of sewer pipe relining, 20 feet of stormwater pipe replacement, 25,000 feet of stormwater pipe relining, 575 feet of water main replacement, 5,600 feet of water main relining, and 0.82 miles of full width pavement restoration on select streets. The result of this work will be more resilient water distribution and wastewater/stormwater collection systems for the City. The initial contract with Granite Inliner was approved by City Council in August 2021¹.

DuBois & King has been under contract to provide construction oversight for this project

¹ <http://go.boarddocs.com/vt/burlingtonvt/Board.nsf/goto?open&id=C5LRXF6FEC03>

since Council approval in 2020². DuBois & King assisted with the bid process and, since the start of construction, has been representing city interests and maintaining a field presence for the duration of the project which is critical for ensuring project quality and accurate accounting of pay items. DuBois & King has also provided construction administrative support which includes managing meetings, submittals, pay applications, and public outreach support. We are near the end of their current not-to-exceed value and DuBois & King is due for a contract amendment to increase their fee to cover the remainder of the 2024 construction season.

PROJECT COST AND FUNDING SUMMARY:

DUBOIS & KING PROJECT COSTS:

The distribution and collection system project has been designed and administered primarily by DPW Water Resources engineers which resulted in significant overall engineering savings during design. However, early on, the City decided to employ a resident construction engineer to ensure adequate construction oversight on this important project as there were not enough internal engineering staff resources to perform this necessary service. Based on the results of a Request for Qualifications (RFQ), the City hired Dubois & King to fulfill this service.

DuBois & King's initial contract (\$141,678) was approved by City Council in 2020 and based on providing services for the bid phase and for the initial construction season of a multi-year project. The contract with DuBois & King is on a time and materials basis. The contract has been amended as needed which is typically every construction year the project is occurring. The following DuBois & King project cost summary table outlines the project costs for construction oversight services on this project. The bold amendment is what we are seeking approval for in this memo. The amount of the 2024 construction oversight contract amendment is related both to the amount of construction work remaining (approximately \$1.1M), the multiple work sites, and to the escalation of labor rates. The amount of construction oversight remaining is anticipated to be less than last year and therefore the cost is less than last year.

While all construction contractor costs have been paid for through funding or financing sources outside the Water Resources annual budgets (i.e. 2018b Bond Series, Drinking Water State Revolving Fund Loan and ARPA funding), construction engineering costs, including construction oversight, have been paid for out of annual capital funding from the various Water Resources budgets.

² <https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/goto?open&id=BMFJ7T4BD986>

DuBois & King Project Cost Summary Table

Description	Cost	Notes
Initial Contract	\$141,678.00	Approved in March 2020
2022 Contract Amendment for Construction Oversight	\$137,061.00	Approved in August 2022
2023 Contract Amendment for Construction Oversight	\$267,552.00	Approved in April 2023 ³
2024 Contract Amendment for Construction Oversight	\$196,785.00	Approval being requested in this memo
TOTAL:	\$743,076.00	Total not to exceed value of contract once amendments are executed

Funding for the 2024 Construction engineering amendment is 50% water capital, 25% wastewater capital and 25% stormwater capital. This will be funded from transfers from the capital expense lines in the FY24 water (Fund 460) wastewater (Fund 480) and stormwater (Fund 245) annual budgets to the respective water resources capital funds (861 - Water, 862 - Wastewater, 863 - Stormwater).

Inliner Project Costs:

After a competitive bidding process, City Council in August 2021 gave authorization to execute a contract with Granite Inliner for a value of \$6,744,196 with a contingency of \$736,935.13 for a maximum limiting amount of \$7,481,131.13, funded by loans from the Clean Water State Revolving Funds (CWSRF) and Drinking Water State Revolving Funds (DWSRF) and City street capital paving funds. In August of 2022, City Council authorized amending the contract to increase the budget by \$520,000 for water work on Overlake Park funded by City ARPA funding⁴. As such, the approved budget for the project is currently \$8,001,131.13.

Over the course of the project, there have been various unanticipated change orders that have exceeded the contingency for the drinking water system portion of the project:

- Additional paving in areas where existing soil conditions required wider trench limits than anticipated
- Additional excavation point repairs of water mains needed to ensure a successful water lining installation
- Additional water relining pits needed to accommodate unanticipated water pipe conditions. The street with the most issues was Deforest Road in 2023. Deforest Road had the most unforeseen pipe bends resulting in the need for extra pits, associated pipe fittings and associated extra paving. It is assumed that Ledge Road water rehabilitation work in 2024 will not have the issues that Deforest Road had 2023. If necessary, we will request approval for additional budget to complete the water rehabilitation work.
- Managing a water main break adjacent to the project area.

³ <https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/goto?open&id=CQMPJG64C6CB>

⁴ <https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/goto?open&id=CGXR7W6AD839>

After assessing the impact of the change orders on the remaining contract value for the anticipated project costs, we estimate that an additional \$135,000 of water capital funding will be necessary to complete the water portion of the project. The following is a table of the water line specific project costs for this project showing an estimated need for an additional \$135,000 to complete work on our last project location, Ledge Road. This additional money makes the budget whole and ensures there is a 10% contingency.

Ledge Road Budget Summary Table for April 2024

Remaining water budget with approved contingency and anticipated change orders accounted for	\$397,948.92
Anticipated Remaining Costs for Ledge Road	(\$501,676.96)
Additional Revenue Needed to Cover Water Capital Work on Ledge Road	\$127,478.04 rounded up to \$135,000

Funding for the remainder of the Ledge Road additional water capital work will come from a transfer from the FY24 Water capital expense line (460-19-400-411.9500) to the appropriate capital project in the Water Capital Fund Account (861).

ATTACHMENTS:

- Attachment A: 2024 Amendment Fee Estimate for DuBois & King

MOTIONS:

The Department of Public Works' Water Resources Division respectfully requests that the Board of Finance and City Council approve the following motions:

Board of Finance Actions (04/29/24):

1. To approve and recommend that the City Council authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$196,785.00 for Calendar Year 2024 administration and inspection services, for a total contract value with Dubois and King not to exceed \$743,076.00, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.
2. To approve and recommend that the City Council authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$135,000.00, for a total Distribution and Collections System contract value with Inliner not to exceed \$8,136,131.13 provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.

City Council Actions (05/06/24):

1. To authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$196,785.00 for Calendar Year 2024 administration and inspection services, for a total contract with Dubois and King not to exceed value of \$743,076.00, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.
2. To authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$135,000.00, for a total Distribution and Collections System contract value with Inliner not to exceed \$8,136,131.13 provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.

Thank you for your consideration of this request.

City of Burlington, Vermont
2020 Water Resources Distribution and Collection System Improvements
Construction Observation Services
Based on a 22-Week Duration (Late-March through Mid-August, 2024)
Amendment No. 5 (updated 4/17/2024)



Project Phases & Tasks		Labor Categories					
		Principal/ Contract Manager	Construction Manager	Resident Engineer	Ass't Resident Engineer	Admin. Support	Total Hours
Task 1: Administration							
1.	Maintain Communications with Issuing POC (22-weeks)		44	*			44
2.	Project Coordination			*			0
3.	Review Contract Documents			*			0
4.	Attend Job Meetings and BiWeekly Schedule Updates		see item 14	*			0
5.	Make Sure Contractor Calls Dig Safe			*			0
6.	Prepare Daily Reports w/ Quantities			*			0
7.	Prepare Daily Sewer Line Inspection Reports			*			0
8.	Prepare Daily Water Line Inspection Reports			*			0
9.	Weekly Reconciliation of Completed Quantities with Contractor			*			0
10.	Assess Progress on Each Item and Check if Item Exceeds Bid Quantity			*			0
11.	Complete Daily Field Reports			*			0
12.	Maintain Photographic Record			*			0
13.	Accompany Project Representatives on Site Visits			*			0
14.	Participate in Weekly Meetings (22 mtgs)	22	88	*		8	118
15.	Report Unusual Occurrences and Accidents			*			0
16.	Calculation and Verification of Final Quantities			*			0
17.	Review Suggested Changes by the Contractor	6	32	*		12	50
18.	Maintain Set of Red-Line Drawings			*			0
19.	Request and Review Information from Contractor	4	16	*			20
20.	Prepare Contractor Progress Payment Requests		64	*		8	72
21.	Issue Substantial Completion Certificate	2	8	*		1	11
22.	Provide Certificate that Project Conforms to Requirements	2	8	*		1	11
23.	Perform Davis-Bacon Wage Reviews		38	*			38
24.	Review Contractor Conformance with DBE requirements/Project Closeout	8	40	20			68
* Hours included in Task 2 below							
Task 2: Construction Inspection							
	Item 1 through Item 10						
	Assume 22 wks @ 40 hrs/wk			880			880
	Assume No Work on Weekends			0			0
Task 3: Customer Service							
	Item 1 and 2 (Friday Meetings)	8	44				52
* Included in hours for Task 2 above							
Task 4: Materials and Equipment Testing							
Coordinate/Monitor Project Testing Requirement and Reporting (Items 1 through 3)				*	(see testing subconsultant budget allowance below)		
* Included in hours for Task 2 above							
Total Hours:		52	382	900	0	30	1,364
Total Hours:		52	382	900	0	30	1,364
Billable Labor		Hourly Rate:	\$190.00	\$132.00	\$112.00	\$0.00	\$80.00
Labor Cost:		\$9,880	\$50,424	\$100,800	\$0	\$2,400	\$163,504

City of Burlington, Vermont
2020 Water Resources Distribution and Collection System Improvements
Construction Observation Services
Based on a 22-Week Duration (Late-March through Mid-August, 2024)
Amendment No. 5 (updated 4/17/2024)



Direct Expenses									
I. Subsistence									
Transportation:	Vehicles	7,000	Miles @	\$0.670	/ Mile =	\$4,690			
			Travel-Air / Ground / Parking Allowance =			\$0			
Meals:	Partial Per Diem	0	Days @	\$0.00	/ Day =	\$0			
	Full Per Diem	110	Days @	\$40.00	/ Day =	\$4,400			
Rooms & Lodging:	Hotel	110	Days @	\$160.00	/ Day =	\$17,600	Subsistence Total =		\$26,690
II. Support Expenses									
					Telephone / Fax =	\$25			
					Postage =	\$25			
					Reproduction =	\$250			
					Copying =	\$25	Support Total =		\$325
III. Subcontractors									
					Testing Budget (See Note Below) =	\$2,500			
<u>Note:</u> The testing budget shown is based on a \$500 monthly average testing budget for 5 months							Subcontractor Total =		\$2,500
IV. Miscellaneous Expe									
					Computer Charges =	\$0			
					Plotting Charges =	\$0			
					Internet Service =	\$0			
					Miscellaneous =	\$200	Miscellaneous Total =		\$200
							Total Direct Expenses =		\$29,715
							Administrative Fee =		\$3,566
							Total Cost =		\$33,281
							Summary of Engineering Fees		
							Labor Fee =		\$163,504
							Reimbursable Expenses =		\$33,281
							Total Fee =		\$196,785

Board of Finance and City Council Submission Checklist

Department: DPW – Water Resources Submitter: Martin Lee

Title/Subject: Distribution and Collection System Improvements – Amendments

	Approval:	Meeting Date:
☒	Board of Finance	4/29/2024
☒	City Council	5/6/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	4/22/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	4/24/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	4/23/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	4/23/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



MEMO

Date: April 29, 2024

To: Board of Finance and City Council

From: Cindi Wight, Director, Department of Parks, Recreation & Waterfront,

Re: BPRW Budget Neutral Amendments

I. Purpose

The Department of Parks, Recreation and Waterfront (BPRW) seeks approval and authorization to amend the BPRW budget as specified below and in the attached budget amendment forms. These are all budget neutral changes.

II. Conservation Legacy Fund

In July 2023, City Council approved thirty percent of the Conservation Legacy Fund for grants for nature-based climate solution projects. The first round of payments to organizations will happen in FY24 and we need to shift funds to the correct general ledger lines.

Parking and Marina

We budgeted to move parking revenue to a new Waterfront Admin program within the Waterfront division as with parking now all on-line or at kiosks, we can no longer separate them by North Beach and Waterfront Operations as we have in the past. Due to the majority of the year still having the revenue going into past parking lines it is a better practice to do a budget adjustment than journal entries. We will ensure all pay codes go to the correct lines at the start of FY25. We also budgeted for the marina fees to separate commercial from seasonal slips but this amendment keeps them together as we have in the past. In FY25 we can separate them to better represent the funding sources for the marina.

Payroll

When individuals were moved from capital to general fund for BPRW they were placed in the admin budget and we are shifting them to the divisions and programs that represent their areas of focus. It includes moving them into Planning, Park Facilities and Central Facilities. In addition, we inadvertently budgeted for one recreation employee incorrectly and adjusting to the correct line.

Marina Security

CT's office required we split security expenditures from Professional and Consultant Services "Contractual Services" budget line to a new budget line, Professional and Consultant Services "Security Contracts." Marina security costs exceed \$50,000 per year and we just executed a new security contract for the 2024 boating season. Though the funding was approved in the FY24 budget "Contractual Services" line, BOF approval is required to transfer more than \$50,000 to a different budget line in a single fiscal year.

III. Attachment

20240429 BRPW BA Form



VI. DEPARTMENT RECOMMENDATION

Board of Finance Motion:

To approve and recommend that the City Council approve and authorize the budget neutral adjustments as detailed in the attached budget amendment forms, and further authorize the Chief administrative Officer or designee to effect all necessary transfers of funds to carry out such amendments, subject to the final review and approval of the Chief Administrative Officer.

City Council Motion:

To approve and authorize the budget adjustments as detailed in the attached budget neutral amendment forms, and further authorize the Chief administrative Officer or designee to effect all necessary transfers of funds to carry out such amendments subject to the final review and approval of the Chief Administrative Officer.

**CITY OF BURLINGTON, VT
BUDGET AMENDMENT REQUEST FY23**

Department: BPRW____ **Requested By:** Cindi Wight____ **Date:** 4/29/24____

Dept. Head Approval (under 10k) C. Wight **Date:** 4/21/24

Chief Admin Officer/Designee (up to \$25k): _____ **Date:** _____

Mayor Approval (\$25k-\$50k): _____ **Date:** _____

Briefly explain the reason for the amendment:

Correcting parking, marina and conservation legacy fund. Going through BOF/CC process

BUDGET AMENDMENT DETAILS

Net Revenues = -

Net Expenses = -

Fund Balance = -

Org Set	GL Account	Type	Account Name	Increase/(Decrease)
	101-23-102-000 . 4295	R	Parking Fees	(608,000)
	101-23-102-258 . 4295	R	Parking Fees	550,000
	101-23-102-257 . 4295	R	Parking Fees	58,000
	101-23-102-258 . 4415_110	R	Boat Rental Slips - Seasonal	(440,000)
	101-23-102-258 . 4415_100	R	Boat Rental Slips - Commerc	440,000
	833-23-700-703 . 9898	E	Unallocated Restricted	(53,724)
	833-23-700-703 . 7390_100	E	Pass Through - Sub Grantee	53,724
	101-23-102-258 . 6500-118		Professional and	
			Consultant Svs Contractual	(16,000)
		E	Services	
	101-23-102-258 . 6500-103		Professional and	
			Consultant Svs Security	16,000
		E	Contracts	

Board of Finance and City Council Submission ChecklistDepartment: BPRW Submitter: Cindi WightTitle/Subject: BPRW Budget Amendment

	Approval:	Meeting Date:
☒	Board of Finance	4/29/2024
☒	City Council	5/6/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	4/18/2024	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	4/21/2024	Joe Magee
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	4/23/24	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	4/21/24	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

TO: City Council

FROM: Lori Olberg, Licensing, Voting and Records Coordinator

DATE: April 18, 2024

RE: Regular Schedule of Meetings of the Board of Finance and City Council through April 2025

2024 dates:

Board of Finance: Monday, September 30; City Council: Monday, October 7

Board of Finance: Monday, October 21; City Council: Monday, October 28

Board of Finance: Monday, November 4; City Council: Tuesday, November 12

Board of Finance: Monday, November 18; City Council: Monday, November 18

Board of Finance: Monday, December 2; City Council: Monday, December 9

Board of Finance: Monday, December 16; City Council: Monday, December 16

2025 dates:

Board of Finance: Monday, January 6; City Council: Monday, January 6

City Council First Public Hearing on Proposed Charter Changes: Wednesday, January 15

Board of Finance: Tuesday, January 21; City Council: Tuesday, January 21

City Council Only: Monday, January 27 **final action on any March 2025 ACE questions**

Board of Finance: Monday, February 3; City Council: Monday, February 10

Board of Finance: Tuesday, February 18; City Council: Tuesday, February 18

Board of Finance: Monday, March 10; City Council: Monday, March 10

Board of Finance: Monday, March 24; City Council: Monday, March 24

City Council Organization Meeting Day: Monday, April 7

Board of Finance: Monday, April 14; City Council: Monday, April 14

Board of Finance: Monday, April 28; City Council: Monday, April 28



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington City Council
FROM: Meagan Tuttle, AICP Director, Office of City Planning
Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
Burlington Planning Commission
DATE: April 26, 2024
RE: Proposed ZA-24-04 Neighborhood Code Part 2 Topics

Overview & Background

The City Council adopted ZA-24-02 (Neighborhood Code) at its March 25, 2024 meeting. This amendment creates a new framework for the city's residential zoning districts that enables a range of housing types, including single-family, ADUs, duplex through four-unit developments, and townhouses and small multi-unit buildings. These amendments enable greater flexibility for existing homes as well as a range of housing options within neighborhoods, create new zoning standards along transportation corridors identified in *planBTV*, and comply with Act 47 of 2023 of the VT Legislature.

During its discussion of the proposed Neighborhood Code amendments in fall and winter 2023, the Joint Neighborhood Code Committee bifurcated the Code to facilitate discussion of the Code's core concepts while reserving later discussion for a second package of amendments. Part One, those amendments adopted in March, addresses substantive changes to Article 4 and Appendix A, as well as other sections. These changes evolve the residential zoning district standards, allowable uses, and district boundaries.

Neighborhood Code Part 2 Amendments

A number of related standards need to be addressed throughout the CDO. Many of these were originally included in the "Relationship of Core Zoning Recommendations to other Ordinance Details" chart used in Joint Committee discussions, and some have emerged from additional public discussion at the hearings for Part 1 as well as from inquiries following the adoption of the code.

The purpose of Part 2 of the Neighborhood Code is to explore technical details and related standards necessary for implementing neighborhood-scale infill development across Burlington. Unlike Part 1 of the Neighborhood Code, recommendations will come from the Planning Commission as four or more separate amendments, detailed below. Using the general direction from past discussions of the Joint Committee, the Planning Commission, either as a body or through its Ordinance Committee, can review or make recommendations for these related standards within each proposed amendment.

Neighborhood Code Part 2-A: Secondary Structures, Planned Unit Developments, and Technical Corrections

Per the request of the City Council on March 25th, this amendment will cover considerations related to the allowance of secondary structures in the Residential Districts, including but not limited to the following topics:

- Height of secondary structures relative to primary structures
- The context of secondary buildings in historic districts or on a lot with a listed structure
- The relationship between secondary buildings allowed in the residential standards and citywide provisions for Accessory Dwelling Units (ADUs)
- Considerations for allowing existing non-conforming and non-residential buildings that are encroaching in setbacks to be converted and/or vertically expanded through additional height

This amendment will also modify Planned Unit Development standards, including consideration of a threshold for lot/project size in the Residential districts as revised under ZA-24-02, as well as development intensity, permitted uses, and other topics as identified. Lastly, this initial amendment will provide clarifications and corrections relevant to the process and implementation of Neighborhood Code Part 1, including:

- Additional miscellaneous definitions to clarify and support consistent implementation of new standards, including what is counted with the maximum "building footprint"
- Consolidation of the applicability of Design Review and the Design Review Overlay zone into one section that provides clearer expectations of what is subject to review
- Possible situations where exceptions to maximum building footprint standards may be considered
- Technical Corrections, including clarifying the Residential Corridor Zone purpose statement to require frontage on a major thoroughfare; updating zoning for Starr Farm Park; internal reference correction

Neighborhood Code Part 2-B: Lot Subdivisions

As discussed in Neighborhood Code Part 1, there is a demand to provide housing typologies such as Cottage Courts and townhouses, as well as unique subdivision types that could create land use efficiencies and facilitate infill housing development. This amendment package will focus on the following topics:

- Flag Lot and fee-simple small lot standards, including site and lot dimensions, frontage, and access
- Other standards that allow subdivision to facilitate fee-simple ownership of lots under duplex, townhouse, and cottage court housing types
- Cottage Court standards, including site and lot dimensions, frontage, access, development intensity, open space, and other topics as identified
- Townhouse and fee-simple duplex standards, including site, lot and building dimensions, frontage, access, development intensity and other topics as identified

Neighborhood Code Part 2-C: Residential Corridors and Neighborhood Commercial Uses

The Neighborhood Code initiative focuses on housing standards. However, consistent with *planBTV*'s call for appropriate and contextual neighborhood evolution and following requests to expand allowable uses within residential districts, this amendment will explore the following topics related to non-residential uses and the transitions between residential districts and mixed-use development.

- The potential expansion of what factors warrant Residential Corridor zone designation and the identification of other applicable locations for this district
- Consideration of the transition of heights/intensities of development and mixed-use allowances of existing mixed-use districts adjacent to the new Residential Corridor district (i.e. neighborhood mixed-use and neighborhood activity center districts)
- Re-visit use table allowances for residential districts across the city

As noted below under "Other Relevant Topics + Related Planning Projects," the upcoming *planBTV: New North End* will be an opportunity to explore expanded mixed-use and commercial development within New North End neighborhoods. Zoning amendments specific to the New North End should be informed by that planning process, which will commence in fall 2024, with anticipated completion in 2026.

Neighborhood Code Part 2-D: Residential Parking Standards

This amendment will explore parking standards, including potential additional flexibility to allow stacked parking (3+ cars in a row) for residential developments and/or consideration of infill-related parking impacts in neighborhoods with high parking demand. This amendment will also provide an opportunity to implement recommendations following the Citywide Transportation Options Study.

Other Relevant Topics + Related Planning Projects

Throughout the Joint Committee discussions, a number of questions and related issues were raised that are not within the core focus of the Neighborhood Code or relate to issues that staff strongly recommends should be discussed in other plans and studies on the near horizon before the Commission provides recommendations. These upcoming planning projects, anticipated start dates, and requested discussion topics include the following:

- The impact on infill implementation resulting from existing regulations for historic properties (*planBTV: Historic Preservation Plan, Fall 2024*)
- Opportunities for expanded mixed-use and neighborhood commercial development in the New North End, including building scale and land use mix for the topics below (*planBTV: New North End, fall 2024*).
 - Large site redevelopment along the North Avenue Corridor, including the overall scale of development and mix of uses
 - Potential for small mixed-use and/or commercial nodes within neighborhoods and/or within close proximity to the Burlington Greenway
- How to ensure access to greenspace across all of Burlington's neighborhoods, including corridors and greenways that provide connectivity and mobility for both people and wildlife (*Open Space Plan, Summer 2024*)

Finally, some requested discussion topics must be carried out in conjunction with other departments. These topics are broad in scope and involve policies outside of, but adjacent to, the purview of the Planning Commission. In most cases, conversations are already underway with other departments and community stakeholders to strategize how to effectively accomplish these goals.

- Stormwater and wastewater impacts resulting from infill development, including consideration of the need for development review criteria and whether change to Chapter 26 (stormwater) may be needed to address and accelerate residential-scale and neighborhood-green stormwater infrastructure solutions (Note: this must be undertaken in conjunction with DPW-Water division)
- Consideration for whether or not Article 9 Inclusionary Zoning should apply to lots with two structures exceeding 5 units, where the number of units in each building individually would not require IZ (Note: several IZ updates are under consideration currently, and the discussion should include how this question relates to IZ updates)
- Solutions to address implementation feasibility and homeownership opportunities, including:
 - Technical and financial assistance for "small" developers/homeowner developers to help build new homes at this scale
 - Homeownership incentives (funding and other policies not in the purview of zoning) to support first-time homebuyers and owner occupancy of multi-unit infill developments
 - Consider whether building/fire code exceptions/alternative approaches have applicability for implementing middle housing types (i.e. sprinklers, stairs, etc.)
 - Review the role that condo conversion plays in prohibiting homeownership

Next Steps

The purpose of this communication is to notify City Councilors of the topics that will be covered in Part 2 of the Neighborhood Code and provide an opportunity to provide feedback or revisions. Following City Council's review, the Planning Commission will commence discussion of the proposed standards.

Board of Finance and City Council Submission Checklist

Department: City Planning Submitter: Charles Dillard

Title/Subject: Proposed ZA-24-04: Neighborhood Code Part 2 Topics

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	5/6/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	4/26/2024	Meagan Tuttle
Mayor's Office informed and approved memo	Choose an item.	Click or tap to enter a date.	Joe Magee
Board/Commission, if required	Yes	4/26/2024	PC Chair – Andy Montroll
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	Click or tap to enter a date.	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Choose an item.	Click or tap to enter a date.	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

Board of Finance and City Council Submission Checklist



MEMORANDUM

TO: Board of Finance/City Council

FROM: Steve Roy, Water Resources Risk and Resiliency Engineer

DATE: April 29, 2024/May 6, 2024

CC: Megan Moir, Division Director Water Resources
Chapin Spencer, DPW Director

RE: Authorization to Execute Easements with UVM Regarding the Redstone Water Storage Tank Site

REQUEST:

The Department of Public Works (DPW) through its Water Resources Division (WRD) seeks authorization for the Mayor to execute mutually beneficial easements with the University of Vermont (UVM) in regards to access of our landlocked site at 354 South Prospect Street for inspection, maintenance and project staging and to allow UVM access across the City parcel for their existing driveway.

BACKGROUND:

The City of Burlington has owned a parcel of land at 354 South Prospect since 1880. The parcel contains the City's first water storage tank at ground level and since 1934, has been the site for our elevated water storage tank, which is an important part of the storage system for water users that are at higher elevations in Burlington. All assets on this site are managed by DPW – Water Resources. Rehabilitation of the elevated water tank ("Redstone Tank") was approved by City Council in 2019 as part of a long term Master Service Contract with Utility Services Group¹ and is finally scheduled for implementation this summer.² This work will involve a temporary increase in construction equipment access through UVM's Redstone campus plus the potential for equipment storage on UVM property.

As part of our due diligence for the project, we reviewed our records and contacted UVM and neither party could find easements for the City to access our Redstone tank site through UVM property. Additionally, UVM has a paved driveway that crosses a small portion of the City's property, and an easement could not be located allowing the encroachment. (See site plans.) Lastly, the rehabilitation project will require temporary use of UVM land for project staging.

The attached easements, drafted by our City Attorney and agreed upon by UVM personnel, are attached for review and approval. The easement from UVM to the City would allow the City access across UVM

¹ <https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/goto?open&id=BDYL5C54D870>

² Work has been delayed for a number of years due to protracted negotiations with the cellular company (AT&T) which holds a lease for cellular antennas mounted on the tank. The original lease (1991) unfortunately did not contain provisions related to the responsibility for relocation of the antennas in the event of tank maintenance. The City has finally reached agreement that AT&T will absorb the cost for temporary relocation of the antennas, with the City agreeing to invest in a corral system which will preclude the need for such relocations in the future.

property to the City's parcel and would allow staging on UVM land subject to an approved staging plan. The easement from the City to UVM authorizes UVM's driveway encroachment onto City land. Both easements include reasonable risk management provisions to protect both parties' interests.

MOTIONS:

DPW respectfully requests the following actions:

Board of Finance Action:

1. To authorize the City Council to approve and authorize the Mayor to execute an easement to allow the City access to UVM property for the purposes of project staging and to access to its parcel located at 354 South Prospect Street for inspection and maintenance.
2. To authorize the City Council to approve and authorize the Mayor to execute an easement to allow UVM access to its parcels through the City site located at 354 South Prospect Street.

City Council Action:

1. To authorize the Mayor to execute an easement allow the City access to UVM property for the purposes of project staging and to access to its parcel located at 354 South Prospect Street for inspection and maintenance.
2. To authorize the Mayor to execute an easement to allow UVM access to its parcels through the City site located at 354 South Prospect Street.

Thank you for your consideration of this request.

EASEMENT DEED
Redstone Campus
University of Vermont and State Agricultural College
to
City of Burlington

This Easement Deed (this “Deed”) is entered on ____, 2024 (the “Effective Date”) between the University of Vermont and State Agricultural College, a non-profit educational corporation and instrumentality of the State of Vermont (“UVM”) and the City of Burlington, a Vermont municipal corporation (the “City”), with respect to the following facts:

- A. UVM owns certain parcels of property (the “Property”) in the City of Burlington, County of Chittenden, State of Vermont, as follows:
 - a. Parcel 4, as described in that certain deed from the University of Vermont to UVM, dated March 29, 1959, and recorded in the Land Records at volume number 149, page 248; and
 - b. Parcels 2 and 3, as described in that certain deed from the Mary Fletcher Hospital to UVM, dated as of June 3, 1891, and recorded in the Land Records at volume number 31, page 168, said property having also been described in a prior long-term lease from UVM to Christ Church Presbyterian Church dated July 17, 1978, and recorded in the Land Records at volume number 252, page 460.
- B. The City owns a 0.32 acre parcel of property (the “City Parcel”) more particularly described in that certain deed from Franklin J. Hendee, dated October 12, 1880, and recorded in the Land Records at volume number 16, page 259. Two municipal water tanks are located at the City Parcel, a ground level brick tank constructed in 1889 now used for storage and the 1934 steel elevated tank still in use. The City Parcel is landlocked and requires access through the Property. Furthermore, construction activities by the City on the City Parcel may occasionally require temporary use of UVM land directly adjacent to the City Parcel.
- C. The City Parcel and relevant portions of the Property are depicted on a plat entitled “Boundary Survey, City of Burlington, High Service Reservoir Lot,” prepared by Krebs & Lansing Consulting Engineers, Inc., dated January 3, 2023, and recorded in the City’s Land Records in Plat 596, Slide D.
- D. In consideration of Ten Dollars and No Cents (\$10.00), the receipt and sufficiency of which is hereby acknowledged, and for other good and valuable consideration, UVM desires to convey an easement for construction staging upon, and for ingress and egress over, the Property, on terms and conditions set forth herein.
- E. Both parties have determined that the giving of this Deed is in the public interest.

NOW, THEREFORE, the parties agree as follows:

- 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

2. Grant of Easement. UVM hereby grants to the City and its successors and assigns, to have and to hold, with all the privileges and appurtenances thereto, a non-exclusive easement over the Property for purposes described in the Recitals. Except in cases of emergency, prior to scheduling construction, maintenance, or repair work upon the City Parcel requiring access to the Property for staging or ingress and egress, the City shall present its plan for staging and access to UVM for its review and approval, which UVM shall not unreasonably withhold, delay, or condition. When reasonably required to ensure the City has access to the City Parcel, UVM shall provide the City with reasonable access over other property owned by UVM adjacent to the Property.
3. Warranty. UVM, for itself and its successors and assigns, does covenant that it is the sole owner of the Property and has good right and title to convey the rights and easements granted and conveyed hereby free of every encumbrance, and it hereby engages to warrant and defend the same against all lawful claims whatsoever.
4. UVM's Use & Modification of the Easement Area. Without the City's written consent, which consent shall be in the City's reasonable discretion, UVM shall not use the Property in any manner or install or remove any fixtures or improvements in or upon the Property, in such manner as would foreclose the City's intended use of the Property under this Deed.
5. The City's Use & Repair of the Property. In case the City's use of the Property causes any damage to the Property, the City shall promptly restore the Property as closely as reasonably practicable to its former condition at its own cost and expense; provided, however, that nothing herein shall require the City to restore the Property following any casualty loss not caused by the City or its agents. All work performed by the City shall be approved in advance by UVM in writing, except in case of emergency, and it shall be done in a good and workmanlike manner in compliance with all permits and approvals covering such work.
6. Indemnification & Insurance. The City shall hold UVM harmless, indemnify, and defend it from and against any claims, including UVM's reasonable attorney's fees, arising from the City's operations under this Agreement, excepting any claim arising from UVM's negligence or willful misconduct. The City shall also ensure that any City contractor using the Property pursuant to this Agreement shall name UVM as an additional insured on any policy of insurance required under the contract.
7. Succession. This Deed shall run with the land for the benefit of the City Parcel.
8. Miscellaneous.
 - a. The parties hereto are independent contractors, and neither party is the agent or principal of the other. By entering this Deed, the parties do not intend to create a partnership, joint venture, or similar enterprise.
 - b. There are no third-party intended beneficiaries of this Deed.
 - c. This Deed shall not be construed against either party.
 - d. This Deed contains the entire understanding of the parties with respect to the subject matter

hereof and supersedes all prior agreements or understandings relating to the same, whether written, oral, or implied.

- e. If any provision of this Deed is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Deed shall continue in force to the extent necessary to effectuate the original intent of the parties as closely as possible.
- f. No waiver of any provision of this Deed shall be valid unless in writing, notwithstanding the passage of time, and no waiver shall constitute a continuing waiver of the same or another provision. This Deed may not be amended except in a writing executed by both parties.
- g. This Deed shall be construed according to Vermont law, notwithstanding conflicts of law principles, and venue for any dispute arising under this Deed shall be proper in Chittenden County, Vermont, notwithstanding any other law.
- h. Neither party shall file any litigation arising from this Deed without first attempting in good faith to resolve the parties' dispute through negotiated settlement or mediation; provided, however, that any applicable statute of limitations shall toll during any period in which the parties are actively and mutually engaged in dispute resolution; and provided further that nothing herein shall prevent either party from seeking emergency relief in appropriate circumstances from a court of competent jurisdiction.
- i. In case of any litigation arising from this Deed, the prevailing party shall be entitled to its reasonable attorneys' fees and costs.
- j. The parties shall perform, execute, or deliver promptly any and all such further acts and documents as may be reasonably required to consummate and continue to effectuate the transactions contemplated hereby.
- k. The City accepts the easement hereby conveyed as-is, subject to UVM's warranty of title, above.
- l. This Deed and any amendment hereto shall be recorded in the Land Records of the City of Burlington.
- m. The signatories of this Deed represent and warrant their authority to bind their respective parties.

[Signatures on Following Page]

IN WITNESS WHEREOF, this Deed has been executed as of the Effective Date.

**UNIVERSITY OF VERMONT
AND STATE AGRICULTURAL
COLLEGE**

By: _____
Richard H. Cate, Vice President for Finance
and Administration

State of Vermont, County of Chittenden. This record was acknowledged before me on
_____ (date) by Richard H. Cate, Vice President for Finance and Administration.

Signature of Notary Public: _____
Stamp or certificate number: _____
Title of office: _____
My commission expires: _____

THE CITY OF BURLINGTON

By: _____
Name: Emma Mulvaney-Stanak
Title: Mayor of the City of Burlington, Vermont
Address: 149 Church St, Burlington, VT 05401

State of Vermont, County of Chittenden. This record was acknowledged before me on
_____ (date) by _____ as the Mayor of the City of Burlington, Vermont.

Signature of Notary Public: _____
Stamp or certificate number: _____
Title of office: _____
My commission expires: _____

EASEMENT DEED
Redstone Campus
City of Burlington
to
University of Vermont and State Agricultural College

This Easement Deed (this “Deed”) is entered on _____, 2024 (the “Effective Date”) between the City of Burlington, a Vermont municipal corporation (the “City”) and the University of Vermont and State Agricultural College, a non-profit educational corporation and instrumentality of the State of Vermont (“UVM”), with respect to the following facts:

- A. The City owns a 0.32 acre parcel of property (the “Property”) more particularly described in that certain deed from Franklin J. Hendee, dated October 12, 1880, and recorded in the Land Records at volume number 16, page 259.
- B. UVM owns a parcel of property (the “UVM Parcel”) more particularly described in that certain deed from the University of Vermont to UVM, dated March 29, 1959, and recorded in the Land Records at volume number 149, page 248.
- C. The Property and relevant portions of the UVM Parcel are depicted on a plat entitled “Boundary Survey, City of Burlington, High Service Reservoir Lot,” prepared by Krebs & Lansing Consulting Engineers, Inc., dated Jan 3, 2023, and recorded in the City’s Land Records in Plat 596, Slide D.
- D. UVM maintains an approximately 22.24-foot paved driveway across the UVM Parcel that encroaches the Property, as shown on the Plat.
- E. In consideration of Ten Dollars and No Cents (\$10.00), the receipt and sufficiency of which is hereby acknowledged, and for other good and valuable consideration, the City desires to convey an easement for ingress and egress over the Property, on terms and conditions set forth herein.
- F. Both parties have determined that the giving of this Deed is in the public interest.

NOW, THEREFORE, the parties agree as follows:

- 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.
- 2. Grant of Easement. The City hereby conveys to UVM a non-exclusive easement in the Property for ingress and egress across the existing paved driveway encroachment shown on the Plat.
- 3. Warranty. The City, for itself and its successors and assigns, does covenant that it is the sole owner of the Property and has good right and title to convey the rights and easements granted and conveyed hereby free of every encumbrance, and it hereby engages to warrant and defend the same against all lawful claims whatsoever.

4. UVM's Use & Modification of the Easement Area. UVM shall maintain the paved driveway upon the Property in good condition, so as to avoid nuisance or waste. Without the written permission of the City, which the City shall not unreasonably withhold, delay, or condition, UVM shall not: (1) materially alter the paved driveway upon the Property, or (2) expand the encroachment. It is agreed and understood that interference with the City's use or intended future use of the Property shall be a reasonable basis on which deny such permission.
5. Indemnification & Insurance. UVM shall hold the City harmless, indemnify, and defend it from and against any claims, including the City's reasonable attorney's fees, arising from UVM's operations under this Agreement, excepting any claim arising from the City's negligence or willful misconduct. UVM shall also ensure that any UVM contractor using the Property pursuant to this Agreement shall name the City as an additional insured on any policy of insurance required under the contract.
6. Succession. This Deed shall run with the land for the benefit of the UVM Parcel.
7. Miscellaneous.
 - a. The parties hereto are independent contractors, and neither party is the agent or principal of the other. By entering this Deed, the parties do not intend to create a partnership, joint venture, or similar enterprise.
 - b. There are no third-party intended beneficiaries of this Deed.
 - c. This Deed shall not be construed against either party.
 - d. This Deed contains the entire understanding of the parties with respect to the subject matter hereof and supersedes all prior agreements or understandings relating to the same, whether written, oral, or implied.
 - e. If any provision of this Deed is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Deed shall continue in force to the extent necessary to effectuate the original intent of the parties as closely as possible.
 - f. No waiver of any provision of this Deed shall be valid unless in writing, notwithstanding the passage of time, and no waiver shall constitute a continuing waiver of the same or another provision. This Deed may not be amended except in a writing executed by both parties.
 - g. This Deed shall be construed according to Vermont law, notwithstanding conflicts of law principles, and venue for any dispute arising under this Deed shall be proper in Chittenden County, Vermont, notwithstanding any other law.
 - h. Neither party shall file any litigation arising from this Deed without first attempting in good faith to resolve the parties' dispute through negotiated settlement or mediation; provided, however, that any applicable statute of limitations shall toll during any period in which the parties are actively and mutually engaged in dispute resolution; and provided further that nothing herein shall prevent either party from seeking emergency relief in appropriate circumstances from a court of competent jurisdiction.

- i. In case of any litigation arising from this Deed, the prevailing party shall be entitled to its reasonable attorneys' fees and costs.
- j. The parties shall perform, execute, or deliver promptly any and all such further acts and documents as may be reasonably required to consummate and continue to effectuate the transactions contemplated hereby.
- k. UVM accepts the easement hereby conveyed as-is, subject to the City's warranty of title, above.
- l. This Deed and any amendment hereto shall be recorded in the Land Records of the City of Burlington.
- m. The signatories of this Deed represent and warrant their authority to bind their respective parties.

[Signatures on Following Page]

IN WITNESS WHEREOF, this Deed has been executed as of the Effective Date.

**UNIVERSITY OF VERMONT
AND STATE AGRICULTURAL
COLLEGE**

By: _____
Richard H. Cate, Vice President for Finance
and Administration

State of Vermont, County of Chittenden. This record was acknowledged before me on
_____ (date) by Richard H. Cate, Vice President for Finance and Administration.

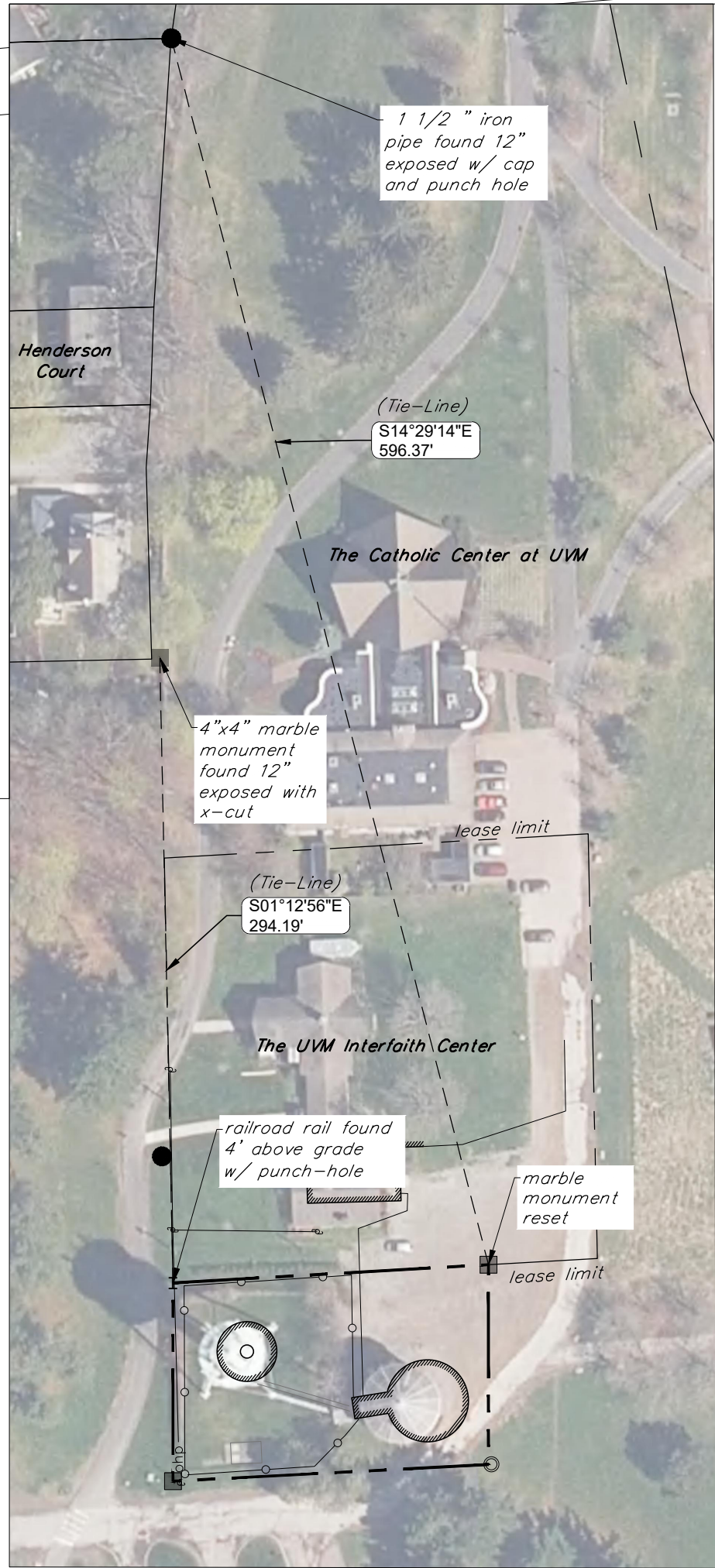
Signature of Notary Public: _____
Stamp or certificate number: _____
Title of office: _____
My commission expires: _____

THE CITY OF BURLINGTON

By: _____
Name: Emma Mulvaney-Stanak
Title: Mayor of the City of Burlington, Vermont
Address: 149 Church St, Burlington, VT 05401

State of Vermont, County of Chittenden. This record was acknowledged before me on
_____ (date) by _____ as the Mayor of the City of Burlington, Vermont.

Signature of Notary Public: _____
Stamp or certificate number: _____
Title of office: _____
My commission expires: _____



Board of Finance and City Council Submission Checklist

Department: DPW- Water Resources Submitter: Steve Roy

Title/Subject: Authorization to Execute Easements with UVM Related to the Redstone Tank Site

	Approval:	Meeting Date:
☒	Board of Finance	4/29/2024
☒	City Council	5/6/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	4/23/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	4/23/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	4/23/24	Draft Easements - Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	4/23/24	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	4/23/24	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Easements
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

City of Burlington

2024 Legislative Update

Volume 16-2024

April 22, 2024

Government Relations Team:

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Copies of Bills: Hyperlinked Below or Access the Legislative Website at www.leg.state.vt.us

This week promises to feature lengthy floor sessions, particularly in the Senate as some major bills are coming to the floor. The annual transportation budget bill (TBill) is on the House Calendar for likely action this week. The same is true for this year's miscellaneous tax and revenue bill, H.546. And lastly, we can expect the FY25 budget bill (H.883) to also be considered on the Senate floor this week. The Appropriations Committee gave its unanimous approval to its version of the \$8 billion bill late last Friday. The details and spending spreadsheets will now be finalized and ready to go when Senators return this Tuesday. The Senate typically likes to caucus as a whole on the budget, and then consider it on the floor the next two days. Following that, the bill will head to a conference committee of House and Senate negotiators to reconcile differences. Still on the horizon in the Senate is this year's signature housing and Act 250 bill, H.687, which is another must-pass bill. Some are targeting May 10 as a possible adjournment date, though that may be particularly ambitious considering all of the moving pieces.

The House, meanwhile, will be considering another of those moving pieces on the floor this week. [H.887](#) is an education funding bill that sets the annual property tax rates and yields necessary to support K-12 education across the State. The bill also contains a new tax that assesses a sales tax to purchases of prewritten software regardless of where accessed (the so-called "cloud tax") raising about \$20 million; and another assessing 1.5% surcharge on short-term rentals raising about \$6 million. These taxes are intended to help to buy down the looming property tax increase needed to support education spending, but even with that help the homestead property rate will increase 15% and the non-homestead rate 18%. The bill was the subject of dueling press conferences in the House last week. We can expect lengthy floor debate and several amendments before all is said and done in the House. The Senate then gets its turn without a lot of time.

Several bills and issues relevant to the City remain active in these final weeks of the session, including the following:

Housing

Budget Bill – The FY25 Budget Bill is expected to be a location for a number of housing and emergency housing appropriations. The House version of the bill contains a number of appropriations related to housing, including:

- Includes \$7.5M GF in base for Emergency Housing
- Adds \$16.5M in one-time GF for Emergency Housing
- Adds \$20M contingent appropriation for Emergency Housing
- Includes \$839K GF for security at Emergency Housing motels and hotels

- Includes \$7.2M GF in DCF's Office of Economic Opportunity for shelter bed expansion
- Provides \$446K to fund Spectrum Youth and Family Services' 10-bed shelter for homeless youth
- Provides \$25.7M for the Housing Opportunity Grant Program (HOP) that assists homeless individuals

Emergency Housing/Homeless/General Assistance – Senate Health & Welfare has recommended [an amended H.679](#). The bill is now pending in Senate Appropriations. The bill proposes to establish the Emergency Temporary Shelter Program to replace the General Assistance Emergency Housing Program. The bill is intended to provide in statute a more stable and predictable process for housing unsheltered homelessness by making interim shelter opportunities be available to provide a stable pathway to permanent housing for all Vermonters experiencing homelessness. Further, arbitrary time limits, night-by-night shelter, relocation between interim housing sites, and other disruptions in housing stability are intended to be eliminated. A preference will be that non-congregate housing be used to the greatest extent possible, with hotels and motels are a continued possibility. There is stalled implementation of the new program for a year to better understand all implications and how it would be run. FY25 General Assistance will continued to be funded.

Rental Assistance/Housing/No Cause or Just Cause Evictions – The [House-passed H.829](#) remains pending in Senate Economic Development, Housing & General Affairs where its future is in doubt. The bill contains policy and appropriations related to general housing and rental assistance programs. The House chose to fund these initiatives through a new 11.75% income tax bracket starting in tax year 2025 at \$500,000 of income. JFO estimates the new top marginal rate will increase personal income tax revenue by \$74.9 million in fiscal year 2026. Prior to passing the House, an amendment was offered and rejected that would have provided a moratorium on no-cause evictions until the Legislature passes legislation repealing the moratorium. A separate amendment directing a study did pass. The Evictions Study Committee is created to review the causes of eviction in Vermont and propose legislation advancing eviction laws responsive to Vermont's crises of housing and homelessness. A report with findings and any legislative recommendations is due back to the Legislature by December 15, 2024.

Burlington Charter Change/Just Cause Eviction – [H.474](#) was introduced last year and remains pending in House Government Operations. The bill proposes to approve amendments to the charter of the City of Burlington to authorize the City Council to adopt an ordinance prohibiting the eviction of residential tenants without just cause.

Housing/Be Home/Act 250 – Senate Natural Resources & Energy has given its recommendation to an [amended H.687](#). The bill is currently pending in Senate Finance, will eventually go to Appropriations, and will also be reviewed by Economic Development, Housing & General Affairs. The bill contains proposals and revisions to zoning and Act 250 matters, and reform proposals related to the regulatory review of such matters. Also consistent is each of the bills are exemptions from Act 250 for defined Tiers based upon location, density, infrastructure and more. Tier 1A provides such an exemption for designated areas in municipalities that have such infrastructure and local zoning review. Differences in the House and Senate relate to scope and timeline for implementation. Other differences in the versions will also have to be reconciled.

Tax on Short-Term Rentals – H.887 is on the House Calendar for action this week. Contained within the bill is a new 1.5% surcharge on short-term rentals. The surcharge is estimated to raise approximately \$6 million annually, which goes to the Ed Fund and helps to buy down the pending property tax increase..

Housing Status Protected Class – The House-passed and [amended H.132](#) remains pending in the Senate Committee on Economic Development, Housing & General Affairs. The bill adds housing status to the list of protected classes against which housing and employment discrimination is prohibited. 'Housing status' is

defined to mean the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined under federal law.

Public Safety

Retail Theft – The Senate Judiciary has given its recommendation to an [amended H.534](#). The bill is on the Senate Calendar for action this week. It will then head back to the House for consideration of the amended language. The Judiciary Committee favors a schedule of penalties that increase in severity for repeat violations.

Drug Crimes/Public Safety – The Senate-passed [S.58](#) remains pending and under consideration in House Judiciary with a vote possible by the end of this week. The omnibus public safety bill from the Senate proposes to amend the drug laws related to, for example, dispensing or selling a regulated drug with death resulting, and adding xylazine to the list of regulated drugs and subject to such penalties. The bill also includes so-called Raise the Age provisions that address when an individual is subject to the jurisdiction of the Family Division of Superior Court to the Criminal Division, and applies certain of the so-called Big 12 crimes to 16-18 year olds. A proposal to allow an accelerated eviction process based on criminal activity, illegal drug activity, or acts of violence was removed from the bill.

Bail and Conditions of Release – The Senate-passed [S.195](#) remains pending in House Judiciary, which is considering its own [amended version of the bill](#). The bill makes a series of amendments to bail, release prior to trial, electronic monitoring, home detention, and other matters related to conditions of release.

Law Enforcement Interrogation Policies – The Senate-passed [S.285](#) remains pending in House Judiciary. The bill states that it is intent of the General Assembly to prevent false confessions and wrongful convictions of individuals subject to law enforcement interrogation, to progress towards a total prohibition of the use of deception in all forms of interrogation, and to ultimately improve trust between Vermont's communities and law enforcement. To achieve these objectives, it is the further intent of the General Assembly to create a minimum set of law enforcement interrogation standards that incorporate evidence-based best practices by: (1) prohibiting law enforcement's use of threats, physical harm, and deception during interrogations of all persons consistent; and (2) mandating that the Vermont Criminal Justice Council develop, adopt, and enforce a statewide model interrogation policy that applies to all Vermont law enforcement agencies and constables exercising law enforcement authority.

Expungement and Sealing of Criminal History Records – The House-passed [H.655](#) remains pending and under active consideration in Senate Judiciary with mark-up and vote possible this week. The bill proposes to expand the list of offenses that may qualify for sealing upon petition, shift offenses that are currently expungable to sealable, and make amendments to who may access sealed criminal history records and under what circumstances.

Restorative Justice – The [House-passed H.645](#) remains pending and under active consideration in Senate Judiciary, which is considering [its version of an amended bill](#) with mark-up and vote possible this week. The bill looks to alternative approaches to restorative justice as a means to combat retail theft and repeat offenders. The revised bill addresses juvenile and adult court diversion programs and barriers to access such programs.

Auto Theft – The Senate has passed its version of [H.563](#). It is now back in the House for consideration of the Senate amendments. The Senate version contains violations and penalties for entering a motor vehicle of another without authorization or consent of the owner, and operating a motor vehicle without the consent of the owner. The Senate version rejects a House proposal (House-passed [H.563](#)) containing additional violations and penalties for auto theft.

Unserialized or “Ghost” Weapons – The House has given preliminary approval to [S.209 as recommended by House Judiciary](#). Several amendments remains pending before final approval. One proposes that a municipality may adopt an ordinance that prohibits the possession of a firearm within a municipal building or portion of a municipal building. Another proposes a study of that same issue. The bill will head back to the Senate for consideration of the House amendments. The Senate bill prohibits a person to possess, transfer, or offer to transfer an unfinished frame or receiver, or firearm, unless they have been imprinted with a serial number by a federal firearms licensee, or manufacture a firearm or frame or receiver of a firearm, including by a three-dimensional printer, that is not imprinted with a serial number by a federal firearms licensee. The House Judiciary version largely agrees with that Senate proposal, and adds a new provision that prohibits firearms or dangerous and deadly weapons at polling places.

Substance Use, Prevention and Treatment

Overdose Prevention Centers – Senate Health & Welfare last week recommended an [amended H.72](#). The bill was subsequently referred to the Finance Committee, has emerged from that Committee, and will next be referred to Appropriations. The Senate Committee version contemplates one site in Burlington and \$1.1 million in funding to come from [opioid settlement funds](#). It also includes language recommended by the City to address trained professionals on site.

Declaring Drug Overdose Deaths a Public Health Emergency – A resolution in the Senate is being treated similar to a bill and is under consideration in Senate Health & Welfare. [J.R.S.44](#) declares the increasing number of drug overdose deaths in Vermont to be a public health emergency. A legislative resolution does not have the force of law and can’t necessarily compel action, but can convey a legislative intent or sentiment.

Budget Bill - The FY25 Budget Bill is expected to be a location for a number of appropriations related to public health. The House bill, for example, includes:

- Includes \$2M from the Evidence Based Education Fund for naloxone distribution
- Directs \$6.1M of Opioid Settlement Fund for substance use prevention and treatment as follows:
 - \$1,060,000 Opioid Abatement Special Fund for a program administered by Vermont’s 13 recovery centers in collaboration with the Department of Corrections to provide recovery support to those in correctional facilities, post-incarceration, and involved in probation and parole;
 - \$1,000,000 Opioid Abatement Special Fund for grants to providers to establish community-based stabilization beds for individuals transitioning between substance use disorder residential treatment and the recovery system;
 - \$800,000 Opioid Abatement Special Fund for grants to providers for ongoing support for contingency management;
 - \$795,000 Opioid Abatement Special Fund for prevention coalitions;
 - \$714,481 Opioid Abatement Special Fund to expand Student Assistance Professional and school-based services;
 - \$325,000 Opioid Abatement Special Fund for recovery housing supports;
 - \$300,000 Opioid Abatement Special Fund for a grant to Johnson Health Center and Vermonters for Criminal Justice Reform to establish a managed medical response partnership for individuals with substance use disorder;
 - \$835,073 General Fund for the Bridges to Health program; and
 - \$400,000 General Fund for the Vermont Household Health Insurance Survey.

Flavored Tobacco Products and e-liquids – The Governor has vetoed [S.18](#), a bill that proposes to ban the retail sale of flavored cigarettes, e-cigarettes, and e-liquids, among other purposes. The Senate has indicated they will not schedule a vote to override, meaning the veto will stand absent further developments.

Transportation/Public Transit

FY25 Transportation Budget Bill – The Senate Transportation Committee has voted to recommend its version of the FY25 transportation appropriation and policy bill, [H.868](#). The bill is now on the Senate Calendar for consideration this week. The bill is expected to go to a conference committee to reconcile differences with the [House-passed H.868](#). The annual bill contains appropriations for transportation infrastructure, programs, administration, and modes of transportation, including public transit, aviation and rail.

FY25 Public Transit Budget/GMT – The TBill referenced above contains funding for public transit and related programs. A few notable changes in the Senate Transportation bill:

- They disagreed with the House decision to take \$1.7 million in federal carbon reduction moneys to be used for EV an infrastructure and instead return that money to transit and Mobility and Transportation Initiatives (MTI) capital (likely EV Sprinters or the like).
- They tightened the MTI eligibility language to make sure that any new grants will complement and not compete with existing services and programs, including public transit.
- They deleted entirely the House proposal for a study of broader transportation revenues. The Committee rationale is that this has been studied enough and the issue just needs political will to make revenue decisions. (As a reminder, this was not a transit-specific study but for all of transportation.)
- In response to GMT’s continued budget deficits, the bill appropriates \$1 million to GMT as one-time bridge funding, contingent on a number of factors described in Section 5, page 12. The money comes from VTrans maintenance but will be replaced with any new federal funds that can be flexed for this purpose.

GMT Funding - Senate Transportation voted to [appropriate \\$1 million in one-time funds to Green Mountain Transit](#) to address expected financial deficits. The funding is conditioned on the following:

- (1) that GMT begin collecting fares for urban and commuter transit service not later than June 1, 2024;
- (2) in coordination with the Agency of Transportation, Special Service Transportation Agency, Rural Community Transportation, and Tri-Valley Transit, evaluate alternative options for delivering cost-effective urban fixed-route transit service, rural transit service, commuter service, and any other specialized services currently provided, and prepare a proposed implementation plan, including a three-year cost and revenue plan, for recommended service transitions; and
- (3) submit to the House and Senate Committees on Transportation an interim report on or before November 15, 2024 and a final report on or before February 1, 2025, detailing the findings, recommendations, and implementation plan

Medicaid Transportation – The FY25 Budget Bill is expected to be a location for appropriations related to Medicaid transportation services. The House bill includes an additional \$1.3 million in FY25 funding to address shortfalls in the FY24 budget experienced by transit agencies providing Medicaid transportation services. The language accompanying the appropriation makes clear the intent of the money is to go directly to entities providing the service. In addition, the language directs DVHA to update the Legislature on projected NEMT funding needs, and revisions to the contract to provide such services, in DVHA’s FY25 budget adjustment appropriation request next year.

Climate

Renewable Energy Standard – The [House-passed H.289](#) remains pending in Senate Natural Resources & Energy with a vote expected early this week. The bill proposes to increase the amount of total renewable energy required of the State’s electric utilities pursuant to the Renewable Energy Standard. This [outline](#) from Legislative Counsel provides more description on the bill’s elements.

Climate Change Cost Recovery – S.259 is on the House Calendar after it was recommended by the House Environment and Energy Committee with a [series of amendments](#). The [Senate-passed bill](#) creates the Climate Superfund Cost Recovery Program administered by the Climate Action Office of the Agency of Natural Resources. The purposes of the Program are:

- (1) to secure compensatory payments from responsible parties based on a standard of strict liability to provide a source of revenue for climate change adaptation projects within the State;
- (2) to determine proportional liability of responsible parties;
- (3) to impose cost recovery demands on responsible parties and issue notices of cost recovery demands;
- (4) to accept and collect payment from responsible parties;
- (5) to develop, adopt, implement, and update the Strategy that will identify and prioritize climate change adaptation projects; and
- (6) to disperse funds to implement climate change adaptation projects identified in the Strategy.

Natural Disaster Government Response, Recovery, and Resiliency - The Senate-passed [S.310](#) remains pending and under active consideration in House Government Operations. It is an omnibus bill related to government response to floods and other hazards caused by a changing climate. Among the provisions is to create a Community Resilience and Disaster Mitigation Fund. A proposed \$15 million in one-time General Funds to support the Fund was removed from the bill in the Senate. The House Gov Ops [proposed amendment](#) contains a new funding source: the use of a credit facility established by the State Treasurer of up to two and one-half percent of the State's average cash balance which is then accessible to municipalities for climate infrastructure purposes. The FY25 budget also contains one-time funds to be used to match for federal climate related funding.

Regulation of Wetlands, River Corridor Development, and Dam Safety – The [Senate-passed S.213](#) is now pending in House Ways & Means after it was recommended by House Environment and Energy with a [series of amendments](#). This omnibus bill was developed in response to recent climate events and looks to the future by proposing to amend provisions related to wetlands, river corridor development, and dam safety.

Municipal Government

Burlington Charter Change – [H.881](#) is on the House Calendar for action this week after being recommended by House Government Operations and then Ways & Means. The bill contains the lone change to the City's charter: to double from \$5 to \$10 million the line of credit available to the Burlington Electric Department for potential working capital and liquidity.

Miscellaneous Tax Bill/Study of Municipal Revenue Sharing – An [amended H.546](#) is on the Senate Calendar for consideration this week. This is a [miscellaneous tax bill](#) originating from the Tax Department that contained mostly technical changes but has grown with House and now proposed Senate changes, including approximately \$19 million in proposed fee increases. Those fee increases will be removed by an amendment from Appropriations and instead be carried in the budget bill, H.883. The Senate Finance version allows a municipality to enact a local option sales, meals and alcohol, or rooms tax by vote of the legislative body of the municipality without a charter change.

The House-passed [H.546](#) added a study to the bill creating the Local Government Revenue Working Group to evaluate municipal revenue sources and to make recommendations for State authorization of new revenue generation for municipalities. A Report is due back on or before December 15, 2024. The Senate deleted the study in favor of above.

Municipal Tax Abatement and Tax Sales – The Senate last week passed an amended H.629. The bill now heads back to the House for consideration of the Senate amendments. The bill contains revisions to the processes for municipal tax abatement and tax sales, including when abatement is considered and the factors in the decision, and notices provided to taxpayers. The bill also creates a Working Group on Vermont’s abatement and tax sales processes to look further into the issues and make a report and any recommendations to the Legislature.

Electronic Meetings – The Senate-passed [S.55](#) remains pending in the House Government Operations Committee. The House Committee continues to consider a few [amendments to the Senate bill](#). The bill requires any public body of the State, except advisory bodies and the Human Services Board, to:

- hold all regular and special meetings in a hybrid fashion, which shall include both a designated physical meeting location and a designated electronic meeting platform;
- electronically record all meetings; and
- for a minimum of 30 days following the approval and posting of the official minutes for a meeting, retain the audiovisual recording and post the recording in a designated electronic location.

A quorum or more of the members of an advisory body may attend any meeting of the advisory body by electronic or other means without being physically present at or staffing a designated meeting location.

A resident of the geographic area in which the public body has jurisdiction, a member of a public body, or a member of the press may request that a public body designate a physical meeting location or provide electronic or telephonic access to a regular meeting or series of regular meetings. The request shall be made in writing not less than three business days before the date of the meeting.

Study of County Government – The Senate-passed [S.159](#) remains pending in the House Government Operations Committee. The bill creates a study committee relative to county government. It also creates a County and Regional Governance Technical Advisory Group to analyze the subject matter being considered by the County and Regional Governance Study Committee and advise, assist, and provide recommendations to the Study Committee, specifically on the structure and organization of county and regional government.

Alcohol Bill – The [House-passed H.867](#) remains pending in the Senate Economic Development, Housing & General Affairs Committee. The bill has several provisions, including those that: relate to service of on-premises and off-premises within same contiguous premises and allows on-premises to sell also sell closed containers for off-premises consumption; relate to special venue serving permits and permitted establishments; relate to sampling event permits; increase the number of special events permit to manufacturer or rectifier from 10 to 20 per year; relate to a report is due from Department of Liquor and Lottery; relate to liquor liability and last year’s reform, and extends the provision requiring every licensee of the Department to acquire liquor liability insurance and extends the effective date of mandate to July 1, 2026; and creates a new fee for a retail master license, which is a person that acts as the parent corporation for licensed retail dealers or manufacturers that have merged.

State and Municipal Code of Ethics – The House-passed [H.875](#) remains pending and under active consideration in the Senate Government Operations Committee. The bill creates a State Ethics Code and Municipal Ethics Code. The municipal portion of the bill also repeals redundant municipal ethics law and requires municipal officers currently in office to complete initial ethics training. Municipal officers include members of legislative and quasi-judicial bodies, as well as individuals who, as part of their official municipal duties, exercise authority and discretion in performing any governmental action or function, other than in a solely clerical, secretarial, or ministerial capacity. Members of advisory bodies are not considered municipal officers. Here is a [summary](#) of the combined bill.

The week's schedule (some committee agendas have yet to be posted, or are incomplete) includes:

Monday, April 15 – [Senate Natural Resources & Energy](#) will consider H.289, the renewable energy standard bill with a vote possible.

Tuesday, April 16 – [House Government Operations](#) will consider S.310, the emergency response to climate bill. [House Judiciary](#) will consider amendments to S.209, the ghost guns bill, and will also consider S.259 related to climate change cost recovery, and S.195 related to conditions for release. [House Ways & Means](#) will consider amendments to H.887 related to property taxes and yields. [Senate Economic Development, Housing & General Affairs](#) will consider H.867 related to alcohol sales. [Senate Education](#) will consider H.887 related to education finance and property tax rates, and again for the balance of the week. [Senate Finance](#) will consider H.687 related to housing and Act 250. [Senate Government Operations](#) will consider H.875 related to a municipal code of ethics. [Senate Health & Welfare](#) will consider JRS44 related to overdoses and public health emergency. [Senate Judiciary](#) will consider House amendments to S.209 related to ghost guns.

Wednesday, April 17 – House Government Operations will consider S.55 related to open meeting laws. House Judiciary will consider S.58 related to drug crimes. House Ways & Means will consider S.213 related to the regulation of wetlands, river corridor development, and dam safety. Senate Finance will consider H.887 related to education finance and property tax rates. [Senate Government Operations](#) will consider H.875 related to state and municipal code of ethics.

Thursday, April 18 – House Judiciary will consider S.58 related to drug crimes. House Ways & Means will consider H.629 related to property tax abatement and tax sales. Senate Government Operations will consider H.875 related to state and municipal code of ethics. Senate Judiciary will consider H.645 related to the expansion of approaches to restorative justice, and H.655 related to sealing of records.

Friday, April 19 – House Judiciary will consider S.58 related to drug crimes with a vote possible.

City of Burlington

2024 Legislative Update

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Copies of Bills: Hyperlinked Below or Access the Legislative Website at www.leg.state.vt.us

With May beginning this week the legislative calendar reflects its arrival. The Legislature is on track to adjourn in a few weeks, provided the must-pass bills are ready to go. This week and next should feature significant movement on those bills or they risk being left behind.

Those bills and issues include housing and Act 250 reform in H.687, education finance and property taxes in H.887, a transportation budget and policy bill in H.868, and many, many more depending on who you ask. Committee agendas feature many “TBAs” in order to be flexible and accommodate issues and bills as they surface. Also on the Senate’s calendar this week is a confirmation vote for Gov. Scott’s Education Secretary, Zoie Saunders - one that is proving controversial with a close vote expected.

The Senate considered and passed [its version of the \\$8.6 billion FY25 budget](#) late last week. Among [the highlights](#) include the following:

HOUSING

- Provides \$7.5M GF in base for Emergency Housing in addition to a \$16.5M GF one-time appropriation and a \$20M GF contingent appropriation
- Provides \$7.2M GF to DCF’s Office of Economic Opportunity for shelter bed expansion
- Provides \$141K GF to support recovery residences and \$305K to support programs for homeless youth
- Provides \$25.8M to DCF for the Housing Opportunity Grant Program (HOP) that assists homeless individuals
- Includes \$1M GF to extend 10 DCF positions to support Emergency Housing
- Includes one-time \$2M GF to DEC for the Healthy Homes Initiative
- Includes \$1M GF to DHCD for the Manufactured Home Improvement and Repair Program
- Includes the following contingent appropriations if revenues exceed forecasts: \$2M GF to DHCD for the Vermont Housing Improvement Program (VHIP), and \$1M GF to DEC for the Healthy Homes Initiative

PUBLIC HEALTH

- Directs \$2M from the Evidence Based Education Fund for naloxone distribution
- Directs \$4.9M from the Opioid Settlement Fund for substance use prevention and treatment
- Provides \$835K GF for the Bridges to Health Program
- Provides \$400K GF for the Household Health Insurance Survey
- Provides \$3M GF for the Comprehensive Child Welfare Information System (CCWIS) and additional \$3M if funds are available through the Agency of Human Services (AHS) closeout process
- Provides \$176K GF for 2-1-1 to operate 24/5
- Provides, in fiscal year 2024, \$500K GF and \$500K FF to support the Summer EBT Program

JUSTICE INVESTMENTS

- Provides \$1.86M GF to the Office of the Defender General for caseload relief
- Provides \$2.86M GF to the Judiciary for new positions to address the criminal justice system backlog and court security in addition to three new superior court judges
- Provides \$297K GF to the Attorney General court diversion to address increased caseload
- Provides \$661K GF to the Department of Corrections (DOC) for pretrial supervision program and electronic monitoring program

H.883 is now in a conference committee of House and Senate negotiators who will not only look to reconcile differences but also keep an eye on other bills outside the budget that may have spending implications. The budget bill often becomes the home for many of these outside proposals and this year could be the same.

Several bills and issues relevant to the City remain active in these final weeks of the session, including the following:

Housing

Budget Bill – The FY25 Budget Bill, H.883, and a separate housing and Act 250 bill, H.687, are expected to be a location for a number of housing and emergency housing appropriations. The Senate version of the budget bill contains a number of appropriations related to housing, including:

- Provides \$7.5M GF in base for Emergency Housing in addition to a \$16.5M GF one-time appropriation and a \$20M GF contingent appropriation
- Provides \$7.2M GF to DCF's Office of Economic Opportunity for shelter bed expansion
- Provides \$141K GF to support recovery residences and \$305K to support programs for homeless youth
- Provides \$25.8M to DCF for the Housing Opportunity Grant Program (HOP) that assists homeless individuals
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- Includes \$1M GF to DHCD for the Manufactured Home Improvement and Repair Program
- Includes the following contingent appropriations if revenues exceed forecasts: \$2M GF to DHCD for the Vermont Housing Improvement Program (VHIP), and \$1M GF to DEC for the Healthy Homes Initiative

Emergency Housing/Homeless/General Assistance – In addition to the FY25 Budget Bill, emergency housing and general assistance can be found in H.879. The bill is currently pending in Senate Appropriations after Senate Health & Welfare gave its recommendation to [an amended H.879](#). The bill proposes to establish the Emergency Temporary Shelter Program to replace the General Assistance Emergency Housing Program. The bill is intended to provide in statute a more stable and predictable process for housing unsheltered homelessness by making interim shelter opportunities be available to provide a stable pathway to permanent housing for all Vermonters experiencing homelessness. Further, arbitrary time limits, night-by-night shelter, relocation between interim housing sites, and other disruptions in housing stability are intended to be eliminated. A preference will be that non-congregate housing be used to the greatest extent possible, with hotels and motels are a continued possibility. There is stalled implementation of the new program for a year to better understand all implications and how it would be run. FY25 General Assistance will continued to be funded.

Education Finance/Property Taxes/Cloud Tax/Short-Term Rental Tax – The [House-passed H.887](#) is an education funding bill that sets the annual property tax rates and yields necessary to support K-12 education across the State. The bill is pending in Senate Finance, who will consider it in detail this week. The bill also contains a new tax that assesses a sales tax to purchases of prewritten software regardless of where accessed

(the so-called “cloud tax”) raising about \$20 million; and another assessing 1.5% surcharge on short-term rentals raising about \$6 million. These taxes are intended to help to buy down the looming property tax increase needed to support education spending, but even with that help the homestead property rate will increase 15% and the non-homestead rate 18%. The Administration proposed to the House to phase-in in the property tax increase over several years, but the State Treasurer and others rejected the proposal for several reasons, including the potential, negative impact on the State’s bond rating.

Rental Assistance/Housing/No Cause or Just Cause Evictions – The [House-passed H.829](#) remains pending in Senate Economic Development, Housing & General Affairs where its future is in doubt. The bill contains policy and appropriations related to general housing and rental assistance programs. The House chose to fund these initiatives through a new 11.75% income tax bracket starting in tax year 2025 at \$500,000 of income. JFO estimates the new top marginal rate will increase personal income tax revenue by \$74.9 million in fiscal year 2026. Prior to passing the House, an amendment was offered and rejected that would have provided a moratorium on no-cause evictions until the Legislature passes legislation repealing the moratorium. A separate amendment directing a study did pass. The Evictions Study Committee is created to review the causes of eviction in Vermont and propose legislation advancing eviction laws responsive to Vermont’s crises of housing and homelessness. A report with findings and any legislative recommendations is due back to the Legislature by December 15, 2024.

Burlington Charter Change/Just Cause Eviction – [H.474](#) was introduced last year and remains pending in House Government Operations. The bill proposes to approve amendments to the charter of the City of Burlington to authorize the City Council to adopt an ordinance prohibiting the eviction of residential tenants without just cause.

Housing/Act 250 – H.687 will now be the main bill addressing housing development and Act 250 reform or exemptions related to the same. The bill contains new designations that are intended to provide flexibility and remove duplicative review; municipal zoning amendments provided for the same purpose; revisions to the Act 250 appeals process to address scope and cost; enhanced funding for housing programs; revising information a landlord is required to provide on rentals and short-term rentals with new disclosures; requiring certain flood risk disclosures in property conveyances; requiring rent increase notices to tenants by owners of privately-owned age restricted residential property; and certain tax credits and incentives aimed at encouraging housing. Exemptions from Act 250 are for defined Tiers based upon location, density, infrastructure and more. Tier 1A provides such an exemption for designated areas in municipalities that have such infrastructure and local zoning review. [Senate Natural Resources & Energy recently recommended its version](#) of the bill. The [Senate Finance Committee then addressed the numerous tax provisions](#) contained therein. This [summary](#) describes those provisions in more detail. The bill is now expected to go to Senate Appropriations before the full Senate, and then back to the House. A conference committee formed to reconcile differences is likely.

Housing Status Protected Class – The House-passed and [amended H.132](#) remains pending in the Senate Committee on Economic Development, Housing & General Affairs. The bill adds housing status to the list of protected classes against which housing and employment discrimination is prohibited. ‘Housing status’ is defined to mean the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined under federal law.

Public Safety

Retail Theft – The Senate Judiciary has given its recommendation to an [amended H.534](#). The bill continues to be on the Senate Calendar for action. It will then head back to the House for consideration of the amended language. The Judiciary Committee favors a schedule of penalties that increase in severity for repeat violations.

Drug Crimes/Public Safety – The House Judiciary late last week gave its recommendation to an [amended S.58](#). The bill will now be on the House Calendar for consideration by the full House. The omnibus public safety bill proposes to amend the drug laws related to, for example, dispensing or selling a regulated drug with death resulting, and adding xylazine to the list of regulated drugs and subject to such penalties. The bill also includes so-called Raise the Age provisions that address when an individual is subject to the jurisdiction of the Family Division of Superior Court to the Criminal Division, and applies certain of the so-called Big 12 crimes to 16-18 year olds. The bill will eventually return to the Senate for consideration of House changes.

Bail and Conditions of Release – House Judiciary also gave its recommendation to an [amended S.195](#) last week. [House Corrections will also present its amendments](#) to the Judiciary Committee’s version. The bill makes a series of amendments to bail, release prior to trial, electronic monitoring, home detention, and other matters related to conditions of release.

Law Enforcement Interrogation Policies – The Senate-passed [S.285](#) remains pending in House Judiciary. The bill states that it is intent of the General Assembly to prevent false confessions and wrongful convictions of individuals subject to law enforcement interrogation, to progress towards a total prohibition of the use of deception in all forms of interrogation, and to ultimately improve trust between Vermont’s communities and law enforcement. To achieve these objectives, it is the further intent of the General Assembly to create a minimum set of law enforcement interrogation standards that incorporate evidence-based best practices by: (1) prohibiting law enforcement’s use of threats, physical harm, and deception during interrogations of all persons consistent; and (2) mandating that the Vermont Criminal Justice Council develop, adopt, and enforce a statewide model interrogation policy that applies to all Vermont law enforcement agencies and constables exercising law enforcement authority.

Expungement and Sealing of Criminal History Records – The Senate Judiciary Committee gave its recommendation to an [amended H.655](#). The bill is now on the Senate Calendar for action as early as this week. The House-passed [H.655](#) proposes to expand the list of offenses that may qualify for sealing upon petition, shift offenses that are currently expungable to sealable, and make amendments to who may access sealed criminal history records and under what circumstances. The Senate Judiciary version scales the bill back considerably in favor of a couple of studies and reports back to the Legislature.

Restorative Justice – Senate Judiciary has given its recommendation to an [amended H.645](#). The bill is now pending in Senate Finance. The bill looks to alternative approaches to restorative justice as a means to combat retail theft and repeat offenders. The revised bill addresses juvenile and adult court diversion programs and barriers to access such programs.

Auto Theft – The [Senate-passed H.563](#) was further amended by the House and sent back to the Senate for consideration. The Senate version contains violations and penalties for entering a motor vehicle of another without authorization or consent of the owner, and operating a motor vehicle without the consent of the owner. The Senate version had rejected a House proposal containing additional violations and penalties for auto theft. The [House’s latest amendment](#) continues to advocate for the more enhanced penalties.

Unserialized or “Ghost” Weapons – The [House-passed S.209](#) is now back in the Senate and under review by Senate Judiciary. House changes include a newly provision that prohibits firearms or dangerous and deadly weapons at polling places, and a study of whether or not a municipality may adopt an ordinance that prohibits the possession of a firearm within a municipal building or portion of a municipal building. The Senate bill prohibits a person to possess, transfer, or offer to transfer an unfinished frame or receiver, or firearm, unless they have been imprinted with a serial number by a federal firearms licensee, or manufacture a firearm or frame or

receiver of a firearm, including by a three-dimensional printer, that is not imprinted with a serial number by a federal firearms licensee. The House version largely agrees with that Senate proposal.

Substance Use, Prevention and Treatment

Overdose Prevention Centers – H.72 is on the Senate Calendar for consideration this week. The main version under consideration will be Senate Health & Welfare’s recommended and [amended H.72](#). The Committee version contemplates one site in Burlington and \$1.1 million in funding to come from [opioid settlement funds](#). It also includes language recommended by the City to address trained professionals on site. The bill was then recommended without further amendment by Senate Finance. Senate Appropriations then considered the bill and suggests a few amendments, including intent language that says continued funding for the PILOT will continue to come from the opioid settlement funds. Meanwhile, Senate Judiciary is reviewing only the immunity provisions in the bill and will likely offer some clarifying amendments related to the scope of that immunity.

Declaring Drug Overdose Deaths a Public Health Emergency – A resolution in the Senate is being treated similar to a bill and continues to be under consideration in Senate Health & Welfare. [J.R.S.44](#) declares the increasing number of drug overdose deaths in Vermont to be a public health emergency. A legislative resolution does not have the force of law and can’t necessarily compel action, but can convey a legislative intent or sentiment.

Budget Bill - The FY25 Budget Bill is a location for a number of appropriations related to public health. The Senate version concurs with the House bill, for example, on naloxone distribution and also the use of opioid settlement funds and includes:

- Includes \$2M from the Evidence Based Education Fund for naloxone distribution
- Directs \$6.1M of Opioid Settlement Fund for substance use prevention and treatment as follows:
 - \$1,060,000 Opioid Abatement Special Fund for a program administered by Vermont’s 13 recovery centers in collaboration with the Department of Corrections to provide recovery support to those in correctional facilities, post-incarceration, and involved in probation and parole;
 - \$1,000,000 Opioid Abatement Special Fund for grants to providers to establish community-based stabilization beds for individuals transitioning between substance use disorder residential treatment and the recovery system;
 - \$800,000 Opioid Abatement Special Fund for grants to providers for ongoing support for contingency management;
 - \$795,000 Opioid Abatement Special Fund for prevention coalitions;
 - \$714,481 Opioid Abatement Special Fund to expand Student Assistance Professional and school-based services;
 - \$325,000 Opioid Abatement Special Fund for recovery housing supports;
 - \$300,000 Opioid Abatement Special Fund for a grant to Johnson Health Center and Vermonters for Criminal Justice Reform to establish a managed medical response partnership for individuals with substance use disorder;
 - \$835,073 General Fund for the Bridges to Health program; and
 - \$400,000 General Fund for the Vermont Household Health Insurance Survey.

Transportation/Public Transit

FY25 Transportation Budget Bill – The Senate has passed its version of the FY25 transportation appropriation and policy bill, [H.868](#). The bill now heads back to the House for consideration of the Senate amendments. A conference committee formed to reconcile differences is expected. The annual bill contains appropriations for transportation infrastructure, programs, administration, and modes of transportation, including public transit, aviation and rail.

FY25 Public Transit Budget/GMT – The TBill referenced above contains funding for public transit and related programs. A few notable changes in the Senate version that will have to be reconciled in conference include:

- The Senate disagreed with the House decision to take \$1.7 million in federal carbon reduction moneys to be used for EV an infrastructure and instead return that money to transit and Mobility and Transportation Initiatives (MTI) capital (likely EV Sprinters or the like).
- The Senate tightened the MTI eligibility language to make sure that any new grants will complement and not compete with existing services and programs, including public transit.
- The Senate deleted entirely the House proposal for a study of broader transportation revenues. The Committee rationale is that this has been studied enough and the issue just needs political will to make revenue decisions. (As a reminder, this was not a transit-specific study but for all of transportation.)
- In response to GMT’s continued budget deficits, the Senate bill appropriates \$1 million to GMT as one-time bridge funding, contingent on a number of factors described in Section 5, page 12. The money comes from VTrans maintenance but will be replaced with any new federal funds that can be flexed for this purpose.

GMT Funding – The Senate version of the TBill [appropriates \\$1 million in one-time funds to Green Mountain Transit](#) to address expected financial deficits. This issue will also need to be reconciled in conference. The Senate funding is conditioned on the following:

- (1) that GMT begin collecting fares for urban and commuter transit service not later than June 1, 2024;
- (2) in coordination with the Agency of Transportation, Special Service Transportation Agency, Rural Community Transportation, and Tri-Valley Transit, evaluate alternative options for delivering cost-effective urban fixed-route transit service, rural transit service, commuter service, and any other specialized services currently provided, and prepare a proposed implementation plan, including a three-year cost and revenue plan, for recommended service transitions; and
- (3) submit to the House and Senate Committees on Transportation an interim report on or before November 15, 2024 and a final report on or before February 1, 2025, detailing the findings, recommendations, and implementation plan

Medicaid Transportation – The FY25 Budget Bill contains appropriations related to Medicaid transportation services. The House bill includes an additional \$1.3 million in FY25 funding to address shortfalls in the FY24 budget experienced by transit agencies providing Medicaid transportation services. The language accompanying the appropriation makes clear the intent of the money is to go directly to entities providing the service. In addition, the language directs DVHA to update the Legislature on projected NEMT funding needs, and revisions to the contract to provide such services, in DVHA’s FY25 budget adjustment appropriation request next year. The Senate bill concurs with the FY24 appropriation, concurs with requiring DVHA to report back on NEMT funding projections and revised contract, AND appropriates an additional \$1.3 million in FY25 base funding for NEMT. This latter appropriation will need to be reconciled in conference.

Climate

Renewable Energy Standard – The [House-passed H.289](#) was recommended without further amendment by the Senate Natural Resources & Energy. The bill was subsequently reviewed by the Finance and Appropriations Committees who each gave its recommendation also without further amendments. The bill is now on the Senate Calendar for action this week. If it passes without further amendment, the bill then heads to the Governor, who has signaled concerns over cost impact. The bill proposes to increase the amount of total renewable energy required of the State’s electric utilities pursuant to the Renewable Energy Standard. This [outline](#) from Legislative Counsel provides more description on the bill’s elements.

Climate Change Cost Recovery – S.259 is currently in House Appropriations and subject to a likely vote this week. The bill was recommended by the House Environment and Energy Committee with a [series of amendments](#). It was then subsequently reviewed by Judiciary and Ways & Means who each recommend the bill without further amendment. The [Senate-passed bill](#) creates the Climate Superfund Cost Recovery Program administered by the Climate Action Office of the Agency of Natural Resources. The purposes of the Program are:

- (1) to secure compensatory payments from responsible parties based on a standard of strict liability to provide a source of revenue for climate change adaptation projects within the State;
- (2) to determine proportional liability of responsible parties;
- (3) to impose cost recovery demands on responsible parties and issue notices of cost recovery demands;
- (4) to accept and collect payment from responsible parties;
- (5) to develop, adopt, implement, and update the Strategy that will identify and prioritize climate change adaptation projects; and
- (6) to disperse funds to implement climate change adaptation projects identified in the Strategy.

Natural Disaster Government Response, Recovery, and Resiliency – House Government Operations has recommended [its version of S.310](#). The bill is now pending and under active consideration in House Ways & Means. It is an omnibus bill related to government response to floods and other hazards caused by a changing climate. Among the provisions is to create a Community Resilience and Disaster Mitigation Fund. A proposed \$15 million in one-time General Funds to support the Fund was removed from the bill in the Senate. The House Gov Ops version contains a new funding source: the use of a credit facility established by the State Treasurer of up to two and one-half percent of the State's average cash balance which is then accessible to municipalities for climate infrastructure purposes. The FY25 budget also contains one-time funds to be used to match for federal climate related funding.

Regulation of Wetlands, River Corridor Development, and Dam Safety – The [Senate-passed S.213](#) is now pending in House Appropriations after it was recommended by House Environment and Energy with a [series of amendments](#), and further recommended by House Ways & Means. This omnibus bill was developed in response to recent climate events and looks to the future by proposing to amend provisions related to wetlands, river corridor development, and dam safety.

Municipal Government

Burlington Charter Change – [H.881](#) passed the House last week and will now be sent to the Senate Government Operations Committee for consideration. The bill contains the lone change to the City's charter: to double from \$5 to \$10 million the line of credit available to the Burlington Electric Department for potential working capital and liquidity.

Miscellaneous Tax Bill/Municipal Revenue – The [Senate passed its version of H.546](#) last week. The bill and Senate amendments will now be reviewed by House Ways & Means. This is a miscellaneous tax bill originating from the Tax Department that contained mostly technical changes. The Senate version allows a municipality to enact a local option sales, meals and alcohol, or rooms tax by vote of the legislative body of the municipality without a charter change. The House-passed [H.546](#) added a study to the bill creating the Local Government Revenue Working Group to evaluate municipal revenue sources and to make recommendations for State authorization of new revenue generation for municipalities. A Report is due back on or before December 15, 2024. The Senate deleted the study in favor of the broad authority to enact a LOT.

Municipal Tax Abatement and Tax Sales – The [Senate-passed H.629](#) remains on the House Calendar while Ways & Means continues to consider the Senate amendments and any response. The bill contains revisions to

the processes for municipal tax abatement and tax sales, including when abatement is considered and the factors in the decision, and notices provided to taxpayers. The bill also creates a Working Group on Vermont's abatement and tax sales processes to look further into the issues and make a report and any recommendations to the Legislature.

Electronic Meetings – The Senate-passed [S.55](#) remains pending in the House Government Operations Committee. The House Committee continues to consider a few [amendments to the Senate bill](#). The bill requires any public body of the State, except advisory bodies and the Human Services Board, to:

- hold all regular and special meetings in a hybrid fashion, which shall include both a designated physical meeting location and a designated electronic meeting platform;
- electronically record all meetings; and
- for a minimum of 30 days following the approval and posting of the official minutes for a meeting, retain the audiovisual recording and post the recording in a designated electronic location.

A quorum or more of the members of an advisory body may attend any meeting of the advisory body by electronic or other means without being physically present at or staffing a designated meeting location.

A resident of the geographic area in which the public body has jurisdiction, a member of a public body, or a member of the press may request that a public body designate a physical meeting location or provide electronic or telephonic access to a regular meeting or series of regular meetings. The request shall be made in writing not less than three business days before the date of the meeting.

Study of County Government – The Senate-passed [S.159](#) remains pending in the House Government Operations Committee. The bill creates a study committee relative to county government. It also creates a County and Regional Governance Technical Advisory Group to analyze the subject matter being considered by the County and Regional Governance Study Committee and advise, assist, and provide recommendations to the Study Committee, specifically on the structure and organization of county and regional government.

Alcohol Bill – Senate Economic Development, Housing & General Affairs has given its recommendation to an [amended H.867](#). The bill is on the Senate Calendar. The Senate bill has several provisions, including those that: relate to special venue serving permits and permitted establishments; relate to sampling event permits; increase the number of special events permit to a manufacturer or rectifier; relate to liquor liability and last year's reform, and extends the provision requiring every licensee of the Department to acquire liquor liability insurance and extends the effective date of mandate to July 1, 2026; and studies a new fee for a retail master license, which is a person that acts as the parent corporation for licensed retail dealers or manufacturers that have merged. Changes to the House version will have to be reconciled.

State and Municipal Code of Ethics – The House-passed [H.875](#) remains pending and under active consideration in the Senate Government Operations Committee. The bill creates a State Ethics Code and Municipal Ethics Code. The municipal portion of the bill also repeals redundant municipal ethics law and requires municipal officers currently in office to complete initial ethics training. Municipal officers include members of legislative and quasi-judicial bodies, as well as individuals who, as part of their official municipal duties, exercise authority and discretion in performing any governmental action or function, other than in a solely clerical, secretarial, or ministerial capacity. Members of advisory bodies are not considered municipal officers. Here is a [summary](#) of the combined bill.

The week's schedule (some committee agendas have yet to be posted, or are incomplete in anticipation of needed flexibility as we near the end of the session, or lengthy floor time) includes:

Tuesday, April 30 – [House Appropriations](#) will consider S.213 related to wetlands and dams. The same Committee will consider S.195 related to bail and conditions for release. [House Government Operations](#) will consider S.55 related to open meeting laws. [House Ways & Means](#) will consider H.546 related to miscellaneous taxes. [Senate Education](#) will consider H.887 related to education finance and property tax rates, and again for the balance of the week. [Senate Finance](#) will also consider H.887 related to education finance and property taxes. [Senate Judiciary](#) will consider amendments to H.72 related to overdose prevention centers. The same Committee will consider House amendments to S.209 related to ghost guns, and also amendments to H.645 related to restorative justice. [Senate Natural Resources & Energy](#) will consider H.687 related to housing and Act 250.

Wednesday, May 1 – House Appropriations will consider S.259 related to climate change cost recovery. [House General and Housing](#) will consider Senate amendments to H.687, the housing bill. House Government Operations will consider S.55 related to open meeting laws with a vote possible. House Ways & Means will consider H.546 related to miscellaneous taxes, and S.310 related to government response to climate events. [Senate Government Operations](#) will consider H.875 related to state and municipal code of ethics. [Senate Health & Welfare](#) will consider Senate Judiciary amendments to H.72 related to overdose prevention centers.

Thursday, May 2 – House General and Housing will again consider Senate amendments to H.687, the housing bill. House Government Operations will consider S.159 the study of municipal government bill. Senate Government Operations will consider H.875 related to state and municipal code of ethics.

Friday, May 3 – [House Judiciary](#) will consider S.285 related to law enforcement interrogation policies. Senate Government Operations will consider H.875 related to state and municipal code of ethics. Senate Health & Welfare will consider JRS44 related to overdoses and public health emergency.

Burlington Design Advisory Board
645 Pine Street
Burlington, VT 05401
<https://burlingtonvt.portal.civicclerk.com/event/>
Telephone: 802.865.7188
Fax: 802.865.7195

Ron Wanamaker, Chair
Emily Morse, Vice Chair
Gabriel Stadecker
Jay White
Richard Martin
Joel Banner Baird (alternate)
Kathleen Ryan (alternate)



Annual Report of the Design Advisory Board **Fiscal Year 2024: July 1, 2023-June 30, 2024**

Over the past year, the Burlington Design Advisory Board has maintained its commitment to the city by advising the Development Review Board on proposed development projects. The DAB assists applicants by advising, when appropriate, how to bring their project into compliance with the Comprehensive Development Ordinance. As a result of the DAB review process, some applicants make adjustments to their projects that help ensure compliance with the CDO and approval by staff or the DRB, as appropriate.

As of April 23, 2024, the Design Advisory Board (DAB) reviewed 18 individual projects (some more than once, to respond to revisions.) These projects included:

- 266 College Street; Proposed renovation of existing building to construct a 6-story addition with 89 units of rental housing and two levels of parking below street grade.
- 41 Adams Street; Proposed construction of a new three-story, three-unit building.
- 41 Kingsland Terrace and 27 Alfred Street; construction of new Accessory Dwelling units.
- 72 Temples Street; construction of a new duplex.
- 165 Shelburne Street; renovation to Champlain Housing Trust residence.
- 245 Appletree Point Road; replacement single family home.
- 58 Charlotte; renovation to existing triplex.
- 23 Catherine Street; replacement of garage with additional living space.
- 16 South Winooski Avenue; seeking Alternative Compliance for fence height.
- 300 Flynn Avenue, construction of a new 50,100 sf facility for the Howard Center.

The Design Advisory Board also has a standing subcommittee, the Historic Preservation Review Committee (HPRC), that advises the city on matters related to historic preservation. The HPRC also acts as the local advisory committee under the Vermont Certified Local Government Program and provides advice and recommendations on matters related to the Standards of Section 5.4.8, historic preservation in general, at the request of staff. The Historic Preservation Review Committee reviewed several projects this year, including:

- Messaging Guide for Preservation Commissions
- Section 106 Review for the following federally funded projects:
 - Intervale Road Path
 - Winooski Bridge and Intersection
 - Certified Local Government Grant application; *preserveBTV Preservation Plan*.
 - Exterior alterations to structures within Historic Sites & Structures Survey neighborhoods, including siding replacement (16 Hoover Street) and window replacement (29 Clymer).

After Zoning Amendment **ZA-24-02, Burlington Neighborhood Code** was warned, the DAB conducted project review for two separate but significant projects. One of those (44 Wright Avenue) was directly impacted by a subsequent amendment to that amendment that postpones review of Secondary Structures until October 1, 2024. As of this date, that project has been tabled while the applicants and design team determine the next best course of action. This project would have provided 4 additional new units of housing; consistent with the intent of the Code.

The Design Advisory Board always strives for consistency with our recommendations and with how we interpret the Ordinance, so that applicants can be assured of a fair and predictable process. For projects that fall within the Form Code, our purview is typically limited to requests for Alternative Compliance which may include additional height or use of materials not identified within Article 14. Staff has been helpful and informative keeping us apprised of the changes to the Ordinance and how they impact our role in development review.

Respectfully submitted:

Ron Wanamaker, Chair

Date

Emily Morse, Vice Chair

Date

Gabriel Stadecker, AIA

Date

Jay White, AIA

Date

Richard Martin

Date

Joel Banner Baird

Date

Kathleen Ryan, L.A.

Date

Burlington Development Review Board

Department of Permitting & Inspections

645 Pine Street

Burlington, VT 05401

www.burlingtonvt.gov/DPI/DRB

Telephone: (802) 865-7188

Fax (802) 863-0466

AJ LaRosa
Caitlin Halpert
Geoff Hand
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie
Evan Gould, (Alternate)
Marina Campbell, (Alternate)



Annual Report of the Burlington Development Review Board Fiscal Year 2023: July 1, 2022 – June 30, 2023

The Development Review Board (DRB) reviews applications for projects that include new construction and renovation, subdivisions, conditional uses, and appeals of administrative decisions. In their review, the DRB follows the guidelines and requirements of the Comprehensive Development Ordinance (CDO).

The DRB reviewed 56 applications (not including sketch plans) in FY '23 and 10 appeals. Applications reviewed totaled less than the 80 reviewed in FY '22. Just over half of the applications involved residential or mixed-use development. About a quarter involved institutional or commercial properties.

Review by the DRB is greatly enhanced through the support and work of both the DAB and the Conservation Board. Timely feedback from DPW on matters of traffic and stormwater is also helpful.

A breakdown of the applications, by type and decision is as follows (*some applications involve more than one type*):

Review Type	Total Number	Percent of Total
Certificate of Appropriateness	43	57
Conditional Use	9	12
Variance	3	4
Master Plan	1	1
Subdivision	4	5
Appeal	10	13
Sketch Plan	5	6

Decision	Total Number	Percent of Total
Permit Application Approved	52	93
Permit Application Denied	4	7

Some of the significant projects that the DRB reviewed in FY 2023:

505 Lake St:	Waterfront improvements for Community Sailing Center
199 King St:	Construct 6-unit residential building
251 South Union St:	Construct 5-unit residential addition
52 Institute Rd:	Demolish existing high school and construct new high school
20 Pine St:	Demolish cathedral and convert to green space
176 S. Winooski Ave:	Demolish existing building and construct 38-unit mixed-use building
Multiple Addresses:	3 Applications for short term rentals

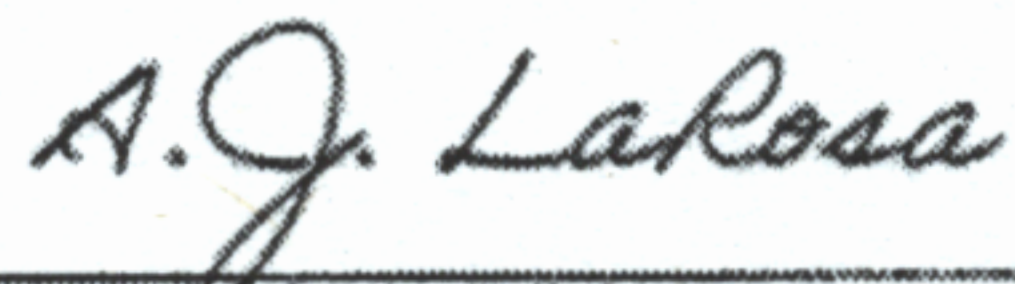
DRB meetings continued in hybrid in-person / remote format with consistent public participation in both arenas.

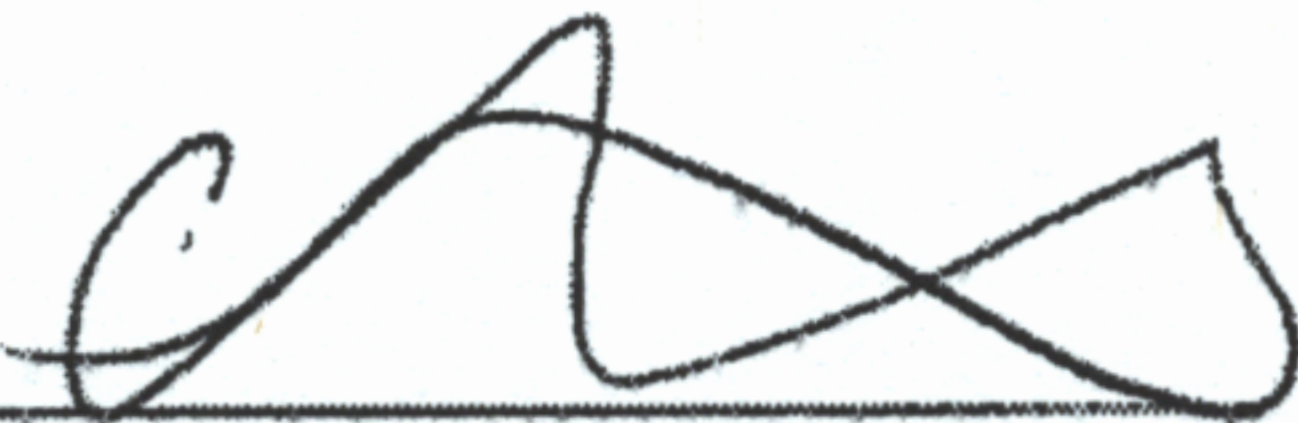
The DRB had a joint meeting with the Planning Commission; Design Advisory Board and the Conservation Board where the following items were discussed: Article 8: Parking amendments; 10-Point Housing Plan progress, Short Term Rentals, and Nature-Based Climate Solutions.

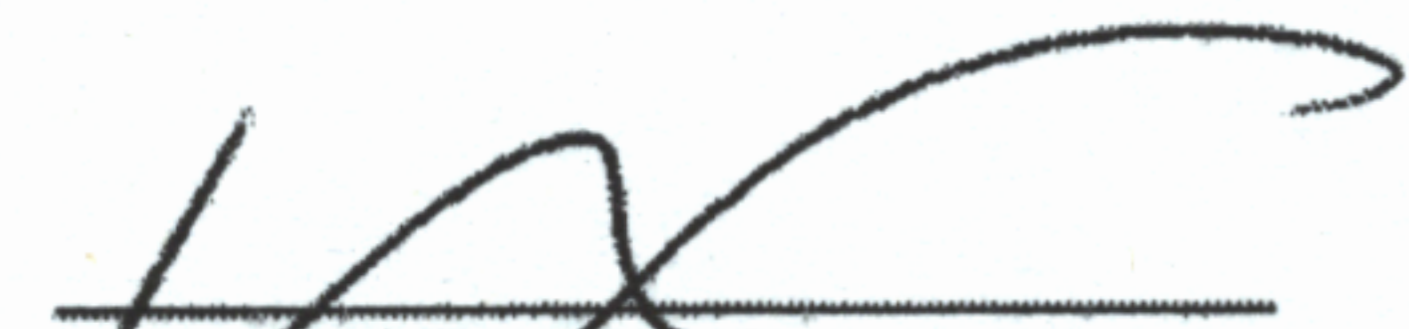
The DRB has a representative on the Planning Commission Ordinance Committee that recommends possible zoning amendments for consideration by the Planning Commission and City Council. We also have a representative on the Planning Commission's Long Range Planning Committee.

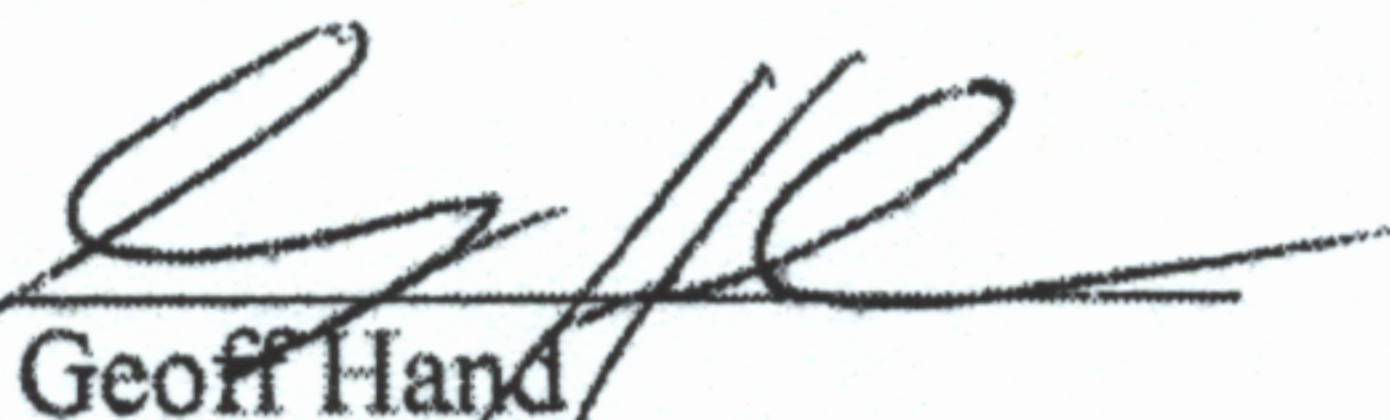
The thorough and detailed work and support of the Permitting & Inspections staff is critical to the work of the DRB. Often applicants have spent much time prior to appearing before the DRB working with staff to bring applications in compliance with the CDO.

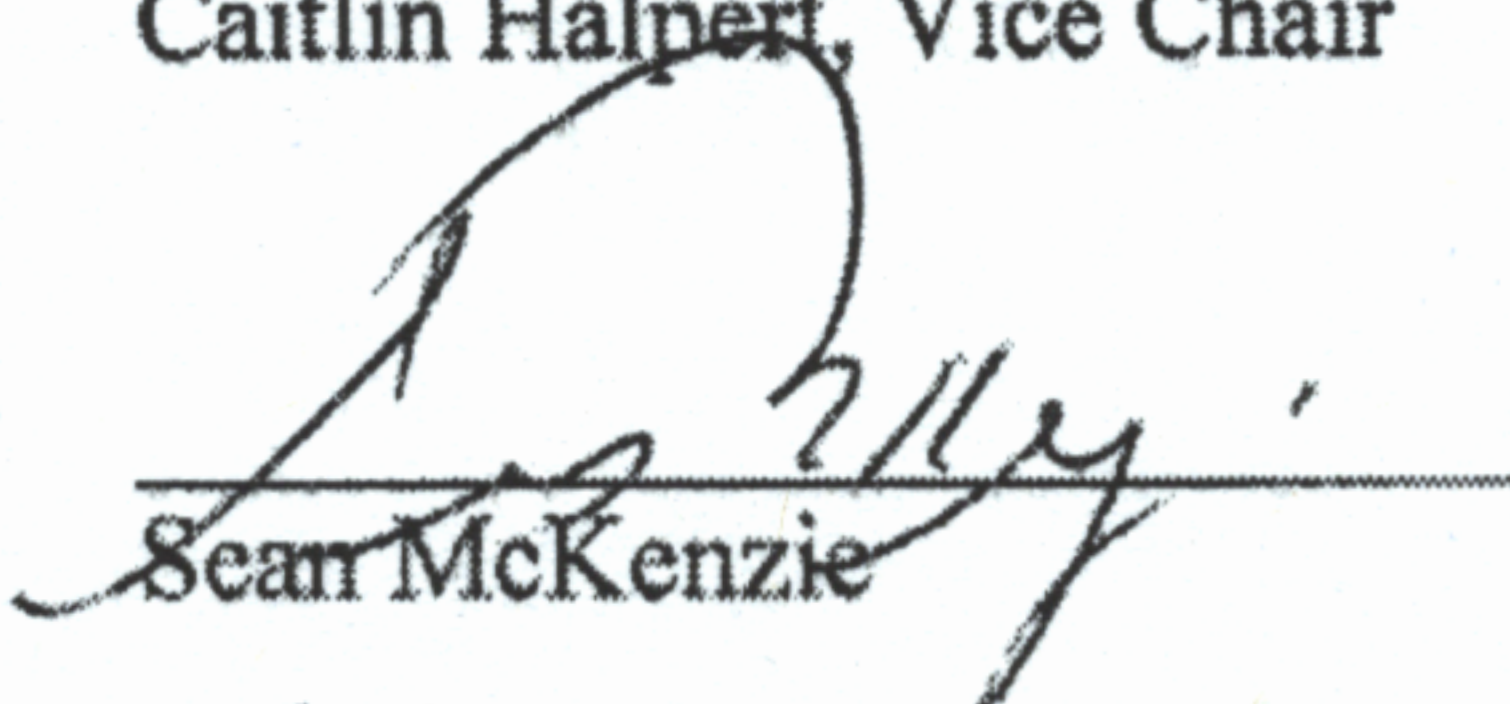
The current DRB of 7 members and 2 alternates has expertise in law, architecture, and development among other areas. They are committed to taking the time to be familiar with the applications before them and to understand the CDO as it applies to each project. The appointment of members with this level of commitment is critical to the on-going work of the DRB.


AJ LaRosa, Chair


Caitlin Halpert, Vice Chair

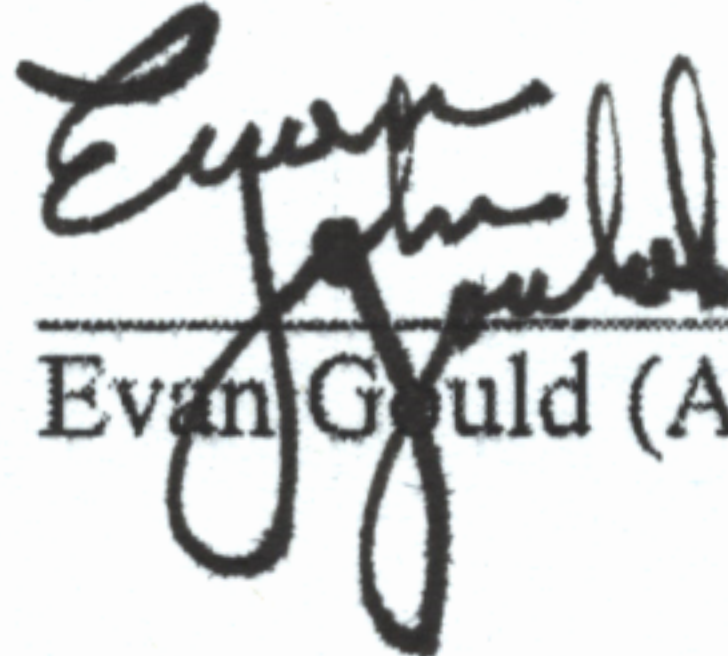

Brad Rabinowitz

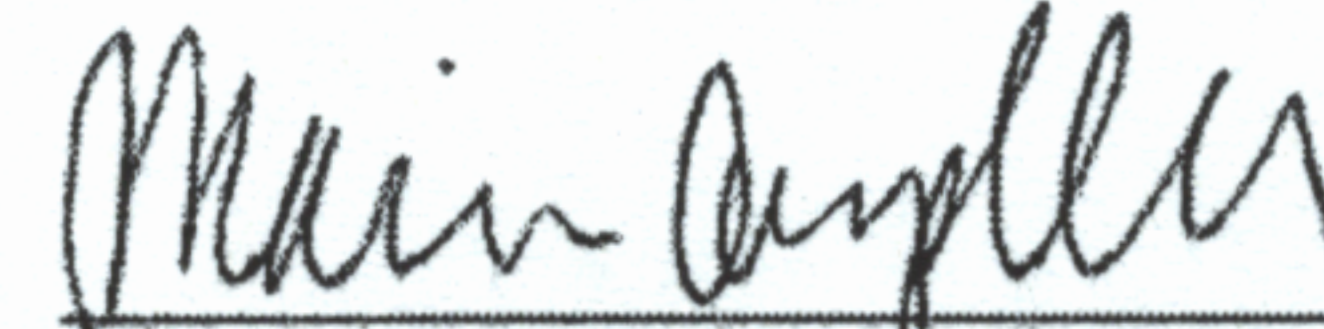

Geoff Hand


Sean McKenzie


Leo Sprinzen


Chase Taylor


Evan Gould (Alternate)


Marina Campbell (Alternate)

FOR INFORMATION ONLY

Lori Olberg

From: Vermont Department of Housing and Community Development
<accd.cpr@vermont.gov>
Sent: Thursday, April 25, 2024 4:27 PM
To: Lori Olberg
Subject: Flood Recovery Symposium Survey

FOR INFORMATION ONLY
ACCD.CPR@VERMONT.GOV
CONTACT: 802.241.2000

You don't often get email from accd.cpr@vermont.gov. [Learn why this is important](#)

[WARNING]: This email was sent from someone outside of the City of Burlington.

AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT

[View this email in your browser.](#)

Department of Housing and Community Development



Save The Date

In-person regional workshops featuring one-on-one sessions with federal program staff will take place the week of **June 3** during Regional Flood Recovery Symposiums. Exact locations and dates are still being determined.

Symposium organizers want your input. Please weigh in on which topics you would like covered by taking [this survey](#).

For more details about the Regional Flood Recovery Symposiums, please email [Mary Kucenski](#) or [Erik Filkorn](#).



Subscribe to other Agency of Commerce and Community Development Newsletters:



Lori Olberg

From: Lani Ravin <Lani.Ravin@uvm.edu>
Sent: Thursday, April 18, 2024 1:52 PM
To: Lani Ravin; Lisa Kingsbury (she/her); NRB - Act250 Essex; Kaitlin.Hayes@vermont.gov; Lisa McNaney; burlingtontownclerk; Lori Olberg; Andrew Montroll; permitting@ccrpcvt.org; ANR - Act 250; barry.murphy@vermont.gov; psd.vtdps@vermont.gov; aot.act250@vermont.gov; agr.act250@vermont.gov; Dillon, Scott; greg.socinski@vermont.gov; ACCD - Project Review; Benjamin Traverse
Cc: Scott Gustin
Subject: RE: E-CoS Regarding Monthly Information for LUP 4C1043-1A for April 2024
Attachments: CoS UVM LUP 4C1043-1A 2024.04.pdf; 240416_0418_ACT250 Count.pdf

You don't often get email from lani.ravin@uvm.edu. [Learn why this is important](#)

[WARNING]: This email was sent from someone outside of the City of Burlington.

I hereby certify that I, Lani Ravin, Associate Planner, at the University of Vermont & State Agricultural College, sent a copy of documents, dated April 9th, 2024, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot for April 2024, by electronic mail to those with email addresses as indicated above, as attached.

Thank you,

Lani Ravin, AICP

Planning, Design and Construction

University of Vermont

31 Spear Street, Marsh Hall Suite 10

Burlington, VT 05405

Ph: (802) 656-3217

Fax: (802) 656-8895

Lani.Ravin@uvm.edu

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Thursday, April 18, 2024 1:52 PM
Subject: DEC Press Release: A Guide to Spring Cleaning in Vermont: "What Do I Do with This?"

[WARNING]: This email was sent from someone outside of the City of Burlington.

PRESS RELEASE

For Immediate Release – April 18, 2024

Media Contact:

Mia Roethlein, Environmental Analyst
Department of Environmental Conservation
802-522-5926, Mia.Roethlein@Vermont.gov

FOR IMMEDIATE RELEASE
APRIL 18, 2024
CONTACT: MIA ROETHLEIN
802-522-5926

A Guide to Spring Cleaning in Vermont: "What Do I Do with This?"

Montpelier, Vt. – Spring has arrived and it's the perfect time for some cleaning. The Vermont Department of Environmental Conservation (DEC) encourages residents to properly dispose of or recycle unwanted household items.

DEC Commissioner Jason Batchelder urges homeowners "to keep hazardous and recyclable materials out of the trash. Proper disposal not only protects our communities but also reduces the risks associated with harmful chemicals and potential battery fires."

Unwanted items like old TVs, leftover fluorescent light bulbs, mercury thermostats, leftover paint, and expired batteries can be taken to free special recycling locations across the state. Visit DEC's VTrecycles.com and click on the orange "Special Recycling" symbol to find a collection location near you.

Special recycling collections save natural resources, reduce carbon emissions and waste, and provide materials that are made into new products, like [Local Color Paint](#), appliances, and batteries.

Responsibly disposing of household hazardous waste (HHW) – including any household, automotive, lawn, or garden products labeled "caution, toxic, danger, hazard, warning, poisonous, reactive, corrosive, or flammable" – is an important step in personal and public safety. Residents can bring HHW to collection events or HHW facilities. Learn about local collections from your waste district or town's website at 802recycles.com.

"Store any unwanted or leftover products safely until you can bring them to a special recycling location or a household hazardous waste collection event or facility in your region," said Anne Bijur, the DEC Materials Management Section Supervisor.

For other spring cleaning questions, visit the DEC's "[What Do I Do With This?](#)", which explains how to get rid of items like [tires](#), [scrap metal](#), [medications](#), and more. You can also learn what to do with things locally by exploring your [waste district](#), [alliance](#), or town's A-Z Guide, an online, searchable list of waste items, and what to do with them.

Learn more at VTrecycles.com or call 802-828-1138. If Mia Roethlein is not available at 802-522-5926 or Mia.Roethlein@Vermont.gov, contact Anne Bijur at 802-522-5783 or Anne.Bijur@Vermont.gov.

###

Lori Olberg

FOR INFORMATION ONLY

From: NRB.Act250Essex@vermont.gov
Sent: Thursday, April 18, 2024 3:54 PM
To: nanderson@champlain.edu; tvanwoert@champlain.edu;
nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org;
NRB.Act250Essex@vermont.gov; burlingtontownclerk; Sarah Montgomery; Lori Olberg;
anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov;
AOT.Act250@vermont.gov; AGR.Act250@vermont.gov;
ACCD.ProjectReview@vermont.gov; Stephanie.Monaghan@vermont.gov
Subject: 4C0515-19 Permit -- Champlain College, Joyce Hall
Attachments: AA_COS_Exhibit List_4C0515-19.pdf

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hello,

Please see attached Land Use Permit Amendment, as well as a Certificate of Service, and Exhibit List, for 4C0515-19.

Thank you,

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Adriene Katz NRB Technician
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Tuesday, April 16, 2024 3:23 PM
Subject: ANR - Resilience Implementation Strategy Kick-Off

[WARNING]: This email was sent from someone outside of the City of Burlington.

PRESS RELEASE

For Immediate Release – April 16, 2024

Media Contact:

Stephanie Brackin, Communications Coordinator
Agency of Natural Resources
stephanie.brackin@vermont.gov, 802-261-0606

For contact with the media,
additional text, photos,
contact the City Clerk's Office

Resilience Implementation Strategy Kick-Off

Learn how the state is preparing for the impacts of climate change.

Montpelier, VT – The State of Vermont is hosting two virtual events on April 22 and 25, 2024, to launch the development of a [Resilience Implementation Strategy](#). The strategy will help prepare Vermont for the effects of climate change and climate-related disasters. Vermonters are invited to join these events to help shape the vision for a climate-resilient Vermont.

Register online with the Climate Action Office:

Monday, April 22, 2024 at 5:30 pm

Thursday, April 25, 2024 at 12noon

Over the past year, Vermont has endured significant effects of climate change. Floods, heat waves, and droughts are a few of the climate challenges faced by Vermonters. The Resilience Implementation Strategy is an effort by the State of Vermont to assess existing work to make Vermont more climate-resilient, and prioritize strategies to help Vermonters feel more prepared in their daily life to anticipate, withstand, and recover from the harmful impacts of climate change.

The Strategy will integrate and build on the significant work already done by the State. This includes the Climate Action Plan, the State Hazard Mitigation Plan, the Vermont Agency of Transportation Resilience Improvement Plan, and more. The State aims to complete the Strategy by July 1, 2025.

Secretary Julie Moore of the Agency of Natural Resources, Treasurer Mike Pieciak, and the Climate Action Office will share why a Resilience Implementation Strategy is needed, and what it will accomplish. A facilitated discussion will gather your ideas and input that will help craft a vision for a climate-resilient Vermont.

Learn more about the [Resilience Implementation Strategy](#). If you have registration questions, please contact Sophi Veltrop from the Climate Action Office at sophi.veltrop@vermont.gov or 802-522-9555.

###

Stephanie Brackin (she/her) | Communications Coordinator
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2, Montpelier, VT 05620-3901

FOR INFORMATION ONLY

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Wednesday, April 17, 2024 3:05 PM
To: claire.forbes@uvm.edu; lisa.kingsbury@uvm.edu; hrees@southburlingtonvt.gov; jlouisos@sbur.com; citycouncil@southburlingtonvt.gov; nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; burlingtontownclerk; Sarah Montgomery; Lori Olberg; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; kaitlin.hayes@vermont.gov
Subject: 4C1186-5 Permit -- University of Vermont Centennial Compound Parking Lot
Attachments: Land Use Permit_Certificate of Service_Exhibit List_4C1186-5.pdf

Some people who received this message don't often get email from nrb.act250essex@vermont.gov. [Learn why this is important](#)

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hello,

Please see attached Land Use Permit, as well as Exhibit List and Certificate of Service, for 4C1186-5.

Thank you,

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Adriene Katz NRB Technician
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Lori Olberg

From: VLCT Weekly Legislative Report <info@vlct.org>
Sent: Monday, April 29, 2024 12:04 PM
To: Lori Olberg
Subject: Reminder: April 26, 2024

[WARNING]: This email was sent from someone outside of the City of Burlington.

[Click here to view this email as a web page.](#)

For complete information
 please visit our website
 contact the City Clerk's Office

Many bills of interest to municipalities continue to progress through the legislative process. Read more about what happened this week in today's *Weekly Legislative Report*.

Don't miss our latest advocacy updates to Municipal Capacity, Revenue, and Governance, to Public Safety and Transportation, and to Climate Change and Disaster Response, which include:

- Municipal Flood Abatement Relief Extended
- Transportation Program and Budget
- Amendment to Authorize Municipalities to Prohibit Firearms in Municipal Buildings Fails
- Tax Abatement and Tax Sale Bill House likely to concur with the Senate-passed bill
- Local Option Tax

Opportunities for input:

- Contact Your Legislators Let them know you support Local Option Tax authorization
- IMPORTANT Survey Statewide Reappraisal and Property Data from PVR
- Apply Now Opioid Settlement Advisory Committee

Read the Weekly Legislative Report

Join Us for the Next Chat!

We will discuss the current topics and more in our next Advocacy Chat on **Monday, 5/6 at 11:00 AM.**

Join us with your questions and thoughts. We rely on hearing your ideas and concerns as the session progresses!

[Register](#)

Lori Olberg

FOR INFORMATION ONLY

From: NRB.Act250Essex@vermont.gov
Sent: Tuesday, April 30, 2024 10:25 AM
To: bpaxton@rhinofoods.com; gserke@rhinofoods.com; tcastle@rhinofoods.com; rcastle@rhinofoods.com; mcourcelle@champlainconsulting.net; teustace@gravelshea.com; joe@josepharchitects.com; drhoffer@comcast.net; redosier@comcast.net; Will Clavelle; alex.demoly@vermont.org; sam@vermont.org; Burns, Chris; Yanulavich, Jake; making-05-hacksaw@icloud.com; zukeaper@gmail.com; susy.mason@me.com; robbykilgore@gmail.com; fraharp@yahoo.com; derekmzipprich@gmail.com; mazkessler@gmail.com; Benjamin Traverse; Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; burlingtontownclerk; Sarah Montgomery; Lori Olberg; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; kaitlin.hayes@vermont.gov
Subject: 4C0325-5 Hearing Recess Order
Attachments: HRO 4C0325-5.pdf

*For External Information Only
Additional List, Please
contact the City Clerk's Office*

Some people who received this message don't often get email from nrb.act250essex@vermont.gov. [Learn why this is important](#)

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hello,

Please see attached Hearing Recess Order for 4C0325-5.

Thank you,

Act 250 District Office - Essex (District 4 Environmental Commission)

111 West Street

Essex Junction, VT 05452

Adriene Katz NRB Technician

Tel.802-879-5614 | NRB.Act250Essex@vermont.gov

<https://nrb.vermont.gov>

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Monday, April 15, 2024 11:29 AM
Subject: FPR Press Release - Kick Off to Vermont's Wildland Fire Season

FOR INFORMATION OF

[WARNING]: This email was sent from someone outside of the City of Burlington.

PRESS RELEASE

For Immediate Release – April 15, 2024

Contact:

Dan Dillner, State Forest Fire Supervisor
Department of Forests, Parks, and Recreation
Dan.Dillner@Vermont.gov, 802-777-3079

FOR INFORMATION OF
WILDLAND FIRE PROGRAM
CONTACT THE CITY CLERK

Kick Off to Vermont's Wildland Fire Season:

Daily Updates and Prevention Efforts

Montpelier, VT – Vermont's wildland fire season is now underway. The Department of Forests, Parks, and Recreation's (FPR) Wildland Fire Program is geared up to provide daily updates and seasonal tips to Vermonters to keep them informed about fire danger risks and to help them prevent wildfires in their community.

Wildland fires, which include grass, brush, and forest fires, are a particular concern in the spring and fall; however, fires can occur anytime.

Already this year, several wildland fires have been reported. These early fires serve as a reminder of the ongoing threat and the need for continued vigilance.

Burning debris is the leading cause of wildfires, underscoring the critical importance of proactive measures. In 2023 there were 63 wildfires in Vermont; all were caused by human activity.

"Monitoring wildfire activity is crucial," says FPR Commissioner Danielle Fitzko. "It helps protect lives and property and allows communities to respond effectively to changing conditions. Vermonters play an important role in preventing wildland fires by practicing fire safety and following open burning regulations."

Please remember to:

- **Sign up** for daily fire danger alerts.
- **Check the latest activity** at the Wildland Fire Situation Update.
- **Consider alternatives** to open burning such as chipping or composting.
- **Avoid burning garbage**, including paper, cardboard, tires, plywood, pressboard, asphalt shingles, plastics, and treated wood. Burning trash is prohibited.
- **Get a permit** by contacting your Town Forest Fire Warden. Permits are required for burning legal materials such as tree limbs and branches.
- **Clear flammable materials** around homes and properties.
- **Never leave a fire unattended.**
- **Report wildfires** immediately by calling 911.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

MEMORANDUM

TO: License Committee/City Council

FROM: Caleb Manna, Excavation Inspector, Department of Public Works

DATE: May 1st, 2024

CC: Norman Baldwin, P.E. Assistant Director of Public Works/City Engineer
Chapin Spencer, Director of Public Works.
Laura Wheelock, P.E.; Sr. Public Works Engineer

RE: 111 Saint Paul Street– Outdoor Seating Encumbrance Permit Application – Devil Takes a Holiday

Request

The Applicant, DJINN LLC, d/b/a Devil Takes a Holiday, owner of the establishment located at 111 Saint Paul Street, is requesting approval for an outdoor seating area to exist in the public right-of-way. The request, if approved, will formally permit an outdoor seating area on the sidewalk in front of the establishment, through a License Agreement with the City.

As stated in Burlington Code of Ordinance Chapter 27-32(a): *“No permit as required by Section 27-31 shall be for longer than sixty (60) days, except as authorized by the city council.”*

Overview

Devil Takes a Holiday submitted an encumbrance permit application to the Department of Public Works on April 16th, 2024, requesting to occupy 60 square feet of City right-of-way space on Saint Paul Street, in the “frontage” zone of the public sidewalk.

The proposed seating area will occupy the sidewalk directly adjacent the establishment in front of the entryway. The seating area meets all the requirements to occupy the public right-of-way under Great Streets Standards and the Street Seating Program Guide. The dining area will consist of small tables and chairs, cordoned off by a decorative barriers around the perimeter.

The outdoor dining area will be used by the restaurant during normal business hours. During times when the establishment is closed, tables and chairs will be removed from the public right-of-way.

The Applicant will be responsible for any future maintenance or repairs and any other conditions as defined in the License Agreement.

Recommendation

The Department of Public Works is supportive of entering into a License Agreement between the Applicant and the City.

Thank you for your consideration of this request. Please do not hesitate to contact me directly at CManna@burlingtonvt.gov or 802-865-7562.

Attachment

- A. Application
- B. DPW Recommendation Form
- C. Photographs
- D. Certificate of Insurance

Motions:

License Committee:

"To approve and recommend that the City Council approve the Encumbrance Application for DJINN LLC d/b/a Devil Takes a Holiday at 111 Saint Paul Street requesting use of the sidewalk for an outdoor seating area and to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office."

City Council:

"To approve the Encumbrance Application for DJINN LLC d/b/a Devil Takes a Holiday at 111 Saint Paul Street requesting use of the sidewalk for an outdoor seating area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office."

ENCUMBRANCE PERMIT AND LICENSE AGREEMENT

Devil Takes a Holiday
111 Saint Paul Street, Burlington VT

This Long-term Encumbrance Permit and License Agreement (“Agreement”) is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (“City”), and DJINN LLC, d/b/a Devil Takes a Holiday, a domestic limited liability company located at 111 Saint Paul Street, Burlington, Vermont 05401 (“Licensee”). The City and Licensee agree to the terms and conditions of this Agreement.

1. RECITALS

- A. Authority.** Authority to enter into this Agreement exists in the City Charter and Burlington City Ordinance 27-32. Required approvals, clearance, and coordination have been accomplished from and within each Party.
- B. Consideration.** The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Agreement.
- C. Background.** The City owns property, including the street and sidewalk right-of-way adjacent to 111 Saint Paul Street. The Licensee has received approval to install an outdoor seating area on the sidewalk of the public right-of-way adjacent to the premises.
- D. Purpose.** This Agreement sets forth the terms and conditions for the allowed use of the public right-of-way.

2. EFFECTIVE DATE AND TERM

- A. Effective Date.** This Agreement shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Agreement before the Effective Date and shall have no obligation for any performance before the Effective Date or after the expiration or termination of this Agreement. Licensee’s obligations hereunder for indemnification, defense, and restoration of the Premises and other City property shall survive expiration or termination hereof.
- B. Term.** This Agreement shall commence on the Effective Date and expire on April 30, 2025.
- C. Termination.** This Agreement may be terminated as set forth in this paragraph (C). Upon termination, Licensee shall remove—at its own expense—all objects, materials, and other obstructions placed on the Premises. If Licensee refuses to promptly remove such obstructions, the City may remove all such obstructions and the Licensee shall be liable for all expenses of such removal.
 - i. Discontinued Use.** The City shall have the exclusive right to immediately terminate this Agreement should Licensee or a subsequent owner discontinue the licensed use of the premise.
 - ii. Termination for Convenience.** At any time prior to completion of services specified under this Agreement, the City may terminate the Agreement for any reason by submitting written notice via certified or registered mail to the Licensee, not less than fifteen (15) days prior to the termination date, of its intention to do so. The Licensee shall make no claim against the City by reason of such termination.
 - iii. Breach.** The City shall have the exclusive right to terminate this Agreement if Licensee is

in breach of this Agreement. The City shall provide seven (7) days written notice in advance of the termination date.

- iv. **Non-Compliance.** If any of the License Conditions are not met to the satisfaction of the City, the Licensee will be responsible for restoration of the Premises, the sidewalk adjacent to the property, and any other City property damaged, destroyed, or otherwise affected by Licensee or its officers, employees, agents, customers/invitees, successors, or assigns, within seven (7) days of receiving written notice.
- v. **Renewal.** This agreement shall be renewable annually for a one (1) year term provided that Licensee submits a timely annual renewal application certifying that its renewal does not amend, modify or otherwise change the existing agreement, pays the requisite fees, and provides updated proof of insurance and all applicable endorsements, and provided that the Department of Public Works certifies that licensee is still in compliance with terms of this agreement.

3. DEFINITIONS

- A. **“Effective Date”** means the date on which this Agreement is approved and signed by the City as shown on the signature page of this Agreement.
- B. **“Encumbrance Fee”** means the sum of the encumbrance application fee, and the square foot use fee annually set by the City.
- C. **“Party”** means the City or Licensee and **“Parties”** means both the City and Licensee.
- D. **“Premises”** means the sidewalk directly in front of 111 Saint Paul Street.
- E. **“Property”** means the outdoor seating area that is the subject of this Agreement.

4. GRANT OF LICENSE

The City hereby grants to Licensee a license to install an outdoor seating area for dining purposes on the sidewalk directly adjacent to 111 Saint Paul Street, totaling an area of 60 square feet for the term set forth above. Licensee may use and shall maintain the outdoor seating area existing in the City’s right-of-way.

5. LICENSE CONDITIONS

- A. **Maintenance.** Licensee shall maintain the outdoor seating to the satisfaction of the City, which includes maintaining it in a safe, proper, and working condition. Licensee shall be solely responsible for all costs associated with maintenance, upkeep, repair, and replacement of outdoor seating amenities.
- B. **Placement.** The featured seating shall be placed and maintained in accordance with all conditions set by the Department of Public Works in the approved plan (Attachment C) and shall not impede the City’s or any other private or public utilities’ ability to maintain the road, sidewalk, parking meters, greenbelt, utility infrastructure, or any other City or private property. The amenity shall not cause an obstruction or inconvenience to members of the public accessing the road, sidewalk, parking meters, greenbelt or any other City or private property. The seating area shall be removed from the public right of way when not in use by the establishment. Notwithstanding anything to the contrary herein, it is Licensee’s obligation to ensure the

approved plan complies with applicable laws, including the Americans with Disabilities Act, all applicable regulations and design standards promulgated thereunder, and other applicable disability access laws. Any analysis done by the City regarding compliance of the plan with applicable laws is for the City's sole and exclusive benefit, and Licensee shall not rely thereon. If the plan fails to comply with applicable laws, including disability access laws, then it is Licensee's obligation to comply with the law and to request the City's ratification of any change from the plan shown in Attachment C as soon as reasonably possible. An amendment to the plan in Attachment C to comply with applicable law shall require the written approval of the Public Works Director or designee without a formal amendment to this Agreement.

C. Appearance. Licensee shall pick up and sweep debris created by its use of the public right-of-way.

F. Emergency Access. In the event of an emergency relating to municipal operations, the City shall have the authority to remove or relocate the amenity to access any public infrastructure deemed necessary. Licensee shall be solely responsible for all cost associated with relocation of seating area, and returning the structure the approved location in this agreement.

6. PAYMENT FOR LICENSE

A. License Fee. Licensee shall pay the City an Encumbrance Fee, as described in Attachment A.

B. Initial License Fee. By signing this Agreement, the Parties acknowledge that Licensee has paid the City the license fee for the period beginning April 30, 2024 and ending April 30, 2025.

7. INSURANCE

A. Requirement. Licensee shall maintain throughout the term of this Agreement, and any subsequent extension or renewals, commercial general liability insurance from an insurance carrier rated A-:VII or higher by A.M. Best Co. and admitted in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of privileges granted by this Agreement in an amount not less than \$1,000,000 each occurrence. The City shall be named as an additional insured on such insurance policy.

B. Evidence. Prior to execution of this Agreement, Licensee shall furnish the City with a certificate of insurance and endorsement that includes the provision naming the City as an additional insured on a primary, non-contributory basis and waiving subrogation against the City. Licensee shall take all reasonable efforts to acquire an endorsement providing the City with thirty (30) days' written notification of cancellation. If such endorsement is not reasonably available, then Licensee shall provide the City with notification of any impending cancellations within three (3) days after receipt of such notice from its insurance carrier. The current certificate of insurance and applicable endorsements are attached to this Agreement as Attachment D.

C. Continuing Obligation. Licensee shall provide the City with an updated certificate of insurance and applicable endorsements annually on or before the certificate's stated expiration. It is the responsibility of Licensee to ensure that a current certificate of insurance is on file with the City at all times.

8. INDEMNIFICATION

Licensee shall indemnify, defend, and hold harmless the City, its officers, officials, agents, and employees from liability for any claims, suits, expenses, losses, judgments, penalties, fines, costs (including attorneys' fees and costs), and damages arising as a result of the Licensee's acts and/or omissions, and the acts and/or omissions of Licensee's officers, directors, employees, agents,

contractors, subcontractors, customers/invitees, successors, or assigns arising from or related to Licensee's use of the Premises or in connection with this Agreement or the privileges granted to it under this Agreement, excepting claims arising from the City's gross negligence or willful misconduct. If the City, its officers, officials, agents, or employees are notified of any claims asserted against it to which this indemnification provision may apply, the City shall promptly thereafter notify the Licensee in writing that a claim to which the indemnification provision may apply has been received. Licensee shall promptly retain counsel and otherwise provide a complete defense against the entire claim or suit. The City retains the right to participate, at its own expense, in the defense of any claim, and to approve all proposed settlements of claims to which this provision applies. Under no conditions shall the City be obligated to indemnify the Licensee or any third party, nor shall the City be otherwise liable for expenses or reimbursement including attorney's fees, collection costs, or other costs, of the Licensee or any third party.

9. RESPONSIBILITY FOR SUPERVISION:

Licensee shall assume responsibility for general supervision of its contractors and any subcontractors, shall be solely responsible for all procedures, methods, and work, and shall be responsible to the City for all acts or omissions of its officers, employees, agents, contractors, subcontractors, or any other person related to any activity or work performed in connection with this Agreement or the privileges granted to Licensee under this Agreement.

10. PUBLIC RELATIONS

Throughout the performance of the work, the Licensee will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Licensee shall conduct themselves with propriety.

11. PERMITS

Licensee shall be responsible for obtaining all necessary City and/or State permits prior to performing any work on the Premises or in connection with this Agreement.

12. NUISANCES PROHIBITED

Licensee shall not—during the term of this Agreement—on or in the Premises, maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City ordinance, State or Federal statute, or controlling law, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

13. INSPECTION OF WORK

The City shall, at all times, have access to the Premises for the purposes of inspection and the Licensee shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Licensee shall permit the City or representative for the City the opportunity to inspect any plans, drawings, estimates, specifications, or other materials prepared or undertaken by the Licensee.

14. ASSIGNMENT OF RIGHTS

If Licensee sells the Property, Licensee may temporarily assign the privileges granted herein to the new owner of the Property for a period of sixty (60) days after closing. Any subsequent owner of the Property shall execute a new agreement with the City and provide proof of insurance within the sixty

(60) day period. Failure to comply with this section shall constitute a discontinued use under §2.C.i of this Agreement.

15. LIMITATION OF RIGHTS; PROPERTY TAXES

Licensee acknowledges that no title, estate, leasehold, easement, or other property interest or other right is created other than that specifically defined and limited by this Agreement. Any property tax liability arising from this Agreement under Vermont law, notwithstanding the foregoing, shall be the sole responsibility of Licensee.

16. WAIVER

The City's failure or delay in exercising any right, power, or privilege under this Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, notwithstanding the passage of time. Waiver by the City may only occur through an expressed written waiver signed by an authorized representative of the City. No waiver of a breach of any of the covenants, agreements, or provisions contained in this Agreement shall be construed to be a waiver of any subsequent breach of the same or of any other provision in this Agreement.

17. ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties with respect to the subject matter of this Agreement. All prior representations and understandings related to Licensee's use of the specified portions of the City's right-of-way, oral or written, are merged into this Agreement. Prior or contemporaneous additions, deletions, or other changes to this Agreement shall not have any force or effect whatsoever, unless embodied herein.

18. MODIFICATION

Modifications to this Agreement shall only be valid if agreed to in a formal written amendment to this Agreement, properly executed and approved by the Parties.

19. THIRD PARTY BENEFICIARIES

This Agreement does not confer any rights or remedies upon any person or entity other the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Agreement are incidental to this Agreement and do not create any right for such third parties.

20. MISCELLANEOUS

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder shall remain in effect as necessary to effectuate the original intent of the Parties as closely as possible; provided, however, that if any provision hereof relating to indemnification or defense for the protection of the City and its taxpayers is held to be invalid and unenforceable, then this Agreement shall have no further prospective force or effect, but it shall be enforced to the fullest extent allowed by law for the protection of the City and its taxpayers with respect to prior transactions and occurrences. This Agreement shall be construed according to Vermont law, notwithstanding conflicts of law principles, and venue for any dispute arising from this Agreement shall be proper in Chittenden County, Vermont, notwithstanding any other law. This Agreement shall not be construed its drafter. In case of any dispute arising from this Agreement, the prevailing party shall be entitled to attorneys' fees and costs.

21. ATTACHMENTS

The following attachments are adopted, incorporated by reference, and made part of this Agreement:

- A. Attachment A:** Licensee's Application
- B. Attachment B:** Department of Public Works Encumbrance Recommendation Form
- C. Attachment C:** Photographs and Sketches of Encroachment
- D. Attachment D:** Certificate of Insurance

22. ORDER OF PRECEDENT

This Agreement shall control over any conflicting attachment.

— *Signature Page Follows* —

23. SIGNATURE PAGE

Persons signing for the Parties hereby swear and affirm that they are authorized to act on behalf of their respective Party and acknowledge that the other Party is relying on their representations to that effect. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement may be executed electronically, and an electronic copy or other facsimile shall be treated as an original.

The Parties hereto have executed this Agreement

**LICENSEE
DJINN LLC**

By: _____
Taylor Watts, Manager

By: _____
Robert Downey, Manger

Date: _____

**CITY OF BURLINGTON
Mayor Miro Weinberger**

By: _____
Mayor Emma Mulvaney-Stanak

Date: _____



City of Burlington, VT

4/22/2024

REN-24-3**ROW Encumbrance Permit**

Status: Active

Submitted On: 4/16/2024

Primary Location

111 Saint Paul Street

Burlington, VT 05401

Owner

MCNEIL, JOSEPH / JOSEPH E. MCNEIL

REVOCABLE TRUST

333 SOUTH PROSPECT STREET

BURLINGTON, VT 05401

Applicant

Taylor Watts



941-735-8306



taylor@deviltakesaholiday.com



111 St Paul St.

Burlington, VT 05401

Right-of-Way Encumbrance Application**Type of Encumbrance Requested***

Long-Term Encumbrance (More than 60 Days)

Encumbrance Description* ?

Bench seating in front of restaurant.

Location of Encumbrance * ?

In front of 111 St. Paul Street to either side of front door extending to the edge of the building and not sticking out more than 5 feet.

Attachment A1

The length of Long-Term Encumbrances (years) are negotiated on a case-by-case basis, and may be renewed at the request of the applicant.

Encumbrance Term (Years)

0

Encumbrance Start Date

05/15/2024

Encumbrance End Date

10/15/2024

Area Encumbered (Square Feet)

60

Company Information

Company Name

DJINN LLC

DBA Name

Devil Takes A Holiday

Phone

(941) 735-8306

FAX**Street Address**

111 St Paul Street

City, State Zip

Burlington, VT 05401

Email ?taylor@deviltakesaholiday.com



DEPARTMENT OF PUBLIC WORKS
 645 PINE STREET
 BURLINGTON, VT 05401
 Voice: (802) 863-9094 Ext 3 Fax: (802) 863-0466
 Email: dpwpinecustomerservice@burlingtonvt.gov

DPW ENCUMBRANCE RECOMMENDATION FORM

DBA NAME: DJINN LLCX DATE: 4/22/24
 COMPANY NAME: Devil Takes a Holiday PHONE: 941-735-8306
 CONTACT NAME: Taylor Watts EMAIL: taylor@deviltakesaholiday.com
 MAILING ADDRESS: 111 St. Paul St., South Burlington VT 05401
 LOCATION OF ENCUMBRANCE: 111 Saint Paul Street

FOR LONG-TERM ENCUMBRANCE, TABLE AND CHAIR ENCUMBRANCE, AND CONSTRUCTION ENCUMBRANCE

1. All encumbrances should be located on private property, if possible. In the opinion of the Excavation Inspector, is there an available alternative location for the requested encumbrance on private property?

YES []

NO ☒

2. Will there be sufficient width for plows, pedestrian access, and ADA requirements if the proposed encumbrance is added to the sidewalk/roadway/greenbelt?

YES ☒

NO []

3. Additional Comments: _____
Outdoor seating 111 Saint Paul. Seating area will
directly in front of the establishment. Small tables and chairs.

4. Has this business remained in compliance to date (RENEWALS ONLY)?

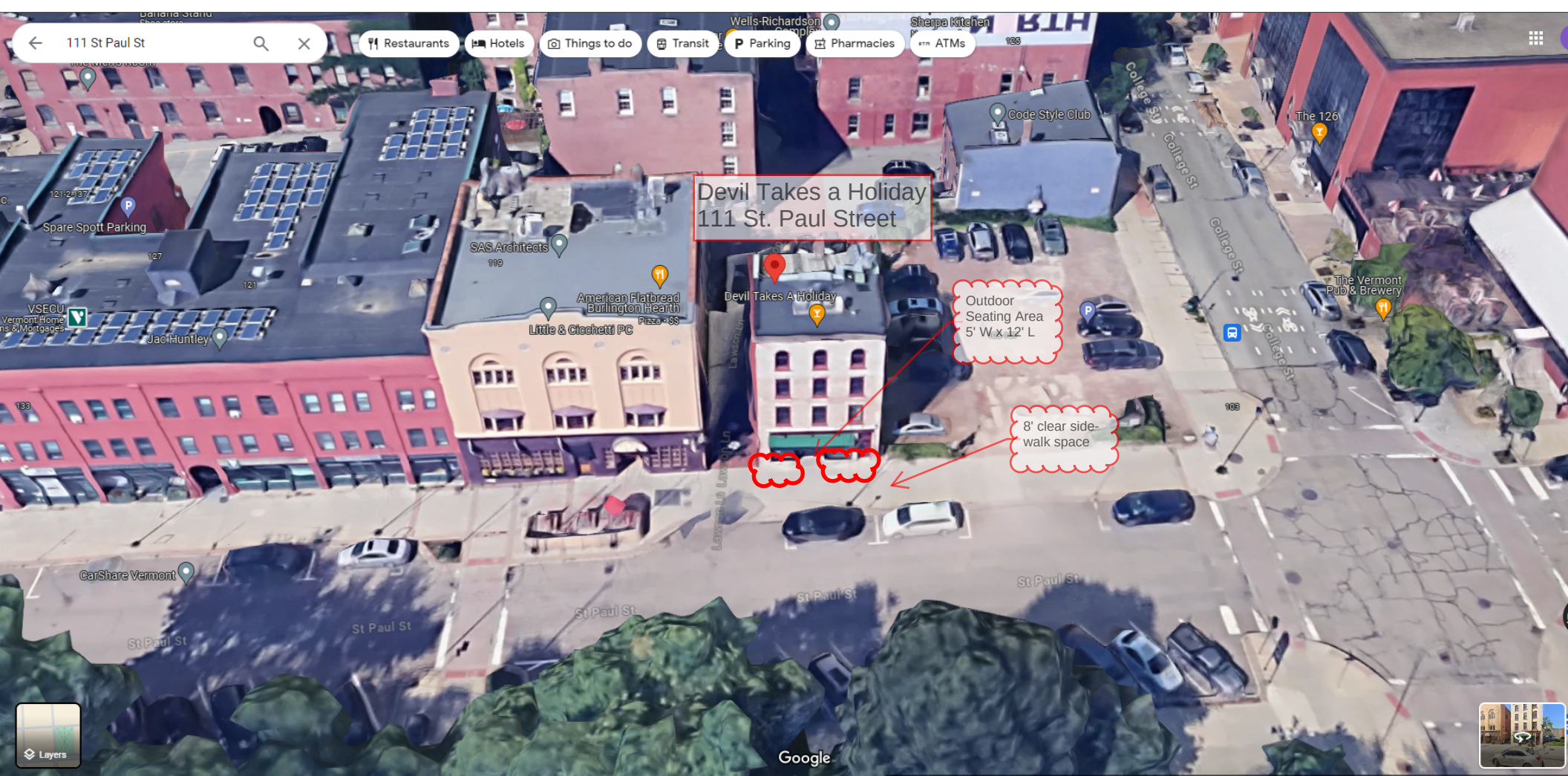
YES []

NO []

5. Describe the encumbrance, including square footage and location of items: _____
60 sq. ft. 6' min clear sidewalk path maintained for downtown core.

BELOW THIS LINE – DEPARTMENT OF PUBLIC WORKS OFFICE USE ONLY

Approved: Yes ☒ No [] If no, reason: _____
 Signature: Caleb Manna Date: 5/25/2023





Attachment C1



Attachment C2



DJINLLC-01

WPARENT

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/16/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hickok & Boardman Insurance Group 346 Shelburne Rd Burlington, VT 05401	CONTACT NAME: Melissa Kavanagh	
	PHONE (A/C, No, Ext): (802) 383-1621	FAX (A/C, No): (802) 658-0541
	E-MAIL ADDRESS: mkavanagh@acrisure.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Cincinnati Specialty Underwriters Ins Co	
	INSURER B : A.I.M. Mutual Insurance Company	
INSURED DJINN LLC 115 St. Paul St. Burlington, VT 05401	NAIC #	
	13037	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	X		CSU0220609	11/13/2023	11/13/2024	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							Liquor Liab \$ 1,000,000
							COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
PROPERTY DAMAGE (Per accident) \$							
							\$
	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$
							AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N	N / A	WMZ-800-8008360-2023A	11/6/2023	5/1/2024	☒ PER STATUTE ☐ OTH-ER
							E.L. EACH ACCIDENT \$ 500,000
							E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Additional Insured status applies on the General Liability per terms and conditions of attached form CG 20 12 12 19. 30 Day Notice of Cancellation applies per terms and conditions of attached form CSGA 4094 06 16.

CERTIFICATE HOLDER

CANCELLATION

City of Burlington Burlington Public Works Encumbrance Application Dept. 645 Pine St Burlington, VT 05401	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

POLICY NUMBER: CST0220609

COMMERCIAL GENERAL LIABILITY
CG 20 12 12 19**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****ADDITIONAL INSURED – STATE OR GOVERNMENTAL
AGENCY OR SUBDIVISION OR POLITICAL
SUBDIVISION – PERMITS OR AUTHORIZATIONS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE**State Or Governmental Agency Or Subdivision Or Political Subdivision:**City of Burlington, Burlington Public Works, Encumbrance Application Dept., 645
Pine St, Burlington, VT 05401

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization.

However:

- a. The insurance afforded to such additional insured only applies to the extent permitted by law; and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

2. This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the federal government, state or municipality; or
- b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".

- B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable limits of insurance;

whichever is less.

This endorsement shall not increase the applicable limits of insurance.

EARLIER NOTICE OF CANCELLATION OR NONRENEWAL BY US TO A DESIGNATED ENTITY

This endorsement modifies insurance provided under the following:

COMMERICAL GENERAL LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS COVERAGE PART

SCHEDULE

Designated Entity:

City of Burlington

Burlington Public Works Encumbrance Application Dept

Mailing Address:

645 Pine Street

Burlington

VT

05401

Cancellation Notification - Number of Days: 30

The following notice of cancellation condition is added only for the person or organization designated in the Schedule above.

If we cancel or nonrenew this policy for any statutorily permitted reason other than nonpayment of premium we will mail notice to the person or organization shown in the Schedule above. We will mail such notice at least the number of days shown in the Schedule before the effective date of the cancellation or nonrenewal.

If we cancel this policy for nonpayment of premium, we will mail notice to the person or organization shown in the schedule above. We will mail such notice for nonpayment of premium at least 10 days before the effective date of cancellation.

When notice is mailed, proof of mailing to the mailing address shown in the Schedule will be sufficient proof of notice.

In no event will coverage extend beyond the actual expiration, termination or cancellation of the policy.

2024-2025 Indoor and Outdoor Entertainment Permit Renewals
Regular City Council Meeting, Monday May 6th, 2024

Indoor:

Courtyard by Marriot Burlington Harbor Hotel
Despacito
Hotel Vermont
Radio Bean
Splash at the Boathouse

Outdoor:

Hotel Vermont



Home (/DLLicenseManagment/s/)

Application
DLL - Application - 38229

Approve

Reject

Applicant Action Required

Town Payment Received

Download

APPLICATION DETAILS

RELATED INFORMATION

▼ Application Information

DLL - Application Id

DLL - Application - 38229

Business Entity Name

Three Five 45 Community Store & Kitchen

Phone number:

Applicant Email

rajkumargurung356@gmail.com (<mailto:rajkumargurung356@gmail.com>)

Renewal Application

Student Name

Applicant Action Comments

License/Permit Location Description

Town Fee

0

Business Entity Phone

802-338-5471

Training Completion Record

Designated Caterers Details

Days Since Last Modified

0

Estimated time period for alcohol

Name and address from whom you purchase

Lease Expiration Date

Liquor Liability Insurance Policy Number

Landlord Email

Renewal Change Indicated

Renewal Change Description

URL for Policies & Procedures ①

URL for Duties ①

External Status

Application sent to municipality

Town Clerk/ Municipal Jurisdiction

Burlington

Historical Id

TOBC

Application Type ①

License

Application For

Tobacco License

Mode of Training

Town User Approval/Rejection Comments

Eligibility of Tobacco Fee waiver

Yes

Quantity of Alcohol required

what purpose this alcohol is used to be

Where is this alcohol to be used

1563 North Avenue

* recommended for
approval @ 5/1/24 limits
LO



Raj kumar Gurung

Tobacco Only Training Program 2024 (Final Exam)

February 19, 2024

100%



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

TO: Board of Finance and City Council
FROM: Brian Pine, CEDO Director
Rachel Jolly, Assistant Director for Community Justice
DATE: May 1, 2024
RE: Lease Agreement for the Community Justice Center at Post Apartments

This memo summarizes the case for relocating the City's Community Justice Center to the office space in the Post Apartments mixed-use building being developed by Champlain Housing Trust (CHT) that has been designed specifically for the unique needs of the CJC staff and the public that it serves.

The attached lease was approved by the Board of Finance on 4/29/24 for recommendation to the City Council with the condition that the City request concurrence from CHT to a new clause to afford the City the right to exercise multiple lease renewal options. This revision was accepted by CHT and the attached version of the lease has been revised to grant the City three 5-year lease renewal options.

What are the reasons for relocating the CJC to new space?

Both the quality and amount of office space at 200 Church St is unsuitable and inadequate to meet the needs of the CJC staff and to provide a suitable space for carrying out the role of restoring trust and repairing the harm caused by crime and conflict in our community. Our staff deserve better working conditions and the members of the public ought to have a more welcoming space for doing the difficult work of restorative justice.

As Vermont's oldest and largest Community Justice Center (CJC), the Burlington CJC has outgrown the city-owned office space it has occupied since 2016. In the 25 years of the CJC's operation, it has been moved five times and has never had a space designed with its needs and uses in mind. The CJC is managed by 16 staff (and growing!) and 50 volunteers who offer ten different programs for more than 1500 community members annually. When the Champlain Housing Trust (CHT) began planning the redevelopment of the former VFW on South Winooski Avenue in 2022, CEDO seized the opportunity to relocate the CJC into a new space and resolve the legacy of inadequate and insufficient space for the growing CJC programs.

The following are the main reasons that justify CJC moving from the subject property:

- Since 1998, the CJC has been housed in five separate locations, none of which were designed with the CJC in mind
- With only 7 small offices, the current location is too small for the 10 CJC staff and one intern who are based there, necessitating multiple offices being shared between two people despite the need for client confidentiality
- There is often no space suitable for the one-on-one meetings needed between staff and participants at all times of the day

- Related to the above, there are **no** spaces in the current building that allow for confidential conversations, as the walls offer zero soundproofing, and conversations can be overheard (usually word-for-word) in neighboring offices
- For a staff of 16, there is no space for the entire staff to gather, necessitating staff meetings to be held in separate buildings
- For all meetings (team meetings, community partner meetings), there is only one meeting room, necessitating the booking of separate rooms, or holding these meetings in staff offices. The new building offers 3-4 meeting rooms, including a large community room that can be used to strengthen community partnerships
- The CJC staff and clients will benefit greatly from more of a ‘street level’, visible and accessible presence created to serve as a restorative, community resource
- There are currently CJC staff working out of both the Burlington Police Department and the Costello Courthouse on Cherry St. Having adequate space in a new CJC office will enable greater coordination when staff need to be in the main office.
- The planned new space will allow for potential growth over the next 2-5 years, especially as preliminary discussions have begun around the idea of regional CJC consolidation

Why does the City need to execute a lease at this time?

When the redevelopment planning for the former VFW property at 176 South Winooski Ave began in 2022, CEDO joined CHT in envisioning various options for creating ground-floor commercial uses that would complement the both the ground-floor VFW, and the permanent affordable housing planned for the upper floors. The City’s zoning requires non-residential uses on the ground floor in this area, so it quickly became clear that approximately 4,100 square feet of office space would be available in the new building. The CJC has been in need of more appropriate office and program space and the joint venture was mutually beneficial for the VFW, CJC and CHT.

CHT and their development partner, Evernorth, are working toward closing on the construction financing in late May to begin redevelopment of the site in June. The demolition, site development and construction is expected to take 18 months, with the building ready for occupancy at the end of 2025 or early in 2026. This building is being financed with the Low Income Housing Tax Credit – a federal program that requires creation of a taxable, for-profit entity that owns the real estate for the 15-year compliance period. At the end of this 15-year period, CHT will most likely become the owner either alone or through a new partnership to preserve the affordable housing and public-purpose uses in perpetuity.

CHT will not be the only owner of the construction and future building - the owner will be a Limited Partnership with CHT and Evernorth as co- general partners, and a private investor as a limited partner. The owners need certainty to be able to construct a building for this specific use (designed and constructed to meet the CJC’s needs), and the financing plan is dependent upon this commercial income to meet the underwriting requirements of the lender. In sum, the project requires financing and the sources of financing require a signed lease to verify that the revenue will be sufficient to cover the debt service and operating expenses.

The monthly base rent for the 4,104 square feet of space plus 8 onsite parking spaces is \$2,326. In addition to this base rent, the owner will pass on a pro rata share of the operating costs in the form of Operating Rent (\$2,993/month) that consists of the following: property and liability insurance, management fee and administrative costs, property taxes, snow removal, grounds, trash removal, life safety system inspections and repair and general maintenance and repairs of the common areas. The attached Appendix 1 itemizes the annual rent increases to account for the estimated rate of inflation for the covered items. The combined monthly rent of \$5,319 equates to an annual rent of \$15.56 per square foot. By comparison, the typical rent for Class A office space in the Central Business District from the December 2023 Allen, Brooks & Minor Report ranges from \$17 to \$22 per square foot plus an additional amount for parking. When factoring in the value of onsite parking for 8 CJC staff, the proposed all-inclusive rent is about 25% below market rate rents for comparable downtown office properties.

How will the increased CJC rent be covered?

Under the current rental arrangement for the CJC at 200 Church St., the City charges \$21,000 for rent and utilities but then essentially waives the payment as a form of in-kind support from the City to the operations of the CJC. This in-kind support serves as part of the City's match required from the various State of Vermont agencies that provide the vast majority of operational funding for the CJC. We are still exploring innovative ways to cover the increased rent and the following are examples for how this cost may be covered beginning in late 2025 or early 2026:

- Use a nominal amount of the City's net revenue from the sale of 200 Church St. to capitalize a rent reserve fund that would be used to make rent payments for FY26 and FY27 beyond what the CJC budget is able to support. CEDO anticipates making the case to the regular State funding sources that the needs of the CJC and the clients being served require additional support to cover the increase rent for both program and office space that more appropriately meets the needs of all parties.
- CEDO has already secured two significant, competitive sources of funding intended to cover the cost of creating the CJC office space: the project was allocated \$462,941.00 in reallocated State sales taxes to support infrastructure improvements associated with the construction of the 176 S. Winooski Avenue redevelopment project; recently, Senator Sanders secured a federal grant (Congressionally Directed Spending) in the amount of \$300,000. While these funding sources are for the development of the CJC space, we are exploring with CHT the possibility of establishing an operating reserve in the budget that would only be used for covering the CJC rent for the first two years of lease payments while State funding awards can gradually increase to reflect the added cost of delivering the CJC programs.

Is the City protected in the unlikely event that funding is insufficient to make the rent payments?

Although the clear intentions of all parties in this transaction are for the City to lease the subject property for use by the CJC for at least 15 years, we have included what is referred to as a "non-appropriation" clause. A non-appropriation clause enables the lessee (the City here) to terminate the lease agreement at the end of any fiscal year without further obligation or penalty. This can be done only in cases where the City is unable to obtain funding for future payment obligations on the lease.

Typically, the clause contains a 'best efforts' requirement to assure the lessor that the lessee will use its best efforts to obtain the necessary appropriation for the lease payments. Given the level of partnership and collaboration between the City and CHT, both parties enter this agreement with mutually beneficial goals and objectives, but this provision is the most prudent approach for the City.

Requested motion language:

Council: That the City Council approve and authorize the Mayor to execute the proposed 15-year lease between the City of Burlington and Post Apartments Housing Limited Partnership for office space located at 176 S. Winooski Avenue, to be used to house the Community Justice Center.

KEY

SITE ELEMENTS NOT SHOWN, REFER TO SITE PLAN

UNIT 1

39,704 SF

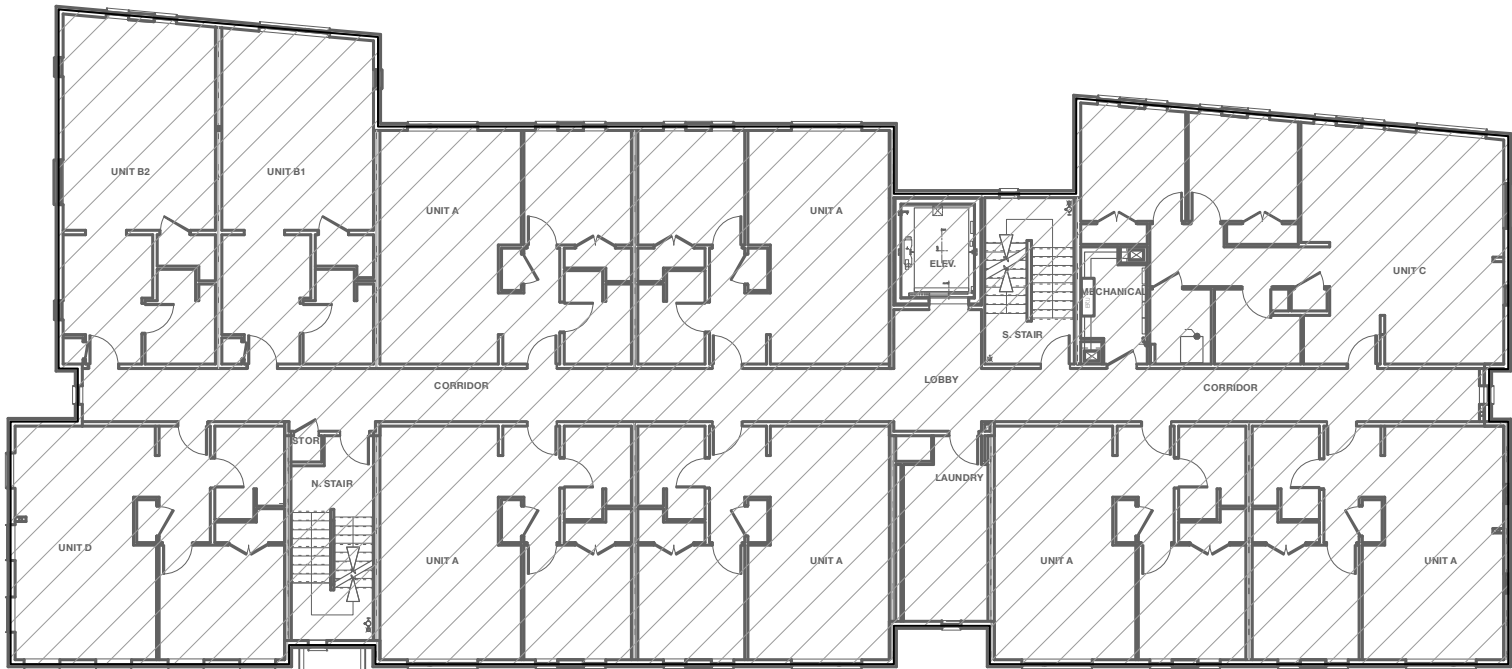
NOT INCLUDING ROOF

UNIT 2

4,104 SF

UNIT 3

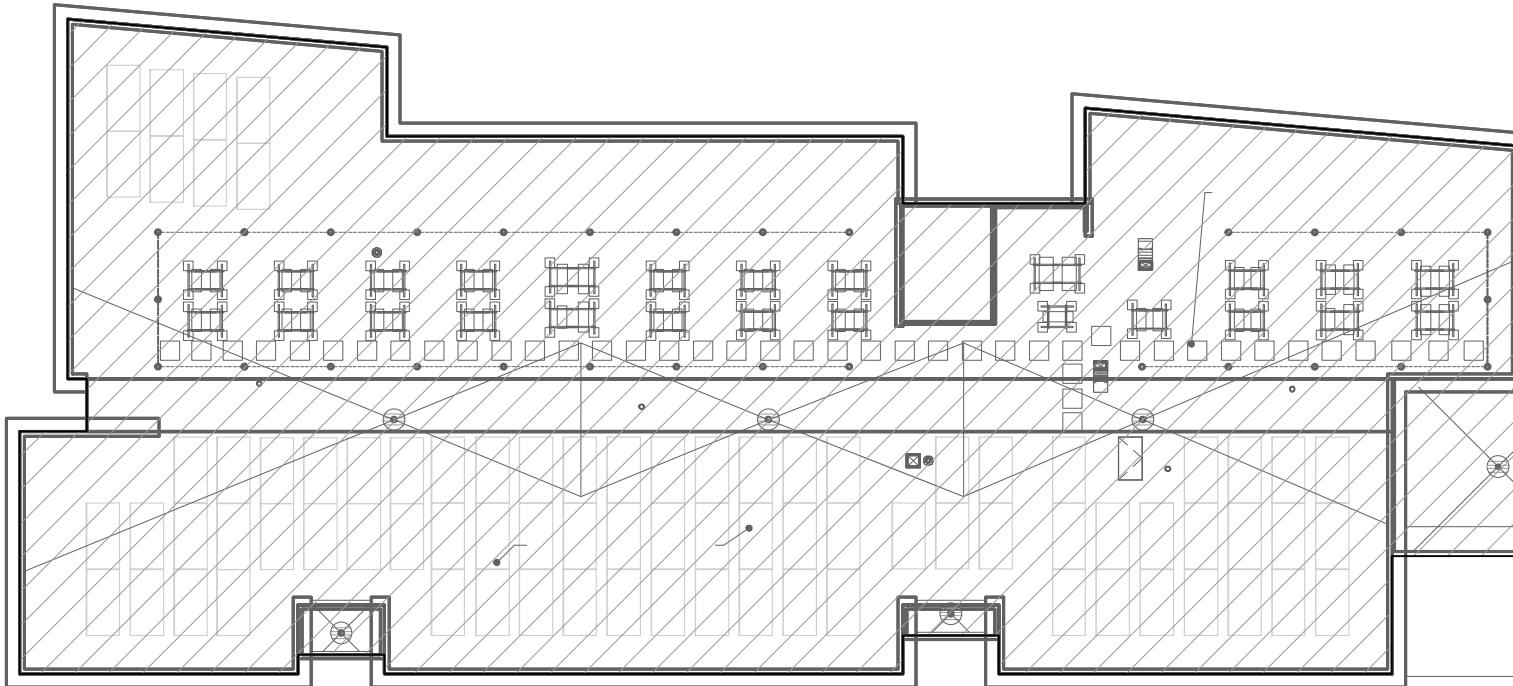
2,564 SF



3

THIRD FLOOR PLAN

Scale: 1" = 20'-0"



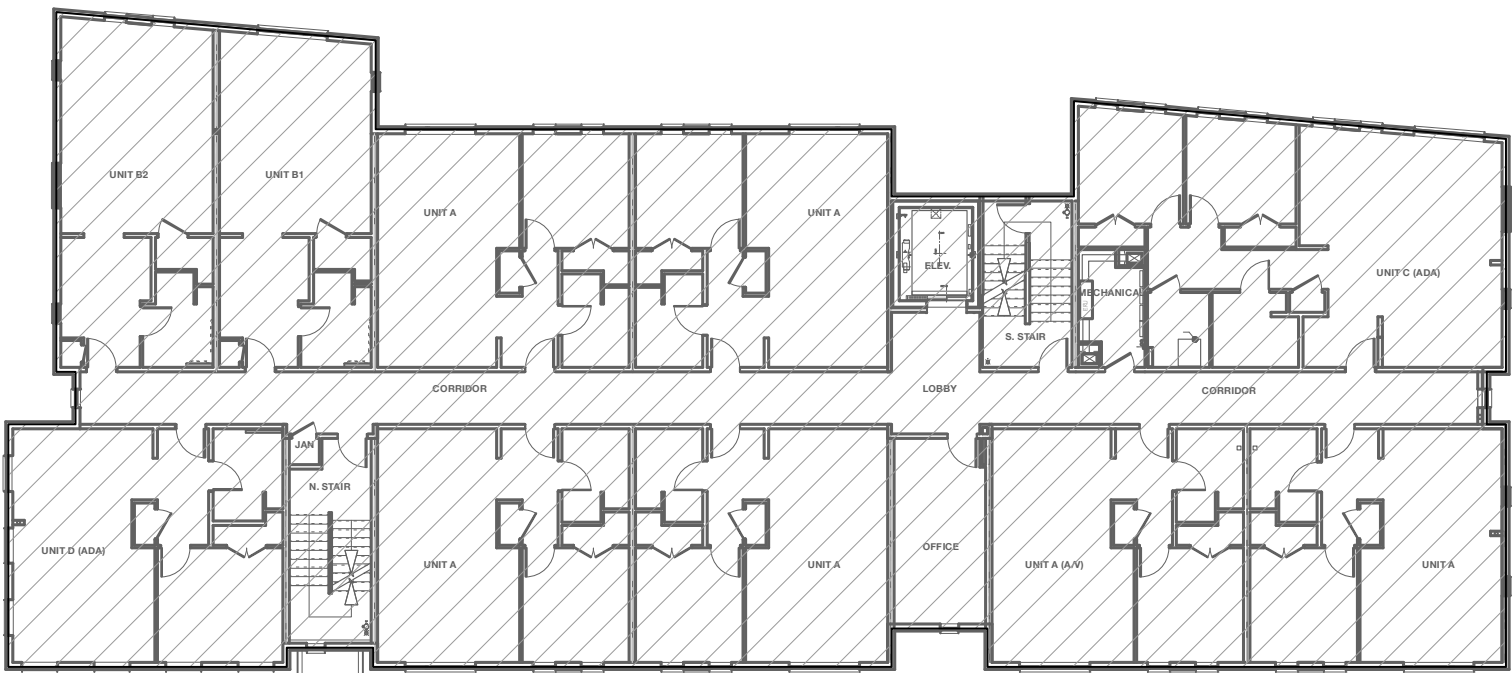
6

ROOF

Scale: 1" = 20'-0"

LC-UNIT 3
(HVAC EQUIPMENT)
LOCATION ON ROOF NOT SHOWN

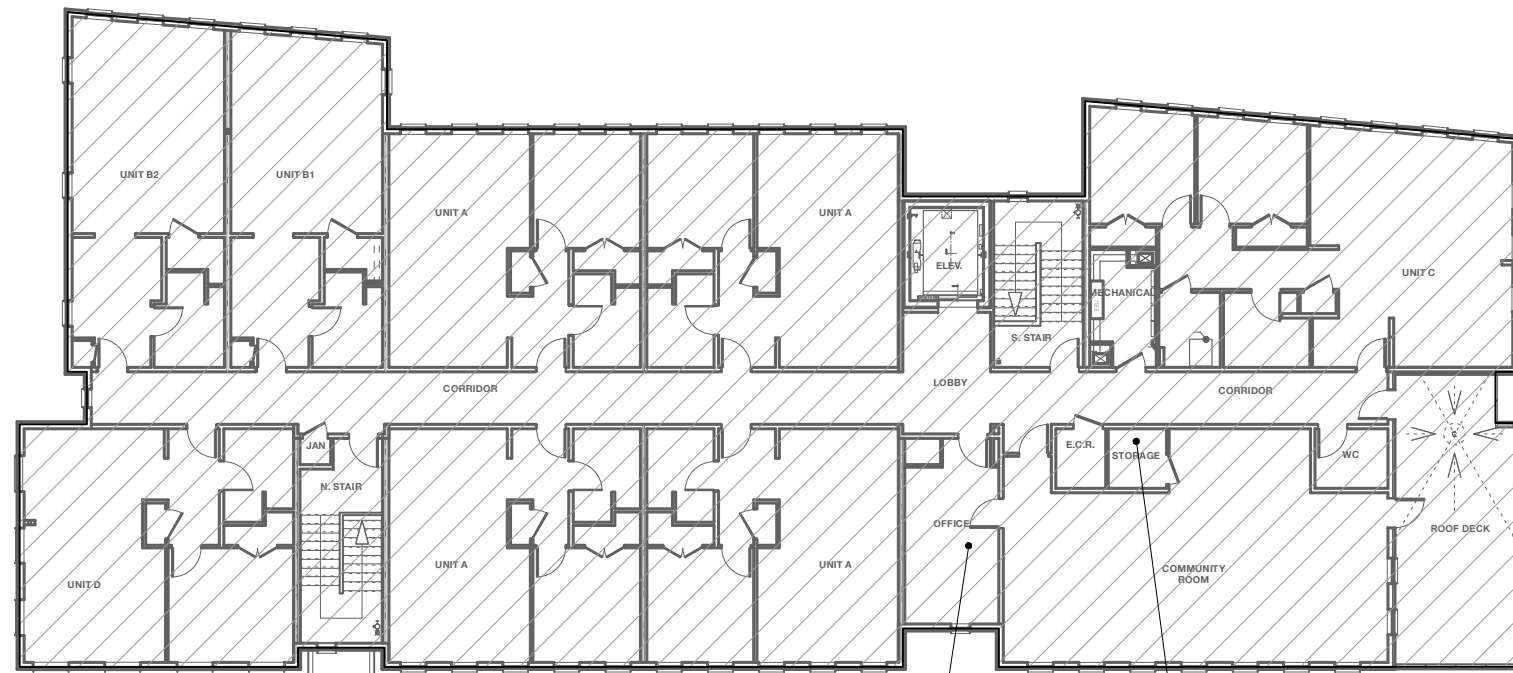
LC-UNIT 2
(HVAC EQUIPMENT)
LOCATION ON ROOF NOT SHOWN



2

SECOND FLOOR PLAN

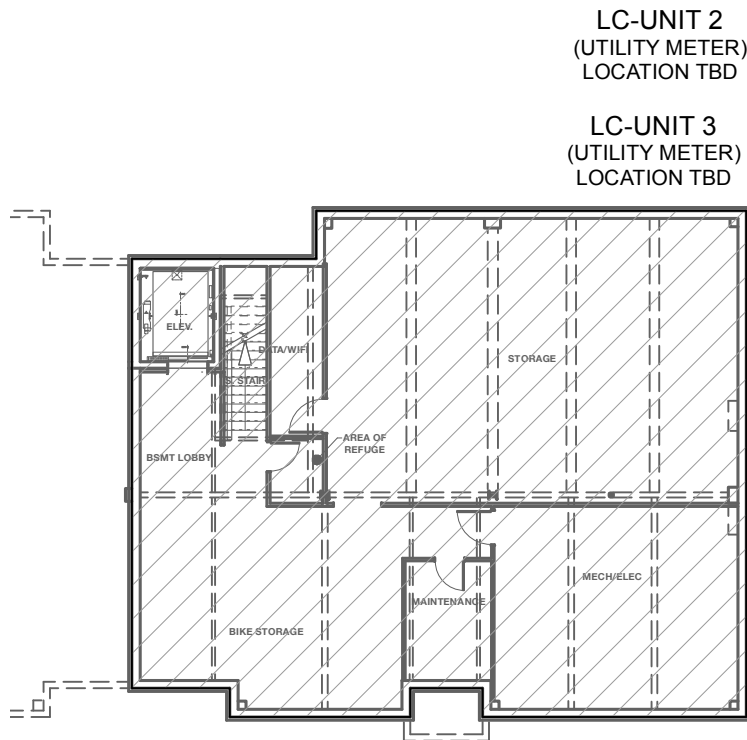
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5

FIFTH FLOOR PLAN

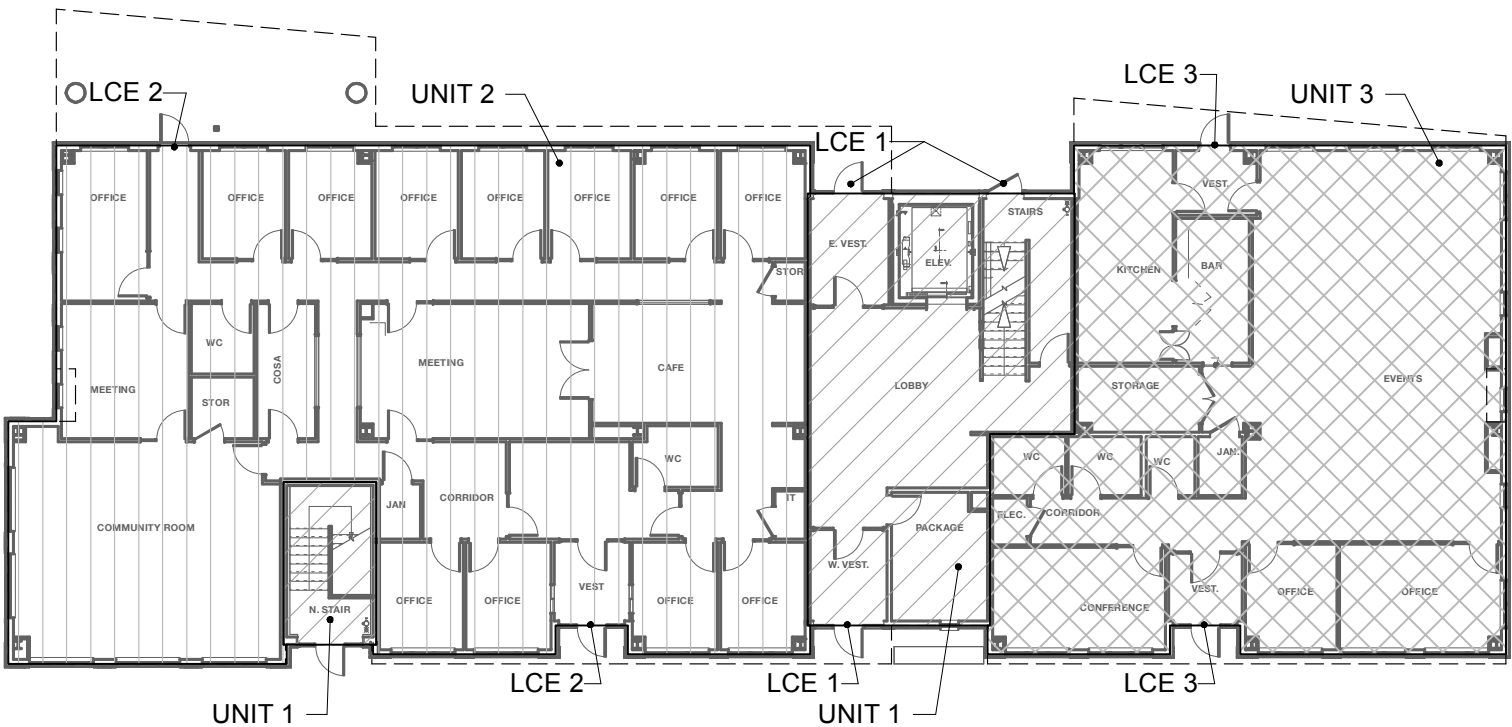
Scale: 1" = 20'-0"



0

BASEMENT PLAN

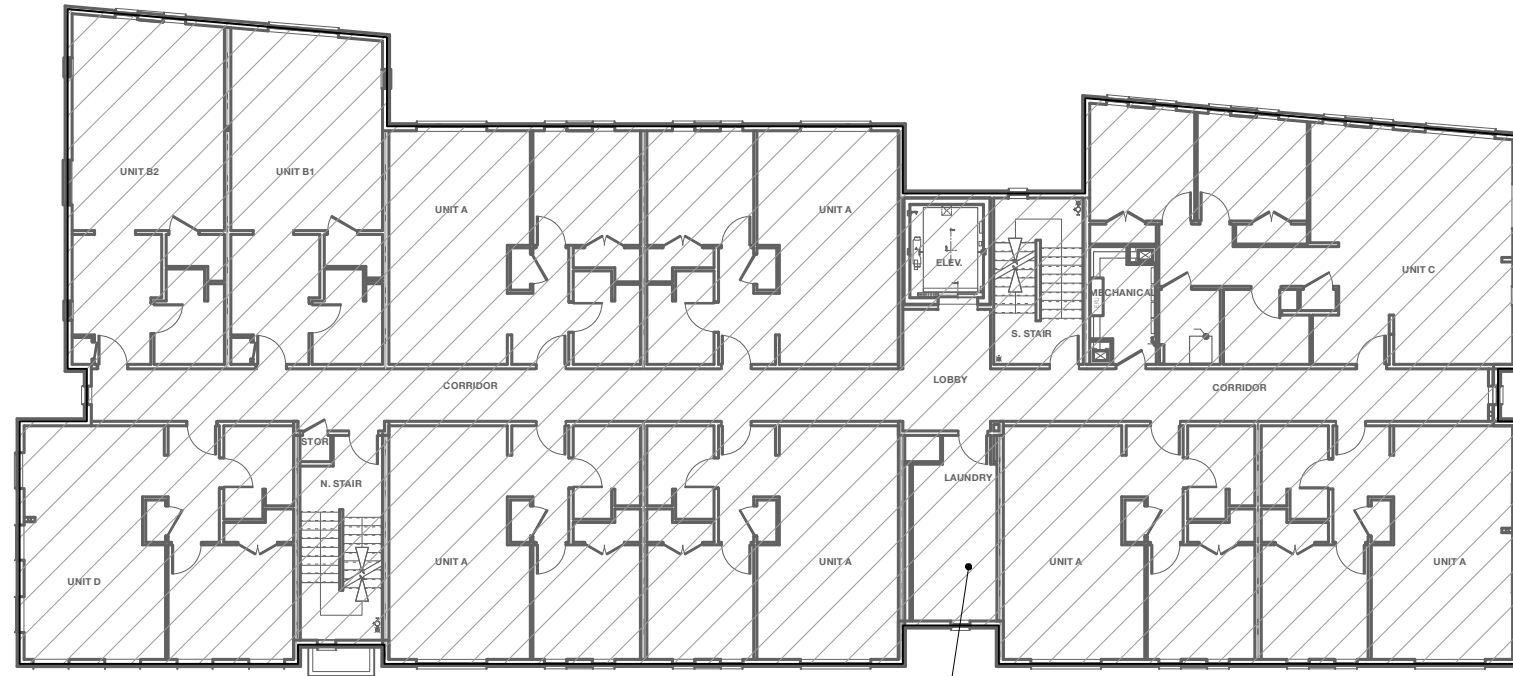
Scale: 1" = 20'-0"



1

FIRST FLOOR PLAN

Scale: 1" = 20'-0"



4

FOURTH FLOOR PLAN

Scale: 1" = 20'-0"

DECLARATION

The undersigned, an architect licensed in the State of Vermont, hereby declares that these Floor Plans contain the following information required by 27A V.S.A. § 2-109: (i) the approximate location and dimension of the vertical boundaries of each unit and the unit's identifying number or name; and (ii) the approximate location and dimensions of entryways, common elements, and limited common elements.

TARYN BARRETT

VT. LICENSE NUMBER 003.0092828

DATE:

POST APARTMENTS

BURLINGTON, VERMONT

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DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation

Duncan Wisniewski

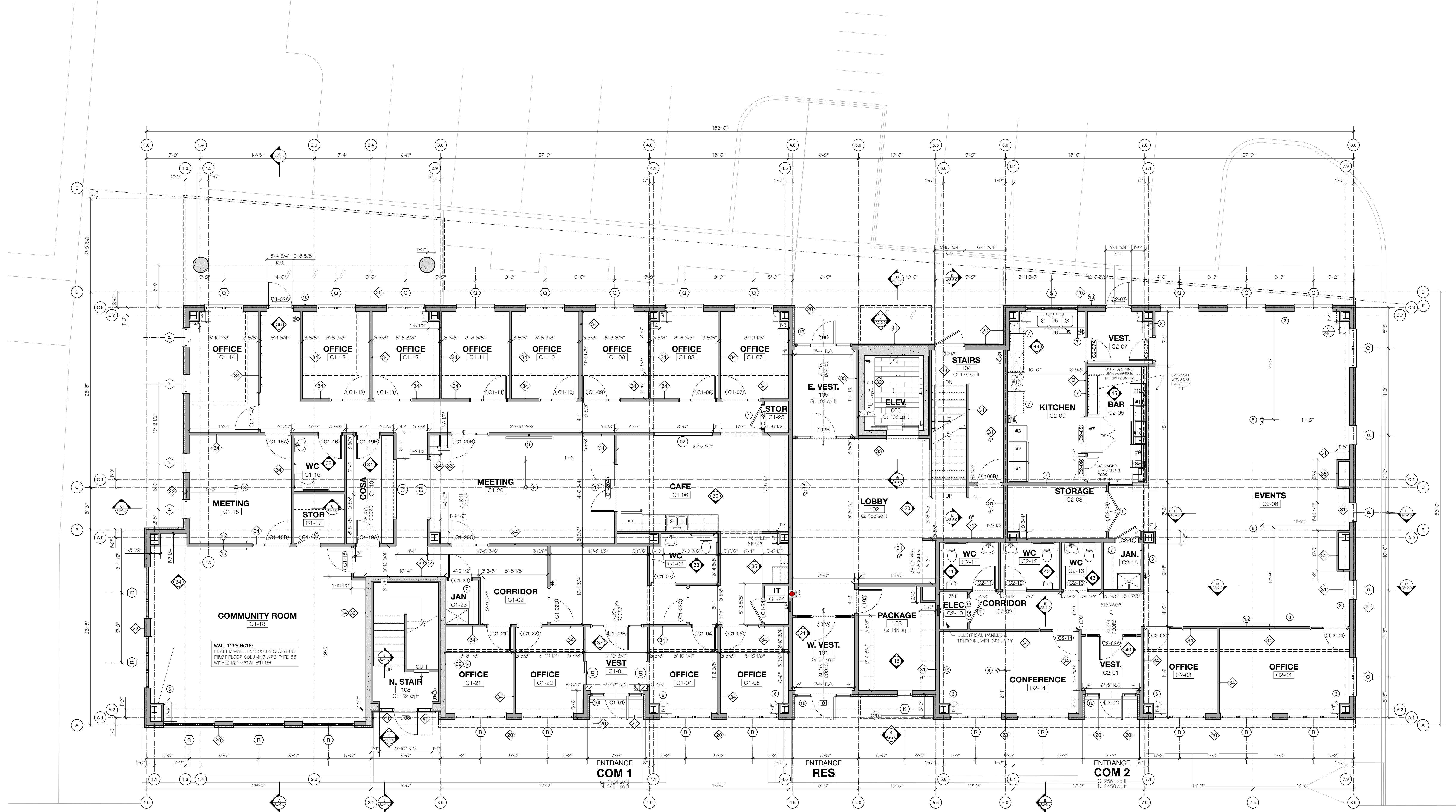
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

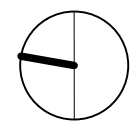
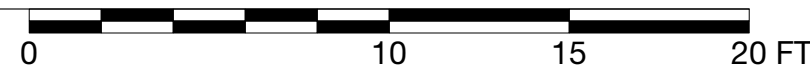
DRAFT

DATE: 02.13.2024

Condo



1 FIRST FLOOR PLAN
Scale: 3/16" = 1'-0"



POST APARTMENTS

BURLINGTON, VERMONT

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DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation

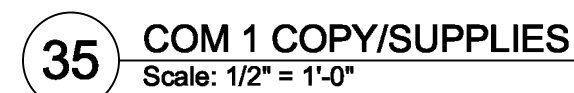
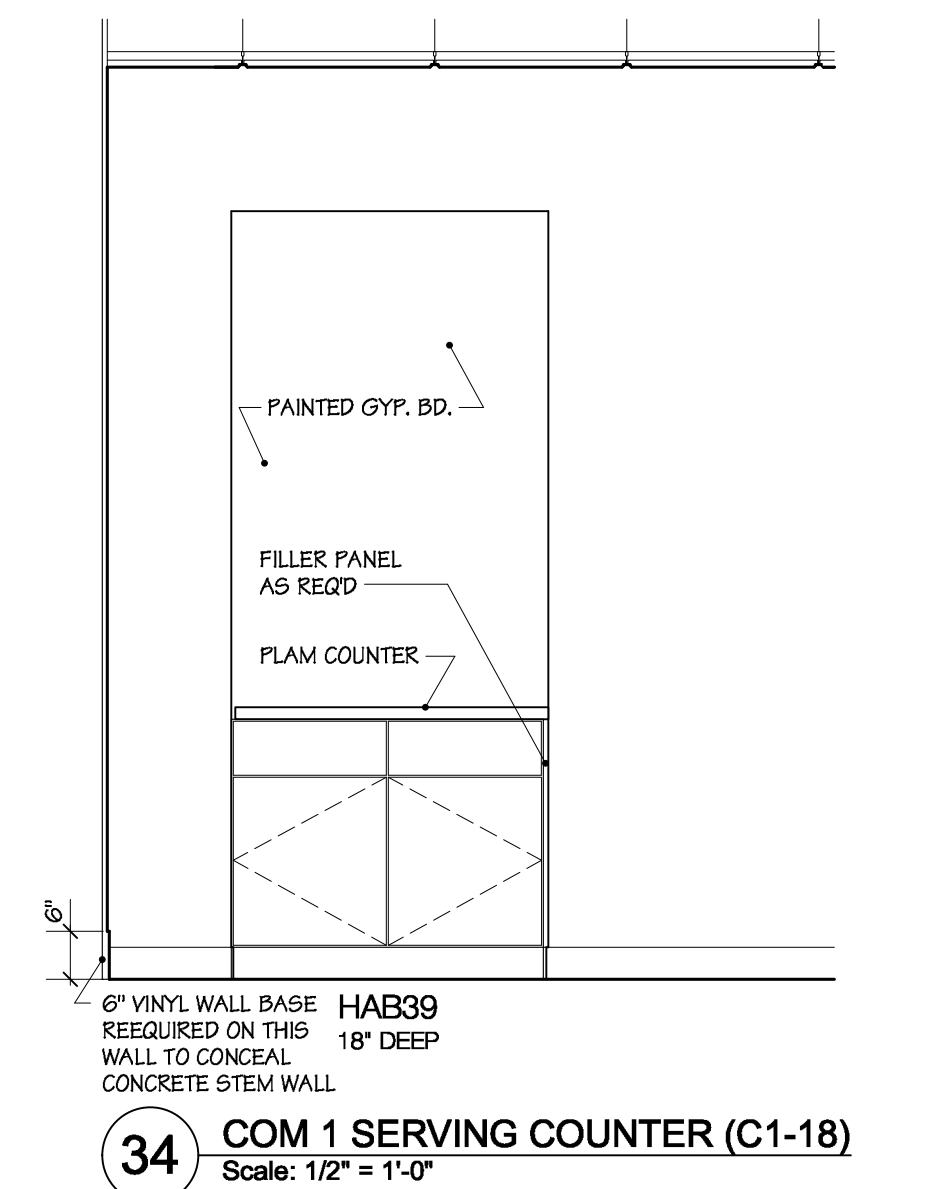
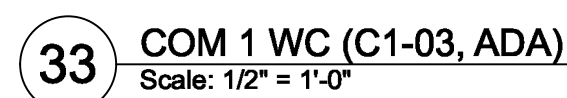
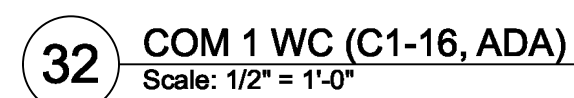
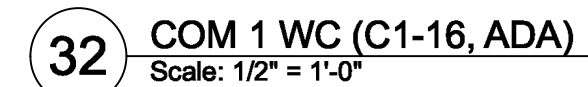
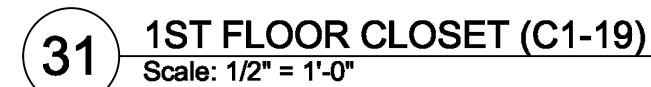
FOR ESTIMATING

**Duncan
Wisniewski**
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 12.15.2023
DRAWN: TB, EM

A1-1.0



LEASE AGREEMENT

THIS LEASE, made as of this ____ day of _____, 2024, is by and between **Post Apartments Housing Limited Partnership**, a Vermont limited partnership (hereinafter called “Landlord”), and **City of Burlington**, a Vermont municipal corporation, acting by and through its **Community and Economic Development Office, Community Justice Center** (hereinafter called “Tenant”).

WITNESSETH:

In consideration of the rent to be paid and the terms, conditions and mutual covenants set forth in this Lease, the Parties hereto agree as follows:

- 1. Premises.** The Landlord owns certain real property, including improvements, located at 176 South Winooski Avenue, Burlington, Vermont (the “Premises”). The Landlord does hereby rent and lease to the Tenant, and the Tenant does hereby rent and lease from Landlord a portion of the Premises more particularly described as follows (the “Leased Premises”):

A certain portion of the gross leasable premises located at 176 South Winooski Avenue, Burlington, VT as shown on Exhibit B of enclosed Floorplans, and identified more specifically as 176 South Winooski Ave Condo Unit #2, consisting of 4,104 sf (gross), 4,075 (net) of connected commercial storefront, with 8 parking spaces in the surface parking lot.

The Leased Premises shall be delivered with a finished sheetrocked “Vanilla Shell” (perimeter walls taped and primed) with separately metered electric service and a separately metered natural gas hot water system. Landlord agrees to provide electrical and mechanical rough-in as detailed in construction plans (See Ex A). Landlord has worked with Tenant and Landlord’s contractor to design plans of the Leased Premises to meet Tenant’s fit-up needs. Tenant shall be responsible for any construction costs from the Vanilla Shell (“fit-up”). Tenant and Landlord are working together to secure sources to offset this fit-up cost including Sales Tax Reallocation proceeds in an amount dependent on the sales tax eligible costs of up to \$462,941. Tenant shall be responsible for any increased construction costs arising from tenant requested modifications during construction to plans of the Leased Premises.

- 2. Lease Term.** The term of this Lease shall be Fifteen (15) years, commencing Three (3) Months after the Commencement Date of the Leased Premises is granted. The “Commencement Date” means the later of i) December 1, 2025, or ii) Landlord obtaining a Certificate of Occupancy from the City of Burlington. The parties understand and agree that the obligations of Tenant to make payments under this Agreement shall

Tenants Initials _____

_____ Landlord Initials

constitute a current expense of Tenant and shall not be construed to be a debt or a pledge of the credit of Tenant. Therefore, notwithstanding any other provision of this Lease, the obligations of Tenant under this Lease are subject to annual appropriation by the Burlington City Council, in its discretion. If no funds or insufficient funds are appropriated or budgeted to support continuation of payments due under this Lease, the Lease shall terminate automatically on the first day of the fiscal year for which funds have not been appropriated.

Provided that Tenant is not then in default of this Lease, Tenant will have the option to renew this Lease for up to three (3) consecutive periods of five (5) years each (each a “Renewal Term”) on the terms and conditions provided in this Lease by giving Landlord written notice of its intention to renew on or before ninety (90) days prior to the end of the initial term or Renewal Term(s), as applicable. Each Renewal Term is subject to the same provisions, terms and conditions that apply throughout this Lease to the initial term; provided, however, that: (a) other than the Renewal Terms, there will not be any additional extension option; and (b) the Base Rent shall increase annually at 2.5% and Operating Rent shall continue to increase from year-to-year as described below.

3. Use. Tenant may use the Leased Premises as general office space for the City’s Community Justice Center and for purposes incidental thereto. Tenant may not change the use of the Leased Premises without the prior written consent of Landlord. Tenant shall not use the Leased Premises for any purpose or use in violation of any federal, state or municipal law, regulation or ordinance.

4. Rent Obligations. Tenant shall pay the Landlord, without offset, set-off or deduction for any reason, rent for the Leased Premises during the term of this Lease as follows:

4.1. Base Rent. Commencing on the Commencement Date, Tenant shall pay to Landlord the Base Rent of Twenty-Seven Thousand Nine Hundred Twelve Dollars (\$27,912.00) per year, payable in monthly installments of Two Thousand Three Hundred Twenty-Six Dollars (\$2,326.00).

The Base Rent will increase annually by 1.5% for the first five years, 2% for the second five years, and 2.5% for the remaining four years, as outlined in Appendix I, attached hereto and incorporated herein by reference.

4.2. Operating Rent. The Operating Rent covers direct expenses incurred by Landlord, outlined in Appendix I, including property taxes, property and liability insurance, management fee and administrative costs, snow removal, grounds, trash removal, life safety system inspections and repair and general maintenance and repairs of

Tenants Initials _____

_____ Landlord Initials

the common areas of the Premises. Commencing on the Commencement Date, Tenant shall pay to Landlord the Operating Rent of Thirty-Five Thousand Nine Hundred Sixteen Dollars (\$35,916.00) per year, payable in monthly installments of Two Thousand Nine Hundred Ninety Three Dollars (\$2,993.00).

4.3 Tenant Utility Charges. Utility Charges are not included in the Base Rent or Operating Rent and shall be paid by Tenant. Such charges include bills due for heating fuel, electricity, water and sewer, telephone and other similar services for the Premises directly to the companies providing the services. The Leased Premises will be separately metered for electricity, heating fuel, water and sewer. Tenant is responsible for arranging for these utilities to be put in their name and then for payments associated to that meter or meters. In addition, Tenant shall pay any penalties assessed for late payment of such bills and shall repay Landlord for any such bills Landlord may pay due to Tenant's failure to do so. Landlord reserves the right to separately meter any utility services not currently separately metered, and thereafter Tenant shall pay to Landlord or to the suppliers of such services the charges for such services based upon Tenant's usage. In addition, Tenant also shall be solely responsible to pay all taxes or similar charges on inventory and personal property owned by Tenant.

5. Annual Adjustment, Operating Rent. At the close of Landlord's fiscal year (September 30th), Landlord will prepare a statement reconciling the Operating Rent collected, versus the actual operating expenses reasonably incurred for the year. Within 30 days, Tenant will reimburse Landlord for any amount owed. Any credit due to the Tenant will be applied to the next Operating Rent Payment due.

On the first month of Landlord's fiscal year (October 1), the amount of the monthly Operating Rent will be adjusted, based on the operating budget prepared by the Landlord. The Landlord shall present the budget to the Tenant 60 days prior to the start of the new fiscal year. The Operating Rent will increase annually by not less than Three Percent (3%) but not more than Five Percent (5%), exclusive of property taxes and insurance which will adjust based on the actual costs incurred.

6. Security and Damage Deposit. The Tenant shall pay to Landlord a Security and Damage Deposit in the amount of _____ Dollars (\$____.00) which shall be paid prior to the Commencement Date. Except as provided herein, such Deposit thereon shall be returned to Tenant within thirty (30) days of Tenant's vacating the Leased Premises. THIS DEPOSIT MAY NOT BE USED BY TENANT FOR PAYMENT OF ANY RENTS, SUMS OR OTHER CHARGES UNDER THIS LEASE. Upon expiration or termination of this Lease, except if this Lease is terminated due to the act or omission of Landlord, casualty or eminent domain, Tenant shall leave the Leased Premises "broom clean" and in the same condition as when accepted, reasonable wear and tear and the elements

Tenants Initials _____

_____ Landlord Initials

excepted. If the Leased Premises are not in such condition, reasonable charges for repairs and/or cleaning may be withheld from the Deposit upon completion of such repairs or cleaning or upon obtaining an estimate of the cost of such repairs or cleaning, whichever shall first occur. Should the charges or costs of repairs or cleaning exceed the Tenant's Deposit, Tenant hereby agrees to pay all excess amounts reasonably incurred for such repairs or cleaning. Landlord shall be permitted to retain any part of or all of the Deposit for any unpaid rent, sums or other charges required to be paid to Landlord by Tenant under this Lease.

7. Rent Payment Date. The rents shall be paid in advance on or before the first (1st) day of each month during the term of the Lease. The parties stipulate that time is of the essence concerning payment of the rent in full on the day due and that any delay in such payment may be cause for an event of default.

8. Place of Payment, Form of Payment, Past Due Rent and Returned Checks. The Tenant shall, without offset, set-off or deduction for any reason pay rents to Landlord on or before the day due at its offices in Burlington, Vermont, or at such other place as Landlord shall designate in writing to the Tenant. Payment of rent shall be in U.S. Dollars, in cash or by bank or local check. If Tenant shall fail to pay rent when such rents are due and payable, such failure may be cause for an event of default in accordance with Paragraph 12 of the General Conditions. Notwithstanding an event of default, Tenant shall pay Landlord a per day late fee of two percent (2%) of the overdue monthly installment not paid on or before the first day of the calendar month for such rent is overdue; provided, however, the late fee for each month shall not exceed ten percent (10%) of the overdue monthly installment. Further, if Tenant shall fail to pay rent within ten (10) days from the date due, such unpaid amounts shall bear interest from the due date to the date of payment at the lesser of eighteen percent (18%) per annum or the maximum rate allowed by law, and thereafter Landlord shall thereafter have the right to demand payment by cashier's check, certified check or money order.

9. General Conditions. The Lease includes and shall be subject to the provisions set forth in the General Conditions attached to this Lease as **Exhibit A**. The Tenant acknowledges and agrees it has read and understands the terms of the General Conditions and agrees that the General Conditions are part of the Lease. In case of any conflict between the main body of this Lease (the "Dispositive Agreement") and the General Conditions, the Dispositive Agreement shall control.

10. Notices. Prior to occupancy by Tenant, any notices to be given pursuant to this Lease shall be sufficient if given in writing by U.S. mails, certified mail or registered mail, return receipt requested, postage prepaid, and addressed shown below.

Tenants Initials _____

_____ Landlord Initials

To Landlord: Champlain Housing Trust, Inc.
88 King Street
Burlington, Vermont 05401

To Tenant: CEDO, City of Burlington
City Hall
149 Church Street
Burlington, Vermont 05401

Other person and/or address as may be specified subsequent to Tenant's occupancy by the party entitled to notice,
so long as such specification is made in accordance with the terms of this Paragraph.

Tenants Initials _____

_____Landlord Initials

IN WITNESS WHEREOF, the parties have executed this Lease as on the day and year first above written.

In Presence of:

LANDLORD: Post Apartments Housing Limited Partnership
By: BCLT Rental Development, Inc.

_____ By: _____
Duly Authorized Agent

By: EN 2023, Inc.

By: _____
Duly Authorized Agent

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington, in said County, this _____ day of _____, 2024, personally appeared,
_____, duly authorized agent of BCLT Rental Development, Inc., general partner of Post
Apartments Housing Limited Partnership, and he/she acknowledged this instrument, by him/her sealed and
subscribed, to be his/her free act and deed and the free act and deed of BCLT Rental Development, Inc. and Post
Apartments Housing Limited Partnership.

Before me: _____
Notary Public
Commission Expires:

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington, in said County, this _____ day of _____, 2024, personally appeared,
_____, duly authorized agent of EN 2023, Inc., general partner of Post Apartments Housing
Limited Partnership, and he/she acknowledged this instrument, by him/her sealed and subscribed, to be his/her free
act and deed and the free act and deed of EN 2023, Inc. and Post Apartments Housing Limited Partnership.

Before me: _____
Notary Public
Commission Expires:

In Presence of:

TENANT:

Tenants Initials _____

_____ Landlord Initials

_____ By: _____ (signature)
_____ (print)
Its: _____

STATE OF VERMONT

CHITTENDEN COUNTY, SS.

At Burlington, in said County, this _____ day of _____, 2024, personally appeared _____, duly authorized agent of _____, and he/she acknowledged this instrument, by him/her sealed and subscribed, to be his/her free act and deed and the free act and deed of _____.

Before me: _____

Notary Public

Commission Expires:

Tenants Initials _____

_____ Landlord Initials

Exhibit B
GENERAL CONDITIONS

1. Acceptance of Leased Premises. Tenant will accept and possess the Leased Premises, as identified and described in paragraph 1 of the Lease, upon the Commencement Date identified in paragraph 2 of the Lease.

2. Alterations. Tenant shall not make any alterations to the Leased Premises without the express prior written consent of Landlord. As a condition of Landlord's consent, Tenant shall indicate in writing those alterations which will remain at the termination or expiration of the Lease or those which Tenant will remove at the termination or expiration of the Lease. Installation of any such alterations, and the maintenance, repair or replacement thereof, shall be at Tenant's expense and shall comply with all applicable rules, regulations, laws, or order of any governmental authority, or any rules or conditions established by Landlord or Landlord's insurance carriers. Tenant shall obtain all necessary inspections and permits prior to making any alterations and shall obtain all necessary inspections and permits prior to using altered premises, at Tenant's expense. Landlord shall have the right to have the alterations inspected at any time by its own agents, architects or engineers. Tenant shall make or pay for any repairs or replacements caused for any reason whatsoever because of any alterations made by Tenant.

If any alterations are made without the prior written consent of Landlord, Landlord may correct or remove the same, and Tenant shall be liable for all expenses so incurred by Landlord.

Any movable trade fixtures, furniture, machinery or equipment installed during the term of this Lease or prior to the commencement hereof by and at the expense of Tenant shall remain the sole property of Tenant and shall be removed by Tenant upon termination or expiration of this Lease, unless Landlord shall consent in writing to such remaining on the Premises. Any damage done to the Premises caused by removal of Tenant's movable trade fixtures, furniture, machinery or equipment shall be repaired by Tenant at Tenant's sole cost and expense. All other property permanently attached or built upon the Premises shall, at the option of Landlord, either be and become the property of Landlord and shall remain the property of Landlord at the termination or expiration of this Lease or shall be removed by Tenant upon termination or expiration of this Lease and any damages done to the Premises caused by such removal shall be at Tenant's sole cost and expense.

Tenant shall be responsible for the making of all alterations to the Leased Premises which are or become necessary to comply with the Americans with Disabilities Act (the "ADA") because of any action, use, or characteristic of Tenant or in order to accommodate the needs of any employee of Tenant or any visitor, licensee or invitee to the Premises, and Tenant shall comply with the foregoing paragraphs with respect to all such alterations.

3. Care of Premises. Landlord shall maintain in a reasonable state of repair and maintenance the exterior of the building, including the roof, and the structural elements of the building and all common utility lines and common fixtures, all common plumbing and septic lines serving the Premises.

Landlord shall maintain in a reasonable state of repair and maintenance of the Premises outside the building, including groundskeeping and snow removal.

Landlord shall provide trash removal for normal commercial use. Any use by Tenant in excess of such normal commercial use shall be the sole responsibility of and at the sole expense of the Tenant. Tenant shall separate compostable and recyclable materials as required by local and state ordinances.

Landlord shall ensure any common areas of the Premises used by Tenant (e.g., parking areas, sidewalks, trash enclosures, etc.) comply with the ADA and other disability access laws. Landlord shall also ensure, to the extent accessibility is not dependent upon Tenant's use or modification of the Leased Premises, that the Leased Premises comply with all such laws.

Tenant shall be responsible for maintenance, good care, upkeep and repair of all other elements of the Leased Premises including, but not limited to, all non-load-bearing walls, all non-structural elements, including all doors, windows, and glass, and any and all mechanical systems or devices which Tenant installs in the Premises. The Tenant shall, at its own expense, keep and maintain the said Premises and every part thereof, in good order and repair and in a clean and sanitary condition at all times.

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The Tenant herein agrees to maintain a minimum temperature of at least 40 degrees Fahrenheit within the Leased Premises at all times of the Tenant's occupancy of said Premises on a regular basis in order to insure that the mechanical systems servicing said Premises are functioning properly. The Tenant hereby covenants and agrees to be responsible during the term of this Lease for any and all repairs caused by Tenant's failure to properly maintain the temperature in said Premises.

Tenant will not install any safes, heavy fixtures, shelving, files, library stacks, equipment or machinery which would place a load upon any floor exceeding the floor load per square foot which such floor was designed to carry. All damage done to the building or any part thereof by installing or removing such items or due to any of them being in the Premises, shall be repaired at the expense of Tenant.

Tenant shall within a reasonable time report in writing to Landlord any defective condition in the structural condition actually known to it which the Landlord may be required to repair, and absent Landlord's actual or constructive knowledge of the condition, the failure to so report shall make the Tenant responsible for foreseeable damages resulting from such defective condition. Breakage, injury or damage to the Premises or Entire Premises caused by Tenant, its agents, servants, employees or invitees shall be immediately repaired by Tenant at its expense, except to the extent of any contributory fault by Landlord, in which case the expense shall be borne equitably. Entire premises is defined as the entire property owned by Post Apartments Housing Limited Partnership at 176 South Winooski Avenue.

In the event that Tenant is responsible for any repairs or maintenance of a defective condition which the Tenant may be required to undertake, the Tenant shall diligently undertake to repair or maintain the same. If the Tenant does not so repair or maintain, the Landlord may at its option, undertake said repairs or maintenance and the charges and costs of such repair or maintenance shall be paid by Tenant in accordance with the Lease. Tenant shall, at all times, comply with local and state fire regulations, health and safety codes.

4. Mechanic's and Materialmen's Liens. Tenant shall keep the Entire Premises and/or the Leased Premises free and clear from all mechanic's and materialmen's liens and other liens for labor done, services performed, materials contributed, used or furnished in or about the Leased Premises, for or in connection with any operation of Tenant, or any alteration, improvement, repair or addition which Tenant may make or permit or cause to be made on or about the Leased Premises. If such a lien is filed against the fee estate of Landlord, Tenant shall, upon Landlord's demand, immediately escrow suitable money or provide other means of surety sufficient to obtain the discharge of said lien.

5. Casualty Insurance and Damage to Premises. Landlord will insure the Leased Premises against loss by fire and other casualty, as reasonably determined by the Landlord. Tenant shall be responsible for maintaining any and all insurance upon Tenant's improvements and contents in the Premises, of whatever nature and wherever situated, and Landlord shall not be held responsible for any damage thereto.

In the event that the Premises shall be destroyed or damaged by fire, lightning, tempest or any similar peril, the following terms and conditions shall apply:

(a) If in the opinion of Landlord (which opinion shall be made after consultation with appropriate professionals), which shall be given by written notice to Tenant within TWENTY (20) DAYS of the happening of such damage or destruction, (i) the damage or destruction is such that more than fifty percent (50%) of the Leased Premises are rendered wholly unfit for Tenant's use or it is impossible or unsafe to use and occupy them; and ii) the damage cannot be repaired within reasonable diligence with ONE HUNDRED EIGHTY (180) DAYS from the damage or destruction, either Landlord or Tenant may, within FIVE (5) DAYS next succeeding the giving of Landlord's opinion as aforesaid, terminate this Lease by giving to the other notice in writing of such termination, in which event the term of this Lease shall cease and be at an end as of the date of such destruction or damage and the rent and all other payments for which Tenant is liable under the terms of this Lease shall be apportioned and paid in full to the date of such destruction or damage. In the event that neither Landlord nor Tenant so terminates this Lease, Landlord shall diligently repair or rebuild the Premises and rent shall abate until the damage shall be made good to the extent of enabling Tenant to use and occupy the Premises for the purposes specified in the Lease.

(b) [Reserved.]

(c) If, in the opinion of Landlord (which opinion shall be made after consultation with appropriate professionals)

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and which shall be given to Tenant within TWENTY (20) DAYS from the happening of such damage, the damage or destruction is such that more than fifty percent (50%) of the Leased Premises are capable of being used for the purposes for which leased, Landlord shall use due diligence to rebuild the Leased Premises and Tenant shall not have any right to surrender possession of the Leased Premises, terminate this Lease or violate any of its provisions, but until the damage has been repaired, the rent shall abate in proportion to that part of the Leased Premises which is rendered unfit for occupancy bears to the whole of the Leased Premises.

6. Liability Insurance. Tenant agrees to maintain throughout the term of this Lease, at Tenant's cost, a policy or policies of general liability insurance, naming as insured both Landlord and Tenant, against all claims or demands for personal injuries to or death of any person, and damage to or destruction or loss of property, except for claims, demands or damages resulting from the intentional or negligent acts or omissions of the other party or its agents, which may have or be claimed to have occurred in or about the Leased Premises, in the amount of not less than One Million Dollars (\$1,000,000) for injury to or death of one or more persons, in any single accident, and for not less than One Million Dollars (\$1,000,000) for damage to or destruction or loss of property. The Tenant shall deliver to the Landlord a certificate of such insurance coverage by the Lease Commencement Date and upon the commencement of each Lease Year thereafter.

If provided by Landlord, Tenant shall comply with the reasonable rules and requirements of all insurance companies having policies of any kind whatsoever in effect covering the Premises, including policies insuring against tort liability.

Tenant shall not do or commit any act upon the Premises or bring into or keep upon the Leased Premises any article which will affect the fire risk or increase the rate of fire insurance or other insurance on the Premises. In no event shall any flammable materials, explosives, or hazardous or toxic materials or substances be taken into the Leased Premises and retained therein. Should the rate of any type of insurance on Landlord's Premises be increased by reason of violation of this Lease by Tenant or by the use made of the Leased Premises by Tenant, Landlord, in addition to all other remedies, may pay the amount of such increase and the amount so paid shall be paid by Tenant in accordance with Paragraph 4.2 of the Lease.

Neither Landlord nor Tenant shall be liable to the other for any business interruption or any loss or damage to property or injury to or death of persons occurring on the Premises or adjoining property, or in any manner growing out of or connected with the Tenant's use of the Premises, whether or not caused by the negligence or other fault of Landlord or Tenant or of their respective agents, employees, subtenants, licensees or assigns. This release shall apply only to the extent that such business interruption, loss or damage to property, or injury to or death of persons is covered by insurance, regardless of whether such insurance is payable to or protects the Landlord or Tenant or both. Landlord and Tenant shall each attempt in good faith obtain a waiver of subrogation in favor of the other under any policy of insurance to which this paragraph may apply; provided that neither party shall be obligated to obtain a waiver of subrogation if the other party is unable to obtain such a waiver. Nothing in this paragraph shall be construed to impose any other or greater liability upon either Landlord or Tenant than would have existed in the absence of this paragraph. This release shall be in effect only so long as the applicable insurance policies contain a clause to the effect that this release shall not affect the right of the insured to recover under such policies. Such clauses shall be obtained by the parties whenever possible.

7. Force Majeure. Landlord shall not be liable for failure to perform any of its obligations hereunder, or for damage or loss to the Tenant if such failure, damage or loss is caused by Acts of God or of the State, fire or other casualty, war, disaster, riots, strikes, lockouts, force majeure, or any similar circumstances, or circumstances attributable to the Tenant or other emergency or cause beyond the reasonable control of Landlord.

Tenant shall not be liable for failure to perform any of its obligations hereunder, or for damage or loss to the Landlord if such failure, damage or loss is caused by Acts of God or of the State, fire or other casualty, war, disaster, riots, strikes, lockouts, force majeure, or any similar circumstances, or circumstances attributable to the Landlord or other emergency or cause beyond the reasonable control of Tenant.

8. Indemnification. Tenant shall indemnify and hold Landlord harmless against any and all claims, damages, suits or causes of action for damages, and any orders, decrees or judgments which may be entered therein, brought for damages or alleged damages resulting from any injury to person or property, or for loss of life sustained in or about the Leased Premises or the Premises from any act or failure to act by Tenant or Tenant's agents, officers, employees, contractors, customers or other persons. Tenant shall, if Landlord so determines and requires, at Tenant's own cost and expense, defend any and all suits or actions which may be brought against Landlord or in which Landlord may be implicated in connection with any such acts or

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omissions.

9. **Inspection.** Tenant agrees that Landlord and its agents and other representatives, shall have the right to enter into and upon the Leased Premises, or any part thereof, for the purpose of examining the same or making such repairs or alterations therein as may be necessary for the safety and preservation or the repair of any part or portion of the building of which the Leased Premises are a part. Tenant will also permit Landlord, upon reasonable notice and at all reasonable hours, to show the Leased Premises to prospective purchasers and tenants. At any time within six months prior to the expiration of this Lease or upon termination for default, Tenant will permit reasonable notices of lease or sale to be affixed to any part of the Leased Premises.

10. **Assignment and Subletting.** Tenant shall not assign, mortgage, pledge or encumber this Lease or the Leased Premises, or sublet the whole or any part of the Leased Premises, without Landlord's prior written consent.

11. **Accord and Satisfaction.** No payment by Tenant or receipt by Landlord of a lesser amount than any rents or sums herein stipulated shall be deemed to be other than an account of the earliest stipulated rents or sums, nor shall any endorsement or statement on any check or any letter accompanying any check or payment as rent or any sums be deemed an accord and satisfaction, and Landlord may accept such check or payment without prejudice to Landlord's right to recover the balance of such rent or pursue any other remedy in this Lease provided.

12. **Default.** If any one or more of the following events (herein sometimes referred to as "events of default") shall happen, and notwithstanding any special considerations specified in paragraph 2 of the Lease:

(a) If default shall be made in the due punctual payment of any rent payable under this Lease, or any part thereof, when and as the same shall become due and payable, and such default shall continue for a period of fourteen (14) days after the due date; or

(b) If default shall be made by Tenant in the performance or compliance with any of the agreements, terms, covenants or conditions in this Lease provided, other than those referred to in the foregoing subparagraph (a) of this Paragraph 12, for a period of thirty (30) days after written notice from Landlord to Tenant by certified mail, return receipt requested, or by personal delivery specifying the items in default, or in the case of a default or contingency which cannot with due diligence be cured within said thirty (30) day period, if Tenant fails to commence within said thirty (30) day period thereafter to prosecute the curing of such default with due diligence (it being intended in connection with a default not susceptible of being cured with due diligence within said thirty (30) day period, that the time of Tenant within which to cure the same with due diligence shall be extended for such period as reasonably determined by Landlord); or

(c) **Holding Over.** If Tenant remains in possession of the Leased Premises or any part thereof, after expiration of the term hereof or after the termination of the Lease for default, no renewal or extension of this Lease shall result therefrom unless Landlord agrees in writing to such possession and Landlord and Tenant agree in writing to the terms and conditions of such renewal or extension. If Landlord shall not consent to Tenant remaining in possession of the Premises or any part thereof after the expiration of the term hereof or after the termination of the Lease for default, or if Landlord and Tenant cannot agree in writing to the terms and conditions of renewal or extension, including agreement as to rents for any option term, then Tenant shall be a tenant at will for the period from the date of expiration of the term or the termination of the Lease for default until the day Tenant surrenders possession of the Premises. Tenant hereby agrees that such tenancy at will shall be upon all the same terms, conditions, and covenants of this Lease, except that the "Base Annual Rent" in effect immediately before expiration of the term of the Lease or immediately before the termination of the Lease for default shall be doubled. In addition, Tenant agrees to pay Landlord's attorney's fees and related costs if Landlord must take legal action to evict or eject Tenant who is holding over.

13. **Signs, Awnings and Canopies.** Tenant will not place or suffer to be placed or maintained on any exterior door, wall or window of the Leased Premises any sign, awning or canopy, or advertising matter or other thing of any kind, nor any decoration, lettering or advertising matter on the glass of the exterior window or door of the Leased Premises, without first obtaining (i) Landlord's express written consent, which consent shall not be unreasonably withheld or delayed; and (ii) City of Burlington zoning and sign permit approval. If Landlord's consent is obtained, Tenant agrees to maintain such sign, awning, canopy, decoration, lettering, advertising matter or other thing, as may be approved, in good condition and repair at all times and in compliance with all zoning and sign regulations. Landlord expressly reserves the right, and Tenant acknowledges such

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right reserved to Landlord, to modify, alter, dismantle, relocate or otherwise amend the design, size, location and/or dimensions of the free standing master sign for the Entire Premises.

14. Waste or Nuisance. Tenant shall not commit or suffer to be committed any waste upon the Leased Premises or any nuisance or other act or thing which may disturb the quiet enjoyment of any other occupant in the Entire Premises. Further, the Tenant shall in no manner create any nuisance or trespass, nor take any action which will vitiate the insurance or increase the rate of insurance on the Entire Premises.

15. Quiet Enjoyment. Upon payment by the Tenant of the rents herein provided for, and upon the observance and performance of all of the agreements, covenants, terms and conditions on Tenant's part to be observed and performed, Tenant shall peaceably and quietly hold and enjoy the Leased Premises for the lease term without hindrance or interruption by Landlord or Landlord's agents, or anyone claiming contrary to Landlord, subject, nevertheless, to the terms and conditions of this Lease and mortgages and other matters to which this Lease is subordinate and subject to Landlord's reserved rights, all of which are hereby consented to by Tenant, including, but not limited to, (a) the right to grant to anyone the exclusive right to conduct any particular business or undertaking in the Entire Premises not inconsistent with Tenant's then actual use of the Premises; and (b) the exclusive right to use, convey and/or lease the air and subsurface rights and the sidewalks and other exterior areas of the Entire Premises. Landlord may exercise any or all of the foregoing rights without being deemed to be guilty of an eviction, actual or constructive, or a disturbance or interruption of the business of Tenant or of Tenant's use or occupancy of the Premises.

16. Governmental Regulations. Tenant, at Tenant's sole cost and expense, shall comply with all requirements of all county, municipal, state, federal or other applicable governmental authorities, now in force, or which may hereafter be in force, pertaining to Tenant's use of said Leased Premises.

17. Hazardous Material(s). Tenant hereby agrees that all operations or activities upon, or any use or occupancy of the Premises, or any portion thereof, by Tenant, its assignees, subtenants, and their respective agents, servants, employees, representatives and contractors (collectively, "Tenant Affiliates"), throughout the term of this Lease, shall be in all respects in compliance with all Applicable Law then governing or in any way relating to the generation, handling, manufacturing, treatment, storage, use, transportation, release, spillage, leakage, dumping, discharge or disposal of any Hazardous Material (defined below).

(a) In the event Tenant, or Tenant's Affiliates, fail to comply with any Applicable Law or other requirements regarding protection of the environment, public health, or safety, Tenant further agrees to indemnify, defend and hold Landlord harmless from any and all claims, actions, administrative proceedings (including informal proceedings), judgments, damages, punitive damages, penalties, fines, costs, liabilities, interest or losses, including reasonable attorneys' fees and expenses, consultant fees, and expert fees, together with all other costs and expenses of any kind or nature that arise during or after the Term of this Lease, directly or indirectly, from or in connection with the presence, suspected presence, release or suspected release of any Hazardous Material in or into the air, soil, surface water or groundwater at, on, about, under or within the Premises, or any portion of either thereof as a result of such failure by Tenant or Tenant's Affiliates.

(b) In the event any investigation or monitoring of site conditions or any clean-up, containment, restoration, removal or other remedial work (collectively, the "Remedial Work") is required under any Applicable Law, by any judicial order, or by any governmental entity as the result of operations or activities upon, or any use or occupancy of any portion of the Premises by Tenant or Tenant Affiliates, then, at Landlord's option, either Tenant shall perform or cause to be performed the Remedial Work in compliance with such Applicable Law or Landlord may cause the Remedial Work to be performed and Tenant shall reimburse Landlord within ten (10) days of demand therefor. All Remedial Work performed by Tenant shall be performed by one or more contractors, selected by Tenant and approved in advance in writing by Landlord, and under the supervision of a consulting engineer selected by Tenant and approved in advance in writing by Landlord. All costs and expenses of such Remedial Work shall be paid by Tenant, including, without limitation, the charges of such contractor(s), the consulting engineer, and Landlord's reasonable attorneys' fees and costs incurred in connection with monitoring or review of such Remedial Work. Nothing in this Subsection shall affect any of Landlord's rights (or Tenant's obligations) pursuant to the other provisions of this Paragraph 17 above or elsewhere in this Lease.

As used herein, the term "Hazardous Material" means any hazardous or toxic substance, material or waste which is or

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becomes regulated by any local governmental authority, the State of Vermont or the United States Government, including, without limitation, any material or substance which is (i) defined or listed as a "hazardous waste," "extremely hazardous waste," "restricted hazardous waste," "hazardous substance" or "hazardous material" under any Applicable Law; (ii) petroleum; or (iii) asbestos.

"Applicable Laws" or "Applicable Law" means any and all federal, state and local laws, statutes, codes, rules, regulations, orders, conditions or ordinances imposed or established by any governmental entity, agency or division or any court of competent jurisdiction relative or otherwise applicable to the zoning or environmental condition of the Entire Premises or the Premises, construction, leasing or use of the same or any building thereon, now or hereafter promulgated, affecting the Entire Premises or the Premises.

18. Successors and Assigns. All rights and liabilities herein given to, or imposed upon, the respective parties hereto shall extend to and bind the several respective heirs, executors, administrators, successors and assigns of the said parties. No rights, however, shall inure to the benefit of any assignee of Tenant unless the assignment to such assignee has been approved by Landlord in writing as provided in Paragraph 10 hereof.

19. Waiver. The waiver by either party of any breach by the other of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, or condition or any subsequent breach of the same or any other term, covenant or condition. No covenant, term or condition of this Lease shall be deemed to have been waived by either party unless such waiver be in writing, notwithstanding the passage of time.

The subsequent acceptance of rent or other sums hereunder by Landlord shall not be deemed to be a waiver of any preceding breach by Tenant of any term, covenant or condition of this Lease, other than the failure of Tenant to pay the particular rental or sum so accepted, regardless of Landlord's knowledge of such preceding breach at the time of acceptance of such rent or other sum.

20. Entire Agreement. This Lease sets forth all the covenants, promises, agreements, conditions and understandings between Landlord and Tenant concerning the Leased Premises, and there are no covenants, promises, agreements, conditions or understandings, oral or written, between them other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease shall be binding upon Landlord or Tenant unless reduced in writing and signed by the party against whom such alteration, amendment, change or addition is to be enforced.

21. Personal Liability. If Landlord or any successor in interest of Landlord shall be a mortgagee or an individual, joint venture, tenancy in common, firm or partnership, general or limited, it is specifically understood on the part of such mortgagee or such individual or on the part of the members of such firm, partnership or joint venture that with respect to any of the terms, covenants, and conditions of this Lease, Tenant shall look solely to the equity of Landlord or such successor in interest in the Entire Premises, or to the leasehold estate of Landlord or such successor therein, for the satisfaction of each and every remedy of Tenant in the event of any breach by Landlord or by such successor of any of the terms, covenants and conditions of this Lease to be performed by Landlord, such exculpation of personal liability to be absolute and without any exception whatsoever.

22. Captions, Headings. The captions, section numbers and headings appearing in this Lease are inserted only as a matter of convenience, and in no way define, limit, construe or describe the scope or intent of such sections or articles, nor in any way affect this Lease.

23. Partial Invalidity. If any term, covenant or condition of this lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease, or the application of such term, covenant or condition to persons to circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant or condition of this Lease shall be valid and be enforced to the fullest extent permitted by law.

24. Recording. Tenant shall not record this Lease without the written consent of Landlord. However, upon the request of either party hereto, the other party shall join in the execution of a Memorandum of Lease or Redacted Lease for the purposes of recordation. Said Memorandum of Lease shall describe the parties, the Leased Premises and the term of this Lease and shall incorporate such other terms (except rental terms) as the parties deem necessary.

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25. Consent to Jurisdiction; Waiver. TENANT HEREBY IRREVOCABLY AND UNCONDITIONALLY (A) SUBMITS TO PERSONAL JURISDICTION IN CHITTENDEN COUNTY IN THE STATE OF VERMONT OVER ANY SUIT, ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS LEASE, AND (B) WAIVES ANY AND ALL PERSONAL RIGHTS UNDER THE LAWS OF ANY STATE (I) TO OBJECT TO JURISDICTION WITHIN THE STATE OF VERMONT OR VENUE WITHIN THE STATE OF VERMONT, AND (II) TO THE RIGHT, IF ANY, TO CLAIM OR RECOVER ANY SPECIAL, EXEMPLARY, PUNITIVE OR CONSEQUENTIAL DAMAGES OR ANY DAMAGES OTHER THAN ACTUAL DAMAGES. THE TENANT AGREES THAT, IN ADDITION TO ANY METHODS OF SERVICE OF PROCESS PROVIDED FOR UNDER APPLICABLE LAW, ALL SERVICE OF PROCESS IN ANY SUCH SUIT, ACTION OR PROCEEDING MAY BE MADE BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED DIRECTED TO THE TENANT AT THE ADDRESS SET FORTH IN THIS LEASE, AND SERVICE SO MADE SHALL BE COMPLETE FIVE (5) DAYS AFTER THE SAME SHALL BE SO MAILED. NOTHING CONTAINED HEREIN, HOWEVER, SHALL PREVENT THE LANDLORD FROM BRINGING ANY SUIT, ACTION OR PROCEEDING OR EXERCISING ANY RIGHTS AGAINST THE TENANT, AND AGAINST ANY PROPERTY OF THE TENANT, IN ANY COUNTY OF VERMONT OR ANY OTHER STATE OR FOREIGN COUNTRY. INITIATING SUCH SUIT, ACTION OR PROCEEDING OR TAKING SUCH ACTION IN ANY OTHER JURISDICTION SHALL IN NO EVENT CONSTITUTE A WAIVER OF THE AGREEMENT CONTAINED HEREIN THAT THE LAWS OF THE STATE OF VERMONT SHALL GOVERN THE RIGHTS AND OBLIGATIONS OF THE TENANT AND THE LANDLORD HEREUNDER OR THE SUBMISSION HEREIN BY THE TENANT TO PERSONAL JURISDICTION WITHIN THE STATE OF VERMONT.

THE TENANT ACKNOWLEDGES THAT THE LEASE IS A COMMERCIAL TRANSACTION AND HEREBY WAIVES ITS RIGHT TO NOTICE AND HEARING UNDER APPLICABLE LAW WITH RESPECT TO ANY PREJUDGMENT REMEDY WHICH THE LANDLORD MAY DESIRE TO USE.

26. Subordination of Lease. Tenant agrees and acknowledges that this Lease is subordinate to any and all existing mortgages recorded and constituting a lien against Leased Premises and property and further acknowledges and agrees that this Lease shall be automatically subordinate to any future mortgage lien of record against said Leased Premises and property or any portion thereof. Tenant further agrees to execute, within fifteen (15) days after a request therefor, any and all documents required by any party or financial institution to confirm such subordination. Tenant hereby constitutes and appoints Landlord the Tenant's attorney-in-fact to execute any such certificate or certificates for and on behalf of Tenant.

Tenant shall, if provided to it and at its expense, comply with all reasonable requirements and notices of any financial institution(s) providing funds to finance or refinance the construction of the Entire Premises or providing funds for the permanent financing or refinancing of the Entire Premises, respecting all matters of occupancy, use, condition or maintenance of the Premises provided the same shall not unreasonably interfere with the conduct of Tenant's business nor materially limit or affect the rights of the parties under this Lease. In addition, notwithstanding acceptance and execution of this Lease by the parties hereto, it is understood and agreed that the terms hereof shall be automatically deemed modified, if so required, for the purpose of complying with or fulfilling the reasonable requirements of any lender secured by a mortgage or deed of trust which may now or hereafter be placed or secured upon the Entire Premises by any financial institution providing funds to finance or refinance the construction of the Entire Premises or providing funds for the permanent financing or refinancing of the Entire Premises; provided, however, that such modifications shall not be in material derogation or diminution of any of the rights of the parties hereunder, nor materially increase any of the obligations or liabilities of the parties hereunder. In the event that any lender requires changes to this Lease as described above, Landlord may submit to Tenant a written amendment to this Lease incorporating such changes, and Tenant hereby covenants and agrees to execute, acknowledge and deliver such amendments to Landlord within fifteen (15) days after Tenant's receipt thereof.

Landlord will use its good faith reasonable best efforts to obtain from any mortgagee an agreement in which mortgagee will attorn to the rights of Tenant under this lease.

27. Condemnation or Eminent Domain. If, at any time during this Lease or extension thereof, title to a substantial portion (defined as the untaken part being insufficient for economic or feasible operation by Tenant) of the Leased Premises shall be taken by exercise of the right to condemnation or eminent domain or by agreement between Landlord and those authorized to exercise such right (all such proceedings being collectively referred to herein as a "taking in condemnation"), this Lease shall terminate and expire on the date of such taking and the rent shall be apportioned and paid to the date of such taking. Any

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award for the value of the land, buildings and improvements (except for any fixtures that are the property of Tenant) and loss of rent from Tenant shall belong to Landlord. Any award for loss of rentals on subleases shall belong to Tenant.

If the title to less than a substantial portion of the Leased Premises shall be taken in condemnation so that the business conducted on said Premises can be continued without diminution, this Lease shall continue in full force and effect. If the taking is not considered a substantial portion but does result in a diminution of the business conducted by Tenant, then the Lease shall continue but the net rent from and after the date of the vesting of title in the condemnor shall be equitably reduced in the proportion that the area of the part taken or condemned bears to the total area of the Leased Premises immediately prior to such condemnation. Any award for the value of the land, buildings and improvements and for loss of rent from Tenant shall belong to Landlord. Any award or loss of rentals on subleases or Tenant improvements shall belong to Tenant.

28. Joint and Several Liability. In the event that two or more individuals, corporations, partnerships or other business associations (or any combination of two or more thereof) shall sign this Lease as Tenant or guarantee this Lease as Guarantors, the liability of each such individual, corporation, partnership or other business association to pay Rent and perform all other obligations hereunder shall be deemed to be joint and several. In like manner, in the event that the Tenant named in this Lease shall be a partnership or other business association, the members of which are by virtue of statute or general law subject to personal liability, then, and in that event, the liability of each such member shall be deemed to be joint and several, except as provided in Paragraph 21. Notwithstanding any other provisions hereof, or of any rule or provision of law, the failure or refusal by Landlord to proceed, in the event of a breach or default by Tenant, against all the individuals, corporations, partnerships or other business associations comprising the Tenant (or any combination of two or more thereof) or against one or more of the Guarantors, if any, hereof shall not be deemed to be a release or waiver of any rights which Landlord may possess against such other individuals, corporations, partnerships, or associations not so proceeded against nor shall the granting by Landlord of a release of, or execution of a covenant not to sue, any one or more of the individuals, corporations, partnerships, or other business associations comprising the Tenant (or any combination of two or more thereof) or the Guarantors, if any, constitute a release or waiver, in whole or in part, of any rights which Landlord may possess against such other individuals, corporations, partnerships, or associations not so released or granted a covenant not to sue.

29. Estoppel Certificates. Tenant shall, without charge, at any time, and from time to time, within fifteen (15) days after receipt of request therefor by Landlord, execute, acknowledge and deliver to Landlord a written estoppel certificate certifying to Landlord, any mortgagee, ground lessor, assignee of a mortgagee or ground lessor, or any purchaser of the Entire Premises or any other person designated by Landlord, as of the date of such estoppel certificate, the following: (a) whether or not Tenant is in possession of the Premises; (b) whether or not this Lease is unmodified and in full force and effect (or if there has been a modification, that the Lease is in full force and effect as modified and setting forth such modification); (c) whether or not there are then existing any set-offs or defenses against the enforcement of any right hereunder (and, if so, specifying the same in detail); (d) the dates, if any, to which any rent or other charges have been paid in advance; (e) that Tenant has no knowledge of any then uncured defaults on the part of Landlord of Landlord's obligations under this Lease (or if Tenant has knowledge of any such uncured defaults, specifying the same in detail); (f) that Tenant has no knowledge of any event having occurred that authorizes the termination of this Lease by Tenant (or if Tenant has such knowledge, specifying the same in detail); and (g) the address to which notices to Tenant should be sent. Any such statement delivered pursuant hereto may be relied upon by Landlord or any prospective purchaser or mortgagee of the Entire Premises or any part thereof or estate therein. Tenant acknowledges that time is of the essence as to the delivery of such statements by Tenant and that Tenant's failure or refusal to do so may result in substantial damages to Landlord resulting from, for example, delays suffered by Landlord in obtaining financing or refinancing secured by the Entire Premises. In addition, Tenant's failure or refusal to deliver such certificates within the time period aforesaid shall be conclusive evidence as against Tenant (i) that this Lease is in full force and effect, without modification except as may be represented by Landlord, (ii) that there are no uncured defaults in Landlord's performance of obligations hereunder, and (iii) that not more than one month's installment of Base Annual Rent has been paid in advance of the due date. If there are reasonable legal expenses incurred by the Tenant as it relates to the estoppel certificate, then those reasonable legal expenses shall be paid to the Tenant by the Landlord.

30. Consent to Improvements, Alterations, or Expansion. Tenant agrees not to contest, appear as an adverse party, or in any other manner oppose or appeal, any application made by Landlord, or its designated agents or employees (Landlord Affiliates) to any governmental or municipal entity, board, commission or officer for improvements, alterations or expansion of or to the Entire Premises not in conflict with this Lease. Nothing herein shall be deemed to waive Tenant's land use and other regulatory authority over the Landlord Affiliates and the Premises.

Tenants Initials _____

_____ Landlord Initials

Lease Agreement - Post Apartments HLP and Community Justice Center

Appendix I

176 South Winooski Avenue, Burlington VT

Base Rent	Monthly Base Rent	Annual Base Rent
Year 1	\$ 2,326.00	\$ 27,912.00
Year 2	\$ 2,360.00	\$ 28,320.00
Year 3	\$ 2,396.00	\$ 28,752.00
Year 4	\$ 2,434.00	\$ 29,208.00
Year 5	\$ 2,468.00	\$ 29,616.00
Year 6	\$ 2,505.00	\$ 30,060.00
Year 7	\$ 2,555.00	\$ 30,660.00
Year 8	\$ 2,607.00	\$ 31,284.00
Year 9	\$ 2,659.00	\$ 31,908.00
Year 10	\$ 2,712.00	\$ 32,544.00
Year 11	\$ 2,766.00	\$ 33,192.00
Year 12	\$ 2,835.00	\$ 34,020.00
Year 13	\$ 2,906.00	\$ 34,872.00
Year 14	\$ 2,979.00	\$ 35,748.00
Year 15	\$ 3,053.00	\$ 36,636.00

Operating Rent

7002 Commercial Management Fee	
7040 Audit	
7070 Manager Payroll CHT	
7080 Software	
7155 Fire Alarm and Telephone	
7185 Life Safety Inspection	
7200 Trash	
7210 Snow	
7211 Salt	
7220 Grounds	
7251 Contract Repairs and Maintenance	
7254 Maintenance Payroll	
7255 Repairs and Material	
7310 Property Tax	
7320 Insurance	
Total Annual Operating Expenses	35,916.00
Montly	2,993.00

Board of Finance and City Council Submission ChecklistDepartment: CEDO Submitter: Brian PineTitle/Subject: Lease Agreement for the Community Justice Center at Post Apartments

	Approval:	Meeting Date:
☒	Board of Finance	4/29/2024
☒	City Council	5/6/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	4/22/2024	Brian Pine
Mayor's Office informed and approved memo	Yes	4/24/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	5/1/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	5/1/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	5/1/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Memo with motion
Contract Attached, if applicable?	Yes	Lease agreement with attachments
Additional Materials, if necessary	Yes	Cover memo
Draft Resolution or Motion?	Yes	Motion in the memo
If for submission to Council, are sponsors identified?	Yes	Board of Finance



To: City Council

From: Katherine Schad, Chief Administrative Officer
Brian Pine, CEDO Director
Scot Barker, Chief Innovation Officer

Date: May 6, 2024

RE: Potential Sale of 200 Church St

This memo is in response to questions and concerns that have arisen regarding the potential sale of the subject property to Burlington Telecom. At the April 29 BoF meeting, unanimous approval was granted to execute the documents to effectuate the sale of the subject property. We are seeking City Council approval of the sale at the meeting on May 6.

Background on Appraisal and Sales Price

Two appraisals have been conducted as a part of the due diligence process.

The City hired Larry Martin to conduct an appraisal, and he estimated the value at \$2.2M without any allowance or deduction for the cost of major capital improvements such as the roof and the HVAC system.

BT hired Kurt Kaffenberger to conduct an appraisal, and he estimated the value at \$1.26M due to the “extraordinary assumption that both the rubber membrane roof AND the HVAC system require replacement. They assumed that the membrane roof needs to be replaced at a cost of \$82,000 and the required HVAC system replacement will cost \$1.2M. When the estimated value is added to the estimated cost of repairs, the total estimated value according to Kaffenberger reaches \$2,542,000.

Since the estimated values were fairly close (after accounting for the cost of replacing the HVAC and membrane roof), CEDO then turned to the “Income Capitalization Approach” to estimate the value of the property. This is defined as any method of converting an income stream from an income-producing property into an indicator of market value. Capitalization is the process of converting an expected stream of income into an indicator of market value. In the case of the subject property, an 8% capitalization rate was used to reflect the rate of return expected on a comparable real estate investment property in the Burlington Central Business District (CBD). To calculate the income approach to value, you divide the annual net operating income by the capitalization rate ($\$125,726/8\% = \$1,571,575$).

Using this approach, the estimated fair market value was estimated at \$1,571,575. The City believes that this value is a fair estimate of the value of the property in light of the deferred maintenance and a soft office market. This value recognizes that the building would be worth \$3M if the work was done but that would require \$1.5M (at least) of capital investment.

The space is not serving the City well

The space at 200 Church Street provides privacy for the employees who visit Human Resources and this is valuable. However, the space does not provide adequate access for the employees that HR serves, the multiple deficiencies with respect to the space used by the CJC are described in a separate memo that is going to the BoF for the April 29 meeting. Most city employees do not work within walking distance of the building and there is very limited parking. While HR representatives travel around the city to visit other offices, many employees prefer to travel themselves to the HR offices for privacy and it is difficult for them to get to the office and park.

Additionally, after a break-in of the building last fall, the door was upgraded and now includes a crash bar. While it is an improvement, it is not ADA compliant for our employees or the public.

Another consideration is that the space itself needs many capital upgrades. For instance, every year there are a couple of insect infestations - one is a beetle of some sort and another is a wasp issue. These insects swarm all of the offices along the south side of the building. We have had exterminator services out here every year since 2021, which has slowed but not stopped the problem. Another example is the restrooms. The urinal in the bathroom adjacent to the breakroom literally exploded and flooded the bathroom last week. It was vacant or this could have injured an employee. The front bathroom is very old and the toilet handle is not always operational.

Sharing a building with BT also presents challenges for the City's employees who work at and visit 200 Church. This includes very noisy trucks coming and going as well as loud workplace "conversations" that include highly inappropriate language. While BT General Manager Mike Loucy is a willing partner in addressing this issue when we bring it up to him, it is clear that the two entities need different things from the space.

The Capital Work Necessary at 200 Church St.

Heating, Ventilation and Air Conditioning (HVAC)

The current HVAC system was installed with units built in 1998 and 2005. These units are past their end of life and are at risk to fail at any time. The HVAC project needs to be done immediately to ensure not only the health and safety of City employees but also to ensure the performance of City and BT equipment. If not properly cooled and circulated, the air in BT's equipment rooms could rise to dangerous temperatures and cause equipment failures.

The City commissioned a design for the HVAC work back in 2022 by LN Consulting. LN Consulting is a Burlington firm that provides green building design solutions focused on health and sustainability, forged in analysis and technology. They strategize, evaluate, and model ways to minimize energy usage in each building consulting project. They focus on delivering intelligent, forward-thinking solutions that address building resiliency, energy optimization, and occupants' safety.

Most of this system was designed and priced using high-efficiency Variable Refrigerant Volume indoor units, split indoor and outdoor units, and an Energy Recovery Ventilator, optimized on sensors and controls. The City put this out to bid and received only one bid, which was at \$1,170,000, and did not include alternates. As this price was quoted two years ago, today's price will absolutely be higher due to rapidly escalating prices for materials and labor. To further confirm the pricing please note that the professional appraiser hired by BT also estimated the cost to replace the HVAC at \$1.2M.

The City has sought federal funding for these costs but the [Inflation Reduction Act](#) does not cover capital upgrades for municipal buildings – rather that covers things like investments in new clean energy initiatives and for commercial clean vehicles. The City's Grants Team, for more than a year, has continued to seek other sources of funding but has not been successful in finding any money.

Roof

The City received a quote to do the necessary work in 2022 for \$104K, however based on their experience managing this kind of work the facilities team estimates that the cost would at least need to double so we estimate it at \$210K. The roof work is critical but must happen after the HVAC work is complete.

Interior Upgrades

As referenced above, facilities staff have identified the need to update the restrooms and break area, apply fresh paint, and enhance flooring while also trying to ensure ADA access. This project would take place after the HVAC system is completed.

Weighing the Work at 200 Church St. with the City's Additional Capital Facility Needs

There are also other pressing needs at multiple City-owned buildings that are competing for limited capital funding. The biggest challenge has been the lack of a Facilities Department. Most buildings and systems have not had the maintenance and planning they need. The City has not had the time or money to plan ahead before emergencies happen. Once an emergency happens, it often leads to people having no heating or cooling, and decisions have to be made without planning simply because of minimal funding in order to put a band aid on a building. This is a more costly way to operate municipal facilities and erodes staff morale for both the office occupants and facility staff. The added Operations and Maintenance (O&M) costs to the City are very wasteful, do not support our climate goals and result in substandard facilities for both staff and for other users. Occupant comfort and indoor air quality are sacrificed when facilities suffer from deferred maintenance and obsolete equipment.

As of right now, the HVAC project is not in the capital plan. As stated above, if the City Council decides to keep the building, the HVAC project becomes a very high priority and will need to be done in FY25 at the expense of other work. The other urgent needs that we are hoping to work into the FY25 capital budget include (total of \$3,985,000):

- Fire Station 1 & 2 Structural Flooring Issues: \$1,160,000
- Police Station HVAC Issues: at least \$575,000
- City Hall Full Mechanical System replacement: \$750,000
- Miller Center Roof Top Unit Replacement: \$1,500,000

Fire Station 1:

Station 1 is an historic structure. To address safety concerns, temporary shoring has been installed in the basement of the building. Both the interior and the exterior of this masonry building are in need of immediate attention and structural repair. The weight of the firetrucks has increased over the years, and the weight combined with the age of the structure has led to critical repair work needed in the bay floor, basement structural columns, and the central interior staircase. We are currently completing the engineering to bid the work out for local contractors to complete. If we don't do this work, we will need to move the fire apparatus to another location. Station 1 is also in need of exterior masonry work. The longer we go with having repairs done, the costlier it will be as the building deteriorates. The historic windows are also in need of restoration. We currently have members of the fire team sleeping in spaces with the elements penetrating the windows. The estimated cost for restoration is \$200,000+. The City has received a \$20,000 grant (which we have to match) to get a small portion of this work completed. Recently, pipe repair and a plumbing remodel was completed to keep the sewer from backing up in the basement, and add exterior security cameras. The fire team has also requested an update to their kitchen, as it is run down. The HVAC system is in fairly good shape for the next 5-8 years. The roof was last replaced in 2014, so should last for another 10 years.

Fire Station 2:

Station 2 holds space for training and several pieces of apparatus. In the last few years, the bay floor has started moving and recently concrete started falling into the basement when the trucks drive in and out. With the weight of the trucks, we must replace the bay floor in the building. If this is not done, we will need to move all apparatus to another location. We are having the engineering work done now in order to bid out to contractors. We recently had safety netting installed in the basement to keep the space safe from falling debris. Recently, we completed renovations to the restrooms and dormitory spaces to create gender neutral living quarters for a team that is becoming more diverse. In the last few years, we upgraded some of the HVAC. The fire team would also like this kitchen updated, and we will need to start planning window replacement. The roof was also replaced in 2014, so that should last for another 10 years.

Police Station:

The heat exchanger and (4) roof top air-handling units were just replaced, which cost the City ~\$16,000. This was due to an unsafe situation for personnel in the building as they were exposed to high CO2 levels. They also had no heat. Temporary heaters had to be added which added to the electric bill. The building now has (4) roof top units which are all old and will need to be replaced with brand new parts at a huge cost in money, safety, and comfort. The buildings windows are also old and drafty, and the building needs updating inside and out. BPD is trying to actively recruit staff, and as recruits take a look at the locker room, they often remark about its poor condition. There is carpet with duct tape adhering it to the floor, old leaking fixtures, epoxy flooring, and lockers that don't accommodate the needs of the team.

City Hall:

The boilers in the basement are all ready to fail (with the exception of one that was recently replaced). The HVAC system for Contois Auditorium is beyond end of useful life. The sump tank that was just

replaced by Energy Efficiency Investments (EEI) was close to failure before it caused a flood in the basement. Everything in the basement is leaking due to years of neglect. If it doesn't get replaced, the building may be partially without heating and cooling. EEI is based in New Hampshire and has 70 years of experience in building control systems, security, automation, and energy efficiency.

Miller Center:

The Miller Center is in the best shape of all the facilities, but it won't be in a few years. This is one of the few buildings that we have had the opportunity to plan for before issues become emergencies.

Burlington Telecom's Commitment to 200 Church St.

BT is committed to being in this building for the long-term. From a practical perspective, moving their operations out of the building would be highly disruptive and significantly more complicated than what it was to move the City's network out of Memorial. That cost is likely prohibitive unless a dire circumstance were to occur that would force them to move. Further evidence that BT is committed to the building is that they just invested a large amount of money in new power and back-up battery plants and a fire suppression system for the network operations center and are embarking on, if this proposal is approved, replacing the HVAC and roofing systems. It is also advantageous to BT to remain in the building given that a significant amount of BT subscribers are in Burlington.

Financials

See attached pro forma financial statement running through 2034 that shows that if we sell now or when we must offer it to BT in 2034 the City comes out approximately the same from a purely financial standpoint. This does not account for the significant waste of City staff time spent on the O&M costs of facilities with obsolete equipment and building systems. It is also important to point out that it is not considered best practice for municipal government to retain properties for speculative purposes in the hopes that their value will appreciate and garner greater financial gains in the future when there are much more pressing, current needs among key City facilities.

What will happen to HR when the property sale occurs?

Even though the sale is slated to close in February 2025, BT has agreed to allow HR and CJC to continue using their offices at a cost equivalent to the pro rata share of operating expenses for the building. The annual operating costs are typically around \$65,000 and the City's square footage is one-third of the leasable space in the building. If the operating expenses for the entire are determined to be spread equally over the three floors of the building, the City's pro rata share is \$21,450 for all of the space used by the City (HR and CJC).

We have already begun discussing the office needs for the HR Dept. Our goal is to secure sufficient space for a team of 13 staff with room for growth and with the appropriate features to maintain confidentiality for all HR matters. We are also mindful that an HR office should be located so that staff from all across City government have convenient access and that includes parking nearby. It is our expectation that HR can be relocated to an existing City space with minimal modifications. Since the move from 200 Church St. is not happening until late 2025 or early 2026, we are confident that suitable replacement office space on City-owned land will be secured within this schedule.

Recommendation:

1. Approve the proposed Purchase Option Exercise Agreement and License and Use Agreement with Champlain Broadband, LLC, for the sale and use of 200 Church Street, and authorize the Mayor to execute both agreements on behalf of the City.
2. Authorize the Mayor or designee to take such further actions and to execute such further instruments as may be necessary or convenient to accomplish the transactions contemplated in the Purchase Option Exercise Agreement and License and Use Agreement, subject to review and approval of the City Attorney.
3. Authorize the Chief Administrative Officer to: establish a separate fund in the Assigned Fund Balance to accept the proceeds of the sale of 200 Church Street; make any expenditures required to carry out the Purchase Option Exercise Agreement and License and Use Agreement; and make all necessary budget transfers in relation thereto.

**PURCHASE OPTION EXERCISE AGREEMENT AND JOINT ESCROW INSTRUCTIONS
(200 CHURCH STREET, BURLINGTON, VERMONT)**

This PURCHASE OPTION EXERCISE AGREEMENT (this “**Agreement**”) is made as of this ____ day of April, 2024 (the “**Effective Date**”), by and between the CITY OF BURLINGTON, VERMONT (“**Seller**”), and CHAMPLAIN BROADBAND, LLC, a Vermont limited liability company d/b/a BURLINGTON TELECOM (“**Purchaser**”).

RECITALS:

A. Seller is the current owner of that certain land and premises commonly known as 200 Church Street, Burlington, Vermont, legally described on **Exhibit A** attached hereto (the “**Land**”) together with (1) all buildings and improvements constructed or located on the Land and (2) all easements and rights benefiting or appurtenant to the Land (collectively, the “**Property**”).

B. Seller leases the Property to Purchaser pursuant to that certain Lease Agreement (the “**Lease**”), dated as of March 12, 2019, between Seller, as Landlord, and Purchaser, as Tenant.

C. Pursuant to Section 29 of the Lease, Purchaser has timely and effectively exercised its option to purchase the Property.

D. Seller and Purchaser now desire to enter into this Agreement to set forth the terms and conditions of the sale of the Property from Seller to Purchaser.

NOW, THEREFORE, in consideration of the above Recitals, and the terms, covenants and conditions contained in this Agreement, Seller and Purchaser agree as follows:

1. **Lease Renewal; Purchase and Sale of Property.** Notwithstanding anything to the contrary contained in the Lease, the parties acknowledge and agree that the Initial Term (as defined in the Lease) is hereby (and was timely) extended for the first Renewal Term. Subject to the terms and conditions of this Agreement, Seller shall sell, convey and assign to Purchaser, and Purchaser agrees to accept and acquire, the Property.

2. **Purchase Price.** Notwithstanding anything to the contrary contained in the Lease, the parties agree that the total consideration (the “**Purchase Price**”) to be paid by Purchaser to Seller for the Property shall be One Million Five Hundred Seventy-one Thousand Five Hundred Seventy-five and 00/100 Dollars (\$1,571,575.00). Purchaser hereby covenants and agrees to pay the Purchase Price in lawful money of the United States on the Date of Closing (as defined below) by federal funds wire transfer of immediately available funds to the account (as designated by Seller) of or for the benefit of Seller.

3. **Due Diligence; Casualty and Eminent Domain; Status of Title to the Property.**

A. Purchaser shall be responsible for procuring the title insurance policy, the survey and any environmental reports, Purchaser’s approval of which will be a condition precedent to Purchaser’s obligation to close and acquire the Property. Purchaser shall have until January 2, 2025, to complete due diligence and to accept or reject the condition of the

Property. If Purchaser fails to notify Seller within this time period that it is rejecting the condition of the Property, then it shall be deemed to accept the condition of the Property and will proceed with the Closing, subject to the other terms and conditions of this Agreement. If Purchaser rejects the condition of the property within the foregoing period, then subject to Section 5.A(ii), below, this Agreement shall be terminated and the parties shall share equally any escrow charges incurred to date, not including any title insurance premiums incurred by Purchaser.

B. Purchaser agrees and understands that it is relying upon its own inspection of the Property's physical condition, condition of title, and legal/zoning condition, and that it is not relying on Seller's representations of the same. **PURCHASER ACCEPTS THE PHYSICAL, LEGAL, AND TITLE CONDITION OF THE PROPERTY "AS IS, WITH ALL FAULTS AND DEFECTS"**.

C. The parties agree that Section 12 of the Lease will govern in the event of any fire, casualty or eminent domain event during the term of this Agreement and, in the event of any such fire, casualty or eminent domain event, Purchaser, in its sole discretion, shall have the right to terminate this Agreement (in which event the Lease shall continue in accordance with its terms) or renegotiate a reasonable adjustment to the Purchase Price.

D. At Closing, Seller shall convey to Purchaser, by the type of deed specified in Section 4, good clear record and marketable title in fee simple to the Property, and a title company selected by the Purchaser (the "**Title Company**") will so insure at regular rates that such Property will be free and clear of all tenancies, liens, encroachments and encumbrances, excepting (a) any survey defects or defects in title or encumbrances of record reasonably approved by Purchaser, (b) any existing tenancy to any third-party to any part of the Property other than that used by the Purchaser, (c) real estate taxes not yet due and payable, and (d) encumbrances arising by or through the Purchaser (the "**Permitted Encumbrances**"). From and after Closing, Seller shall be entitled to continue to use Seller's space on the first floor of the building under a License Agreement in the form attached hereto as **Exhibit B** (the "**License Agreement**").

4. **Closing Documents; Escrow Instructions.**

A. At Closing, Seller shall deliver or cause to be delivered to Title Company for the benefit of Purchaser the following:

(i) a Warranty Deed, subject only to the Permitted Encumbrances, conveying to Purchaser fee simple title to the Property, in the form attached hereto as **Exhibit C** (the "**Deed**");

(ii) a Lease Termination Agreement terminating the Lease in the form attached hereto as **Exhibit D** (the "**Lease Termination Agreement**");

(iii) a Memorandum of Lease Termination Agreement, terminating the existing Memorandum of Lease Agreement, in the form attached hereto as **Exhibit E** and to be recorded in the real property records in and for Burlington, Vermont (the "**Lease Memorandum**");

(iv) a Title Affidavit in the form attached hereto as **Exhibit F** (the “**Title Affidavit**”);

(v) applicable Vermont Property and Real Estate Transaction Tax forms in the form attached hereto as **Exhibit G**;

(vi) a Seller’s Affidavit stating, under penalty of perjury, Seller’s U.S. taxpayer identification number and that Seller is not a foreign person within the meaning of Section 1445 of the Internal Revenue Code, in the form attached hereto as **Exhibit H**;

(vii) a closing statement prepared by the Title Company with respect to the Property (the “**Closing Statement**”);

(viii) the License Agreement, as signed by Seller; and

(ix) all other documents as may be reasonably required to consummate the conveyance, transfer and assignment of the Property to Purchaser or Purchaser’s designee or assignee.

B. At Closing, Purchaser shall deliver or cause to be delivered to Title Company for the benefit of Seller the following:

(i) Purchaser’s counterpart of the Lease Termination Agreement;

(ii) Purchaser’s counterpart of the Lease Memorandum;

(iii) Purchaser’s counterpart of the Closing Statement;

(iv) Purchaser’s counterpart of the License Agreement; and

(v) the Purchase Price.

C. Upon delivery of the foregoing by both parties, the Title Company shall cause the Deed and Lease Memorandum to be recorded. The Title Company shall also deliver original copies of the Lease Termination Agreement and License Agreement to the parties, distribute funds according to the Closing Statement, and deliver each party a certified document set containing all copies of each of the documents identified above. The parties each may deliver additional escrow instructions to the Title Company, which the Title Company shall comply with to the extent not inconsistent with applicable law, this Agreement, or the other party’s additional instructions. For matters not addressed in this Agreement or the party’s additional instructions, the Title Company’s standard escrow instructions shall control to the extent not inconsistent with applicable law, this Agreement, or the parties’ additional instructions. A copy of the Title Company’s standard escrow instructions shall be given to each party as close in time as possible to the opening of escrow.

5. **Pre-closing Operations; Closing Costs and Prorations.**

A. *Pre-closing Operations.*

(i) As of the Effective Date, and notwithstanding anything to the contrary contained in the Lease, Purchaser shall only be obligated to pay Purchaser's pro rata share of the Operating Expenses (as defined in the Lease) and taxes (and no longer required to pay Minimum Base Rent). If this Agreement expires or is terminated (through no breach by Seller) before the Date of Closing, Purchaser agrees to pay retroactive rent under the Lease (which shall continue in accordance with its terms). If this Agreement is terminated as a result of a breach by Seller, Purchaser shall have all rights available under this Agreement, the Lease (which shall continue in accordance with its terms) and applicable law.

(ii) Notwithstanding anything to the contrary in the Lease, Purchaser agrees to repair, upgrade or replace the roof and HVAC system servicing the building ("**Major Repairs**"), the costs thereof shall be amortized over the useful life thereof. (For example, if the total cost of a roof replacement is \$250,000 and has a useful life of 15 years, the total replacement cost shall be amortized over that 15-year period.) If this Agreement expires or is terminated (through no breach by Purchaser) before the Date of Closing, Seller shall reimburse Purchaser for the unamortized cost of such Major Repairs (as reasonably determined by Purchaser's accounting firm) within sixty (60) days following the termination of this Agreement. Seller's obligation under this section shall survive the termination of the Lease and/or this Agreement. All work under plans and specifications for the Major Repairs, and any and all agreements therefor between Purchaser and third parties, shall be subject to review and approval by Seller, which approval shall not be unreasonably withheld, conditioned or delayed; *provided, that* Seller agrees to approve such work, plans and specifications if they are in compliance with applicable building codes and standard industry practices. Each such agreement shall contain provisions reasonably acceptable to Seller that require: (1) the contractor to indemnify and defend the Seller and its officers, employees, and agents from any and all claims arising from the contractor's operations under the agreement; (2) the contractor and its subcontractors to name the City as an additional insured on a primary, non-contributory basis in policies of insurance identified in **Exhibit I**; and (3) the contractor and its subcontractors to comply with, and to certify compliance with, the City's Living Wage, Union Deterrence, and Outsourcing Ordinances.

B. *Prorations and Adjustments.* Pursuant to the terms of the Lease, Purchaser has been paying, and shall continue to pay until Closing all taxes, assessments and utility charges affecting the Property. Purchaser shall be responsible for all costs and expenses relating to the Property for the period from and after the Closing, except as otherwise provided in the License Agreement. Based on the foregoing, there will be no prorations at Closing; provided, however that Purchaser shall receive a credit at closing for any prepaid base rent under the Lease with respect to the period of time from and after the Closing until and including the last date of the month in which the Closing occurs. Purchaser shall be entitled to any credits or refunds on any taxes, assessments and utility charges relating to

the Property and paid to Seller after Closing, and Seller shall pay any such amounts to Purchaser to the extent actually received by Seller.

C. *Title Insurance, Closing Fees and Other Closing Costs.* Seller and Purchaser shall each pay for all closing costs and other fees pursuant to Section 29 of the Lease.

6. **Closing.** The closing (“**Closing**”) of the sale and purchase hereunder shall take place on or before January 31, 2025, or such other date determined by mutual agreement of the parties (the “**Date of Closing**”). The place of Closing shall be through the offices of the Title Company.

7. **Brokers.** Seller and Purchaser each represent and warrant to each other that no other brokers, finders or the like are involved in connection with this transaction and agree to indemnify each other and hold each other harmless against all claims, damages, costs and expenses of or for any fees or commissions resulting from its actions or agreements regarding the execution or performance of this Agreement, and will pay all costs of defending any action or lawsuit brought to recover any such fees or commissions incurred by the other party, including reasonable attorneys’ fees.

8. **General Provisions.**

A. This Agreement may be amended only by a written agreement subsequently executed by all of the parties hereto. No assignment of this Agreement shall be valid without the approval of the other party in writing.

B. No waiver of any provision or condition of this Agreement by any party shall be valid unless in writing signed by such party, notwithstanding the passage of time. No such waiver shall be taken as a waiver of any other or similar provision or of any future event, act, or default.

C. In the computation of any period of time provided for in this Agreement or by law, the day of the act or event from which said period of time runs shall be excluded, and the last day of such period shall be included, unless it is a Saturday, Sunday, or legal holiday, in which case the period shall be deemed to run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

D. Headings of sections are for convenience of reference only, and shall not be construed as part of this Agreement.

E. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement. Seller and Purchaser agree that the delivery of an executed copy of this Agreement by facsimile or by attachment to an e-mail shall be legal and binding on the transmitting party and shall have the same full force and effect as if an original executed copy of this Agreement had been delivered.

F. This Agreement shall be governed and interpreted in accordance with the internal laws of the State of Vermont applicable to contracts to be fully performed therein with respect to the Property.

G. This Agreement, together with the agreements attached hereto and the provisions of the Lease incorporated herein, constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior agreements or understandings between them respecting the same, whether written, oral, or implied.

H. There are no third party beneficiaries of this Agreement.

I. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. The Lease is only modified as set forth herein and in all other respects remains in full force and effect. However, in case of any inconsistency, this Agreement shall govern and control over the Lease.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first written above.

SELLER:

CITY OF BURLINGTON, VERMONT

By: _____
Name: _____
Title: _____

PURCHASER:

CHAMPLAIN BROADBAND, LLC, a Vermont limited liability company d/b/a Burlington Telecom

By: _____
Name: _____
Title: _____

ACCEPTED BY TITLE COMPANY:

By: _____
Name: _____
Title: _____

EXHIBIT A
LEGAL DESCRIPTION OF THE LAND

Being all and the same lands and premises conveyed to City of Burlington, Vermont by Warranty Deed of Telecom Plaza Associates, L.P. dated March 18, 2005 and recorded in Volume 909 at Pages 159-161 of the City of Burlington Land Records and being more particularly described therein as follows:

“Being all and the same lands and premises conveyed to Telecom Plaza Associates, L.P. by Warranty Deed of Telecom Plaza Associates dated December 30, 1994 and recorded in Volume 519 at Page 696 of the City of Burlington Land Records.

‘Being all and the same lands and premises conveyed to Telecom Plaza Associates by Warranty Deed of Chittenden Trust Company dated June 14, 1988 and recorded in Volume 382 at Page 607 of the City of Burlington Land Records, and being more particularly described in said Deed as follows:

‘Being land and premises commonly known as 200 Church ‘Street in Burlington. Being all and the same property as conveyed to the herein Grantor by Mortgage Deeds of Eric F. and Mary H. Farrell, dated 1/30/81 and 5/8/81, and recorded in Volume 277, Page 297 and Volume 278, Page 24, respectively of the City of Burlington Land Records. Said Mortgages were duly foreclosed by a Decree of Foreclosure dated March 24th, 1986 and a Certificate of Non-Redemption dated November 3, 1986 both recorded in Volume 350, Pages 257-268 of Misc. Records in the City of Burlington Land Records.

Being a lot of land situated on the southeast corner of Church and King Streets, with all structures thereon, the said land being bounded as follows:

Beginning at the point of intersection of the south line of King Street with the east line of Church Street, thence running southerly in the east line of Church Street 54 feet, more or less, to the north line of land now or formerly owned by J.M. and J. F. Whalen; thence easterly in said north line 120 feet, more or less, to the west line of the right-of-way 12 feet wide which runs northerly from said Whalen’s land to King Street, thence northerly in the west line of said right-of-way 54 feet, more or less, to the south line of King Street; thence westerly in said south line of King Street 120 feet, more or less, to the point of beginning.

‘Included also in this conveyance is any rights held by the Grantor under a certain Easement regarding parking spaces, dated May 6, 1985, given by Eric and Mary Farrell, and recorded in Volume 379, Pages 159-161 of the Burlington Land Records.

‘These easement rights are conveyed by quit claim only, and grantor makes no warranties regarding said easement rights.”

This conveyance is subject to the following:

Deed of Easement from Telecom Plaza Associates to the City of Burlington dated June 7, 1990, and recorded in Book 422 at Page 701 of the Burlington Land Records.

Grantor further assigns and conveys to Grantee its rights under the Assignment from Eric F. Farrell and Mary H. Farrell to Telecom Plaza Associates dated June 15, 1988, and recorded in Volume 383 at Page 612 of the Burlington Land Records.

Reference is hereby made to the above-mentioned instruments, the records thereof, the references therein made, and their respective records and references, in further aid of this description.

EXHIBIT B
FORM LICENSE AGREEMENT

See attached.

EXHIBIT C
FORM WARRANTY DEED

See attached.

EXHIBIT D
FORM TERMINATION OF LEASE

TERMINATION OF LEASE

This Termination of Lease is made and entered into as of January 31, 2025 (the “**Effective Date**”), by and between the undersigned tenant (the “**Tenant**”) and the undersigned landlord (the “**Landlord**”).

RECITALS:

A. Landlord and Tenant are parties to that certain Lease Agreement, dated as of March 12, 2019 (the “**Lease Agreement**”), with respect to the real property and the improvements located thereon at 200 Church Street, Burlington, Vermont (the “**Property**”).

B. Landlord and Tenant each desire to terminate the Lease Agreement as of the Effective Date, and, in furtherance of such termination, Landlord and Tenant each desire to release the other from any and all liability and obligation under the Lease Agreement.

NOW, THEREFORE,, Landlord and Tenant agree as follows:

AGREEMENTS:

1. **Termination.** Landlord and Tenant agree that the Lease Agreement is terminated in its entirety as of the Effective Date. In furtherance of such termination, Landlord and Tenant each release the other from any and all liability, obligation, and claim under the Lease Agreement.

2. **Counterparts; Facsimile/E-mailed Signatures.** This Termination of Lease may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement. Landlord and Tenant agree that the delivery of an executed copy of this Termination of Lease by facsimile or by attachment to an e-mail shall be legal and binding on the transmitting party and shall have the same full force and effect as if an original executed copy of this Termination of Lease had been delivered.

[Signatures to follow]

IN WITNESS WHEREOF, the parties have executed this Termination of Lease as of the Effective Date.

LANDLORD:

CITY OF BURLINGTON, VERMONT

By: _____
Name:
Title:

TENANT:

CHAMPLAIN BROADBAND, LLC, a Vermont limited liability company d/b/a Burlington Telecom

By: _____
Name:
Title:

[SIGNATURE PAGE TO LEASE TERMINATION FOR BURLINGTON, VERMONT]

EXHIBIT E
FORM TERMINATION OF MEMORANDUM OF LEASE

See attached.

EXHIBIT F
FORM TITLE AFFIDAVIT

See attached.

EXHIBIT G
VERMONT PROPERTY AND REAL ESTATE TRANSACTION TAX FORMS

See attached.

EXHIBIT H
FORM OF FIRPTA

See attached.

EXHIBIT I CONTRACTOR INSURANCE REQUIREMENTS

This exhibit includes insurance and indemnification requirements to be included in the contraction contract between Purchaser and its contractor to perform the Major Repairs (the “Contractor”). The City may approve exceptions to these coverages in its reasonable discretion.

Prior to beginning any work, the Contractor shall obtain the following insurance coverage from an insurance company registered and licensed to do business in the State of Vermont and having an A.M. Best insurance rating of at least A-, financial size category VII or greater (www.ambest.com). The certificate of insurance coverage shall be documented on forms reasonably acceptable to the City. The Contractor shall ensure that subcontractors provide the same level of coverage required herein. If the Contractor carries policies of coverage at higher limits than those set forth herein, then those shall be made available to the City. No warranty is made that the coverage and limits listed herein are adequate to cover and protect the interests of the Contractor for the Contractor’s operations. These are solely minimums that have been developed and must be met to protect the interests of the City.

- A. Commercial General Liability:** With respect to all operations performed by the Contractor, subcontractors, agents or workers, it is the Contractor’s responsibility to ensure that commercial general liability insurance coverage, covering bodily injury and property damage, on an occurrence form, provides all major divisions of coverage including, but not limited to:

1. Premises Operations
2. Independent Contractors’ Protective
3. Products and Completed Operations
4. Personal Injury Liability
5. Medical Expenses

Coverage limits shall not be less than:

- | | |
|----------------------------------|-------------|
| 1. General Aggregate | \$2,000,000 |
| 2. Products-Completed/Operations | \$2,000,000 |
| 3. Personal & Advertising Injury | \$1,000,000 |
| 4. Pollution | \$1,000,000 |
| 5. Each Occurrence | \$1,000,000 |
| 6. Damage to Rented Premises | \$ 250,000 |
| 7. Med. Expense (Any one person) | \$ 5,000 |

- B. Workers’ Compensation/Employer Liability:** With respect to all operations performed, the Contractor shall carry workers’ compensation insurance in accordance with the laws of the State of Vermont and ensure that all subcontractors carry the same workers’ compensation insurance for all work performed by them under this contract. Minimum limits for Employer's Liability:

1. Bodily Injury by Accident: \$500,000 each accident
2. Bodily Injury by Disease: \$500,000 policy limit,
\$500,000 each employee

C. Automobile Liability: The Contractor shall carry commercial automobile liability insurance covering all motor vehicles, including owned, non-owned and hired, used in connection with the Contract. Each policy shall provide coverage with a limit not less than: \$1,000,000 - Combined Single Limit for each occurrence.

Each policy (except workers compensation) shall be endorsed to name the City and its officers, employees, agents, successors, and assigns as additional insureds on a primary, non-contributory basis. Each policy shall be endorsed to waive subrogation against the City.

LICENSE AND USE AGREEMENT

This LICENSE AND USE AGREEMENT (“**Agreement**”) is entered into by and between CITY OF BURLINGTON, VERMONT (“**Seller**”), and CHAMPLAIN BROADBAND, LLC, a Vermont limited liability company d/b/a BURLINGTON TELECOM (“**Purchaser**”), effective as of [January 15, 2025] (the “**Effective Date**”).

RECITALS:

A. Seller and Purchaser, are parties pursuant to that certain Purchase Option Exercise Agreement dated on or about April __, 2024 (the “**Purchase Agreement**”) pursuant to which Purchaser agreed to acquire the Property (as defined in the Purchase Agreement) from Seller.

B. As contemplated by the Purchase Agreement, Purchaser has agreed to grant a limited license to Seller for the use and occupancy of the Property for the Purpose during the License Term set forth herein, all in accordance with the terms and conditions of this Agreement.

THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, Purchaser and Seller agree as follows:

1. Purchaser grants to Seller, and Seller accepts, upon the terms and conditions set forth below, a limited, non-exclusive license (“**License**”) for the use and occupancy that portion of the Property Seller currently utilizes for the limited purpose of Seller and its employees, agents and other representatives (collectively, “**Representatives**”) general office use (the “**Purpose**”). Seller agrees that it will comply with all reasonable rules imposed by Purchaser for the use of the Property and all laws, ordinances, and regulations applicable to Seller’s use. Seller acknowledges and agrees that Purchaser will have access to and be able to utilize the Property during the License Term in a reasonable manner that is not inconsistent with the Purpose. Without limiting the generality of the foregoing, Seller agrees that Purchaser and its contractors will be entitled to access and use the Property during the License Term to undertake renovation and commence construction activities. In connection therewith, Seller agrees to reasonably cooperate and coordinate security, access and its activities with Purchaser’s activities at the Property so as to reasonably minimize any interference with Purchaser’s use and development of the Property.

2. If closing occurs under the Purchase Agreement, the license granted in this Agreement will commence on Effective Date and will continue for a period (the “**License Term**”) terminating on the earlier of (a) the date that is ten (10) days after either party provides the other with written notice of termination of this Agreement, or (b) March 31, 2026. Notwithstanding the foregoing, Purchaser shall terminate this Agreement prior to March 31, 2026 only for material breach hereof by Seller, and only after giving Seller notice and an opportunity to cure of not less than thirty (30) days. For each month (or portion thereof) during the License Term, Seller shall pay to Purchaser a license fee (the “**Fee**”) equal to Seller’s proportion share of operating expenses of the Property, as reasonably determined by Purchaser. Seller’s proportion shall be based upon [33%] of the following categories of expenses reasonably and actually incurred by Purchaser: casualty insurance, property taxes and other assessments by public entities, ground maintenance (including lawn care and snow removal), utilities, and routine building maintenance (i.e., not including rehabilitation of major systems or building repairs that are not of a routine, recurring, and ordinary nature). The monthly Fee shall be paid in full by Seller to Purchaser within ten (10) business days following Purchaser providing an invoice to Seller detailing the then-current monthly Fee. The Fee shall be paid, without deduction or offset, by electronic transfer by wire or through the Automated Clearing House (“**ACH**”) system in immediately available federal funds to such account in such bank as Purchaser shall designate from time to time. Any Fee not paid by the due date will bear interest at the Interest Rate from the date due to the date paid. For purposes of this Agreement, “**Interest Rate**” means interest at the lesser

of (i) the rate of 1% per month or (ii) the maximum rate permitted by applicable law. In addition, Seller agrees to reimburse Purchaser for reasonable court costs and attorneys' fees incurred in connection with Purchaser's collection efforts hereunder. If closing does not occur for any reason, then this License Agreement shall not take effect.

3. In consideration of One or More Dollars and No Cents (\$1.00), the receipt and sufficiency of which is hereby acknowledged, if exercised no later than January 30, 2026, Seller shall have an option and right of first refusal to lease as much of the Property occupied by Seller and its Representatives during the License Term as Seller may require following March 26, 2026. In case of such exercise, the lease term shall be for one (1) year, but Seller may request a shorter or longer term, which request Purchaser shall not unreasonably deny or condition. The terms and conditions of such lease shall be substantially the same as the terms and conditions of the lease from Seller to Purchaser prior to the Effective Date, and the amount of rent shall be based on current market rates. If the parties cannot agree on an amount of rent, then they shall hire (sharing the costs thereof equally) an appraiser to determine the fair market rent that shall apply. If the parties cannot agree upon an appraiser, they shall each hire their own appraisers at their own respective costs, and the appraisers so selected shall hire a third appraiser, whose fees shall be shared equally between the parties, to review each appraisal and arrive at a fair market rent, the amount so determined to be binding on the parties.

4. Seller will keep the Property in a clean and orderly condition during the License Term, and will surrender the Property at the termination of this Agreement in substantially the same condition as when Seller took occupancy of the Property. Upon the expiration or sooner termination of this Agreement, Seller shall surrender to Purchaser the licensed premises, together with all property affixed to the licensed premises, in good and broom clean condition. If, with the consent of Purchaser, Seller remains in possession of any part of the licensed premises after the expiration of the License Term, then Seller shall be a licensee from month-to-month at the Fee adjusted to fair market rental value and subject to all of the other applicable covenants, terms and conditions hereof.

5. During the License Term, each party will carry, and cause its Representatives to carry, commercial general liability insurance covering claims arising from it or its Representatives' use of the Property, with the other party as an additional insured, in an amount no less than \$2,000,000.00 per occurrence and \$5,000,000.00 aggregate. **SELLER ACCEPTS THE CONDITION OF THE PROPERTY "AS IS, WITH ALL FAULTS AND DEFECTS" AND RELEASES PURCHASER WITH RESPECT TO ANY CONDITION ON THE PROPERTY.** The parties acknowledge and agree that the foregoing is not intended to modify in any way the Purchase Agreement and that the terms and provisions of the Purchase Agreement are ratified and affirmed and remain in full force and effect.

6. Each party will indemnify, defend and hold the other party harmless from and against any and all liens, claims for personal injury or property damage, violations of environmental laws, causes of action and expenses (including reasonable attorney's fees), arising out of the indemnifying party's and its Representatives' use and occupancy of the Property during the License Term or otherwise.

7. Purchaser and Seller represent to each other that they have full power and authority to enter into this Agreement.

8. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement. Seller and Purchaser agree that the delivery of an executed copy of this Agreement by facsimile or by attachment to an e-mail shall be legal and binding on the transmitting party and shall have the same full force and effect as if an original executed copy of this Agreement had been delivered.

[Signature Page Follows]

This License and Use Agreement has been executed by the parties on the date(s) indicated below, effective as of the Effective Date.

“PURCHASER”

CHAMPLAIN BROADBAND, LLC
D/B/A BURLINGTON TELECOM

By: _____

Name: _____

Its: _____

Date: _____

“SELLER”

CITY OF BURLINGTON, VERMONT

By: _____

Name: _____

Its: _____

Date: _____

Board of Finance and City Council Submission Checklist

Department: CT & CEDO Submitter: Katherine Schad & Brian Pine

Title/Subject: Potential sale of 200 Church St.

	Approval:	Meeting Date:
☒	Board of Finance	4/29/2024
☒	City Council	5/6/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	4/22/2024	Katherine Schad & Brian Pine
Mayor's Office informed and approved memo	Yes	4/25/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	4/25/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	5/1/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	5/2/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Memo with motion
Contract Attached, if applicable?	Yes	Purchase Agreement and License Agreement
Additional Materials, if necessary	Yes	Cover memo and pro forma
Draft Resolution or Motion?	Yes	Motion in the memo
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



MEMORANDUM

To: Burlington Board of Finance
Burlington City Council

From: Darren Springer, General Manager
Emily Stebbins-Wheelock, CFO and Manager of Strategy and Innovation
James Gibbons, Director of Policy and Planning

Date: 4/22/2024

Subject: BED Heat Pump Bill Credit Program and Commercial Demand Response Program

Background

Burlington Electric Department ("BED") is seeking Burlington City Council ("Council") approval of a program to support residential and commercial customers in reducing peak demand from heat pumps and other electric heating technologies through the installation of approved control devices and measurement devices. The program has two components. The first, for which we seek approval at this time, includes a heat pump bill credit, discussed further below. The second, also discussed in greater detail below, will be brought before the Board of Finance and City Council at a later time and involves acceptance and use of competitive federal grant funds. BED is bringing the approval of the bill credit to you now because the credit will require PUC approval, and your authorization will allow BED to initiate the process of seeking that approval.

The goals of the proposed pilot program and the grant are two-fold –

1. To help reduce the cost of operating heat pumps so they are more cost-competitive with fossil fuel heating, and
2. To enable peak energy reduction capabilities for heat pumps and commercial sector electric heating systems that benefit all BED customers in terms of cost savings on capacity and/or transmissions expenses, while also reducing the future need for investment in infrastructure related to those new loads.

BED Test Program on Heat Pump Bill Credit

BED has tested potential devices for a heat pump bill credit program with 9 participating customers for a one-year period to get data on what type of peak reduction response we could expect and what the customers would experience under the program. When customers reduce peak energy

Burlington Electric Department
585 Pine Street Burlington, VT 05401
burlingtonelectric.com

Phone 802.658.0300

use, they help save all BED ratepayers on capacity and/or transmission charges, and if the savings is significant it can support a bill credit or end-use rate for participating customers and participating technologies. BED currently has an end-use rate for EV-charging when customers charge off-peak, but does not yet have a peak reduction program for heat pumps and electric heating technologies, which is why we are proposing this pilot program.

We tested using Sensibo devices for heat pump controls, and Emporia Vue for energy monitoring (we have not identified any single devices with both capabilities). We have determined that expected savings could justify a bill credit between \$4.42 per month per heat pump unit assuming very unsuccessful peak reduction impacts all the way up to \$7.46 assuming optimal peak reduction results. BED is proposing to start with a \$5 per month credit per building (not heat pump unit) while we gather more data through the pilot rate on how well the peak reduction efforts work. It is possible to raise the credit in the future, or, if the pilot is successful, our goal would be to convert the pilot into a per kWh heat pump rate (similar in a way to BED's end-use rate for EV charging) that would reflect different levels of electric heating consumption better than the flat credit will.

BED GRIP Grant

BED was successful in an application to the U.S. Department of Energy for a \$1.158 million GRIP grant to support both residential end-use peak reduction programs and commercial load control/thermal storage programs.¹ BED is currently working with the Department of Energy to negotiate a scope for this grant, but the grant will support provision of hardware, software, and devices to support controls and monitoring for heat pump and other electric heating devices for residential and commercial customers. BED will be bringing this grant award separately for Board of Finance and City Council acceptance when the agreement with the Department of Energy is finalized. Given the regulatory process required to get the pilot rate approved, BED is bringing forward the pilot rate program to the Board of Finance and City Council now, so that we can start the PUC process while we complete negotiations on the grant agreement with Department of Energy, in the hopes of launching this program by late summer 2024.

BED Pilot Program Terms

For the residential bill credit program we propose a pilot of 18 months, with a flat monthly \$5 bill credit per participant (regardless of how many heat pump units they have). BED, with support from the GRIP grant, will provide participating customers with Sensibo devices and Emporia VUE (installed in electric panel) to enable participation. BED will send peak day/hours signals to adjust the thermostat on heat pump during monthly/annual peak events, with a goal of generating reduction of usage and garnering larger data set on which to base future program design. Participating residents can override peak reduction signals if they need to. The purpose of the pilot will be to learn more about customer participation and engagement in peak reduction events, and to test the technologies needed on a broader scale. The Goal will be to convert the pilot rate to a per kWh bill credit tariff, similar to EV rate in certain ways, at end of 18 months assuming it is merited and assuming technology systems are in place to support kWh program.

¹ See <https://www.energy.gov/articles/biden-harris-administration-announces-35-billion-largest-ever-investment-americas-electric>

BED also proposes filing a commercial demand response to be part of the pilot program authorization. The Commercial bill credit or rate number may vary from the residential proposal given the different scale of energy use at the commercial level.

The Pilot Rate, if approved by the City Council, will be filed with the PUC at the time when BED begins, under the grant, to deploy the devices in homes and businesses. This will be so that the 18 month pilot period (which is the greatest term allowed under a pilot rate program in Vermont) will provide the maximum possible data before a decision on converting it to a permanent tariff is required.

Conclusion

The Burlington Electric Commission approved proceeding with the pilot program outlined here at its meeting on 4/10/2024, and recommended it for approval to the City Council. BED staff will be present at the Board of Finance on 4/29 and City Council 5/6 meetings to answer any questions Councilors may have on the programs. Thank you.

Motions

The Board of Finance recommends that the City Council approve the General Manager of Burlington Electric Department, or his designee, to file with the Vermont Public Utility Commission a pilot rate to provide a monthly bill credit and/or a pilot rate to customers installing BED approved measurement and control devices on electric heating systems.

The City Council approves the General Manager of Burlington Electric Department, or his designee, to file with the Vermont Public Utility Commission a pilot rate to provide a monthly bill credit and/or a pilot rate to customers installing BED approved measurement and control devices on electric heating systems.

Board of Finance and City Council Submission ChecklistDepartment: BED Submitter: Darren SpringerTitle/Subject: Heat Pump Bill Credit and Commercial Demand Response Pilot

	Approval:	Meeting Date:
☒	Board of Finance	4/29/2024
☒	City Council	5/6/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	4/22/2024	Darren Springer
Mayor's Office informed and approved memo	Yes	4/23/2024	Erin Jacobsen
Board/Commission, if required	Yes	4/10/2024	Commission voted to approve unanimously
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	4/23/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	4/24/2024	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Memo
Contract Attached, if applicable?	N/A	
Additional Materials, if necessary	Choose an item.	
Draft Resolution or Motion?	Yes	Motions in Memo
If for submission to Council, are sponsors identified?	Yes	Board of Finance



ADMINISTRATIVE OFFICE

19 Gregory Drive, Suite 204
South Burlington, VT 05403

EMAIL info@cswd.net

TEL (802) 872-8100

www.cswd.net

April 22, 2024

Ben Traverse, City Council President
City of Burlington
City Hall - 149 Church Street
Burlington, VT 05401

Dear Ben:

Attached please find copies of the Chittenden Solid Waste District Proposed FY 25 Budget. **CSWD is scheduled to meet with the City of Burlington on Monday, May 6, 2024, at 7:45 p.m., or later.** Please forward the attached copies to your City Council for their review.

The Board of Commissioners approved sending the Proposed FY 25 Budget to Member towns for their approval on Wednesday, March 27, 2024. Below is Section 4. (b) of the Chittenden Solid Waste District Charter.

Within 45 days of the approval of the budget by the Board of Commissioners, the legislative body of each member municipality shall act to approve or disapprove the budget.

The budget shall be approved if approved by the legislative bodies of a majority of the member municipalities. (For such purposes, each member municipality shall be entitled to one vote.) A legislative body that disapproves the budget must file with the Board of Commissioners a written statement of objections to the budget identifying those specific items to be changed, and failure to file such statement of objections within the forty-five (45) day period shall constitute approval by such municipality. A legislative body that fails to act to approve or disapprove the budget within the forty-five (45) day period shall likewise be deemed to have approved the budget.

As stated above, each member municipality may choose to approve or disapprove the budget prior to May 12, 2024. Please feel free to contact me should you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink that reads 'Amy Jewell'.

Amy Jewell
Director, Administration

Cc: Lee Perry– Rep., Vacant-Alt.

March 19, 2024

FISCAL YEAR 2025 BUDGET

Dear Board of Commissioners and Citizens of Chittenden County,

I present to you Chittenden Solid Waste District's Fiscal Year 2025 Budget proposal. It provides necessary funding for facilities, operations, public programs, and capital programs to meet the Board's strategic goals over the coming year. It also lays the foundation to continue to advance those goals towards the future. The financial condition of CSWD continues to be sound and **I do not see a need for any municipal assessments or per capita fees**. We continue to be self-sufficient, relying on revenue from facility user fees, material sales, and the Solid Waste Management Fee – the per ton fee charged to haulers when disposing Chittenden County trash at the landfill to cover the costs of the services we provide. This budget requires a small draw from reserves to cover anticipated expenses, and I am recommending increasing the Solid Waste Management Fee to help fund the Closed Landfill Reserve.

Managing Increasing Costs Across Programs

Costs continue to increase in key areas, specifically health benefits, hauling services, fuel costs, waste disposal fees we pay at the transfer station, and processing fees we pay our MRF operator. The cost-of-living adjustment provided in July 2023 (7%) corrected the previous year's "behind the curve" COLA and brought CSWD employees in line with adjustments seen across various sectors. This budget proposes a 2.81% COLA for July 1, based on the 2023 twelve-month annual average percent change. We monitor the US Bureau of Labor Statistics' consumer price index for the Northeast (Urban B/C class) and use this as the foundation for COLA recommendations. We are proposing an additional four positions, bringing our staffing to 56.80 Full Time Equivalents. The increased staffing and the annual increases across the board in each benefit sector is resulting in a Wages and Benefits increase of 13.3%.

To mitigate the costs associated with healthcare benefits, in 2023 CSWD moved to a lower-priced plan and increased the employee contribution to healthcare premiums. Employees contribute 3.5% of their salary/wages towards the costs of providing healthcare benefits, up from a previous contribution of 3.25% of salary/wages. These two changes decreased the impacts to the District, and the resulting overall increase to employee Total Compensation per Full-Time Equivalent over FY24 is 5%.

MATERIALS RECOVERY FACILITY:

MRF processing costs are increasing in FY 2025 per the operating contract with MRF operator, Casella Waste Systems. CSWD pays Casella a per-ton fee to operate the MRF and to market the sorted materials. The processing fee increased by 55%, from \$45/ton to \$70/ton as of March 1, 2023. Per the contract, the operating fee increased on January 1 to \$72.80/ton and will increase again on January 1, 2025. **To remain self-supporting, we are raising the MRF tip fee from \$85/ton to \$90/ton as of July 1.** This tip fee is closer to the regional market rate as fees in the region range between \$90-\$110/ton as of the date of this memo.

MRF commodity revenue for Q1 and Q2 of FY 2024 remained in the depressed state seen in FY2023, hovering around \$55/ton, only picking up in December. The forecast for the remainder of FY 2024 and for Q1 FY 2025 is for an average commodity revenue rate around \$100/ton, blended across all commodities sorted at the MRF. The demand remains suppressed for plastics heading into FY 2025, however demand is beginning to increase and stabilize for fiber products. This budget assumes a conservative average commodity revenue of \$75/ton, which I expect we will surpass.

Modern Facility

In November 2022 Chittenden County voters voiced overwhelming support for the construction of a new Materials Recovery Facility on Redmond Road in Williston. The vote authorized a bond amount of \$22,000,000. We are designing a state-of-the-art facility, complete with high-tech sorting equipment and an education center. In Q4 FY 2024, we will be selecting a construction firm and aim to break ground in Q1 of FY 2025.

ORGANICS RECYCLING FACILITY:

FY 2025 will see a renewed focus on identifying sources of contamination in the food scraps and implementing a new Contamination Policy (pending Board approval) which will lead to greater quality control and customer education opportunities. CSWD has invested in equipment and people to manage the contaminants once onsite, but the goal is to incentivize cleaner inbound streams of material. The combination of equipment, people, and policy is reflected by a budgeted 58% decrease in Materials Management costs (transportation and disposal fees). The ORF Team has been working with haulers and the CSWD Outreach Team to inform and educate food scrap generators of the effects of contamination on the process and to alert them to the upcoming policy.

We are mindful of the Board's desire that the ORF be self-supporting and are also mindful that food scrap collection is an additional burden of cost to generators. In this budget, we are striving to balance those two potentially competing factors. **Organics Recycling Facility tip fees are remaining at \$70/ton for FY 2025.** This budget shows a decrease in budgeted inbound food scraps to 4,527 tons. ORF staff are actively seeking additional high-quality tons to help improve tip fee revenue, projected to be down 4.5% from the FY 2024 budget. Budgeted sales revenue is up 18% due to increasing wholesale pricing, but even with the increase in product sales we are projecting needing to draw from the Operating Reserve to bring the ORF to -0-. *Additional clean inbound food scraps are vital to reducing the draw.*

DROP OFF CENTERS:

In Q3 FY 2024 we adjusted pricing for construction and demolition debris to match the bag price increases that took effect July 1, 2023. **We are not raising prices for bagged trash in FY 2025.** A small bag is priced at \$3.00, a medium bag is \$8.00, and a large bag is \$11.00. New in FY 2024 is an extra-large bag priced at \$15.00. An extra-large bag holds 46-65 gallons. This pricing brings us closer to covering the costs of managing recycling and food scraps as part of the price of a bag of trash (although the smallest bag still doesn't cover those costs) and will allow the DOCs to generate a small amount of revenue in excess of expenses to contribute to the Operating Reserve. The biggest factor to bringing the DOCs firmly "in the black" was removing the allocation for Maintenance and Roll-Off

services as a program expense and considering that expense an internal District service supported by the Operating Reserve. This is the same approach taken with general Administrative, Outreach & Communications, Compliance, and Finance services, which are all completely supported by the Solid Waste Management Fee Reserve.

Friendly Neighborhood DOC

Our six DOCs serve 28% of Chittenden County as a primary source of waste disposal, recycling, and management of special materials not accepted elsewhere. More than 75% of Chittenden County residents use the DOCs each year, such as for electronics recycling, bulky waste disposal, or leaf and yard waste drop off. We recognize that we perform a vital function in the community, and the mission is to do so safely, efficiently, economically, and in an environmentally responsible manner.

Even though the DOCs are District facilities, they are very much viewed as “local.” This capital budget includes long-awaited improvements to the DOC in Milton as well as redesigning the DOC in Burlington. The remaining DOCs will receive updates in successive out-years.

In FY 2024 we changed the DOC schedule for most sites (except Hinesburg and Burlington) to a Tuesday – Saturday schedule, 8:00am 3:30pm. This schedule added service days to Milton and provided two-days off in a row for our hard-working DOC Team. The five-day schedule created efficiencies for our Maintenance Team when performing repairs and making improvements at the DOCs while they are closed to the public. The additional service days coupled with the FY 2024 price increases are reflected in the 32% increase in FY 2025 revenue compared to FY 2023 Actuals. When the DOC in Burlington resumes accepting trash (Q1 FY 2025), it will adopt the five-day schedule.

SOLID WASTE MANAGEMENT FEE:

This is the fee charged to haulers when they dispose trash in the landfill in Coventry. The fee has not risen in eleven years, despite dramatic increases in District expenses. **I am recommending that the Solid Waste Management Fee increase from \$27.00 per ton of trash disposed to \$30.00 per ton.** The increase is needed at this time in part to help further fund the Closed Landfill Reserve. We are in Year 28 of the 30-Year landfill post-closure plan, and there are not sufficient funds remaining in the reserve to perform the work needed to move the landfill to its final stage, Custodial Care. The landfill continues to produce leachate in excess of what is expected of a landfill this far into post-closure. We are actively investigating the cause or causes. A further complicating factor, and one that may be extremely costly, is the yet to be announced PFAS treatment requirements for landfill leachate. The EPA and VTANR will be changing environmental rules within the next 12-18 months regarding PFAS, and the expectation is that landfill managers will be required to at minimum treat, but possibly destroy, any PFAS detected in the landfill leachate. There is no way to estimate the cost of the requirement until the extent of expected treatment is known, however, the balance in the Closed Landfill Reserve fund is most certainly inadequate to the task.

The FY 2025 budget reflects the SWMF increase, however the increase must be approved by the Board as an official change to CSWD’s local Ordinance. The Ordinance change process is separate from the budget process, with its own warnings, public processes, and approvals.

As the economy continues its recovery towards a “soft landing” (as it is being forecast to do through 2024-25) waste reduction education will be even more important. Our team of solid waste professionals is dedicated to ensuring our members’ solid waste is managed in an environmentally sound, efficient, effective, and economical manner. I continue to work with our team positioning CSWD to make sure we remain a stable and predictable service provider to the citizens of Chittenden County.

Sincerely,



Sarah Reeves, Executive Director

FY 2025 BUDGET PROPOSAL



Chittenden Solid Waste District

**19 GREGORY DRIVE, SUITE 204
SOUTH BURLINGTON, VT 05403
802-872-8100**

[Home - CSWD](#)



Printed on recycled paper

CHITTENDEN SOLID WASTE DISTRICT FY 2025 BUDGET PROPOSAL

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- J. Capital Plan
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- L. Budget Reserve Summary
- M. Schedule of Program Tipping Fees
- N. Organizational Chart

Individual Program Budgets with Details and Comparisons to previous years are available on line at <https://cswd.net/about-cswd/financial-information/>

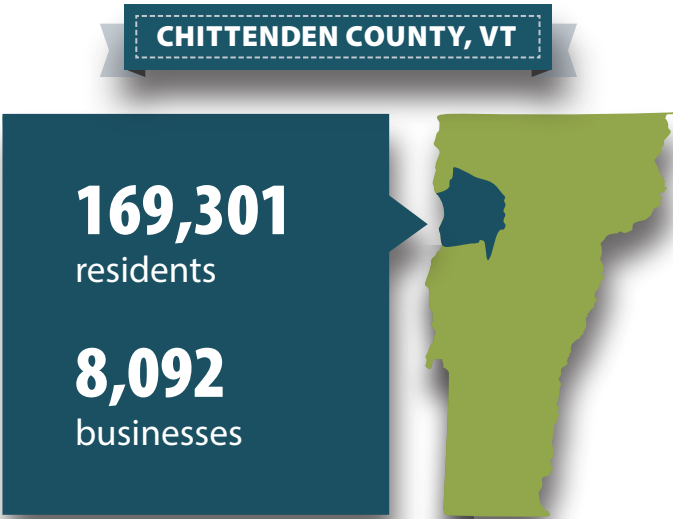
who we are

OUR MISSION

The Chittenden Solid Waste District’s mission is to reduce and manage the solid waste generated within Chittenden County in an environmentally sound, efficient, effective and economical manner.

OUR VISION

Products are designed to be reused or recycled and our community fully participates in minimizing disposal and maximizing reuse and recycling.



2022 data. Sources: U.S. Census and VT Dept. of Labor

We are a municipal district created in 1987 to oversee and manage solid waste in Chittenden County.

CSWD serves about a quarter of the population of Vermont (169,301 residents and 8,092 businesses)* with facilities, programs, and expertise developed over our 34-year history.

**2022 data. Sources: U.S. Census and VT Dept. Of Labor*

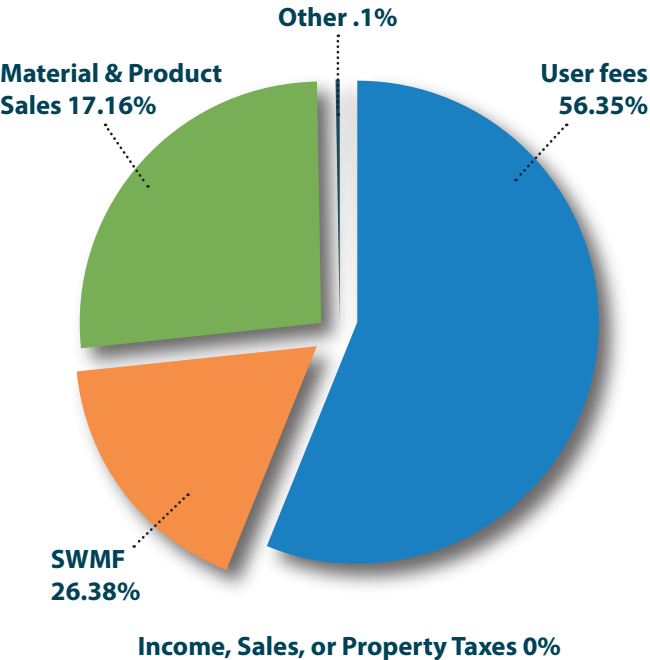
HOW WE’RE FUNDED

Our revenue comes from three primary sources:

- **User fees** on incoming material at our facilities;
- **The Solid Waste Management Fee (SWMF)**, a per-ton fee on material sent to the landfill;
- **Material and product sales** from material we collect and process at our facilities and sell;
- A small, variable percentage of our funding comes from **State grants for hazardous waste and other materials management**.

We are not funded by Income, Sales, or Property tax dollars.

FY23 REVENUE \$13.2M (unaudited)



what we do

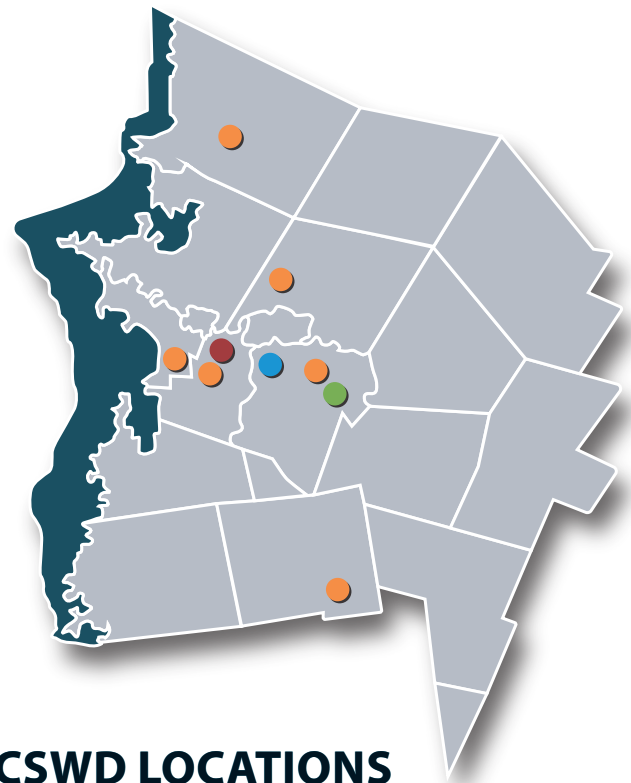
REDUCE WASTE

- › **Educate residents, businesses, schools, and event leaders** on waste prevention and diversion
- › **Promote community reuse options**
- › **Process leftover paint** from residents and businesses into Local Color Paint
- › **Maintain and enforce our Ordinance**, which includes waste prevention and diversion requirements
- › **Help our members** comply with federal and state solid waste laws
- › **Provide facilities and tools** to help members prevent waste and maximize diversion from the landfill to recycling, composting, and other resource recovery
- › **Advocate for state-wide policies** that will reduce waste

MANAGE MATERIALS

Our facilities:

- › **The only municipally owned Materials Recycling Facility** (blue-bin recyclables sorting center) in Vermont
- › **Six regional Drop-Off Centers** for household trash, recycling, organics, and special materials
- › **A comprehensive hazardous waste program for households and small businesses** that includes a permanent year-round collection facility *and* a seasonal mobile collection unit
- › **The state's largest Organics Diversion Facility** (home of Green Mountain Compost) turning food scraps and yard trimmings into compost and soil blends supporting local soils



CSWD LOCATIONS

- **Drop-Off Centers**
- **Environmental Depot**
- **Materials Recycling Facility**
- **Organics Recycling Facility** (Green Mountain Compost)

SUPPORT OUR MEMBERS

- › **Technical expertise and support** for waste-related RFPs and studies
- › **Grant funding**
 - › Community Cleanup Fund for all member towns
 - › Waste Reduction Container and Project Grants
- › **Brokering and investigation** of beneficial use options for biosolids
- › **Green Up Vermont donation** on behalf of all member towns;
- › **Outreach and education**

how we're doing

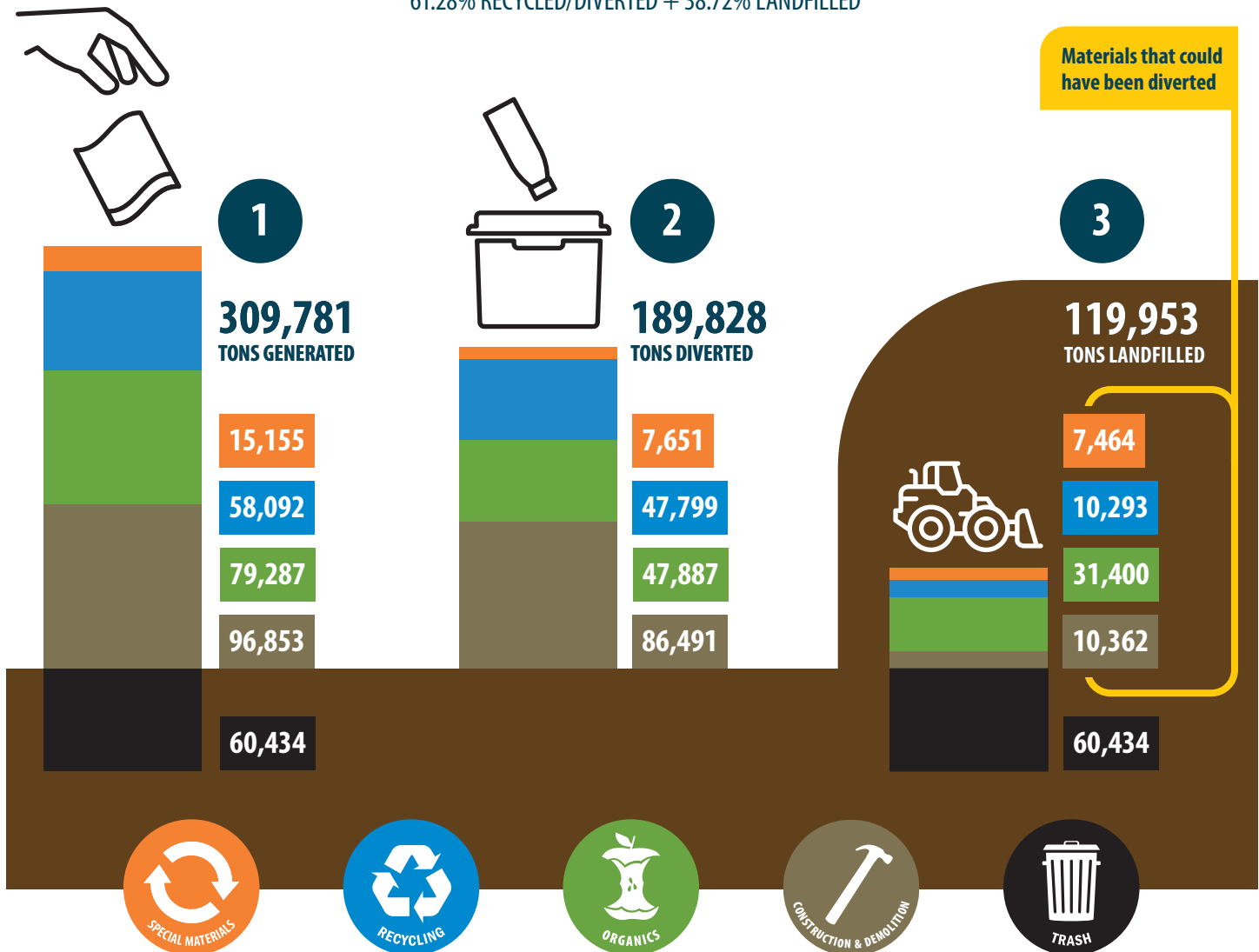
This graphic shows three key measurements of all the materials that individuals and businesses in Chittenden County, VT generated in 2022:

1. An estimate of how much "stuff" we all generated and needed to manage as solid waste in 2022.
2. Which stream all that stuff went to via recycling or composting.
3. How much recoverable material our community chose to send to the landfill instead of keeping it out of the trash by using a currently available program or facility.

Full details are available in the 2022 CSWD Diversion Report.

100% MATERIALS GENERATED (309,781 tons)

61.28% RECYCLED/DIVERTED + 38.72% LANDFILLED



To: Board of Commissioners
From: Sarah Reeves, Executive Director
Nola Ricci, Director of Finance
Date: March 20, 2024
RE: Fiscal Year 2025 Budget Proposal

OVERVIEW

Fiscal Year 2025 brings many important changes to the future of CSWD. We will be breaking ground on the new Materials Recycling Facility, reconfiguring the CSWD Drop Off Center at Burlington, and redesigning the CSWD Drop Off Center at Milton.

The proposed budget for Fiscal Year 2025 remains conservative and acknowledges some of the increases we've experienced, and those we anticipate, as costs rise. FY24 was the first full fiscal year at the leased Administration building, and administrative staff has adjusted the FY25 budget includes costs associated with the use of the building.

At the outset of FY25 we are budgeting to end the year in a deficit, requiring a modest draw from reserves. Because several budget projections are very conservative, we don't believe that we will need to tap reserves to bring the year to Zero, however we do feel it is prudent to establish the expectation that we may, should the conservative path prove correct.

CSWD SOURCES OF REVENUE

CSWD's revenue has three main components: Solid Waste Management Fees (SWMF), User Fees (tip fees), and Material Sales. The remaining revenue comes from rental income, license fees, bin sales, grants, and Extended Producer Responsibility program reimbursements. **CSWD receives no municipal payments (assessments, per capita fees, tax payments, etc.) from our member communities.**

- Solid Waste Management Fees: Fees charged on each ton destined for disposal and which originated in Chittenden County. Four material types make up the tons subject to the SWMF—municipal solid waste, construction & demolition debris (C&D), construction & demolition debris fines, and material eligible to be used as alternate daily landfill cover (ADC). C&D fines and ADC are charged 25% of the SWMF. **In FY25, SWMF are 24% of the revenue budget.**
- Tipping/User Fees: Fees charged for material disposal at Drop-Off Centers (DOCs), the Materials Recovery Facility (MRF), the Organics Diversion Facility (ODF), and the Environmental Depot. **In FY25, Tip/User Fees are 57% of the revenue budget.**
- Material Sales: Revenue generated from the sale of products we make—compost products, Local Color paint, baled recyclables—or products we purchase on behalf of the public and then resell, like compost bins. **In FY25, Materials Sales are 16% of the revenue budget.**

REVENUE SNAPSHOT

Revenue (in thousands)	FY23 Actual	FY24 Budget	FY25 Budget	Change from FY24 Budget	Change from FY22 Actual	% of Overall Revenue
Tip Fees	7,426	8,937	9,072	1.5%	22.2%	56.8
Material Sales	2,262	2,629	2,612	-0.6%	15.5%	16.4
SWMF	3,476	3,336	3,781	13.3%	8.8%	23.7
All Other	534	500	498	-0.4%	-6.7%	3.1
TOTAL	13,698	15,402	15,963	3.6%	16.5%	100%
Cost of Goods Sold	201	122	163	33.6%	-18.9%	
Gross Profit	13,497	15,280	15,800	3.4%	17.1%	

Tip Fees, User Fees, and Material Sales Assumptions:

- Materials Recycling Facility processing costs are increasing in FY 2025 per the operating contract with MRF operator, Casella Waste Systems. CSWD pays Casella a per-ton fee to operate the MRF and to market the sorted materials. On March 1, 2023, the processing fee increased by 55%, from \$45/ton to \$70/ton. Per the contract, the operating fee increased again on January 1 to \$72.80/ton and will increase again on January 1, 2025. **To remain self-supporting, we are raising the MRF tip fee from \$85/ton to \$90/ton as of July 1.** This tip fee is closer to the regional market rate, as fees in the region range between \$90-\$110/ton as of the date of this memo.
 - MRF commodity revenue for Q1 and Q2 of FY24 remained in the depressed state seen in FY23, hovering around \$55/ton, only picking up in December. The forecast for the remainder of FY24 and for Q1 FY25 is for an average commodity revenue rate around \$100/ton, blended across all commodities sorted at the MRF. The demand remains suppressed for plastics heading into FY 2025, however demand is beginning to increase and stabilize for fiber products. This budget assumes a conservative average commodity revenue of \$75/ton, which I expect we will surpass. We are assuming 47,500 tons of inbound recycling, and marketing 38,000 of those tons.
 - In November 2022 Chittenden County voters voiced overwhelming support for the construction of a new Materials Recovery Facility on Redmond Road in Williston. The vote authorized a bond amount of \$22,000,000. We are designing a state-of-the-art facility, complete with high-tech sorting equipment and an education center. In Q4 FY24, we will be selecting a construction firm and aim to break ground in Q1 of FY25.
- Organics Recycling Facility will renew focus on identifying sources of contamination inbound food scraps and implementing a new Contamination Policy (pending Board approval) which will lead to greater quality control, reduced materials management costs, and improved customer

education opportunities. CSWD has invested in equipment and people to manage the contaminants once onsite, but the goal is to incentivize cleaner inbound streams of material. The combination of equipment, people, and policy is reflected by a budgeted **58% decrease in Materials Management costs** (transportation and disposal fees). The ORF Team has been working with haulers and the CSWD Outreach Team to inform and educate food scrap generators of the effects of contamination on the process and to alert them to the upcoming policy.

- We are mindful of the Board's desire that the ORF be self-supporting and are also mindful that food scrap collection is an additional burden of cost to generators. In this budget, we are striving to balance these two potentially competing factors and therefore **Organics Recycling Facility tip fees are remaining at \$70/ton for FY 2025**. ORF staff are actively seeking additional high-quality tons to help improve tip fee revenue, projected to be down 4.5% from the FY 2024 budget; This budget shows a **decrease in budgeted inbound food scraps to 4,527 tons. Budgeted sales revenue is up 18%** due to increasing wholesale pricing, but even with the increase in product sales we are projecting needing to draw from the Operating Reserve to bring the ORF to -0-. *Additional clean inbound food scraps are vital to reducing the draw.*
- Drop Off Centers **We are not raising prices for bagged trash in FY 2025.** A small bag is priced at \$3.00, a medium bag is \$8.00, and a large bag is \$11.00. New in FY24 is an extra-large bag (holding 46-65 gallons) is priced at \$15.00. Also in FY24 we adjusted pricing for construction and demolition debris to match the bag price increases that took effect July 1, 2023. This pricing brings us closer to covering the costs of managing recycling and food scraps as part of the price of a bag of trash (although the smallest bag still doesn't cover those costs) and will generate an estimated **\$187,500 of revenue in excess of expenses to contribute to reserves**. The biggest factor bringing the DOCs firmly "in the black" was removing the allocation for Maintenance and Roll-Off services as a program expense and considering that expense an internal District service supported by the Operating Reserve. This is the same approach taken with general Administrative, Outreach & Communications, Compliance, and Finance services, which are all completely supported by the Solid Waste Management Fee Reserve. DOCs continue to manage materials that do not have adequate (or any) revenue associated with them, meaning CSWD is subsidizing the collection and management of certain materials such as universal waste, some electronics, and leaf and yard debris.

Solid Waste Management Fee:

Solid Waste Management Fees (the fees charged to haulers when they dispose trash at the landfill in Coventry) revenue is projected to be 13.3% higher than FY24 budget. We are budgeting a slight uptick in solid waste generation and an **increase to the solid waste management fee, from \$27/ton to \$30/ton**. The fee was last increased in FY13 and would require an ordinance amendment to make the change. We used the Solid Waste Disposal and Diversion Trends Model developed for CSWD by SERA, Inc to generate our projections for FY25. Supporting the model's output, the state's Joint Fiscal Office is

projecting slow growth in FY25, demonstrated by increasing consumer confidence and anticipated lower interest rates mid-year. This is the fee charged to haulers when they dispose trash in the landfill in Coventry. The fee has not risen in eleven years, despite dramatic increases in District expenses.

The increase is needed at this time in part to help further fund the Closed Landfill Reserve. We are in Year 28 of the 30-Year landfill post-closure plan, and there are not sufficient funds remaining in the reserve to perform the work needed to move the landfill to its final stage, Custodial Care. The landfill continues to produce leachate in excess of what is expected of a landfill this far into post-closure, and we are actively investigating the cause or causes. A further complicating factor, and one that may be extremely costly, is the soon to be announced PFAS treatment requirements for landfill leachate. The EPA and VTANR will be changing environmental rules within the next 12 months regarding PFAS and PFOA, and the expectation is that landfill managers will be required to at minimum treat, but possibly destroy, any PFAS detected in the landfill leachate. There is no way to estimate the cost of the requirement until the extent of expected treatment is known, however, the balance in the Closed Landfill Reserve fund is most certainly inadequate to the task.

The FY 2025 budget reflects the SWMF increase, however the *increase must be approved by the Board as an official change to CSWD's local Ordinance*. The Ordinance change process is separate from the budget process.

EXPENSES SNAPSHOT

	Actual	Budget	Forecast	Change from FY24 to FY25	
	FY23	FY24	FY25	\$	%
Expenses					
Salaries & Wages	3,236,495	3,752,336	4,200,898	448,562	12.0%
Benefits	1,374,524	1,630,639	1,897,751	267,113	16.4%
Payroll Expenses	4,611,018	5,382,975	6,098,649	715,675	13.3%
Travel & Training	47,516	118,175	127,432	9,257	7.8%
Administrative Costs	79,244	182,885	152,753	(30,131)	-16.5%
Professional Fees	201,044	280,690	345,691	65,001	23.2%
Equipment & Fleet	630,966	772,074	1,284,628	512,554	66.4%
Supplies	105,636	133,644	131,813	(1,831)	-1.4%
Materials Management	5,959,886	6,691,366	6,998,897	307,530	4.6%
Property Management	548,396	597,111	686,715	89,605	15.0%
Promotion & Education	137,728	142,178	150,317	8,139	5.7%
Community Support	32,346	100,950	106,400	5,450	5.4%
Total Expense	12,353,781	14,402,047	16,083,295	1,681,248	11.7%

Key Points:

- The cost-of-living adjustment provided in July 2023 (7%) corrected the previous year’s “behind the curve” COLA and brought CSWD employees in line with adjustments seen across various sectors. This budget proposes a 2.81% COLA for July 1, based on the US Bureau of Labor Statistics’ consumer price index for the Northeast (Urban B/C class) 2023 twelve-month annual average percent change. For FY25 we are proposing an additional four positions, bringing our staffing to 56.80 Full Time Equivalents. The increased staffing and the annual increases across the board in each benefit sector is resulting in a Wages and Benefits increase of 13.3%.
 - To mitigate increases associated with healthcare benefits, in 2023 CSWD moved to a lower-priced plan and increased employees’ contribution to healthcare premiums. Employees contribute 3.5% of their salary/wages towards the costs of providing healthcare benefits, up from a previous contribution of 3.25% of salary/wages. These two changes decreased the impacts to the District, with the resulting overall increase to employee Total Compensation per Full-Time Equivalent over FY24 at 5%.

	FY24	FY25	% Difference
Payroll Expense	5,382,975	6,098,649	
Full Time Employee	52.66	56.80	
Expense per Employee	102,221	107,371	5.0%

- In FY25, we will move the Maintenance and Roll Off department under the Operating Programs as an expense unto itself and funded this year out of the Operating Reserve. Maintenance and Roll Off was once allocated to various programs based on assumptions of time used, however we found the allocations were not yielding an accurate view of the full scope of services provided. The allocations hit the DOCs with significant expenses (88% of the M&R/O budget was allocated to DOCs) and the DOC revenue could not keep pace with the expense without significant subsidy.
 - Historically, the M&R/O program has not been a revenue-generating program but in FY25 we will be actively engaging in a pilot program to determine if there is a possibility of a new revenue stream.
- Equipment and Fleet expenses are significantly higher at 66% above FY24 budget because more purchases that previously were part of the Capital Budget are now part of the Operations Budget. We’re fine-tuning our approach to Capital Expenditures (CapEx) and Operating Expenses (OpEx), and specifically our approach to asset depreciation. CapEx are those purchases that have long-term benefits and can be depreciated over time. OpEx are purchases that are consumed (used) over a short time period or are used regularly for day-to-day business. Some OpEx purchases are depreciated as well, but they are depreciated over a very short time period and will appear in budgets as an operational expense.

- Prior to FY25, CSWD used the capital budget to purchase all operations-related equipment over a cost of \$7,500. Two years ago we increased the capital purchase threshold to \$25,000 and moved smaller purchases to operating budgets. This year, we're also using depreciation as a factor to determine which items should be purchased with capital dollars versus operating dollars.
- Travel and Training is budgeted slightly higher compared to FY24 (7.8%), however we continue to struggle to fully utilize this line item. Scheduling coverage for key personnel is an ongoing challenge, and our ranks are thin in several operational positions. I continue to stress to all CSWD staff that I strongly support continuing professional development and skill building, and we will review our approach to trainings in FY25 to try to better understand how to be more successful in this area.
- Administrative costs are down 16.5%, reflecting (among other things) budgeting based on known actuals at our leased space in South Burlington.
- Materials Management is up only modestly (4.6%) for the first time in several years, reflecting a modicum of pricing stabilization across key inputs, such as diesel fuel costs. Materials Management is how we refer to hauling services we use to move materials we produce (compost, recyclables) to market, and move materials we collect (MSW from Drop-Off Centers, trash we generate, etc.) to disposal.

RESERVE FUNDS

Please see the FY25 Reserve Funds memo included in the budget packet for details on the reserve balances.

In FY22, the District revised the Reserve Fund Guideline and structure. The new structure establishes a priority funding mechanism, minimum and maximum balances, and proposes to restrict certain funds (Closed Landfill, Facility Closure, and Biosolids). As each priority reserve reaches its maximum, remaining excess revenue flows ("waterfalls") to the next priority reserve fund in order, as illustrated below:

Reserve Type	Reserve Name	Minimum Carry Value	Maximum Carry Value
Restricted	Biosolids Reserve	Current depreciation of Biosolids Trailers, as contracted	\$650,000 or cost of replacing Biosolids trailers
Restricted	Landfill Post Closure Reserve	Original cost of calculated closure less operating reduction	Original cost of calculated closure
Temporarily Restricted	Material Recycling Facility Reserve	10% of total Bond	10% of total Bond

Reserves Subject to Funding Priority Waterfall			
Assigned	Solids Waste Management Reserve (General Fund)	3 months of budgeted administrative expenses	6 months of budgeted administrative expenses, or highest past calculated cost
Assigned	Operating Reserve	3 months of budgeted operating expenses	6 months of budgeted operating expenses, or highest past calculated cost
Assigned	Capital Reserve	Current value of fully depreciated assets	Current value of total asset depreciation
Unrestricted, Unassigned	Undesignated Fund	5% of budgeted revenue	10% of budgeted revenue

Reserves Using a Set Calculation			
Reserve Type	Reserve Name	Minimum Carry Value	Maximum Carry Value
Assigned	Facilities Decommission Reserve	Calculated cost of facilities decommissions	Highest past calculated cost of facilities decommissions
Restricted	Facilities Solid Waste Termination Reserve	Calculated cost of facility solid waste termination	Highest past calculated cost of facility solid waste termination
Assigned	Community Clean Up Fund	Current balance due to communities	Maximum carry over allowed to communities

RESTRICTED FUNDS

The Biosolids, Closed Landfill, and Facilities Closure reserve funds are considered Restricted Funds as a best practice. The Materials Recycling Facility Reserve is required by the Vermont Municipal Bond Bank as part of the bonding agreement. Restricting these reserves means that the funds attributed to these programs may be used only for the expenses of these programs. Excess funds, after their restricted use, may be redistributed as deemed appropriate by management or, in the case of the Biosolids Reserve, returned to the member cities/towns that contribute specifically to that reserve. Interest revenue resulting from the investment of monies from these funds are returned to these funds.

ASSIGNED FUNDS

The remaining reserve funds (except the Undesignated Reserve) are assigned but not restricted. This means that those funds have a specific intended use but are available to be reassigned to other reserves if needed. These funds are organized in priority order and are filled with revenue in excess of expenses at the end of the fiscal year. When the first priority fund is full, the remaining excess revenue is assigned (flows as a waterfall) to the next priority fund. Four reserves make up the “waterfall”

reserves: Solid Waste Management Fee, Operating, Capital, and Undesignated reserves, in that order. When the Undesignated Reserve maximum is met, any remaining excess revenue will be assigned to the Capital Reserve. The Facilities Decommission and Facilities Solid Waste Termination Reserves were seeded with excess solid waste management fee revenue. The Community Clean Up Fund is also funded with solid waste management fees and is capped at \$95,000.

BOTTOM LINE

Each year we need to “get to zero.” In FY25, we are projecting a deficit of \$287,837, which if realized would require a draw from reserves. We are budgeting conservatively in several areas, such as Sale of Materials, healthcare utilization, and tipping fee revenue from the DOCs and ORF. Should actuals perform better than the budget, the need for a reserve transfer will be reduced or eliminated.

Revenue	\$15,957,869	
Cost of Goods Sold	\$162,411	
Gross Profit		\$15,795,458
Expenses		<i>\$16,083,295</i>
Income from Operations		(\$287,837)
Transfer from (to) Closed Landfill Reserve	\$39,125	
Transfer from (to) SWMF Reserve	(\$381,701)	
Transfer from (to) Biosolids Reserve	(\$47,000)	
Transfer from (to) Operating Reserve	\$582,413	
Transfer from (to) Capital Reserve	\$0	
Transfer from (to) Community Clean Up Reserve	\$95,000	
Facility Closure Reserve	\$0	
Net		-

Chittenden Solid Waste District
FY25 Proposed Budget
Summary

	Actual FY23	Budget FY24	Forecast FY25	Change from FY24 to FY25	
				\$	%
Income					
Tipping Fees	\$ 5,978,341	\$ 7,470,630	\$ 7,574,853	\$ 104,223	1.4%
Hazardous Waste	97,010	62,000	92,500	30,500	49.2%
Biosolids	1,350,510	1,404,358	1,405,000	642	0.0%
Solid Waste Management	3,476,118	3,335,702	3,780,540	444,838	13.3%
Sale of Materials	2,261,553	2,628,603	2,612,482	(16,121)	-0.6%
License Fees, Fines & Penalties	15,423	14,000	14,000	-	0.0%
Rental Income	73,500	75,000	12,000	(63,000)	-84.0%
Product Stewardship & Reimbursements	171,502	169,000	167,500	(1,500)	-0.9%
Interest & Dividends	172,202	61,000	182,000	121,000	198.4%
Charges for Services & Miscellaneous Income	187	75,000	10,524	(64,476)	-86.0%
Grant Revenue	106,850	106,470	106,470	-	0.0%
Equipment Sale/Trade	(5,437)	-	-	-	0.0%
Total Income	13,697,758	15,401,763	15,957,869	556,106	3.6%
Cost of Goods Sold					
Bins & Containers	1,117	-	-	-	0.0%
Paint	(3,855)	19,000	19,000	-	0.0%
Organics	203,145	102,405	143,411	41,006	40.0%
Total Cost of Goods Sold	200,407	121,405	162,411	41,006	33.8%
Gross Profit	13,497,351	15,280,358	15,795,458	515,099	3.4%

Chittenden Solid Waste District
FY25 Budget
Summary

	Actual FY23	Budget FY24	Forecast FY25	Change from FY24 to FY25 \$ %	
Expenses					
Salaries & Wages	3,236,495	3,752,336	4,200,898	448,562	12.0%
Benefits	1,374,524	1,630,639	1,897,751	267,113	16.4%
Payroll Expenses	4,611,018	5,382,975	6,098,649	715,675	13.3%
Travel & Training	47,516	118,175	127,432	9,257	7.8%
Administrative Costs	79,244	182,885	152,753	(30,131)	-16.5%
Professional Fees	201,044	280,690	345,691	65,001	23.2%
Equipment & Fleet	630,966	772,074	1,284,628	512,554	66.4%
Supplies	105,636	133,644	131,813	(1,831)	-1.4%
Materials Management	5,959,886	6,691,366	6,998,897	307,530	4.6%
Property Management	548,396	597,111	686,715	89,605	15.0%
Promotion & Education	137,728	142,178	150,317	8,139	5.7%
Community Support	32,346	100,950	106,400	5,450	5.4%
Total Expense	12,353,781	14,402,047	16,083,295	1,681,248	11.7%
Net Ordinary Income	1,143,570	878,311	(287,837)	(1,166,148)	-132.8%

Chittenden Solid Waste District
FY25 Budget
Summary

	Actual FY23	Budget FY24	Forecast FY25
Other Income			
Subsidies & Transfers			
Solid Waste Management Fee Subsidy	-	3,342,938	3,398,839
Capital Reserve	136,753		
Landfill Post Closure Transfer		-	159,125
Operating Reserve Subsidy	-	177,452	2,619,395
CCUF Transfer	27,323	95,000	95,000
Depreciation	1,019,262	-	-
Total Subsidies & Transfers	<u>1,183,337</u>	<u>3,615,390</u>	<u>6,272,359</u>
Total Other Income	<u>1,183,337</u>	<u>3,615,390</u>	<u>6,272,359</u>
Other Expense			
Reserve Transfers			
Transfer Capital Reserve		934,614	-
Transfer Solid Waste Management Reserve	910,820	3,335,702	3,780,540
Transfer Biosolids Reserve	46,375	45,500	47,000
Transfer Operating Reserve	297,208	176,385	2,036,982
Transfer Facility Closure Reserve	1,883	500	-
Transfer Landfill Post Closure Reserve	51,359	1,000	120,000
Transfer Investment in Assets	1,019,262	-	-
Total Reserve Transfers	<u>2,326,907</u>	<u>4,493,701</u>	<u>5,984,522</u>
Total Other Expense	<u>2,326,907</u>	<u>4,493,701</u>	<u>5,984,522</u>
Other Income and Expenses	<u>(1,143,570)</u>	<u>(878,311)</u>	<u>287,837</u>
Net Income	<u>0</u>	<u>(0)</u>	<u>(0)</u>

Chittenden Solid Waste District
Administrative Descriptions

Administration Program

The Administrative program encompasses the expenses of human resources, the Executive Director, risk management, information and technology, infrastructure and general support services.

Compliance Program

The Compliance program oversees the Solid Waste Management Ordinance and ensures the regulated community maintains compliance. Additionally, the Compliance program oversees the District Safety program.

Finance Program

The Finance program provides management, oversight, and control of CSWD financial assets, as well as accurate and timely financial information to facilitate sound management decisions.

Outreach and Communications (O&C)

The Outreach and Communications program manages statutory mandates for raising awareness of CSWD services and educating residents, businesses, and institutions in reducing and properly managing the waste they generate.

Attachment D

Chittenden Solid Waste District
FY25 Proposed Budget
Administrative Summary

	Administration	Compliance	Finance	Outreach & Communication	Solid Waste Management	Total Administrative
Income						
Solid Waste Management Fee	\$ -	\$ -	\$ -	\$ -	\$ 3,780,540	\$ 3,780,540
License Fees, Fines & Penalties	-	14,000	-	-	-	14,000
Interest & Dividends	-	-	120,000	-	-	120,000
Total Income	-	14,000	120,000	-	3,780,540	3,914,540
Gross Profit	-	14,000	120,000	-	3,780,540	3,914,540
Expenses						
Salaries & Wages	633,516	146,998	339,237	599,124	-	1,718,875
Benefits	222,846	56,929	156,610	218,150	-	654,535
Payroll Expenses	856,362	203,927	495,846	817,274	-	2,373,409
Travel & Training	49,543	7,300	2,303	31,761	-	90,907
Administrative Costs	37,636	6,570	2,980	33,848	-	81,034
Professional Fees	112,732	13,500	35,000	61,559	-	222,791
Equipment & Fleet	199,962	5,570	86,400	13,565	-	305,497
Supplies	5,794	950	3,350	38,126	-	48,220
Materials Management	2,000	-	-	-	-	2,000
Property Management	140,014	-	-	-	-	140,014
Promotion & Education	-	-	-	144,567	-	144,567
Community Support	-	-	95,000	4,400	-	99,400
Total Expense	1,404,043	237,817	720,879	1,145,100	-	3,507,839
Net Ordinary Income	(1,404,043)	(223,817)	(600,879)	(1,145,100)	3,780,540	406,701
Other Income						
Subsidies & Transfers						
Solid Waste Management Fee Subsidy	1,404,043	223,817	625,879	1,145,100	-	3,398,839
Total Subsidies & Transfers	1,404,043	223,817	625,879	1,145,100	-	3,398,839
Total Other Income	1,404,043	223,817	625,879	1,145,100	-	3,398,839
Other Expense						
Reserve Transfers						
Transfer Solid Waste Management Reserve	-	-	-	-	3,780,540	3,780,540
Transfer Community Clean Up Reserve	-	-	(95,000)	-	-	(95,000)
Transfer Landfill Post Closure Reserve	-	-	120,000	-	-	120,000
Total Reserve Transfers	-	-	25,000	-	3,780,540	3,805,540
Total Other Expense	-	-	25,000	-	3,780,540	3,805,540
Other Income and Expenses	1,404,043	223,817	600,879	1,145,100	(3,780,540)	(406,701)
Net Income	-	-	(0)	(0)	-	(0)

Chittenden Solid Waste District Operating Descriptions

Operating Administration

The Operating Administration program (formerly Engineering) provides resources for compliance, design, project management, and applicable permitting. Additionally, this program oversees capital projects through the lifecycle of feasibility, design, and construction management.

Drop Off Centers (DOCs)

CSWD Drop Off Centers provide residents and small businesses with economical options for the management of their trash, recycling, food scraps, compostable yard debris, and certain special recyclables.

Hazardous Waste

The Hazardous Waste program includes both the Environmental Depot and Paint Depot. The Environmental Depot manages the hazardous waste of the residents and small businesses of Chittenden County. The Paint Depot manages discarded paint and produces recycled paint for the CSWD Local Color Program.

Materials Recovery Facility (MRF)

The Materials Recovery Facility manages single stream recycling from Chittenden County and Northern Vermont through sorting and preparing recyclables for domestic commodity sales.

Organics Diversion Facility (ODF)

The Organics Diversion Facility manages the acceptance, processing, and transfer of organics for use in compost and anaerobic digestion.

Property Management

The Property Management department maintains and protects CSWD's investment in residential and business tenant property.

Maintenance & Roll-off

The Maintenance department provides material hauling and supports facility operations through ongoing maintenance of CSWD assets.

Chittenden Solid Waste District
FY25 Proposed Budget
Operating Summary

Attachment F

	Drop Off Center DOC	Materials Recycling Facility	Organics Recycling Facility	Property Management	Hazardous Waste	Operating Administration	Maintenance & RollOff	Total Operating
Income								
Tipping Fees	\$ 2,938,000	\$ 4,320,000	\$ 316,853	\$ -	\$ -	\$ -	\$ -	\$ 7,574,853
Hazardous Waste	15,000	-	-	-	77,500	-	-	92,500
Sale of Materials	230,202	1,440,000	896,780	-	45,500	-	-	2,612,482
Rental Income	-	-	-	12,000	-	-	-	12,000
Product Stewardship & Reimbursements	36,000	-	-	-	131,500	-	-	167,500
Charges for Services & Miscellaneous Income	8,000	-	2,524	-	-	-	-	10,524
Grant Revenue	-	-	-	-	111,323	-	-	111,323
Total Income	3,227,202	5,760,000	1,216,157	12,000	365,823	-	-	10,581,182
Cost of Goods Sold								
Paint	-	-	-	-	19,000	-	-	19,000
Organics	-	-	143,411	-	-	-	-	143,411
Total Cost of Goods Sold	-	-	143,411	-	19,000	-	-	162,411
Gross Profit	3,227,202	5,760,000	1,072,746	12,000	346,823	-	-	10,418,771
Expenses								
Salaries & Wages	865,588	55,775	458,068	-	387,819	347,702	333,223	2,448,175
Benefits	502,696	21,384	230,525	-	204,407	95,858	185,666	1,240,536
Payroll Expenses	1,368,284	77,159	688,593	-	592,226	443,560	518,888	3,688,711
Travel & Training	3,000	6,265	13,560	-	6,350	2,100	3,250	34,525
Administrative Costs	27,900	28,000	10,154	-	2,500	1,000	800	70,354
Professional Fees	7,650	2,000	4,500	1,000	2,750	-	-	17,900
Equipment & Fleet	171,805	292,500	307,356	-	26,100	-	181,370	979,131
Supplies	26,350	1,150	19,743	1,000	17,500	-	17,600	83,343
Materials Management	1,305,900	3,761,812	101,005	-	432,800	-	-	5,601,517
Property Management	82,551	121,014	125,916	81,846	74,150	-	22,623	508,100
Promotion & Education	-	-	5,750	-	-	-	-	5,750
Community Support	7,000	-	-	-	-	-	-	7,000
Total Expense	3,000,440	4,289,900	1,276,577	83,846	1,154,376	446,660	744,531	10,996,331
Net Ordinary Income	226,762	1,470,100	(203,831)	(71,846)	(807,553)	(446,660)	(744,531)	(577,560)

Biosolids Program

The Biosolids program provides efficient and effective residuals management for participating community members. This program is developed to be self-funding.

Closed Landfill Program

The Closed Landfill program oversees the 30-year post closure period through responsible maintenance, reporting and monitoring according to the safety standards of applicable governing bodies. This program is funded through monies reserved at the launch of the closing project.

Chittenden Solid Waste District
FY25 Proposed Budget
Biosolids

Income	
Biosolids	\$ 1,405,000
Total Income	<u>1,405,000</u>
Gross Profit	<u>1,405,000</u>
Expenses	
Travel & Training	2,000
Administrative Costs	1,000
Professional Fees	5,000
Materials Management	<u>1,350,000</u>
Total Expense	<u>1,358,000</u>
Net Ordinary Income	<u>47,000</u>
Other Expense	
Reserve Transfers	
Transfer Biosolids Reserve	<u>47,000</u>
Total Reserve Transfers	<u>47,000</u>
Total Other Expense	<u>47,000</u>
Other Income and Expenses	<u>(47,000)</u>
Net Income	<u>-</u>

Chittenden Solid Waste District
FY25 Proposed Budget
Closed Landfill

Income	
Interest & Dividends	\$ 62,000
Total Income	<u>62,000</u>
Gross Profit	<u>62,000</u>
Expenses	
Salaries & Wages	33,849
Benefits	<u>2,681</u>
Payroll Expenses	36,529
Administrative Costs	365
Professional Fees	100,000
Supplies	250
Materials Management	45,380
Property Management	<u>38,601</u>
Total Expense	<u>221,125</u>
Net Ordinary Income	<u>(159,125)</u>
Other Income	
Subsidies & Transfers	
Landfill Post Closure Transfer	<u>159,125</u>
Total Subsidies & Transfers	<u>159,125</u>
Total Other Income	<u>159,125</u>
Other Income and Expenses	<u>159,125</u>
Net Income	<u>-</u>

Attachment I

To: Board of Commissioners
From: Josh Estey, Director of Compliance and Hazardous Waste
Date: February 2, 2024
RE: Fiscal Year 2025 Capital Budget

Operating Capital

Presented in this enclosure is a capital budget and timeline for FY25, FY26, and FY27 as well as, for the first time, an overview of previously approved capital projects that are in progress and are yet to be completed. This memo highlights the projects and procurements planned for FY25.

As has been presented to this committee, the Executive Board, and the full Board of Commissioners over the last few months, the initial estimates of the cost of the new MRF have come in significantly higher than initially planned, leaving the District in a position (from a capital reserve point of view) tighter than in years past. Previously approved capital projects have been provided in the 3-year outlook for that reason, so the full picture of capital needs and capital reserve position can be understood. Staff has completed a thorough review of previously approved capital projects and those that had not/will not begin have been removed from the capital project outlook and the dollars associated with those projects have been returned to the capital reserve fund.

Staff has worked to diligently to reduce the overall capital project expenditure projection not just for FY25 but for fiscal years to come in light of the increased cost estimation of the new MRF. Additionally, staff has been working to identify capital projects that have a higher likelihood to be covered by potential grant opportunities in the next few years, including aspects of the new MRF, with the knowledge that some federal monies will be flowing to the state this calendar year (the actual dollar amount will be understood later this spring/early summer). The capital budget does not specify which projects are likely to be funded, as grant funding is never guaranteed. The budget is presented as though all expenditures will come from capital reserve funds.

Highlights of the FY25 projected capital projects list include an increase to the monies dedicated to the Milton Drop-Off Center expansion and improvement project (the result of an updated cost estimation exercise), a new hook truck to be used by our maintenance department to haul specific containers (food scraps and some recycling containers), and a shredder that will be used for both reducing yard to waste to produce a suitable carbon feedstock for ORF as well as potentially shredding tires to reduce the number of trips to Maine. The shredder, of all the projects, seems to have the highest potential for grant coverage. The last project to note is plans for the Drop-Off Center in Burlington to become a "fast trash" operation utilizing existing space and built infrastructure. Equipment purchased for this project could be readily removed and relocated if the Pine Street location were to no longer be available in the future.

Please note that this is a description of intended projects and procurements and is inclusive of all potential capital expenses for FY25. Approval of the budget does not mean work will proceed without a proper bidding process and associated Board approvals according to CSWD financial policies. All capital projects greater than \$50,000 will require approval from the Executive Board of Commissioners and all capital projects greater than \$100,000 will require approval from the Board of Commissioners. In addition to Board notice of projects exceeding \$100,000, Staff will regularly report updates of facility projects that are under the \$100,000 threshold.

**Previously Budgeted
Works in Progress**

FY27

Site Work

Hauling									
Second Hauling Truck (non-CDL)									
Hauling Infrastructure (Heated Garage, Wash Pad, etc.)									
Sub Total	\$	-	\$0	\$0				\$0	\$0
ORF New Projects									
Compost pad expansion - lagoon pad, bunker for YW/FW expansion									
Greenhouse								\$50,000	
East-end redesign/repurposing (1042, greenhouse, bagging building, pole barn, fueling station, hill carve)								\$50,000	
Sub Total	\$	-						\$50,000	\$0
Total ODF	\$	1,138,000.00	\$850,000	\$460,000					\$25,000
Closed LF									
Site Work									
East side base remediation				\$15,000				\$50,000	
Total Closed LF	\$	-	\$15,000	\$50,000					\$0
Biosolids									
Total Biosolids			\$0	\$0				\$0	\$0
Roll-Off and Maintenance									
Building & Building Repair									
Building Maintenance (Roof, Systems,...)	\$	65,000.00	\$	50,000					
Lean-to and building renovation	\$	65,000.00	\$	50,000	\$	-	\$		-
Sub Total									
Rolling Stock									
2012 KENWORTH TRUCK T800 #31									
Overage needed 2012 KENWORTH TRUCK T800 #31 - (FY2307)	\$	255,000.00	\$	20,000					\$ 275,000
New Hook Truck									
Overage needed for new Deere 644P (FY2409)	\$	250,000.00	\$	86,500					
Sub Total	\$	505,000.00	\$	281,500	\$	-	\$		275,000
Total Roll-Off and Maintenance	\$	570,000.00	\$ 331,500	\$ -	\$	\$	\$	\$	275,000
Drop Off Centers									
Site Work									
BUR									
MIL									
MIL									
BUR									
Sub Total	\$	230,000.00	\$	610,000	\$	-	\$		-
Building & Building Repair									
Sub Total									
Capital Equipment									
Sub Total									

Total Drop Off Centers		\$	230,000.00	\$	610,000	\$	-	\$	-
HAZARDOUS WASTE AND LATEX PAINT									
Sitework									
Paving		\$	80,000.00	\$	10,000				
Sub Total		\$	80,000.00	\$	10,000				
Building & Building Repair									
Waste Oil Heater		\$	45,000.00						
Storage Building #1		\$	40,000.00						
Storage Building #2		\$	40,000.00						
Sub Total		\$	125,000.00	\$	-	\$	-	\$	-
Rolling Stock									
Rover Truck		\$	115,000.00						
Forklift		\$				\$	25,000		
Sub Total		\$	115,000.00	\$	25,000	\$	25,000	\$	-
Total HAZARDOUS WASTE AND LATEX PAINT		\$	320,000.00	\$	10,000	\$	25,000	\$	-
Property Management									
Total Property Management				\$0	\$0	\$0	\$0	\$0	\$0
Administration									
Site Work									
Building Site Design & Permitting		\$	55,000.00						
Sub Total		\$	55,000.00	\$	-	\$	-	\$	-
Intangible									
Revenue Sufficiency Analysis		\$	55,000.00						
Website Upgrades		\$	99,000.00						
Sub Total		\$	154,000.00	\$	-	\$	-	\$	-
Total Administration		\$	209,000.00	\$	-	\$	-	\$	-
Miscellaneous									
				\$	50,000	\$	50,000	\$	50,000
Total Cap Cost									
Program Input		\$	2,794,800	\$	2,016,500	\$	585,000	\$	350,000
General Fund Support				\$	2,001,500	\$	535,000	\$	350,000
Closed Landfill Reserve				\$	15,000	\$	50,000	\$	-

MEMORANDUM

TO: Sarah Reeves
FROM: Jon Dorwart
DATE: January 25, 2024
RE: FY 2025 Projected SWMF Revenue

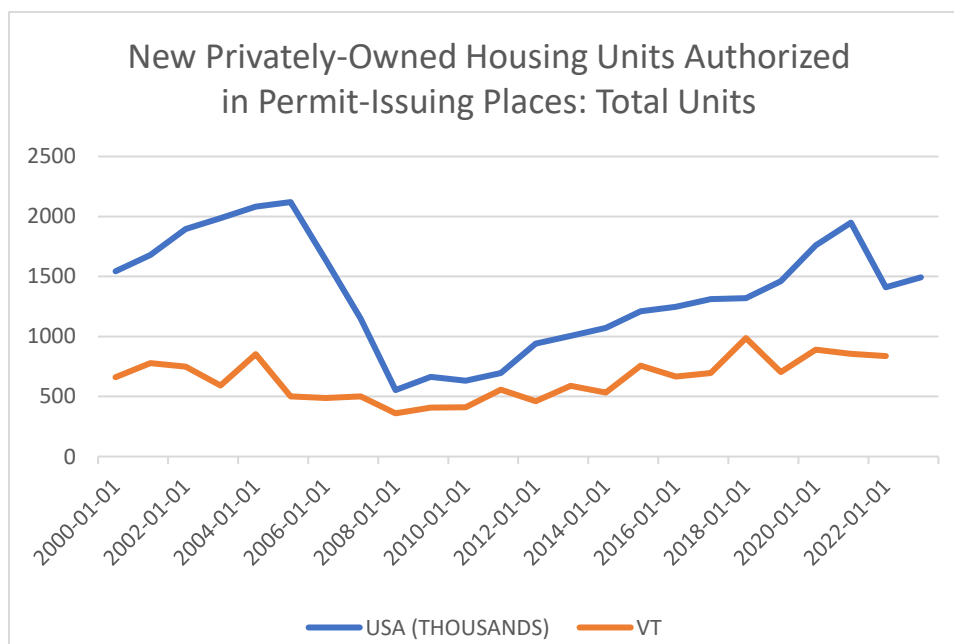
As you know, CSWD's Solid Waste Management Fee (SWMF or Fee) is imposed on all solid waste generated in the District as established in Article VIII of CSWD's Solid Waste Management Ordinance. Certain materials are exempt from the SWMF or are subject to a reduced Fee. Generally, the Fee is assessed at disposal sites, such as transfer stations and the landfill in Coventry. Haulers, including CSWD, which hauls waste from the District's Drop-Off Centers, recover the cost from their customers (the waste generators) through the rates they charge. The SWMF was originally set at \$17.61 in 1993. It was raised to \$22.06 in 2009 and to \$27.00 in 2013. The SWMF is anticipated to be increased to \$30 for FY25.

Estimated SWMF revenue for FY 2025 is \$3,780,540. The estimate is based on projections of waste generation and diversion from the Solid Waste Disposal and Diversion Trends Model prepared for CSWD by Skumatz Economic Research Associates. Variables impacting projections in the Model were updated including the expected economic growth rate for the coming year.

SWMF revenues rose 3.2% from FY 2022 to FY 2023, with both years enjoying a much higher than average amount of alternative daily cover due to ongoing demolition and construction at Burlington High School and other projects. The CY 2023 receipts are 7.0% higher than CY 2022 for the same reason. Calendar year disposed tons for 2023 were 159,946, a 16.0% jump from CY 2022. Total tons disposed is always greater than the total SWMF tons since ADC material is discounted by 75%, and by Board motion, asphalt shingles collected by Myers and disposed at the landfill for beneficial use is also exempt temporarily due to a lack of markets. Green Up Day material collected in the spring is also not subject SWMF, but this amount of material is a small increment of the

year total. There is no guarantee either of the ADC trends will continue to climb or not substantially decrease in the next projected fiscal year, which could impact the SWMF collected. As the high school demolition winds down, we expect our ADC rates to be lower and more in line with historical averages.

As usual projections under unusual conditions continue to be extremely difficult to prepare (i.e. waning pandemic related issues, international conflict, reduced labor force, supply chain disruptions, and shifting consumer preferences). It will not be surprising that waste generation will return to pre-pandemic levels in FY25, as economic activity has improved, the impact of federal investment continues, and we appear to be headed for a 'soft landing' avoiding a recession. However, inflation or excessive changes to monetary policy driving the risk of recession, commercial real estate instability, potential domestic turmoil during the upcoming presidential election and international political volatility continue to be countervailing forces. On the upside, the State of Vermont's Joint Fiscal Office's forecast (<https://lifo.vermont.gov/subjects/revenue-and-tax/state-forecasts/consensus-revenue-forecasts-legislative-economic-outlook>) points toward the positive impact of unspent appropriated federal funds and strong consumer spending despite broadly partisan sentiment (exceeding expectations in first half of '23 by 1.9%). Likewise, numerous large-scale real estate projects remain underway in the County and indicates continued strengthening in the current construction cycle despite higher interest rates. Continuation of building is favored by historically low vacancy rates, though data is somewhat limited to confirm that this trend will necessarily continue.



Whether we will enjoy as high or increasing diversion rates in the future also could be in question since recent increases may have been driven in part by the pandemic response, though the diversion rate did increase last

year and appears stable. Ultimately, a wide variety of factors could impact the amount of disposed material in potentially unpredictable ways.

Given the Vermont economic forecast and using the Skumatz model, the SWMF is projected to be 2.0% higher than the FY 2024 projection and 7.0% lower than the actuals for CY 2023 resulting in a baseline of 129,618 tons at \$3,780,540 in revenue for FY 2025.

Disposal data from recent calendar and fiscal years and SWMF projections are shown in the following table:

TONS DISPOSED	MSW	C&D	C&D Road Build*			
				ADC*	TOTAL	SWMF TONS
CY 2021 actual	88,485	34,806	1	11,352	134,644	126,129
CY 2022 actual	86,148	37,724	0	14,090	137,962	127,395
FY 2023 actual	87,321	39,702	0	17,205	144,228	131,324
CY 2023 actual	87,317	40,531	0	32,098	159,946	135,873
FY 2024 budget projection	86,595	36,500	800	1,000	124,895	123,545
FY 2025 budget projection	83,361	41,457	800	4,000	129,618	126,018
25% of SWMF FY 2024			200	1,000		
SWMF Tons	126,018					
SWMF Revenue	\$3,780,540					

*These are regular C&D fines from the C&D recycling facility plus painted concrete from demolition projects in FY21 & beginning of FY22 used in landfill road building. The SWMF rate for these and ADC is 25% of the full rate.

Excess income is allocated to specified reserve accounts based on their established priority and reserve type.

Reserve Types include:

Restricted Reserves: resources subject to constraints. Due to the nature of their restriction, expenses must be tracked to prove the funds are used as authorized.

Committed Reserves: include encumbrances not otherwise reflected in Restricted Reserves. Limitations on spending imposed by the annual operating budget naturally lapse with the passage of time and thus do not remain binding indefinitely. Committed Reserves allows for the inclusion of encumbrances committed to, but not yet obtained.

Assigned Reserves: may be established by the Board from time to time to meet the future needs of CSWD. These reserves are established and may be changed by resolution of the Board in accordance with the Open Meeting Law requirements.

Undesignated Funds: not considered special revenue fund and include the unrestricted surplus funds not accounted for and reported in another fund

In FY25, CSWD will manage the following Restricted Reserves:

Biosolids Reserve – established by the contract with the members of wastewater treatment plants for the disposal of sludge. Reserves are often designated to reduce the impact of market conditions on the fees assessed from biosolids or to collect funds for the purchase of capital equipment. Budget projections for FY25 indicate **an increase of \$47,000.**

Landfill Post Closure Reserve – designated to assure funding exists to meet the requirements of the 30-year process of closing the landfill that began in 1996. Members of the operations team perform an annual audit to review the current closing cost and adjust for inflation and alterations, as necessary. Excess funds will remain in this fund until CSWD reaches custodial care through resolution with the state, expected no sooner than Fiscal Year 2025. A portion of the reserve earns interest through interest-bearing accounts. Both expected expenditures and expected interest earned are included in the annual budget. Budget projections for FY25 indicate **a reduction of \$39,125.**

Facilities Solid Waste Termination Reserve – mandated to safely remove solid waste from closed operating facilities as required by state law. Members of the operations team perform an annual review of the current termination cost adjusting for inflation and alterations, as necessary. Funds for this reserve reside in an interest-bearing account; revenue from the account is included in the Finance budget. Budget projections for FY25 indicate **the reserve will remain unchanged.**

In FY25, CSWD will manage the following Temporarily Restricted Reserves:

Materials Recycling Facility Reserve- developed in FY23 to maintain a minimum fund balance per the bond agreement. Funds will be deposited as available, until management is confident bond payments can be completed through the net ordinary income at the Materials Recycling Facility.

Chittenden Solid Waste District
Fiscal Year 25 Proposed Budget
Reserve Funds

In FY25 CSWD will manage the following Assigned Reserves:

Solid Waste Management Reserve – designated to provide support to management services as described in the Charter through a management fee structure. Budget projections for FY25 indicate **an increase of \$381,701.**

Operating Reserve – designated to provide funds to operating programs and reduce the reliance on the solid waste management subsidy. It is assumed contributions are made in years when operation allocations balances are in excess; withdraws are made when operational allocations balances are insufficient. In the event operating reserves are depleted, funding will be withdrawn from the Solid Waste Management Reserve. Budget projections for FY25 indicate **a decrease of \$577,560.**

Capital Reserves – established to preserve funding for future capital projects, asset upgrades and replacement of depreciated or disposed assets. In FY25 the capital budget projects **a decrease of \$2,016,500.**

Community Clean Up Fund – designated to member communities for local permissible projects. Budget projections for FY25 indicate **a decrease of \$95,000.**

	Actual	Beginning Balance	Budgeted	Budgeted Beginning Balance	Proposed Budget
Reserve	FY23	FY24	FY24	FY25	FY25
Biosolids	335,224	335,224	380,724	380,724	427,724
Landfill Post Closure	608,302	608,302	430,850	430,850	391,725
Facilities Closure	1,466,062	1,466,062	1,466,062	1,466,062	1,466,062
Solid Waste Management	1,910,820	1,000,000	1,284,546	1,000,000	1,381,701
Operating	2,047,208	1,750,000	1,794,566	1,750,000	1,172,440
Designated for Capital*	9,653,950	10,834,655	10,834,655	11,068,767	11,068,767
Community Clean Up	67,677	95,000	-	95,000	-
Undesignated	882,101	882,101	882,101	882,101	882,101
	16,971,343	16,971,343	17,073,503	17,073,503	16,790,518

*designated for capital balance assumes Work In Progress remains in progress

CHITTENDEN SOLID WASTE DISTRICT
FY 24 SCHEDULE OF PROGRAM TIPPING FEES

Attachment M

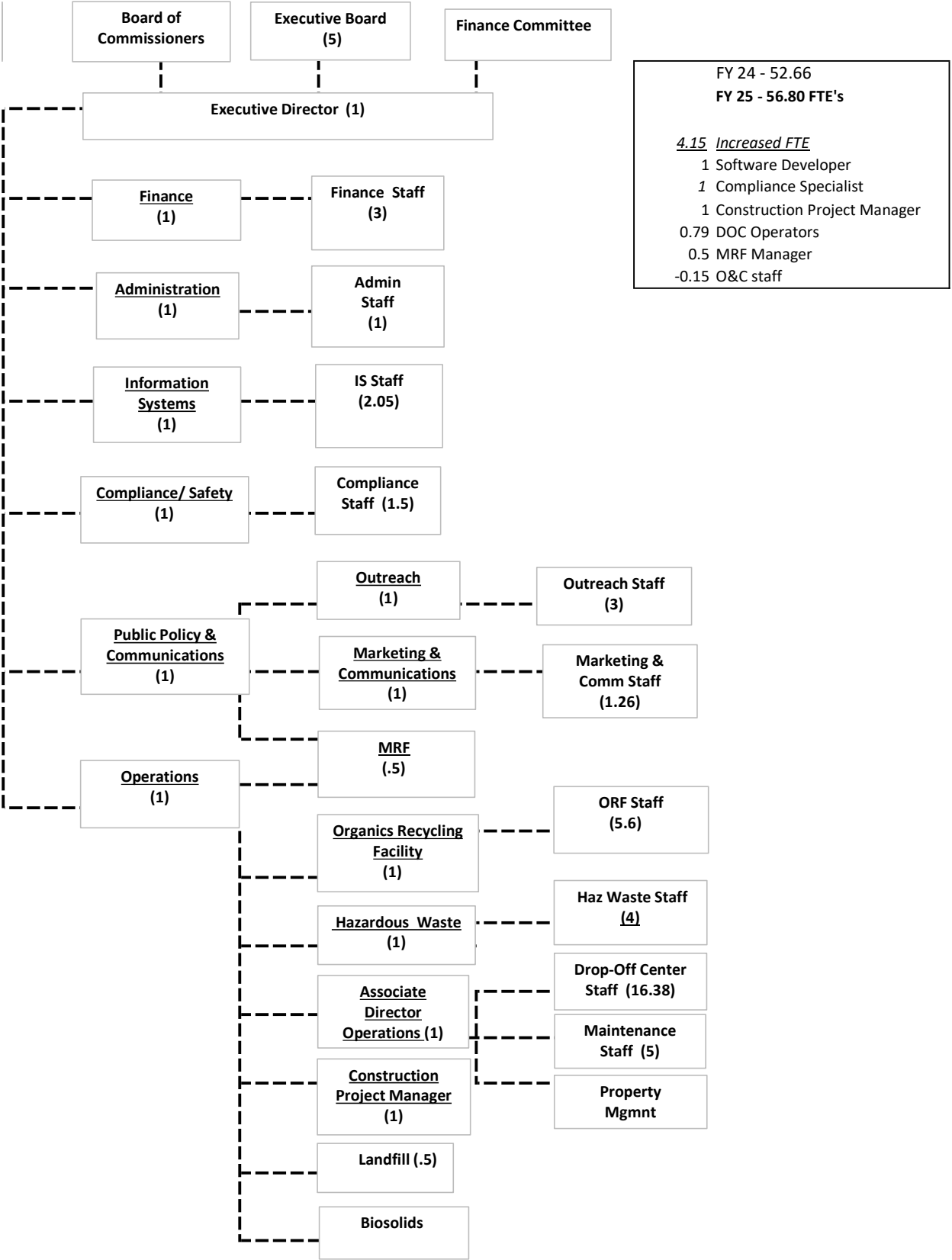
		FY23		FY24		FY25	Change from FY24 to FY25
MATERIALS RECYCLING FACILITY							
<i>Materials Sales fluctuate with market price.</i>							
Budgeted Tipping Fees:							
In-District materials, per ton	\$	80.00	\$	85.00	\$	90.00	\$ 5.00
Out-of-District materials, per ton	\$	80.00	\$	85.00	\$	90.00	\$ 5.00
DROP-OFF CENTERS							
<i>Items accepted vary by facility</i>							
Household Trash							
Small - up to 13 gallons	\$	2.00	\$	3.00	\$	3.00	\$ -
Medium - 14 to 35 gallons	\$	6.00	\$	8.00	\$	8.00	\$ -
Large - 36 to 45 gallons	\$	8.00	\$	11.00	\$	11.00	\$ -
per cubic yard	\$	42.00	\$	48.00	\$	48.00	\$ -
at Drop-Off Center in Burlington, per pound		n/a		n/a		n/a	
Recycling							
Blue-bin Recyclables, with paid trash items		No charge		No charge		No charge	
Blue-bin Recyclables ONLY	\$	2.00	\$	2.00	\$	2.00	\$ -
Organics							
Food Scraps, with paid trash items		No charge		No charge		No charge	
Food Scraps (per 5 gallons), without paid trash items	\$	1.00	\$	1.00	\$	1.00	\$ -
Tree limbs, trunks, clean stumps, & brush (Williston no longer accept '24):							
Up to 1 cubic yard (Milton, SB & Essex) (up to 3 cy in '24)		No charge		No charge		No charge	
Up to 3 cubic yards (up to 2 cubic yards starting '24)		No charge		No charge		No charge	
Each cubic yard in excess of 3 cy (changed to 2 cy in 2024)	\$	5.00	\$	5.00	\$	5.00	\$ -
Pallets & clean lumber:							
Up to 1 cubic yard (Milton, SB & Essex)		No charge		No charge		No charge	
Up to 3 cubic yards (Williston) (changed to 5 in '24)		No charge		No charge		No charge	
Each cubic yard in excess of 1 cy	\$	5.00	\$	5.00	\$	5.00	\$ -
Per ton	\$	50.00	\$	50.00	\$	50.00	\$ -
Yard debris		No Charge		No Charge		No Charge	
Special Materials							
Non-covered Electronics ~ per pound (by appt. only)	\$	0.18	\$	0.18	\$	0.18	\$ -
Gypsum wallboard (clean, new scrap):							
Small loads (up to 2 cy), per cubic yard	\$	22.50	\$	22.50	\$	28.00	\$ 5.50
Large loads, per ton	\$	90.00	\$	90.00	\$	100.00	\$ 10.00
Tires ~ up to 16" (bike tires up to 20)	\$	3.00	\$	3.00	\$	4.00	\$ 1.00
Tires ~ 16.5" to 19"	\$	3.00	\$	3.00	\$	4.00	\$ 1.00
Tires ~ per ton	\$	225.00	\$	225.00	\$	250.00	\$ 25.00
Propane cylinders over 20 lbs.	\$	5.00	\$	5.00	\$	5.00	\$ -
Mercury-containing products*		No charge		No charge		No charge	
Propane cylinders 20 lbs. & under*		No charge		No charge		No charge	
Construction & Demolition Materials							
up to 13-gallon bag/barrel	\$	5.00	\$	5.00	\$	6.00	\$ 1.00
up to 33-gallon bag/barrel	\$	10.00	\$	10.00	\$	16.00	\$ 6.00
up to 45-gallon bag/barrel	\$	15.00	\$	15.00	\$	22.00	\$ 7.00
up to 64-gallon bag/barrel		n/a		n/a		30.00	new category
per cubic yard	\$	82.00	\$	82.00	\$	96.00	\$ 14.00

CHITTENDEN SOLID WASTE DISTRICT
FY 24 SCHEDULE OF PROGRAM TIPPING FEES

FY 24 SCHEDULE OF PROGRAM PARTICIPANT FEES							Change from FY24 to FY25
		FY23		FY24		FY25	
DROP-OFF CENTERS, continued							
<i>Items accepted vary by facility</i>							
Other Items							
Appliances without refrigerants	\$	5.00	\$	5.00	\$	5.00	\$ -
Appliances with refrigerants	\$	15.00	\$	15.00	\$	15.00	eliminated range
Batteries (household and lead acid)*		No charge		No charge		No charge	
Electronics -non-covered		No charge	\$	-	\$	2.00	\$ 2.00
Electronics - items covered by State program		No charge		No charge		No charge	
Fluorescent lamps*		No charge		No charge		No charge	
XS Furniture Item		n/a		n/a	\$	3.00	new category
Small furniture item		\$4-11		\$4-11	\$	8.00	eliminated range
Medium Furniture item		n/a		n/a	\$	11.00	new category
Large furniture item		\$16- 22		\$16- 22	\$	15.00	eliminated range
XL furniture item		n/a		n/a	\$	24.00	new category
Twin box spring	\$	20.00	\$	20.00	\$	20.00	\$ -
Twin mattress	\$	20.00	\$	20.00	\$	20.00	\$ -
Full/double/queen mattress	\$	25.00	\$	25.00	\$	25.00	\$ -
Full/double/queen box spring	\$	25.00	\$	25.00	\$	25.00	\$ -
King mattress	\$	30.00	\$	30.00	\$	30.00	\$ -
King box spring	\$	30.00	\$	30.00	\$	30.00	\$ -
Crib mattress	\$	6.00	\$	6.00	\$	8.00	\$ 2.00
Hard cover books*	\$	-	\$	-	\$	-	\$ -
Scrap metal		No charge		No charge		No charge	
Textiles*		No charge		No charge		No charge	
Tires	\$	3.00	\$	3.00	\$	4.00	\$ 1.00
Tires ~ Up to 19.5"	\$	3.00	\$	3.00	\$	4.00	\$ 1.00
Tires ~ 20" to 24.5"	\$	15.00	\$	15.00	\$	15.00	\$ -
Tires ~ large equipment tires	\$	56.00	\$	56.00	\$	56.00	\$ -
Tires ~ XL equipment tires		n/a		n/a	\$	100.00	new category
Used oil*		No charge		No charge		No charge	
Used oil filters*		No charge		No charge		No charge	
Ashes (accepted as trash)		\$2-8; \$42 (Cubic Yard)		\$2-8; \$42 (Cubic Yard)		\$3-15; \$48 (Cubic Yard)	\$6/cubic yard
HAZARDOUS WASTE - ENVIRONMENTAL DEPOT & ROVER							
Environmental Depot							
Household hazardous waste		No Charge		No Charge		No Charge	
Business hazardous waste ~ Conditionally Exempt Generators		Call For Pricing		Call For Pricing		Call For Pricing	
Rover							
Household hazardous waste		No Charge		No Charge		No Charge	
Organics Diversion Facility							
Food Waste							
Tip fee, per ton	\$	65.00	\$	70.00	\$	70.00	\$ -
Solid Waste Management							
Budgeted Fee:							
Management Fee, per ton	\$	27.00	\$	27.00	\$	30.00	\$ 3.00

**FY 25 PROPOSED
CSWD ORGANIZATIONAL CHART**

Attachment N



Resolution Relating to

THE RELATIONSHIP BETWEEN CITY OFFICIALS AND THE NEIGHBORHOOD PLANNING ASSEMBLIES

CITY OF BURLINGTON

In the year Two Thousand Twenty Four.....

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

That WHEREAS, the 1982 Resolution "Relating to the Creation of Neighborhood Planning Assemblies" (NPAs) established the NPAs in part to provide a forum for Burlington residents to advise elected and appointed officials on municipal issues, as evidenced by language in that resolution:

"Whereas this council and various city commissions could be much assisted if the views of the general public with respect to the needs of the city could be communicated to it in a regular and orderly fashion..."

"Whereas many positive benefits would result from the creation of neighborhood assemblies at which citizens would consider the issues facing government and make recommendations for the consideration of appointed and elected officials charged with the responsibility of implementing city policies..."

"Whereas in the judgement of this city council an appropriate and effective means of realizing such goals would be through creation of NPAs in each ward of the city which would meet on a regular basis and provide advice to appointed and elected officials with respect to the issues facing the neighborhoods and the city

"Resolved...the NPAs shall...help provide citizens with an opportunity to participate in making recommendations with respect to government decisions including allocation of revenues. The NPAs shall also be encouraged to provide advice to the appropriate commission or this council with respect to Community Development, housing programs, the city's Comprehensive Development Plan and its waterfront activities, and the city's budget among other things."; and

WHEREAS there currently exists no process to ensure that elected and appointed officials consult with the NPAs on any issues; and

WHEREAS it is not infrequent that City Council resolutions are made public and voted on before discussion at NPA meetings is possible or solicited.

NOW, THEREFORE BE IT RESOLVED, that the City Council, in consultation with the NPAs, will establish processes and criteria for determining the municipal issues on which NPAs must be consulted for advice and input prior to City Council votes; and

BE IT FURTHER RESOLVED that said advice and input be considered in City Council deliberations and decision-making on those issues; and

BE IT FURTHER RESOLVED that those processes and criteria be created by commissions and city departments for the same purpose; and

BE IT FURTHER RESOLVED that these processes and criteria be established by September 1, 2024.



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington City Council
FROM: Meagan Tuttle, AICP Director, Office of City Planning
Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
Burlington Planning Commission
DATE: April 26, 2024
RE: Proposed ZA-24-04 Neighborhood Code Part 2 Topics

Overview & Background

The City Council adopted ZA-24-02 (Neighborhood Code) at its March 25, 2024 meeting. This amendment creates a new framework for the city's residential zoning districts that enables a range of housing types, including single-family, ADUs, duplex through four-unit developments, and townhouses and small multi-unit buildings. These amendments enable greater flexibility for existing homes as well as a range of housing options within neighborhoods, create new zoning standards along transportation corridors identified in *planBTV*, and comply with Act 47 of 2023 of the VT Legislature.

During its discussion of the proposed Neighborhood Code amendments in fall and winter 2023, the Joint Neighborhood Code Committee bifurcated the Code to facilitate discussion of the Code's core concepts while reserving later discussion for a second package of amendments. Part One, those amendments adopted in March, addresses substantive changes to Article 4 and Appendix A, as well as other sections. These changes evolve the residential zoning district standards, allowable uses, and district boundaries.

Neighborhood Code Part 2 Amendments

A number of related standards need to be addressed throughout the CDO. Many of these were originally included in the "Relationship of Core Zoning Recommendations to other Ordinance Details" chart used in Joint Committee discussions, and some have emerged from additional public discussion at the hearings for Part 1 as well as from inquiries following the adoption of the code.

The purpose of Part 2 of the Neighborhood Code is to explore technical details and related standards necessary for implementing neighborhood-scale infill development across Burlington. Unlike Part 1 of the Neighborhood Code, recommendations will come from the Planning Commission as four or more separate amendments, detailed below. Using the general direction from past discussions of the Joint Committee, the Planning Commission, either as a body or through its Ordinance Committee, can review or make recommendations for these related standards within each proposed amendment.

Neighborhood Code Part 2-A: Secondary Structures, Planned Unit Developments, and Technical Corrections

Per the request of the City Council on March 25th, this amendment will cover considerations related to the allowance of secondary structures in the Residential Districts, including but not limited to the following topics:

- Height of secondary structures relative to primary structures
- The context of secondary buildings in historic districts or on a lot with a listed structure
- The relationship between secondary buildings allowed in the residential standards and citywide provisions for Accessory Dwelling Units (ADUs)
- Considerations for allowing existing non-conforming and non-residential buildings that are encroaching in setbacks to be converted and/or vertically expanded through additional height

This amendment will also modify Planned Unit Development standards, including consideration of a threshold for lot/project size in the Residential districts as revised under ZA-24-02, as well as development intensity, permitted uses, and other topics as identified. Lastly, this initial amendment will provide clarifications and corrections relevant to the process and implementation of Neighborhood Code Part 1, including:

- Additional miscellaneous definitions to clarify and support consistent implementation of new standards, including what is counted with the maximum "building footprint"
- Consolidation of the applicability of Design Review and the Design Review Overlay zone into one section that provides clearer expectations of what is subject to review
- Possible situations where exceptions to maximum building footprint standards may be considered
- Technical Corrections, including clarifying the Residential Corridor Zone purpose statement to require frontage on a major thoroughfare; updating zoning for Starr Farm Park; internal reference correction

Neighborhood Code Part 2-B: Lot Subdivisions

As discussed in Neighborhood Code Part 1, there is a demand to provide housing typologies such as Cottage Courts and townhouses, as well as unique subdivision types that could create land use efficiencies and facilitate infill housing development. This amendment package will focus on the following topics:

- Flag Lot and fee-simple small lot standards, including site and lot dimensions, frontage, and access
- Other standards that allow subdivision to facilitate fee-simple ownership of lots under duplex, townhouse, and cottage court housing types
- Cottage Court standards, including site and lot dimensions, frontage, access, development intensity, open space, and other topics as identified
- Townhouse and fee-simple duplex standards, including site, lot and building dimensions, frontage, access, development intensity and other topics as identified

Neighborhood Code Part 2-C: Residential Corridors and Neighborhood Commercial Uses

The Neighborhood Code initiative focuses on housing standards. However, consistent with *planBTV*'s call for appropriate and contextual neighborhood evolution and following requests to expand allowable uses within residential districts, this amendment will explore the following topics related to non-residential uses and the transitions between residential districts and mixed-use development.

- The potential expansion of what factors warrant Residential Corridor zone designation and the identification of other applicable locations for this district
- Consideration of the transition of heights/intensities of development and mixed-use allowances of existing mixed-use districts adjacent to the new Residential Corridor district (i.e. neighborhood mixed-use and neighborhood activity center districts)
- Re-visit use table allowances for residential districts across the city

As noted below under "Other Relevant Topics + Related Planning Projects," the upcoming *planBTV: New North End* will be an opportunity to explore expanded mixed-use and commercial development within New North End neighborhoods. Zoning amendments specific to the New North End should be informed by that planning process, which will commence in fall 2024, with anticipated completion in 2026.

Neighborhood Code Part 2-D: Residential Parking Standards

This amendment will explore parking standards, including potential additional flexibility to allow stacked parking (3+ cars in a row) for residential developments and/or consideration of infill-related parking impacts in neighborhoods with high parking demand. This amendment will also provide an opportunity to implement recommendations following the Citywide Transportation Options Study.

Other Relevant Topics + Related Planning Projects

Throughout the Joint Committee discussions, a number of questions and related issues were raised that are not within the core focus of the Neighborhood Code or relate to issues that staff strongly recommends should be discussed in other plans and studies on the near horizon before the Commission provides recommendations. These upcoming planning projects, anticipated start dates, and requested discussion topics include the following:

- The impact on infill implementation resulting from existing regulations for historic properties (*planBTV: Historic Preservation Plan, Fall 2024*)
- Opportunities for expanded mixed-use and neighborhood commercial development in the New North End, including building scale and land use mix for the topics below (*planBTV: New North End, fall 2024*).
 - Large site redevelopment along the North Avenue Corridor, including the overall scale of development and mix of uses
 - Potential for small mixed-use and/or commercial nodes within neighborhoods and/or within close proximity to the Burlington Greenway
- How to ensure access to greenspace across all of Burlington's neighborhoods, including corridors and greenways that provide connectivity and mobility for both people and wildlife (*Open Space Plan, Summer 2024*)

Finally, some requested discussion topics must be carried out in conjunction with other departments. These topics are broad in scope and involve policies outside of, but adjacent to, the purview of the Planning Commission. In most cases, conversations are already underway with other departments and community stakeholders to strategize how to effectively accomplish these goals.

- Stormwater and wastewater impacts resulting from infill development, including consideration of the need for development review criteria and whether change to Chapter 26 (stormwater) may be needed to address and accelerate residential-scale and neighborhood-green stormwater infrastructure solutions (Note: this must be undertaken in conjunction with DPW-Water division)
- Consideration for whether or not Article 9 Inclusionary Zoning should apply to lots with two structures exceeding 5 units, where the number of units in each building individually would not require IZ (Note: several IZ updates are under consideration currently, and the discussion should include how this question relates to IZ updates)
- Solutions to address implementation feasibility and homeownership opportunities, including:
 - Technical and financial assistance for "small" developers/homeowner developers to help build new homes at this scale
 - Homeownership incentives (funding and other policies not in the purview of zoning) to support first-time homebuyers and owner occupancy of multi-unit infill developments
 - Consider whether building/fire code exceptions/alternative approaches have applicability for implementing middle housing types (i.e. sprinklers, stairs, etc.)
 - Review the role that condo conversion plays in prohibiting homeownership

Next Steps

The purpose of this communication is to notify City Councilors of the topics that will be covered in Part 2 of the Neighborhood Code and provide an opportunity to provide feedback or revisions. Following City Council's review, the Planning Commission will commence discussion of the proposed standards.

Board of Finance and City Council Submission ChecklistDepartment: City Planning Submitter: Charles DillardTitle/Subject: Proposed ZA-24-04: Neighborhood Code Part 2 Topics

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	5/6/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	4/26/2024	Meagan Tuttle
Mayor's Office informed and approved memo	Choose an item.	Click or tap to enter a date.	Joe Magee
Board/Commission, if required	Yes	4/26/2024	PC Chair – Andy Montroll
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	Click or tap to enter a date.	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Choose an item.	Click or tap to enter a date.	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

Board of Finance and City Council Submission Checklist



Neighborhood Code **Part 2**

Proposed Discussion Topics

Neighborhood Code Part 2 **Overview**

- Joint Committee bifurcated the Neighborhood Code to better refine recommendations related to the Code's core concepts in Part 1
- Part 2 covers technical details and related standards derived from:
 - the “Relationship of Core Zoning Recommendations to other Ordinance Details” chart used in Joint Committee discussions
 - Public discussions during the Part 1 hearing process
 - Inquiries following the adoption of the Code
- Recommendations in Part 2 will come from the Planning Commission as **four or more separate amendments**.
- Following City Council's review of Part 2 topics, the Planning Commission will commence discussions of the proposed standards

BTV Neighborhood Code Topics + Amendments

Neighborhood Code Part 1 (ZA-24-04)

Adopted by City Council: March 25, 2024
Secondary Structures effective Oct. 1, 2024

- Modified and streamlined residential districts and boundaries
- Created new Residential Corridor (RC) district along major street corridors adjacent to low intensity zones
- Replaced density standards with massing standards, including number of units per building, updated lot coverage, standardized rear setbacks, maximum building footprints, and building height
- Allowed 2 free-standing structures in RL and RM districts with 4 units per building; does not limit the number of units per building in RH and RC zones



NC Part 2-A (ZA-TBD)

Next Up for PC Discussion:

- Adt'l considerations related to secondary structures
- Planned Unit Development standards
- Clarifications and technical corrections relevant to Part 1

NC Part 2-B (ZA-TBD)

- Standards for small-lot subdivisions to facilitate fee-simple ownership
- Standards for townhouse, fee-simple duplex, Cottage Court developments

NC Part 2-C (ZA-TBD)

- Other potential locations for Residential Corridor zone
- Consider how RC district relates to existing mixed-use districts
- Re-visit use table allowances for all residential districts

NC Part 2-D (ZA-TBD)

- Consider infill-related parking impacts in high-demand areas
- Parking configuration options for residential lots
- Other recommendations of the Transportation Options study

Other Relevant Topics + Related Projects:

Infill implementation + **historic preservation** regulations (*Historic Preservation Plan, Fall 2024*)

Expanded **mixed-use + commercial** in the New North End (*planBTV: New North End, Fall 2024*)

Access to multi-functional + quality **green spaces** (*Open Space Plan, Summer 2024*)

Topics to carry out with other departments:

Impact of infill development on **stormwater + wastewater**

Relationship to **Inclusionary Zoning** requirements

Solutions to **implementation + homeownership** opportunities

Neighborhood Code Part 2-A: Secondary Structures, Planned Unit Developments, and Technical Corrections

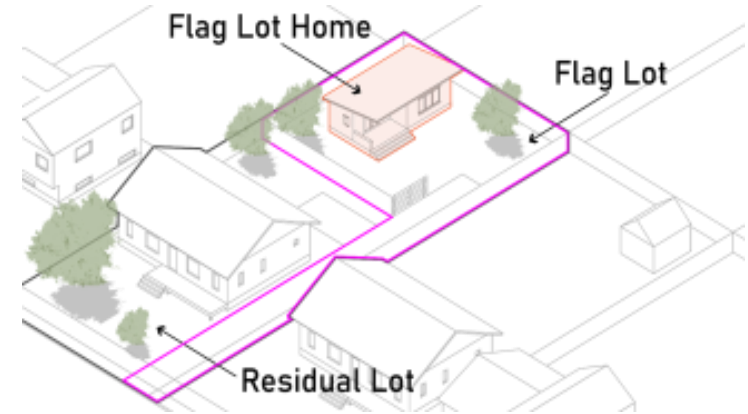
- Covers considerations related to secondary structures, including:
 - Secondary structure height relative to Primary structure, including a discussion of context of secondary buildings in a historic district/on a lot with a listed structure
 - Relationship between secondary buildings allowed in residential standards and citywide provisions for Accessory Dwelling Units (ADUs)
 - Considerations for non-conforming and non-residential buildings encroaching in setbacks to be converted or expanded through additional height
- Modifies Planned Unit Development standards, including the threshold for lot/project size in Residential districts, development intensity, permitted uses, and other topics as identified

Neighborhood Code Part 2-A: Secondary Structures, Planned Unit Developments, and Technical Corrections

- Provide clarifications and corrections relevant to the process and implementation of Neighborhood Code Part 1, including:
 - Additional miscellaneous definitions to clarify and support consistent implementation of new standards, including what is counted with the maximum “building footprint”
 - Possible consolidation of the applicability of Design Review and the Design Review Overlay zone into one section that provides clearer expectations of what is subject to review
 - Possible situations where exceptions to maximum building footprint standards may be considered
 - Technical Corrections, such as clarifying the Residential Corridor Zone purpose statement and to require frontage on a major thoroughfare; internal reference corrections; etc.

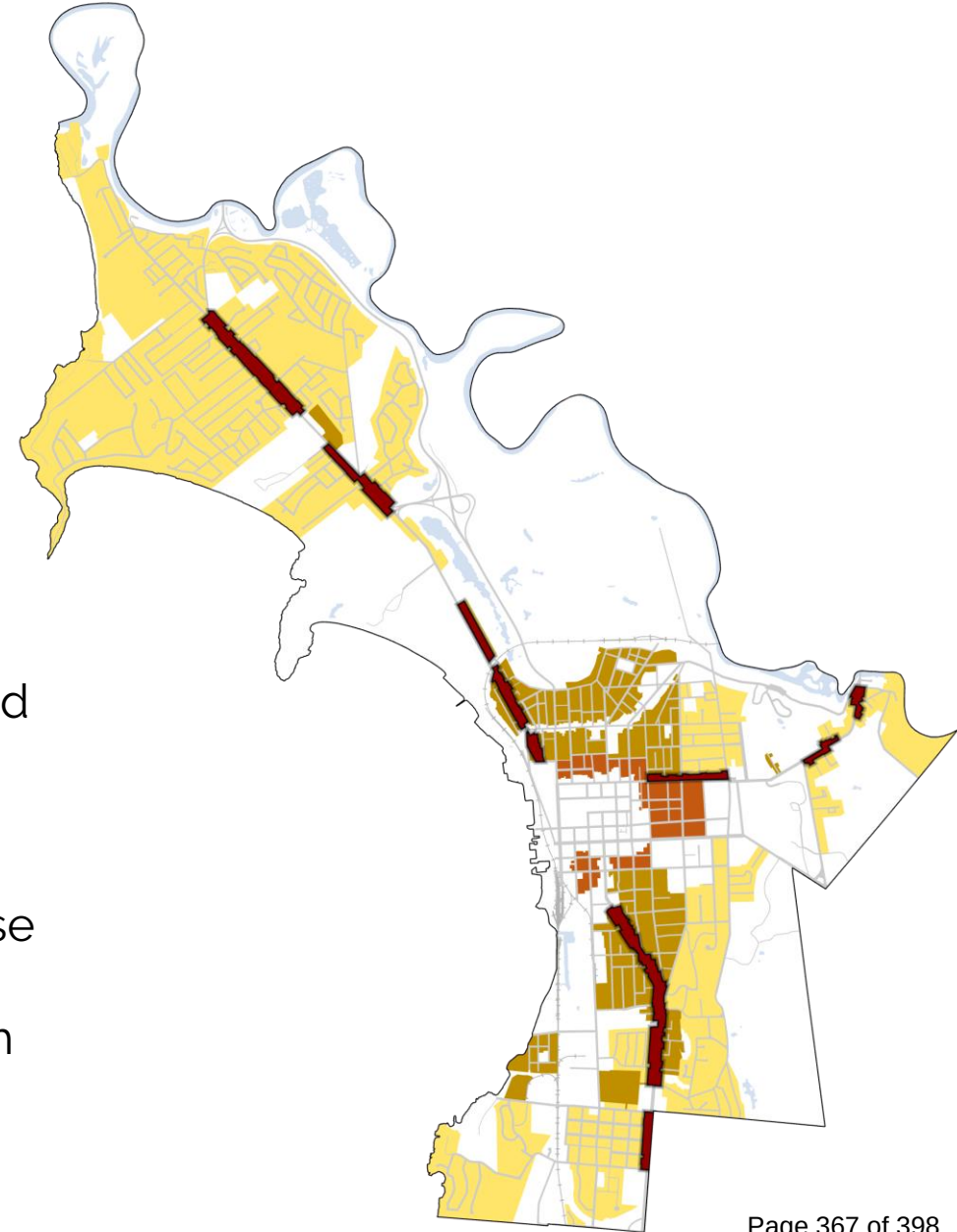
Neighborhood Code Part 2-B: Lot Subdivisions

- Amendment will address the demand for housing typologies and infill development strategies such as Cottage Courts and townhouses through the following topics:
 - Flag Lot and fee-simple small lot standards, including site and lot dimensions, frontage, and access
 - Standards allowing subdivision to facilitate fee-simple ownership of lots under duplex, townhouse, and cottage court types
 - Cottage Court Standards including site and lot dimensions, frontage, access, development intensity, open space requirements
 - Townhouse and fee-simple duplex standards including site, lot and building dimensions, frontage, access, development intensity



Neighborhood Code Part 2-C: Residential Corridors + Neighborhood Commercial Uses

- Explore topics related to non-residential uses and the transitions between residential districts and mixed-use development:
 - Potential expansion of what factors warrant Residential Corridor (RC) zone designation
 - Consider the transition of heights and intensities of development and allowances of existing mixed-use districts adjacent to the new RC district
 - Re-visit use table allowances for residential districts around Burlington
- Note: *planBTV: New North End* will explore expanded mixed-use and commercial development within New North End neighborhoods. Planning process will commence fall 2024 with anticipated completion in 2026.



Neighborhood Code Part 2-D: Residential Parking Standards

- Explores parking standards, including:
 - Clarification of how infill development relates to on-site parking requirements in *Article 8* (Parking Regulations), such as whether to potential additional flexibility to allow stacked parking (3+ cars in a row) for residential developments
 - Consideration of infill-related parking impacts in neighborhoods with high parking demand
 - Provide an opportunity to consider and/or implement recommendations following the Citywide Transportation Options Study

Other **Relevant Topics** + **Related Planning Projects**

Number of questions + related issues raised during the Joint Committee process that were not within the core focus of the Neighborhood Code that should be discussed in other upcoming planning projects and studies, including:

- The impact that existing historic preservation standards have on implementing infill development *(Historic Preservation Plan, beginning in 2024)*
- Opportunities for expanded mixed-use and neighborhood commercial development in the New North End *(planBTV: New North End, beginning in 2024)*, including building scale and land use mix for:
 - Large site redevelopment along the North Avenue Corridor
 - Small mixed-use and/or commercial nodes within neighborhoods within close proximity to the Burlington Greenway
- Access to quality greenspace across all neighborhoods, including corridors and greenways that provide connectivity and mobility for both people and wildlife *(Open Space Plan, beginning in 2024)*

Other topics **requiring the involvement of multiple departments**

Number of questions + related issues raised that will require solutions in collaboration with other departments, in part because they may not be within zoning, including:

- Stormwater and wastewater impacts resulting from infill development, including the need for development review criteria and possible changes to Chapter 26 (City's Stormwater Ordinance) intended to address and accelerate residential-scale green stormwater infrastructure solutions
 - *Note: This must be undertaken in conjunction with DPW-Water division*
- Consideration for whether *Article 9: Inclusionary Zoning* should apply to lots where multiple structures exceed 5 units, but the number of units in each building individually would not have required IZ to be provided
 - *Note: several IZ updates are under consideration currently, and the discussion should include how this question relates to those updates*

Other topics **requiring the involvement of multiple departments**

Number of questions + related issues raised that will require solutions in collaboration with other departments, in part because they may not be within zoning, including:

- Solutions to address implementation feasibility and homeownership opportunities, including:
 - Technical and financial assistance for “small” developers/homeowners
 - Homeownership incentives (funding and other policies not in the purview of zoning) to support first-time homebuyers and owner occupancy of multi-unit infill developments
 - Consider whether building/fire code exceptions/alternative approaches have applicability for implementing middle housing types (i.e. sprinklers, stairs, etc.)
 - Review the role that condo conversion plans in expansion of homeownership in multi-unit buildings

Neighborhood Code **Next Steps**

- **April/May:** Planning Commission Discussion & Communication to Council re: Code Part 2 scope
- **May 14:** Planning Commission begins discussion on **Part 2-A** Topics
- **Summer/Fall** (date tbd based on duration of discussion): PC holds public hearing on recommendations on Part 2-A; refers to Council; begin discussion of Part 2-B Topics
- **Summer/Fall** (date tbd): Council receives PC's Part 2-A recommendations, refers to Ordinance Cmte for review/any potential changes; refers to Council for public hearing/action

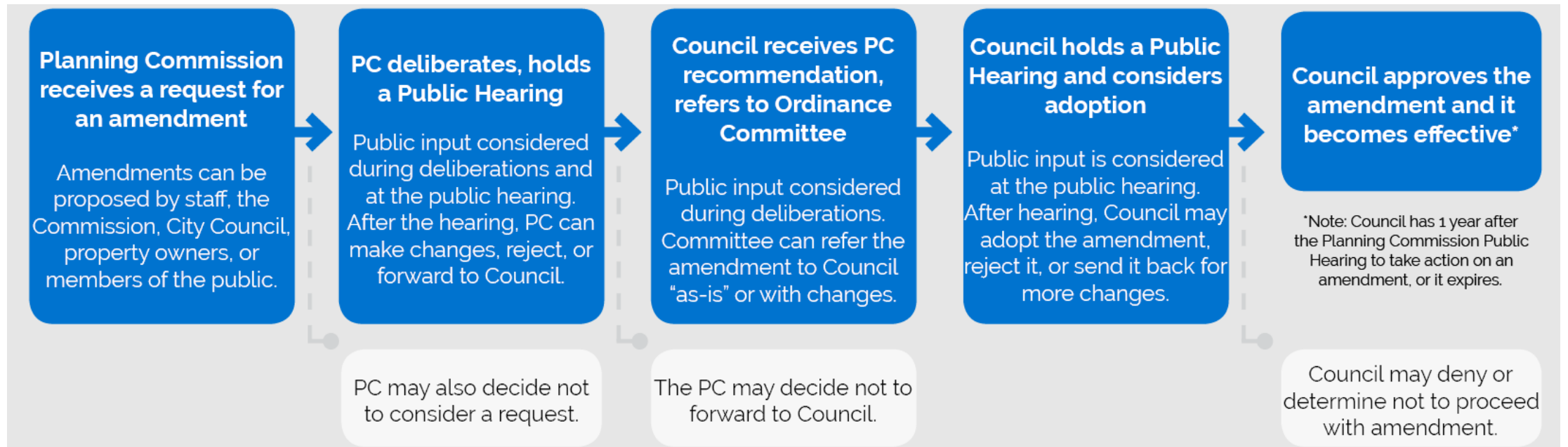
- **October 1, 2024:** Portion of Neighborhood Code Part 1 relating to allowance for secondary structures becomes effective

- **November 2024:** Report on first 6 months of Neighborhood Code implementation (# applications submitted, # projects under construction, # units added)

Zoning Amendment Process

Unlike other City Ordinances, the process to amend and adopt zoning changes (CDO amendments) is governed by both state law and city rules/procedures.

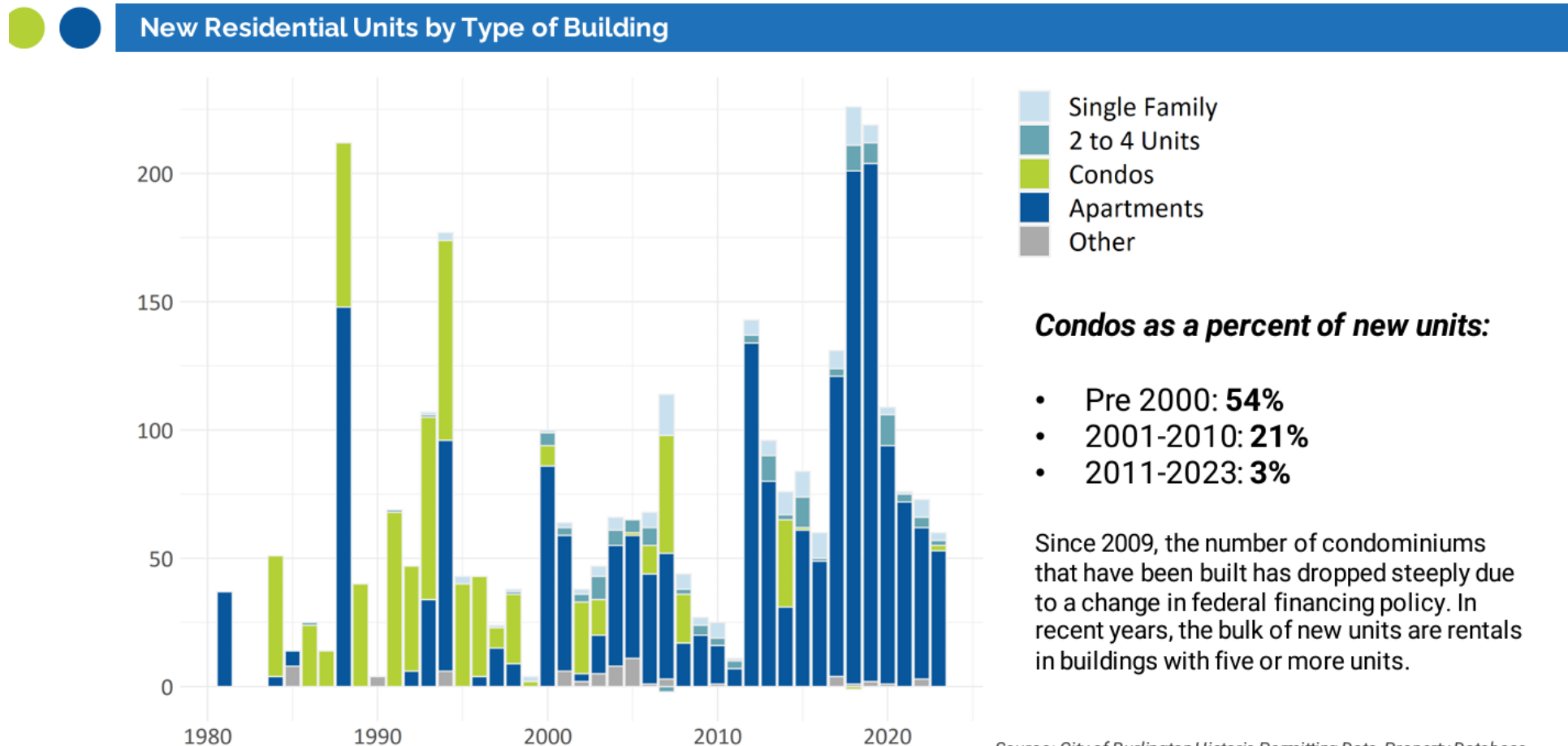
- Many amendments originate with staff (i.e. to implement a plan/address a major city priority) at the request of an outside entity; rarely, amendments originate directly from Councilors
- Regardless of origin, all amendments must first go through Planning Commission for public hearing and recommendation to Council before action.
- Pending zoning amendments, more info about process: <https://www.burlingtonvt.gov/DPI/CDO/Amendments>



Housing Indicators + Annual Report

The data team in the Office of City Planning provides key housing metrics and an annual housing report in collaboration with other departments.

More information & annual report at: <https://data.burlingtonvt.gov/pages/housing>





Questions?

Resolution Relating to

NEGOTIATIONS BETWEEN THE VERMONT
FEDERATION OF NURSES AND HEALTH
PROFESSIONALS AND THE UNIVERSITY OF
VERMONT MEDICAL CENTER

RESOLUTION_____

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Bergman, Grant, Broderick, Kane
Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

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- 2 Nurses and Health Professionals have begun contract negotiations; and
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- 4 institutions in cities with similar costs of living, are low¹; and
- 5 WHEREAS, nurses in Sacramento, California, at the UC Davis Medical Center, are making almost
- 6 double what nurses at the University of Vermont Medical Center are making, all while Sacramento has a cost
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- 16 168% and the household income needed to afford that price has increased 237%, while the base pay for an
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57 BE IT FURTHER RESOLVED that the City Council requests a copy of this resolution be sent to each
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59 & Chief Operating Officer, S. Patrick Bender Chief Quality Officer, Mary Broadworth Vice President of
60 Human Resources, Marissa N. Coleman Vice President of Diversity, Equity, and Inclusion, Isabelle
61 Desjardins Chief Medical Officer, Rebecca Freeman Network Vice President Health Informatics, Peg Gagne
62 Chief Nursing Officer, Lisa Goodrich Vice President Medical Group Operations, Seth Maynard Network Vice
63 President and Chief Technology Officer, Charles Miceli Network Vice President and Chief Supply Chain
64 Officer, Christina Oliver Vice President, Clinical Services, Judith Peek-Lee Chief Financial Officer, Gary
65 Scott Vice President, Hospital Services; and

66 BE IT FURTHER RESOLVED that the City Council requests a copy of this resolution be sent to the
67 State of Vermont's Green Mountain Care Board.

MEMORANDUM

To: Members of the Burlington City Council
Cc: Mayor Mulvaney-Stanak
From: Jason Williams, Chief External Relations Officer, UVM Health Network
Date: May 6th, 2024
Re: Burlington City Council Resolution Titled: *Negotiations between the Vermont Federation of Nurses and Health Professionals and the University of Vermont Medical Center*

UVM Medical Center and the City of Burlington have enjoyed a strong partnership for many years. Our ongoing commitment to collaboration benefits and promotes the health and well-being of the residents of Burlington.

It is in this collaborative spirit that we ask you to reconsider certain language included in the resolution, *Negotiations between the Vermont Federation of Nurses and Health Professionals and the University of Vermont Medical Center*. The manner and tone of this resolution, which is scheduled to come before you this evening, are significant departures from past resolutions advanced by the City Council. In the past, when the City Council put forward resolutions in support of the hospital's support staff or nurses, the language supported both our institution and the relevant union to work together on successfully negotiating a new contract.

This resolution, rather than supporting both parties in achieving a fair contract and finding common ground, asks that the City of Burlington formally take sides in a contract negotiation between two private entities.

The sponsors of the resolution have not reached out to our institution and much of the information included in the resolution presents UVM Medical Center in a negative light through inaccurate and misleading statements. For example, among a number of inaccuracies is the implication that over the past seven years, nursing wages have only risen by 12%. In just the past five years, UVM Medical Center has raised nursing wages by 33%, including 20% increases since UVM Medical Center and the union last entered into a contract in 2022. The average hourly wage for a nurse II (the majority of our workforce) at UVM Medical Center is now \$44.50/hr (before differentials).

Moreover, unlike similar resolutions which have been introduced later in the bargaining process, the current negotiations with nurses have only just begun, and the hospital and the union are acting in good faith to learn about and understand one another's positions.

We generally would not be issuing a memo to this body. We are genuine in our desire to be a good partner to the City of Burlington, though, and the City Council contemplating weighing in at this time and in this manner gives us considerable concern.

To be clear, we are **not** asking you to withhold public support of our nurses – in fact, we welcome your support of the incredible caregivers who devote their careers in service to our neighbors, friends and family. We are asking you to shift the tone of this resolution by removing inaccurate information (please find details in the addendum to this memo) and supporting a path that leads to finding common ground between the hospital and the union. Additionally, we ask that you alter the language following “now, therefore, be it resolved” to instead mirror past resolutions on finding common ground and supporting a fair contract.

Addendum

This addendum lays out UVM Medical Center's response to information contained in the proposed resolution. In italics are items copied from the resolution, in regular font, please find our clarification.

1. WHEREAS, the University of Vermont Medical Center is among the most expensive hospitals in the country...

This is inaccurate: The expense per patient day at UVMHC has hovered around the **25th** percentile of teaching hospitals in the United States. The Lown Institute ranks UVMHC 30th for value among all hospitals in the country (out of 3600). [Centers for Medicare and Medicaid Services](#) says that our cost is below average nationally in terms of Medicare Benefits per Beneficiary. Also, they say that overall (not just Medicare and Medicaid) our costs are average or lower-than-average for benchmark procedures.

2. ... Partially due to administrative costs ranking in the 71st percentile nationwide when it comes to the ratio of administrative salaries to clinical salaries meaning that it spends more than 71% of hospitals in the country on administrative salaries compared to salaries for other staff²

This is misleading: Administrative costs captured here includes all of our staff in areas like IT, finance, quality, human resources. We do need these resources to run a hospital. On paper, UVM Medical Center's amount appears larger than it actually is because that is the amount for the entire UVM Health Network. UVM Medical Center's six health care partner organizations in the UVM Health Network (Home Health & Hospice, Porter, Central VT Medical Center, Elizabeth Town, Alice Hyde, Champlain Valley Physicians Hospital) then reimburse UVM Medical Center for a percentage of these expenses based on their size – after that process, we are below average in these costs.

3. WHEREAS, nurses in Sacramento, California, at the UC Davis Medical Center, are making almost double what nurses at the University of Vermont Medical Center are making, all while Sacramento has a cost of living that is only 3% higher than Burlington.

This is misleading: UC Davis Medical Center's revenue in 2022 was \$2.9 billion and more significantly, their Net Patient Revenue Per Adjusted Patient Discharge was \$61,411 – 147% or more than twice UVM Medical Center's. Maine Medical Center's was \$37,732 which is 45% more than UVM Medical Center's \$26,098.

4. WHEREAS, in the last seven years, the average price of a house in Burlington has skyrocketed by 168% and the household income needed to afford that price has increased 237%, while the base pay for an RN at the University of Vermont Medical Center has only gone up by 12%.

This is inaccurate: Wage increase math here is incorrect in the slide referenced - \$52,172 to 66,456 is a 27% increase, not 12%. Pay for nurses generally (per the contracts) has actually increased 33% since 2018 contract wages went into effect 5 years ago (20% in the last contract alone). That's 6% pay increase per year since the start of FY 2018 in October 2017.

5. At the most recent median price of \$444,000, a household would need to earn \$129,600 in order to spend 30% of their income on monthly payments⁵

More Detail: The average hourly wage for a nurse II (the majority of our workforce) at UVM Medical Center is \$44.50/hr (before differentials). For a nurse working 36 hours (3, 12-hour shifts per week) with zero incentive pay, this equates to \$83,304 – well above half what a household would need to meet that average and \$20k over the median **household** income in Burlington (2018-2022).

6. WHEREAS, in addition to the \$126 million that the new facility is projected to cost, the new center would only create a net three Operating Rooms to the entirety of the University of Vermont Medical Center's capacity⁷;

This is inaccurate: The Green Mountain Care Board's third party experts have determined that the cost of the center is in-line with construction costs in New England. It would not "only create" net three operating rooms, but include expansion space that will create a total of 12 operating rooms as need grows. Not only are we creating the space to eventually build 12 ORs (that's a net 7), the ORs we're building will be larger and be able to take on more types of procedures that are currently performed in an inpatient setting, so it isn't an apples to apples comparison between the Fanny Allen ORs that we will leave behind and the new ORs.

7. WHEREAS, the University of Vermont Medical Center says their staffing plan for the new facility draws from current staff at both the Main Campus and the Fanny Allen Campus, in addition to using recruiting services to fill the rest of the open positions⁷;

This is inaccurate: Nowhere in our Certificate of Need Application does it say that recruiting services will be used to fill "the rest of open positions." It does say that we anticipate that 25% of OR RNs (that's 5 RNs), 10% of Surgical Tech (.87 surg techs), and 10% of Paraneesthesia RNs (that's 3.5 RNs) will be Travelers.

8. WHEREAS, the University of Vermont Medical Center should prioritize the needs and retention of its current work force before or in concert with pursuing expansion through the above mentioned capital projects;

This implies that this isn't current practice, which isn't true: We're proud to say that we are prioritizing recruitment and retention in concert with addressing our access challenges through construction of the Outpatient Surgery Center and keeping health care affordable for Vermonters.

- Since the third quarter of 2022, we've had a net growth of 120 nurses.
- This is aided by our lower than average turnover rate, which we project at 6% for the year – that's more than 10% less than the [average turnover rate in the Northeast of 17%](#).
- In terms of pay, nurses wages have gone up by 33% since 2018. The average nurse II wage is 44.50, which means if they are working 36 hours a week (3 12 hour shifts) they will earn \$83,304. Nurses working 40 hours earn 92,560.
- We've created workforce development programs that will grow our own with 44 students in our LNA to RN program, 8 in our accelerated BSN program and 21 in our MSN education pathway program. We also have tuition reimbursement for all employees.
- We've invested in housing for new and current employees with subsidies for lower income households and we plan to increase our current childcare offerings in the fall.
- We're converting travelers to full time staff at an increasing rate with 21 of them joining our ranks last year alone.
- We have great wellness offerings for our employees including: chair massages, yoga, mindfulness activities, group walks and nights out at the Lake Monsters or the movies.
- Our vacancy rate *has* grown, but only because we've created additional positions in order to better support our team and care for our community.
- Nurses comprised part of the stakeholder group that weighed in on the design of the proposed Outpatient Surgery Center.
- Our nurses also stay for the fact that we are a mission-oriented nonprofit. In a recent survey of our nursing workforce, 95% of the more than 1300 respondents say that our organization promotes a culture of person- and family-centered care.

**To: Burlington City Council
Vermont Federation of Nurses and Health Professionals**

**From: Councilor Sarah Carpenter
Councilor Mark Barlow**

Re: Motion to Postpone Action Until May 20 - Agenda Item 6.8

On May 6, 2024, the Burlington City Council has been asked to consider a **Resolution relating to NEGOTIATIONS BETWEEN THE VERMONT FEDERATION OF NURSES AND HEALTH PROFESSIONALS AND THE UNIVERSITY OF VERMONT MEDICAL CENTER.**

The end of the Resolution asks:

That the City of Burlington “encourage the University of Vermont Medical Center to negotiate a fair contract that provides employees with salary and benefits that are comparable to hospitals located in cities with a similar cost of living to Burlington, Vermont;” and

That City of Burlington “expresses its deep appreciation for the critical service all employees of the University of Vermont Medical Center provide to our community.”

WE UNEQUIVOCALLY SUPPPORT THE UVM NURSES AND THOSE STATEMENTS

The Resolution also asks that the City of Burlington “recognize that when workers’ wages are increased, our local economy is strengthened, and recognize the benefits to our local economy that come when workers are a part of a labor union”.

WE ABSOLUTELY RECOGNIZE THAT FOR ALL WORKERS IN BURLINGTON

However, it is very unfortunate that the main resolve of this resolution puts us in a position of being asked to take a position on a specific labor negotiation most of the Burlington City Councilors know little about. This is something different than previous resolutions.

Just two weeks ago, our colleague Councilor Carter Neubieser presented us with a resolution that suggests that at this point we pick a side in the negotiation and fully support the Vermont Federation of Nurses and Health Professionals in their current contract negotiations with the University of Vermont Medical Center. Most of us are unaware of the details of the negotiation. We do not know where in the process of negotiation they are or what is being asked for. The difficulty with resolution as written is that we are receiving differing information on some of the information in the whereas clauses and factual information, and there has been no thoughtful forum to respond to that. Since the city council is not party to the negotiations it is not our role to comment on specifics.

The role of a city councilor is to offer support to our constituents and partners, but we want to make sure we have the facts and that our opinion makes a difference if there might be some real split in the process. We support all the workers in our community and their well-being but understand the constraints of bargaining with public funds. Much emphasis in the resolution has been put on the ability of a nurse to purchase a home or rent in Burlington. That is a universal problem with most of the workers in our city and has as much to do with our incredibly tight and expensive market as it has to do with any one category of workers' salary level. The business of the City Council and the State of Vermont should be to fix that for all our citizens.

In light of additional information received, which is attached to the agenda, **this resolution as written needs alignment of the factual information** and seems premature. This should happen before the resolution is passed. There are items that have been brought up in discussion about the operations of UVMMC which should be addressed. Should they be addressed in this resolution? Are they part of the nurses' contract negotiations?

As strongly as we support the UVMMC nurses in our community we ask to postpone the consideration of this Resolution until the May 20th Council meeting and allow for adequate time to get input from all sides.

Resolution Relating to

NEGOTIATIONS BETWEEN THE VERMONT
FEDERATION OF NURSES AND HEALTH
PROFESSIONALS AND THE UNIVERSITY OF
VERMONT MEDICAL CENTER

RESOLUTION 6.8.

Sponsor(s): Councilors Neubieser,
Bergman, Grant, Broderick, Kane

Introduced: 05/06/24

Referred to: _____

Action: adopted

Date: 05/06/24

Signed by Mayor: 05/09/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

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

1 That WHEREAS, the University of Vermont Medical Center and the Vermont Federation of
2 Nurses and Health Professionals have begun contract negotiations; and

3 WHEREAS, wages for nurses at the University of Vermont Medical Center, when compared to other
4 institutions in cities with similar costs of living, are low¹; and

5 WHEREAS, nurses in Sacramento, California, at the UC Davis Medical Center, are making almost
6 double what nurses at the University of Vermont Medical Center are making, all while Sacramento has a cost
7 of living that is only 3% higher than Burlington¹; and

8 WHEREAS, nurses at Maine Medical Center in Portland, Maine, make almost \$5,000 more annually
9 than nurses at the University of Vermont Medical Center, all while having a cost of living that is five percent
10 below that of Burlington, VT¹; and

11 WHEREAS, the University of Vermont Medical Center is among the most expensive hospitals in the
12 country, partially due to administrative costs ranking in the 71st percentile nationwide when it comes to the
13 ratio of administrative salaries to clinical salaries meaning that it spends more than 71% of hospitals in the
14 country on administrative salaries compared to salaries for other staff²; and

15 WHEREAS, in the last seven years, the average price of a house in Burlington has skyrocketed by
16 168% and the household income needed to afford that price has increased 237%, while the base pay for an
17 RN at the University of Vermont Medical Center has only gone up by 12%³; and

¹ *VFNHP Wages Research*. (2024, April 4). Retrieved April 10, 2024, from <https://vfnhp.com/wp-content/uploads/2024/04/combinepdf-11.pdf>, Slide 4

² Green Mountain Care Board. (n.d.). *UVMHC Deliberation Summary*.
https://gmcboard.vermont.gov/sites/gmcb/files/documents/UVMHC%20-%20Deliberation%20Summary_0.pdf, Slide 3

³ *VFNHP Wages Research*. (2024, April 4). Retrieved April 10, 2024, from <https://vfnhp.com/wp-content/uploads/2024/04/combinepdf-11.pdf>, Slide 5

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DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20
..... Clerk

Approved....., 20

Attest:

..... Mayor

Vol. Page

* * * * *

Resolution Relating to NEGOTIATIONS BETWEEN THE VERMONT FEDERATION OF
NURSES AND HEALTH PROFESSIONALS AND THE UNIVERSITY OF
VERMONT MEDICAL CENTER

18 WHEREAS, the median rent in Burlington Vermont, in 2022, was \$1,540.00 per month⁴; and

19 WHEREAS, at the most recent median price of \$444,000, a household would need to earn
20 \$129,600 in order to spend 30% of their income on monthly payments⁵; and

21 WHEREAS, 33% of renters in Burlington pay more than half of their income on rent, a rate higher
22 than most peer cities⁵; and

23 WHEREAS, all frontline workers, including nurses, went above and beyond to serve our community
24 during the COVID-19 pandemic; and

25 WHEREAS, in the course of their duties, nurses sometimes work with patients who can become
26 violent⁶; and

27 WHEREAS, the University of Vermont Medical Center is currently in the process of trying to get
28 approval for a new outpatient surgery center at the Tilley Drive complex⁷; and

29 WHEREAS, in addition to the \$126 million that the new facility is projected to cost, the new center
30 would only create a net three Operating Rooms to the entirety of the University of Vermont Medical Center's
31 capacity⁷; and

32 WHEREAS, the University of Vermont Medical Center says their staffing plan for the new facility
33 draws from current staff at both the Main Campus and the Fanny Allen Campus, in addition to using recruiting
34 services to fill the rest of the open positions⁷; and

35 WHEREAS, the Hospital is already in the midst of a staffing crisis and there are hundreds of traveling
36 nurses currently staffing the facility; and

37 WHEREAS, the University of Vermont Medical Center should prioritize the needs and retention of its
38 current work force before or in concert with pursuing expansion through the above mentioned capital projects;
39 and

⁴ U.S. Census Bureau (2022), American Community Survey (ACS), Table B25064: Median Gross Rent (Dollars).

⁵ BTVstat Housing Report June 2023

<https://www.burlingtonvt.gov/sites/default/files/BTVstat%20Housing%20for%20Public%20Release.pdf>, Slides 14 and 17

⁶ Boronski, T. (Ed.). (2023, October 25). UVM Health Network front-line workers discuss horrors stories of workplace violence. *NBC 5*. Retrieved April 10, 2024, from <https://www.mynbc5.com/article/uvm-health-network-front-line-workers-discuss-horrors-stories-of-workplace-violence/45646404>

⁷ Green Mountain Care Board. (2023, February 10). *Certificate of Need Application by the University of Vermont Medical Center for an Outpatient Surgery Center*. Retrieved April 10, 2024, from https://gmcbboard.vermont.gov/sites/gmcb/files/documents/20230210_UVMCMC%20OSC%20CON%20Application_2.pdf

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Adopted by the City Council

....., 20

..... Clerk

Approved....., 20

..... Mayor

Vol. Page

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Resolution Relating to NEGOTIATIONS BETWEEN THE VERMONT FEDERATION OF
NURSES AND HEALTH PROFESSIONALS AND THE UNIVERSITY OF
VERMONT MEDICAL CENTER

WHEREAS, in order to properly do their jobs and prevent burnout, nurses need fair and competitive wages, benefits, staffing levels, and time off. Nurses need access to affordable housing in Burlington and the surrounding area, which in addition to the construction of permanently affordable housing units, is made possible by being paid fair and competitive wages. Nurses need greater safety protections while performing their work;

NOW, THEREFORE, BE IT RESOLVED that the City of Burlington supports the Vermont Federation of Nurses and Health Professionals in their contract negotiations with the University of Vermont Medical Center; and

BE IT FURTHER RESOLVED that the City of Burlington encourages the University of Vermont Medical Center to negotiate a fair contract that provides employees with salary and benefits that are comparable to hospitals located in cities with a similar cost of living to Burlington, Vermont; and

BE IT FURTHER RESOLVED that the City of Burlington expresses its deep appreciation for the critical service all employees of the University of Vermont Medical Center provide to our community; and

BE IT FURTHER RESOLVED that the City of Burlington recognizes that when workers' wages are increased, our local economy is strengthened; and

BE IT FURTHER RESOLVED that the City of Burlington recognizes the benefits to our local economy that come when workers are a part of a labor union; and

BE IT FURTHER RESOLVED that the City Council requests a copy of this resolution be sent to each member of the University of Vermont Medical Center's leadership team including Stephen Leffler President & Chief Operating Officer, S. Patrick Bender Chief Quality Officer, Mary Broadworth Vice President of Human Resources, Marissa N. Coleman Vice President of Diversity, Equity, and Inclusion, Isabelle Desjardins Chief Medical Officer, Rebecca Freeman Network Vice President Health Informatics, Peg Gagne Chief Nursing Officer, Lisa Goodrich Vice President Medical Group Operations, Seth Maynard Network Vice President and Chief Technology Officer, Charles Miceli Network Vice President and Chief Supply Chain Officer, Christina Oliver Vice President, Clinical Services, Judith Peek-Lee Chief Financial Officer, Gary Scott Vice President, Hospital Services; and

BE IT FURTHER RESOLVED that the City Council requests a copy of this resolution be sent to the State of Vermont's Green Mountain Care Board.

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

Green Mountain Care Board, State of Vermont

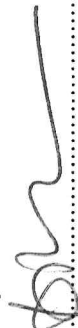
RESOLUTION RELATING TO

Negotiations Between The Vermont Federation Of Nurses And Health Professionals
And The University Of Vermont Medical Center

ORIGINAL

Adopted by the City Council

May 6, 2024

 Clerk

Approved May 9, 2024

 Mayor

Vol. Page

Attest:

Loni Olberg
Licensing and Records Coordinator

* * * * *



Office of Mayor Emma Mulvaney-Stanak

MEMORANDUM

To: City Council
From: Mayor Emma Mulvaney-Stanak
CC:
Date: May 6, 2024
Re: Mayor's Update to City Council

General Updates from the Mayor

I have officially marked my first month as mayor, and I look forward to the work to come.

My team has been hard at work on the FY25 budget. As we find solutions, I appreciate the help of Department Heads and staff, particularly the Office of the Clerk/Treasurer, and City unions. I also want to thank our community advisors on the budget as our work with them wraps up.

Budget information meetings begin next week. At the May 13 meeting, we will provide an update on the overall budget, as well as information from BED and the Water Division on anticipated rate needed changes for next fiscal year. As we build the budget, we continue to prioritize strategic investments in community safety.

We have advanced the process to hire key positions in the City, notably City attorney, deputy attorney, and planning director.

Together with the CJC, we have begun planning for restorative community discussion on the war in Palestine and its impact on our connected communities. I will look to partner with City Councilors as we address and repair harm.

We are also establishing a clear camping policy and coordinated City response ahead of the summer.

City Highlights

CommStat meetings are continuing, and we are exploring ways to improve this key process.

I have now met with all four of our City unions and look forward to a strong working relationship.

We are conducting interviews for the clinician position at CARES.

We are also developing and implementing a community engagement strategy for Memorial Block 2.0.

Events:

- The BPD hosted its annual awards on May 6. I was glad to attend & congratulate the awardees.
- The Waterfront, campground, marina, and seasonal restrooms will open on May 15.
- Kid's Weekend is May 17 and 18, at Roosevelt Park on Friday and the Waterfront on Saturday.
- After 33 years, Norm Baldwin is leaving the City on May 24. Thank you for your service.
- REIB is diligently planning for Juneteenth, which will take place on June 15th, 11am-11pm.

Community Engagement

Here are highlights of my recent interactions with community organizations:

- Celebrated Free Cone Day by scooping ice cream at the flagship Ben & Jerry's on Church St.
- Offered remarks at the installation of the settled minister of UU, Rev. Karen Johnston.
- Spoke with CIR/SEIU, the union that represents UVMHC residents, on housing affordability, public health issues, and community safety issues.
- Joined Howard Center Street Outreach for a walk-along.
- Worked proactively with stakeholders to monitor the status of the UVM student encampment.
- Toured the Intervale and learned about sustainable community food systems.
- Toured BETA, learned about educational partnerships, and welcomed the state House Commerce Committee to the region.
- Participated in CVOEO's Fair Housing Month art contest.
- Continued collaboration with labor organizers: met with AFSCME leadership and provided statement for UVM/UVMHC May Day March.

I also met with key local, regional, and state leaders:

- Community organizations: Howard Center, UVMHC, UVM, Champlain College, Red Cross, BHA, Cathedral Square, BBA, and ACLU-Vermont.
- Regional leadership: Mayor Lott of Winooski and City Manager Jessie Baker of South Burlington.
- State officials: HUD, Secretary of Agriculture Tebbets, and Congresswoman Balint.

State and Legislative Activity

- In a historic moment, bill H.72 passed with veto-proof margins. Thank you to the State Reps and Senators who voted in support of this important legislation. The veto session is in June.
- Bill H.881 is on track to finish the process in the Senate soon, which will finalize the BED charter change and impact their line of credit.
- We are tracking the end of the legislative session, specifically changes to the General Assistance Emergency Housing Program and Act 250 modification bills.
- We will debrief with our legislators in June and invite all City Councilors who are interested.