



## City Council Meeting

**Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor**

Please click the link below to join the webinar:

<https://zoom.us/j/92925893185>

Or Telephone: +1 305 224 1968 US

Webinar ID: 929 2589 3185

**\*\*CCTV link: [https://www.youtube.com/playlist?list=PLIjLFn4BZd2PwCge7INoKug676jIf\\_iUA](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

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| <b>Subject</b>     | <b>1.1. Motion to amend/adopt agenda</b>                                                                                      |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category           | 1. Agenda                                                                                                                     |
| Department         | Council and Board                                                                                                             |
| Type               | Action<br>Procedural                                                                                                          |
| Recommended Action | Motion to amend/adopt agenda                                                                                                  |

### 2. Moment to Recognize Norm Baldwin

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| <b>Subject</b> | <b>2.1. Moment to Recognize Norm Baldwin</b>                                                                                  |
| Meeting        | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category       | 2. Moment to Recognize Norm Baldwin                                                                                           |

Department Council and Board

Type Communication

**3. Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, re: Discussion of "pending and/or potential" litigation (verbal) \*\*expected executive session\*\* 6:00 pm - 6:30 pm ; Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, Kerin Durfee, Human Resources Director, re: Discussion of employment contract (verbal)\*\*expected executive session\*\* 6:30 pm - 7:00 pm**

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**Subject** 3.1. Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, re: Discussion of "pending and/or potential" litigation (verbal) \*\*expected executive session\*\* 6:00 pm - 6:30 pm

**Meeting** May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

**Category** 3. Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, re: Discussion of "pending and/or potential" litigation (verbal) \*\*expected executive session\*\* 6:00 pm - 6:30 pm ; Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, Kerin Durfee, Human Resources Director, re: Discussion of employment contract (verbal)\*\*expected executive session\*\* 6:30 pm - 7:00 pm

**Department** City Attorney

**Type** Action  
Information  
Communication

**Recommended Action** Motion 1: Move that the Council find that premature general public knowledge of legal advice and information concerning the details of "pending and/or potential" litigation to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage;

Motion 2: Based upon that finding, move that the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending civil litigation matter, 1 VSA §313(a)(1)(E).

**Subject** 3.2. Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, Kerin Durfee, Human Resources Director, re: Discussion of employment contract (verbal) \*\*expected executive session\*\* 6:30 pm - 7:00 pm

**Meeting** May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

**Category** 3. Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, re: Discussion of "pending and/or potential" litigation (verbal) \*\*expected executive session\*\* 6:00 pm - 6:30 pm ; Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, Kerin Durfee, Human Resources Director, re: Discussion of employment contract (verbal)\*\*expected executive session\*\* 6:30 pm - 7:00 pm

**Department** Attorney's Office



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| Type | Action<br>Procedural |
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Recommended Action

Motion 1: Move that the Council find that premature general public knowledge of legal advice and information concerning the details of an employment contract would clearly place the City at a substantial disadvantage;

Motion 2: Based upon that finding, move that the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), regarding an employment contract, 1 VSA §313(a)(1)(A).

#### **4. Public Forum: Time Certain: 7:00 pm \*\*See above for signup instructions\*\***

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| <b>Subject</b>     | <b>4.1. Verbal Comments</b>                                                                                                   |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category           | 4. Public Forum: Time Certain: 7:00 pm **See above for signup instructions**                                                  |
| Department         | Council and Board                                                                                                             |
| Type               | Action<br>Procedural                                                                                                          |
| Recommended Action | open Public Forum<br>close Public Forum                                                                                       |

#### **5. Climate Emergency Reports (5 - 10 mins.)**

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| <b>Subject</b> | <b>5.1. Verbal reports</b>                                                                                                    |
| Meeting        | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category       | 5. Climate Emergency Reports (5 - 10 mins.)                                                                                   |
| Department     | Council and Board                                                                                                             |
| Type           | Information                                                                                                                   |

#### **6. Public Health & Safety Emergency Updates (5-10 mins.)**

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| <b>Subject</b> | <b>6.1. Verbal reports</b>                                                                                                    |
| Meeting        | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category       | 6. Public Health & Safety Emergency Updates (5-10 mins.)                                                                      |
| Department     | Council and Board                                                                                                             |
| Type           | Information                                                                                                                   |

#### **7. Consent Agenda**

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| <b>Subject</b> | <b>7.1. Motion to adopt the consent agenda and take the actions indicated</b> |
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| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                          |
| Category           | 7. Consent Agenda                                                                                                                                                                                                                      |
| Department         | Council and Board                                                                                                                                                                                                                      |
| Type               | Action (Consent)<br>Procedural                                                                                                                                                                                                         |
| Recommended Action | Motion to adopt the consent agenda and take the actions indicated                                                                                                                                                                      |
| <b>Subject</b>     | <b>7.2. Accountability List - C/T Office</b>                                                                                                                                                                                           |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                          |
| Category           | 7. Consent Agenda                                                                                                                                                                                                                      |
| Department         | Clerk/Treasurer's Office                                                                                                                                                                                                               |
| Type               | Action (Consent)<br>Communication<br>Information                                                                                                                                                                                       |
| Recommended Action | waive the reading, accept the communication and place it on file                                                                                                                                                                       |
| <b>Subject</b>     | <b>7.3. Indoor and Outdoor Entertainment Permit Renewals (2024-2025): see attached list</b>                                                                                                                                            |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                          |
| Category           | 7. Consent Agenda                                                                                                                                                                                                                      |
| Department         | Clerk/Treasurer's Office                                                                                                                                                                                                               |
| Type               | Action (Consent)                                                                                                                                                                                                                       |
| Recommended Action | approve the 2024-2025 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions                                                                                                                          |
| <b>Subject</b>     | <b>7.4. Communication; Abbey Duke, Member, Parks &amp; Recreation Commission, re: Resignation</b>                                                                                                                                      |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                          |
| Category           | 7. Consent Agenda                                                                                                                                                                                                                      |
| Department         | Clerk/Treasurer's Office                                                                                                                                                                                                               |
| Type               | Action (Consent)<br>Communication                                                                                                                                                                                                      |
| Recommended Action | waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Abbey Duke thanking her for her time served as a Member of the Parks and Recreation Commission |

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| <b>Subject</b>     | <b>7.5. Communication: Dana R. Pierson, re: parking meters</b>                                                                                  |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                   |
| Category           | 7. Consent Agenda                                                                                                                               |
| Department         | Clerk/Treasurer's Office                                                                                                                        |
| Type               | Action (Consent)<br>Communication                                                                                                               |
| Recommended Action | waive the reading and place the communication on file                                                                                           |
| <b>Subject</b>     | <b>7.6. Communication: C/T Office, re: March 25, 2024 City Council With Mayor Presiding Meeting Minutes, Draft</b>                              |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                   |
| Category           | 7. Consent Agenda                                                                                                                               |
| Department         | Clerk/Treasurer's Office                                                                                                                        |
| Type               | Action (Consent)<br>Communication<br>Information<br>Minutes                                                                                     |
| Recommended Action | waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 6, 2024 Regular City Council Meeting |
| <b>Subject</b>     | <b>7.7. Communication: C/T Office, re: March 25, 2024 Regular City Council Meeting Minutes, Draft</b>                                           |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                   |
| Category           | 7. Consent Agenda                                                                                                                               |
| Department         | Clerk/Treasurer's Office                                                                                                                        |
| Type               | Action (Consent)<br>Communication<br>Information<br>Minutes                                                                                     |
| Recommended Action | waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 6, 2024 Regular City Council Meeting |
| <b>Subject</b>     | <b>7.8. Communication: C/T Office, re: April 1, 2024 City Council Organization Day Meeting Minutes, Draft</b>                                   |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                   |
| Category           | 7. Consent Agenda                                                                                                                               |
| Department         | Clerk/Treasurer's Office                                                                                                                        |

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| Type               | Action (Consent)<br>Communication<br>Information<br>Minutes                                                                                                                        |
| Recommended Action | waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 6, 2024 Regular City Council Meeting                                    |
| <b>Subject</b>     | <b>7.9. Communication: C/T Office, re: April 15, 2024 Regular City Council Meeting Minutes, Draft</b>                                                                              |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                      |
| Category           | 7. Consent Agenda                                                                                                                                                                  |
| Department         | Clerk/Treasurer's Office                                                                                                                                                           |
| Type               | Action (Consent)<br>Communication<br>Information<br>Minutes                                                                                                                        |
| Recommended Action | waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 6, 2024 Regular City Council Meeting                                    |
| <b>Subject</b>     | <b>7.10. Communication: C/T Office, re: April 15, 2024 Local Control Commission Meeting Minutes, Draft</b>                                                                         |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                      |
| Category           | 7. Consent Agenda                                                                                                                                                                  |
| Department         | Clerk/Treasurer's Office                                                                                                                                                           |
| Type               | Action (Consent)<br>Communication<br>Information<br>Minutes                                                                                                                        |
| Recommended Action | waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 6, 2024 Regular City Council Meeting                                    |
| <b>Subject</b>     | <b>7.11. Request for Approval to Execute a Contract with ECI for the Temporary Foremain Removal and Restoration of Site Project - DPW - Water Resources</b>                        |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                      |
| Category           | 7. Consent Agenda                                                                                                                                                                  |
| Department         | Public Works Department - Water Resources                                                                                                                                          |
| Type               | Action (Consent)                                                                                                                                                                   |
| Recommended Action | to authorize the Director of Public Works' to execute a Construction Contract Engineer's Construction, Inc. for removal of the temporary forcemain and restoration of the site for |

an amount up to \$125,000, subject to the review and approval of the City Attorney's Office

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| <b>Subject</b>     | <b>7.12. Request for Approval of a \$1,276,829 Budget Neutral Amendment to the FY 2024 Patrick Leahy Burlington International Airport - Airport</b>                                                                                                                                                                                                                                                                                                                                 |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                                                                                                                                                                                                                                                                       |
| Category           | 7. Consent Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Department         | Airport                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Type               | Action (Consent)                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Recommended Action | yo approve a budget neutral amendment to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget in the amount of \$1,276,829 by increasing the accounts as described in the affiliated memorandum                                                                                                                                                                                                                                                               |
| <b>Subject</b>     | <b>7.13. Request to Accept and Execute a contract in the amount of \$97,695.00 with Annseal Inc. for Runway (RW)15-33 Plain Cement Concrete (PCC) Concrete Joint Repair and a budget neutral amendment - Airport</b>                                                                                                                                                                                                                                                                |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                                                                                                                                                                                                                                                                       |
| Category           | 7. Consent Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Department         | Airport                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Type               | Action (Consent)                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Recommended Action | <p>1. to approve and authorize the Director of Aviation to execute a contract with Annseal in the amount of \$97,695.00 with a 15% contingency totaling up to \$112,349 for the Runway (RW)15-33 PCC Concrete Joint Repair, subject to review and approval of the City Attorney's Office</p> <p>2. to approve a budget neutral amendment in the amount of \$115,000 to the Fiscal Year 2024 Airport budget by increasing the accounts as described in the affiliated memorandum</p> |
| <b>Subject</b>     | <b>7.14. Request to Accept and Execute a contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of \$364,844 dollars - Airport</b>                                                                                                                                                                                                                                                                                                                 |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                                                                                                                                                                                                                                                                       |
| Category           | 7. Consent Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Department         | Airport                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Type               | Action (Consent)                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Recommended Action | to approve and authorize the Director of Aviation to execute a contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of \$364,844 dollars, subject to review and approval of the contract by the City Attorney's Office                                                                                                                                                                                                                           |

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| <b>Subject</b>     | <b>7.15. Request to Execute a contract in the amount of \$126,000 dollars with Mikes Electric, Inc. (MEI) for Terminal Fluorescent Lighting Control Replacement - Airport</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Category           | 7. Consent Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Department         | Airport                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Type               | Action (Consent)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Recommended Action | to approve and authorize the Director of Aviation to execute a contract with Mikes Electric Inc (MEI) in the amount of \$126,000 dollars for Terminal Fluorescent Lighting Control Replacement, subject to review and approval of the contract by the City Attorney's Office                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Subject</b>     | <b>7.16. Extension of Lease - Waterfront Information Services Building - BPRW</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Category           | 7. Consent Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Department         | Parks, Recreation, & Waterfront                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Type               | Action (Consent)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Recommended Action | to approve and authorize a holdover of the existing lease terms with the Lake Champlain Chamber of Commerce for the premises located within the Pease Lot Information Building and as more particularly described in the existing lease, creating a month to month tenancy as provided for in the existing lease through October 31, 2024 for the purposes of continuity of Information Services                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Subject</b>     | <b>7.17. ARPA Community Infrastructure Budget Amendment and Request to Execute a Contract with S.D. Ireland Brothers Corporation for the site work and utility connections required for the kiosk at City Hall Park - CEDO</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Category           | 7. Consent Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Department         | Community & Economic Development Office (CEDO)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Type               | Action (Consent)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Recommended Action | to approve and authorize that the City Council approve and authorize the City's Chief Administrative Officer or their designee, to execute a budget amendment to increase the City Hall Park Kiosk Budget by \$150,000 from the Expanded Waterworks Park Connections and Amenities budget of \$600,000 and to approve and authorize the Director of the Community & Economic Development Office to enter into a contract with S.D. Ireland Brothers Corporation for the purposes of completing the site work and infrastructure connections for the City Hall Park Kiosk, with a cost of up to \$197,500 and a ~10% contingency, for a total authorization and maximum limiting amount of \$220,000 subject to final review and approval of the City Attorney's Office |

**Subject** **7.18. May 6, 2024 Legislative Update - Jamie Feehan**  
Meeting May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor  
  
Category 7. Consent Agenda  
  
Department Council and Board  
  
Type Action (Consent)  
Communication  
Information

Recommended Action waive the reading and place the communication on file

**Subject** **7.19. May 13, 2024 Legislative Update - Jamie Feehan**  
Meeting May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor  
  
Category 7. Consent Agenda  
  
Department Council and Board  
  
Type Action (Consent)  
Communication  
Information

Recommended Action waive the readng and place the communication on file

**Subject** **7.20. FIO Documents**  
Meeting May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor  
  
Category 7. Consent Agenda  
  
Department Clerk/Treasurer's Office  
  
Type Action (Consent)  
Communication  
Information

Recommended Action for information only

**Subject** **7.21. Ordinance: An Update To Chapter 23, Peddlers And Solicitors, To Accommodate Burlingtonians And Visitors On June 15, 2024 (License Committee)**  
Meeting May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor  
  
Category 7. Consent Agenda  
  
Department Council and Board  
  
Type Action (Consent)

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| Recommended Action | waive the reading, suspend the rules, and place the updates to Chapter 23 of the Burlington Code of Ordinances in all stages of passage as detailed in the attached ordinance form |
| <b>Subject</b>     | <b>7.22. Resolution: Designation Of Ward 2 Polling Place For 2024 State Primary Election, 2024 General Election, and 2025 Annual City Election (Councilor Bergman)</b>             |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                      |
| Category           | 7. Consent Agenda                                                                                                                                                                  |
| Department         | Council and Board                                                                                                                                                                  |
| Type               | Action (Consent)<br>Resolution                                                                                                                                                     |
| Recommended Action | waive the reading and adopt the resolution                                                                                                                                         |
| <b>Subject</b>     | <b>7.23. Resolution: Adoption Of Updated Local Emergency Management Plan (Councilors Grant, Barlow)</b>                                                                            |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                      |
| Category           | 7. Consent Agenda                                                                                                                                                                  |
| Department         | Fire Department                                                                                                                                                                    |
| Type               | Resolution<br>Action (Consent)                                                                                                                                                     |
| Recommended Action | waive the reading and adopt the resolution                                                                                                                                         |
| <b>Subject</b>     | <b>7.24. Resolution: Appointment Of Dr. Whitney Sherman To The City Of Burlington's Board Of Medical Examiners (Councilor Carpenter)</b>                                           |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                      |
| Category           | 7. Consent Agenda                                                                                                                                                                  |
| Department         | Human Resources                                                                                                                                                                    |
| Type               | Action (Consent)<br>Resolution                                                                                                                                                     |
| Recommended Action | waive the reading and adopt the resolution                                                                                                                                         |

## 8. FY25 Budget Presentation

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| <b>Subject</b> | <b>8.1. FY25 Budget Presentation (60 mins.)</b>                                                                               |
| Meeting        | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category       | 8. FY25 Budget Presentation                                                                                                   |
| Department     | Clerk/Treasurer's Office                                                                                                      |



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| Type | Discussion<br>Information<br>Communication<br>Presentation |
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## 9. Deliberative Agenda

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| <b>Subject</b>     | <b>9.1. Outdoor Entertainment Permit Renewal (2024-2025): Orlando's, 1 Lawson Lane, Suite 10 (15 mins.)</b>                                                                                                                                          |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                                        |
| Category           | 9. Deliberative Agenda                                                                                                                                                                                                                               |
| Department         | Clerk/Treasurer's Office                                                                                                                                                                                                                             |
| Type               | Action                                                                                                                                                                                                                                               |
| Recommended Action | approve the 2024-2025 Outdoor Entertainment Permit Renewal with the following change: Friday and Saturday only: end time: 11:30 pm with all standard conditions                                                                                      |
| <b>Subject</b>     | <b>9.2. Resolution: Honoring Burlingtonian Marcel Beaudin (Councilors Shannon, Carpenter, Traverse, Brown McKnight, Litwin, Barlow, Bergman, Neubieser, Doherty)(15 mins.)</b>                                                                       |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                                        |
| Category           | 9. Deliberative Agenda                                                                                                                                                                                                                               |
| Department         | Council and Board                                                                                                                                                                                                                                    |
| Type               | Action<br>Resolution                                                                                                                                                                                                                                 |
| Recommended Action | waive the reading and adopt the resolution                                                                                                                                                                                                           |
| <b>Subject</b>     | <b>9.3. Resolution: A Building Emissions Reduction Ordinance (Councilors Broderick, Bergman)(45 mins.)</b>                                                                                                                                           |
| Meeting            | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                                        |
| Category           | 9. Deliberative Agenda                                                                                                                                                                                                                               |
| Department         | Council and Board                                                                                                                                                                                                                                    |
| Type               | Action<br>Resolution                                                                                                                                                                                                                                 |
| Recommended Action | to waive the reading and adopt the proposed resolution referring a proposal for a building emissions reduction ordinance to the Transportation, Energy, and Utilities Commission, and establishing a proposed timeline for adoption of the ordinance |

## 10. Committee Reports

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|                |                                                                                                                               |
|----------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject</b> | <b>10.1. Verbal reports</b>                                                                                                   |
| Meeting        | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category       | 10. Committee Reports                                                                                                         |
| Department     | Council and Board                                                                                                             |
| Type           | Information                                                                                                                   |

## **11. City Council - General Affairs (up to 15 mins.)**

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|                |                                                                                                                               |
|----------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject</b> | <b>11.1. Verbal reports</b>                                                                                                   |
| Meeting        | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category       | 11. City Council - General Affairs (up to 15 mins.)                                                                           |
| Department     | Council and Board                                                                                                             |
| Type           | Information                                                                                                                   |

## **12. City Council President - Council Updates (up to 5 mins.)**

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|                |                                                                                                                               |
|----------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject</b> | <b>12.1. Verbal reports</b>                                                                                                   |
| Meeting        | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category       | 12. City Council President - Council Updates (up to 5 mins.)                                                                  |
| Department     | Council and Board                                                                                                             |
| Type           | Information                                                                                                                   |

## **13. Mayor - General Affairs (up to 10 mins.)**

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|                |                                                                                                                               |
|----------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject</b> | <b>13.1. Verbal reports</b>                                                                                                   |
| Meeting        | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category       | 13. Mayor - General Affairs (up to 10 mins.)                                                                                  |
| Department     | Council and Board                                                                                                             |
| Type           | Information                                                                                                                   |

## **14. Adjournment**

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|                |                                                                                                                               |
|----------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject</b> | <b>14.1. Motion to adjourn</b>                                                                                                |
| Meeting        | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor |
| Category       | 14. Adjournment                                                                                                               |
| Department     | Council and Board                                                                                                             |

|      |                      |
|------|----------------------|
| Type | Action<br>Procedural |
|------|----------------------|

|                    |                   |
|--------------------|-------------------|
| Recommended Action | Motion to adjourn |
|--------------------|-------------------|

## 15. Informational and Non-Discrimination Statements

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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject    | <b>15.1. 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.</b> |
| Meeting    | May 20, 2024 - Regular City Council Meeting - Monday, May 20, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Category   | 15. Informational and Non-Discrimination Statements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Department | Council and Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Type       | Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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

5/16/2024

|   | 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                                                                                                                                                                                                                                                                                                                                                                                                               |
| 9 | 5/6/2024     | Resolution Relating to The Relationship Between City Officials And The Neighborhood Planning Assemblies                                                                                                                      | to refer the resolution from the Ward 1 Neighborhood Planning Assembly Concerning the Relationship Between City Officials & the NPA to the Community Development and Neighborhood Revitalization Committee for further review and recommended action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | no later than September 2024                                                                                                                                                                                                                                                                                                                                                                                                                          |

**2024-2025 Indoor and Outdoor Entertainment Permit Renewals**  
**Regular City Council Meeting, Monday, May 20, 2024**

**Indoor:**

Mr. Mike's Pizza

**Outdoor:**

Halvorson's  
Main Street Landing

## Lori Olberg

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**From:** Abigail Duke  
**Sent:** Thursday, May 9, 2024 10:43 AM  
**To:** Lori Olberg  
**Cc:** Cindi Wight  
**Subject:** Resigning position

Hi Lori,

I am writing to resign my position on the Parks Commission after the May commission meeting.

It has been an honor to serve. However, with my appointment to the legislature, it is time to bring in new voices to the Commission.

Thank you,

Abbey

Get [Outlook for iOS](#)

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

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**From:** City of Burlington Vermont  
**Sent:** Monday, May 13, 2024 8:20 AM  
**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: Dana R Pierson

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

Subject: parking meters

Message: so i hear that all parking meters are going to be removed and that one can pay for parking only by phone apps. do you realize that there are still some people on the planet that don't have cell phones? are you suggesting that we stop coming into town? if that's your approach, then i'm happy to stop patronizing burlington businesses, but tell me how someone without a cell phone is supposed to pay for parking!!??

Submitted on Monday, May 13, 2024 - 08:19 from IP address: 2601:19b:c600:6aa0:fd53:c523:6c43:7c36

Check IP address location: <https://viewdns.info/iplocation/?ip=2601:19b:c600:6aa0:fd53:c523:6c43:7c36>

Questions about this form? e-mail [webmaster@burlingtonvt.gov](mailto:webmaster@burlingtonvt.gov)

**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

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**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: AACoonrad*

**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

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**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 Kuyalnicks 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)(3<sup>rd</sup> 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

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**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

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**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 30<sup>th</sup>.

## **11. CITY COUNCIL – GENERAL AFFAIRS**

### 11.1. Verbal reports

Councilor Broderick said that the Ward 8 NPA is meeting on Thursday, April 25<sup>th</sup> 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 10<sup>th</sup> meeting. He further noted that they will be warning a Local Control Commission meeting on April 29<sup>th</sup> 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: AACoonrad*

**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

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## **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.



## MEMORANDUM

TO: Board of Finance / City Council

FROM: Ashley Walenty, DPW Water Resources Engineer

CC: Megan Moir, Division Director Water Resources  
Chapin Spencer, DPW Director

DATE: May13, 2024 / May 20, 2024

RE: Request for Approval to Execute a Contract with ECI for the Temporary  
Forcemain Removal and Restoration of Site Project

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### **REQUEST**

The Department of Public Works (DPW) and its Water Resources Division (WRD) seeks authorization to execute a construction Contract with Engineer's Construction, Inc. ("ECI") for a total amount not to exceed \$125,000, including \$13,000 of contingency, for the purposes of removing the temporary forcemain system used during the North Plant Siphon break and restoration of site back to pre-existing conditions.

### **BACKGROUND**

In July 2023, the City of Burlington's ("City") inverted sewer siphon that crosses the Winooski River broke during the July flood events that occurred throughout the state of Vermont. To mitigate the continuous discharge of raw sewage in the Winooski River, the City hired ECI under an on-call contract to install a temporary forcemain to pump the sewage from the start of the sewer siphon, near the end of Plattsburgh Ave, to the North Wastewater Treatment Plant (North WWTP) located at the end of North Avenue at 3080 North Avenue. ECI installed approximately 4,800LF of 12-inch diameter fused HDPE pipe above ground to act as the temporary bypass piping for the broken inverted sewer siphon. The pipe runs on top of the ground, with the exception of driveway and roadway crossings, where the pipe was trenched across the crossings to allow unimpeded access to properties along the alignment and ultimately discharged into an above ground precast vault located at North WWTP. The precast detention vault was used to decrease the velocity of the sewage from the forcemain to protect the existing infrastructure located at the North WWTP.

Approximately 1,000 LF of the pipe runs over the private property located at the River's Edge Condominium Association (Association), a right which was granted through the

purchase of a temporary easement (\$40,000) between the City and the Association. This easement is due to expire on July 24, 2024.

The temporary bypass forcemain was taken out of service in November 2023 following a successful temporary repair to the inverted river siphon. Shortly thereafter, the City hired Stantec to evaluate several alternatives to the current river siphon design for long-term climate resiliency. The draft report on that evaluation is expected within the next 45 days. Based on the report recommendations, the City will continue to work with FEMA to determine federal funding availability to implement a generational upgrade on this system. If FEMA funding is not available, Water Resources will work with the Mayor and the City Council to determine whether or not to bond for this type of work.

In the meanwhile, the City Water Resources team has evaluated the risks and benefits of keeping the above ground pipe in place, as a decision must be made due to the expiring easement. Based a review of the repair methods, trust in the contractor and on the decision during the repair to replace more of the pipe to ensure the resiliency of that repair, Water resources engineers believe that the November 2023 repair is reasonably durable enough (barring additional catastrophic river levels) to serve until the longer-term repair can be implemented.

As such, the City needs to employ contractors to remove all of the infrastructure associated with the temporary forcemain including the precast detention vault and restore all sites back to pre-existing conditions. The restoration of site will include, but not limited to; repaving driveway aprons with asphalt or gravel, repaving trench widths on roadways, replacing concrete sidewalk panels, and landscaping disturbed areas. Note, as part of the planning for this infrastructure decommissioning and site restoration, Water Resources did explore the potential benefit of keeping the pipe and other materials (the detention tank) in storage for future use on a long-term project. While this could have some short-term cost benefits, it was determined after discussing with local contractors and engineering consultants that use of “owner’s materials” would unfortunately void any warranty that might be applied to future permanent work. Those discussions with the contractors and consultants also noted that the contractor would read the Invitation for Bids (“IFB”) and price accordingly should the selected contractors chose to reuse the materials. That said, we believe that ECI will be keeping this material on hand for temporary pipe situations.

#### *Contractor Procurement*

The City posted an IFB to remove the forcemain, the precast detention vault and restore the site to pre-existing conditions on April 12, 2024 with bids due April 29, 2024. The City reached out to a variety of known contractors approved to perform work for the City. Ultimately, ECI came back as the sole bidder for this project.

Though ECI is the sole bidder, the City has reviewed their bid and has deemed them a responsible bidder with a reasonable cost estimate to perform this work; see below for the bid results.

| <b>Contractor</b>             | <b>Base Bid #1</b> | <b>Add Alt #1 – Remove Precast Detention Vault</b> | <b>Total Bid</b> |
|-------------------------------|--------------------|----------------------------------------------------|------------------|
| Engineer's Construction, Inc. | \$109,600          | \$2,400                                            | \$112,000        |

It is the staff recommendation to execute a construction contract with ECI to perform this work before the temporary easement expires and to include a contingency of approximately 12% (\$13,000) for a total contract authorization of \$125,000.

More information on the siphon break and WRD's response can be found here: <https://www.burlingtonvt.gov/water/sewersiphonbreak>

## **FUNDING**

The funding for the work will be paid from the Wastewater Fund GL 480-19-425-000.6500\_118 (Professional and Consultant Contractual Services).

The City coordinated with FEMA throughout the project to determine eligibility of all of the aspects of this disaster repair, and continues to coordinate with FEMA. This phase of work is unfortunately not eligible for FEMA funding as it was classified as part of the emergency phase and would have had to have been completed by October 2023, which was before the completion of the in-river repair could be implemented. The City also made the decision to keep the forcemain in place following completion of the in river repair to provide additional security in the event of another future break in the river.

FEMA is covering a majority of the costs incurred during this disaster, the State is also matching a portion of the costs to reduce the overall cost share that the City is responsible. Below is an updated breakdown of the overall costs shares for the entirety of the disaster costs, excluding this removal/restoration phase.

### **Summary of Expenses and Funding Across Sub Projects**

|                                                    |                        |
|----------------------------------------------------|------------------------|
| <b>Total Expenses/Authorizations To Date</b>       | <b>\$ 2,073,555.50</b> |
| <b>Funding</b>                                     |                        |
| FEMA Cost Share (100%) Expenses through to 8/11/23 | \$ 625,286.22          |
| FEMA Cost Share (75%) Expenses after 8/11/23       | \$ 1,086,201.96        |
| Vermont ERAF (12.5%)                               | \$ 181,033.66          |
| Local Match (12.5%)                                | \$ 181,033.66          |

## **MOTION**

### **Board of Finance:**

1. "To approve and recommend that the City Council authorize the Director of Public Works' to execute a Construction Contract Engineer's Construction, Inc. for

removal of the temporary forcemain and restoration of the site for an amount up to \$125,000, subject to the review and approval of the City Attorney's Office."

City Council:

1. "To authorize the Director of Public Works' to execute a Construction Contract Engineer's Construction, Inc. for removal of the temporary forcemain and restoration of the site for an amount up to \$125,000, subject to the review and approval of the City Attorney's Office."

Thank you for your consideration of this request.

### Board of Finance and City Council Submission Checklist

Department: DPW – Water Resources      Submitter: Ashley Walenty  
 Title/Subject: Approval to Execute a Contract with ECI for the Temporary Forcemain Removal and Restoration of Site Project

|                                     |                  |                               |
|-------------------------------------|------------------|-------------------------------|
|                                     | Approval:        | Meeting Date:                 |
| <input checked="" type="checkbox"/> | Board of Finance | 5/13/2024                     |
| <input checked="" type="checkbox"/> | City Council     | 5/20/2024                     |
| <input type="checkbox"/>            | 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             | 5/6/2024                      | Chapin Spencer                   |
| Mayor's Office informed and approved memo                                                             | Yes             | 5/8/2024                      | 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,<br>-Identify attorney in note    | Choose an item. | 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)<br>-Identify attorney in note | Yes             | 5/7/2024                      | Erik Ramakrishnan                |
| CAO has reviewed budget, financing, and memo                                                          | Yes             | 5/7/2024                      | Katherine Schad                  |
| Human Resources, if personnel action<br>-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                     | No        | 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? | N/A       | Click or tap here to enter text. |



To: City of Burlington, Board of Finance  
City of Burlington City Council

From: Marie Friedman, CPA, Director of Finance  
Nicolas Longo C.M., Director of Aviation

Date: May 8, 2024

Subject: Request for Approval of a \$1,276,829 Budget Neutral Amendment to the FY 2024  
Patrick Leahy Burlington International Airport

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### **Request**

The Patrick Leahy Burlington International Airport (Airport) seeks approval and authorization for a Budget neutral amendment in the amount of \$1,276,829 to the Fiscal Year 2024 BTV budget.

### **Summary**

#### **Background:**

#### ***Airport Expenditures***

The Airport is seeking to amend the following expenditure accounts. During the fiscal year, there is periodically the need to adjust the approved budget. These changes are described below:

**Computer Equipment:** The airport needs to increase electronic storage capacity for essential computer camera security systems. The estimated cost of this critical improvement is less than \$50,000. *Increase request is \$50,000*

Capital Outlay Expenditures Terminal cost center: Purchases of capital in the Terminal cost center is slightly over budget. This will correct the budget. *Increase request for this item is \$2,733.*

Capital Outlay Expenditures – Airfield cost center: The Airport intends to purchase one additional electric truck to replace another truck that is past its useful life and not operational. *Increase request for this item is \$49,500.*

Repairs & Maintenance – Runway & Taxiway: The airport needs to add additional budget funds to the Airfield R&M runway and taxiway account. The airport will be sealing cracks on the runway. This is a safety issue and must be completed now that spring is here. *Increase request for this item is \$25,000.*

Utilities Industrial Cost Center: The Airport took over the management of a hangar during FY 2024. The budget needs to be increased in both Electric and Gas to property expense the cost of this building. *Increase request is \$32,000.*

Insurance – General in multiple cost centers: The insurance general cost is allocated to the airport by the CT Office. The final cost of this insurance changed slightly (\$4,310) after the airport had prepared its current budget. Additionally, the allocation across cost centers has shifted. Therefore a correction to the budget will resolve this issue. *Increase request is \$17,596, offset by decrease to general insurance \$13,286.*

Capital project for South Apron Capital Expense expense and revenue: The Airport original construction schedule assumed that the South Apron would be built half in fiscal year 2024 with the remainder to be built in fiscal year 2025. However, the actual construction is now expected to be nearly complete in the current fiscal year. Therefore a budget amendment is requested to reflect the timing change of this construction. *Expense and related revenue request is \$1,100,000.*

## **Budget Amendment**

The Summary on the following pages show all expenditure accounts in this proposed airport budget amendment.

| <b>Org Set</b>               | <b>GL Account</b> | <b>Account Name</b>                             | <b>Increase /<br/>(Decrease)</b> |
|------------------------------|-------------------|-------------------------------------------------|----------------------------------|
| <b>Expense - Increases</b>   |                   |                                                 |                                  |
| 400-35-430                   | 6010              | Computer Equipment - Terminal cost center       | \$ 50,000                        |
|                              |                   |                                                 |                                  |
| 400-35-430                   | 9500_110          | Capital Expenditures - Terminal Cost center     | \$ 2,733                         |
| 400-35-431                   | 9500_110          | Capital Expenditures - Airfield Cost center     | \$ 49,500                        |
|                              |                   |                                                 |                                  |
| 400-35-431                   | 6300_181          | Repair & Maintenance Runway & Taxiway           | \$ 25,000                        |
|                              |                   |                                                 |                                  |
| 400-35-432                   | 6400_100          | Utilites - Electricity                          | \$ 19,000                        |
| 400-35-432                   | 6400_105          | Utilites - Gas                                  | \$ 13,000                        |
|                              |                   | Subtotal increase to Utilities                  | \$ 32,000                        |
|                              |                   |                                                 |                                  |
| 400-35-430                   | 7230_105          | Insurance - General                             | \$ 6,700                         |
| 400-35-431                   | 7230_105          | Insurance - General                             | \$ 5,015                         |
| 400-35-432                   | 7230_105          | Insurance - General                             | \$ 840                           |
| 400-35-433-600               | 7230_105          | Insurance - General                             | \$ 3,700                         |
| 400-35-433-602               | 7230_105          | Insurance - General                             | \$ 501                           |
| 400-35-434                   | 7230_105          | Insurance - General                             | \$ 840                           |
|                              |                   | Subtotal increase to Insurance - General        | \$ 17,596                        |
|                              |                   |                                                 |                                  |
| 424-35-700-909               | 9500_165          | South Apron Capital Project, non grant eligible | \$ 1,100,000                     |
|                              |                   |                                                 |                                  |
| <b>Increases to Expenses</b> |                   |                                                 | <b>\$ 1,276,829</b>              |

| Expense - decreases   |          |                                        |              |
|-----------------------|----------|----------------------------------------|--------------|
| 400-35-430            | 6625     | Equipment Maintenance Repairs          | \$ (50,000)  |
| 400-35-431            | 6300_187 | Repair & Maintenance Electrical        | \$ (52,233)  |
| 400-35-431            | 6300_189 | Repair & Maintenance Line Stripping    | \$ (25,000)  |
| 400-35-434            | 6615     | Property repairs                       | \$ (32,000)  |
| 400-35-000            | 7230_105 | Insurance - General                    | \$ (13,286)  |
| 400-35-000            | 6500_115 | Professional Legal Services            | \$ (4,310)   |
| Decreases to Expenses |          |                                        | \$ (176,829) |
| Revenue - increases   |          |                                        |              |
| 424-35-700-909        | 4990_400 | South Apron Interfund Proceed Transfer | \$ 1,100,000 |
| Increases to Revenues |          |                                        | \$ 1,100,000 |

### **Motions**

The Airport respectfully request the Board of Finance to approve the following motion:

#### **Board of Finance:**

1. "To approve and recommend that the City Council approve a budget neutral amendment in the amount of \$1,276,829 to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget by increasing the accounts as described in the affiliated memorandum."

#### **City Council:**

1. "To approve a budget neutral amendment to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget in the amount of \$1,276,829 by increasing the accounts as described in the affiliated memorandum."

### Board of Finance and City Council Submission Checklist

Department: Airport      Submitter: H. Dusablon

Title/Subject: Airport Budget Amendment

|                                     |                  |               |
|-------------------------------------|------------------|---------------|
|                                     | Approval:        | Meeting Date: |
| <input checked="" type="checkbox"/> | Board of Finance | 5/13/24       |
| <input checked="" type="checkbox"/> | City Council     | 5/20/24       |
| <input type="checkbox"/>            | 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      | 5/2/2024                      | N. Longo                         |
| Mayor's Office informed and approved memo                                                             | Yes      | 5/8/2024                      | E. Jacobsen                      |
| Board/Commission, if required                                                                         | Yes      | 5/8/2024                      |                                  |
| City Attorney's Office has approved contract and/or legal documents,<br>-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)<br>-Identify attorney in note | Yes      | 5/8/2024                      | K. Sturtevant                    |
| CAO has reviewed budget, financing, and memo                                                          | Yes      | 5/8/2024                      | K. Schad                         |
| Human Resources, if personnel action<br>-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? | N/A       | Click or tap here to enter text. |

To: City of Burlington, Board of Finance  
City of Burlington, City Council

From: Patrick Leahy Burlington International Airport  
Nic Longo, Director of Aviation  
Larry Lackey, Director of Planning, Engineering and Sustainability

Date: May 8, 2024

Subject: Request to Accept and Execute a contract in the amount of \$97,695.00 with Annseal Inc. for Runway (RW)15-33 Plain Cement Concrete (PCC) Concrete Joint Repair and a budget neutral amendment.

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## Request

The Patrick Leahy Burlington International Airport (Airport) seeks approval and authorization:

1. To enter into a contract with Annseal in the amount of \$97,695 with a 15% contingency totaling up to \$112,349 for RW15-33 PCC Concrete Joint Repair.
2. For a budget neutral amendment to the Fiscal Year 2024 Budget in the amount of \$115,000.

## Summary

Patrick Leahy Burlington International Airport (BTV) acquired proposals from contractors to remove existing sealant (caulking, backer rod), joint preparation and installation of new material on RW15-33 PCC concrete areas. The Airport received 4 bids for this project with the lowest qualified bidder being AnnSeal with a bid amount of \$97,695.00 with a 15% contingency. This was recommended by Airport Commission on May 8<sup>th</sup>.

## Project Benefits

The anticipated benefits of sealing concrete pavement (PCC) joints are to minimize the passage of surface water through joints to the subbase layers and the lodging of incompressible materials, such as pebbles and stones, along the joint faces. Resealing is necessary whenever the condition of an existing sealant does not meet these purposes, either because the sealant is missing or deteriorated. The current joint sealant on RW15-33 is original to its construction in 2010 timeframe and is now time to replace.

## Budget Amendment:

The airport is requesting a budget neutral amendment to their Fiscal Year 2024 budget to increase the airfield cost center repairs and maintenance of the runway and taxiway. This repair is to our runway and the budget line item needs additional budget funds. This budget neutral request is transferring unspent budget funds from the Runway De-Ice account due to decreased use this past season as well as from the Legal services line item.

| Org Set               | GL Account | Account Name                             | Increase / (Decrease) |
|-----------------------|------------|------------------------------------------|-----------------------|
| Expense - Increases   |            |                                          |                       |
| 400-35-431            | 6300_181   | Repairs and Maintenance Runway & Taxiway | \$ 115,000            |
|                       |            |                                          |                       |
| Increases to Expenses |            |                                          | \$ 115,000            |
| Expense - decreases   |            |                                          |                       |
| 400-35-431            | 6222       | Runway De-Ice                            | \$ (85,000)           |
| 400-35-000            | 6500_115   | Professional & Consultant Legal Services | \$ (30,000)           |
| Decreases to Expenses |            |                                          | \$ (115,000)          |

## Motions

Board of Finance:

1. "To approve and recommend that the City Council approve and authorize the Director of Aviation to execute a contract with Annseal in the amount of \$97,695.00 with a 15% contingency totaling up to \$112,349 for the Runway (RW)15-33 PCC Concrete Joint Repair, subject to review and approval of the City Attorney's Office."
2. "To approve and recommend that the City Council approve a budget neutral amendment in the amount of \$115,000 to the Fiscal Year 2024 Airport budget by increasing the accounts as described in the affiliated memorandum"

City Council:

3. "To approve and authorize the Director of Aviation to execute a contract with Annseal in the amount of \$97,695.00 with a 15% contingency totaling up to \$112,349 for the Runway (RW)15-33 PCC Concrete Joint Repair, subject to review and approval of the City Attorney's Office."
4. "To approve a budget neutral amendment in the amount of \$115,000 to the Fiscal Year 2024 Airport budget by increasing the accounts as described in the affiliated memorandum"



**Board of Finance and City Council Submission Checklist**Department: Airport Submitter: H. DusablonTitle/Subject: Runway 15-33 Joint Repair

|                                     |                  |               |
|-------------------------------------|------------------|---------------|
|                                     | Approval:        | Meeting Date: |
| <input checked="" type="checkbox"/> | Board of Finance | 5/13/24       |
| <input checked="" type="checkbox"/> | City Council     | 5/20/24       |
| <input type="checkbox"/>            | 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      | 5/2/2024                      | N. Longo                         |
| Mayor's Office informed and approved memo                                                             | Yes      | 5/8/2024                      | E. Jacobsen                      |
| Board/Commission, if required                                                                         | Yes      | 5/8/2024                      |                                  |
| City Attorney's Office has approved contract and/or legal documents,<br>-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)<br>-Identify attorney in note | Yes      | 5/8/2024                      | K. Sturtevant                    |
| CAO has reviewed budget, financing, and memo                                                          | Yes      | 5/8/2024                      | K. Schad                         |
| Human Resources, if personnel action<br>-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? | N/A       | Click or tap here to enter text. |

To: City of Burlington, Board of Finance  
City of Burlington, City Council

From: Patrick Leahy Burlington International Airport  
Nic Longo, Director of Aviation  
Larry Lackey, Director of Planning, Engineering and Sustainability

Date: May 8, 2024

Subject: Request to Accept and Execute a contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of \$364,844 dollars.

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## Request

The Patrick Leahy Burlington International Airport seeks approval and authorization to enter into a contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of \$364,844 dollars.

## Summary

Patrick Leahy Burlington International Airport (Leahy BTV) owns and operates a six-story parking garage which services airport patrons and employees, rental car storage, and short-term parking. The garage was constructed in three phases: 1997 (southern 3 levels), 2003 (northern levels 1-3), and 2006 (northern levels 4-6) and requires periodic maintenance to repair/replace system components. This maintenance is outlined in an extensive long-term planning document to pin-point priorities for annual repairs. The repairs identified for FY25 are to replace Levels 2 and 3 expansion joints at the area approximately between the 1997 and 2003 garage structures. This contract was recommended by the Airport Commission on May 8<sup>th</sup>.

## Project Benefits



The anticipated benefits of this project will be to replace the aged existing joint material with new material that will protect the structural integrity of the concrete at the transitions and termination points. The new joint material will allow for continued thermal expansion, preventing moisture issues within the garage among several other structural items like dead load and live load of the parking surfaces.

We received 7 bids on this project, and the lowest qualified bid received was from PCS Specialty Contracting in the amount of \$364,844.00.

### **Funding Sources**

BTV plans to use our annual operating budget to fund these expenditures in FY2025, contingent upon appropriation and city council approval of the Airport's FY2025 budget. To ensure alignment with the construction weather season, it is crucial that we swiftly execute the contract and initiate work on July 1st. This urgency prompts us to present the contract to the Board and Council ahead of schedule.

### **Motions**

Board of Finance:

"To approve and recommend that the City Council authorize the Director of Aviation to execute a contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of \$364,844 dollars, subject to review and approval of the contract by the City Attorney's Office."

City Council:

"To approve and authorize the Director of Aviation to execute a contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of \$364,844 dollars, subject to review and approval of the contract by the City Attorney's Office."

**Board of Finance and City Council Submission Checklist**Department: Airport Submitter: H. DusablonTitle/Subject: Parking Garage Joint Replacement

|                                     |                  |               |
|-------------------------------------|------------------|---------------|
|                                     | Approval:        | Meeting Date: |
| <input checked="" type="checkbox"/> | Board of Finance | 5/13/24       |
| <input checked="" type="checkbox"/> | City Council     | 5/20/24       |
| <input type="checkbox"/>            | 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      | 5/2/2024                      | N. Longo                         |
| Mayor's Office informed and approved memo                                                             | Yes      | 5/8/2024                      | E. Jacobsen                      |
| Board/Commission, if required                                                                         | Yes      | 5/8/2024                      |                                  |
| City Attorney's Office has approved contract and/or legal documents,<br>-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)<br>-Identify attorney in note | Yes      | 5/8/2024                      | K. Sturtevant                    |
| CAO has reviewed budget, financing, and memo                                                          | Yes      | 5/8/2024                      | K. Schad                         |
| Human Resources, if personnel action<br>-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? | N/A       | Click or tap here to enter text. |

To: City of Burlington, Board of Finance  
City of Burlington, City Council

From: Patrick Leahy Burlington International Airport  
Nic Longo, Director of Aviation  
Larry Lackey, Director of Planning, Engineering and Sustainability

Date: May 8, 2024

Subject: Request to Execute a contract in the amount of \$126,000 dollars with Mikes Electric, Inc. (MEI) for Terminal Fluorescent Lighting Control Replacement

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## Request

The Patrick Leahy Burlington International Airport seeks approval and authorization to enter into a contract with Mikes Electric Inc (MEI) in the amount of \$126,000 dollars for a Terminal Fluorescent Lighting Control Replacement Project.

## Summary

Patrick Leahy Burlington International Airport (LeahyBTV) sought proposals from contractors to replace the lighting and lighting controls within selected areas of the Terminal Building. The existing terminal lighting and controls are generally original to its 1997 construction and 2004 addition and renovation. The Airport would like to replace luminaires with those with LED light source, along with adding automatic lighting controls to reduce light levels when there is no occupancy or there is adequate daylight. The project will include replacement of all lighting in selected areas. The lighting and controls in these spaces, including exit signage, will be replaced in its entirety. We received 3 bids for this project, with the lowest qualified bidder being Mikes Electric, Inc. (MEI) with a bid in the amount of \$126,000.00. This contract was recommended by the Airport Commission on May 8<sup>th</sup>.

## Project Benefits



By replacing both the lighting hardware and the control system, we achieve another sustainable milestone. Not only will we transition to modern LED lighting, but we will also significantly reduce the airport's electric load. This upgrade will align our system with our sustainability objectives and enhance the passenger experience.

### **Funding Sources**

BTV plans to use our FY2025 annual operating budget to fund these expenditures contingent upon appropriation and city council approval of the Airport's FY2025 budget. To ensure alignment with the construction weather season, it is crucial that we swiftly execute the contract and initiate work on July 1st. This urgency prompts us to present the contract to the Board and Council ahead of schedule.

### **Motions**

Board of Finance:

"To approve and recommend that the City Council authorize the Director of Aviation to execute a contract with Mikes Electric Inc (MEI) in the amount of \$126,000 dollars for Terminal Fluorescent Lighting Control Replacement, subject to review and approval of the contract by the City Attorney's Office."

City Council:

"To approve and authorize the Director of Aviation to execute a contract with Mikes Electric Inc (MEI) in the amount of \$126,000 dollars for Terminal Fluorescent Lighting Control Replacement, subject to review and approval of the contract by the City Attorney's Office."

**Board of Finance and City Council Submission Checklist**Department: Airport Submitter: H. DusablonTitle/Subject: MEI Lighting and Control Replacement

|                                     |                  |               |
|-------------------------------------|------------------|---------------|
|                                     | Approval:        | Meeting Date: |
| <input checked="" type="checkbox"/> | Board of Finance | 5/13/24       |
| <input checked="" type="checkbox"/> | City Council     | 5/20/24       |
| <input type="checkbox"/>            | 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      | 5/2/2024                      | N. Longo                         |
| Mayor's Office informed and approved memo                                                             | Yes      | 5/8/2024                      | E. Jacobsen                      |
| Board/Commission, if required                                                                         | Yes      | 5/8/2024                      |                                  |
| City Attorney's Office has approved contract and/or legal documents,<br>-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)<br>-Identify attorney in note | Yes      | 5/8/2024                      | K. Sturtevant                    |
| CAO has reviewed budget, financing, and memo                                                          | Yes      | 5/8/2024                      | K. Schad                         |
| Human Resources, if personnel action<br>-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? | N/A       | Click or tap here to enter text. |

## MEMO

**Date:** May 13, 2024

**To:** Board of Finance & City Council

**From:** Erin Moreau, Waterfront Superintendent & Harbormaster;  
Cindi Wight, Director, Department of Parks, Recreation & Waterfront

**Re:** Extension of Lease – Waterfront Information Services Building

I. Purpose

This memo seeks approval of a lease extension for the Lease of Space for Information Services with the Lake Champlain Chamber of Commerce, located within the Pease Lot Information Building. BPRW plans on placing this service out to bid in fall 2024.

II. Background

BPRW seeks to extend the current contract with Lake Champlain Chamber of Commerce to fulfill the service of providing Information Services to Waterfront tourists during the summer of 2024. The Chamber has provided Information Services to the public since 2011, having been selected through numerous RFP processes. They occupy the central office space within the BPRW Information Building located in the Pease Parking lot, adjacent to Waterfront Park.

III. Process

The most recent lease was signed in 2021 after a public RFP process, where the Lake Champlain Chamber was selected as the provider. Their lease agreement was through November 2023, however they only operate May – October annually, therefore we are seeking an extension for their operation from May – October 2024. Within the Lease Agreement, there is a provision to extend their lease month-to-month with the same terms:

**Section 19:**

***HOLDING OVER***

*In the event Lessee shall hold over and remain in possession of the Leased Premises after cancellation or termination of this Lease, such holding over shall not be deemed to operate as a renewal or extension of this Lease, but rather shall only create a tenancy from month-to-month which the City may terminate at any time upon thirty (30) days' advance written notice.*

BPRW has site improvement plans we would like to execute within the building, with the earliest construction date being fall 2024. Having the flexibility of a lease extension through this summer, then RFP in the later fall 2024 would provide the services we desire for the summer, and flexibility of construction schedule for the offseason.

IV. Rent Payments & Terms of Lease Agreement





Per the Lease Agreement, Lake Champlain Chamber would provide the City rent for access and use of the leased premises at a rate of \$1,000 for 2024, or 20% net advertising receipts, whichever amount is higher. This is the same rate as the previous year.

**DEPARTMENT RECOMMENDATION**

Board of Finance Motion:

To approve and recommend that the City Council approve and authorize a holdover of the existing lease terms with the Lake Champlain Chamber of Commerce for the premises located within the Pease Lot Information Building and as more particularly described in the existing lease, creating a month to month tenancy as provided for in the existing lease through October 31, 2024, for the purposes of continuity of Information Services.

City Council Motion:

To approve and authorize a holdover of the existing lease terms with the Lake Champlain Chamber of Commerce for the premises located within the Pease Lot Information Building and as more particularly described in the existing lease, creating a month to month tenancy as provided for in the existing lease through October 31, 2024 for the purposes of continuity of Information Services

**Board of Finance and City Council Submission Checklist**Department: BPRW Submitter: Erin MoreauTitle/Subject: Waterfront Information Services Extension

|                                     |                  |                               |
|-------------------------------------|------------------|-------------------------------|
|                                     | Approval:        | Meeting Date:                 |
| <input checked="" type="checkbox"/> | Board of Finance | 5/13/2024                     |
| <input checked="" type="checkbox"/> | City Council     | 5/20/2024                     |
| <input type="checkbox"/>            | 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      | 4/25/2024                     | Cindi Wight                      |
| Mayor's Office informed and approved memo                                                             | Yes      | 5/9/2024                      | Approved by 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,<br>-Identify attorney in note    | N/A      | Click or tap to enter a date. |                                  |
| City Attorney's Office has approved memo and motion(s) or resolution(s)<br>-Identify attorney in note | Yes      | 4/25/2024                     | Hayley McClenahan                |
| CAO has reviewed budget, financing, and memo                                                          | Yes      | 5/6/2024                      | Katherine Schad                  |
| Human Resources, if personnel action<br>-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?                            | 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. |



## 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](http://www.burlingtonvt.gov/cedo)

### MEMORANDUM

TO: Board of Finance, City Council

FROM: Samantha Dunn, Asst. Director for Community Works, CEDO  
Brian Pine, Director, CEDO

DATE: May 13, 2024 and May 20, 2024

CC: Kara Alnasrawi, Director, BWD  
Doreen Kraft, Director, BCA  
Charles Dillard, Principal Planner, OCP

RE: ARPA Community Infrastructure Budget Amendment and  
Request to Execute a Contract with S.D. Ireland Brothers  
Corporation for the site work and utility connections required  
for the kiosk at City Hall Park

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#### **Request:**

Business & Workforce Development (BWD), in collaboration with the Community & Economic Development Office ("CEDO") and Burlington City Arts (BCA) is requesting Board of Finance and City Council Approval of a budget neutral Budget Amendment to reallocate \$150,000 from the Community Infrastructure Project allocation for Expanded Waterworks Park Connections and Amenities to the City Hall Park Kiosk Project.

CEDO in cooperation with BWD and BCA is requesting Board of Finance and City Council approval and authorization to enter into a contract with S.D. Ireland Brothers Corporation for the site work and utility connections required for the kiosk at City Hall Park.

#### **Background:**

City Hall Park serves as the geographic and cultural center of the City. In 2020 the City completed a historic reconstruction of the Park that prioritizes a healthy, functioning urban park, accessibility for all users in all seasons, and the enhancement of this historic space to meet the modern needs of the community. Today the park is activated year-round with concert series, festivals, and a summer and winter food and makers market

that bring residents and tourists of all ages to enjoy the City’s cultural offerings. The design for this reconstructed park included a food/beverage kiosk located on the terrace west of the fountain. This permanent structure was not included in the construction for budgetary reasons. This component of the City Hall Park redesign was authorized as part of the ARPA Community Infrastructure investments approved by City Council on May 1, 2023.

In December 2023, City Council approved the Design/Build Contract with Renz+Oei for the design and fabrication of the kiosk which is now underway with delivery anticipated for June 2024.

In January 2024, following an RFP process, Sherpa Foods was selected as the vendor for the kiosk.

This site work and utility connections have been designed and permitted and must be completed for the Kiosk to be delivered and serving the community.

**Procurement**

The site work RFP was posted on the City website and sent directly to 13 local contractors. Two proposals were submitted:

| <i>Firm</i>                 | <i>Bid</i> | <i>Scheduled Completion Date</i> |
|-----------------------------|------------|----------------------------------|
| Waterman Site Works         | \$217,650  | June 28, 2024                    |
| S.D. Ireland Brothers Corp. | \$200,000  | May 28, 2024**                   |

*\*\*This date will need to be revised based on the Board of Finance and City Council schedule required for approval of contract.*

Based on pricing and schedule S.D. Ireland Brothers Corporation was selected to complete the work.

**Funding**

This work will be funded by the money approved for Community Infrastructure Projects on May 1, 2023. Because this work came in much higher than budgeted; it will require a Budget Amendment to reallocate \$150,000 from the Community Infrastructure Project allocation for Expanded Waterworks Park Connections and Amenities to the City Hall Park Kiosk.

Community Infrastructure - May 1, 2023 Budget/Allocation

| <b>Project</b>                                         | <b>Budget</b>   |
|--------------------------------------------------------|-----------------|
| Redstone Cottage Community Space                       | 250,000         |
| Upgrades to Fletcher Free Library's Satellite Location | 50,000          |
| Roosevelt Park Pavilion                                | 250,000         |
| 405 Pine Street Community Room w/Kitchen               | 500,000         |
| City Hall Park Kiosk                                   | 300,000         |
| Expanded Waterworks Park Connections & Amenities       | 600,000         |
| Contingency                                            | 50,000          |
|                                                        | <hr/> 2,000,000 |

Community Infrastructure - May 6, 2024 Budget/Allocation

| <b>Project</b>                                              | <b>Budget</b>   |
|-------------------------------------------------------------|-----------------|
| Redstone Cottage Community Space                            | 250,000         |
| Upgrades to Fletcher Free Library's Satellite Location      | 50,000          |
| Roosevelt Park Pavilion                                     | 250,000         |
| 405 Pine Street Community Room w/Kitchen                    | 500,000         |
| <i>City Hall Park Kiosk</i>                                 | <i>457,000</i>  |
| <i>Expanded Waterworks Park Connections &amp; Amenities</i> | <i>450,000</i>  |
| <i>Contingency</i>                                          | <i>43,000</i>   |
|                                                             | <hr/> 2,000,000 |

**Attachments**

1. Draft Contract
2. May 1, 2023 ARPA Community Infrastructure Resolution

**Board of Finance Motion:**

To approve and recommend that the City Council approve and authorize the City's Chief Administrative Officer or their designee, to execute a budget amendment to increase the City Hall Park Kiosk Budget by \$150,000 from the Expanded Waterworks Park Connections and Amenities budget of \$600,000 and to approve and recommend the Director of the Community & Economic Development Office to enter into a contract with S.D. Ireland Brothers Corporation for the purposes of completing the site work and infrastructure connections for the City Hall Park Kiosk, with a cost of up to \$197,500 and a ~10% contingency, for a total authorization and maximum limiting amount of \$220,000 subject to final review and approval of the City Attorney's Office.

**City Council Motion:**

To approve and authorize that the City Council approve and authorize the City's Chief Administrative Officer or their designee, to execute a budget amendment to increase the City Hall Park Kiosk Budget by \$150,000 from the Expanded Waterworks Park Connections and Amenities budget of \$600,000 and to approve and authorize the Director of the Community & Economic Development Office to enter into a contract with S.D. Ireland Brothers Corporation for the purposes of completing the site work and infrastructure connections for the City Hall Park Kiosk, with a cost of up to \$197,500 and a ~10% contingency, for a total authorization and maximum limiting amount of \$220,000 subject to final review and approval of the City Attorney's Office.

## CITY OF BURLINGTON CONSTRUCTION CONTRACT

This Construction Contract (“Contract”) is entered into by and between the City of Burlington, Vermont (“the City”), and S.D. Ireland Brothers Corporation (“Contractor”), a Vermont corporation located at P.O. Box 2286, South Burlington, Vermont 05407.

Contractor and the City agree to the terms and conditions of this Contract.

### 1. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. **“Contract Documents”** means all the documents identified in Section 7.A.
- B. **“Effective Date”** means the date on which this Contract is approved and signed by the City, as shown on the signature page.
- C. **“Party”** means the City or Contractor, and **“Parties”** means the City and Contractor.
- D. **“Project”** means the City Hall Park Kiosk Site Work.
- E. **“Work”** means the services described in Section 5 (Payment for Services) of this Contract, along with the specifications contained in the Contract Documents as defined in Section 4 (Scope of Work) below.

### 2. RECITALS

- A. **Authority.** Each Party represents and warrants to the other that the execution and delivery of this Contract and the performance of such Party’s obligations have been duly authorized.
- 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 Contract.
- C. **Purpose.** The City seeks to employ the Contractor to the facilitate the necessary site work coordination required to install the new prefabricated kiosk structure. This includes, but is not limited to constructing a concrete slab to support the Kiosk structure with four smaller support footers that will connect to the roof support posts; connecting to domestic water service from the park’s seasonal fountain system; connecting to existing sanitary sewers laterals; connecting to existing electric and telecommunications systems; installing all stormwater management features; and Restore all disturbed site finishes to original condition. The Contractor will be required to apply for and obtain all necessary permits to complete the site work and utility connections as presented on the project drawings.

**Add Alternates** for the scope of work include: (i) Power Pedestal and conduit for park events power; and (ii) 2-inch conduit for data/internet from existing communications ground vault.

### **3. EFFECTIVE DATE & TERM**

- A. Effective Date.** This Contract shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Contract before the Effective Date and shall have no obligation to pay Contractor for any performance or expense incurred before the Effective Date or after the expiration or termination of this Contract.
- B. Term.** This Contract and the Parties' respective performance shall commence on the Effective Date and expire on final acceptance by the City, unless sooner terminated as provided herein.

### **4. SCOPE OF WORK**

Contractor shall construct the Project in accordance with all the provisions hereof, including with the Contract Documents and the plans, specifications, and technical details on-file with the City and referenced or included in the Notice to Bidders (dated March 29, 2024, last revised on April 19, 2024, including any addenda thereto), all of which are incorporated herein by this reference as though fully set forth.

### **5. PAYMENT FOR SERVICES**

- A. Amount.** The City shall pay the Contractor for completion of the Work in accordance with Attachment B (Contractor's Bid Proposal), subject to the Maximum Limiting Amount in Paragraph C, below.

The following items includes in the proposal are not currently included in the contract but may be added via addendum:

Power Pedestal & Conduit for Event Power - \$10,000

2 Inch Conduit for Data/Internet from existing communications ground vault - \$10,000

Contractor agrees to accept this payment as full compensation for performance of all services and expenses incurred under this Agreement.

- B. Payment Schedule.** The City shall pay the Contractor in the manner and at such times as set forth in the Contract Documents. The City seeks to make payment within thirty days of receipt of an invoice and any backup documentation requested under subsection D (Invoice) below.



For each progress payment made prior to Substantial Completion of the Work, the Owner will withhold ten percent (10%), as retainage, from the payment otherwise due. Each application for progress payments shall include a certification substantially in the following form:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <p><b>Contractor's Certification</b></p> <p>The undersigned Contractor certifies, to the best of its knowledge, the following:</p> <p>(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;</p> <p>(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and</p> <p>(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.</p> |       |
| <p><b>Contractor Signature</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |       |
| By:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Date: |

Upon Substantial Completion of the Work, the Contractor may submit an Application for Payment that includes the retainage withheld from prior Applications for Payment, minus 200% of the value of any outstanding work.

- C. Maximum Limiting Amount.** The total amount that may be paid to the Contractor for all services and expenses under this Contract shall not exceed the maximum limiting amount of \$197,500.00. The City shall not be liable to Contractor for any amount exceeding the maximum limiting amount without duly authorized written approval.
- D. Invoice.** Contractor shall submit one copy of each invoice, including rates and a detailed breakdown by task for each individual providing services, and backup documentation for any equipment or other expenses to the following:

Zach Nersinger  
 Community & Economic Development Office (CEDO)  
 City of Burlington  
 149 Church St, 3<sup>rd</sup> Floor  
 Burlington, VT 05401  
 Email: [znorsinger@burlingtonvt.gov](mailto:znorsinger@burlingtonvt.gov)  
 phone: 802-923-9218

The City reserves the right to request supplemental information prior to payment. Contractor shall not be entitled to payment under this Contract without providing sufficient backup documentation satisfactory to the City.

## **6. SECTION & ATTACHMENT HEADINGS**

The article and attachment headings throughout this Contract are for the convenience of City and Contractor and are not intended nor shall they be used to construe the intent of this Contract or any part hereof, or to modify, amplify, or aid in the interpretation or construction of any of the provisions hereof.

## **7. CONTRACT DOCUMENTS & ORDER OF PRECEDENT**

- A. Contract Documents.** The Contract Documents are hereby adopted, incorporated by reference, and made part of this Contract. The intention of the Contract Documents is to establish the necessary terms, conditions, labor, materials, equipment, and other items necessary for the proper execution and completion of the Work to ensure the intended results.

**The following documents constitute the Contract Documents:**

**Attachment A: Notice to Bidders dated March 29, 2024, last revised on April 19, 2024**

**Attachment B: Contractor's Bid Form dated April 26, 2024**

**Attachment C: Burlington Standard Provisions for Construction Contracts**

**Attachment C-1: Insurance and Indemnification**

**Attachment D: Burlington Livable Wage Ordinance Certification**

**Attachment E: Burlington Outsourcing Ordinance Certification**

**Attachment F: Burlington Union Deterrence Ordinance Certification**

**Attachment G: Contractor's Certificate of Insurance & Endorsements**

- B. Order of Precedent.** To the extent a conflict or inconsistency exists between provisions of the Contract Documents relating to indemnification or defense, the provision most protective of the City (and of the State, if this is a state-aid contract) shall apply. In all other cases, this Contract shall govern over the other Contract Documents; plans, technical specifications, and technical details shall govern over other provisions; and the remaining Contract Documents shall govern over conflicting provisions of Contractor's bid.

— Signatures follow on the next page —

## SIGNATURE

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 Contract may be executed in counterparts, each of which may be deemed an original. This Contract may be executed electronically, and an electronic copy or other facsimile shall be treated as an original.

**Contractor**  
**S.D. IRELAND BROTHERS CORPORATION**

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**City of Burlington**  
**COMMUNITY & ECONOMIC DEVELOPMENT OFFICE**

**By:** \_\_\_\_\_

Brian Pine  
Director

**Date:** \_\_\_\_\_

**Attachment A:**  
**Notice to Bidders dated March 29, 2024, last revised on April 19, 2024**

**CITY OF BURLINGTON**  
**REQUEST FOR PROPOSALS (RFP) FOR CONTRACTOR SERVICES**  
**SITE WORK AND UTILITY CONNECTIONS**  
**FOR THE NEW CITY HALL PARK KIOSK**

The City of Burlington is seeking the services of a qualified contractor(s) to complete the site work and utility connections required for the installation of a new permanent food vendor kiosk structure (the "Kiosk") in City Hall Park, located at 149 Church St, Burlington, VT 05401.

**Date of Issue:** March 29, 2024

**Questions Due Date:** April 11, 2024

**Response to Questions Posted:** April 15, 2024

**Proposal Due Date:** ~~April 18, 2024, 5:00 PM~~ **REVISED: April 26, 2024 4:00PM**

**Questions & Submissions submitted electronically to:**

Zachary Nersinger

Senior Projects & Policy Specialist for Community Works

Community & Economic Development Office (CEDO)

[znersinger@burlingtonvt.gov](mailto:znersinger@burlingtonvt.gov)

(802) 923-9218

Responses to all submitted questions will be posted at: <http://www.burlingtonvt.gov/RFP>.

**I. BACKGROUND**

City Hall Park has been used as a public space dating back to the 18<sup>th</sup> Century. While its name and configuration have changed over time, it has remained a significant public open space in the core of Burlington's downtown. In 2020 the City completed a historic reconstruction of the Park that prioritizes a healthy, functioning urban park, accessibility for all users in all seasons, and the enhancement of this historic space to meet the modern needs of the community. Today the park is activated year-round with concert series, festivals, and a summer and winter food and makers market that bring residents and tourists of all ages to enjoy the City's cultural offerings. Learn more about the reconstruction of City Hall Park at: <http://greatstreetsbtv.com/city-hall-park>. The design for this reconstructed park included a food/beverage kiosk that was not included in the construction for the budgetary reasons. The City is now moving forward with this component.

The Kiosk has been custom designed by the design-build firm RENZ+OEI, and the site plans have been designed by the civil engineering consultant Engineering Ventures. These designs and plan drawings are included in **Exhibits A and C** of this RFP. The Kiosk will be prefabricated off site and delivered for opening in June 2024.

## **II. SCOPE OF WORK**

All site work must be completed in preparation for delivery of the Kiosk by **Tuesday, May 28, 2024**.

General site work includes, the coordination of constructing a concrete slab to support the Kiosk structure with four smaller support footers that will connect to the roof support posts. The Kiosk will be serviced by a new connection to domestic water available from the park's seasonal fountain system; a connection to existing sanitary sewers laterals in the park; and connections to existing electric and telecommunications systems. The scope includes the following:

1. Install silt fence along eastern work extents at the edge of the rain garden.
2. Provide inlet protection at catch basins in patio area as needed.
3. Remove pavers along existing joints and pour concrete slab for kiosk foundation and column footings; coordinate column footings with Kiosk design/build team.
4. Saw-cut sidewalk along existing joints and core through seatwall foundation to install water service line and associated valves and fixtures; ensure connection is made with curb stop and blow off so that the fountain can continue to be winterized.
5. Install sanitary sewer service line and associated fixtures, core new hole to connect at existing manhole.
6. Restore all disturbed site finishes to original condition.
7. Install conduit from existing line to proposed electric service box and pull new wires for kiosk power.
8. Complete water and sanitary connections to Kiosk and perform necessary tests for functioning. Work must be performed by a Licensed Plumber.
9. Complete electric connections to Kiosk and perform necessary test for functioning. Work must be performed by a Licensed Electrician.
10. Connect the downspout from the kiosk roof to a level spread east of the patio.

The scope of work includes two (2) Add Alternates:

1. New power pedestal and conduit for event power.
2. New conduit between the existing communications ground vault and the Kiosk to accommodate direct internet connection.

Please refer to the project plans for layout and additional details in **Exhibit A**. For more information about the civil site plans please contact Julia Ginorio, PE, at Engineering Ventures – [juliag@engineeringventures.com](mailto:juliag@engineeringventures.com).

A copy of the as-built drawings from the 2018 City Hall Park Renovation project (as existing conditions) is included in **Exhibit D** of this RFP.

The Kiosk is scheduled to be delivered to the site on **May 29, 2024** on a flatbed vehicle with a hoist that can position the Kiosk in place on the foundation, followed by the two (2) sections of the roof. However, if the delivery vehicle cannot perform the necessary maneuvers in the park to achieve the necessary positions for unloading the Kiosk sections, then a crane system may be required. See **Exhibit C** with the Kiosk design plans. For more information about the design plans please contact Jean Oei at RENZ+OEI – [jean@renzoei.com](mailto:jean@renzoei.com).

**PERMITS:**

The City is responsible for zoning permit and building permit for the Kiosk, as well as the State ANR Water / Wastewater Permit.

The selected site work contractor will be required to apply for and obtain all necessary permits to complete the site work and utility connections as presented on the project drawings.

Coordination with CEDO, Department of Permits & Inspections (DPI), Department of Public Works (DPW), Water Resources, Burlington Electric Department (BED), Burlington Telecom (BT), Burlington City Arts (BCA), and Burlington Parks, Recreation & Waterfront (BPRW) may be required during the pre-construction process and site work.

**III. RESPONSE FORMAT**

Contractors are encouraged to be concise. All proposals must include, but are not limited to, the following:

- A.** Letter of Interest.
- B.** Completed and signed Bid Form (**Exhibit B**).
- C.** A brief description of the firm's history and experience with construction, excavation, and utility work in a registered national historic park. Please disclose and intentions to partner with another company and provide pertinent information on the sub-contractor(s).
- D.** A work history of up to three (3) related projects showing for each:
  - Name, address and phone number for each client.
  - Brief project description.
  - Statement as to whether project was completed on time and within budget.

**IV. CONTRACTOR SELECTION**

**A. Criteria:** Proposals shall be evaluated based on the criteria listed below:

- 1.** Priority assigned to the project and current workload of the firm with particular reference to the personnel and other resources being proposed. Firm's capacity to complete work in an efficient timeframe will be critical.
- 2.** Total Project Cost.
- 3.** Past performance record and relevant experience.
- 4.** Quality of work, timeliness and experience; and financial responsibility of the firm. \*\*

Each General Contractor shall respond to evaluation criteria items 1 through 4 (above) in a concise and easily identifiable manner. Information shall be utilized in the final selection decision.

*\*\* The firm must agree to carry professional liability insurance including errors and omissions in an amount not less than \$1,000,000. (See additional insurance requirements in **Exhibit H and Exhibit G**.)*

**B. Evaluation Criteria Scoring:**

|                                                                       |           |
|-----------------------------------------------------------------------|-----------|
| <b>1.</b> Priority and Current Workload of Firm                       | 20        |
| <b>2.</b> Total Project Cost                                          | 40        |
| <b>3.</b> Past Performance                                            | 20        |
| <b>4.</b> <u>Quality of Work and Financial Responsibility of Firm</u> | <u>20</u> |
| Total Available Points                                                | 100       |

Proposals will be reviewed and evaluated by city staff based on the information provided. Additional information may be requested prior to final selection.

- C. Rejection of Proposals:** The City reserves the right to reject any or all proposals, to negotiate with one or more parties, or to award the contract in the City's best interests, including proposed contractor's schedule. The City reserves the right to re-advertise for additional proposals and to extend the deadline for submission of the proposals.

No proposal will be considered accepted until all necessary City authorizations, including those required by Board of Finance and City Council if necessary, have been received and an agreement is executed by both parties.

## **V. SUBMISSIONS**

### **A. Deadline for Receipt of Proposals:**

All proposals in response to this Request for Proposals (RFP) must be received by email to the point of contact no later than 5:00 p.m. on the above due date. The proposal shall be marked "**City Hall Park Kiosk Site Work and Utility Connections**". Late proposals will not be accepted under any circumstances. Electronic proposals are preferred as long as they are received by the point of contact by the required deadline. It is the responsibility of the entity submitting replies and proposals to ensure that the point of contact has received a completed proposal by the required deadline.

### **B. Answers to Questions and Revisions to Request for Proposal:**

Any revisions, addendums and answers to questions received by the question deadline will be sent to consultants who directly received this proposal via email. In addition, revisions will be posted on the City's RFP web page – <http://burlingtonvt.gov/RFP/>. It is advised that consultants sign up for the GovDelivery notification so that they will be notified of any changes.

**Point of Contact:** Zachary Nersinger  
Senior Projects & Policy Specialist for Community Works  
Community & Economic Development Office (CEDO)  
[znersinger@burlingtonvt.gov](mailto:znersinger@burlingtonvt.gov)  
(802) 923-9218

## **VI. EXHIBITS**

- Exhibit A: Bid Documents and Specifications by Engineering Ventures
- Exhibit B: Contractor Bid Form
- Exhibit C: Kiosk design drawings by RENZ+OEI
- Exhibit D: City Hall Park As-Built Drawing, 2021
- Exhibit E: Site Photos: Existing Conditions and 2020 Park Construction
- ~~Exhibit F: Draft Contract Template for Construction Contracts~~
- ~~Exhibit G: Burlington Standard Contract Conditions, Construction (Attachment C)~~
- ~~Exhibit H: Insurance Indemnification (Attachment C-1)~~
- ~~Exhibit I: Burlington Livable Wage Ordinance Certification~~
- ~~Exhibit J: Burlington Outsourcing Ordinance Certification~~
- ~~Exhibit K: Burlington Union Deterrence Ordinance Certification~~

Duplicate Exhibits  
Removed, shown in  
Contract

Bid documents include this main body of the request for proposals and all exhibits.



**VII. CONTRACTING**

The contractor must qualify as an independent contractor and, prior to being awarded a contract, must apply for registration with the Vermont Secretary of State's Office to do business in the State of Vermont, if not already so registered. The registration form may be obtained from the Vermont Secretary of State, 128 State Street, Montpelier, VT 05633-1101, PH: 802-828-2363, Toll-free: 800-439-8683; Vermont Relay Service – 711; web site: <https://www.sec.state.vt.us/>. The contract will not be executed until the consultant is registered with the Secretary of State's Office.

Prior to beginning any work, the consultant shall obtain Insurance Coverage in accordance with the Burlington Contract Conditions (**Exhibit H** in this RFP). The certificate of insurance coverage shall be documented on forms acceptable to the City.

**VIII. AGREEMENT REQUIREMENTS**

The selected consultant will be required to execute a contract with the City on the terms and conditions required by the City, including but not limited to those in the Burlington Contract Conditions (**Exhibit H**) and the attached Draft Agreement. No proposal will be considered accepted until all necessary City authorizations – including those required by Board of Finance and City Council if necessary - have been received and an agreement is executed by both parties.

**IX. LIMITATIONS OF LIABILITY**

The City assumes no responsibility or liability for the response to this Request for Proposals.

**X. COSTS ASSOCIATED WITH PROPOSAL**

Any costs incurred by any person or entity in preparing, submitting, or presenting a proposal are the sole responsibility of that person or entity, including any requests for additional information or interviews. The City will not reimburse any person or entity for any costs incurred prior to the issuance of the contract.

**XI. INDEMNIFICATION**

Any party responding to this Request for Proposals is acting in an independent capacity and not as an officer or employee of the City. Any party responding to this Request for Proposals will be required to indemnify, defend, and hold harmless the City, its officers, and employees from all liability and any claims, suits, expenses, losses, judgments, and damages arising as a result of the responding party's acts and/or omissions in or related to the response.

**XII. REJECTION OF PROPOSALS**

The City reserves the right to reject any or all proposals, to negotiate with one or more parties, or to award the contract to the proposal the City deems will meet its best interests, even if that proposal is not the lowest bid. The City reserves the right to re-advertise for additional proposals and to extend the deadline for submission of the proposals. This Request for Proposals in no way obligates the City to award a contract.

**XIII. OWNERSHIP OF DOCUMENTS**

Any materials submitted to the City in response to this Request for Proposals shall become the property of the City unless another arrangement is made by written agreement between the City and the responding party. The responding party may retain copies of the original documents.

**XIV. DUTY TO INFORM CITY OF BID DOCUMENT ERRORS**

If a bidder knows, suspects, or has reasonable cause to believe, that an error or omission exists in any bid documents, including but not limited to unit prices and rate calculations, the bidder shall immediately give the City written notice thereof. Contractor shall not cause or permit any work to be conducted that may related to the error or omission without first receiving written acknowledgment from the City that City representatives understand the possible error or omission and have approved the requested modifications to the bid or contract documents or that the contractor may proceed without any modification being made to the bid or contract documents.

**XV. PUBLIC RECORDS**

Any and all records submitted to the City, whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act. The determination of how those records must be handled is solely within the purview of City. All records the responding party considers to be trade secrets, as that term is defined by subsection 317(c)(g) of the Vermont Public Records Act, or that the responding party otherwise seeks to have the City consider as exempt must be identified clearly and specifically at the time of submission. It is not sufficient to merely state generally that a proposal is proprietary, contains a trade secret, or is otherwise exempt. Particular records, pages, and sections which are believed to be exempt must be specifically identified as such and must be separated from other records with a convincing explanation and rationale sufficient to justify each exemption from release consistent with Section 317 of Title 1 of the Vermont Statutes Annotated.

**Exhibit A:**

**Bid Documents and Specifications by Engineering Ventures**

SITE/EARTHWORK SPECIFICATIONS

- 1. PRIOR TO THE START OF WORK, A PRE-CONSTRUCTION MEETING WILL BE HELD WITH THE OWNER, CONTRACTOR, PROJECT ENGINEER AND CITY DPW TO REVIEW PROCEDURES AND IDENTIFY RESPONSIBILITIES. FOUR WEEKS NOTICE SHALL BE GIVEN TO THE TOWN PRIOR TO START OF CONSTRUCTION. UNLESS STATED OTHERWISE, ALL MATERIALS AND METHODS SHALL BE IN ACCORDANCE WITH THE MOST RECENT VERSION OF VERMONT AGENCY OF TRANSPORTATION SPECIFICATIONS.
- 2. CLEARING AND GRUBBING- SITE TO BE RESTORED TO PRE-CONSTRUCTION CONDITIONS, INCLUDING DRIVEWAYS, STONE WALLS, AND GRASS AREAS. ALL PAVING SUB-GRADE MATERIAL SHALL EXTEND ONE FOOT BEYOND THE EDGE OF PAVING.
- 3. COMPACTION OF ALL MATERIALS SHALL BE PERFORMED USING VIBRATORY ROLLERS AND WATER IN LIFTS OF NO GREATER THAN TWELVE INCHES. COMPACTION SHALL BE PERFORMED UNTIL THE REQUIRED DENSITY IS ACHIEVED. DENSITY SHALL BE DETERMINED BY ASTM D2922 AND SHALL NOT BE LESS THAN THE REQUIRED AMOUNT AS DETERMINED IN ACCORDANCE WITH ASTM D1557.
- 4. COMPACTION TESTING SHALL BE PERFORMED FOR EVERY LAYER OF MATERIAL PLACED AND FOR EVERY 2,500 SQUARE FEET OF AREA.
- 5. ALL DISTURBED AREAS SHALL BE FERTILIZED AND SEEDED IN ACCORDANCE WITH APPLICABLE STATE SPECIFICATIONS FOR EROSION PREVENTION AND SEDIMENT CONTROL.
- 6. THE SEEDING OF 10% OR GREATER SLOPES SHALL REQUIRE THE USE OF EROSION CONTROL MATTING.
- 7. THE COST OF INITIAL INSPECTION AND TESTING SHALL BE PAID BY THE OWNER. SUBSEQUENT TESTING DUE TO FAILURE SHALL BE PAID BY THE CONTRACTOR.
- 8. ALL EARTHWORK MATERIALS SHALL BE OBTAINED FROM APPROVED SOURCES. THEY SHALL CONSIST OF SATISFACTORILY GRADED, FREE DRAINING MATERIAL, REASONABLY FREE FROM LOAM, SILT, CLAY AND ORGANIC MATERIAL. EARTHWORK MATERIALS SHALL MEET THE REQUIREMENTS OF THE FOLLOWING TABLES:

|                          |                   |                                              |
|--------------------------|-------------------|----------------------------------------------|
| A. SAND BLANKET/BEDDING: | SIEVE DESIGNATION | PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES |
|                          | 2 INCHES          | 100                                          |
|                          | 1-1/2 INCHES      | 90 - 100                                     |
|                          | 1/2 INCH          | 70 - 100                                     |
|                          | NO. 4             | 60 - 100                                     |
|                          | NO. 100           | 0 - 20                                       |
|                          | NO. 200           | 0 - 8                                        |

|                        |                   |                                              |
|------------------------|-------------------|----------------------------------------------|
| B. 3/4" CRUSHED STONE: | SIEVE DESIGNATION | PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES |
|                        | 1 INCH            | 100                                          |
|                        | 3/4 INCHES        | 90 - 100                                     |
|                        | 3/8 INCH          | 20 - 55                                      |
|                        | NO. 4             | 0 - 10                                       |
|                        | NO. 8             | 0 - 5                                        |

|                          |                   |                                              |
|--------------------------|-------------------|----------------------------------------------|
| C. 1-1/2" CRUSHED STONE: | SIEVE DESIGNATION | PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES |
|                          | 2 INCH            | 100                                          |
|                          | 1-1/2 INCH        | 95 - 100                                     |
|                          | 3/4 INCH          | 35 - 70                                      |
|                          | 3/8 INCH          | 10 - 30                                      |
|                          | NO. 4             | 0 - 5                                        |

|                           |                   |                                              |
|---------------------------|-------------------|----------------------------------------------|
| D. COARSE CRUSHED GRAVEL: | SIEVE DESIGNATION | PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES |
|                           | 4 INCHES          | 95 - 100                                     |
|                           | NO. 4             | 25 - 50                                      |
|                           | NO. 100           | 0 - 12                                       |
|                           | NO. 200           | 0 - 6                                        |

|                         |                   |                                              |
|-------------------------|-------------------|----------------------------------------------|
| E. FINE CRUSHED GRAVEL: | SIEVE DESIGNATION | PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES |
|                         | 2 INCHES          | 100                                          |
|                         | 1-1/2 INCHES      | 90 - 100                                     |
|                         | NO. 4             | 30 - 60                                      |
|                         | NO. 100           | 0 - 12                                       |
|                         | NO. 200           | 0 - 6                                        |

|                       |                   |                                              |
|-----------------------|-------------------|----------------------------------------------|
| F. GRANULAR BACKFILL: | SIEVE DESIGNATION | PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES |
|                       | 3 INCHES          | 100                                          |
|                       | 2 1/2 INCHES      | 90 - 100                                     |
|                       | NO. 4             | 45 - 75                                      |
|                       | NO. 100           | 0 - 12                                       |
|                       | NO. 200           | 0 - 6                                        |

|                        |                   |                                              |
|------------------------|-------------------|----------------------------------------------|
| G. DRAINAGE AGGREGATE: | SIEVE DESIGNATION | PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES |
|                        | 1 INCHES          | 100                                          |
|                        | 3/4 INCH          | 90 - 100                                     |
|                        | 3/8 INCH          | 20 - 55                                      |
|                        | NO. 4             | 60 - 100                                     |
|                        | NO. 100           | 0 - 10                                       |
|                        | NO. 200           | 0 - 5                                        |

|                                                        |                   |                                              |
|--------------------------------------------------------|-------------------|----------------------------------------------|
| H. AGGREGATE FOR EROSION PREVENTION & SEDIMENT CONTROL | SIEVE DESIGNATION | PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES |
|                                                        | 4 INCHES          | 80 - 100                                     |
|                                                        | 3 INCHES          | 40 - 60                                      |
|                                                        | 2 INCHES          | 0 - 20                                       |

|                                           |                   |                                              |
|-------------------------------------------|-------------------|----------------------------------------------|
| I. DENSE GRADED CRUSHED STONE FOR SUBBASE | SIEVE DESIGNATION | PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES |
|                                           | 3 1/2 INCHES      | 100                                          |
|                                           | 3 INCHES          | 90 - 100                                     |
|                                           | 2 INCHES          | 75 - 100                                     |
|                                           | 1 INCH            | 50 - 80                                      |
|                                           | 1/2 INCHES        | 30 - 60                                      |
|                                           | NO. 4             | 15 - 40                                      |
|                                           | NO. 200           | 0 - 6                                        |

- J. TOPSOIL SHALL MEET THE FOLLOWING REQUIREMENTS UNLESS OTHERWISE SPECIFICALLY STATED IN THE CONTRACT DOCUMENTS:
- 1. THE pH OF THE MATERIAL SHALL BE BETWEEN 5.5 AND 7.6.
- 2. THE ORGANIC CONTENT SHALL BE NOT LESS THAN 2% NOR MORE THAN 20%.
- 3. GRADATION:

|                   |                                              |
|-------------------|----------------------------------------------|
| SIEVE DESIGNATION | PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES |
| 2 INCHES          | 100                                          |
| 1 INCH            | 85 - 100                                     |
| 1/4 INCH          | 65 - 100                                     |
| NO. 200           | 20 - 80                                      |

THE CONTRACTOR MAY AMEND NATURAL TOPSOIL WITH APPROVED MATERIALS AND BY APPROVED METHODS TO MEET THE ABOVE SPECIFICATIONS.

GENERAL NOTES

- 1. EXACT OBJECT LOCATIONS MAY DIFFER FROM THAT AS SHOWN, AND ADDITIONAL SUB-SURFACE AND SURFACE UTILITIES AND STRUCTURES MAY EXIST. THE CONTRACTOR IS TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK AND TO CALL DIG SAFE 72 HOURS PRIOR TO ANY DIGGING, DRILLING OR BLASTING.
- 2. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY CONDITIONS THAT VARY FROM THOSE SHOWN ON THE PLANS. THE CONTRACTOR'S WORK SHALL NOT VARY FROM THE PLANS WITHOUT THE EXPRESSED APPROVAL FROM THE ENGINEER.
- 3. THE CONTRACTOR IS INSTRUCTED TO COOPERATE WITH ANY AND ALL OTHER CONTRACTORS PERFORMING WORK ON THIS JOB SITE DURING THE PERFORMANCE OF THIS CONTRACT.
- 4. THE CONTRACTOR SHALL RESTORE LAWNS, DRIVEWAYS, CULVERTS, SIGNS AND OTHER PUBLIC OR PRIVATE PROPERTY DAMAGED OR REMOVED TO EXISTING CONDITIONS OR BETTER AS DETERMINED BY THE ENGINEER. ANY DAMAGED TREES, SHRUBS AND/OR HEDGES SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE, UNLESS NOTED OTHERWISE.
- 5. THE CONTRACTOR SHALL COMPLY WITH ALL REQUIRED PERMITS.
- 6. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING, AND INCURRING THE COST OF ALL REQUIRED PERMITS, INSPECTIONS, AND CERTIFICATES.
- 7. THE CONTRACTOR WILL PROTECT EXISTING PROPERTY LINE MONUMENTATION. ANY MONUMENTATION DISTURBED OR DESTROYED, AS JUDGED BY THE ENGINEER OR OWNER SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE UNDER THE SUPERVISION OF A VERMONT STATE LICENSED LAND SURVEYOR.
- 8. IT IS THE CONTRACTOR'S RESPONSIBILITY TO EXAMINE ALL PLAN SHEETS AND SPECIFICATIONS, AND COORDINATE WORK WITH ALL CONTRACTS FOR THE SITE.
- 9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONDUCT EXPLORATORY TEST PITS AS MAY BE REQUIRED TO DETERMINE UNDERGROUND CONDITIONS.
- 10. ALL TRENCH EXCAVATION AND ANY REQUIRED SHEETING AND SHORING SHALL BE DONE IN ACCORDANCE WITH THE LATEST OSHA REGULATIONS FOR CONSTRUCTION.
- 11. CONTRACTOR SHALL BE RESPONSIBLE FOR DEWATERING AND THE MAINTENANCE OF SURFACE DRAINAGE DURING THE COURSE OF WORK.
- 12. MAINTAIN FLOW FOR ALL EXISTING UTILITIES, UNLESS NOTED OTHERWISE.
- 13. ALL SITE FILL SHALL MEET SELECTED FILL STANDARDS UNLESS NOTED OTHERWISE ON THE DRAWINGS.
- 14. CONTRACTOR TO GRADE ALL AREAS ON THE SITE TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND IMPERVIOUS SURFACES.
- 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL FIELD LAYOUT. THE CONTRACTOR SHALL PROVIDE MARKED-UP AS-BUILT PLANS FOR ALL UTILITIES SHOWING CONNECTIONS, BENDS, VALVES, LENGTHS OF LINES AND INVERTS. AS-BUILT PLANS SHALL BE REVIEWED BY THE OWNER AND HIS REPRESENTATIVES BEFORE UTILITIES WILL BE ACCEPTED.
- 16. CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER INSTALLATION, MONITORING, MAINTENANCE AND REMOVAL OF ALL TEMPORARY EROSION CONTROL MEASURES AND TAKING PRECAUTIONARY STEPS TO AVOID ANY SEDIMENT TRANSFER TO NEIGHBORING SITES OR WATERS OF THE STATE.

CIVIL LINETYPE LEGEND

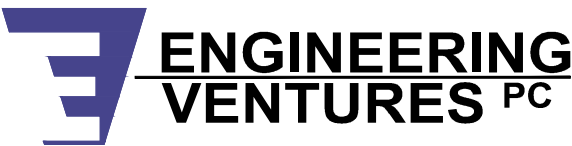
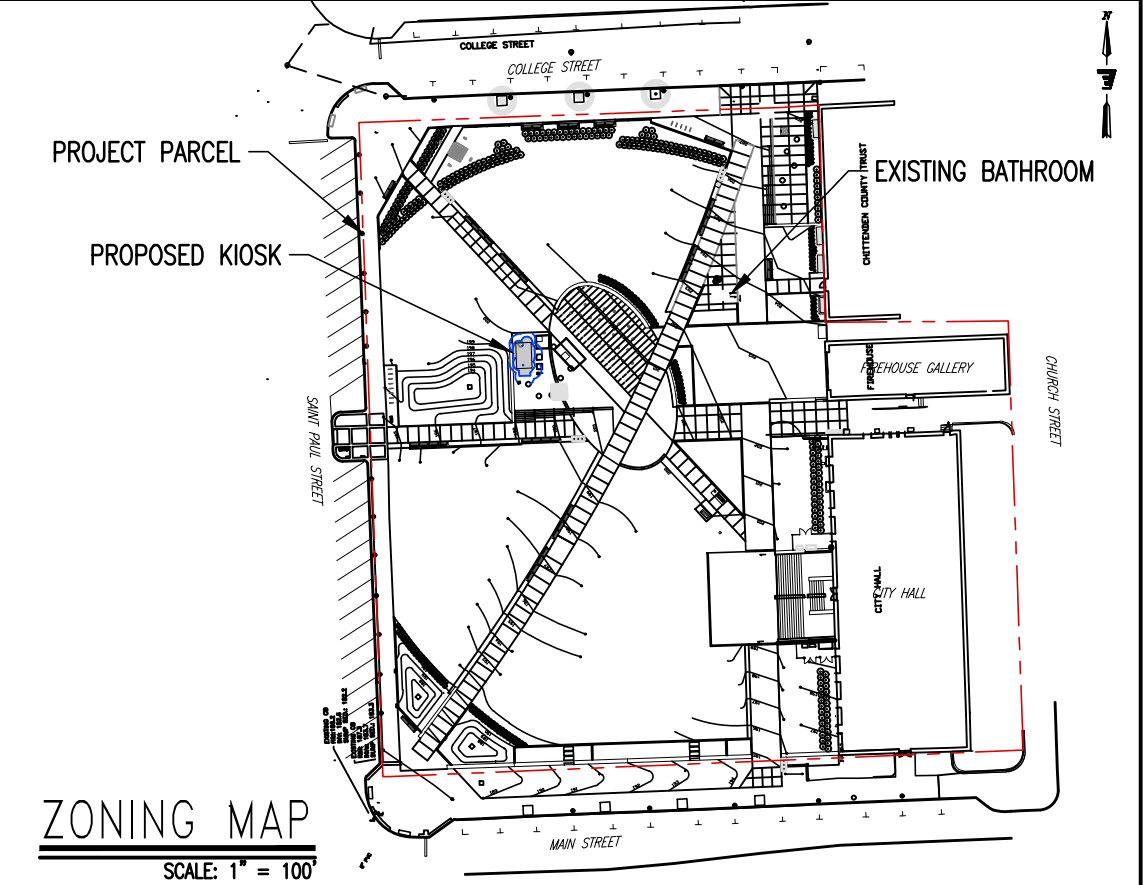
| PROPOSED FEATURES                                                                        | EXISTING FEATURES                                                                                    |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
|  SS |  SANITARY SEWER |
|  SD |  STORM LINE     |
|  T  |  TELECOMM       |
|  E  |  ELECTRIC LINE  |
|  W  |  WATER LINE     |

ZONING TABLE

| FORM DISTRICT, CIVIC SPACES (SEC. 14.3.6-E)                           |                           |          |          |
|-----------------------------------------------------------------------|---------------------------|----------|----------|
| CRITERIA                                                              | LIMITATION                | EXISTING | PROPOSED |
| SIZE                                                                  | 0.5 AC. MIN - 5 AC. MAX   | 2.4      | 2.4      |
| LOT COVERAGE                                                          | 60% MAX.                  | 52       | 52       |
| STRUCTURES                                                            | 600 SF MAX. IN AGGREGATE* | 60       | 240      |
| * NOT INCLUDING THE EXISTING CITY HALL OR FIREHOUSE GALLERY BUILDINGS |                           |          |          |

WATER/WASTEWATER BASIS OF DESIGN

|                           | USE                                       | WATER FLOW | WASTEWATER FLOW |
|---------------------------|-------------------------------------------|------------|-----------------|
| EXISTING PERMIT WW-4-5307 | PICNIC AREA                               | 450 GPD    | 400 GPD         |
| PROPOSED KIOSK            | TAKE-OUT FACILITY WITH NO ON-SITE SEATING | 100 GPD    | 100 GPD         |
| TOTAL                     |                                           | 550 GPD    | 500 GPD         |



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Sheet Title:

COVER SHEET AND NOTES

Project Title:

CITY HALL PARK KIOSK

|              |            |
|--------------|------------|
| EV Project # | 23461      |
| Drawn By:    | JG         |
| Checked By:  | KW         |
| Scale:       | AS SHOWN   |
| Date:        | 2024/03/15 |

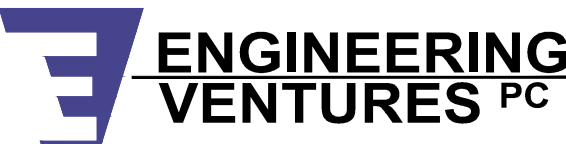
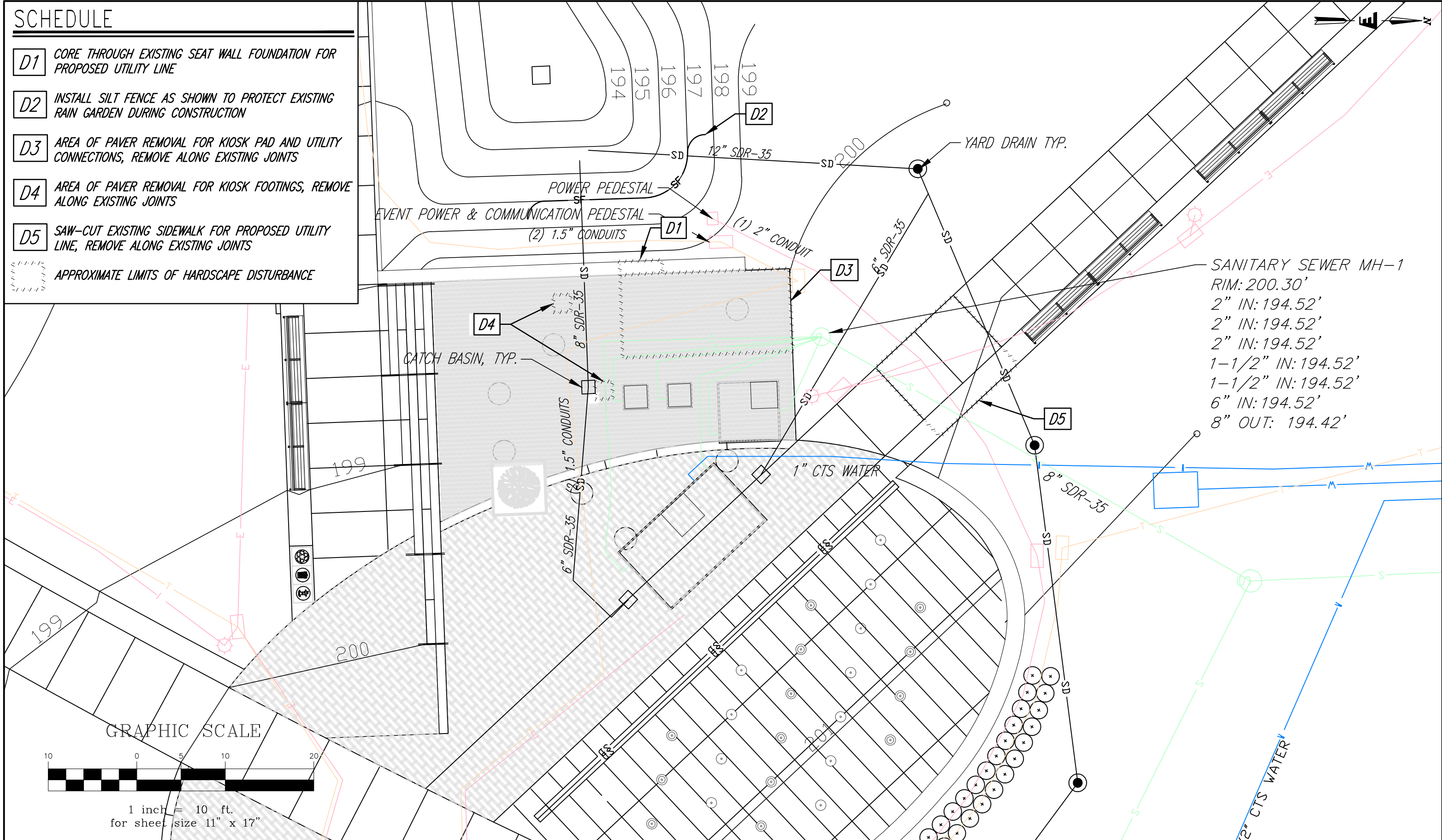
Figure:

C0.0



SCHEDULE

- D1** CORE THROUGH EXISTING SEAT WALL FOUNDATION FOR PROPOSED UTILITY LINE
- D2** INSTALL SILT FENCE AS SHOWN TO PROTECT EXISTING RAIN GARDEN DURING CONSTRUCTION
- D3** AREA OF PAVER REMOVAL FOR KIOSK PAD AND UTILITY CONNECTIONS, REMOVE ALONG EXISTING JOINTS
- D4** AREA OF PAVER REMOVAL FOR KIOSK FOOTINGS, REMOVE ALONG EXISTING JOINTS
- D5** SAW-CUT EXISTING SIDEWALK FOR PROPOSED UTILITY LINE, REMOVE ALONG EXISTING JOINTS
-  APPROXIMATE LIMITS OF HARDSCAPE DISTURBANCE



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Sheet Title:

EXISTING CONDITIONS & DEMOLITION PLAN

Project Title:

CITY HALL PARK KIOSK

|              |            |
|--------------|------------|
| EV Project # | 23461      |
| Drawn By:    | JG         |
| Checked By:  | KW         |
| Scale:       | 1"=10'     |
| Date:        | 2024/03/15 |

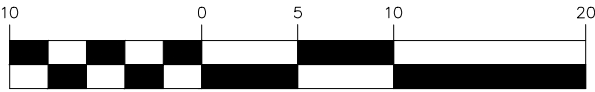
Figure:

C0.1

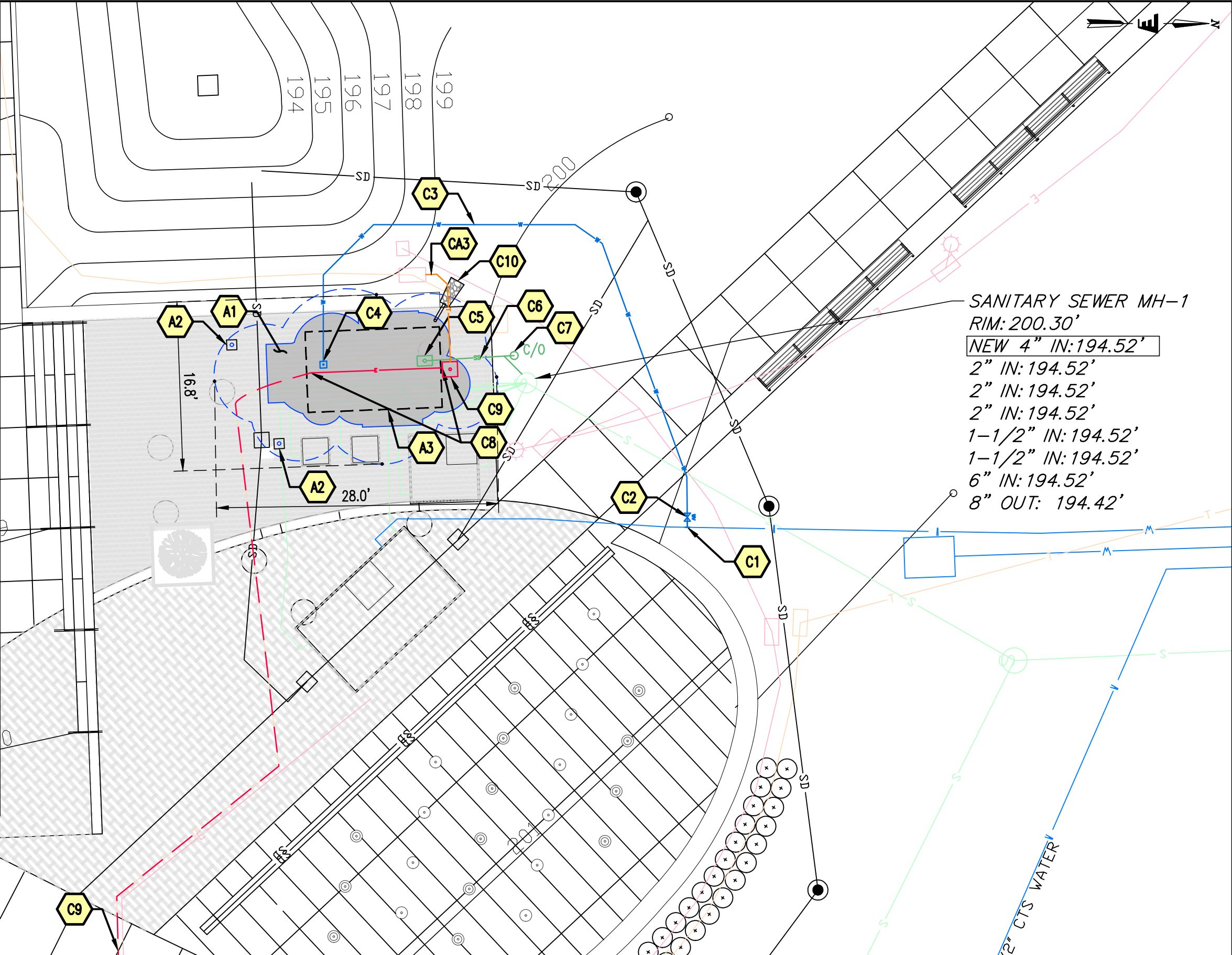
SCHEDULE

- A1** +/- 140 SF KIOSK, REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL DETAILS
- A2** 24"X24" COLUMN FOOTING FOR CANOPY, TYP. OF (2), REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL DETAILS
- A3** 5" THICK CONCRETE SLAB FOR KIOSK FOUNDATION, REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL DETAILS
- C1** 1" X 1" X 3/4" CTS PEX T CONNECTION AT EX. WATER SERVICE LINE
- C2** 3/4" STOP AND WASTE VALVE
- C3** +/- 68 LF OF 3/4" CTS PEX PIPE WITH ASSOCIATED BENDS AND FITTINGS
- C4** VERTICAL WATER SERVICE AT CONNECTION BOX
- C5** 4" PVC VERTICAL SANITARY SEWER SERVICE CONNECTION BOX
- C6** +/- 15 LF OF 4" SCH. 40 PVC SANITARY SEWER SERVICE PIPE WITH ASSOCIATED BENDS AND FITTINGS
- C7** SANITARY SEWER CLEANOUT
- C8** +/- 10 LF OF 2" RIGID GALVANIZED CONDUIT FROM EX. LINE
- C9** 200 AMP, 208 VOLT, 3-PHASE ELECTRIC SERVICE, FEED (4) #3/0 COPPER AND (1) 2 AWG GROUND THROUGH EX. CONDUIT FROM CITY HALL (SITE ELECTRICIAN TO FURNISH AND INSTALL ALL REQUIRED CONDUIT AND FEEDERS AND PROVIDE FINAL CONNECTIONS)
- C10** CONNECT LEADER EXTENSION TO DOWNSPOUT AND PROVIDE LEVEL SPREADER AT OUTLET
- CA3** +/- 10 LF OF 2" SCH. 40 PVC CONDUIT WITH ASSOCIATED BENDS AND FITTINGS FROM EX. COMMUNICATIONS VAULT (BURLINGTON TELECOM TO INSTALL AND TERMINATE LINE WHEN KIOSK IS INSTALLED)

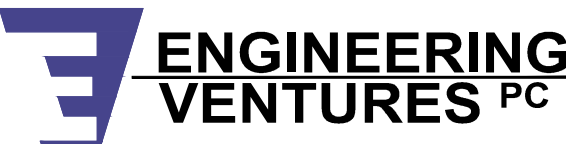
GRAPHIC SCALE



1 inch = 10 ft.  
for sheet size 11" x 17"



SANITARY SEWER MH-1  
RIM: 200.30'  
NEW 4" IN: 194.52'  
2" IN: 194.52'  
2" IN: 194.52'  
2" IN: 194.52'  
1-1/2" IN: 194.52'  
1-1/2" IN: 194.52'  
6" IN: 194.52'  
8" OUT: 194.42'



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Sheet Title:

SITE PLAN

Project Title:

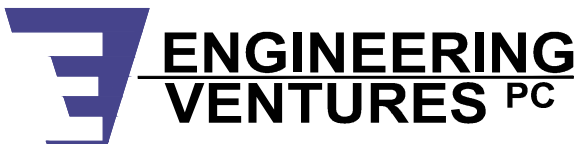
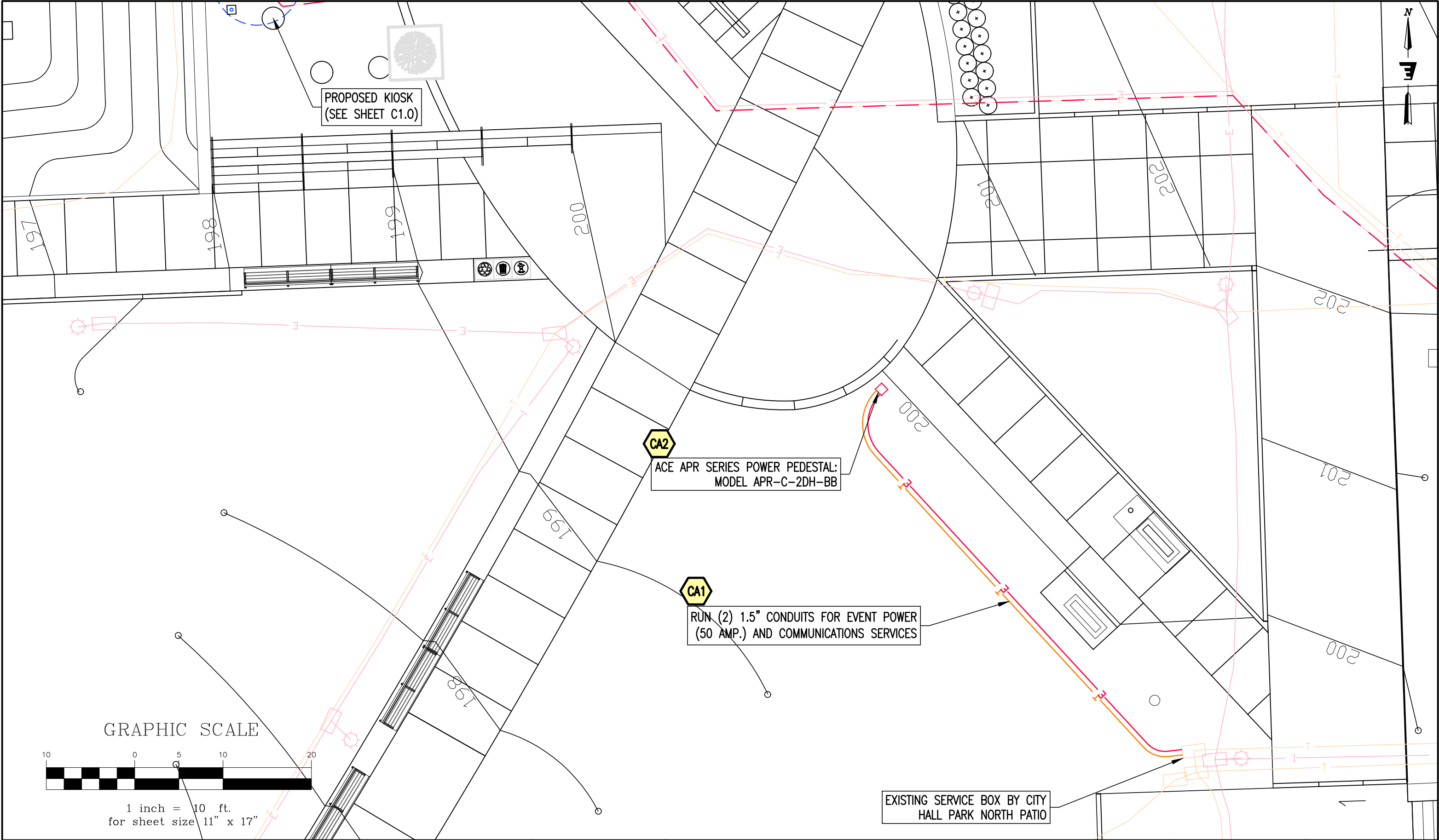
CITY HALL PARK KIOSK

|              |            |
|--------------|------------|
| EV Project # | 23461      |
| Drawn By:    | JG         |
| Checked By:  | KW         |
| Scale:       | 1"=10'     |
| Date:        | 2024/03/15 |

Figure:

C1.0





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Sheet Title:

SITE PLAN, ADD ALTERNATES

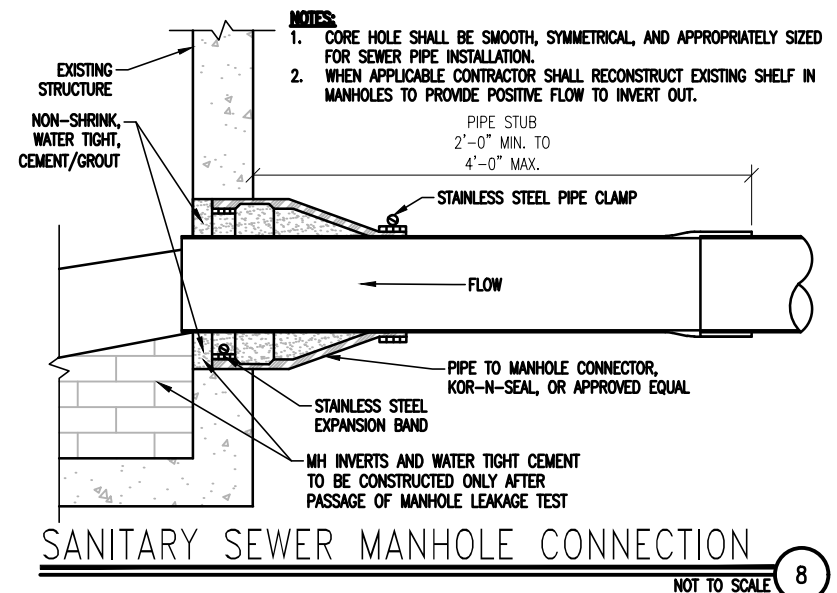
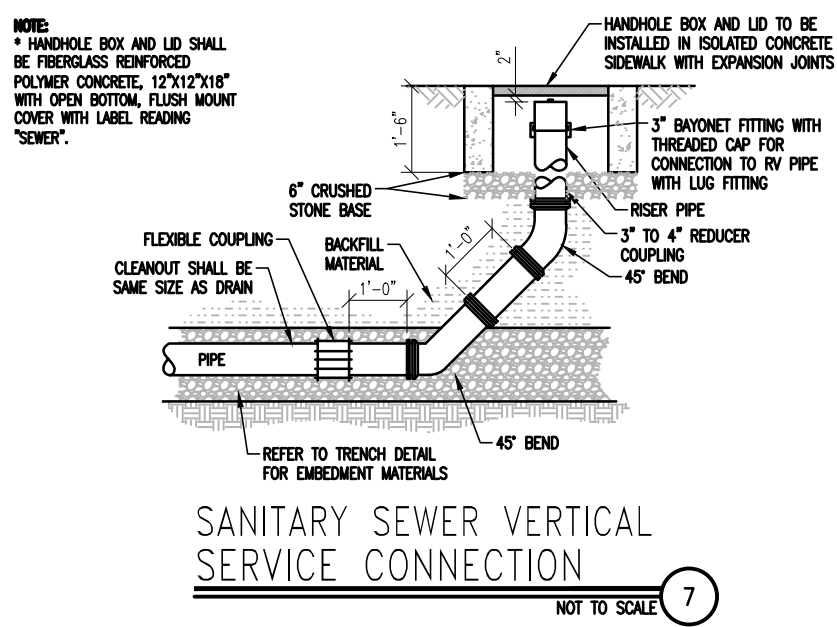
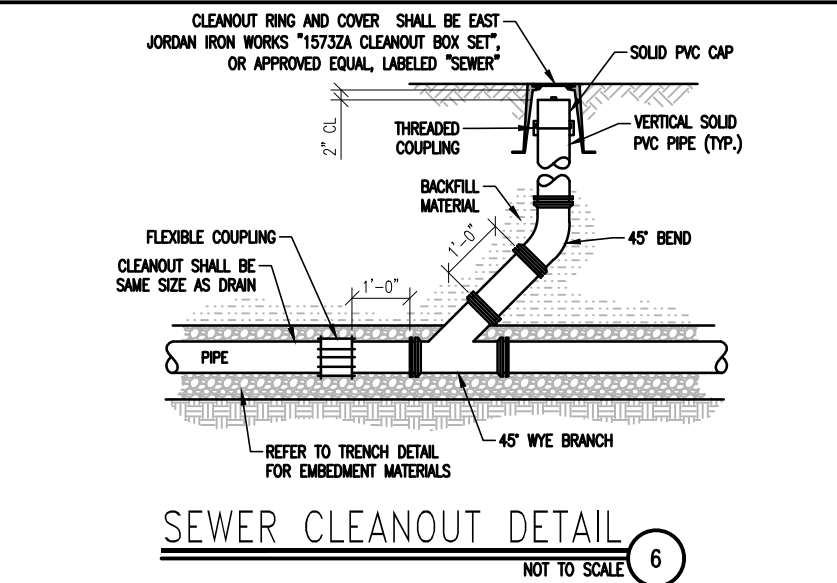
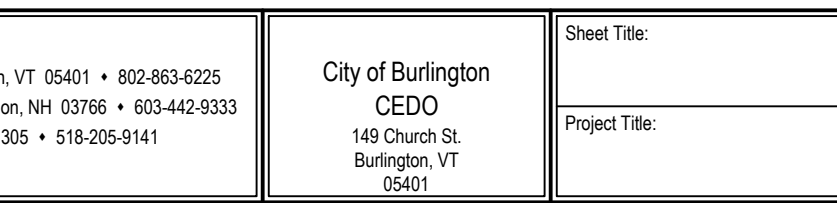
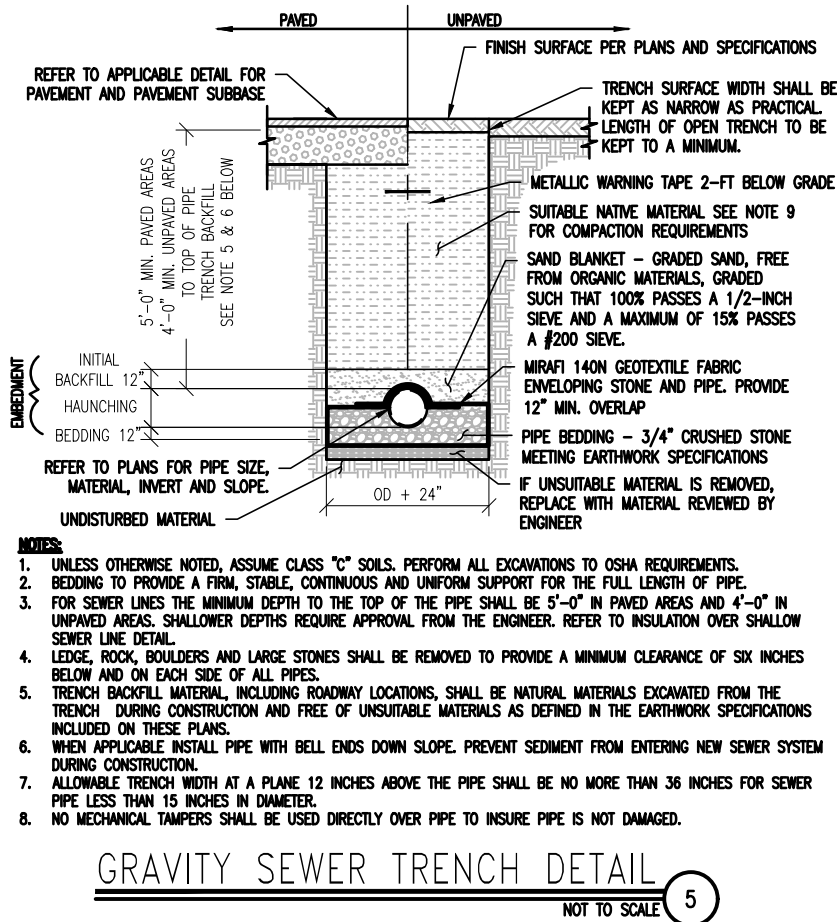
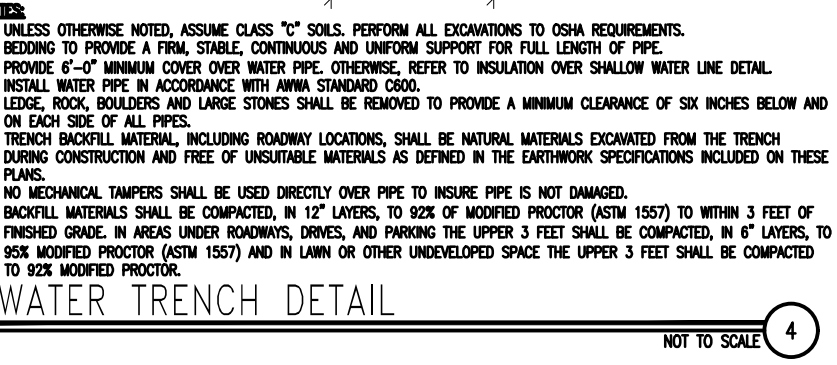
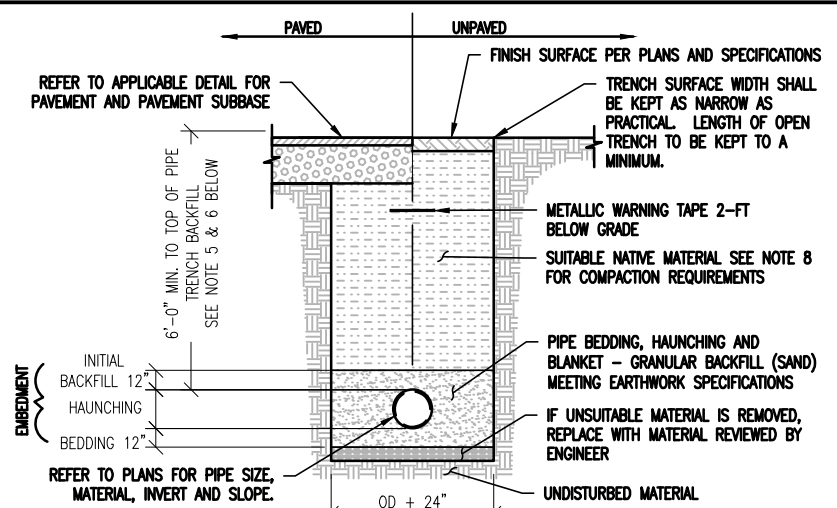
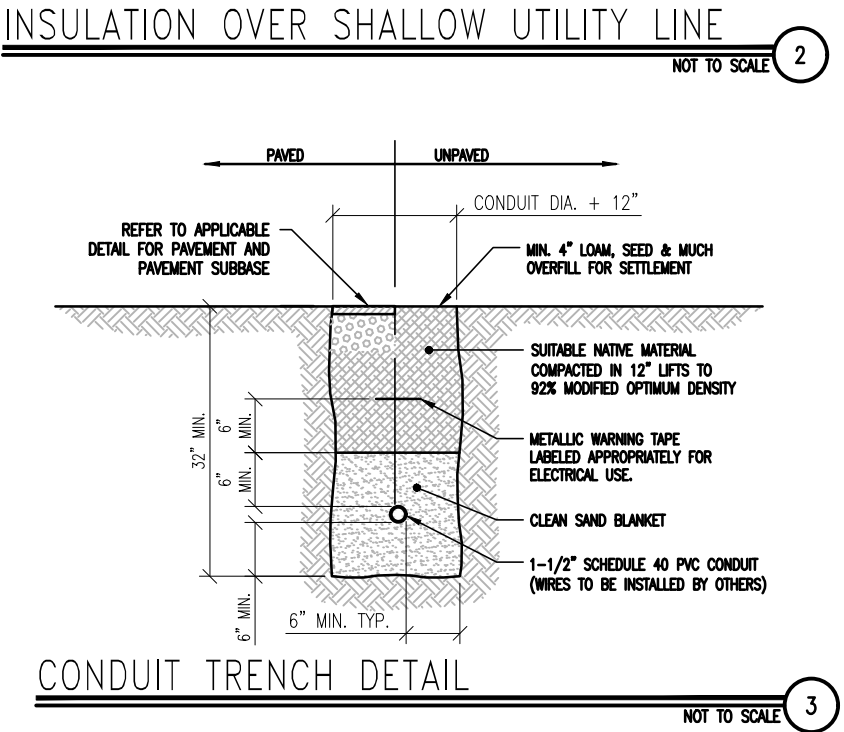
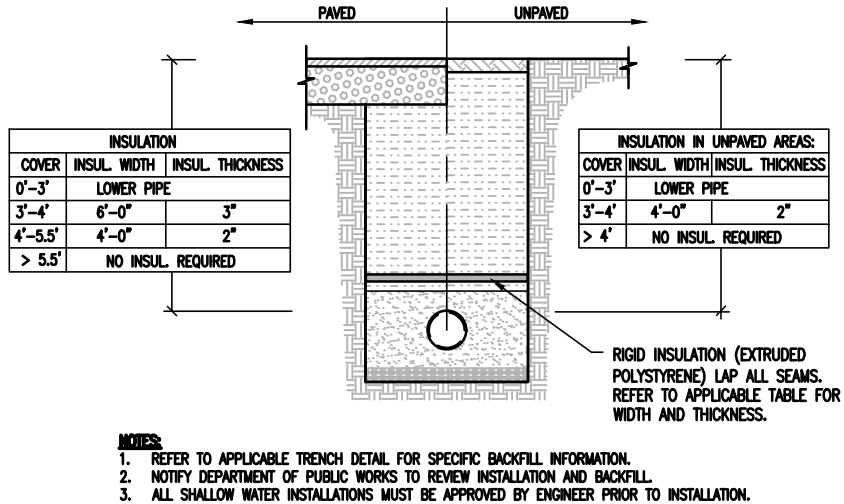
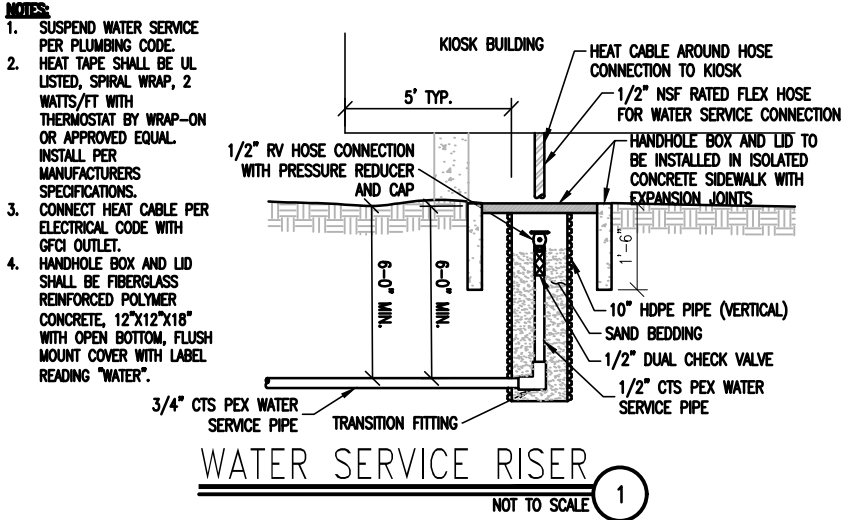
Project Title:

CITY HALL PARK KIOSK

|              |            |
|--------------|------------|
| EV Project # | 23461      |
| Drawn By:    | JG         |
| Checked By:  | KW         |
| Scale:       | 1"=10'     |
| Date:        | 2024/03/15 |

Figure:

C1.1



**ENGINEERING VENTURES PC**

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Sheet Title:

Project Title:

**SITE DETAILS**

**CITY HALL PARK KIOSK**

|              |            |
|--------------|------------|
| EV Project # | 23461      |
| Drawn By:    | JG         |
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| Scale:       | NTS        |
| Date:        | 2024/03/15 |

Figure:

**C2.0**



**Exhibit B:**  
**Contractor Bid Form**

## **BID FORM**

**PROJECT: CITY HALL PARK KIOSK SITE WORK (CITY OF BURLINGTON, VT)**

|                             |                           |
|-----------------------------|---------------------------|
| Contractor: _____           | Address: _____            |
| Contact: _____              | City/State/ZIP: _____     |
| Email: _____                | Telephone: _____          |
| Estimated Start Date: _____ | Estimated End Date: _____ |

**Contract Documents:** In compliance with your Advertisement for Bids, BIDDER hereby proposes to perform all WORK for the *City Hall Park Kiosk project* in strict accordance with the CONTRACT DOCUMENTS, within the time set forth therein, and at the prices stated below.

**Independence of the Bid:** By submission of this BID, each BIDDER certifies, and in the case of a joint BID each party thereto certifies as to its own organization, that this BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

**Project Time:** BIDDER hereby agrees to commence WORK under this contract on or before a date to be specified in the NOTICE TO PROCEED and to fully complete the PROJECT within the date of Substantial Completion as set forth in the Contract Documents.

**Bid Duration:** This Bid shall be good for 60 days from time of opening.

### **BASE BID**

The Bidder acknowledges the inclusion of the following items with this bid:

- **Exhibit A: Contractor's Scope of Work: Plans and Specification**
- **Exhibit B: Draft Contract**
- **Exhibit C: Burlington Standard Contract Conditions**
- **Exhibit D: Burlington Livable Wage Ordinance Certification**
- **Exhibit E: Burlington Union Deterrence Ordinance Certification**
- **Exhibit F: Kiosk Construction Documents**

**NOTE:** This project is TAX EXEMPT. Prices quoted shall not include sales tax.

**Base Bid:**

| ITEM            | UNIT     | SUBTOTAL |
|-----------------|----------|----------|
| Kiosk Site Work | Lump Sum |          |

**Add Alternates:**

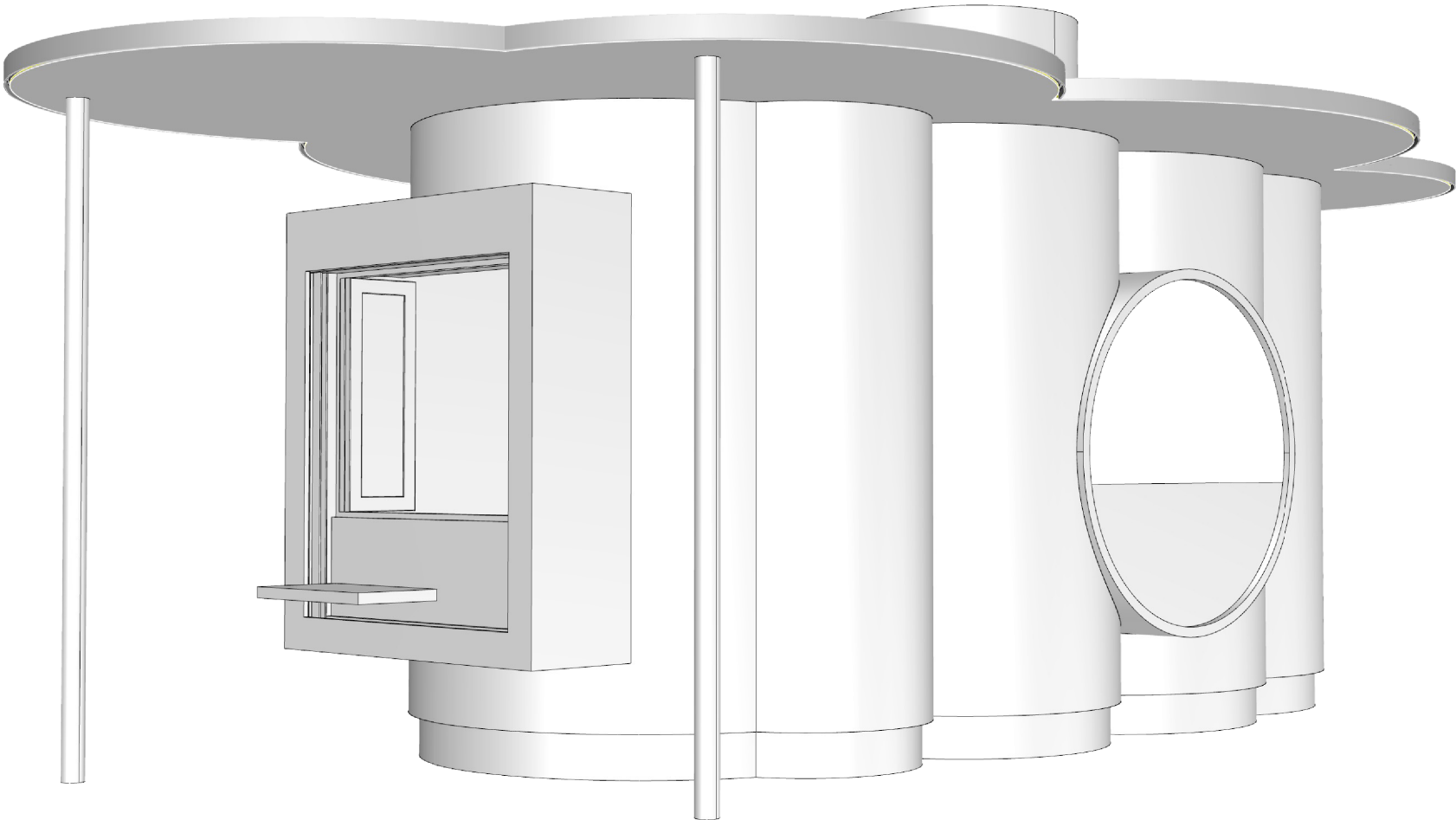
| ITEM                                                                              | UNIT     | SUBTOTAL |
|-----------------------------------------------------------------------------------|----------|----------|
| Power Pedestal & Conduit for Event Power (C1.1)                                   | Lump Sum |          |
| 2 Inch Conduit for Data/Internet from Existing Communications Ground Vault (C1.0) | Lump Sum |          |

**Contractor Name:** \_\_\_\_\_**Signature:** \_\_\_\_\_**Date:** \_\_\_\_\_

**Exhibit C:**  
**Kiosk Design Drawings by RENZ+OEI**

CONSTRUCTION DOCUMENTS-REV1

MARCH 28, 2024

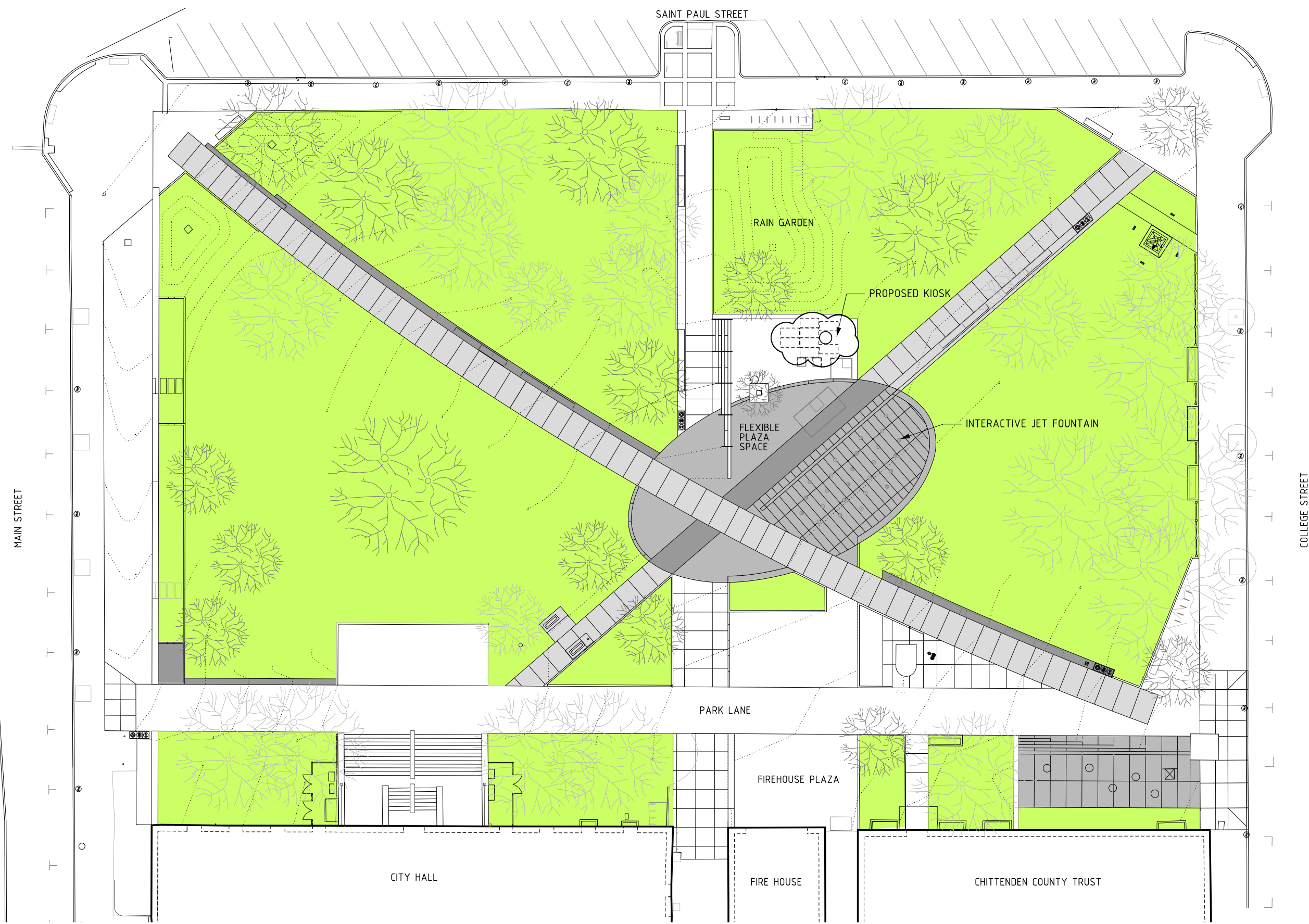
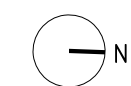


ARCHITECTURAL  
KITCHEN EQUIPMENT  
STRUCTURAL  
MECHANICAL/ PLUMBING  
ELECTRICAL

BURLINGTON, VT  
CITY HALL PARK KIOSK

| DWG NO  | DWG NAME                                    | SCALE       | LATEST UPDATE | CONCEPT DESIGN<br>1/16/2024 | SCHEMATIC DESIGN<br>2/7/2024 | CONSTRUCTION<br>DOCUMENTS<br>3/6/2024 | REVISION 1<br>3/28/2024 |
|---------|---------------------------------------------|-------------|---------------|-----------------------------|------------------------------|---------------------------------------|-------------------------|
| G       | GENERAL NOTES                               |             |               |                             |                              |                                       |                         |
| G-000.0 | COVER SHEET                                 | NA          | 3/6/2024      | •                           | •                            | •                                     | •                       |
| G-001.0 | DRAWING INDEX                               | NA          | 3/6/2024      |                             | •                            | •                                     | •                       |
|         |                                             |             |               |                             |                              |                                       |                         |
| A       | ARCHITECTURAL                               |             |               |                             |                              |                                       |                         |
| A-020.0 | CONTEXT - PARK PLAN                         | 1/32"=1'-0" | 3/6/2024      |                             | •                            | •                                     | •                       |
| A-021.0 | SITE PLAN W/ UTILITIES                      | 1/4"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
| A-022.0 | PROPOSED KIOSK PAD                          | 1"=1'-0"    | 3/6/2024      |                             | •                            | •                                     | •                       |
|         |                                             |             |               |                             |                              |                                       |                         |
| A-030.0 | GEOMETRY                                    | 1/2"=1'-0"  | 3/6/2024      | •                           |                              | •                                     | •                       |
| A-031.0 | ISOMETRIC SHOWING KIOSK OPEN AND CLOSED     |             | 1/16/2024     | •                           |                              |                                       |                         |
| A-032.0 | SIGNAGE                                     |             | 1/16/2024     | •                           |                              |                                       |                         |
| A-033.0 | ISOMETRIC SHOWING FLEX LED LIGHTING         |             | 1/16/2024     | •                           |                              |                                       |                         |
|         |                                             |             |               |                             |                              |                                       |                         |
| A-040.0 | AXONOMETRIC VIEW - KIOSK                    | NTS         | 3/6/2024      |                             |                              | •                                     | •                       |
| A-041.0 | AXONOMETRIC VIEW - KIOSK FRAMING AND CANOPY | NTS         | 3/6/2024      |                             |                              | •                                     | •                       |
|         |                                             |             |               |                             |                              |                                       |                         |
| A-100.0 | FLOOR PLAN - FIRST FLOOR                    | 1/2"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
| A-101.0 | FLOOR PLAN - ROOF                           | 1/2"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
| A-102.0 | FLOOR PLAN - CANOPY                         | 1/2"=1'-0"  | 3/6/2024      |                             | •                            | •                                     | •                       |
|         |                                             |             |               |                             |                              |                                       |                         |
| A-110.0 | REFLECTED CEILING PLAN - FIRST FLOOR        | 1/2"=1'-0"  | 3/6/2024      |                             | •                            | •                                     | •                       |
|         |                                             |             |               |                             |                              |                                       |                         |
| A-200.0 | ELEVATION - SOUTH (OPEN)                    | 1/2"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
| A-200.1 | ELEVATION - SOUTH (CLOSED)                  | 1/2"=1'-0"  | 3/6/2024      |                             |                              | •                                     | •                       |
| A-201.0 | ELEVATION - EAST                            | 1/2"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
| A-202.0 | ELEVATION - NORTH                           | 1/2"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
| A-203.0 | ELEVATION - WEST                            | 1/2"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
|         |                                             |             |               |                             |                              |                                       |                         |
| A-300.0 | SECTION - LONGITUDINAL LOOKING WEST         | 1/2"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
| A-301.0 | SECTION - LONGITUDINAL LOOKING EAST         | 1/2"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
| A-302.0 | SECTION - CROSS LOOKING NORTH               | 1/2"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
| A-303.0 | SECTION - CROSS LOOKING SOUTH               | 1/2"=1'-0"  | 3/6/2024      | •                           | •                            | •                                     | •                       |
|         |                                             |             |               |                             |                              |                                       |                         |
| A-400.0 | PLAN DETAILS                                | AS NOTED    | 3/6/2024      |                             | •                            | •                                     | •                       |
|         |                                             |             |               |                             |                              |                                       |                         |
| A-500.0 | SECTION DETAILS                             | AS NOTED    | 3/6/2024      |                             | •                            | •                                     | •                       |
| A-501.0 | SECTION DETAILS                             | AS NOTED    | 3/6/2024      |                             |                              | •                                     | •                       |
|         |                                             |             |               |                             |                              |                                       |                         |
| K       | KITCHEN EQUIPMENT                           |             |               |                             |                              |                                       |                         |
| K-101.0 | EQUIPMENT - PLAN                            | 1/2"=1'-0"  | 3/6/2024      |                             | •                            | •                                     | •                       |
| K-102.0 | SECTION - LONGITUDINAL LOOKING WEST         | 1/2"=1'-0"  | 3/6/2024      |                             | •                            | •                                     | •                       |
| K-103.0 | SECTION - LONGITUDINAL LOOKING EAST         | 1/2"=1'-0"  | 3/6/2024      |                             | •                            | •                                     | •                       |
| K-104.0 | SECTION - CROSS LOOKING NORTH               | 1/2"=1'-0"  | 3/6/2024      |                             | •                            | •                                     | •                       |
| K-105.0 | SECTION - CROSS LOOKING SOUTH               | 1/2"=1'-0"  | 3/6/2024      |                             | •                            | •                                     | •                       |
|         |                                             |             |               |                             |                              |                                       |                         |

| DWG NO  | DWG NAME                                    | SCALE      | LATEST UPDATE | CONCEPT DESIGN<br>1/16/2024 | SCHEMATIC DESIGN<br>2/7/2024 | CONSTRUCTION<br>DOCUMENTS<br>3/6/2024 | REVISION 1<br>3/28/2024 |
|---------|---------------------------------------------|------------|---------------|-----------------------------|------------------------------|---------------------------------------|-------------------------|
| S       | STRUCTURAL                                  |            |               |                             |                              |                                       |                         |
| S-001.0 | GENERAL NOTES                               | NA         | 3/6/2024      |                             |                              | •                                     | •                       |
| S-002.0 | GENERAL NOTES                               | NA         | 3/6/2024      |                             |                              | •                                     | •                       |
| S-003.0 | GENERAL NOTES                               | NA         | 3/6/2024      |                             |                              | •                                     | •                       |
|         |                                             |            |               |                             |                              |                                       |                         |
| S-040.0 | AXONOMETRIC VIEW - KIOSK                    | NTS        | 3/6/2024      |                             |                              | •                                     | •                       |
| S-041.0 | AXONOMETRIC VIEW - KIOSK FRAMING AND CANOPY | NTS        | 3/6/2024      |                             |                              | •                                     | •                       |
|         |                                             |            |               |                             |                              |                                       |                         |
| S-100.0 | FRAMING PLAN - BASE                         | 1/2"=1'-0" | 3/6/2024      |                             | •                            | •                                     | •                       |
| S-101.0 | FRAMING PLAN - FIRST FLOOR                  | 1/2"=1'-0" | 3/6/2024      |                             | •                            | •                                     | •                       |
| S-102.0 | FRAMING PLAN - ROOF                         | 1/2"=1'-0" | 3/6/2024      |                             | •                            | •                                     | •                       |
| S-103.0 | FRAMING PLAN - CANOPY                       | 1/2"=1'-0" | 3/6/2024      |                             | •                            | •                                     | •                       |
|         |                                             |            |               |                             |                              |                                       |                         |
| S-400.0 | FRAMING PLAN - DETAILS                      | AS NOTED   | 3/6/2024      |                             |                              | •                                     | •                       |
| S-401.0 | FRAMING PLAN - DETAILS                      | AS NOTED   | 3/6/2024      |                             |                              | •                                     | •                       |
|         |                                             |            |               |                             |                              |                                       |                         |
| M       | MECHANICAL/ PLUMBING                        |            |               |                             |                              |                                       |                         |
| M-100.0 | MECHANICAL/ PLUMBING PLAN - FIRST FLOOR     | 1/2"=1'-0" | 3/6/2024      |                             | •                            | •                                     | •                       |
| M-101.0 | MECHANICAL/ PLUMBING PLAN - RISER DIAGRAMS  | NA         | 3/6/2024      |                             |                              | •                                     | •                       |
|         |                                             |            |               |                             |                              |                                       |                         |
| E       | ELECTRICAL                                  |            |               |                             |                              |                                       |                         |
| E-100.0 | ELECTRICAL PLAN - FIRST FLOOR               | 1/2"=1'-0" | 3/6/2024      |                             | •                            | •                                     | •                       |
| E-101.0 | ELECTRICAL PLAN - SCHEDULE                  | NA         | 3/6/2024      |                             |                              | •                                     | •                       |
|         |                                             |            |               |                             |                              |                                       |                         |



DESIGN-BUILD  
**RENZ + E** | WADE AND LETA  
 STUDIO SEO  
 HARRIS STRUCTURAL ENGINEERING  
 ADDRESS  
 50 MEADOW ST. BROOKLYN NY 11206

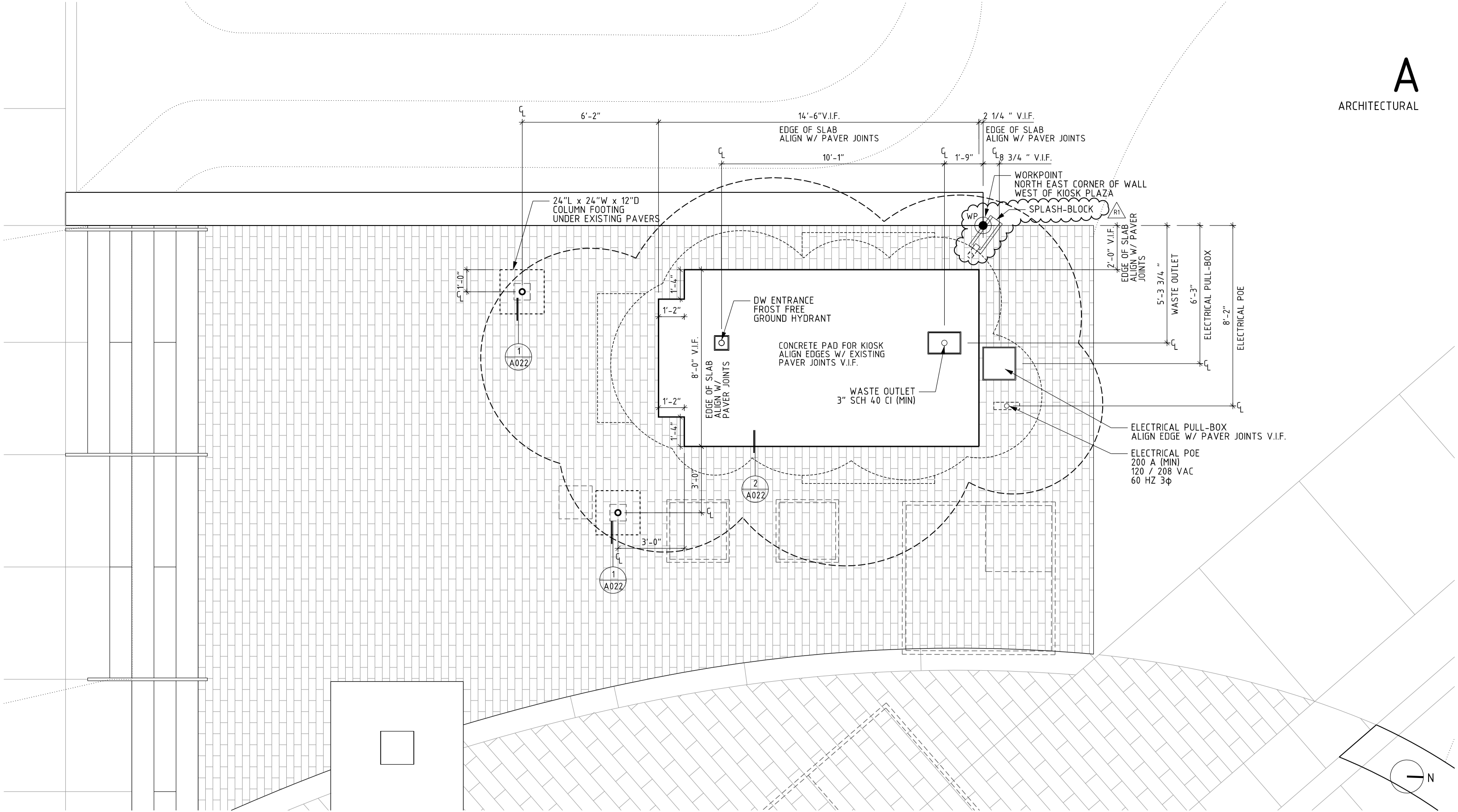
PROJECT NUMBER  
 2308CHP  
 CLIENT  
 BURLINGTON CEDO

PROJECT NAME  
 CITY HALL PARK KIOSK  
 PROJECT ADDRESS  
 CITY HALL PARK, BURLINGTON, VT 05401

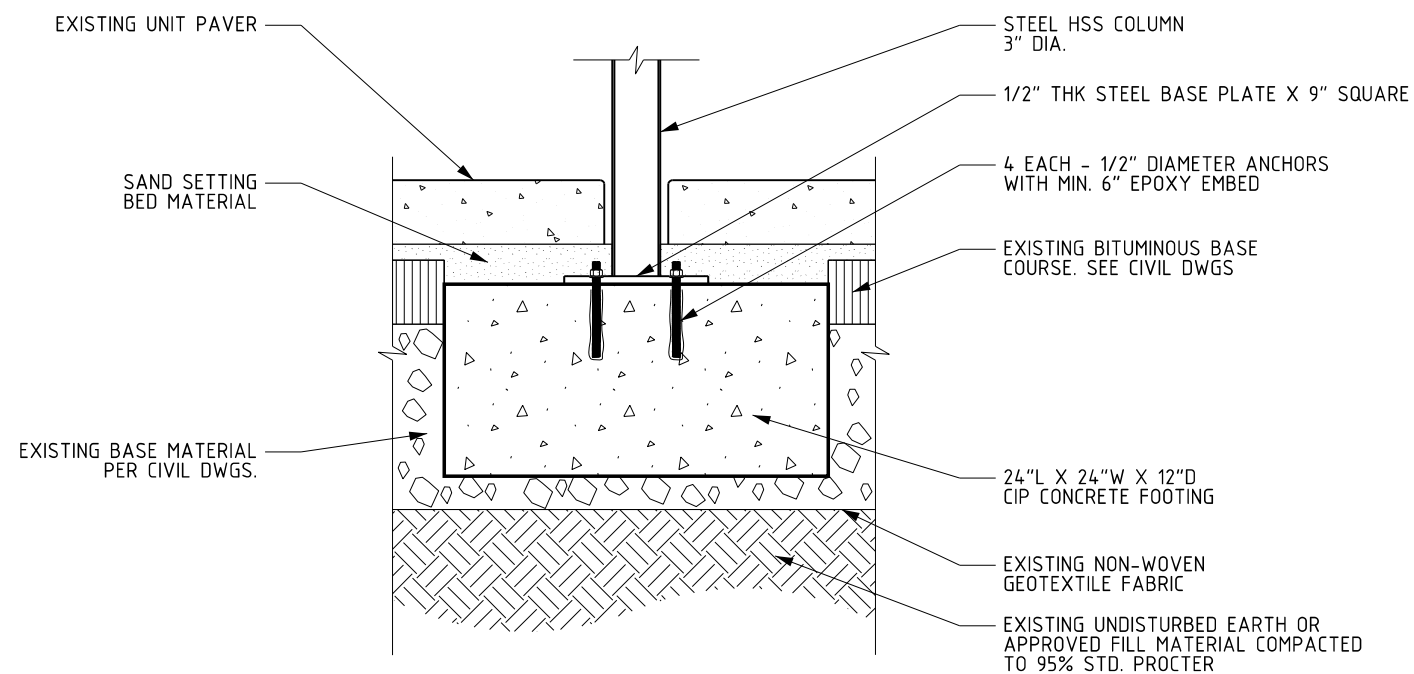
DRAWING TITLE  
**CONTEXT - PARK PLAN**  
 DATE  
 3/6/2024

SCALE  
 1/32" = 1'-0"

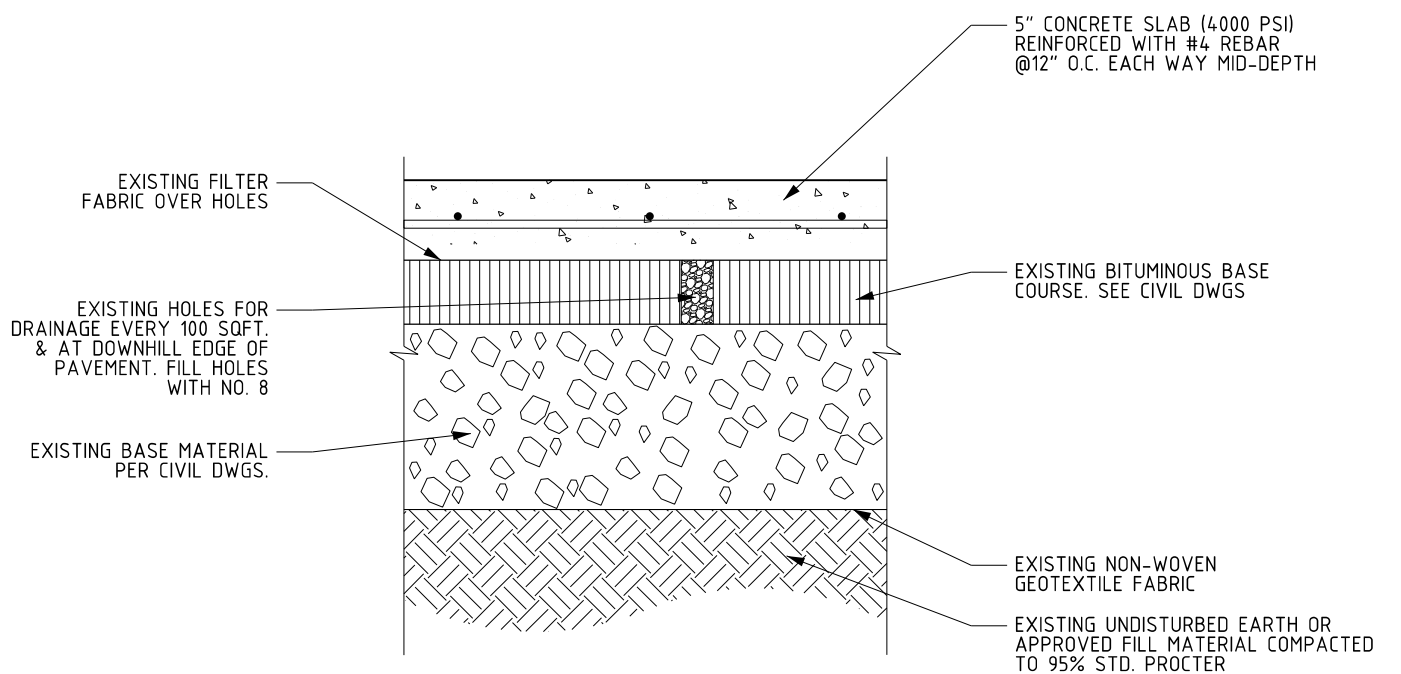
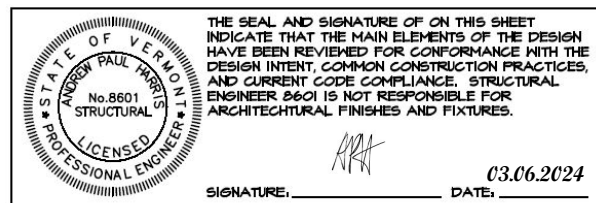
DRAWING NO.  
**A-020.0**







1 KIOSK COLUMN FOOTING



2 KIOSK PAD

- [GENERAL NOTE]
1. REFER TO:  
WAGNER HODGSON BID SET DRAWING L-500  
DUBOIS KING CIVIL DWGS C501
2. REINSTALL PAVERS  
AFTER KIOSK INSTALLATION IS COMPLETE

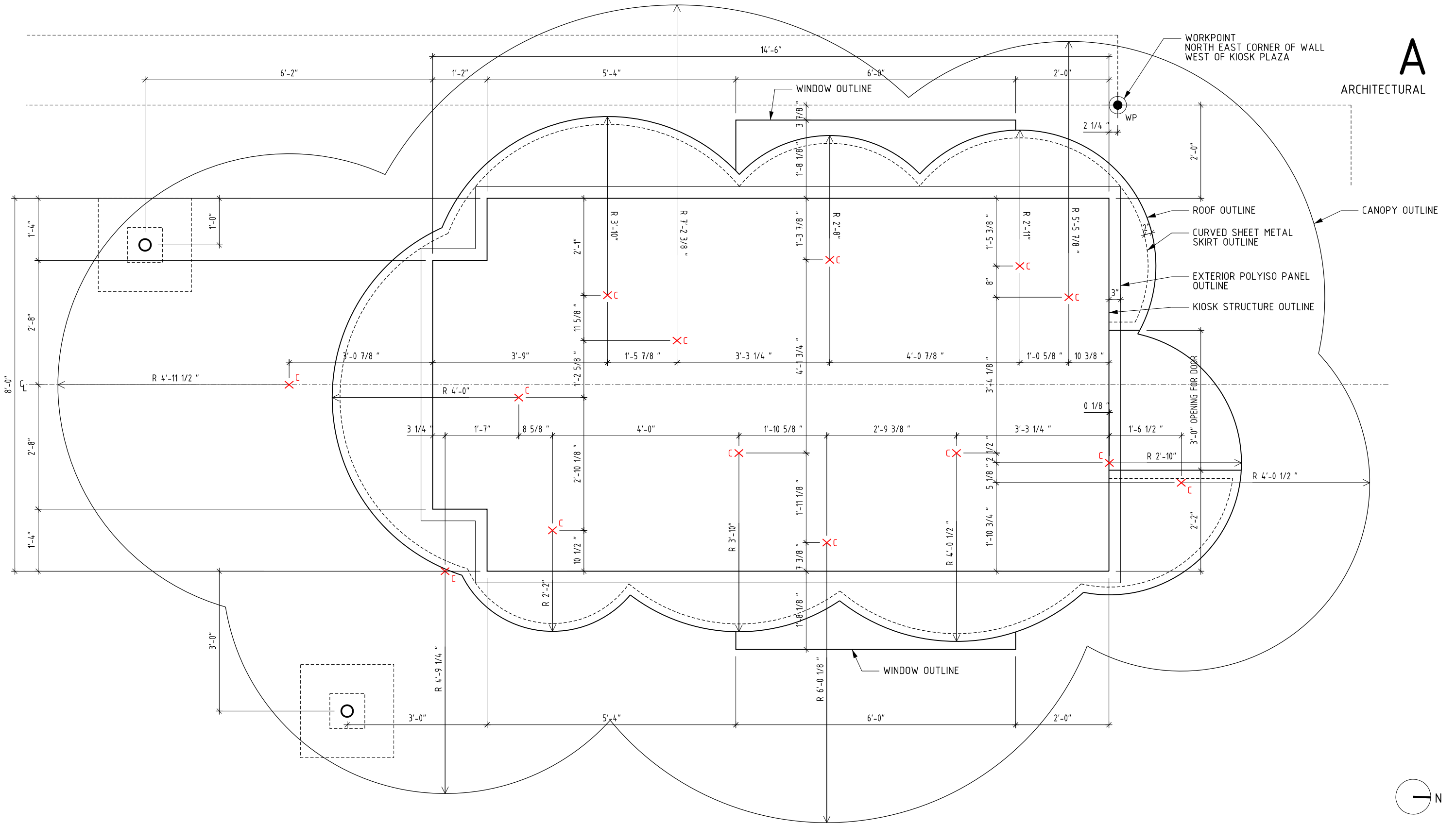
DESIGN-BUILD  
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HARRIS STRUCTURAL ENGINEERING  
ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

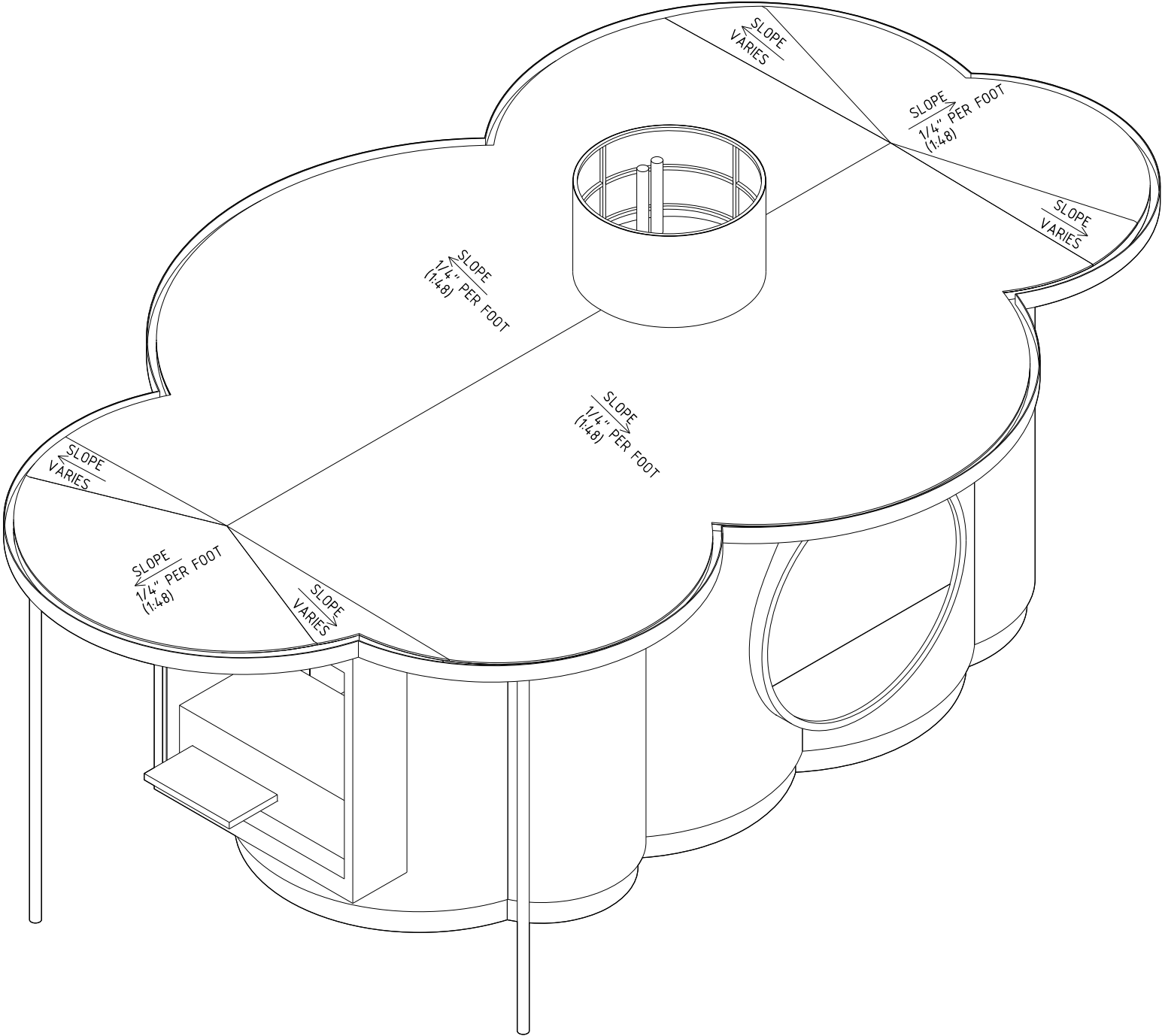
PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

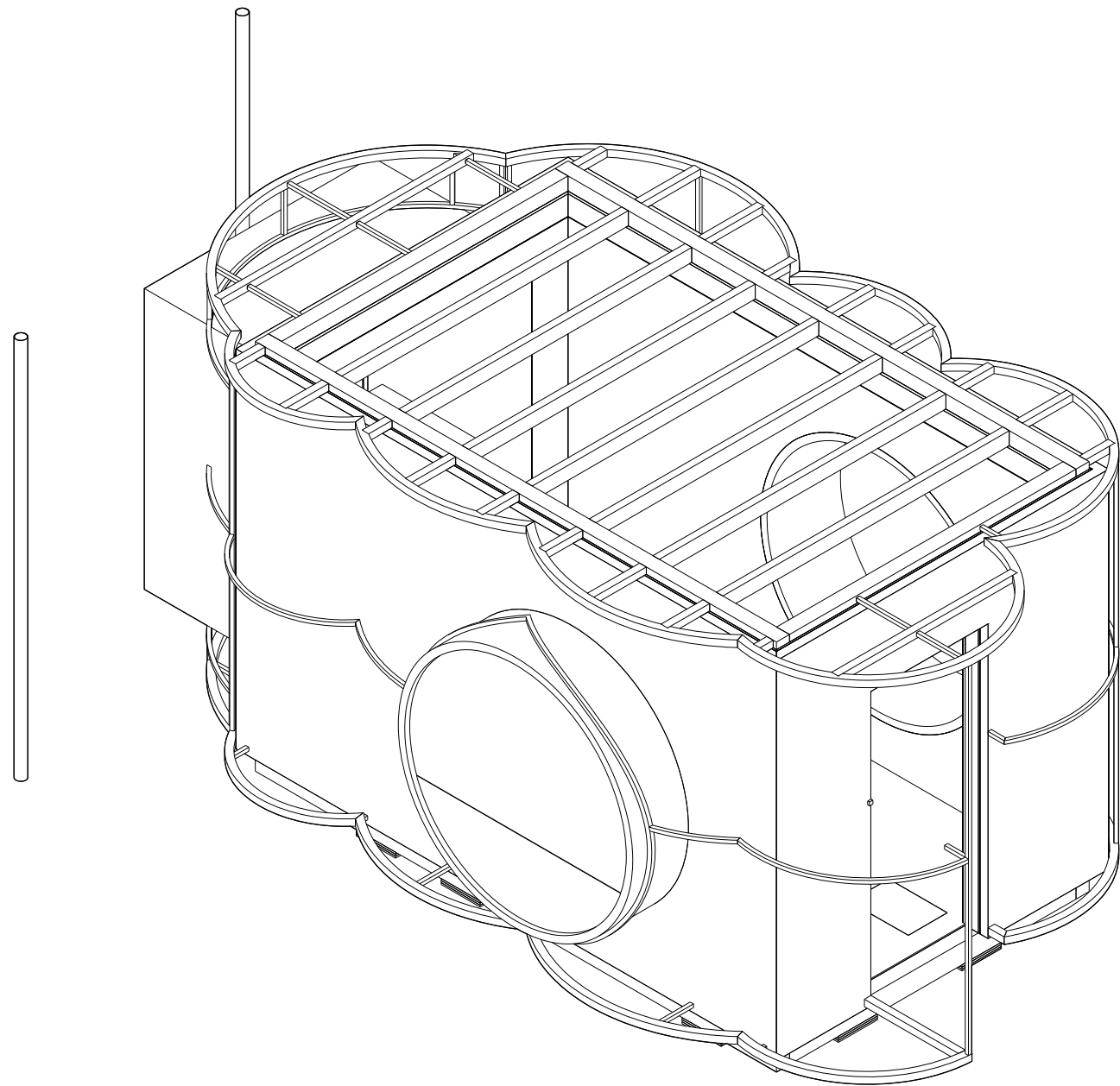
DRAWING TITLE  
KIOSK FOOTING AND PAD DETAIL  
DATE  
3/6/2024  
SCALE  
1" = 1'-0"

DRAWING NO.  
**A-022.0**

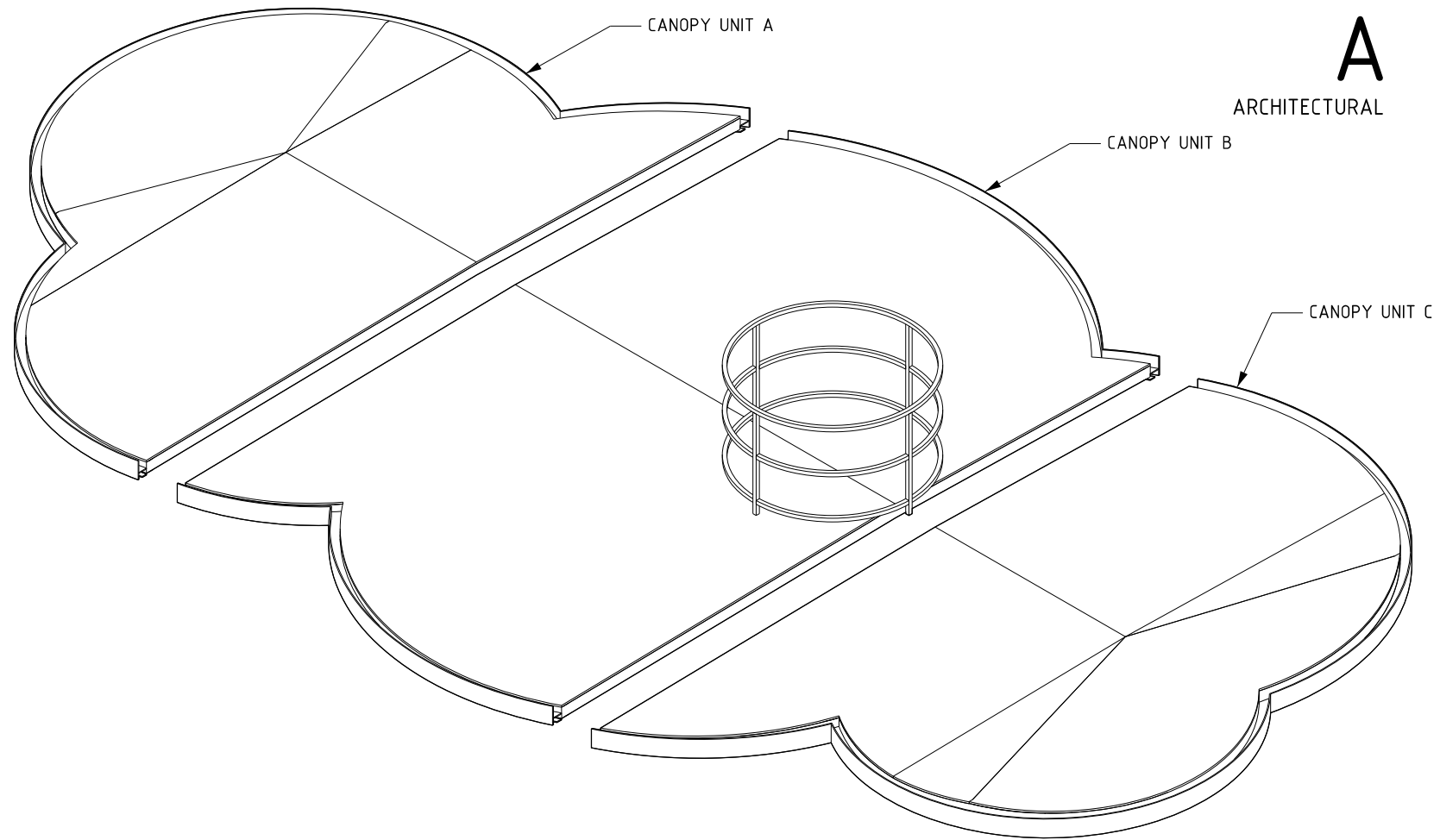




1 LOOKING FROM SOUTH/EAST CORNER  
KIOSK  
SCALE: NTS



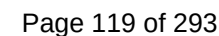
2 LOOKING FROM NORTH/EAST CORNER  
KIOSK FRAMING WITHOUT SKIN  
SCALE: NTS



1 LOOKING FROM NORTH/EAST CORNER  
CANOPY UNITS  
SCALE: NTS

A

ARCHITECTURAL



ARCHITECTURAL

Architectural drawing of a kiosk roof assembly. The drawing shows a plan view of the roof structure with various dimensions and labels.

**Dimensions:**

- Overall width: 19'-6"
- Overall height: 11'-3 1/8"
- Top horizontal segments: 3'-3 7/8", 7", 5'-11", 7", 5'-8", 7", 2'-10 1/8"
- Left vertical segments: 11'-9", 10", 6'-4", 10", 1'-6 1/8"

**Labels and Callouts:**

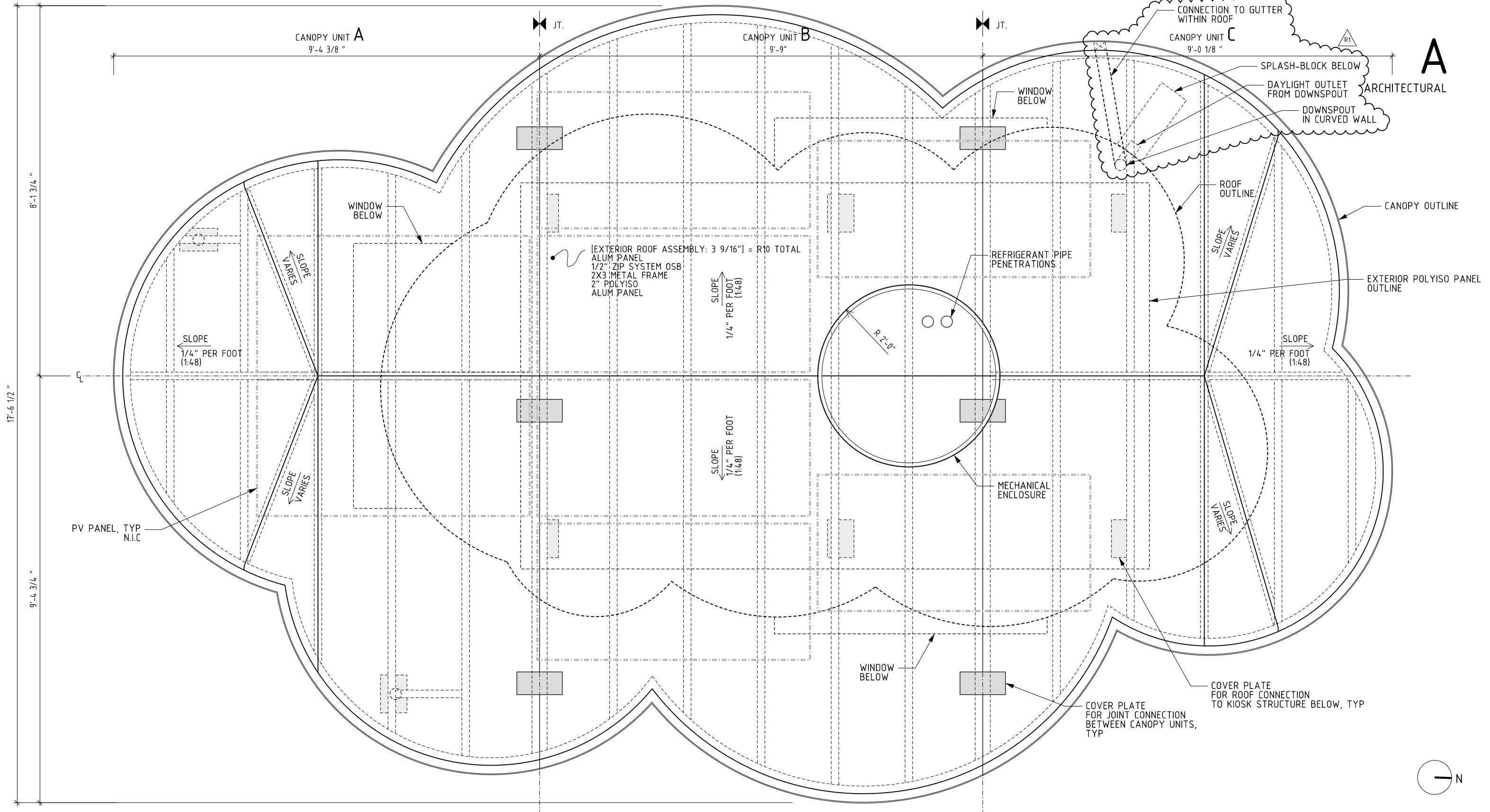
- WINDOW BELOW (multiple locations)
- REFRIGERANT PIPE PENETRATIONS
- INTERIOR ROOF ASSEMBLY: 10 1/2" = R39 TOTAL  
1/2" ZIP SYSTEM OSB  
2X4 METAL FRAME W/ ROCKWOOL INSULATION  
(3.5" + 6")  
1/2" PLAYWOOD  
FORMICA
- ATTACH TEMPORARY RIGGING POINT SEE S-DWG FOR DETAILS
- ROOF CONNECTION TO KIOSK STRUCTURE BELOW, TYP SEE S-DWG FOR DETAILS
- WINDOW BELOW
- ARCHITECTURAL CANOPY A

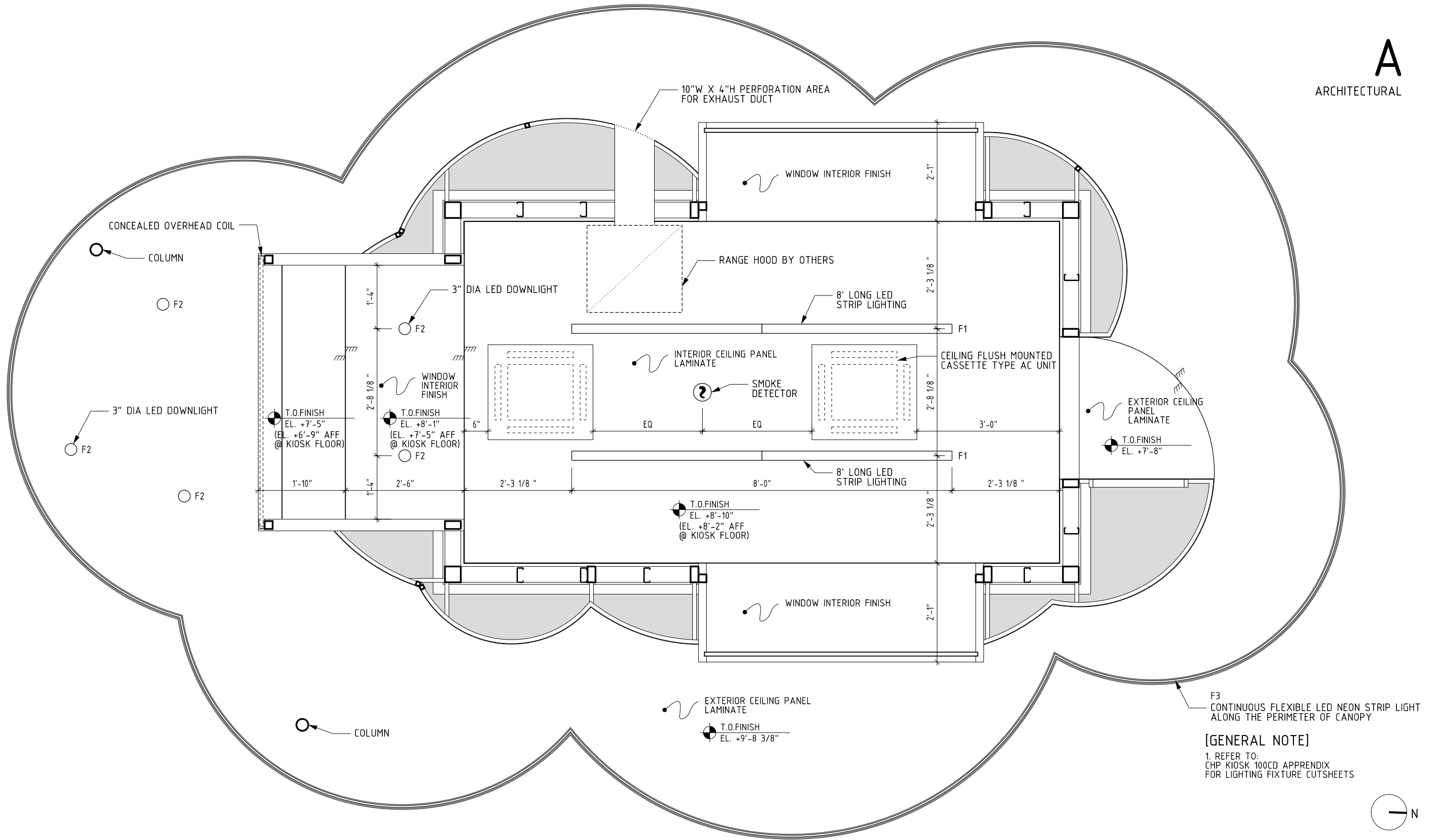
The drawing includes a dashed line indicating the boundary of the roof assembly and a solid line indicating the boundary of the kiosk structure. A small detail of a window is shown in the top right corner.



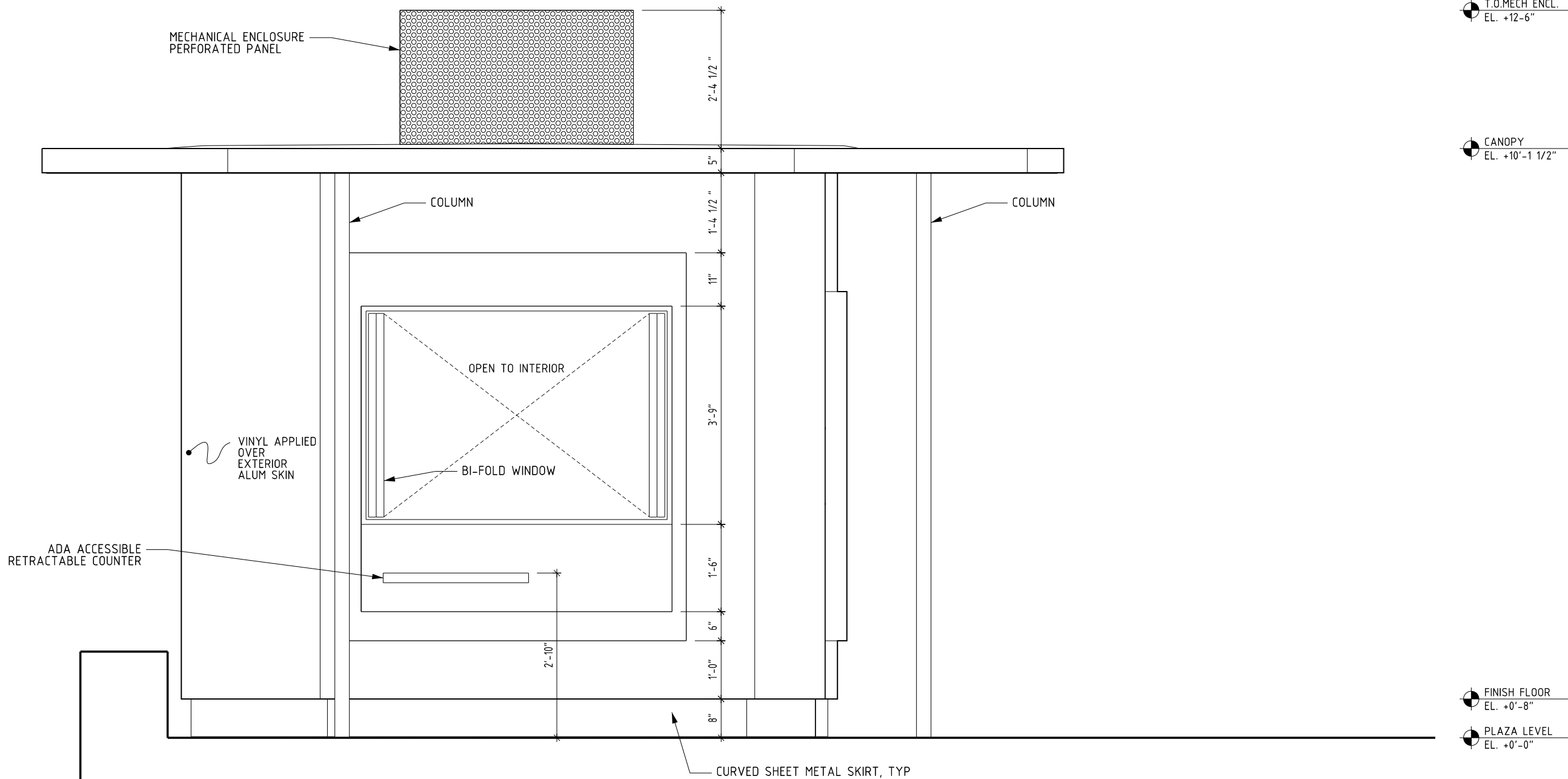
A-101.0

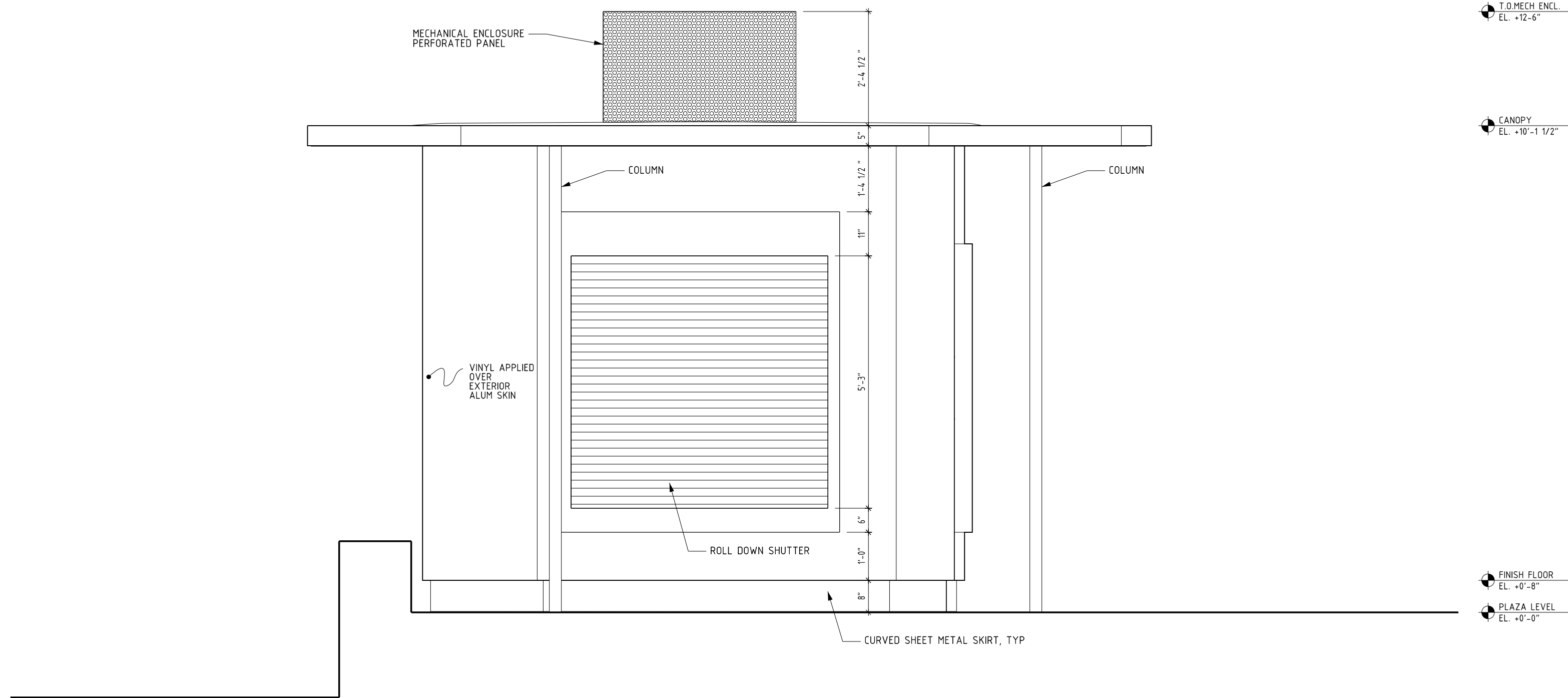


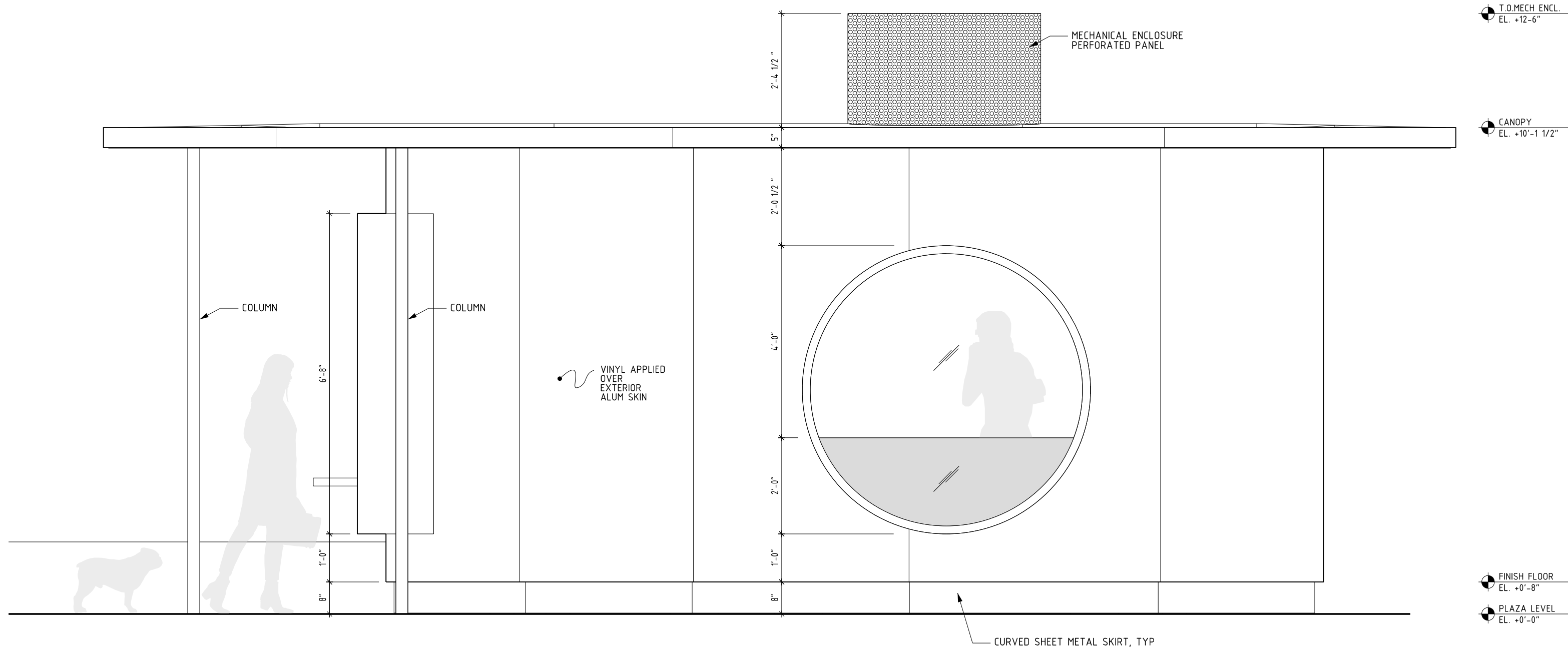


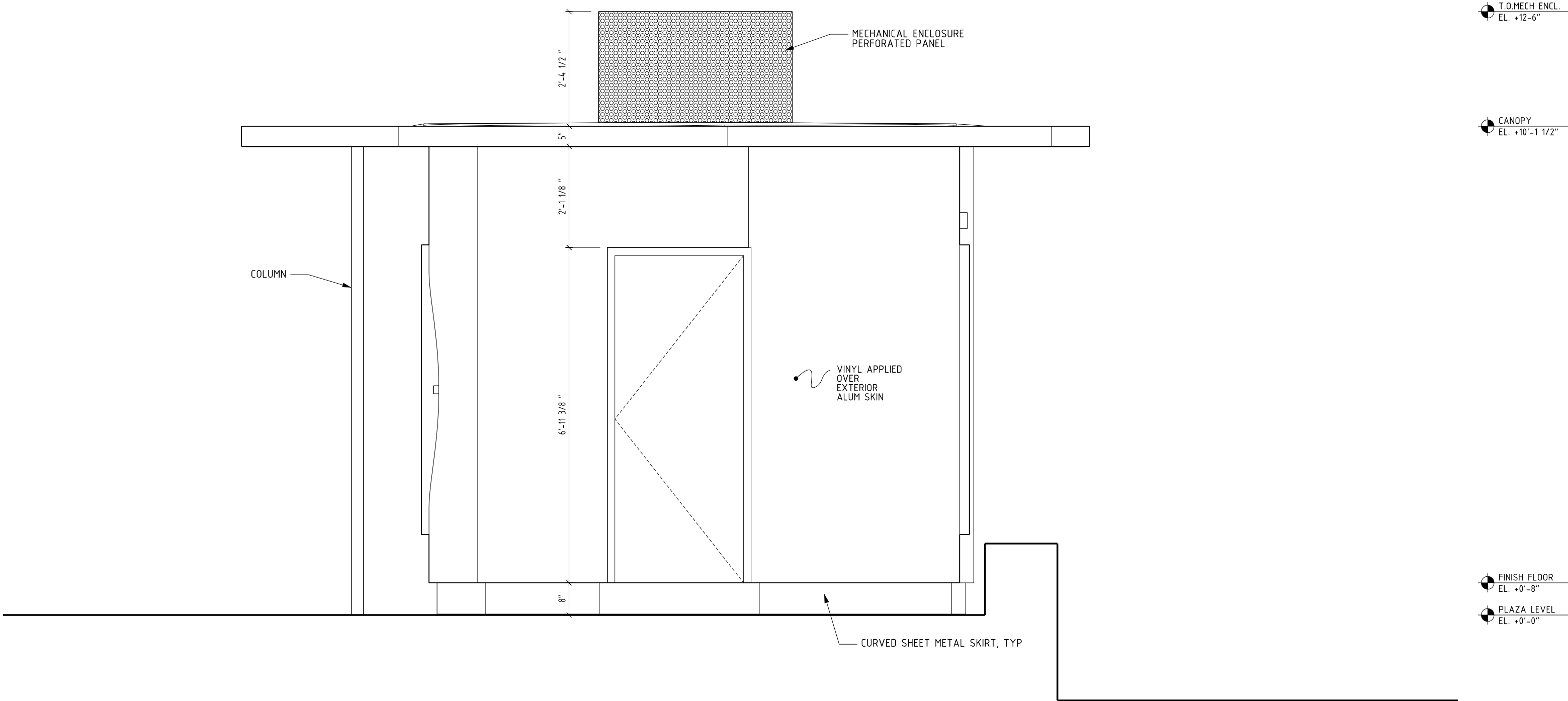


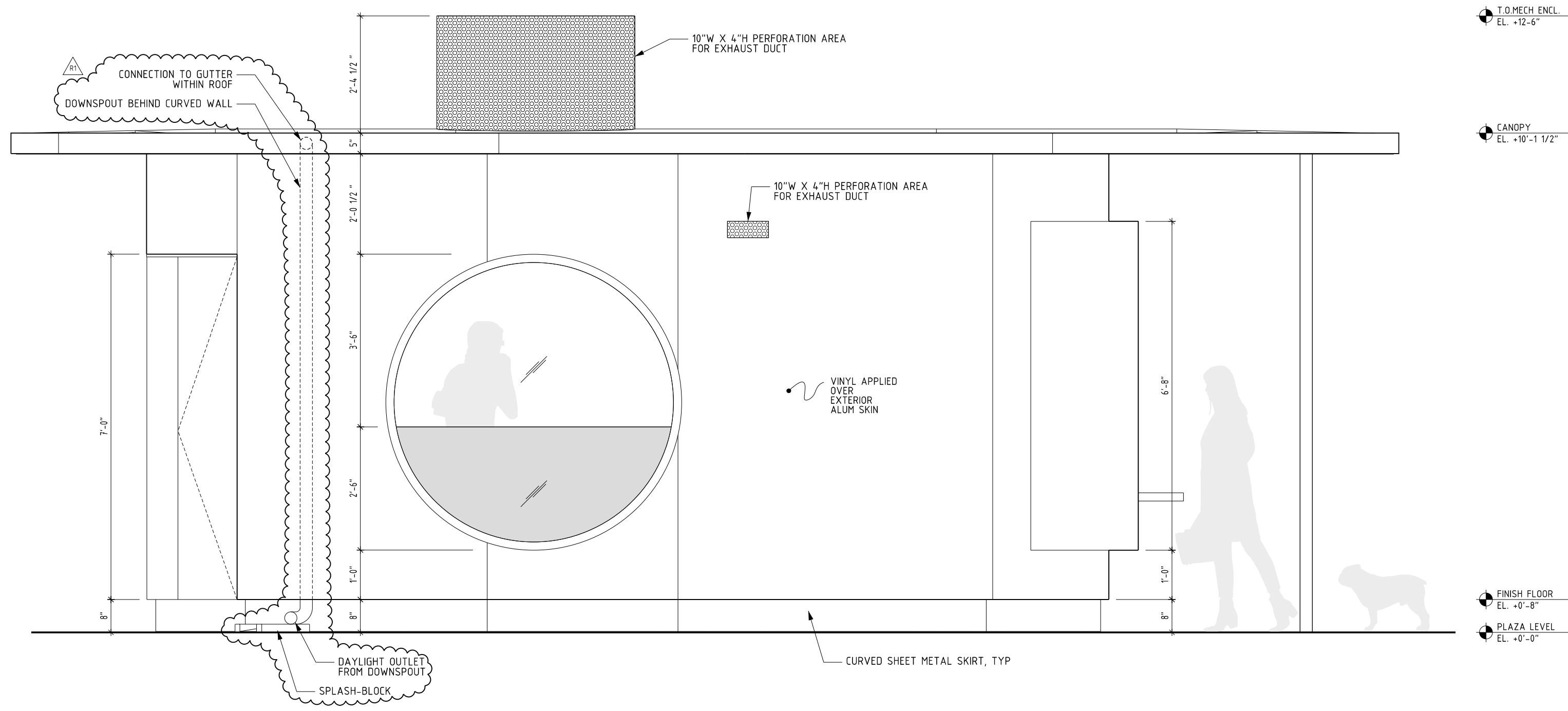












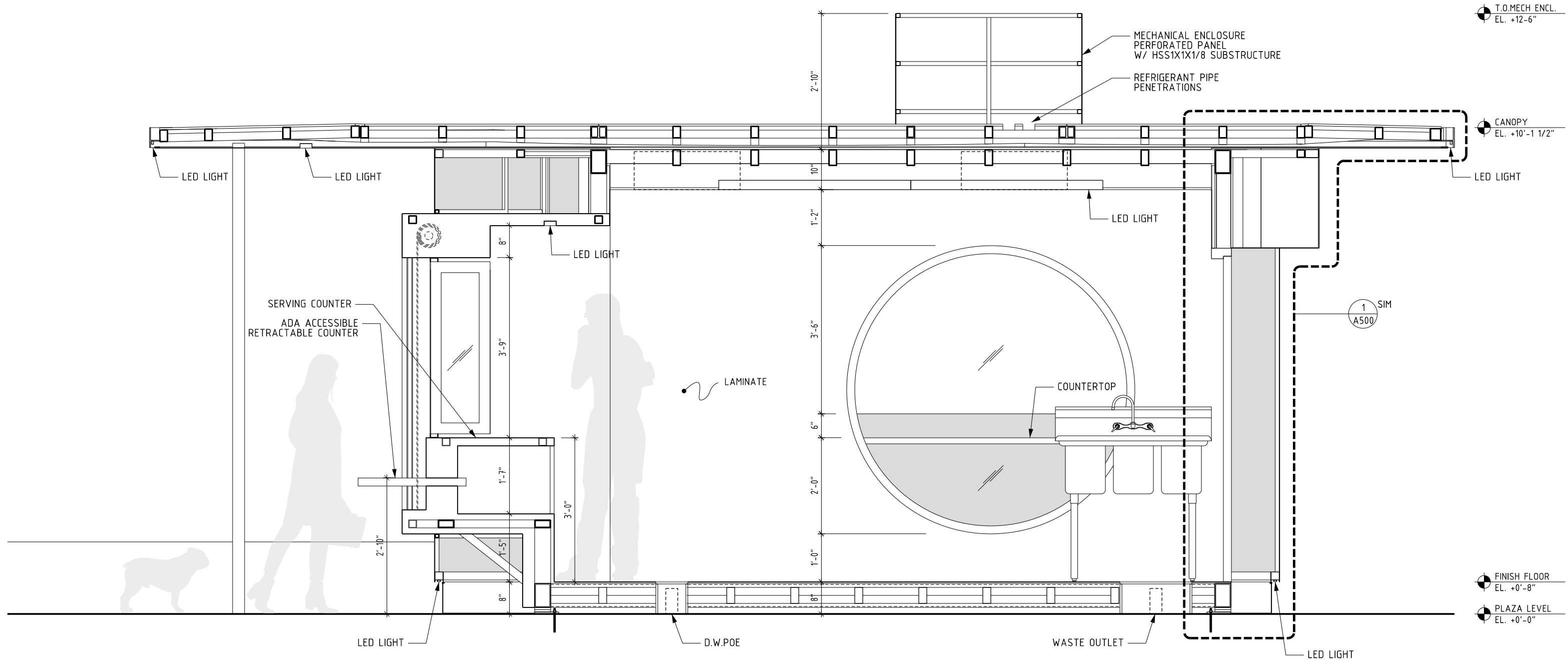
DESIGN-BUILD  
**RENZ+EI** x WADE AND LETA  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING  
ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE  
ELEVATION - WEST  
DATE  
3/28/2024  
SCALE  
1/2" = 1'-0"

DRAWING NO.  
**A-203.0**



DESIGN-BUILD  
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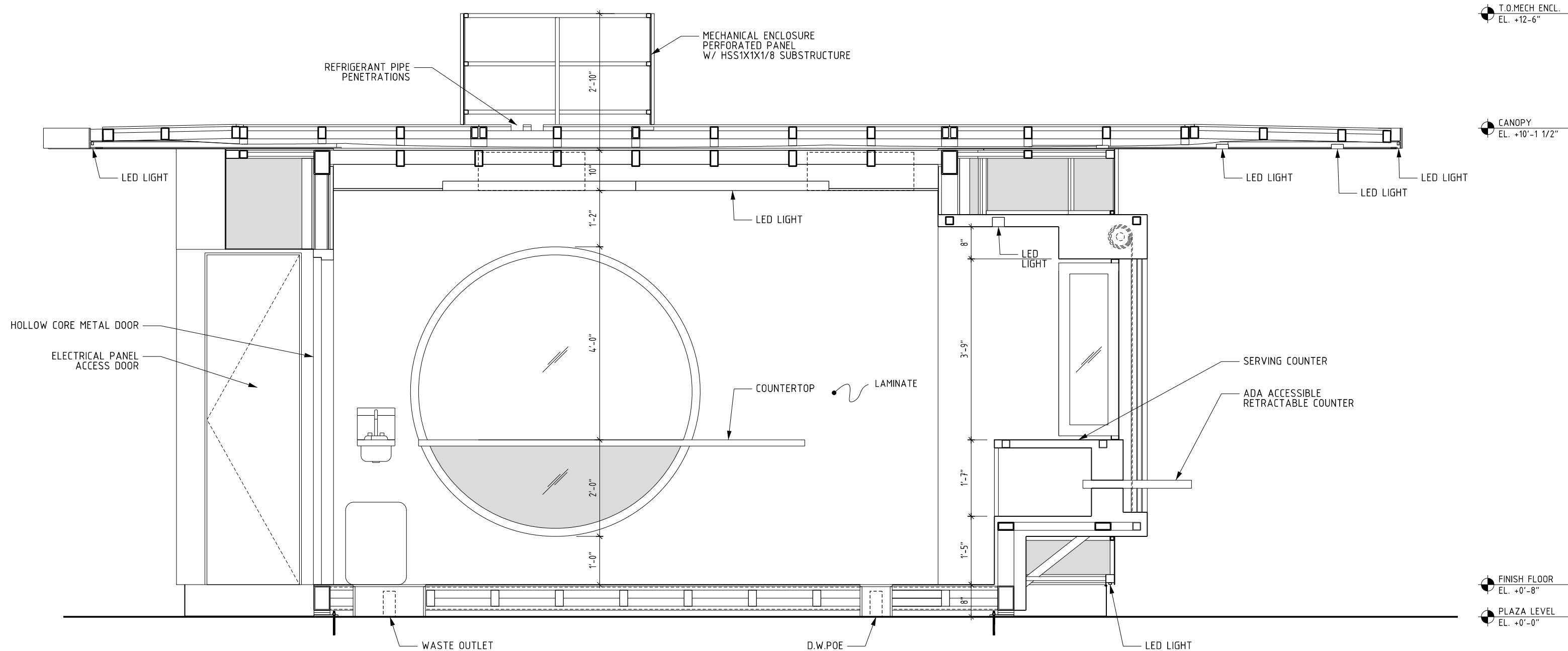
PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE  
**SECTION - LONGITUDINAL LOOKING WEST**  
DATE  
3/6/2024  
SCALE  
1/2" = 1'-0"

DRAWING NO.  
**A-300.0**





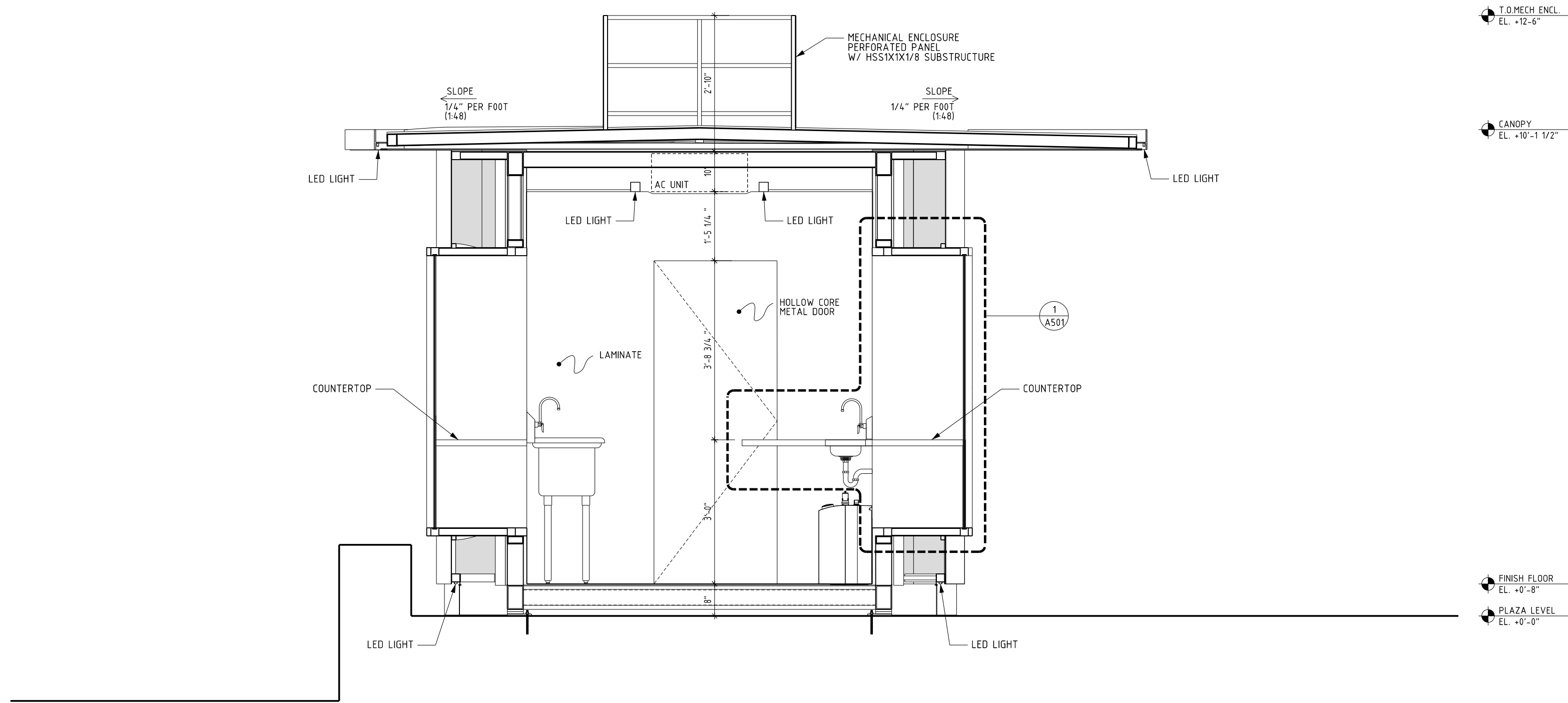
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**RENZ+EI** x WADE AND LETA  
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50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE  
**SECTION - LONGITUDINAL LOOKING EAST**  
DATE  
3/6/2024  
SCALE  
1/2" = 1'-0"

DRAWING NO.  
**A-301.0**



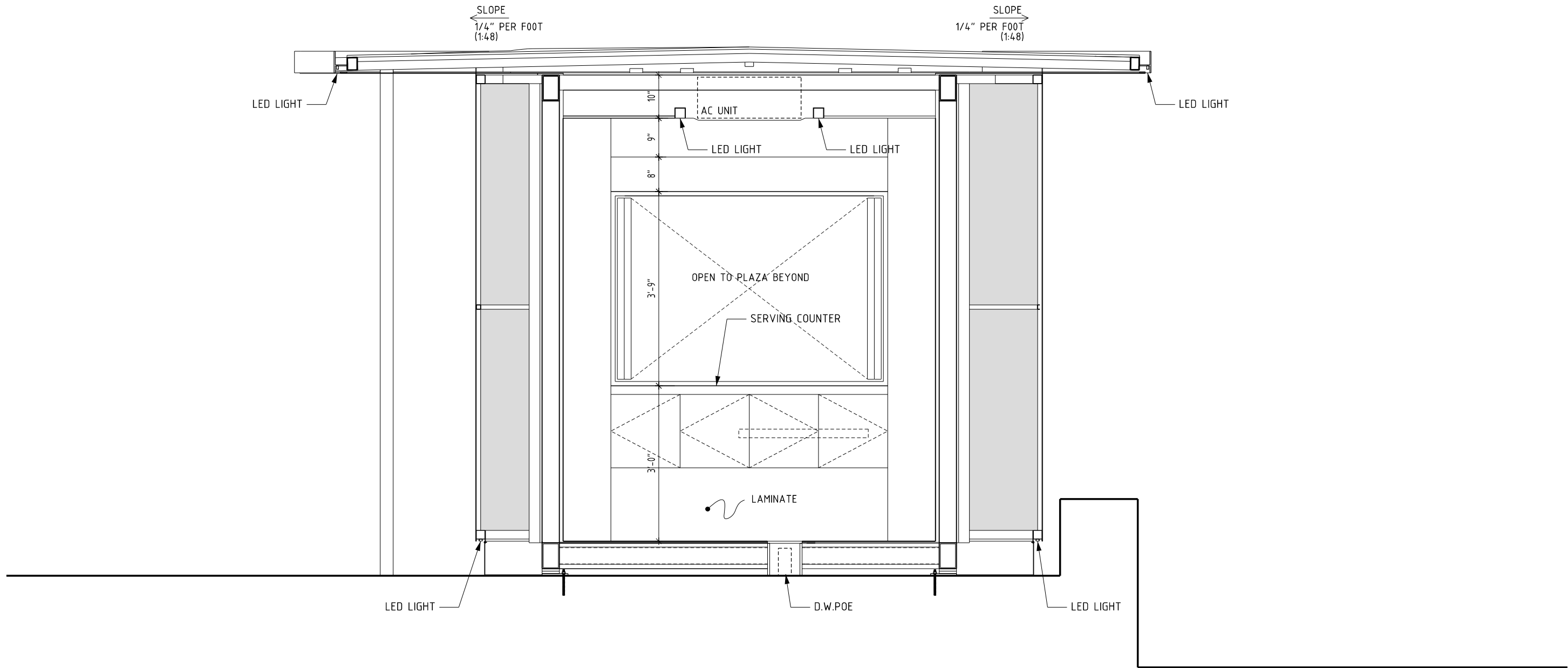


T.O.MECH ENCL.  
EL. +12'-6"

CANOPY  
EL. +10'-1 1/2"

FINISH FLOOR  
EL. +0'-8"

PLAZA LEVEL  
EL. +0'-0"



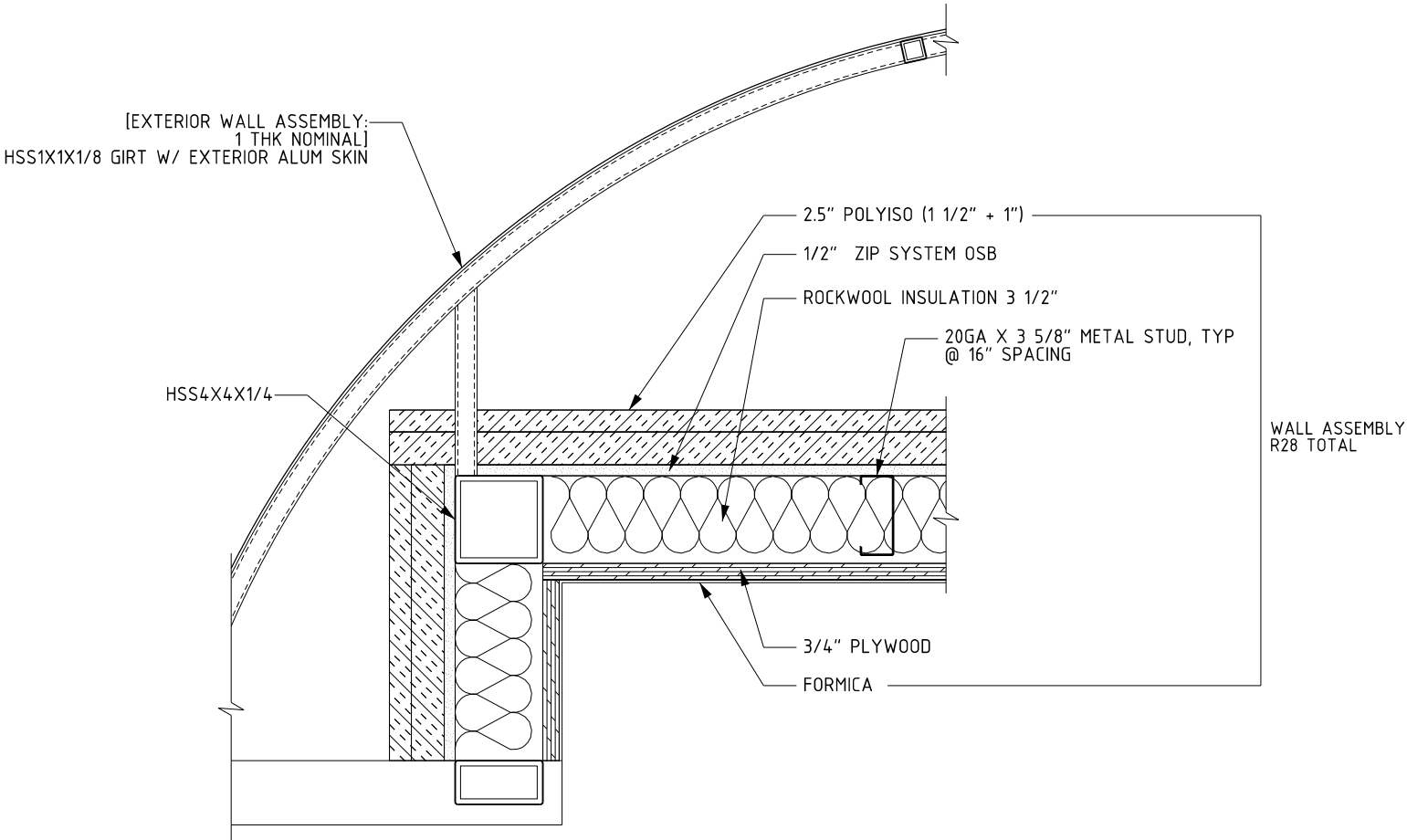
DESIGN-BUILD  
**RENZ + E** | x WADE AND LETA  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING  
ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

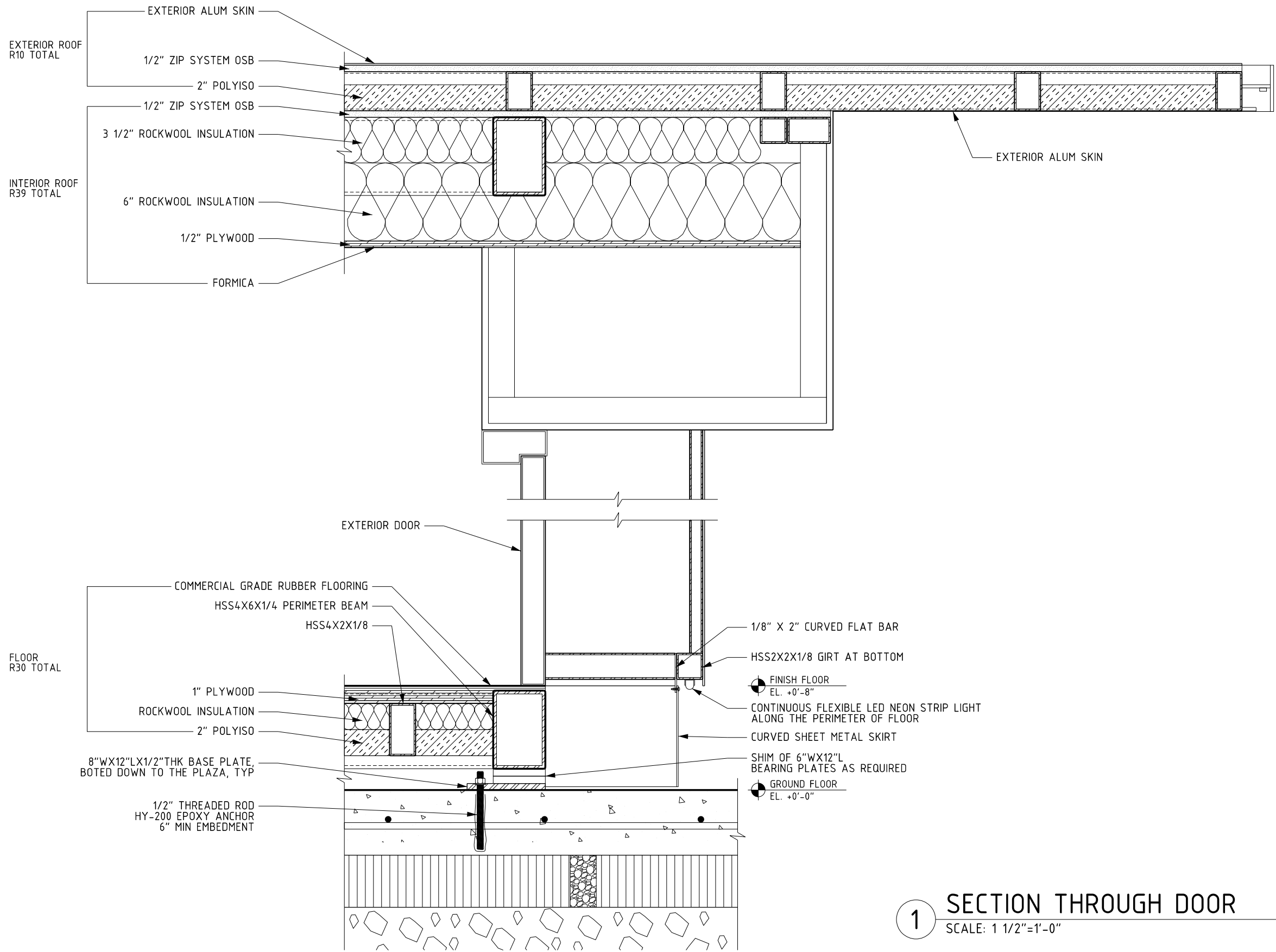
PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE  
**SECTION - CROSS LOOKING SOUTH**  
DATE  
3/6/2024  
SCALE  
1/2" = 1'-0"

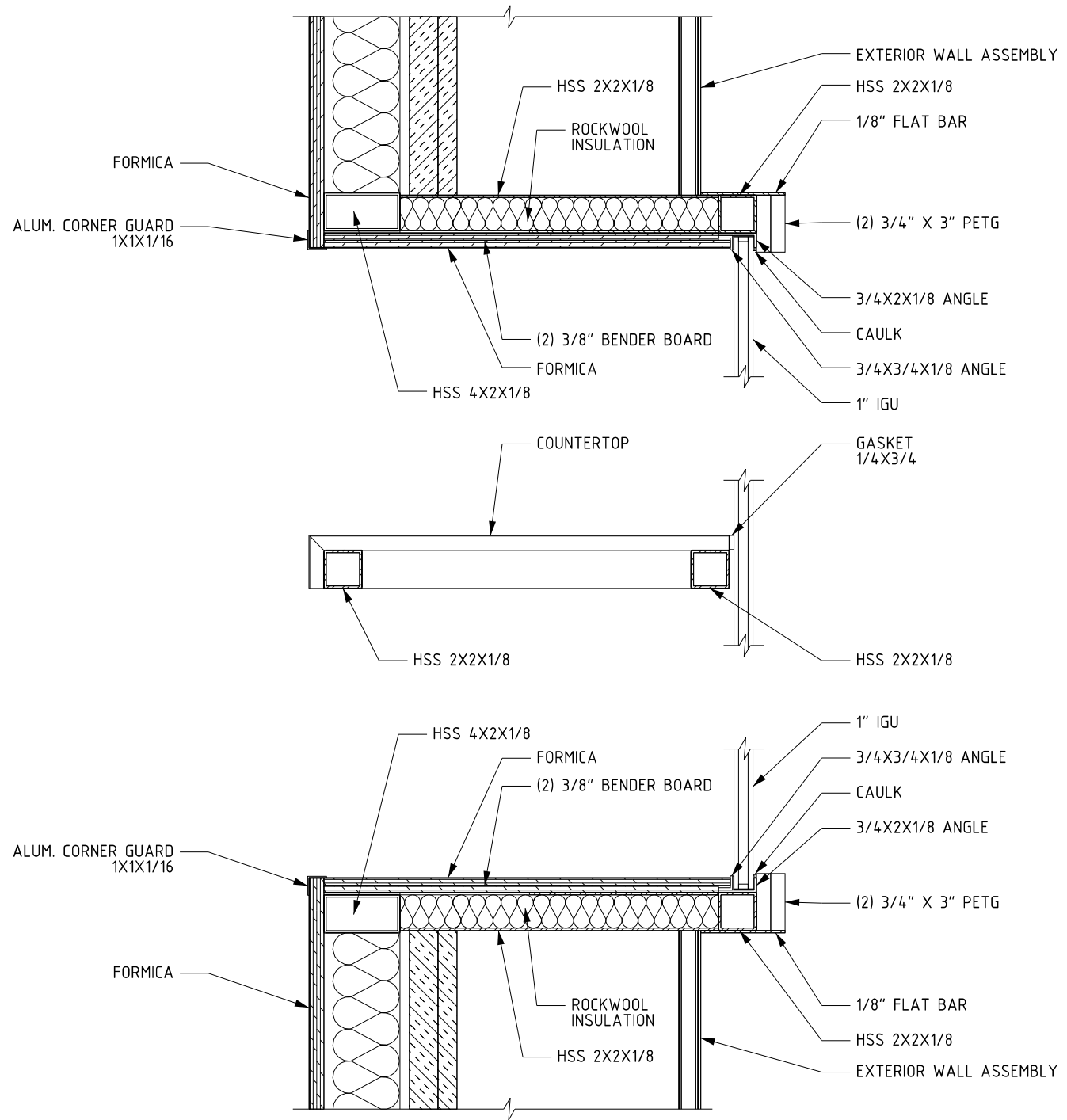
DRAWING NO.  
**A-303.0**



1 PLAN DETAIL  
SCALE: 1 1/2"=1'-0"



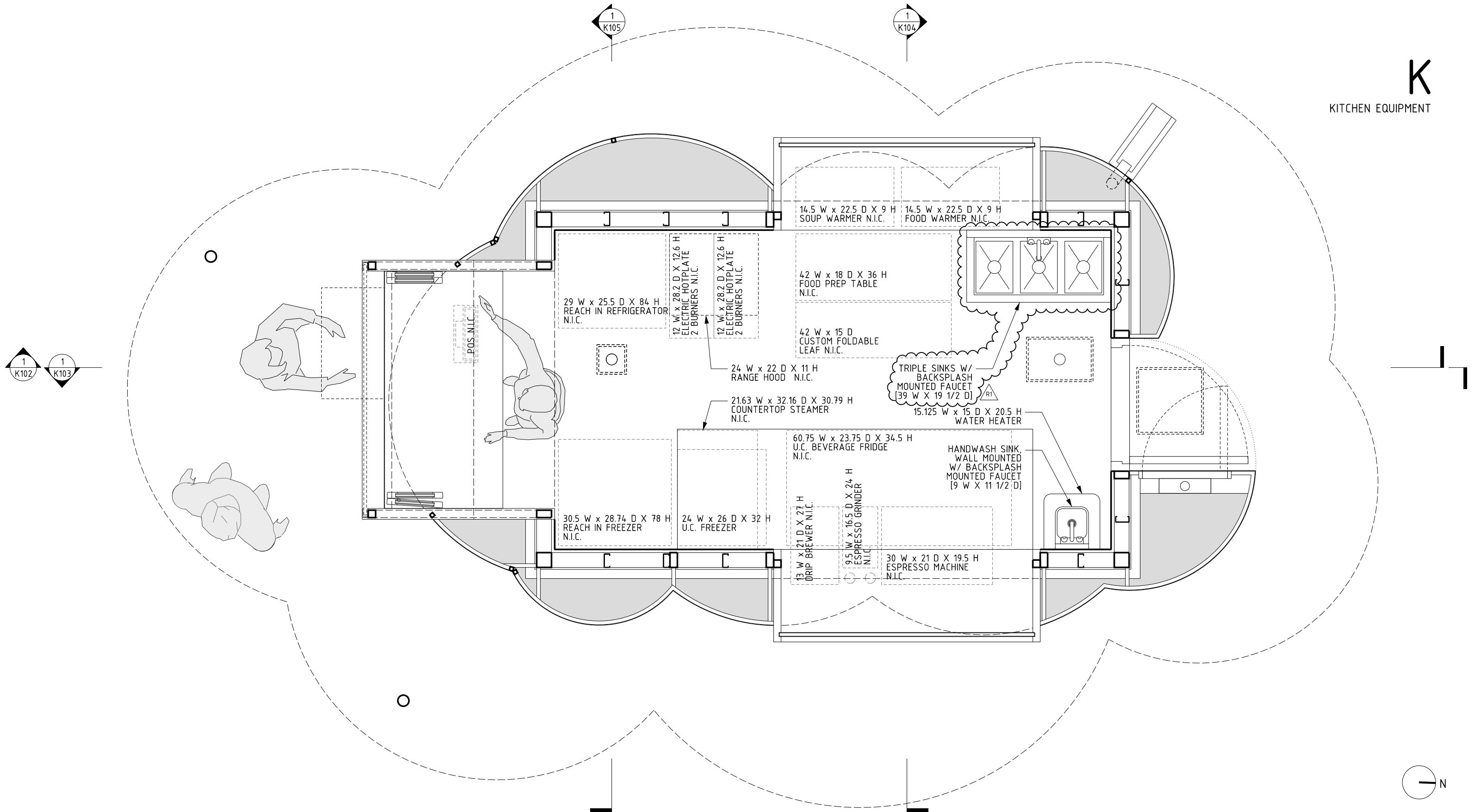
1 SECTION THROUGH DOOR  
SCALE: 1 1/2"=1'-0"



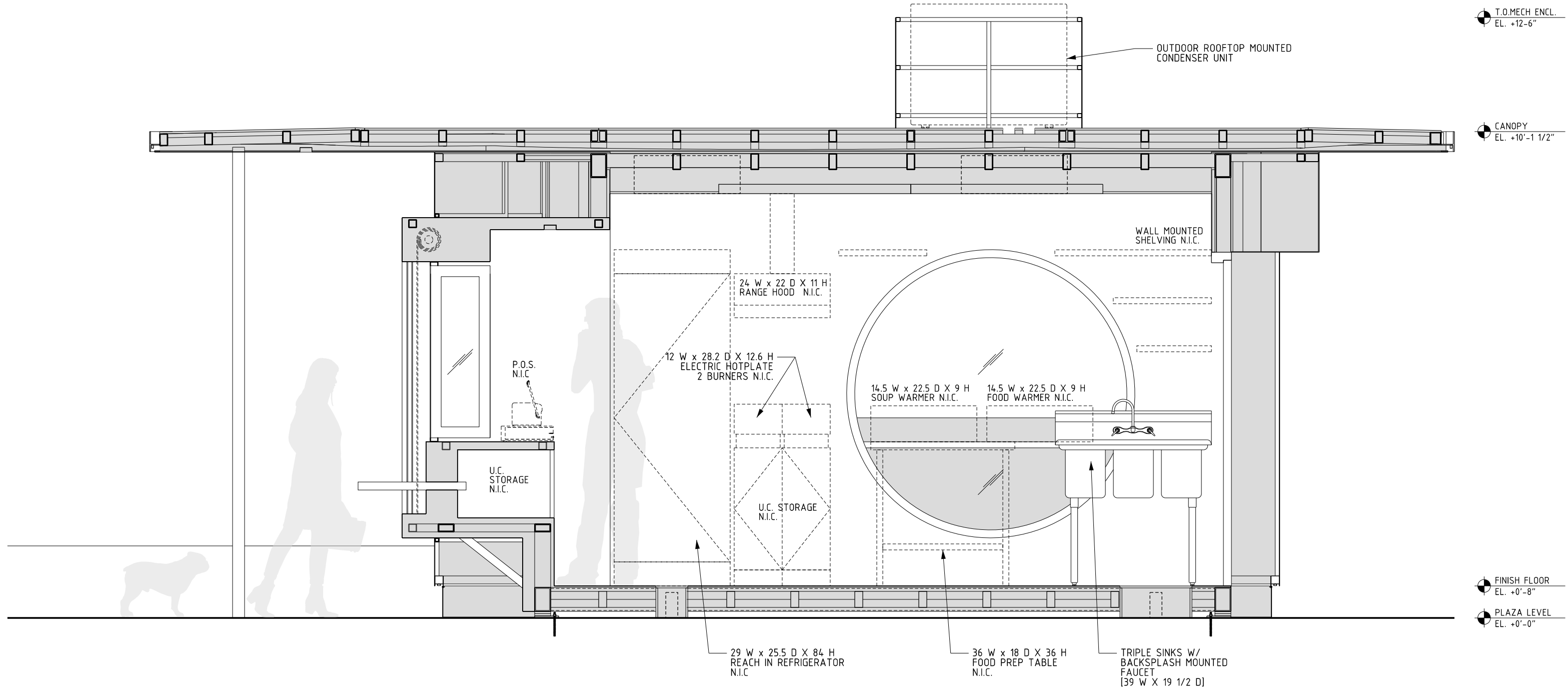
1 SECTION THROUGH WINDOW  
SCALE: 1 1/2"=1'-0"

K

KITCHEN EQUIPMENT



K  
KITCHEN EQUIPMENT



DESIGN-BUILD  
**RENZ**  **E** | x WADE AND LETA  
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ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

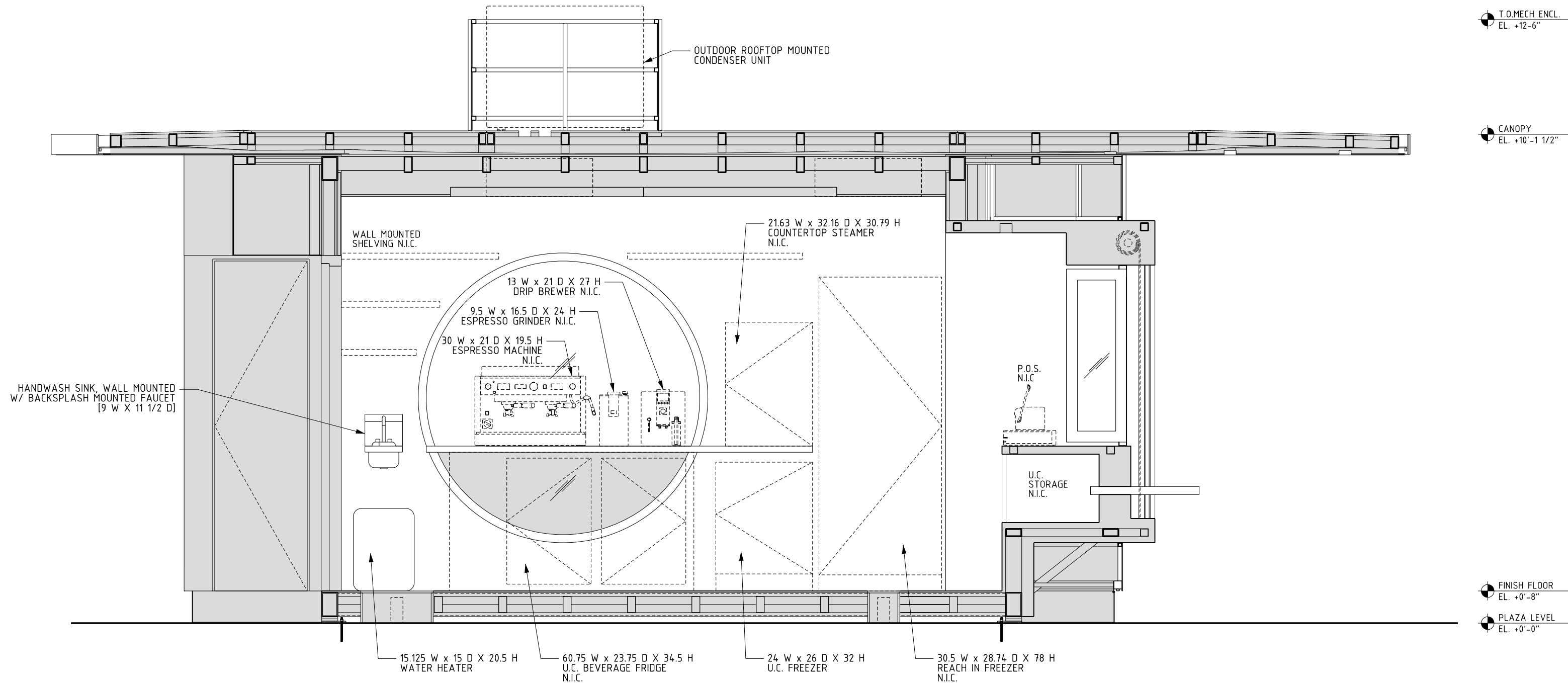
PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE  
SECTION - LONGITUDINAL LOOKING WEST  
DATE  
3/6/2024  
SCALE  
1/2" = 1'-0"

DRAWING NO.  
**K-102.0**



K  
KITCHEN EQUIPMENT



DESIGN-BUILD  
**RENZ+EI** x WADE AND LETA  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING  
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50 MEADOW ST. BROOKLYN NY 11206

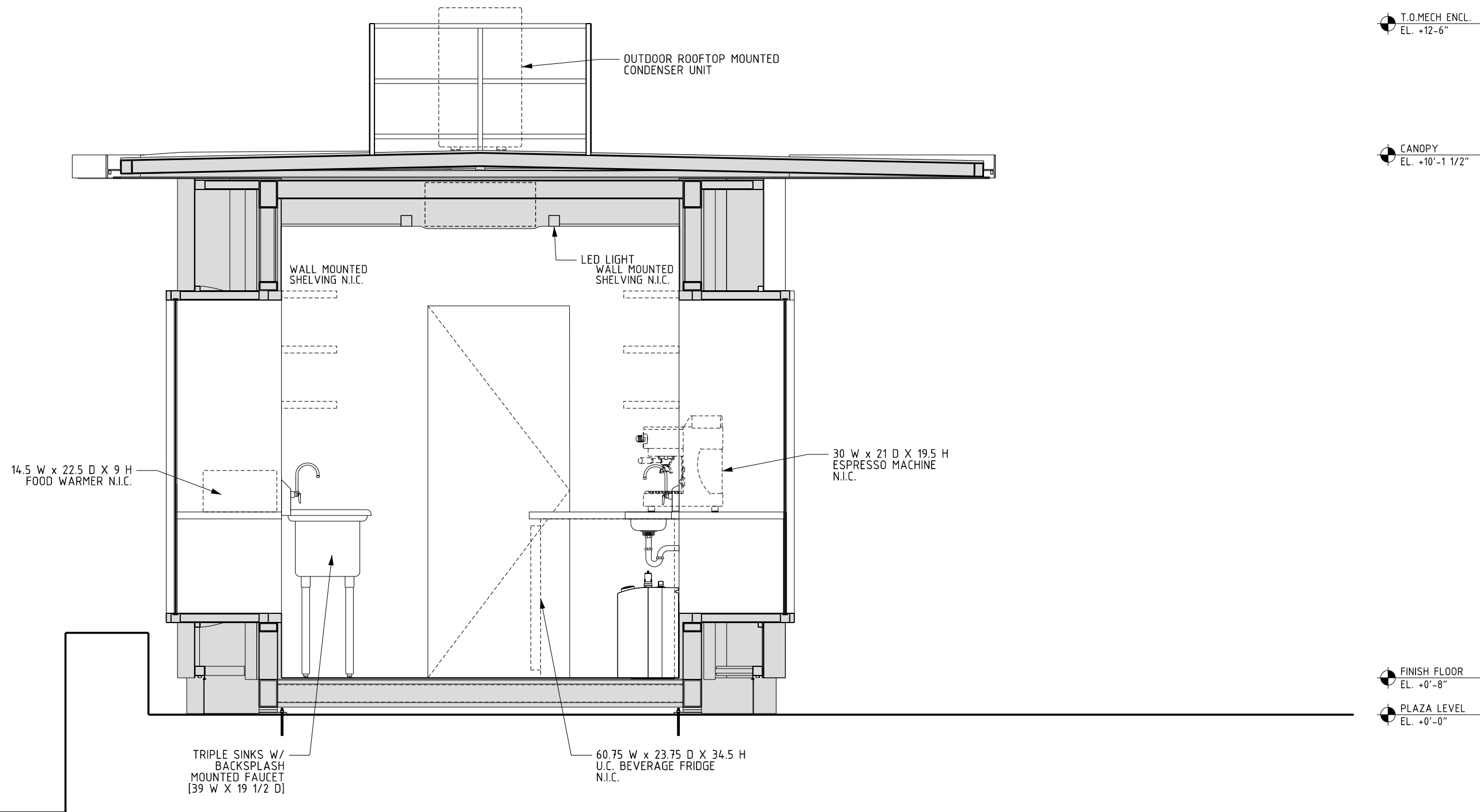
PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE  
SECTION - LONGITUDINAL LOOKING EAST  
DATE  
3/6/2024  
SCALE  
1/2" = 1'-0"

DRAWING NO.  
**K-103.0**

K  
KITCHEN EQUIPMENT



DESIGN-BUILD  
**RENZ+E** | WADE AND LETA  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING  
ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

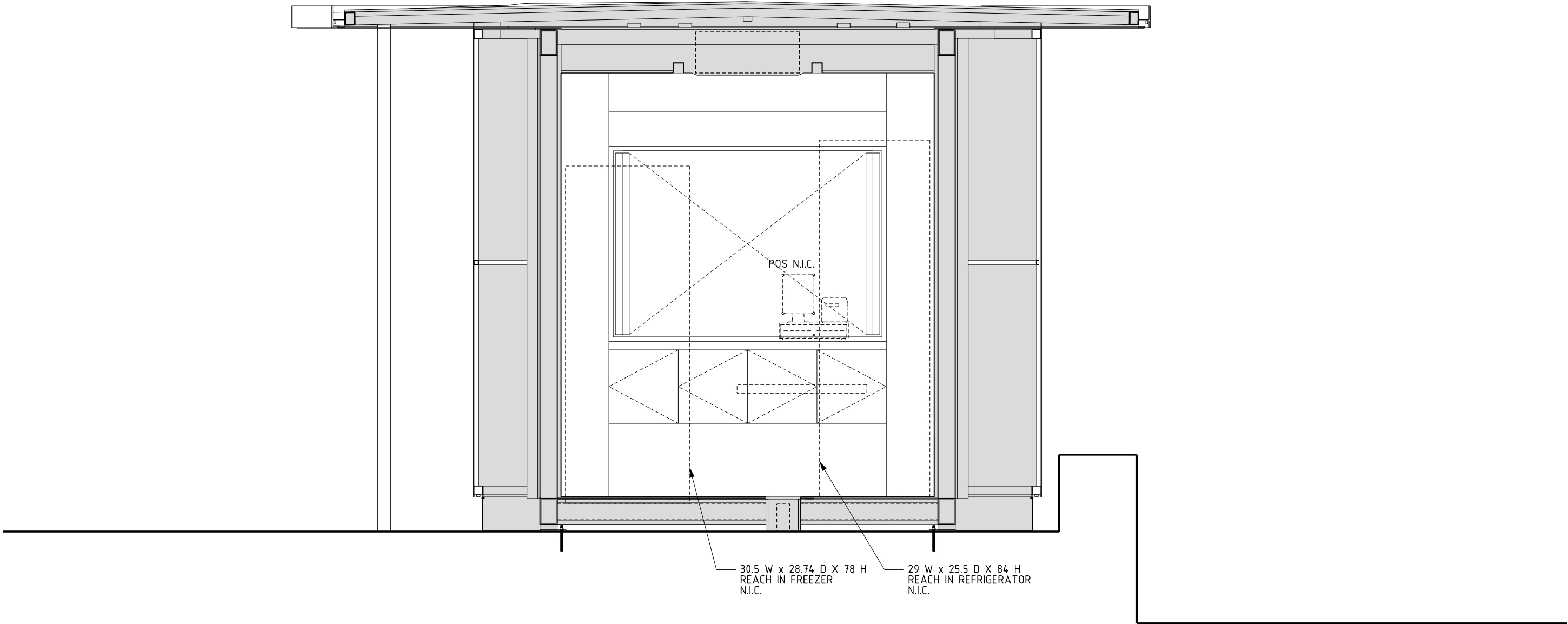
DRAWING TITLE  
SECTION - CROSS LOOKING NORTH  
DATE  
3/6/2024  
SCALE  
1/2" = 1'-0"

DRAWING NO.  
**K-104.0**



T.O. MECH ENCL.  
EL. +12'-6"

CANOPY  
EL. +10'-1 1/2"



STEEL NOTES

1.

ALL WORK SHALL BE IN CONFORMANCE WITH THE AISC SPECIFICATION FOR THE DESIGN, FABRICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS, LATEST EDITION.
2.

ALL STRUCTURAL WELDING SHALL BE DONE IN ACCORDANCE WITH AWS D1.1-LATEST EDITION. ANY DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER.
3.

ALL SHOP AND FIELD WELDERS SHALL BE CERTIFIED ACCORDING TO AWS PROCEDURES FOR THE WELDING PROCESS AND WELDING POSITION USED.
4.

STEEL PLATES & SHAPES SHALL CONFORM TO ASTM. A572 GR. 50.
5.

STEEL TUBES SHALL CONFORM TO ASTM. A500, GRADE B.
6.

STEEL PIPES SHALL CONFORM TO ASTM. A501 OR ASTM. A53, GR. B.
7.

WELD METAL SHALL MATCH BASE METAL WITH A MINIMUM OF 70 KSI.
8.

ALL STEEL EXPOSED TO WET CONDITIONS SHALL BE GALV.
9.

CONTRACTOR TO FIELD VERIFY ALL STEEL DIMENSIONS IN FIELD PRIOR TO ORDERING AND FABRICATION OF STEEL COMPONENTS.

ANCHOR NOTES

1.

REFER TO FOUNDATION PLAN FOR COORDINATION.
2.

ALL BASE -P's SHALL BE ASTM A36.
3.

GROUT SHALL BE NON-SHRINK HIGH STRENGTH NON-METALIC.
4.

ALL ANCHOR RODS TO BE HIGH STRENGTH THREADED ROD AND HY-200 ANCHORS
5.

ALL DIMENSIONS TO -C OF STEEL TYP. U.N.O.
6.

PERIMETER STEEL -C - 2-W" OFF FACE OF CONC. TYP. U.N.O.

SHOP DRAWINGS & PROJECT SUBMITTALS

1.

THE STRUCTURAL SHOP DRAWING REVIEW IS INTENDED TO HELP THE ENGINEER VERIFY DESIGN CONCEPT. THIS REVIEW IS FOR GENERAL CONFORMANCE WITH THE DESIGN CONCEPTS AND DOES NOT RELIEVE THE CONTR. FROM COMPLIANCE WITH THE DESIGN DRAWINGS & SPECIFICATIONS. CONTR. IS RESPONSIBLE FOR CONFIRMING AND VERIFYING DIMENSIONS, MEANS, METHODS, SAFETY AND COORDINATION OF THE WORK.
2.

THE FOLLOWING SHOP DRAWINGS/SUBMITTALS & CALCULATIONS ARE REQUIRED FOR SUBMITTAL FOR REVIEW BY HARRIS STRUCTURAL ENGINEERING:

A. GRANUAL & CRUSHED STONE FILL

B. SELECT BACKFILL

C. CONCRETE MIX DESIGN (INCLUDING ADMIXTURES)

D. CONCRETE REINFORCEMENT

E. LIGHT GAUGE ROOF TRUSSES & FRAMING

F. STRUCTURAL INSULATED PANELS (SIP's)



ABBREVIATIONS

|           |                                          |          |                      |          |                          |          |                            |
|-----------|------------------------------------------|----------|----------------------|----------|--------------------------|----------|----------------------------|
| <         | ANGLE                                    | CSK.     | COUNTERSINK          | GR.      | GRADE                    | P.E.N.   | PLYWOOD EDGE NAILING       |
| @         | AT                                       | CTR.     | CENTER               | GR. BM.  | GRADE BEAM               | PERP.    | PERPENDICULAR              |
| A&B       | ABOVE & BELOW                            | CU.      | CUBIC                | GYP.     | GYPSUM                   | P.D.F.   |                            |
| A.B.      | ANCHOR BOLT                              |          |                      | GYP. BD. | GYPSUM BOARD             | PERF.    | PERFORATED                 |
| (A)       | ABANDON                                  | d        | PENNY (NAIL SIZE)    |          |                          | R        | PLATE                      |
| ABV.      | ABOVE                                    | DBL.     | DOUBLE               | HC.      | HOLLOW CORE              | PWD.     | PLYWOOD                    |
| A.C.      | ASPHALTIC CONCRETE                       | DEG.     | DEGREE               | HDR.     | HEADER                   | P.P.     | PARTIAL PENETRATION        |
| ACOUS.    | ACOUSTICAL                               | DET.     | DETAIL               | HDWD.    | HARDWOOD                 | PR.      | PAIR                       |
| A.D.      | AREA DRAIN                               | D.F.     | DOUGLAS FIR          | HGR.     | HANGER                   | PREFAB.  | PREFABRICATED              |
| ADDL.     | ADDITIONAL                               | DIA or Ø | DIAMETER             | H.M.     | HOLLOW METAL             | P.S.I.   | POUNDS PER SQUARE INCH     |
| ADJ.      | ADJACENT                                 | DIAG.    | DIAGONAL             | HORIZ.   | HORIZONTAL               | PSL.     | PARALLAM                   |
| A.F.F.    | ABOVE FINISH FLOOR                       | DIM.     | DIMENSION            | H.S.N.S. | HIGH STRENGTH NON-SHRINK | P.T.     | PRESSURE TREATED           |
| A.F.S.    | AUTOMATIC FIRE SPRINKLER                 | DISP.    | DISPENSER            | HT.      | HEIGHT                   |          |                            |
| AGG.      | AGGREGATE                                | D.L.     | DEAL LOAD            | HWDR.    | HARDWARE                 |          |                            |
| AIR COND. | AIR CONDITIONING                         | DN.      | DOWN                 |          |                          | (R)      | RELOCATE                   |
| ALT.      | ALTERNATE                                | DP.      | DEEP                 | I.D.     | INSIDE DIAMETER          | R.       | RADIUS                     |
| ALUM.     | ALUMINUM                                 | DR.      | DOOR                 | I.F.     | INSIDE FACE              | R.A.G.   | RETURN AIR GRILL           |
| APA       | AMERICAN PLYWOOD ASSOCIATION             | DS.      | DOWNSPOUT            | INFO.    | INFORMATION              | R.B.     | RUBBER BASE                |
|           |                                          | DWG.     | DRAWING              | INSUL.   | INSULATION               | R.D.     | ROOF DRAIN                 |
| APPROX.   | APPROXIMATE                              |          |                      | INT.     | INTERIOR                 | REF.     | REFERENCE                  |
| ARCH.     | ARCHITECTURAL                            | (E)      | EXISTING             |          |                          | REINF.   | REINFORCING                |
| ASB.      | ASBESTOS                                 | E.       | EAST                 | JST.     | JOIST                    | RET.     | RETAINING                  |
| ASPH.     | ASPHALT                                  | EA.      | EACH                 | JT.      | JOINT                    | REQD.    | REQUIRED                   |
| ASTM      | AMERICAN SOCIETY FOR TESTING & MATERIALS | E.B.     | EXPANSION BOLT       |          |                          | RF.      | ROOF                       |
|           |                                          | E.E.     | EACH END             | KD.      | KILN DRIED               | R.H.W.S. | ROUND HEAD WOOD SCREW      |
| A.Y.C.    | ALASKAN YELLOW CEDAR                     | E.F.     | EACH FACE            | KIT.     | KITCHEN                  | RM.      | ROOM                       |
| AVE.      | AVENUE                                   | E.S.     | EACH SIDE            | K.P.     | KING POST                | R.O.     | ROUGH OPENING              |
|           |                                          | E.W.     | EACH WAY             |          |                          | RWD.     | REDWOOD                    |
| BD.       | BOARD                                    | EL.      | ELEVATOR             | LAM.     | LAMINATE                 | R.W.L.   | RAIN WATER LEADER          |
| BITUM.    | BITUMINOUS                               | ELAS.    | ELASTOMERIC          | LAV.     | LAVATORY                 |          |                            |
| BLDG.     | BUILDING                                 | ELEV.    | ELEVATION            | L.B.     | LAG BOLT                 | S.       | SOUTH                      |
| BLK.      | BLOCK (BLOCKING)                         | EMB.     | EMBEDMENT            | LBS or # | POUNDS                   | S.A.D.   | SEE ARCHITECTURAL DRAWINGS |
| BLT.      | BOLT                                     | E.N.     | EDGE NAIL            | LG.      | LONG                     | S.C.     | SOLID CORE                 |
| BLW.      | BELOW                                    | ENG.     | ENGINEER             | L.I.     | LIVE LOAD                | S.C.D.   | SEE CIVIL DRAWINGS         |
| BM.       | BEAM                                     | EQ.      | EQUAL                | LOC.     | LOCATION                 | SCHED.   | SCHEDULE                   |
| BOT.      | BOTTOM                                   | EQPT.    | EQUIPMENT            | LT.      | LIGHT                    | SEC.     | SECTION                    |
| BRG.      | BEARING                                  | EXP.     | EXPANSION            | LSL.     | TIMBERSTRAND             | SHT.     | SHEET                      |
| BTWN.     | BETWEEN                                  | EXT.     | EXTERIOR             | LVL.     | MICROLLAM                | SHTG.    | SHEATHING                  |
| B.T.U.    | BRITISH THERMAL UNITS                    |          |                      |          |                          | SIM.     | SIMILAR                    |
|           |                                          | F.A.     | FIRE ALARM           |          |                          | SKYL.    | SKYLIGHT                   |
| CAB.      | CABINET                                  | F.B.     | FLAT BAR             | MAX.     | MAXIMUM                  | SP.      | SPACE(S)                   |
| CANT.     | CANTILEVERED                             | F.D.     | FLOOR DRAIN          | M.B.     | MACHINE BOLT             | SPECS.   | SPECIFICATIONS             |
| C.B.      | CATCH BASIN                              | FDN.     | FOUNDATION           | MECH.    | MECHANICAL               | SQ.      | SQUARE                     |
| C.C.      | CENTER TO CENTER                         | F.E.     | FIRE EXTINGUISHER    | MEMB.    | MEMBRANE                 | S.S.     | SELECT STRUCTURAL          |
| CEM.      | CEMENT                                   | F.H.W.S. | FLAT HEAD WOOD SCREW | MFR.     | MANUFACTURER             | STAG.    | STAGGERED                  |
| CER.      | CERAMIC                                  | FIN.     | FINISHED             | M.I.W.   | MALLEABLE IRON           | STD.     | STANDARD                   |
| C.J.      | CONTROL JOINT                            | FLR.     | FLOOR                | M.I.W.   | WASHER                   | STIFF.   | STIFFENER                  |
| C.O.      | CLEAN OUT                                | FLUOR.   | FLUORESCENT          | MIN.     | MINIMUM                  | STL.     | STEEL                      |
| C.I.      | CAST IRON                                | F.J.     | FLOOR JOIST          | MISC.    | MISCELLANEOUS            | STOR.    | STORAGE                    |
| CL.       | CENTERLINE                               | F.N.     | FACE NAIL            | MTL.     | METAL                    | STRL.    | STRUCTURAL                 |
| CLO.      | CLOSET                                   | F.O.C.   | FACE OF CONCRETE     |          |                          | SUSP.    | SUSPENDED                  |
| CLG.      | CEILING                                  | F.O.F.   | FACE OF FINISH       | (N)      | NEW                      | S.W.     | SHEAR WALL                 |
| CLKG.     | CAULKING                                 | F.O.M.   | FACE OF MASONRY      | N.       | NORTH                    |          |                            |
| CLR.      | CLEAR                                    | F.O.P.   | FACE OF POST         | N/A.     | NOT APPLICABLE           | T.       | TOILET                     |
| C.M.U.    | CONCRETE MASONRY UNIT                    | F.O.S.   | FACE OF STUD         | NAT.     | NATURAL                  | T.B.     | TOWEL BAR                  |
| C.O.      | CLEAN OUT                                | FRM.     | FRAME                | N.I.C.   | NOT IN CONTRACT          | T&B      | TOP & BOTTOM               |
| COL.      | COLUMN                                   | FRMG.    | FRAMING              | NO. or # | NUMBER                   | T&G      | TONGUE & GROOVE            |
| COLL.     | COLLECTOR                                | FT.      | FOOT / FEET          | NOM.     | NOMINAL                  | T.GL.    | TEMPERED GLASS             |
| CORR.     | CORRIDOR                                 | FTG.     | FOOTING              | N.T.S.   | NOT TO SCALE             | THK.     | THICK(NESS)                |
| COMB.     | COMBINATION                              | FURR.    | FURRING              |          |                          | THRD.    | THREADED                   |
| CONC.     | CONCRETE                                 |          |                      | O/       | OVER                     | THRU.    | THROUGH                    |
| COND.     | CONDITION                                | GA.      | GAUGE OR GAGE        | O.C.     | ON CENTER                | T.N.     | TOENAIL                    |
| CONN.     | CONNECTION                               | GALV.    | GALVANIZED           | O.D.     | OUTSIDE DIAMETER         | T.O.     | TOP OF                     |
| CONSTR.   | CONSTRUCTION                             | G.B.     | GRAB BAR             | O.F.     | OUTSIDE FACE             | T.O.C.   | TOP OF CONCRETE            |
| CONT.     | CONTINUOUS                               | G.I.     | GALVANIZED IRON      | O.H.     | OVERHANG                 | T.O.P.   | TOP OF PLYWOOD             |
| CONTR.    | CONTRACTOR                               | GL.      | GLASS                | OPG.     | OPENING                  | T.O.S.   | TOP OF STEEL               |
| C.P.      | COMPLETE PENETRATION                     | GLB.     | GLU-LAMINATED BEAM   | OPP.     | OPPOSITE                 | T.O.W.   | TOP OF WALL                |
| CRR.      | CORRUGATE                                | GND.     | GROUND               | OPT.     | OPTIONAL                 | T.S.     | TUBE STEEL                 |
|           |                                          |          |                      | O.R.D.   | OVERFLOW ROOF DRAIN      | TYP.     | TYPICAL                    |

DESIGN-BUILD



WADE AND LETA  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING

ADDRESS

50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER

2308CHP

CLIENT

BURLINGTON CEDO

PROJECT NAME

CITY HALL PARK KIOSK

PROJECT ADDRESS

CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE

GENERAL NOTES

DATE

3/6/2024

SCALE

NA

DRAWING NO.

S-001.0

JOB SITE NOTES

1.

CONC. WASHOUTS TO BE CONTAINED ON THE PROPERTY.

2.

CONTAMINATED WATER SHALL BE CONTAINED ON THE PROPERTY OR REMOVED IN THE CONCRETE TRUCK

3.

CONTRACTOR SHALL CLEAN ALL MUD & DEBRIS TRACKED ONTO THE ROAD SURFACES DUE TO CONSTRUCTION, DAILY.

4.

CONTRACTOR TO MAINTAIN A CLEAN AND SAFE JOB SITE AND ELIMINATE ALL INVITING HAZARDS ON A DAILY BASIS. AND SHALL CONFORM TO ALL "O.S.H.A." AND OTHER SAFETY REGULATIONS.

5.

CONTRACTOR TO TAKE ANY AND ALL MEASURES TO PROTECT THE LUMBER AND MATERIAL SUPPLY STACKS FROM HARMFUL WEATHER CONDITIONS.

FOUNDATION RELATED SITE WORK

1.

NOTIFY ENGINEER A MINIMUM OF 24 HOURS PRIOR TO EXCAVATIONS TO SCHEDULE A REVIEW OF NATIVE SOIL CONDITIONS. FOOTINGS HAVE BEEN DESIGNED FOR A MINIMUM BEARING CAPACITY OF 2,500 PSF PER DETAIL 1/SD1.
2.

COMPACT DISTURBED LOAD-BEARING SOIL IN DIRECT CONTACT WITH FOUNDATIONS TO ORIGINAL BEARING CAPACITY. PLACE 6" OF 1-8" CRUSHED STONE BENEATH SPREAD FOOTINGS IF STANDING WATER OR CLAY SOILS ARE ENCOUNTERED IN EXCAVATIONS.
3.

IF OVER-EXCAVATION OCCURS, REPLACE MATERIAL WITH SUITABLE WELL-DRAINED MATERIAL, IN 6" LIFTS, APPROVED BY THE ENGINEER AND COMPACTED TO 98% OF STANDARD PROCTOR. OVER-EXCAVATION MAY ALSO BE REPLACED WITH LEAN CONCRETE WITH ENGINEER'S APPROVAL.
4.

PLACE AND COMPACT BACKFILL IN EQUAL CONTINUOUS LAYERS NOT EXCEEDING 8" OF COMPACTED DEPTH FOR HAND HELD COMPACTION EQUIPMENT AND A MAXIMUM 12" COMPACTED DEPTH FOR VIBRATORY ROLLERS.
5.

MAINTAIN OPTIMUM MOISTURE CONTENT OF BACKFILL MATERIALS TO ATTAIN COMPACTION DENSITY.
6.

BACKFILL SIMULTANEOUSLY ON EACH SIDE OF FROST WALLS. INSTALL FOUNDATION DRAIN PER DETAIL 18/SD1

CONCRETE/FOUNDATION/SITE NOTES

1.

ALL CONCRETE WORK SHALL CONFORM TO THE REQUIREMENTS OF ACI 318-14, "SPECIFICATIONS FOR THE STRUCTURAL CONCRETE FOR BUILDINGS."

2.

ALL FOUNDATION FOOTING AND STEMWALL CONCRETE SHALL DEVELOP A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS U.N.O. 4,000 PSI FOR SLABS.

3.

ALL CONCRETE SHALL BE REGULAR WEIGHT HARDROCK CONCRETE WEIGHING APPROXIMATELY 150 PCF. AGGREGATES SHALL CONFORM TO ASTM C-150 (TYPE II) UNLESS CONCRETE WILL BE IN CONTACT WITH ALKALINE SOILS.

4.

ALL FOUNDATIONS SHALL BEAR ON RIGID INSULATION & V.B. S.A.D 0/ FIRM, UNDISTURBED, NATIVE SOILS OR ENGINEERED FILLS AT OR EXCEEDING DEPTHS SHOWN ON THE DRAWINGS.

5.

ALL FOOTING EXCAVATIONS SHALL BE NEAT. OVER-EXCAVATIONS IN DEPTH AND WIDTH SHALL BE FILLED WITH CONCRETE. ALL LOOSE SOILS SHALL BE REMOVED FROM EXCAVATIONS PRIOR TO PLACEMENT OF CONCRETE.

6.

REINFORCING, ANCHOR BOLTS AND INSERTS SHALL BE RIGIDLY HELD IN PLACE PRIOR TO PLACING CONCRETE.

7.

ALL WOOD IN PERMANENT CONTACT WITH CONCRETE OR SOIL SHALL BE PRESSURE TREATED U.N.O.

REINFORCING STEEL

1.

ALL REINF. STL. SHALL BE DEFORMED STL. BARS CONFORMING TO ASTM. A615, GR. 60. FOR #5 & LARGER AND GR. 40 FOR #4 & SMALLER STL. SHALL BE KEPT CLEAN AND FREE OF RUST AND SCALE.

2.

ALL REINF. STL. SHALL BE MFRD. DETAILED, FABRICATED, & PLACED IN ACCORDANCE W/ ACI. 318R, 315R, AND SP66.

3.

WELDED WIRE FABRIC SHALL CONFORM TO ASTM. A185, IN AS LONG A LENGTH AS IS PRACTICABLE. WELDED WORE FABRIC SHALL BE LAPPED AT LEAST ONE GRID WIDTH + 2".

4.

REINFORCING BARS SHALL BE IN LENGTHS AS LONG AS PRACTICABLE. REINFORCING BARS REQUIRING BENDING IN THE FIELD SHALL BE "COLD BENT". AT CORNERS AND INTERSECTIONS BARS SHALL RETURN A MINIMUM OF 18". ALL BAR SPLICES SHALL HAVE 24" LAPS MINIMUM U.O.N.

5.

SPLICES:  
REINF. IN CONC. & MAS. SHALL HAVE LAP LENGTHS AS FOLLOWS, U.N.O. ON DRAWINGS:

BAR SIZE

IN CONC.

IN MAS.

#3

-----

18"

-----

24"

#4

-----

24"

-----

30"

#5

-----

30"

-----

36"

#6

-----

36"

-----

42"

6.

PLACEMENT:

A.

REINF. SHALL BE ACCURATELY PLACED & SUPPORTED BY CONC. METAL, OR OTHER APPROVED CHAIRS, SPACERS, OR TIES AND SECURED AGAINST DISPLACEMENT DURING CONC. OR GROUT PLACEMENT.

B.

EXCEPT WHERE OTHERWISE NOTED, REINF. SHALL HAVE CONC. COVER AS FOLLOWS:

CONC. DEPOSITED AGAINST EARTH

-----

3"

FORMED CONC. TO BE BACK FILLED

-----

2"

EXT. FACES OF WALLS

-----

1-8"

INT. FACES OF WALLS

-----

1"

T.O. SLAB ON GRADE (COVERED)

-----

-W"

USE OF ENGINEERS DOCUMENTS

1.

THESE DOCUMENTS PREPARED BY HARRIS STRUCTURAL ENGINEERING ARE INSTRUMENTS OF PROFESSIONAL SERVICE FOR USE SOLELY WITH RESPECT TO THIS PROJECT, AND SHALL REMAIN THE PROPERTY OF HARRIS STRUCTURAL ENGINEERING. HARRIS STRUCTURAL ENGINEERING SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS INCLUDING THE COPYRIGHT(S). THE OWNER SHALL NOT REUSE OR PERMIT THE REUSE OF THESE DOCUMENTS, IN WHOLE OR IN PART, INCLUDING ANY DESIGN & CONSTRUCTION DEVELOPMENT, CHANGES OR ALTERATIONS TO THESE DOCUMENTS, WITHOUT THE WRITTEN ACKNOWLEDGEMENT AND AUTHORIZATION OF HARRIS STRUCTURAL ENGINEERING. ANY UNAUTHORIZED USE, REUSE, MODIFICATION OR ALTERATION, INCLUDING AUTOMATED CONVERSION OF THIS DOCUMENT SHALL BE AT THE USER'S SOLE RISK WITHOUT LIABILITY OR LEGAL EXPOSURE TO HARRIS STRUCTURAL ENGINEERING.

PROJECT OBSERVATION NOTES

1.

IN ADDITION TO CITY INSPECTIONS AND/OR ARCHITECT SITE VISITS, HARRIS STRUCTURAL ENGINEERING (HSE) RECOMMENDS THAT STRUCTURAL OBSERVATION SERVICES BE PROVIDED, TO REVIEW CONSTRUCTION FOR GENERAL CONFORMANCE WITH THE APPROVED PLANS AND TO MITIGATE THE RISK OF PROBLEMS DURING THE CONSTRUCTION PROCESS.

2.

THE CONTRACTOR SHALL PHASE THE PROJECT AND COORDINATE WITH HARRIS STRUCTURAL ENGINEERING TO ENSURE THAT PRIMARY STRUCTURAL ELEMENTS OF THE CONSTRUCTION ARE OBSERVED PRIOR TO COVERING WITH FINISHES OR OTHER MATERIALS. A SPECIAL INSPECTOR IS AN ACCEPTABLE ALTERNATE TO CONSTRUCTION OBSERVATION. THE FOLLOWING STAGES AT A MINIMUM SHALL BE OBSERVED:

A.

FOOTING EXCAVATIONS COMPLETED, FORMED AND READY FOR PLACEMENT OF REINFORCING.

B.

FOOTING REINFORCING BARS IN PLACE.

C.

SLAB-ON-GRADE REINFORCING BARS IN PLACE.

D.

WOOD FRAMING COMPLETED BUT NOT CLOSED IN

E.

PLYWOOD NAILING COMPLETED BUT NOT COVERED

F.

ALL STRUCTURAL WORK COMPLETE

3.

IN THE EVENT THAT HARRIS STRUCTURAL ENGINEERING IS NOT RETAINED TO PROVIDE STRUCTURAL OBSERVATION SERVICES, IT IS UNDERSTOOD AND AGREED THAT THE SERVICES PERFORMED BY HARRIS STRUCTURAL ENGINEERING ARE LIMITED TO THE DESIGN AND PREPARATION OF BASIC STRUCTURAL CONCEPTS AND CONSTRUCTION DOCUMENTS AND THAT HARRIS STRUCTURAL ENGINEERING HAS NO CONTROL WHATSOEVER WITH REGARD TO CONSTRUCTION METHODS OR COMPLIANCE WITH THE APPROVED PLANS. CONTACT THE OFFICE OF HARRIS STRUCTURAL ENGINEERING IF STRUCTURAL OBSERVATION SERVICES ARE DESIRED.

S  
STRUCTURAL

DESIGN CRITERIA

2015

INTERNATIONAL BUILDING CODE

VERTICAL LOADS

|       |      |     |              |     |
|-------|------|-----|--------------|-----|
| ROOF  | DEAD |     | LIVE         |     |
|       | 20   | PSF | SNOW GOVERNS | PSF |
| FLOOR | 20   | PSF | 50           | PSF |

ROOF SNOW LOADS

|                              |     |     |
|------------------------------|-----|-----|
| GROUND SNOW LOAD, $P_g$      | 40  | PSF |
| EXPOSURE, $C_e$ -            | 1.0 |     |
| IMPORTANCE -                 | 1.0 |     |
| THERMAL, $C_t$ -             | 1.2 |     |
| FLAT ROOF SNOW LOAD, $P_f$   | 40  | PSF |
| DESIGN ROOF SNOW LOAD, $P_f$ | 40  | PSF |

| LATERAL LOADS                                   |         |        |     |                         |         |
|-------------------------------------------------|---------|--------|-----|-------------------------|---------|
| WIND:                                           | SPEED - | 115/90 | MPH | EXPOSURE -              | B       |
| MEAN ROOF HEIGHT                                |         | 16     |     | IMPORTANCE -            | 1.0     |
| BASE WIND PRESSURE                              |         | 18.4   | PSF |                         |         |
| SEISMIC:                                        |         |        |     |                         |         |
| OCCUPANCY -                                     |         | II     |     | SITE CLASS (ASSUMED)    | D       |
| IMPORTANCE -                                    |         | 1      |     | SEISMIC DESIGN CATEGORY | C       |
| SHORT SPECTRAL, Sds                             |         | 0.346  |     | 1 sec SPECTRAL, Sd1     | 0.165   |
| (STRU. STEEL NOT SPEC. DETAILED FOR SEISMIC), R |         | 3      |     | V = Sds/R*W =           | 0.112*W |

FOUNDATION DESIGN

TESTED/ASSUMED CLASS 4 SOILS WITH AN ALLOWABLE BEARING PRESSURE OF 1,000PSF IMPROVED TO 2,500 PSF WITH GRAVEL CUSHION WITH A CONSTANT EXPANSION INDEX LESS THAN 20 AND AN ALLOWABLE LATERAL BEARING PRESSURE OF 2,000 PSF

STATE OF VERMONT

ANDREW PAUL HARRIS

No.8601

STRUCTURAL

LICENSED

PROFESSIONAL ENGINEER

THE SEAL AND SIGNATURE OF ON THIS SHEET INDICATE THAT THE MAIN ELEMENTS OF THE DESIGN HAVE BEEN REVIEWED FOR CONFORMANCE WITH THE DESIGN INTENT, COMMON CONSTRUCTION PRACTICES, AND CURRENT CODE COMPLIANCE. STRUCTURAL ENGINEER 8601 IS NOT RESPONSIBLE FOR ARCHITECTURAL FINISHES AND FIXTURES.



03.06.2024

SIGNATURE:

DATE:

DESIGN-BUILD

RENZ + E | x WADE AND LETA  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING

ADDRESS

50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER

2308CHP

CLIENT

BURLINGTON CEDO

PROJECT NAME

CITY HALL PARK KIOSK

PROJECT ADDRESS

CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE

GENERAL NOTES

DATE

3/6/2024

SCALE

NA

DRAWING NO.

S-002.0

## GENERAL

1. ALL WORK SHALL BE IN CONFORMANCE WITH THE INTERNATIONAL BUILDING CODE, 2015 EDITION ADOPTED BY THE LOCAL GOVERNING AGENCY, AND ANY APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES ON DRAWINGS REQUIRING CLARIFICATION OR REVISIONS BEFORE COMMENCING WITH THE WORK.
3. DRAWINGS SHALL NOT BE SCALED. ALL DIMENSIONS RELATED TO EXISTING CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR.
4. NOTES AND DETAILS ON DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
5. WHERE NO DETAILS ARE SHOWN, CONSTRUCTION SHALL BE OF SAME NATURE AS SIMILAR CONDITIONS ON THE PROJECT.
6. DETAILS MAY BE DEPICTED DIAGRAMMATICALLY. FOR EXAMPLE, ROOF PITCHES, FLOOR/ROOF/WALL THICKNESSES, FRAMING MEMBERS, ETC., MAY DIFFER IN SCALE FROM ACTUAL PROPOSED CONDITIONS. DETAILS SHALL BE UNDERSTOOD IN CONTEXT WITH OTHER DRAWINGS CONVEYING STRUCTURAL AND ARCHITECTURAL DESIGN INTENT.
7. SEE ARCHITECTURAL DRAWINGS FOR WALL LOCATIONS AND DIMENSIONS, UNLESS OTHERWISE NOTED.
8. REFER TO ARCHITECTURAL PLANS FOR FINISH FLOOR ELEVATIONS, FLOOR DEPRESSIONS, OPENINGS, SLOPES, DRAINS, CURBS, PADS, EMBEDDED ITEMS, NON-BEARING PARTITIONS, STAIRS, ETC. REFER TO CIVIL, MECHANICAL AND ELECTRICAL PLANS FOR UTILITIES, SLEEVES, PIPES, DUCTS, EQUIPMENT, ETC.
9. DIMENSIONS, UNLESS OTHERWISE SHOWN, ARE TO CENTERLINE OF COLUMNS AND BEAMS, OR TO THE FACE OF CONCRETE SURFACES AND ROUGH FRAMING.
10. SHOP DRAWINGS ARE AN AID FOR FIELD PLACEMENT AND ARE SUPERSEDED BY THE STRUCTURAL DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO MAKE CERTAIN THAT ALL CONSTRUCTION IS IN FULL AGREEMENT WITH THE LATEST APPROVED PLANS.
11. THE CONTRACT STRUCTURAL DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE, AND, EXCEPT WHERE SPECIFICALLY SHOWN, DO NOT INDICATE THE METHOD OR MEANS OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, PROCEDURES, TECHNIQUES, SAFETY AND SEQUENCE.
12. THE ENGINEER IS NOT IN RESPONSIBLE CONTROL OR CHARGE OF, AND SHALL NOT BE RESPONSIBLE FOR THE SAFETY PRECAUTIONS AND PROGRAMS IN ASSOCIATION WITH THE WORK, FOR THE ACTS OF OR OMISSIONS BY THE CONTRACTOR, SUBCONTRACTOR OR ANY PERSONS PERFORMING ANY OF THE WORK, OR FOR THE FAILURE OF ANY OF THEM TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
13. ALL SHORING AND BRACING DESIGN, MATERIALS AND INSTALLATION SHALL BE PROVIDED BY THE GENERAL CONTRACTOR. SHORING AND BRACING SHALL BE LEFT IN PLACE AS LONG AS MAY BE REQUIRED FOR SAFETY AND UNTIL STRUCTURAL CONSTRUCTION IS COMPLETE.
14. CONTACT ENGINEER PRIOR TO CONSTRUCTION IF ALTERNATES OR SUBSTITUTIONS ARE DESIRED.

## PRODUCT SUBSTITUTIONS

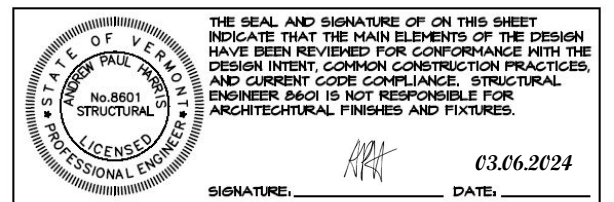
1. MATERIAL SUBSTITUTIONS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW PRIOR TO USE. SUBSTITUTION REVIEWS MAY REQUIRE ADDITIONAL DESIGN COSTS. THESE ADDITIONAL COSTS SHALL BE PAID BY THE PERSON OR COMPANY REQUESTING THE SUBSTITUTION.
2. SUBSTITUTED PRODUCTS SHALL HAVE I.C.C. APPROVAL AND SHALL BE INSTALLED PER PRODUCT MANUFACTURER'S SPECIFICATIONS. SUBSTITUTED PRODUCT MATERIALS, FINISHES, DETAILS, AND INSTALLATION SHALL BE OF A NATURE SIMILAR TO ORIGINALLY SPECIFIED PRODUCT SO AS TO NOT CONFLICT WITH ANY INTENDED STRUCTURAL OR ARCHITECTURAL DESIGN CONDITIONS, WHETHER DEPICTED OR IMPLIED ON PLANS OR SPECIFICATIONS. THE SUBSTITUTED PRODUCT SHALL HAVE DESIGN VALUES (I.E. DESIGN LOADS, IMPACT RESISTANCE, ETC.) WHICH SHALL BE EQUAL TO OR GREATER THAN THE ORIGINALLY SPECIFIED PRODUCT. ANY AND ALL WARRANTIES OFFERED BY THE ORIGINALLY SPECIFIED PRODUCT MANUFACTURER FOR THE ITEM TO BE SUBSTITUTED SHALL HAVE SIMILAR WARRANTIES OFFERED BY THE SUBSTITUTED PRODUCT MANUFACTURER.
3. SUBMIT TO THE ENGINEER A LIST OF ONLY THE ITEMS TO BE SUBSTITUTED, COMPLETE WITH ALL PERTINENT MATERIAL INCLUDING BUT NOT LIMITED TO MANUFACTURER'S SUPPLIED DESIGN LOADS LISTED FOR THE ORIGINALLY SPECIFIED PRODUCT AND THE PROPOSED SUBSTITUTION PRODUCT.

SPECIAL CONTRACTOR NOTE

1. THE CONTR. SHALL VERIFY THE AVAILABILITY OF ALL PRODUCTS BEFORE PROCEEDING W/ CONSTR. ESPECIALLY THOSE ITEMS AFFECTING ROUGH OPENING DIMS. OR OTHER DIMS. ON THE PLANS. ALL MFRD. MAT., COMPONENTS, FASTENERS, ASSEMBLIES, ETC. SHALL BE HANDLED AND INSTALLED IN CONFORMANCE W/ MFRS. SPECS. & INSTRUCTIONS. WHERE SPECIFIC PRODUCTS ARE CALLED FOR, GENERIC EQUALS WHICH MEET APPLICABLE STANDARDS & SPEC'S. MAY BE USED, W/ ENG. APPROVAL.

# S

## STRUCTURAL



## DESIGN-BUILD

**RENZO E** | x **WADE AND LETA**  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING  
ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER  
2308CHP

CLIENT  
BURLINGTON CEDO

|                                      |
|--------------------------------------|
| PROJECT NAME                         |
| CITY HALL PARK KIOSK                 |
| PROJECT ADDRESS                      |
| CITY HALL PARK, BURLINGTON, VT 05401 |

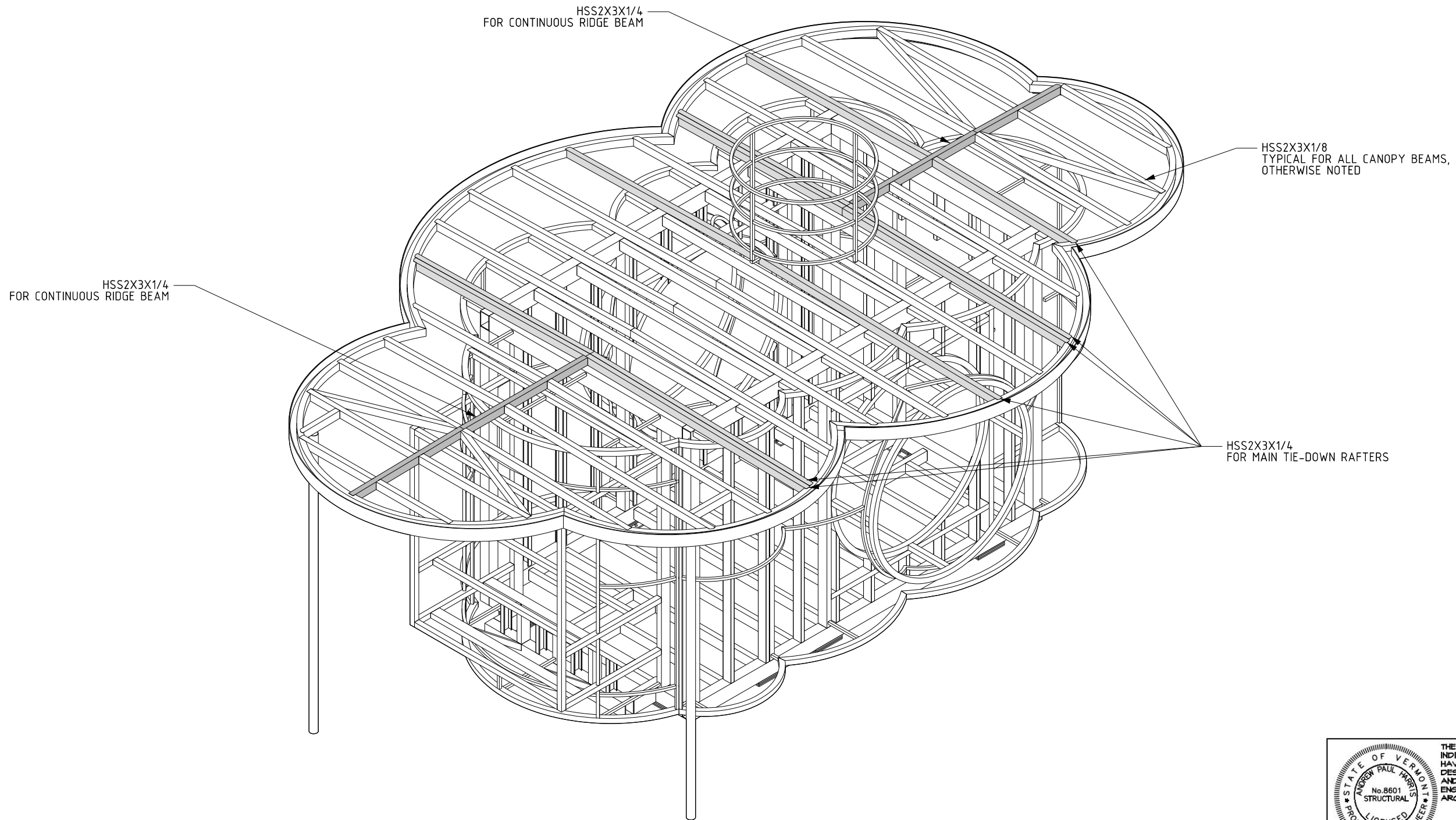
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GENERAL NOTES  
DATE  
3/6/2024

SCALE  
NA

DRAWING NO.

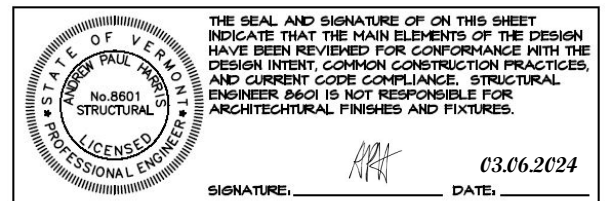
S-003.0





LOOKING FROM SOUTH/EAST CORNER

1  
KIOSK FRAMING  
SCALE: NTS



DESIGN-BUILD

**RENZ+E** | x WADE AND LETA  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING  
ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

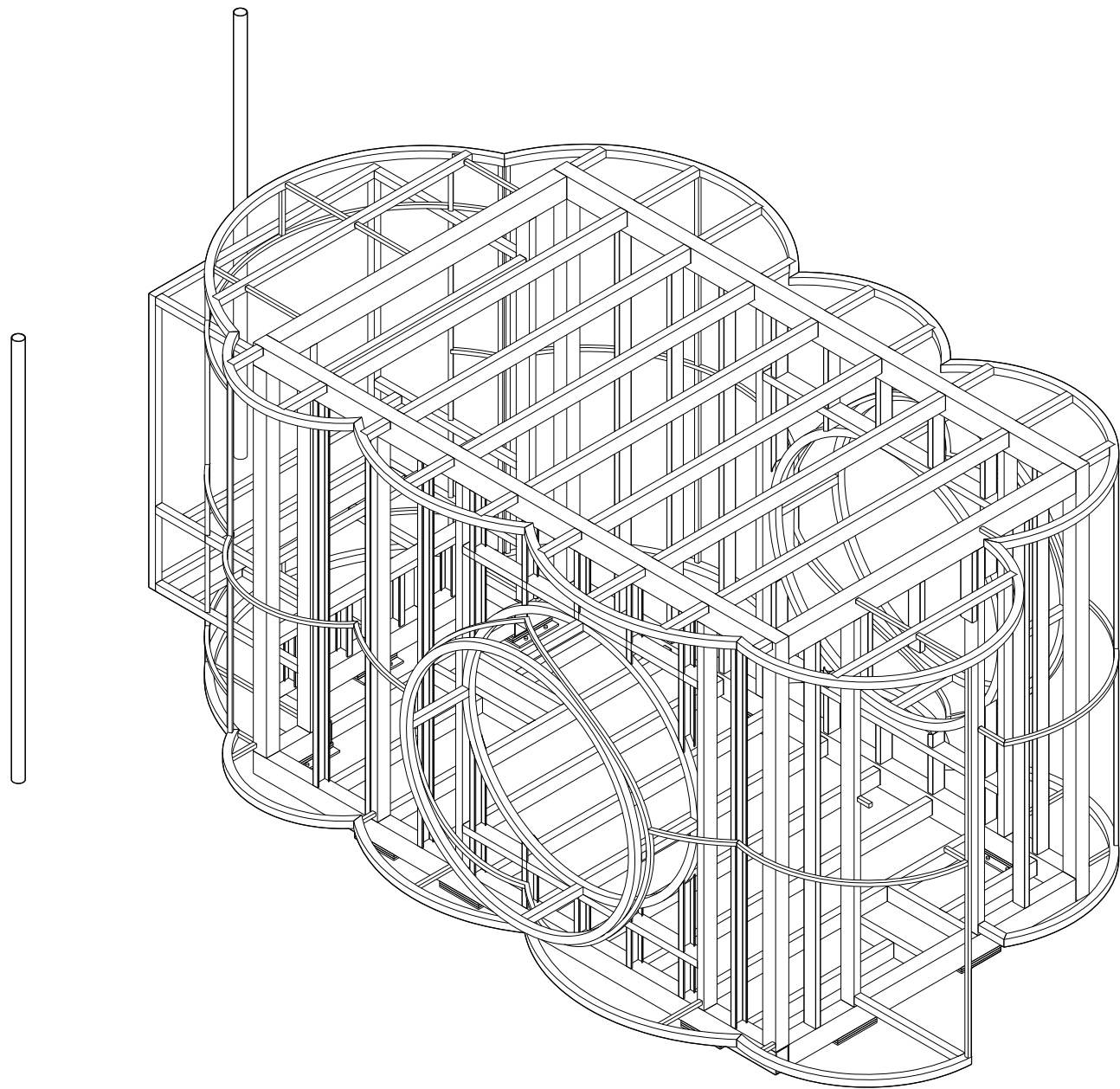
PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

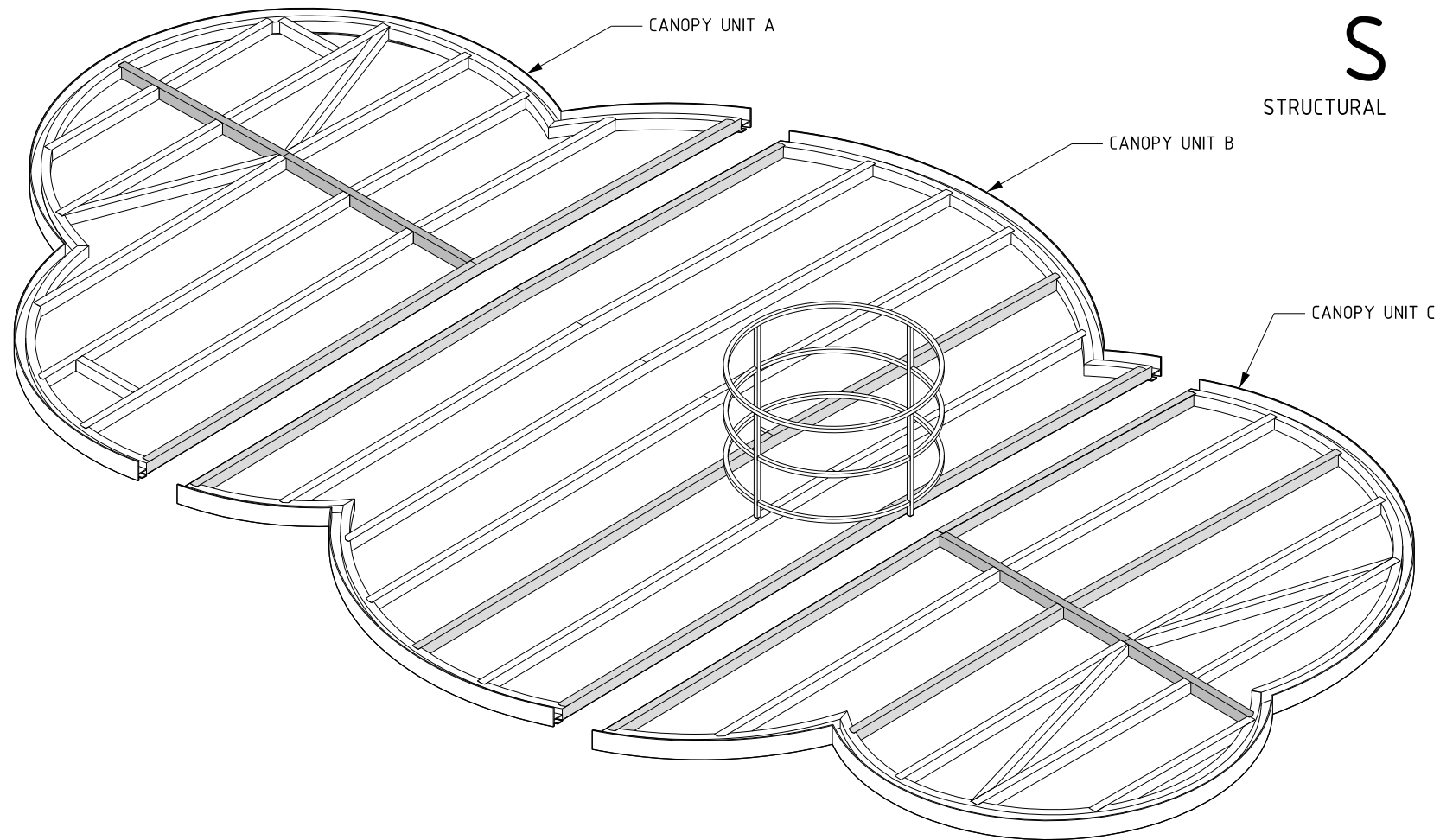
DRAWING TITLE  
AXONOMETRIC VIEW  
DATE  
3/6/2024

SCALE  
NTS

DRAWING NO.  
**S-040.0**



2 LOOKING FROM NORTH/EAST CORNER  
KIOSK FRAMING WITHOUT SKIN  
SCALE: NTS



1 LOOKING FROM NORTH/EAST CORNER  
CANOPY UNITS  
SCALE: NTS

S  
STRUCTURAL

THE SEAL AND SIGNATURE OF ON THIS SHEET INDICATE THAT THE MAIN ELEMENTS OF THE DESIGN HAVE BEEN REVIEWED FOR CONFORMANCE WITH THE DESIGN INTENT, COMMON CONSTRUCTION PRACTICES, AND CURRENT CODE COMPLIANCE. STRUCTURAL ENGINEER 0601 IS NOT RESPONSIBLE FOR ARCHITECTURAL FINISHES AND FIXTURES.

SIGNATURE: *APA* DATE: 03.06.2024

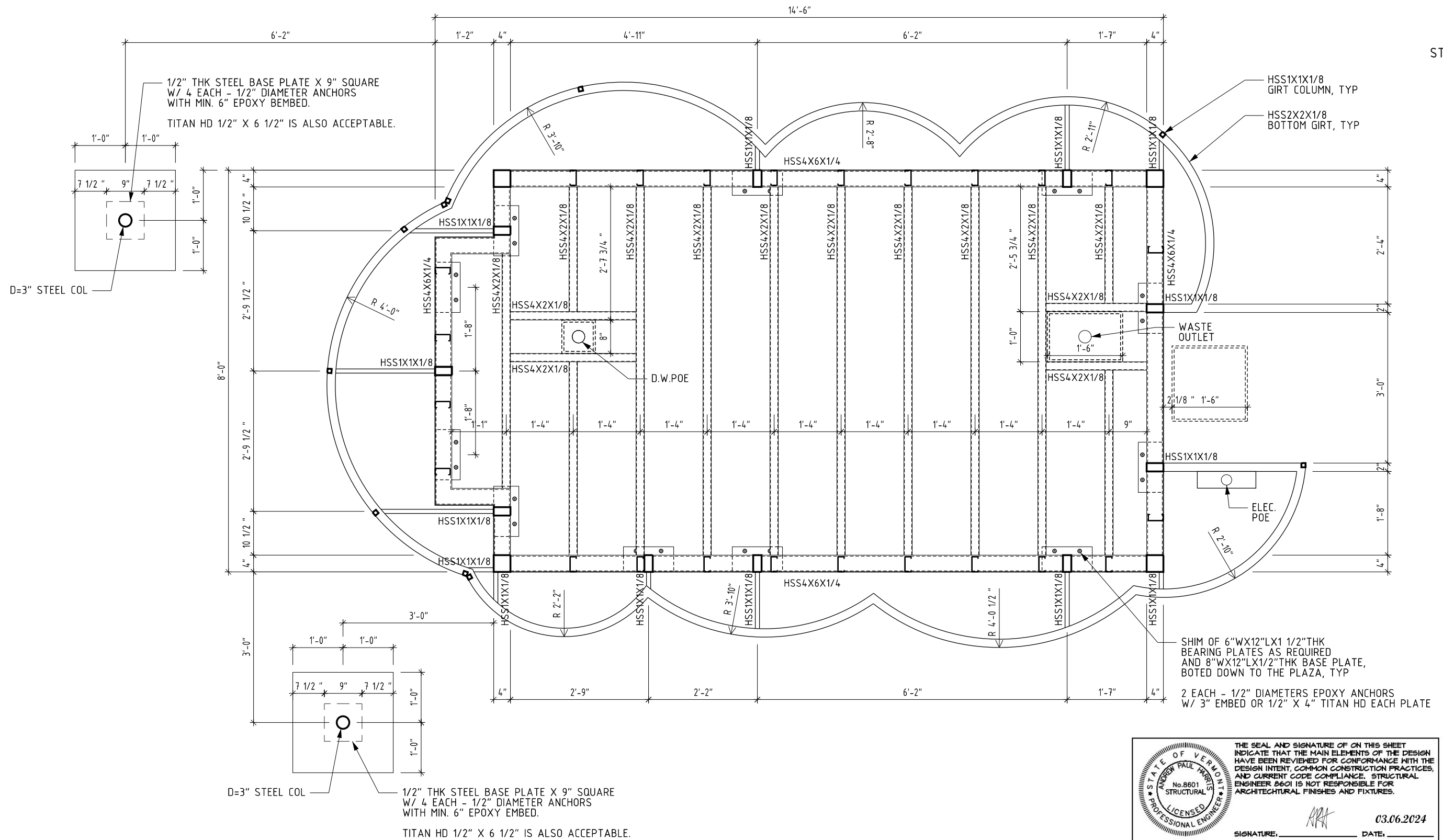
DESIGN-BUILD  
**RENZ + E** | x WADE AND LETA  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING  
ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

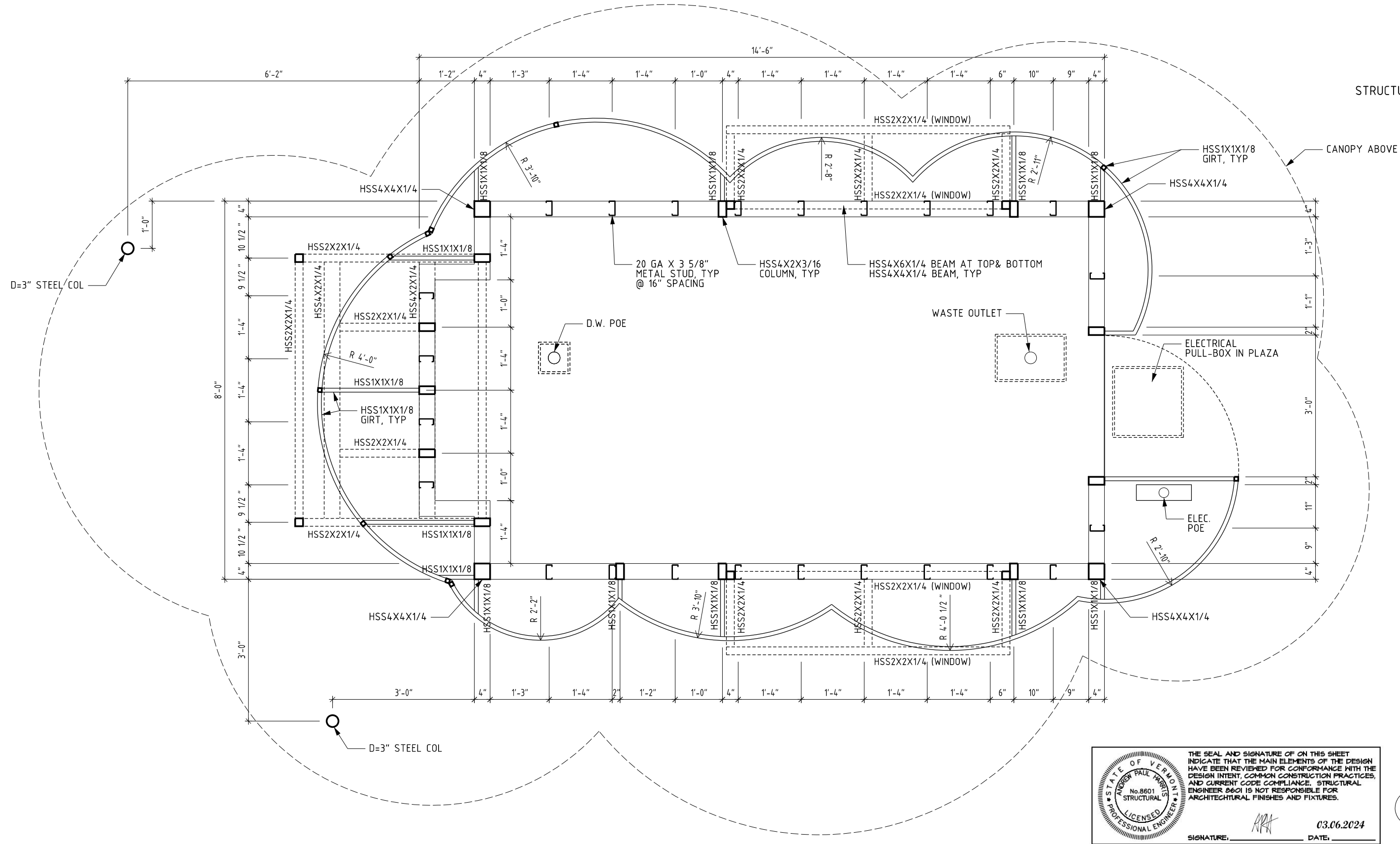
PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE  
AXONOMETRIC VIEW  
DATE  
3/6/2024  
SCALE  
NTS

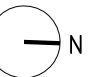
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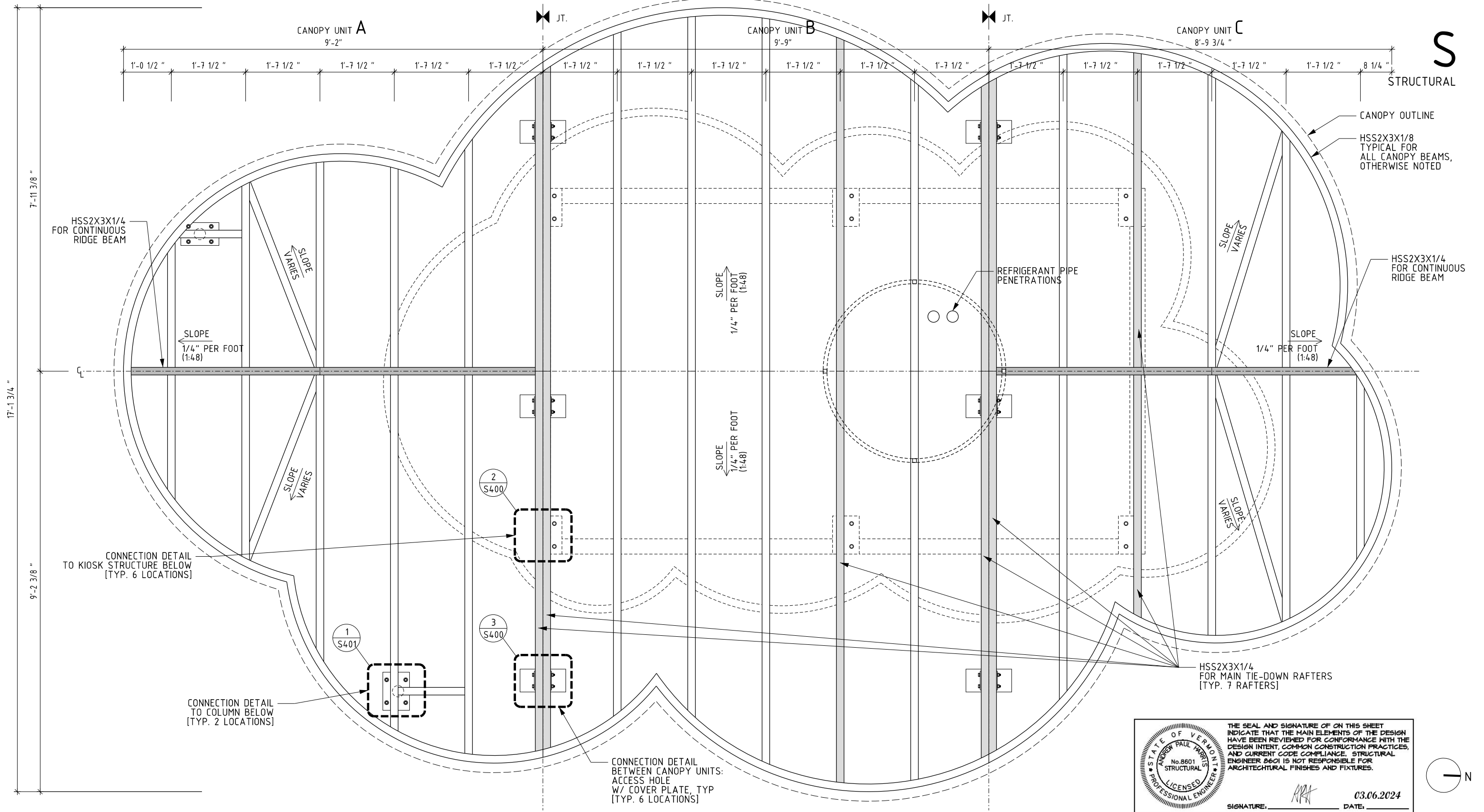












DESIGN-BUILD  
**RENZ + E** | WADE AND LETA  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING  
ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE  
**FRAMING PLAN - CANOPY**  
DATE  
3/6/2024  
SCALE  
1/2" = 1'-0"

DRAWING NO.  
**S-103.0**

STATE OF VERMONT

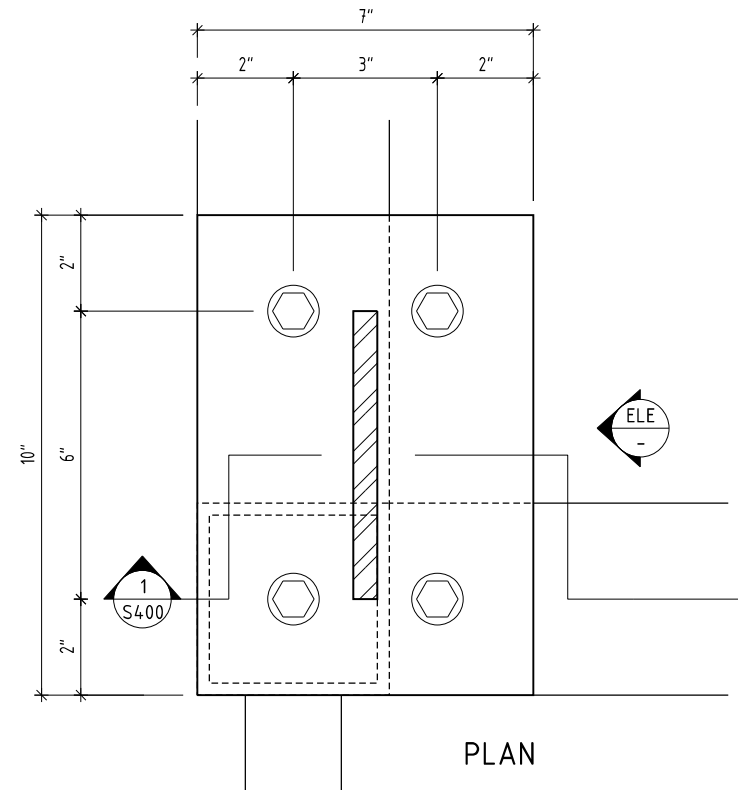
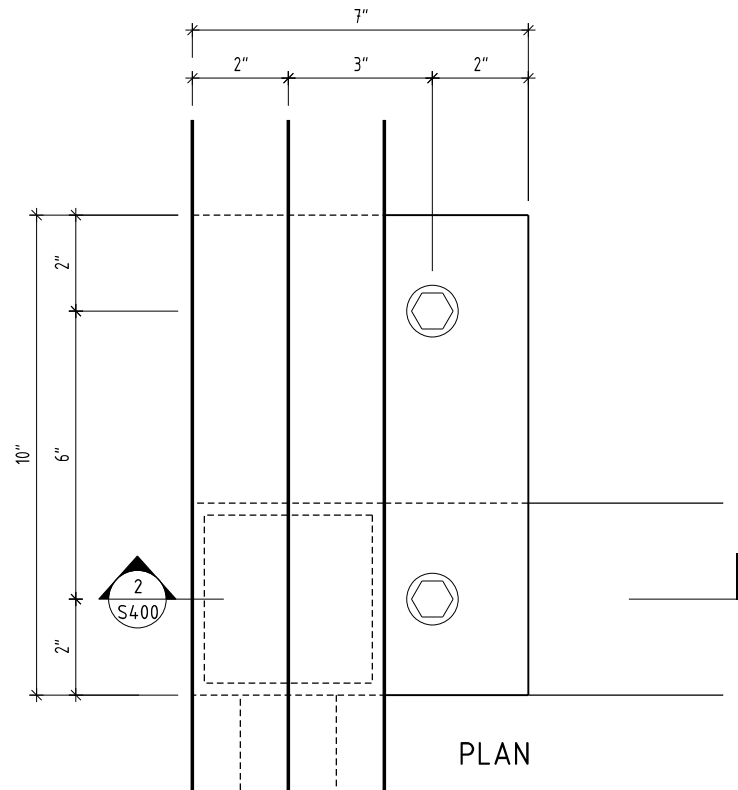
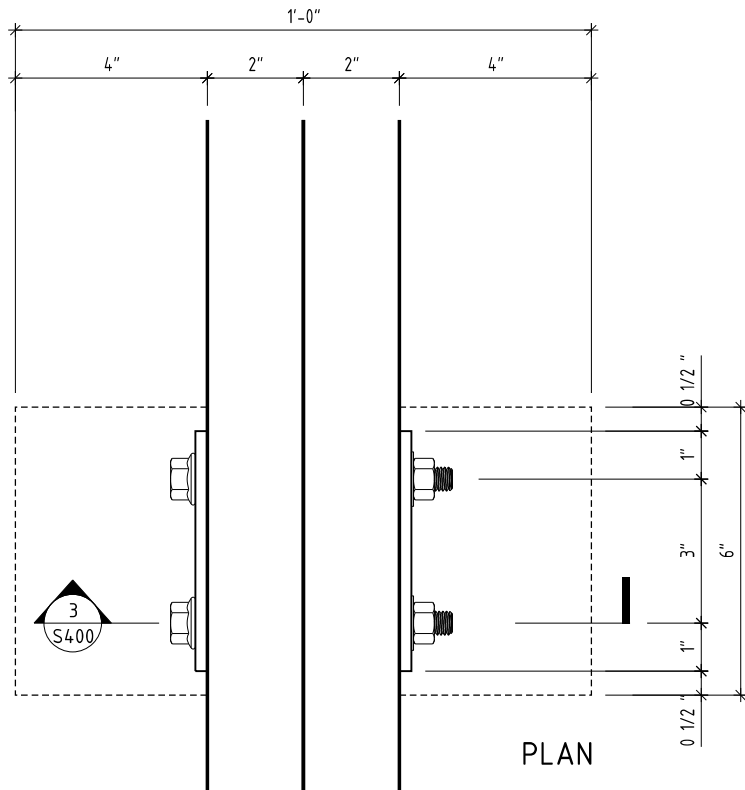
ANDREW PAUL HERRON

STRUCTURAL

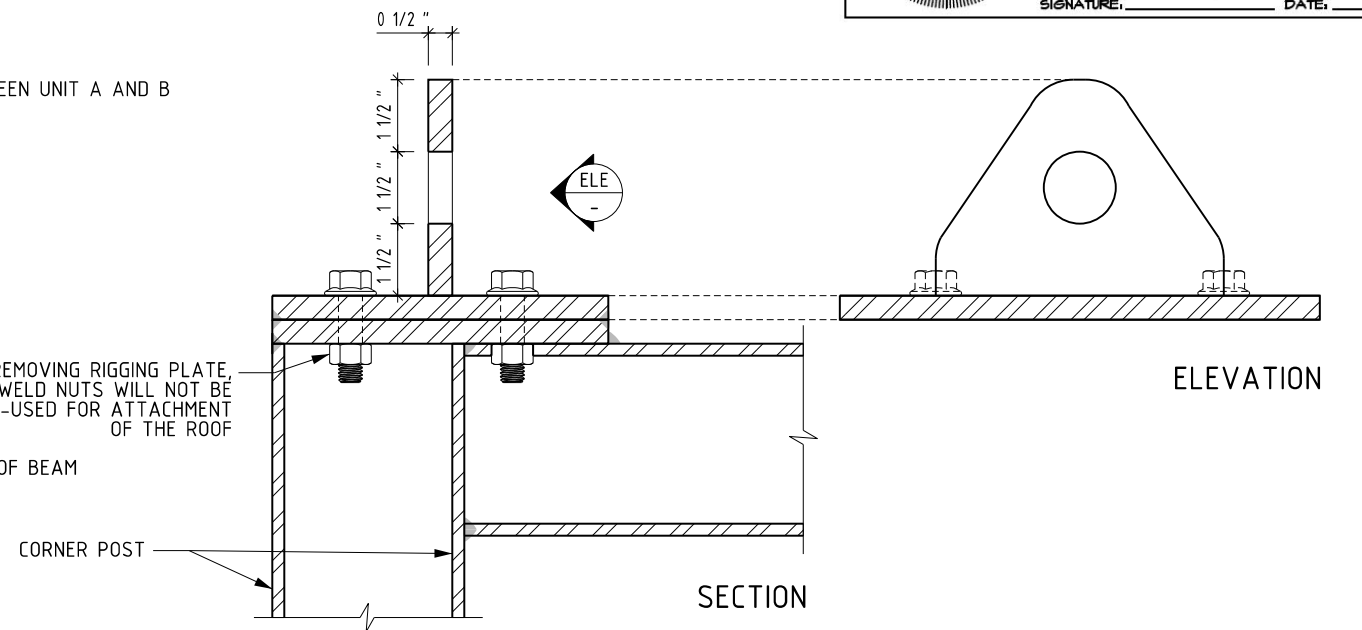
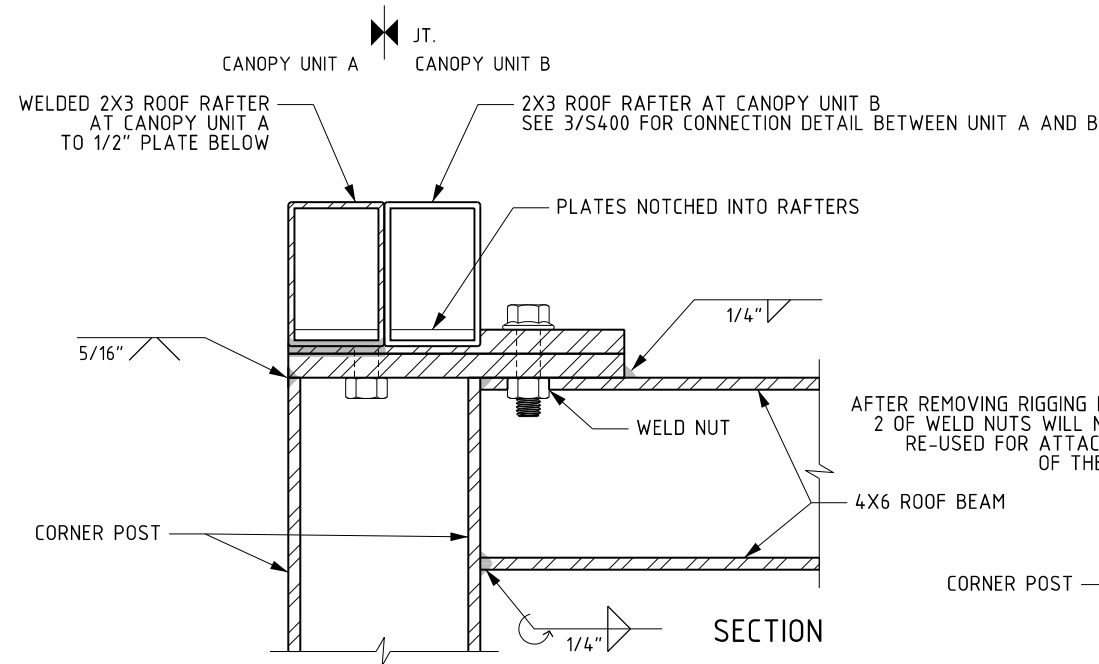
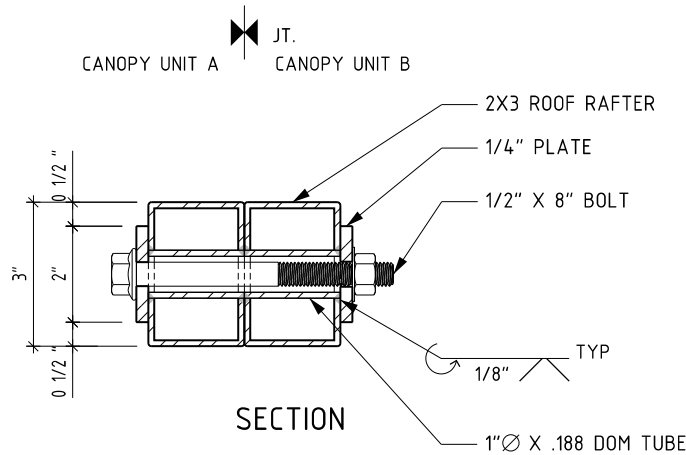
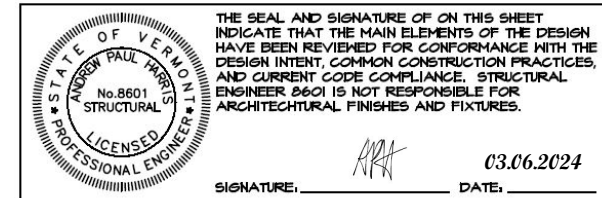
PROFESSIONAL ENGINEER

THE SEAL AND SIGNATURE OF ON THIS SHEET INDICATE THAT THE MAIN ELEMENTS OF THE DESIGN HAVE BEEN REVIEWED FOR CONFORMANCE WITH THE DESIGN INTENT, COMMON CONSTRUCTION PRACTICES, AND CURRENT CODE COMPLIANCE. STRUCTURAL ENGINEER 0601 IS NOT RESPONSIBLE FOR ARCHITECTURAL FINISHES AND FIXTURES.

SIGNATURE:  DATE: 03.06.2024



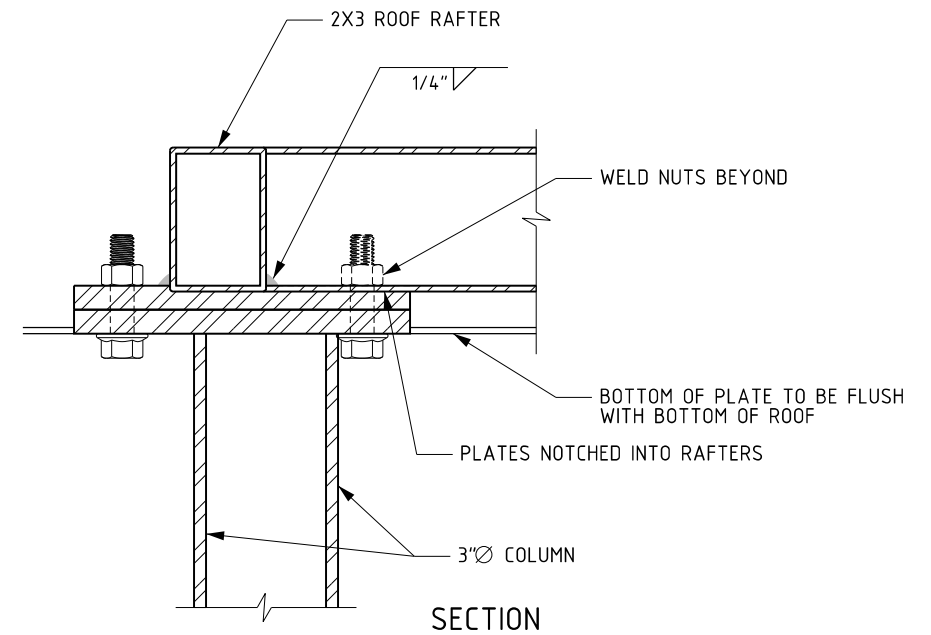
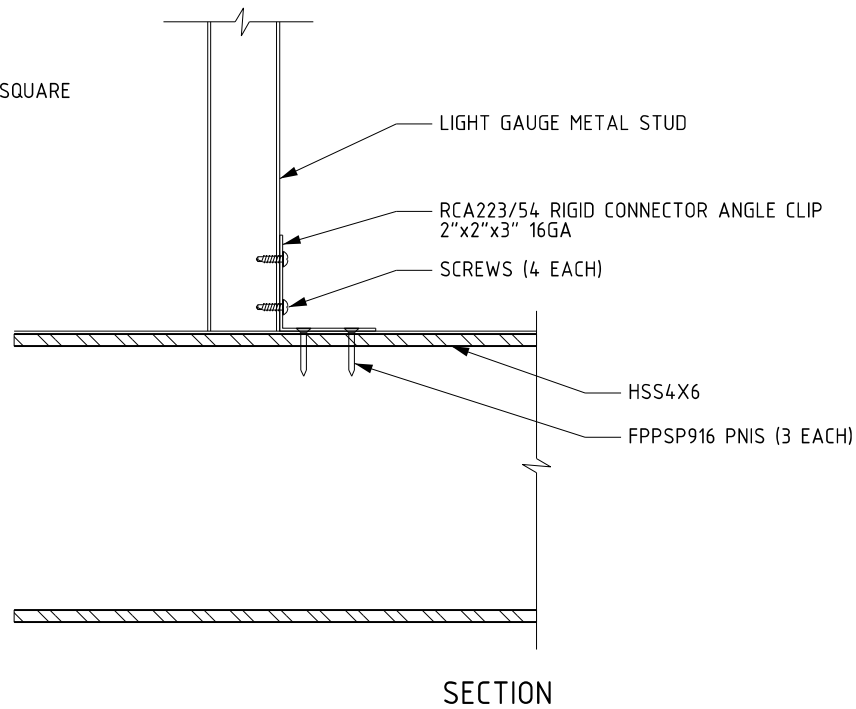
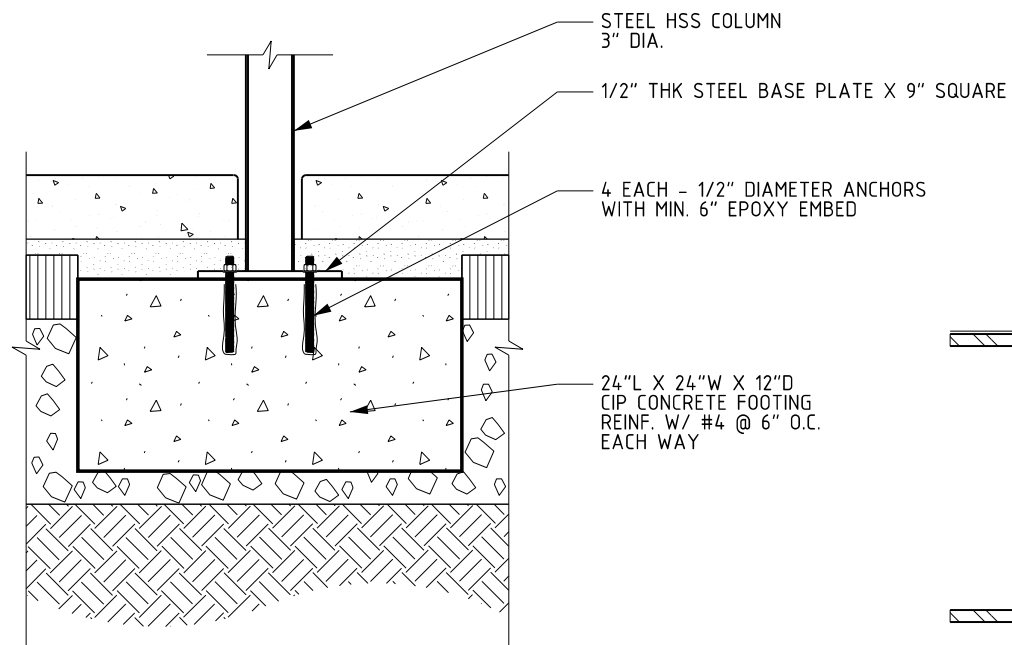
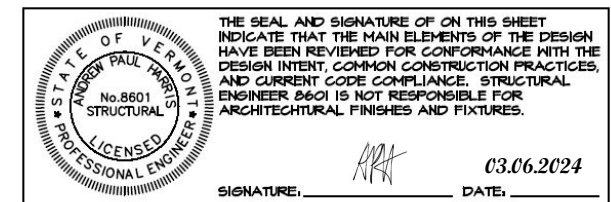
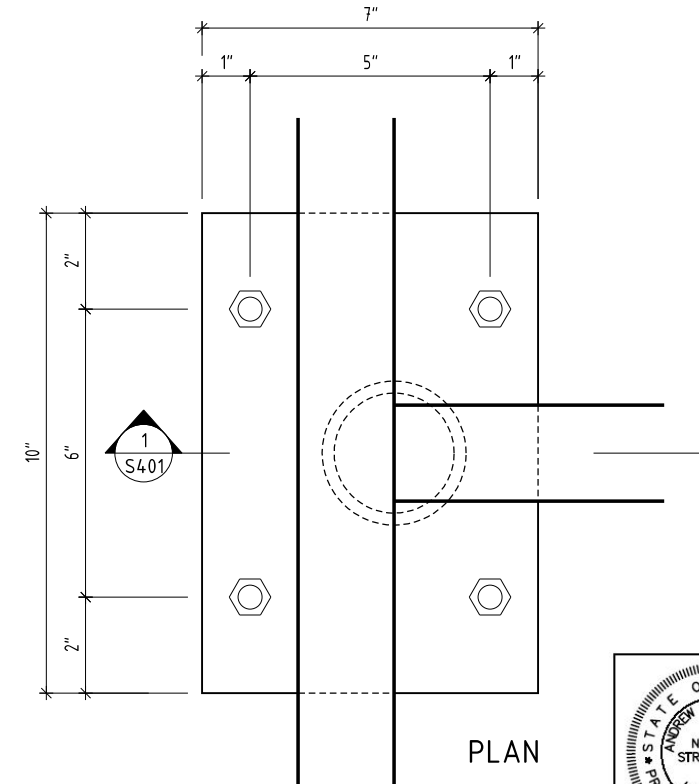
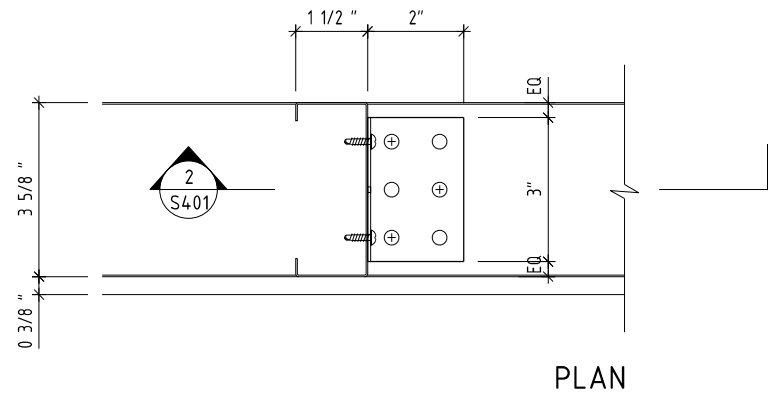
S  
STRUCTURAL



3 CONNECTION DETAIL BETWEEN CANOPY UNTS  
SCALE: 3"=1'-0"

2 CONNECTION DETAIL TO KIOSK STRUCTURE BELOW  
SCALE: 3"=1'-0"

1 TEMPORARY RIGGING DETAIL  
SCALE: 3"=1'-0"



### STEEL COLUMN FOUNDATION DETAIL

3  
SCALE: 1"=1'-0"

### CONNECTION DETAIL STUD TO STRUCTURE STEEL

2  
SCALE: 3"=1'-0"

### CONNECTION DETAIL TO COLUMN BELOW

1  
SCALE: 3"=1'-0"

DESIGN-BUILD

**RENZ + E** | WADE AND LETA  
STUDIO SEO

ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER

2308CHP

CLIENT

BURLINGTON CEDO

PROJECT NAME

CITY HALL PARK KIOSK

PROJECT ADDRESS

CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE

DETAILS

DATE

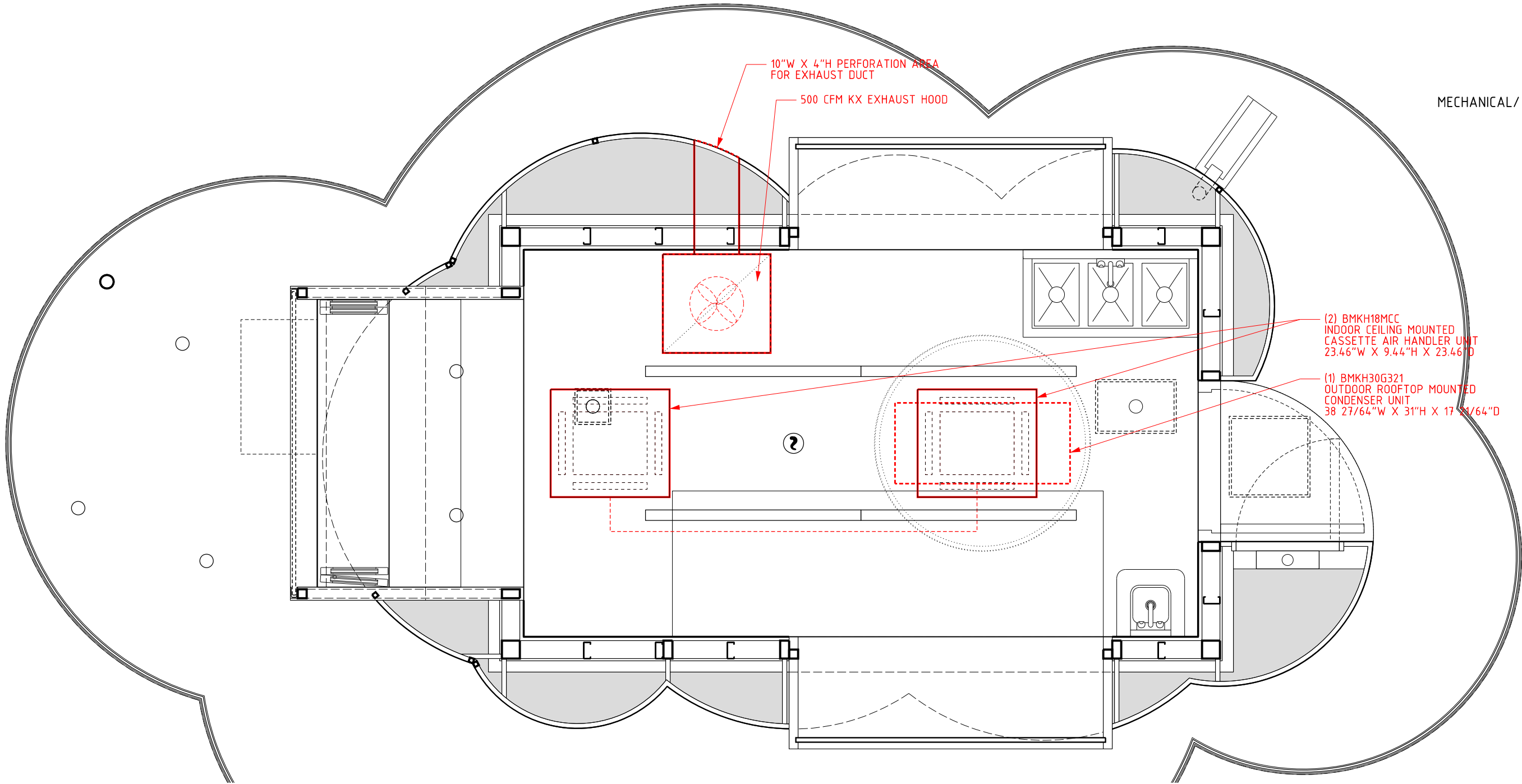
3/6/2024

SCALE

AS NOTED

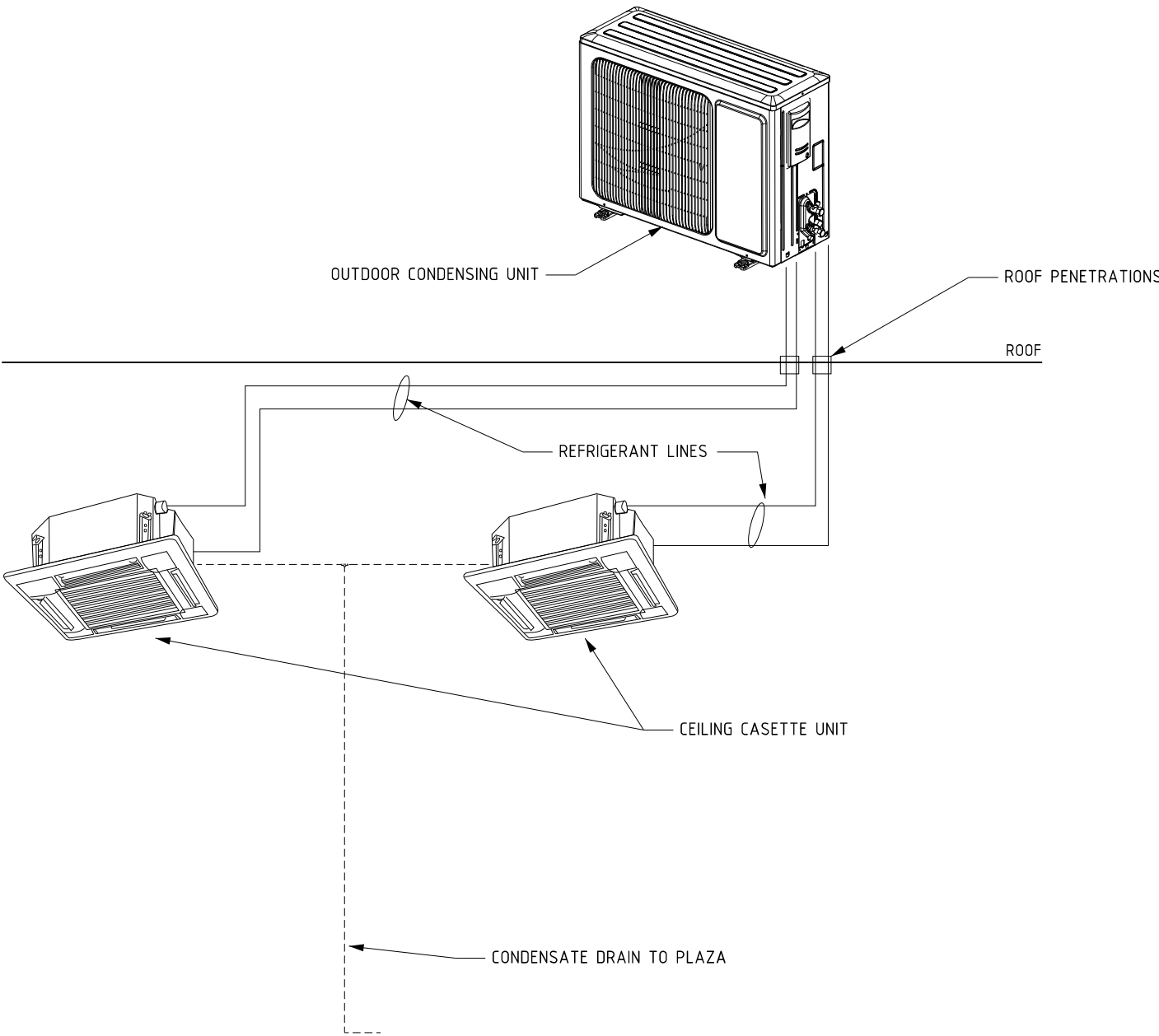
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S-401.0

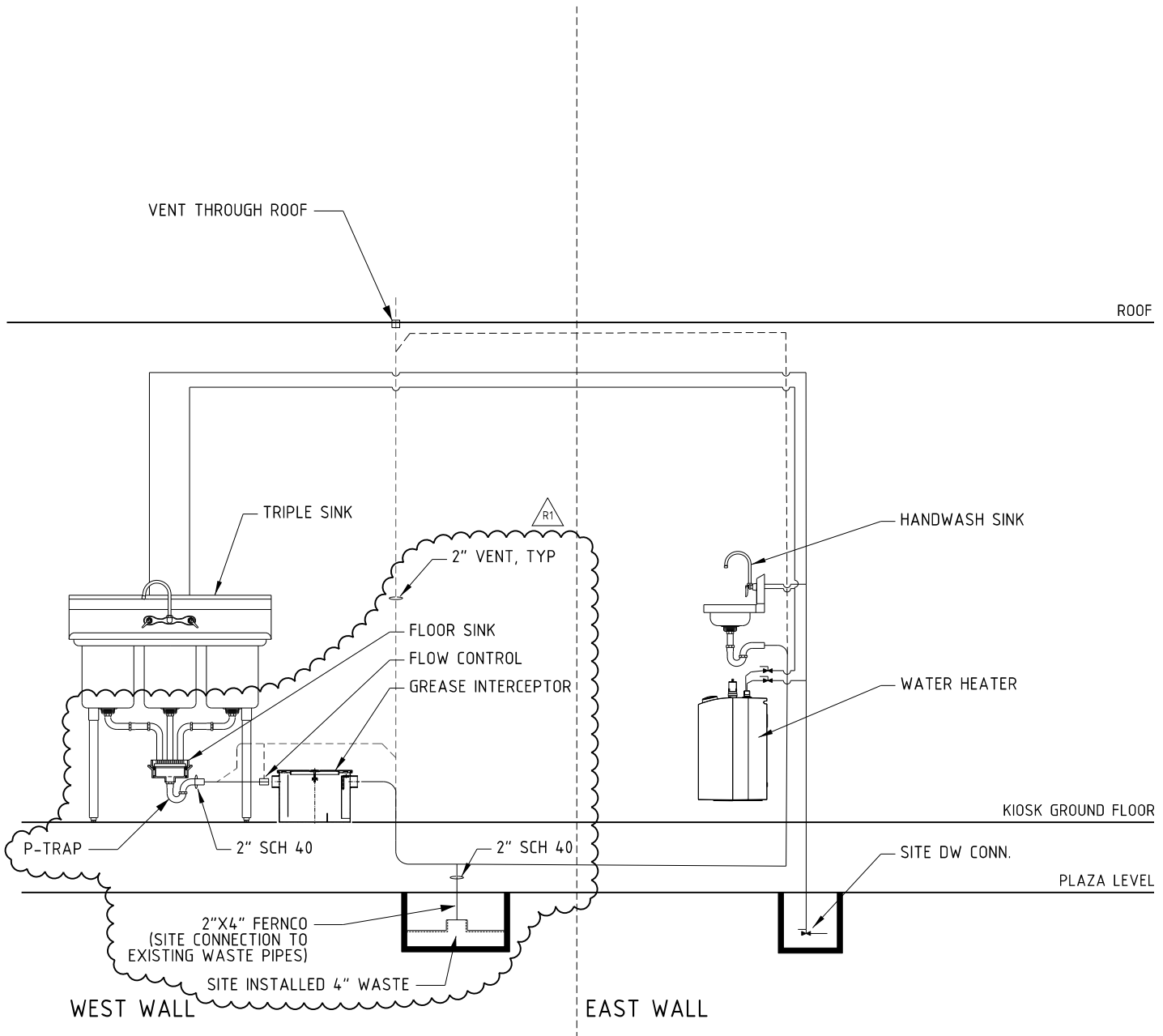


| MECHANICAL EQUIPMENT SCHEDULE |                      |                     |         |        |               |     |
|-------------------------------|----------------------|---------------------|---------|--------|---------------|-----|
| ITEM TAG                      | MODEL NUMBER         | DESCRIPTION         | VOLTAGE | F.L.A. | HP            | CFM |
| EF-1                          | THOR KITCHEN TRH2406 | EXHAUST HOOD        | 120V    | 3      | $\frac{1}{2}$ | 500 |
| AC-1                          | BLUERIDGE BMKH18MCC  | CEILING AC CASSETTE | 208V    | 5      | 1.4           | N/A |
| AC-2                          | BLUERIDGE BMKH18MCC  | CEILING AC CASSETTE | 208V    | 5      | 1.4           | N/A |
| OU-1                          | BLUERIDGE BMM18C     | OUTDOOR UNIT        | 208V    | 18     | 5             | N/A |

| PLUMBING EQUIPMENT SCHEDULE |                       |                         |         |        |     |                |
|-----------------------------|-----------------------|-------------------------|---------|--------|-----|----------------|
| ITEM TAG                    | MODEL NUMBER          | DESCRIPTION             | VOLTAGE | F.L.A. | HP  | GPH / CAPACITY |
| K                           | REGENCY 600S31014X    | TRIPLE COMPARTMENT SINK | N/A     | N/A    | N/A | N/A            |
| L                           | STEELETON 522HS1216S  | HANDWASH SINK           | N/A     | N/A    | N/A | N/A            |
| P                           | STIEBEL ELTRON 235089 | WATER HEATER            | 120     | 11.3   | N/A | 6GAL           |
| Q                           | ZURN GT700-4          | 14# GREASE INTERCEPTOR  | N/A     | N/A    | N/A | 4GPM           |



HVAC RISER DETAIL



PLUMBING RISER DETAIL



| ELECTRICAL SYMBOLS |                                      |  |                                                      |
|--------------------|--------------------------------------|--|------------------------------------------------------|
|                    | DUPLEX RECEPTACLE 18" AFF UON        |  | ELECTRIC LOCK                                        |
|                    | DOUBLE DUPLEX RECEPTACLE 18" AFF UON |  | MOTOR LOCATION                                       |
|                    | GFCI RECEPTACLE 18" AFF UON          |  | ELECTRICAL PANEL                                     |
|                    | SPECIAL RECEPTACLE (SEE NEMA #)      |  | HOME-RUN TO PANEL<br>(PP= PANEL NAME; # = CIRCUIT #) |
|                    | WALL-MOUNTED J-BOX (SEE HEIGHT AFF)  |  |                                                      |
|                    | SINGLE POLE SWITCH                   |  | TEMPERATURE CONTROL                                  |
|                    | MOTOR CONTROL SWITCH                 |  | PHOTOCELL SWITCH                                     |
|                    | RAISE / LOWER SWITCH                 |  | CEILING MOUNTED SMOKE DETECTOR                       |

E  
ELECTRICAL

| ITEM NUMBER | EQUIPMENT LIST             | PLUG TYPE | ITEM NUMBER | EQUIPMENT LIST       | PLUG TYPE |
|-------------|----------------------------|-----------|-------------|----------------------|-----------|
| A           | COUNTERTOP STEAMER         | J-BOX     | I           | REACH-IN FREEZER     | 5-15      |
| B           | 2 BURNER ELECTRIC HOTPLATE | J-BOX     | J           | UNDERCOUNTER FREEZER | 5-15      |
| C           | RANGE HOOD                 | J-BOX     | M           | ESPRESSO MACHINE     | J-BOX     |
| D           | FOOD WARMER                | 5-15      | N           | ESPRESSO GRINDER     | 5-15      |
| E           | SOUP WARMER                | 5-15      | O           | DRIP BREWER          | 5-15      |
| G           | UNDERCOUNTER FRIDGE        | 5-15      | P           | WATER HEATER         | 5-15      |
| H           | REACH-IN FRIDGE            | 5-15      |             |                      |           |

DESIGN-BUILD  
**RENZ + E** | WADE AND LETA  
STUDIO SEO  
HARRIS STRUCTURAL ENGINEERING  
ADDRESS  
50 MEADOW ST. BROOKLYN NY 11206

PROJECT NUMBER  
2308CHP  
CLIENT  
BURLINGTON CEDO

PROJECT NAME  
CITY HALL PARK KIOSK  
PROJECT ADDRESS  
CITY HALL PARK, BURLINGTON, VT 05401

DRAWING TITLE  
ELECTRICAL PLAN - FIRST FLOOR  
DATE  
3/6/2024  
SCALE  
1/2" = 1'-0"

DRAWING NO.  
E-100.0

|                |    | 208Y/120V                                                                                                 |             |      |      |             |      |           |      |                 |      |           |      |             |                                                                                                                   | BUS: 200 AMP |                    |  |   |                  |  |  |  |
|----------------|----|-----------------------------------------------------------------------------------------------------------|-------------|------|------|-------------|------|-----------|------|-----------------|------|-----------|------|-------------|-------------------------------------------------------------------------------------------------------------------|--------------|--------------------|--|---|------------------|--|--|--|
|                |    | BURLINGTON CHP KIOSK                                                                                      |             |      |      | 3Ø-4W       |      |           |      | <div>PP-1</div> |      |           |      |             |                                                                                                                   |              |                    |  |   | MAIN: 200 AMP CB |  |  |  |
| ITEM<br>NUMBER |    | LOAD SERVED                                                                                               | WIRE SIZE   | TRIP | POLE | LOAD IN kVA |      |           |      |                 |      | POLE      | TRIP | WIRE SIZE   | LOAD SERVED                                                                                                       |              | ITEM<br>NUMBE<br>R |  |   |                  |  |  |  |
|                |    |                                                                                                           |             |      |      | ØA          |      | ØB        |      | ØC              |      |           |      |             |                                                                                                                   |              |                    |  |   |                  |  |  |  |
| A              | 1  | COUNTERTOP STEAMER                                                                                        | 3#8+G - BX  | 30   | 3    | 3.58        | 2.35 |           |      |                 |      | 2         | 30   | 3#8+G - BX  | ESPRESSO MACHINE                                                                                                  | 2            | M                  |  |   |                  |  |  |  |
|                |    |                                                                                                           |             |      |      |             | 3.58 | 2.35      |      |                 | 4    |           |      |             |                                                                                                                   |              |                    |  |   |                  |  |  |  |
|                |    |                                                                                                           |             |      |      | 5           |      |           |      |                 | 3.58 |           |      |             |                                                                                                                   | 2.71         |                    |  | 6 | O                |  |  |  |
| P              | 7  | WATER HEATER                                                                                              | 2#12+G - BX | 20   | 1    | 1.36        | 2.71 |           |      |                 |      | 2         | 30   | 3#8+G - BX  | DRIP BREWER                                                                                                       | 8            |                    |  |   |                  |  |  |  |
| B              | 9  | 2-BURNER HOTPLATE                                                                                         | 3#8+G - BX  | 30   | 2    |             |      | 2.26      | 1.87 |                 |      | 2         | 25   | 3#8+G - BX  | MINI-SPLIT HVAC UNIT                                                                                              | 10           |                    |  |   |                  |  |  |  |
|                | 11 |                                                                                                           |             |      |      |             |      |           | 2.26 | 1.87            | 12   |           |      |             |                                                                                                                   |              |                    |  |   |                  |  |  |  |
| C              | 13 | RANGE HOOD                                                                                                | 2#12+G - BX | 20   | 1    | 0.6         | 2.26 |           |      |                 |      | 2         | 30   | 3#8+G - BX  | 2-BURNER HOTPLATE                                                                                                 | 14           | B                  |  |   |                  |  |  |  |
|                | 15 | ROLL-UP DOOR                                                                                              | 2#12+G - BX | 20   | 1    |             |      | 0.42      | 2.26 |                 |      |           |      |             |                                                                                                                   | 16           |                    |  |   |                  |  |  |  |
|                | 17 | P.O.S. SYSTEM                                                                                             | 2#12+G - BX | 20   | 1    |             |      |           |      | 1.6             | 0.6  | 1         | 20   | 2#12+G - BX | FOOD WARMER                                                                                                       | 18           | D                  |  |   |                  |  |  |  |
| G              | 19 | UC REFRIGERATOR                                                                                           | 2#12+G - BX | 20   | 1    | 0.62        | 0.34 |           |      |                 |      | 1         | 20   | 2#12+G - BX | SOUP WARMER                                                                                                       | 20           | E                  |  |   |                  |  |  |  |
| J              | 21 | UC FREEZER                                                                                                | 2#12+G - BX | 20   | 1    |             |      | 0.16      | 0.84 |                 |      | 1         | 20   | 2#12+G - BX | ESPRESSO GRINDER                                                                                                  | 22           | N                  |  |   |                  |  |  |  |
|                | 23 | INTERIOR LIGHTING                                                                                         | 2#12+G - BX | 20   | 1    |             |      |           |      | 0.24            | 0.18 | 1         | 20   | 2#12+G - BX | UPRIGHT REACH-IN FRIDGE                                                                                           | 24           | H                  |  |   |                  |  |  |  |
|                | 25 | EXTERIOR DOWNLIGHTS  | 2#12+G - BX | 20   | 1    | 0.18        | 0.18 |           |      |                 |      | 1         | 20   | 2#12+G - BX | UPRIGHT REACH-IN FREEZER                                                                                          | 26           | I                  |  |   |                  |  |  |  |
|                | 27 | OUTLETS                                                                                                   | 2#12+G - BX | 20   | 1    |             |      | 0.18      | 0.18 |                 |      | 1         | 20   | 2#12+G - BX | EXTERIOR LIGHTING LED STRIP  | 28           |                    |  |   |                  |  |  |  |
|                | 29 | OUTLETS                                                                                                   | 2#12+G - BX | 20   | 1    |             |      |           |      | 0.18            | 0.18 | 1         | 20   | 2#12+G - BX | OUTLETS                                                                                                           | 30           |                    |  |   |                  |  |  |  |
|                | 31 | OUTLETS                                                                                                   | 2#12+G - BX | 20   | 1    | 0.18        | 0.18 |           |      |                 |      | 1         | 20   | 2#12+G - BX | OUTLETS                                                                                                           | 32           |                    |  |   |                  |  |  |  |
|                | 33 | OUTLETS                                                                                                   | 2#12+G - BX | 20   | 1    |             |      | 0.18      | 0.18 |                 |      | 1         | 20   | 2#12+G - BX | OUTLETS                                                                                                           | 34           |                    |  |   |                  |  |  |  |
|                | 35 | OUTLETS                                                                                                   | 2#12+G - BX | 20   | 1    |             |      |           |      | 0.18            | 0.18 | 1         | 20   | 2#12+G - BX | OUTLETS                                                                                                           | 36           |                    |  |   |                  |  |  |  |
|                | 37 | SPARE                                                                                                     |             | 20   | 1    | 0           | 0    |           |      |                 |      | 1         | 20   |             | SPARE                                                                                                             | 38           |                    |  |   |                  |  |  |  |
|                | 39 | SPARE                                                                                                     |             | 20   | 1    |             |      | 0         | 0    |                 |      | 1         | 20   |             | SPARE                                                                                                             | 40           |                    |  |   |                  |  |  |  |
|                | 41 | SPARE                                                                                                     |             | 20   | 1    |             |      |           |      | 0               | 0    | 1         | 20   |             | SPARE                                                                                                             | 42           |                    |  |   |                  |  |  |  |
| LOAD PER PHASE |    |                                                                                                           |             |      |      | 14.54       |      | 14.46     |      | 13.76           |      |           |      |             |                                                                                                                   |              |                    |  |   |                  |  |  |  |
| TOTAL:         |    |                                                                                                           |             |      |      |             |      | 42.76 kVA |      |                 |      | ~168 AMPS |      |             |                                                                                                                   |              |                    |  |   |                  |  |  |  |



**Exhibit D:**  
**City Hall Park As-Built Drawing, 2021**



This shop drawing represents S.D. Ireland's interpretation of the architects plans and specifications as well as our contract requirements for this project.

Prior to manufacture and production from this drawing all; dimensions, methods of construction, and existing conditions must be checked, revised and approved by S.D. Ireland's client.

|                                                                                       |                         |
|---------------------------------------------------------------------------------------|-------------------------|
|    | Storm                   |
|    | Sewer                   |
|    | Water                   |
|    | Electrical              |
|    | Communications          |
|    | Existing Utilities      |
|    | Yard Drain              |
|    | Sewer Structure         |
|    | Water Shutoff           |
|   | Communications Handhole |
|  | Electrical Handhole     |
|  | Light Pole Base         |
|  | Catch Basin             |
|                                                                                       |                         |

Approval

The undersigned has reviewed this drawing and is returning it to S.D. Ireland with the following approval for fabrication & shipment;

- ☐ Approved
- ☐ Approved as Noted
- ☐ Approved as Noted (Resubmit for Record)
- ☐ Revise and Resubmit

By: \_\_\_\_\_  
Date: \_\_\_\_\_ (Signature)

By: \_\_\_\_\_ (Please Print)

Company

\* Please note that revisions may affect pricing and lead times.

| Rev. | Date | By | Description |
|------|------|----|-------------|
|      |      |    |             |
|      |      |    |             |
|      |      |    |             |

Project Name: City Hall Park

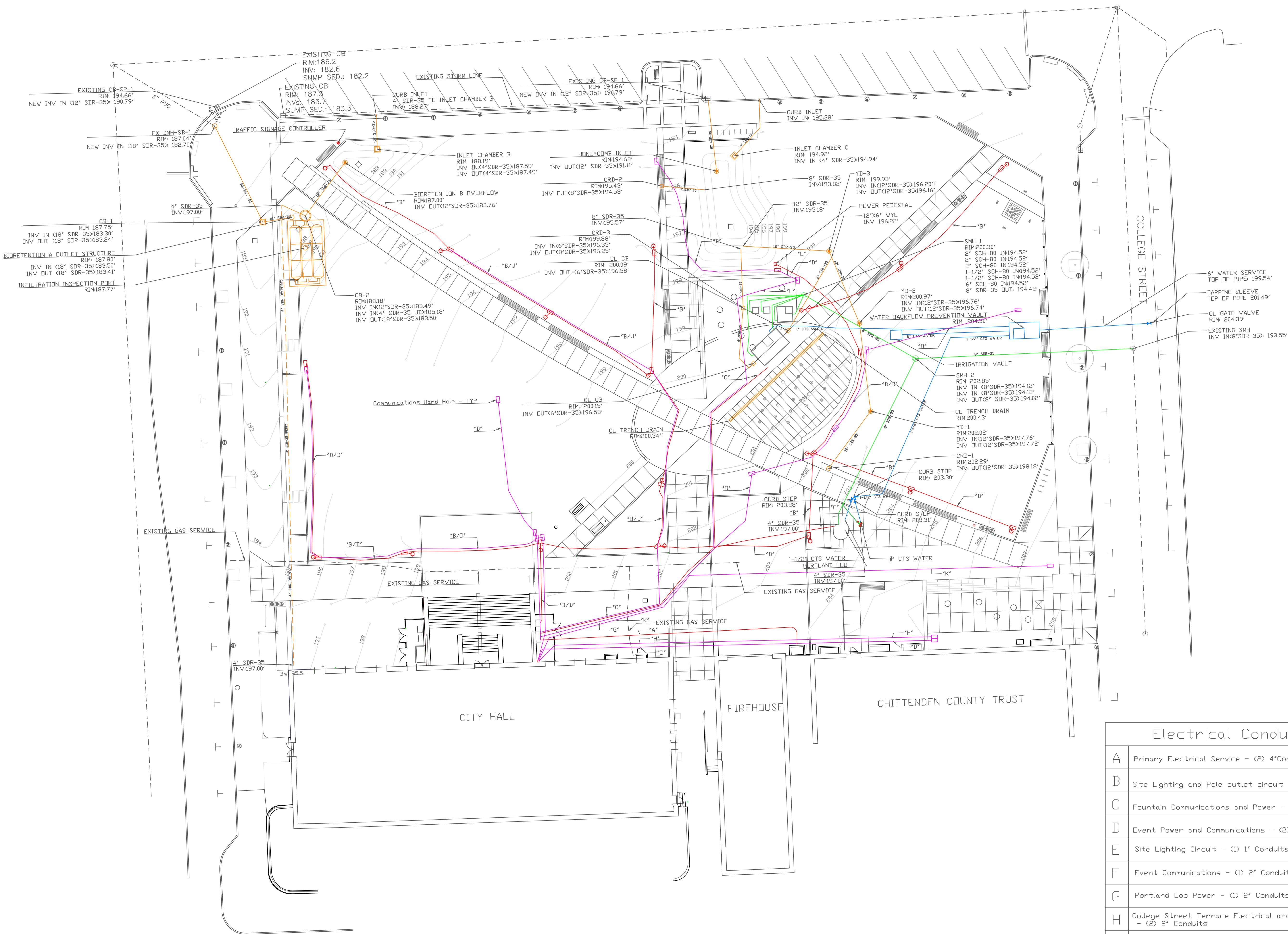
Project Location Burlington, VT

Drawing title: Civil Asbuilt

|        |     |       |        |
|--------|-----|-------|--------|
| Job #: | 565 | Date: | 2.4.21 |
|--------|-----|-------|--------|

|               |         |
|---------------|---------|
| Scale: 1"=20' | Page: 1 |
|---------------|---------|

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|   |                                                                                     |
|---|-------------------------------------------------------------------------------------|
| A | Primary Electrical Service - (2) 4" Conduits                                        |
| B | Site Lighting and Pole outlet circuit - (2) 1" Conduits                             |
| C | Fountain Communications and Power - (4) 4" Conduits                                 |
| D | Event Power and Communications - (2) 1.5" Conduits                                  |
| E | Site Lighting Circuit - (1) 1" Conduits                                             |
| F | Event Communications - (1) 2" Conduits                                              |
| G | Portland Loo Power - (1) 2" Conduits                                                |
| H | College Street Terrace Electrical and Future Kiosk Communications - (2) 2" Conduits |
| I | Event Power Circuit - (1) 1.5" Conduits                                             |
| J | Wifi Router Feed - (1) 2" Conduits                                                  |
| K | Burlington Telecom Communications Service - (2) 2" Conduits                         |
| L | 50 Amp Service Feed - (1) 2" Conduits                                               |

## **Exhibit E:**

### **Site Photos: Existing Conditions and 2020 Park Construction**

















Chemical Tanks Plumbing (below location of Kiosk)





Connection to SMH #1





Backfilling



Nozzle Plumbing, Tanks, and Structures





Nozzle Plumbing



Wi-Fi Conduit to NW Ellipse LPB

**Attachment B:**  
**Contractor's Bid Form dated April 26, 2024**

**Brothers Corporation**

April 26, 2024

Zachary Nersinger  
Senior Projects & Policy Specialist for Community Works  
Community & Economic Development Office (CEDO)  
Email: [znersinger@burlingtonvt.gov](mailto:znersinger@burlingtonvt.gov)

Re: Letter of Interest  
Site Work and Utility Connections for the City Hall Park Kiosk

Dear Zachary,

We are writing to express our interest in the Site Work and Utility Connections for the City Hall Park Kiosk project in Burlington, VT.

We have reviewed the project documents and believe that our expertise and dedication will be a valuable asset to achieving another successful and high-quality project for the City of Burlington.

Thank you for considering us as your construction partner and we look forward to the opportunity of working with you.

Please feel free to contact us at your convenience.

Sincerely,



Scott D. Ireland  
President

## **BID FORM**

**PROJECT: CITY HALL PARK KIOSK SITE WORK (CITY OF BURLINGTON, VT)**

|                                               |                                                  |
|-----------------------------------------------|--------------------------------------------------|
| Contractor: <u>S.D. Ireland Brothers Corp</u> | Address: <u>P.O. Box 2286</u>                    |
| Contact: <u>Tyson Chouinard</u>               | City/State/ZIP: <u>South Burlington, VT 0540</u> |
| Email: <u>tchouinard@sdireland.com</u>        | Telephone: <u>802-863-6222</u>                   |
| Estimated Start Date: <u>5/6/2024</u>         | Estimated End Date: <u>5/28/2024</u>             |

**Contract Documents:** In compliance with your Advertisement for Bids, BIDDER hereby proposes to perform all WORK for the *City Hall Park Kiosk project* in strict accordance with the CONTRACT DOCUMENTS, within the time set forth therein, and at the prices stated below.

**Independence of the Bid:** By submission of this BID, each BIDDER certifies, and in the case of a joint BID each party thereto certifies as to its own organization, that this BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

**Project Time:** BIDDER hereby agrees to commence WORK under this contract on or before a date to be specified in the NOTICE TO PROCEED and to fully complete the PROJECT within the date of Substantial Completion as set forth in the Contract Documents.

**Bid Duration:** This Bid shall be good for 60 days from time of opening.

### **BASE BID**

The Bidder acknowledges the inclusion of the following items with this bid:

- **Exhibit A: Contractor's Scope of Work: Plans and Specification**
- **Exhibit B: Draft Contract**
- **Exhibit C: Burlington Standard Contract Conditions**
- **Exhibit D: Burlington Livable Wage Ordinance Certification**
- **Exhibit E: Burlington Union Deterrence Ordinance Certification**
- **Exhibit F: Kiosk Construction Documents**

**NOTE:** This project is TAX EXEMPT. Prices quoted shall not include sales tax.

**Base Bid:**

| ITEM            | UNIT     | SUBTOTAL     |
|-----------------|----------|--------------|
| Kiosk Site Work | Lump Sum | \$197,500.00 |

**Add Alternates:**

| ITEM                                                                              | UNIT     | SUBTOTAL    |
|-----------------------------------------------------------------------------------|----------|-------------|
| Power Pedestal & Conduit for Event Power (C1.1)                                   | Lump Sum | \$10,000.00 |
| 2 Inch Conduit for Data/Internet from Existing Communications Ground Vault (C1.0) | Lump Sum | \$10,000.00 |

**Contractor Name:** S.D. Ireland Brothers Corporation

**Signature:** 

**Date:** 4/25/24

Certification of Compliance with the City of Burlington's Outsourcing Ordinance

I, Scott D. Ireland, on behalf of  
S.D. Ireland Brothers Corporation (Contractor) and in connection with the  
City Hall Park Kiosk Site Work  
[project], hereby certify under oath that (1) Contractor shall comply with the City of  
Burlington's Outsourcing Ordinance (Ordinance §§ 21-90 – 21-93); (2) as a condition of entering  
into this contract or grant, Contractor confirms that the services provided under the above-  
referenced contract will be performed in the United States or Canada.

Dated at Williston, Vermont this 25 day of April, 2024

By:   
Duly Authorized Agent Scott D. Ireland, President

Subscribed and sworn to before me:   
Notary Exp. 1/31/25  
157.0009953



**Brothers Corporation****Site Work and Utility Connections for the City Hall Park Kiosk**

S.D. Ireland Brothers Corporation has been in business since 1995 and has extensive experience in all aspects of site related work ranging from \$25,000 jobs to \$10,000,000 jobs. Owners, Scott and Stephen Ireland have been successfully running S.D. Ireland Companies since the early 1980's. With over 150 pieces of late model Caterpillar heavy construction equipment and a highly trained and experienced workforce, S.D. Ireland Brothers welcomes all challenges in the heavy construction industry.

Work History:

1. S. D. Ireland Brothers Corporation was the General Contractor on the City Hall Park Reconstruction project. The project began on 7/19/19 and was completed on 10/16/20.

Client: City of Burlington Dept. of Public Works 645 Pine St, Suite A Burlington, VT

2. S. D. Ireland Brothers Corporation was the General Contractor on the St. Paul Street Improvements project. The project began in August 2019 and was completed in December 2019.

Client: City of Burlington Dept. of Public Works 645 Pine St, Suite A Burlington, VT

3. S.D. Ireland Brothers is currently working on the City Place project in Burlington, VT. This project has been ongoing since August of 2022 and is expected to be completed by 2026.

Client: City Place Partners, LLC 110 Main Street, Suite 2B Burlington, VT 05401

## Kerri Germain

---

**From:** Kerri Germain  
**Sent:** Friday, April 12, 2024 2:41 PM  
**To:** Larry Lackey  
**Cc:** Scott Ireland; John Magnus  
**Subject:** S.D. Ireland Prequalification Applications  
**Attachments:** CONCRETE Prequalification Submission 4.12.24.pdf; BROTHERS Prequalification Submission 4.12.24.pdf

Good afternoon Larry,  
Please see the attached City of Burlington Prequalification Applications for S.D. Ireland Brothers and S.D. Ireland Concrete. If you have any questions, please feel free to reach out to Scott Ireland.  
Thank you,  
Kerri

Kerri L. Germain  
*Office Manager*



P.O. Box 2286  
South Burlington, VT 05407  
Ph: 802-863-6222 Ext. 292

Check us out online at [www.sdireland.com](http://www.sdireland.com)



## BURLINGTON INTERNATIONAL AIRPORT

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Burlington International Airport  
1200 Airport Drive, Suite 1  
South Burlington, VT 05403

April 16, 2023

S.D. Ireland Brothers Corporation  
P.O. Box 2286  
So. Burlington, VT 05407

RE: Prequalification of Construction Contracts Application  
with the City of Burlington, Vermont

S.D. Ireland Brothers Corporation:

After review of your Prequalification of Construction Contractors Application, your company is considered QUALIFIED to bid projects for the City of Burlington and Burlington International Airport within your company's field of services and financial capabilities. This Prequalification is valid for a period of one year and will expire on April 15, 2024.

Please note that all projects in excess of \$15,000 at the Airport are subject to the City of Burlington Livable Wage Rates, and those receiving Federal funding are also subject to Davis Bacon Wage Rates. These will be provided with the Request for Proposal for the specific projects. Also, if you have not submitted your complete financial statement package at this time (CPA approved), you will be required to do so prior to executing any work contracts with the Airport.

Bid Requests and information on future projects will be available on the State business website ([www.vermontbidsystem.com](http://www.vermontbidsystem.com)), Works in Progress (20 Farrell Street, South Burlington, VT 05403), and the Airport website ([www.btv.aero](http://www.btv.aero)).

If you have any questions, please give me a call at 802-863-2874.

Thank you for your interest in Burlington International Airport.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nic Longo", is written over a faint, circular blue stamp or watermark.

Nic Longo, Director of Aviation

**Attachment C:**  
**Burlington Standard Contract Provisions For Contractors**

**ATTACHMENT C:  
BURLINGTON STANDARD CONTRACT CONDITIONS  
FOR CONSTRUCTION CONTRACTORS**

1. **REGISTRATION:** The Contractor agrees to be registered with the Vermont Secretary of State's office as a business entity doing business in the State of Vermont at all times this contract is effective. This registration must be complete prior to contract execution.
2. **INSURANCE & INDEMNIFICATION:** The insurance and indemnification provisions set forth in Attachment C-1 are incorporated by this reference as though fully set forth. Any provisions of this Contract for indemnification, defense, release of liability, or warranty, shall survive termination hereof.
3. **CONFLICT OF INTEREST:** The Contractor shall disclose in writing to the City any actual or potential conflicts of interest or any appearance of a conflict of interest by the Contractor, its employees or agents, or its subcontractors, if any.
4. **PERSONNEL REQUIREMENTS AND CONDITIONS:** A Contractor shall employ only qualified personnel with responsible authority to supervise the work. The City shall have the right to approve or disapprove key personnel assigned to administer activities related to the Contract.

Except with the approval of the City, during the life of the Contract, the Contractor shall not employ:

1. Any City employees who are directly involved with the awarding, administration, monitoring, or performance of the Contract or any project(s) that are the subjects of the Contract.
2. Any City employees so involved within one (1) year of termination of employment with the City.

The Contractor warrants that no company or person has been employed or retained (other than a bona fide employee working solely for the Contractor) to solicit or secure this Contract, and that no company or person has been paid or has a contract with the Contractor to be paid, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the Contract. For breach or violation of this warranty, the City shall have the right to annul the Contract, without liability to the City, and to regain all costs incurred by the City in the performance of the Contract.

The City reserves the right to require removal of any person employed by a Contractor from work related to the Contract, for misconduct, incompetence, or negligence, in the opinion of the City, in the due and proper performance of Contractor's duties, or who neglects or refuses to comply with the requirements of the Contract.

5. **PERFORMANCE:** Contractor warrants that performance of Work will conform to the requirements of this Contract. Contractor shall use that degree of ordinary care and reasonable diligence that an experienced and qualified provider of similar services would use acting in like circumstances and experience in such matters and in accordance with the standards, practices and procedures established by Contractor for its own business.
6. **RESPONSIBILITY FOR SUPERVISION:** The Contractor shall assume primary responsibility for general supervision of Contractor employees and any subcontractors for all work performed under the Contract and shall be solely responsible for all procedures, methods of analysis, interpretation, conclusions, and contents of work performed under the Contract. The Contractor shall be responsible to the City for all acts or omissions of its subcontractors and any other person performing work under this Contract.
7. **INSPECTION OF WORK:** The City shall, at all times, have access to the Contractor's work for the purposes of inspection, accounting, and auditing, and the Contractor shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Contractor 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 Contractor pursuant to the Contract, as well as any preparatory work, work-in-progress, or completed work at a field site.

Conferences, visits to a site, or an inspection of the work, may be held at the request of any involved party or by representatives of the City.

8. **UTILITIES & ACCESS:** Whenever a facility or component of a private, public, or cooperatively-owned utility will be affected by any proposed construction, the Contractor will counsel with the City and will enter into any necessary contacts and discussions with the affected owners regarding any requirement necessary for revisions of facilities or existing installations, both above and below ground. Any such installations must be completely and accurately exhibited on any detail sheets or plans. The Contractor shall inform the City, in writing, of any such contacts and the results thereof.

The City shall provide the land and/or construction easements for the land upon which the Work under this Contract is to be done, and will, so far as is convenient, permit the Contractor to use as much of the land as is required for the erection of temporary construction facilities and storage of materials, together with the right of access to same, but beyond this, the Contractor shall provide at the Contractor's cost and expense any additional land required.

## 9. **PROTECTION OF PROPERTY:**

- A. **In General:** Contractor shall avoid damage, as a result of its operations, to trees, plant life, existing sidewalks, curbs, streets, alleys, pavements, utilities, adjoining property, the work of other contractors, and the property of the City and others. Contractor shall, at its own expense, repair any damage to any property caused by Contractor's operations.

B. Underpinning and Shoring: Contractor shall become familiar with the requirements of local and state laws applicable to underpinning, shoring and other work affecting adjoining property, and wherever required by law Contractor shall shore up, brace, underpin, secure and protect as may be necessary all foundations and other parts of existing structures adjacent to, adjoining, and in the vicinity of the site, which may be affected in any way by the excavations or other operations connected with the work to be performed under this Contract.

C. Damage to Utilities: Contractor shall be responsible for all damage to any utility equipment or structures caused by its acts or omissions to act, whether negligent or otherwise, and shall leave the utility equipment or structures in as good condition as they were in prior to the commencement of operations under this contract. However, any utility equipment or structures damaged as a result of any act, or omission to act, of the contractor may, at the option of the city department, utility company, or other party owning or operating the utility equipment or structures damaged, be repaired by the city department, utility company, or other party, and in that event, the cost of repairs shall be borne by Contractor.

**10. PUBLIC RELATIONS:** Throughout the performance of the Contract, the Contractor will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Contractor shall conduct themselves with propriety. The Contractor agrees to inform property owners and/or tenants, in a timely manner, if there is need for entering upon private property as an agent of the City, in accordance with 19 V.S.A. § 35 and §.503, to accomplish the work under the Contract. The Contractor agrees that any work will be done with minimum damage to the property and disturbance to the owner. Upon request of the Contractor, the City shall furnish a letter of introduction to property owners soliciting their cooperation and explaining that the Contractor is acting as an agent of the City.

**11. ACKNOWLEDGEMENTS:** Acknowledgment of the City's support must be included in any and all publications, renderings and project publicity, including audio/visual materials developed under this contract.

**12. APPEARANCES:**

A. Hearings and Conferences: The Contractor shall provide services required by the City and necessary for furtherance of any work covered under the Contract. These services shall include appropriate representation at design conferences, public gatherings and hearings, and appearances before any legislative body, commission, board, or court, to justify, explain and defend its contractual services covered under the Contract.

The Contractor shall perform any liaison that the City deems necessary for the furtherance of the work and participate in conferences with the City, at any reasonable time, concerning interpretation and evaluation of all aspects covered under the Contract.

The Contractor further agrees to participate in meetings with the City and any other



interested or affected participant, for the purpose of review or resolution of any conflicts pertaining to the Contract.

The Contractor shall be equitably paid for such services and for any reasonable expenses incurred in relation thereto in accordance with the Contract.

- B. Appearance as Witness:** If and when required by the City, the Contractor, or an appropriate representative, shall prepare and appear for any litigation concerning any relevant project or related contract, on behalf of the City. The Contractor shall be equitably paid, to the extent permitted by law, for such services and for any reasonable expenses incurred in relation thereto, in accordance with the Contract.

**13. RESPONSIBILITY OF COST:** The Contractor shall furnish and pay the cost, including taxes (except tax-exempt entities) and all applicable fees, of all the necessary materials and shall furnish and pay for full time on-site superintendence during any construction activity, labor, tools, equipment, and transportation. The Contractor shall perform all the Work required for the construction of all items listed and itemized under Attachment A (Request for Proposals) and Attachment B (Contractor's Response to Request for Proposals) and in strict accordance with the Contract Documents and any amendments thereto and any approved supplemental plans and specifications. The Contractor agrees to pay all claims for labor, materials, services and supplies and agrees to allow no such charge, including no mechanic's lien, to be fixed on the property of the City.

**14. PAYMENT PROCEDURES:** The City shall pay or cause to be paid to the Contractor or the Contractor's legal representative payments in accordance with the Contract. When applicable, for the type of payment specified in the Contract, a progress report shall summarize actual costs and any earned portion of fixed fee. All payments will be made in reliance upon the accuracy of all representations made by the Contractor, whether in invoices, progress reports, emails, or other proof of work.

All invoices and correspondence shall indicate the applicable project name, project number and the Contract number. When relevant, the invoice shall further be broken down in detail between projects.

When applicable, for the type of payment specified in the Contract, expenses for meals and travel shall be limited to the current approved in-state rates, as determined by the State of Vermont's labor contract, and need not be receipted. All other expenses are subject to approval by the City and must be accompanied by documentation to substantiate their charges.

No approval given or payment made under the Contract shall be conclusive evidence of the performance of the Contract, either wholly or in part, and no payment shall be construed to be acceptance of defective work or improper materials.

The City agrees to pay the Contractor and the Contractor agrees to accept as full compensation, for performance of all services rendered and expenses encompassed in conformance therewith, the fee specified in the Contract.

**15. DUTY TO INFORM CITY OF CONTRACT DOCUMENT ERRORS:** If Contractor knows, or has reasonable cause to believe, that a clearly identifiable error or omission exists in the Contract Documents, including but not limited to unit prices and rate calculations, Contractor shall immediately give the City written notice thereof. Contractor shall not cause or permit any Work to be conducted which may relate to the error or omission without first receiving written notice by the City that City representatives understand the possible error or omission and have approved of modifications to the Contract Documents or that Contractor may proceed without any modification being made to Contract Documents.

**16. NON-APPROPRIATION:** The obligations of the City under this Contract are subject to annual appropriation by the Burlington City Council. If no funds or insufficient funds are appropriated or budgeted to support continuation of payments due under this Contract, the Contract shall terminate automatically on the first day of the fiscal year for which funds have not been appropriated. The Parties understand and agree that the obligations of the City to make payments under this Contract shall constitute a current expense of the City and shall not be construed to be a debt or a pledge of the credit of the City. The decision whether or not to budget and appropriate funds during each fiscal year of the City is within the discretion of the Mayor and City Council of the City. The City shall deliver written notice to Contractor as soon as practicable of any non-appropriation, and Contractor shall not be entitled to any payment or compensation of any kind for work performed after the City has delivered written notice of non-appropriation.

**17. CHANGE ORDERS & AMENDMENTS:** No changes or amendments to the Contract shall be effective unless documented in writing and signed by authorized representatives of the City and the Contractor. All changes affecting the Project's construction cost, length of time, or modifications of the terms or conditions of the Contract, must be authorized by means of a written Contract Change Order which is mutually agreed to by the City and Contractor. The Contract Change Order will include extra Work, Work for which quantities have been altered from those shown in the Bid Schedule, as well as decreases or increases in the quantities of installed units from those shown in the Bid Schedule because of final measurements. All changes must be recorded on a Contract Change Order (which form is part of these Contract Documents) and fully executed before they can be included in a partial payment estimate. Changes for Work, quantities, and/or conditions will include any respective time adjustment, if justified. Time adjustments will require an updated Project Schedule with the Change Order.

**18. EXTENSION OF TIME:** The Contractor agrees to prosecute the work continuously and diligently, and no charges or claims for damages shall be made by the Contractor for delays or hindrances, from any cause whatsoever, during the progress of any portion of services specified in the Contract. The Contractor may request an extension of time for such delays or hindrances, if any.

Time extensions may be granted by amendment only for excusable delays, such as delays beyond the control of the Contractor and without the fault or negligence of the Contractor.

The City may suspend the work or any portion thereof for a period of not more than ninety

(90) days at its discretion or such further time as agreed by the Contractor. The Contractor will be allowed an extension of contract time directly attributable to any suspension.

## **19. PUBLIC HEALTH EMERGENCY:**

- A. Compliance with Mandates and Guidance:** The Contractor is advised that public health emergencies—meaning public health emergencies, as declared by the City, the State of Vermont, or the Federal Government—may introduce significant uncertainty into the project. The Contractor must comply with all local, state, federal orders, directives, regulations, guidance, advisories during a public health emergency. Contractor shall adhere to the below provisions and consider public health emergencies as it develops project schedules and advances the Work.
- B. Creation of Public Health Emergency Plan:** For any work performed on-site at a City location, the Contractor shall create a public health emergency plan acceptable to the City. The Contractor shall be responsible for following this plan and ensuring that the project or site is stable and in a safe and maintainable condition.
- a. **Public Health Emergency Plan:** The Public Health Emergency Plan will contain:
    - i. Measures to manage risk and mitigate potential impacts to the health and safety of the public, the City and Contractor's workers;
    - ii. Explicit reference to any health and safety performance standards and mandates provided by the City, the State of Vermont, the Federal government, or other relevant governmental entities;
    - iii. A schedule for possible updates to the plan as standards and mandates change; and
    - iv. Means to adjust the schedule and sequence of work should the emergency change in nature or duration.
  - b. **Review and Acceptance of Plan:**
    - i. Contractor must provide the plan to the City by the Effective Date of this Contract or by one (1) week prior to the commencement of on-site activities, whichever is later.
    - ii. The City shall have sole discretion to require changes to the plan.
    - iii. The City may revisit the plan at any time to verify compliance with obligations that arise under a state of emergency.
- C. Enforcement & Stoppage of Work:** Contractor fails to comply with either 1) the approved public health emergency plan, or 2) any local, state, federal orders, directives, regulations, guidance, or advisories during a public health emergency, the City may stop Work under the Contract until such failure is corrected. Such failure to comply shall constitute a breach of the Contract.

Upon stoppage of work, the City may allow Work to resume, at a time determined by the City, under this Contract if such failure to comply is adequately corrected. The City shall have sole discretion in determining if Contractor has adequately corrected its failure to comply with the above.

If Contractor's breach of Contract has not been cured within seven (7) days after notice to stop Work from the City, then City may terminate this Contract, at its discretion.

- D. City Liability Relating to Potential Delays:** If a public health emergency is declared, the City will not be responsible for any delays related to the sequence of operations or any expenses or losses incurred as a result of any delays. Any delays related to a public health emergency will be excusable, but will not be compensable.

**20. FORCE MAJEURE:** Neither Party to this Contract shall be liable to the other for any failure or delay of performance of any obligation under this Contract to the extent the failure or delay is caused by acts of God, public health emergencies, epidemics, acts of the public enemy, acts of superior governmental authority, weather conditions, riots, rebellion, sabotage, or any other circumstances for which it is not responsible or which is not under its control ("Force Majeure"). To assert Force Majeure, the nonperforming party must prove that a) it made all reasonable efforts to remove, eliminate, or minimize the cause of delay or damage, b) diligently pursued performance of its obligations, c) substantially fulfilled all obligations that could be fulfilled, and d) timely notified the other part of the likelihood or actual occurrence of a Force Majeure event. If any such causes for delay are of such magnitude as to prevent the complete performance of the Contract within two (2) years of the originally scheduled completion date, either Party may by written notice request to amend or terminate the Contract. The suspension of any obligations under this section shall not cause the term of this Contract to be extended and shall not affect any rights accrued under this Contract prior to the occurrence of the Force Majeure. The Party giving notice of the Force Majeure shall also give notice of its cessation.

**21. PAYMENT FOR EXTRA WORK, ADDITIONAL SERVICES OR CHANGES:** The City may, in writing, require or agree to changes, or additions to or deletions from the originally contemplated scope of work.

The value of such changes, to the extent not reflected in other payments to the Contractor, shall be incorporated in an amendment and be determined by mutual agreement, by one or more of the following:

1. Fixed Price. By a price that is not subject to any adjustment on the basis of the Contractor's expenses experienced in performing the work. The Contractor is fully responsible for all costs and resulting profit or loss.
2. Rate Schedule. By unit prices designated in the Contract, or by unit prices covered under any subsequent contracts.

3. Actual Cost. By amounts determined on the basis of actual costs incurred, as distinguished from forecasted expenditures.

No changes for which additional fee payment is claimed shall be made unless pursuant to a written order from the City, and no claim for payment shall be valid unless so ordered.

The Contractor agrees to maintain complete and accurate records of all change work, in a form satisfactory to the City. The City reserves the right to audit the records of the Contractor related to any extra work or additional services. Any such services rendered shall be subject, in all other respects, to the terms of the Contract. When changes are so ordered, no additional work shall be performed by the Contractor until a Contract amendment has been fully executed, unless written notice to proceed is issued by the City. Any claim for extension of time that may be necessitated as a result of extra work or additional services and changes shall be given consideration and evaluated insofar as it directly relates to the change.

- 22. FAILURE TO COMPLY WITH TIME SCHEDULE:** If the City is dissatisfied because of slow progress or incompetence in the performance of the Work in accordance with the schedule for completion of the various aspects of construction, the City shall give the Contractor written notice in which the City shall specify in detail the cause of dissatisfaction. Should the Contractor fail or refuse to remedy the matters complained of within five days after the written notice is received by the Contractor, the City shall have the right to take control of the Work and either make good the deficiencies of the Contractor itself or direct the activities of the Contractor in doing so, employing such additional help as the City deems advisable. In such events, the City shall be entitled to collect from the Contractor any expenses in completing the Work. In addition, the City may withhold from the amount payable to the Contractor an amount approximately equal to any interest lost or charges incurred by the City for each calendar day that the Contractor is in default after the time of completion stipulated in the Contract Documents.
- 23. RETURN OF MATERIALS:** Contractor agrees that at the expiration or termination of this Contract, it shall return to City all materials provided to it during its engagement on behalf of City.
- 24. ACCEPTANCE OF FINAL PAYMENT; RELEASE:** Contractor's acceptance of the final payment shall be a release in full of all claims against the City or its agents arising out of or by reason of the Work. Any payment, however, final or otherwise, shall not release the Contractor or its sureties from any obligations under the Contract Documents or any performance or payment bond.
- 25. OWNERSHIP OF THE WORK:** The Contractor agrees that the ownership of all studies, data sheets, survey notes, subsoil information, drawings, tracings, estimates, specifications, proposals, diagrams, calculations, EDM and other material prepared or collected by the Contractor, hereafter referred to as "instruments of professional service", shall become the property of the City as they are prepared and/or developed in the course of the Contract. The Contractor agrees to allow the City access to all "instruments of professional service" at any

time. The Contractor shall not copyright any material originating under the Contract without prior written approval of the City. No publications or publicity of the work, in part or in total, shall be made without the express written agreement of the City, except that Contractor may in general terms use previously developed instruments of professional service to describe its abilities for a project in promotional materials.

- 26. PROPRIETARY RIGHTS:** The Parties under the Contract hereby mutually agree that, if patentable discoveries or inventions should result from work performed by the Contractor under the Contract, all rights accruing from such discoveries or inventions shall be the sole property of the Contractor. The Contractor, however, agrees to and does hereby grant to the City an irrevocable, nonexclusive, non-transferable, and royalty-free license to the manufacture, use, and disposition of any discovery or invention that may be developed as a part of the Work under the Contract.
- 27. PUBLIC RECORDS:** The Contractor understands that any and all records related to and acquired by the City, whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act and that the determination of how those records must be handled is solely within the purview of City. The Contractor shall identify all records that it considers to be trade secrets as that term is defined by subsection 317(c)(9) of the Vermont Public Records Act and shall also identify all other records it considers to be exempt under the Act. It is not sufficient to merely state generally that the record is proprietary or a trade secret or is otherwise exempt. Particular records, pages or section which are believed to be exempt must be specifically identified as such and must be separated from other records with a convincing explanation and rationale sufficient to justify each exemption from release consistent with Section 317 of Title 1 of the Vermont Statutes Annotated.
- 28. RECORDS RETENTION AND ACCESS:** The Contractor agrees to retain, in its files, and to produce to the City—within the time periods requested—all books, documents, electronic data media (EDM), accounting records, and other records produced or acquired by the Contractor in the performance of this Contract which are related to the City, at any time during this Contract and for a period of at least three (3) years after its completion or termination. In addition, if any audit, claim, or litigation is commenced before the expiration of that three (3) year period, the records shall be retained until all related audits, claims, or litigation are resolved. The Contractor further agrees that the City shall have access to all the above information for the purpose of review and audit during the Contract period and any time within the aforementioned retention period. Copies of all of the above referenced information shall be provided to the City, if requested, in the format in which the records were obtained, created, or maintained, such that their original use and purpose can be achieved. Contractor, subcontractors, or their representatives performing work related to the Contract, are responsible to ensure that all data and information created or stored on EDM is secure and can be duplicated and used if the EDM mechanism is subjected to power outage, obsolescence, or damage.
- 29. WARRANTY:** In addition to any warranty provided by the manufacturer or distributor, Contractor guarantees the Work performed, and all materials or equipment furnished, to be free from defects in material and workmanship for a minimum period of one (1) year from the date of the City's acceptance of completion. The Contractor's warranty is not intended and

shall not be interpreted as a limitation upon the City's rights or a waiver of manufacturer and distributor warranties, any subcontractor warranties, or any other warranties provided in connection with the Work.

Contractor, at its own expense, shall make any repairs, or replacement necessary to correct these defects to the satisfaction of the City.

This warranty of material and workmanship applies only:

1. To the property only as long as it remains in the possession of the City.
2. To the Work that has not been subject to accident, misuse, or abuse by someone other than the Contractor.
3. To the Work that has not been modified, altered, defaced, or had repairs made or attempted by someone other than the Contractor.
4. If the Contractor is immediately notified in writing within ten (10) days of first knowledge of the defect by the City.
5. If the Contractor is given the first opportunity to make any repairs, replacements, or corrections to the defective construction at no cost to the City within a reasonable period of time.

Under no circumstances shall Contractor be liable by virtue of this warranty or otherwise for damage to any person or property whatsoever for any special, indirect, secondary or consequential damages of any nature however arising out of the use or inability to use because of the construction defect.

If the Contractor is unable, after receipt of two (2) written notices given to Contractor by the City, to successfully repair or replace the labor, equipment, or materials within six (6) months of the second notice, then the District's repair and replace warranty shall be deemed to have failed and the City's rights and remedies shall not be limited by the provisions of this section.

**30. CONTRACT DISPUTES:** In the event of a dispute between the parties to this Contract, each party will continue to perform its obligations unless the Contract is terminated in accordance with these terms.

**31. SETTLEMENTS OF MISUNDERSTANDINGS:** Neither Party shall file any litigation arising from this Contract 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.



**32. CITY'S OPTION TO TERMINATE:** The Contract may be terminated in accordance with the following provisions, which are not exclusive:

A. Termination for Convenience: At any time prior to completion of services specified under the Contract, the City may terminate the Contract for any reason by submitting written notice via certified or registered mail to the Contractor, not less than fifteen (15) days prior to the termination date, of its intention to do so. If the termination is for the City's convenience, payment to the Contractor will be made promptly for the amount of any fees earned to the date of the notice of termination and costs of materials obtained in preparation for Work but not yet installed or delivered, less any payments previously made. However, if a notice of termination is given to a Contractor prior to completion of twenty (20) percent of the estimated services, as set forth in the approved Work Schedule and Progress Report, the Contractor will be reimbursed for that portion of any reasonable and necessary expenses incurred to date of the notice of termination that are in excess of the amount earned under its approved fee to the date of said termination. Such requests for reimbursement shall be supported with factual data and shall be subject to the City's approval. The Contractor shall make no claim for additional compensation against the City by reason of such termination.

B. Termination for Cause:

- i. Breach: Contractor shall be in default if Contractor fails in any manner to fully perform and carry out each and all conditions of this Contract, including, but not limited to, Contractor's failure to begin or to prosecute the Work in a timely manner or to make progress as to endanger performance of this Contract; failure to supply a sufficient number of properly skilled employees or a sufficient quantity of materials of proper quality; failure to perform the Work unsatisfactorily as determined by the City; failure to neglect or refuse to remove materials; or in the event of a breach of warranty with respect to any materials, workmanship, or performance guaranty. Contractor will not be in default for any excusable delays as provided in Sections 18-20.

The City may give Contractor written notice of such default. If Contractor does not cure such default or provide a plan to cure such default which is acceptable to the City within the time permitted by the City, then the City may terminate this contract for cause.

- ii. Dishonest Conduct: If Contractor engages in any dishonest conduct related to the performance or administration of this Contract then the City may immediately terminate this contract.
- iii. Cover: In the event the City terminates this contract as provided in this section, the City may procure, upon such terms and in such manner as the City may deem appropriate, services similar in scope and level of effort to those so terminated, and Contractor shall be liable to the City for all of its costs and

damages, including, but not limited to, any excess costs for such services, interest, or other charges the City incurs to cover.

- iv. Rights and Remedies Not Exclusive: The rights and remedies of the City provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

**33. GENERAL COMPLIANCE WITH LAWS:** The Contractor and any subcontractor approved under this Contract shall comply with all applicable Federal, State and local laws, including but not limited to the Burlington Livable Wage Ordinance, the Non-Outsourcing Ordinance, and the Union-Deterrence Ordinance and shall provide the required certifications attesting to compliance with these ordinances (see attached ordinances and certifications).

**34. SAFETY REQUIREMENTS:** The Contractor shall comply with all pertinent provisions of the Occupational Safety and Health Administration (OSHA) and any VOSHA (Vermont OSHA) Safety and Health requirements, including the provision and use of appropriate safety equipment and practices.

The Contractor, and not the City, shall be responsible for the safety, efficiency, and adequacy of Contractor's or its subcontractors' plant, appliances, equipment, vehicles, and methods, and for any damages, which may result from their failure or their improper construction, maintenance or operation.

**35. CIVIL RIGHTS AND EQUAL EMPLOYMENT OPPORTUNITY:** During performance of the Contract, the Contractor will not discriminate against any employee or applicant for employment because of 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. Contractor, and any subcontractors, shall comply with any Federal, State, or local law, statute, regulation, executive order, or rule that applies to it or the services to be provided under this contract concerning equal employment, fair employment practices, affirmative action, or prohibitions on discrimination or harassment in employment.

**36. CHILD SUPPORT PAYMENTS:** By signing the Contract, the Contractor certifies, as of the date of signing the Contract, that the Contractor (a) is not under an obligation to pay child support; or (b) is under such an obligation and is in good standing with respect to that obligation; or (c) has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan. If the Contractor is a sole proprietorship, the Contractor's statement applies only to the proprietor. If the Contractor is a partnership, the Contractor's statement applies to all general partners with a permanent residence in Vermont. If the Contractor is a corporation, this provision does not apply.

**37. TAX REQUIREMENTS:** By signing the Contract, the Contractor certifies, as required by law under 32 VSA, Section 3113, that under the pains and penalties of perjury, the Contractor is in good standing with respect to payment, or in full compliance with a plan to pay, any and all taxes due the State of Vermont as of the date of signature on the Contract.

**38. NO GIFTS OR GRATUITIES:** The Contractor shall not make any payment or gift or donation of substantial value to any elected official, officer, employee, or agent of the City during the term of this Contract.

**39. ASSIGNMENT:** Contractor shall not sublet or assign this Work, or any part of it, without the written consent of the City. If any subcontractor is approved, Contractor shall be responsible and liable for all acts or omissions of that subcontractor for any Work performed. If any subcontractor is approved, Contractor shall be responsible to ensure that the subcontractor is paid as agreed and that no lien is placed on any City property.

**40. TRANSFERS, SUBLETTING, ASSIGNMENTS, ETC:** Contractor shall not assign, sublet, or transfer any interest in the work, covered by this Contract, without prior written consent of the City and further, if any subcontractor participates in any work involving additional services, the estimated extent and cost of the contemplated work must receive prior written consent of the City. The approval or consent to assign or sublet any portion of the work, shall in no way relieve the Contractor of responsibility for the performance of that portion of the work so transferred. The form of the subcontractor's contract shall be as developed by the Contractor and approved by the City. The Contractor shall ensure that insurance coverage exists for any operations to be performed by any subcontractor as specified in the insurance requirements section of this Contract.

The services of the Contractor, to be performed under the Contract, shall not be transferred without written authorization of the City. Any authorized sub-contracts shall contain all of the same provisions contained in and attached to the original Contract with the City.

**41. CONTINUING OBLIGATIONS:** The Contractor agrees that if because of death, disability, or other occurrences, it becomes impossible to effectively perform its services in compliance with the Contract, neither the Contractor nor its surviving members shall be relieved of their obligations to complete the Contract unless the City agrees to terminate the Contract because it determines that the Contractor is unable to satisfactorily execute the Contract.

**42. INTERPRETATION & IMPLEMENTATION:** Provisions of the Contract shall be interpreted and implemented in a manner consistent with each other and using procedures that will achieve the intent of both Parties.

**43. ARM'S LENGTH:** This Contract has been negotiated at arm's length, and any ambiguity in any of its terms or provisions shall be interpreted in accordance with the intent of the Parties and not against or in favor of either the City or Contractor.

**44. RELATIONSHIP:** The Contractor is an independent contractor and shall act in an independent capacity and not as officers or employees of the City. To that end, the Contractor shall determine the method, details, and means of performing the work, but will comply with all legal requirements in doing so. The Contractor shall provide its own tools, materials, or equipment. The Parties agree that neither the Contractor nor its principal(s) or employees are entitled to any employee benefits from the City. Contractor understands and agrees that it and its

principal(s) or employees have no right to claim any benefits under the Burlington Employee Retirement System, the City's worker's compensation benefits, health insurance, dental insurance, life insurance, or any other employee benefit plan offered by the City. The Contractor agrees to execute any certifications or other documents and provide any certificates of insurance required by the City and understands that this Contract is conditioned on its doing so, if requested.

The Contractor understands and agrees that it is responsible for the payment of all taxes on the above sums and that the City will not withhold or pay for Social Security, Medicare, or other taxes or benefits or be responsible for any unemployment benefits.

- 45. CHOICE OF LAW:** Vermont law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Contract, notwithstanding conflicts of law principles. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. Any provision rendered null and void by operation of this provision shall not invalidate the remainder of this Contract to the extent capable of execution.
- 46. JURISDICTION:** All suits or actions related to this Contract shall be filed and proceedings held in the State of Vermont, notwithstanding any other law.
- 47. BINDING EFFECT AND CONTINUITY:** This Contract shall be binding upon and shall inure to the benefit of the Parties, their' respective heirs, successors, representatives, and assigns. If a dispute arises between the Parties, each Party will continue to perform its obligations under this Contract during the resolution of the dispute, until the Contract is terminated in accordance with its terms.
- 48. SEVERABILITY:** The invalidity or unenforceability of any provision of this Contract or the Contract Documents shall not affect the validity or enforceability of any other provision, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under this Contract in accordance with the intent of this Contract.
- 49. ENTIRE CONTRACT & AGREEMENT:** This Contract, including the Contract Documents, constitutes the entire Contract, agreement, and understanding of the Parties with respect to the subject matter of this Contract. Prior or contemporaneous additions, deletions, or other changes to this Contract shall not have any force or effect whatsoever, unless embodied herein.
- 50. APPENDICES:** The City may attach, to these specifications, appendices containing various forms and typical sample sheets for guidance and assistance to the Contractor in the performance of the work. It is understood, however, that such forms and samples may be modified, altered, and augmented from time to time by the City as occasions may require. It is the responsibility of the Contractor to ensure that they have the latest versions applicable to the Contract.

**51. NO THIRD PARTY BENEFICIARIES:** This Contract does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Contract 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 Contract are incidental to this Contract, and do not create any rights for such third parties.

**52. WAIVER:** Notwithstanding the passage of time, a Party's failure or delay in exercising any right, power, or privilege under this Contract, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

**Attachment C-1:**  
**Insurance and Indemnification**

## Attachment C-1 Insurance & Indemnification

**INSURANCE:** 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](http://www.ambest.com)). The certificate of insurance coverage shall be documented on forms acceptable to the City. Compliance with minimum limits and coverage, evidenced by a certificate of insurance showing policies and carriers that are acceptable to the City, must be received prior to the Effective Date of the Contract. If this Contract extends to more than one year, evidence of continuing coverage must be submitted to the City on an annual basis. Copies of any insurance policies may be required.

The Contractor is responsible to verify and confirm in writing to the City that: (i) all subcontractors must comply with the same insurance requirements as the Contractor; (ii) all work activities related to the Contract shall meet minimum coverage and limits; and (iii) all coverage shall include adequate protection for activities involving hazardous materials.

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. | Each Occurrence               | \$1,000,000 |
| 5. | Damage to Rented Premises     | \$ 250,000  |
| 6. | 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

For contracts involving work of any kind or nature on Lake Champlain, Workers' Compensation/Employer's Liability policy shall include a Maritime Endorsement (USL&H).

**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.

**D. Umbrella/Excess Liability:**

1. \$1,000,000 Each Event Limit
2. \$3,000,000 General Aggregate Limit
3. Umbrella/Excess Liability is excess above Commercial General Liability, Automobile Liability, and Workers' Compensation/Employer Liability.

All policies shall be endorsed to provide the City thirty (30) days' notice of cancellation. Each policy (except workers compensation/employers' liability) 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.

**INDEMNIFICATION:** Contractor shall hold harmless, indemnify, and defend the City and its officers, employees, agents, successors, and assigns (collectively, the "Indemnitees") from and against all claims, causes of action, lawsuits, damages, liabilities, liens, penalties, fines, and costs (including attorneys' fees and costs) of every kind and nature whatsoever (collectively, "Claims") arising from or relating to this Contract or Contractor's operations hereunder, excepting any Claims arising from the City's own gross negligence or willful misconduct. Contractor's indemnification and defense obligations shall survive termination of this Contract, and Contractor shall ensure that any subcontract for work under this Contract requires the subcontractor to satisfy the same indemnification and defense obligations in favor of the Indemnitees.

**Attachment D:**  
**Burlington Livable Wage Ordinance Certification**

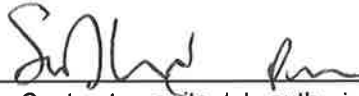
**Certification of Agreement to Comply with the City of Burlington's Livable Wage Ordinance**

I, Scott D. Ireland, on behalf of S.D. Ireland ("the Contractor"), in connection with a contract for City Hall Park Kiosk Site Work  
Ireland Brothers Corporation

services to be provided to the City of Burlington ("the City"), hereby certify, under oath, that the Contractor (and any of its subcontractors or subgrantees under this contract) shall comply with the City's Livable Wage Ordinance ("LWO"), B.C.O. 21-80 et seq., and that:

- (1) The Contractor shall pay all "covered employees" as defined by the LWO (including covered employees of subcontractors or subgrantees) a livable wage (as determined, or adjusted, annually by the City's chief administrative officer), and shall provide required paid time off for the term of the contract (*or the duration of the contracted project*);
  - (a) Full-time employees are entitled to 12 days of paid time off per year; and
  - (b) Part-time employees are entitled to 12 days of paid time off per year on a prorated basis;
  - (c) For a covered employer that provides employer assisted health care, the livable wage shall be at least \$17.44 per hour; and
  - (d) For a covered employer that does not provide employer assisted health care, the livable wage shall be at least \$18.59 per hour.
- (2) The Contractor shall post a notice regarding the applicability of the LWO in the workplace or in other locations where covered employees normally work, and where such notice can be readily seen;
- (3) Upon request of the City's chief administrative officer, the Contractor, for itself and, as applicable, for any of its subcontractors or subgrantees, shall provide payroll records, health insurance enrollment records, and other relevant documentation, as deemed necessary by the chief administrative officer, within ten (10) business days from receipt of the City's request;
- (4) The Contractor shall cooperate in any investigation conducted pursuant to the LWO by the City's designated accountability monitors or the City's Office of City Attorney & Corporate Counsel;
- (5) The Contractor shall not retaliate, nor allow any of its subcontractors or subgrantees to retaliate, against an employee or other person because such employee or person has exercised rights or is planning to exercise rights protected under the LWO, or has cooperated in an investigation conducted pursuant to the LWO;
- (6) The Contractor is required to insert in all subcontracts the requirements of the LWO. The Contractor is liable for violations of the LWO committed by its covered subcontractors.

Date: 4/25/24

By:   
Contractor, or its duly authorized agent  
Scott D. Ireland, President

Subscribed and sworn to before me:

Date: 4/25/24

  
Notary Public Exp. 1/31/25  
157.0009953

**Attachment E:**  
**Burlington Outsourcing Ordinance Certification**

Certification of Compliance with the City of Burlington's Outsourcing Ordinance

I, Scott D. Ireland, on behalf of  
S.D. Ireland Brothers Corporation (Contractor) and in connection with the  
City Hall Park Kiosk Site Work  
[project], hereby certify under oath that (1) Contractor shall comply with the City of  
Burlington's Outsourcing Ordinance (Ordinance §§ 21-90 – 21-93); (2) as a condition of entering  
into this contract or grant, Contractor confirms that the services provided under the above-  
referenced contract will be performed in the United States or Canada.

Dated at Williston, Vermont this 25 day of April, 2024

By:   
Duly Authorized Agent Scott D. Ireland, President

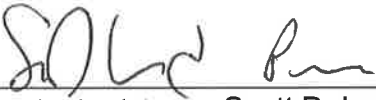
Subscribed and sworn to before me:   
Notary Exp. 1/31/25  
157.0009953

**Attachment F:**  
**Burlington Union Deterrence Ordinance Certification**

Certification of Compliance with the City of Burlington's  
Union Deterrence Ordinance

I, Scott D. Ireland, on behalf of S.D. Ireland Brothers Corporation  
(Contractor) and in connection with City Hall Park Kiosk Site Work (City  
contract/project/grant), hereby certify under oath that S.D. Ireland Brothers Corporation  
(Contractor) has not advised the conduct of any illegal activity, and it does not currently, nor will  
it over the life of the contract advertise or provide union deterrence services in violation of the  
City's union deterrence ordinance.

Dated at Williston, Vermont this 25 day of April, 2024

By:   
Duly Authorized Agent Scott D. Ireland, President

**Attachment G:**  
**Contractor's Certificate of Insurance & Endorsements**



## Resolution Relating to

**RESOLUTION** 7.10

Sponsor(s): Bd. Of Finance

Introduced: 05/01/23

Referred to: \_\_\_\_\_

Action: adopted

Date: 05/01/23

Signed by Mayor: 05/10/23

REQUEST FOR \$2 MILLION OF ARPA FUNDS TO BUILD  
OR IMPROVE COMMUNITY

**I**NFRASTRUCTURE/COMMUNITY GATHERING SPACES

## CITY OF BURLINGTON

In the year Two Thousand Twenty-Three .....

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

1 That WHEREAS, In the American Rescue Plan of 2021 (ARPA), Congress has allocated \$27.3 million to  
2 Burlington for COVID recovery funds; and

4 WHEREAS, those funds have been readily deployed in the past two years to address the pandemic  
5 response, revenue replacement, the economic recovery, housing and homelessness, and support of the City's  
6 non-profit organizations; and

8 WHEREAS, the City launched a citywide ARPA funds survey which has just under 4,000 respondents,  
9 including BIPOC community members, strongly supported community infrastructure to enjoy food, music,  
10 gathering and more; and

12 WHEREAS, Kara Alnasrawi, Director of Business & Workforce Development; Doreen Kraft, Director  
13 of Burlington City Arts; Cindi Wight, Director of Parks, Rec & Waterfront; Mary Danko, Director of Fletcher  
14 Free Library, and Brian Pine, Director of CEDO have worked to identify projects located throughout the City,  
15 which will improve existing, or building new, community spaces;

17 NOW, THEREFORE, BE IT RESOLVED that to improve and create, as described above and in the  
18 attached memo, City community infrastructure, the City Council approves the allocation of \$2 million of  
19 ARPA funds, subject to the approval of expenditures by the CAO pursuant to the City's spending policies, as  
20 follows:

- 21 · New North End
  - 22 ○ \$250,000, Redstone Cottage Community Space
  - 23 ○ \$50,000, Upgrades to Fletcher Free Library's Satellite Location
- 24 · Old North End
  - 25 ○ \$250,00, Roosevelt Park Pavilion
- 26 · South End
  - 27 ○ \$500,000, 405 Pine St. Community Room with Kitchen

\* \* \* \* \*

**DISTRIBUTION:**

I hereby certify that this resolution  
has been sent to the following  
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....  
.....  
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. .... Page .....

\* \* \* \* \*

**Resolution Relating to**

**REQUEST FOR \$2 MILLION OF ARPA FUNDS TO BUILD OR IMPROVE COMMUNITY  
INFRASTRUCTURE/COMMUNITY GATHERING SPACES**

- 28                                   · Downtown
- 29                                    ○ \$300,000, City Hall Park Kiosk
- 30                                   · Waterfront
- 31                                    ○ \$600,000, Expanded Waterworks Park Connections & Amenities
- 32                                   · Contingency
- 33                                    ○ \$50,000.

34

35

36

37 KA/Resolutions 2023/REQUEST FOR \$2 MILLION OF ARPA FUNDS TO BUILD OR IMPROVE COMMUNITY

38 INFRASTRUCTURE/COMMUNITY GATHERING SPACES

39 May 1, 2023

\* \* \* \* \*

**DISTRIBUTION:**

I hereby certify that this resolution  
has been sent to the following  
department(s) on

Kara Alnasrawi  
Samantha Dunn

\* \* \* \* \*

ORIGINAL

**RESOLUTION RELATING TO**

Request For \$2 Million Of ARPA Funds To Build Or Improve Community  
Infrastructure Community Gathering Spaces

**Adopted by the City Council**

May 1, 2023

Clerk

Approved: 5/10/23

Mayor

Vol. Page

Attest:

Lori Olberg  
Licensing, Voting & Records Coordinator

### Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Samantha Dunn  
 City Hall Park Kiosk Site Work Contract and ARPA Community Infrastructure budget  
 Title/Subject: neutral budget amendment

|                                     |                  |                               |
|-------------------------------------|------------------|-------------------------------|
|                                     | Approval:        | Meeting Date:                 |
| <input checked="" type="checkbox"/> | Board of Finance | 5/13/2024                     |
| <input checked="" type="checkbox"/> | City Council     | 5/20/2024                     |
| <input type="checkbox"/>            | 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      | 5/1/2024                      | Brian Pine<br>Kara Alnasrawi     |
| Mayor's Office informed and approved memo                                                             | Yes      | 5/7/2024                      | 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,<br>-Identify attorney in note    | Yes      | 5/2/2024                      | Erik Ramakrishnan                |
| City Attorney's Office has approved memo and motion(s) or resolution(s)<br>-Identify attorney in note | Yes      | 4/30/2024                     | Erik Ramakrishnan                |
| CAO has reviewed budget, financing, and memo                                                          | Yes      | 5/2/2024                      | Katherine Schad                  |
| Human Resources, if personnel action<br>-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?                      | Yes       | Click or tap here to enter text.                     |
| Additional Materials, if necessary                     | Yes       | May 1, 2023 ARPA Community Infrastructure Resolution |
| Draft Resolution or Motion?                            | Yes       | Within the memo                                      |
| If for submission to Council, are sponsors identified? | N/A       | Click or tap here to enter text.                     |

# City of Burlington

2024 Legislative Update

Volume 18-2024

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*Copies of Bills: Hyperlinked Below or Access the Legislative Website at [www.leg.state.vt.us](http://www.leg.state.vt.us)*

The Vermont General Assembly will meet this week for what may be the final week of this 2023-2024 Biennium. We are witnessing a flurry of activity reflective of the end of the session with bills going back-and-forth between the chambers, rules suspensions to move bills along quicker, and conference committees appointed and meeting to reconcile differences in House and Senate versions of bills.

The House held a token session on Saturday to advance the Calendar, and will meet today to get through as much of that Calendar as possible. The Senate will hold a token session today and meet as usual tomorrow morning. Several standing Committees are also scheduled to meet today and throughout the balance of the week as needed, or not. The agendas feature numerous “to be determined” to allow for flexibility and last-minute scheduling. We can expect some long days and nights ahead of us.

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 a location for a number of housing and emergency housing appropriations. The emergency housing provisions in the Budget Bill are an area of contention that need to be reconciled. H.687 passed the Senate last Friday and will now head into a conference committee.

**Emergency Housing/Homeless/General Assistance** – H.879 remains 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 continue to be funded.

**Housing/Act 250** – H.687 passed the Senate late last Friday and will now head into a conference committee to reconcile the many differences with the House-passed version. Both versions of the bill contain Act 250 reform or exemptions related to the same. The bill contains new, tiered designations that are intended to provide

flexibility and remove duplicative review. Tier 1A provides such an exemption for designated areas in municipalities that have such infrastructure and local zoning review. Mapping and rules related to implementation first needs to be done but Tier 1A areas can apply beginning in January 2026 and be granted exemptions for all development. The Senate bill also contains interim exemptions over the next three years to facilitate immediate housing construction. Interim exemptions include: all housing within downtowns until July 1, 2028; up to 75 units in new town centers, growth centers, and neighborhood development areas until July 1, 2028; up to 50 units within ¼ mile of village centers with zoning and in urbanized areas of 50,000 people near transit routes until July 1, 2028.

Education Finance/Property Taxes/Cloud Tax/Short-Term Rental Tax – The Senate Finance Committee voted late Friday on its [version of H.887](#), a bill setting the property tax rates and yields for the next year. Senate Appropriations has today recommended the bill as amended by Finance. It will now head to the Senate floor. The Finance Committee series of amendments correspond to an average increase of approximately 12.5% for homestead property tax bills, income education tax bills, and nonhomestead property tax bills. The amendments raise revenue by applying a sales tax for prewritten software accessed remotely (cloud tax), and a 3% surcharge on short-term rentals. The bill also contemplates use of \$25 million in one-time revenues that are coming in above forecast. The Finance version also helps reduce the overall increase by not including the House version to increase the property tax credit. Other provisions of the bill: repeal the suspension of the school budget ballot language requirement and amend the language; create an “Education Fund Advisory Committee” to monitor Vermont’s education finance system, conduct analyses, and make recommendations for the Education Fund; adjusts calculations regarding the application of the local common level of appraisal (CLA); and establishes an excess spending threshold for per pupil education spending in fiscal years 2026 and 2027 to be included in tax rate calculations (calculated as the statewide average per pupil spending in fiscal year 2025, increased for inflation, multiplied by 116%). This [summary from Joint Fiscal](#) describes the Finance version in more detail.

Rental Assistance/Housing/No Cause or Just Cause Evictions – The [House-passed H.829](#) remains pending in Senate Economic Development, Housing & General Affairs where action as a standalone bill is unlikely. The Senate is choosing to fund housing programs in the budget bill, H.883, and separate housing bill, H.687. The House 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. The Senate version of H.687 contains an Evictions Study Committee to review the causes of eviction in Vermont and propose legislation advancing eviction laws responsive to Vermont’s crises of housing and homelessness. Prior to passing H.687 last Friday, a floor amendment was offered in the Senate that would have allowed those municipalities that have passed charter changes prohibiting no cause evictions, such as Burlington, to PILOT that effort. The proposed amendment was ruled not germane to the bill and thus not considered by the Senate.

Burlington Charter Change/Just Cause Eviction – [H.474](#) was introduced last year and remains pending in House Government Operations with consideration unlikely. 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 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-passed S.58](#) is now on the Senate Calendar for consideration by the Senate of the House amendments to the bill. 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. There are [differences in the House and Senate versions](#), including regarding the selling or dispensing of regulated drugs, and unlawful drug activity in a dwelling.

Bail and Conditions of Release – The House has given preliminary approval to an [amended S.195](#) as recommended by House Judiciary. Final approval is expected early this week. The bill then heads back to the Senate for consideration of the differences, which are outlined in this [document from Legislative Counsel](#). 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 where committee hearings are scheduled for this Tuesday and Wednesday. 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 last week passed an [amended H.655](#). The bill is now on the House Calendar for consideration of those Senate amendments. 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 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 remains 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 – H.563 is heading into a committee of conference formed to reconcile the differences in the House and Senate versions. The [Senate-passed H.563](#) 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 continues to advocate for the more enhanced penalties.



Unserialized or “Ghost” Weapons – S.209 continues to go back-and-forth between the House and Senate with amendments. Then bill is currently on the House Calendar for consideration. The [House-passed S.209](#) includes a new 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 original 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. A main area of difference regards the penalties for violations. The [further Senate proposal of amendment](#) is intended to seek middle ground.

### **Substance Use, Prevention and Treatment**

Overdose Prevention Centers – H.72 is now on the House Calendar for consideration of the Senate amendments to the bill. The Senate passed the bill last week on a 21-8 vote, enough to override any veto from the Governor if that number holds. The Senate version contemplates one overdose prevention center 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 also contains intent language that says continued funding for the PILOT will continue to come from the opioid settlement funds. Lastly, the bill contains immunity provisions for the center and its staff, and from individuals for possession of drugs. The Senate clarified the immunity to make clear it was limited for that purpose and did not extend further, such as to civil violations outside of the center.

Declaring Drug Overdose Deaths a Public Health Emergency – A resolution in the Senate is being treated similar to a bill and was approved last Friday by the Senate Health & Welfare Committee. The bill is now on the Senate Calendar for consideration this week. [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 and House versions are the same 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 transportation appropriation bill, H.868, is in a conference committee formed to reconcile differences in the House and Senate versions. An agreement is expected early this week. The annual bill contains appropriations for transportation infrastructure, programs, administration, and modes of transportation, including public transit, aviation and rail. [Differences](#) include funding for public transit, municipal funding, electric vehicle fees, and EV charging infrastructure.

FY25 Public Transit Budget/GMT – The TBill referenced above contains funding for public transit and related programs. A few of the areas under disagreement and continued negotiation 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 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.

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. The budget conferees have agreed to the Senate proposal for an additional appropriation.

## **Climate**

Renewable Energy Standard – The full Senate late Friday gave preliminary approval to the [House-passed H.289](#) with an 18-8 vote, without any further amendment. Final approval is expected early this week. If no Senate amendments, the bill then heads to the Governor for consideration. 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 received preliminary approval by the House late last week on a 100-33 vote. Final consideration is expected early this week, whereupon the bill then heads back to the Senate. 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 recommended 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 – S.310 is now on the House Calendar for consideration this week. House Government Operations recommended [version of S.310](#) forms the basis of the bill. 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 [House Ways & Means amendments](#) are related to reporting, and coordination of efforts related to funding. 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 – S.213 passed the House late last week and will now be sent back to the Senate. The [House amendments](#) build on the [Senate-passed S.213](#). 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](#) has passed the House and is now pending in the Senate Government Operations Committee. A hearing is scheduled for Tuesday. 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 miscellaneous tax bill, H.546, is headed to a conference committee formed to reconcile differences. This is a miscellaneous tax bill originating from the Tax Department that contained mostly technical changes. Among its provisions, the [Senate version of H.546](#) 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 House voted late last week to concur with the [Senate-passed H.629](#). 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 – S.55 as [recommended by House Government Operations](#) is on the House Calendar for action early this week. Among its provisions, the bill requires any public body of the State, except advisory bodies, 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 two business days before the date of the meeting.

Study of County Government – S.159 is on the House Calendar for action early this week. The House Government Operations Committee has recommended to concur with the Senate-passed [S.159](#) with no further amendments. 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 recommendation to an [amended H.867](#) is pending in Senate Finance. 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 is not included as most committees have empty or incomplete agendas to accommodate the need to scheduled items as needed. In addition, many committees have stopped meeting regularly or have stopped meeting entirely. The week also features lengthy and sporadic floor sessions to address bills as they emerge from the other chamber, or from committees of conference.

# City of Burlington

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The Vermont General Assembly adjourned in the early morning hours this past Saturday, May 11, drawing the 2023-2024 Biennium to a close – for now. Legislative leaders have set June 17 and 18 as dates to return to Montpelier to address any bills vetoed by the Governor, of which we are expecting several.

This session was notable from the beginning because of the many challenges facing the Legislature. Those included: the State's recovery from flooding and other climate-related events; a continued housing crisis that is impacting several areas like affordability and availability, employer recruitment and retention, and rising numbers of homeless; public safety challenges related to crime and drug use; a challenging budget with the heady days of federal cash infusion behind us and a return to more normal budgeting; and above all else a looming property tax increase necessary to fund education that initially was estimated to be in excess of 20% but through the machinations of the Legislature is now projected to be just under 14% on average. The Legislature can head home knowing they passed several bills that addressed each of those areas, and laid the framework for continued action in the immediate future.

How the Governor responds to each of these bills is in question, of course. The partisan and policy divide between the Governor and the Democratic supermajorities in the Legislature was a constant throughout the session. The Governor used his weekly press conferences to chide the Legislature on legislative proposals and take his concerns to a broader audience of Vermonters. The Legislature, for its part, has the numbers to override the Governor's vetoes. The negotiations often occurred between the House and Senate with the voice of the Administration largely ignored. In past years, it was common for legislative leaders to parade in and out of the Governor's office to negotiate issues in the final days of the session. Not this year.

Later on the same day the Legislature adjourned, the Governor made official the widely-expected announcement he was seeking reelection to that office. His message indicated more work to be done, but also a plea to Vermonters to restore political balance in the Legislature. This sets the stage for an acrimonious campaign season ahead, but for now that can wait.

A number of bills and issues relevant to the City were still in play prior to adjournment. Here is a brief summary of their outcome. We will prepare a more comprehensive session summary in the days ahead once the dust settles and final versions of bills are prepared.

## **Housing**

**Budget Bill/Emergency Housing – PASSED** - The FY25 budget bill, [H.883](#), contains a number of housing and emergency housing appropriations. That includes



- \$7.5M GF for Emergency Housing in addition to a \$16.5M GF one-time appropriation and a \$20M GF contingent appropriation
- \$7.2M GF to the Department for Children and Families' (DCF) Office of Economic Opportunity for shelter bed expansion
- An additional \$753K to support programs for homeless youth
- A \$10M contingent appropriation for shelter beds and permanent supportive housing
- \$25.8M to DCF for the Housing Opportunity Grant Program (HOP)
- \$900K GF for the State Refugee Office to support transitional housing for refugees

A Senate proposal to cap the number of eligible for assistance during the winter months did not pass, but the eligibility criteria was tightened.

Emergency Housing/General Assistance – DID NOT PASS - H.879 did not emerge from 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 continue to be funded.

Housing/Act 250 – PASSED - H.687 is 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 an Evictions Study Committee created to review the causes of eviction in Vermont and propose legislation advancing eviction laws responsive to Vermont's crises of housing and homelessness. The bill contains new, tiered designations that are intended to provide flexibility and remove duplicative review. Tier 1A provides such an exemption for designated areas in municipalities that have such infrastructure and local zoning review. Mapping and rules related to implementation first needs to be done but Tier 1A areas can apply beginning in January 2026 and be granted exemptions for all development. The bill also contains interim exemptions over the next three years to facilitate immediate housing construction. The bill also contains several [tax provisions](#) aimed at new construction and rehabilitating properties for certain qualifying properties, allowing a temporary freeze of certain flood-impacted properties, property transfer tax amendments, and more.

Property Transfer Tax – PASSED – As referenced above, H.687 contains amendments to the property transfer tax. Those include increases in the minimum threshold before a tax is imposed, and a new 3.4% rate on transfers of: residential property that is fit for habitation on a year-round basis; will not be used as the principal residence of the transferee; and for which the transferee will not be required to provide a landlord certificate. Additional proceeds from the tax are used to support certain housing programs.

Education Finance/Property Taxes/Cloud Tax/Short-Term Rental Tax – 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 also contains a new tax that assesses a sales tax to purchases of prewritten software (the so-called “cloud tax”) raising about \$15 million; and another assessing 3.0% surcharge on short-term rentals raising about \$12 million. These taxes, fund transfers and a one-time infusion of \$25 million in General Funds, are intended to help to buy down the looming property tax increase needed to support education spending to just under 14% on average across all properties. The bill also contains a one-time increase in the property tax credit for certain taxpayers intended to mitigate the pending increase. Lastly, the bill creates the Commission on the Future of Public Education in Vermont to study and report back on education governance, funding needs, potential cost containment, and more

Rental Assistance/Housing/No Cause or Just Cause Evictions – DID NOT PASS - The [House-passed H.829](#) did not emerge from Senate Economic Development, Housing & General Affairs. The Senate chose to fund housing programs in the budget bill, H.883, and the housing bill, H.687. The House 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. The Senate version of H.687 contains an Evictions Study Committee to review the causes of eviction in Vermont and propose legislation advancing eviction laws responsive to Vermont’s crises of housing and homelessness.

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Housing Status Protected Class – DID NOT PASS - The House-passed and [amended H.132](#) did not emerge from Senate 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 – PASSED – [H.534](#) passed on the final day of the session. The compromise version is a hybrid of the Senate and House versions and contains a schedule of escalating penalties for retail theft and repeated violations. 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 – PASSED – [S.58](#) passed on the final day of the session. 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.

Bail and Conditions of Release – PASSED – S.195 passed on the final day of the session. 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 – DID NOT PASS - The Senate-passed [S.285](#) did not emerge from House Judiciary. The bill contained a series of amendments related to law enforcement interrogation.

Expungement and Sealing of Criminal History Records – PASSED – H.655 passed on the final day of the session. The bill was limited to direct the Chief Superior Judge, in consultation with the Attorney General, the Department of State’s Attorneys and Sheriffs, the Office of the Defender General, and the Department of Corrections, to examine and report back on the laws and procedures of other states regarding petitionless sealing of criminal history records and provide a recommendation to establish a mechanism for petitionless sealing and any resources required for the recommendation to be implemented.

Restorative Justice – PASSED – [H.645](#) 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 – PASSED - H.563 passed on the final day of the session. Then bill 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.

Unserialized or “Ghost” Weapons – PASSED – S.209 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 bill also prohibits firearms at polling places, and contains 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.

### **Substance Use, Prevention and Treatment**

Overdose Prevention Centers – PASSED - [H.72](#) passed the House and Senate and will now be sent to the Governor, where a veto is anticipated. The bill contemplates one overdose prevention center in Burlington and \$1.1 million in funding to come from [opioid settlement funds](#) with additional intent language that says continued funding for the PILOT will continue to come from the opioid settlement fund.. It also includes language recommended by the City to address trained professionals on site. Lastly, the bill contains immunity provisions for the center and its staff, and from individuals for possession of drugs, but such immunity is limited for that purpose and does not extend further, such as to civil violations outside of the center.

Declaring Drug Overdose Deaths a Public Health Emergency – DID NOT PASS – The Senate passed [J.R.S.44](#) in the final days of the session but not with enough time for the House to consider it. The resolution 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 – PASSED - The FY25 budget bill, [H.883](#), contains a number of appropriations related to public health, including:

- 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 – PASSED – [H.868](#) passed in the final days of the session and will next be sent to the Governor for consideration. The annual transportation appropriation bill contains appropriations for transportation infrastructure, programs, administration, and modes of transportation, including public transit, aviation and rail.

FY25 Public Transit Budget/GMT – PASSED - The TBill referenced above contains funding for public transit and related programs. A few of the areas negotiated in conference include:

- Redirecting \$1.1 million from transit in federal carbon reduction moneys to be used for EV infrastructure. The remaining \$5.9 million in carbon reduction funds remains in transit for Mobility and Transportation Initiatives (MTI) capital (likely EV Sprinters or the like).
- A study of broader transportation revenues and alternatives to the existing sources of revenue. (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 \$630,000 to GMT as one-time bridge funding, contingent on a number of factors.

GMT Funding – PASSED – As referenced above, H.868 appropriates \$630,000 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 – PASSED - The FY25 Budget Bill, H.883, contains appropriations related to Medicaid transportation services. The bill includes an additional \$1.3 million in FY25 funding to address shortfalls in the FY24 budget experienced by transit agencies providing Non-Emergency Medicaid Transportation (NEMT) services, 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. Finally, the bill appropriates an additional \$1.3 million in FY25 base appropriations and beyond for NEMT services.

## **Climate**

Renewable Energy Standard – PASSED – [H.289](#) passed the House and Senate and will now be sent to the Governor, where a potential veto looms. 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 – PASSED - S.259 passed the House and Senate and will now be sent to the Governor for consideration. The 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 – PASSED - S.310 passed the House and Senate and will now be sent to the Governor for consideration. 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 with funding to come in part from 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 – PASSED - S.213 passed the House and Senate and will now be sent to the Governor for consideration. 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 – PASSED - [H.881](#) has passed the House and Senate and will now be sent to the Governor 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 – PASSED - [H.546](#) is the miscellaneous tax bill originating from the Tax Department that contained mostly technical changes. A negotiated amendment 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, but subject to five per year at the discretion of the Tax Department. A House proposal 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 DID NOT PASS.

Municipal Tax Abatement and Tax Sales – PASSED – [H.629](#) passed and was delivered to the Governor on May 7 for consideration. 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 – PASSED - [S.55](#) requires any public body of the State, except advisory bodies, 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 two business days before the date of the meeting.

Study of County Government – PASSED - [S.159](#) passed the House and Senate and will now be sent to the Governor for consideration. 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 – PASSED – [H.867](#) passed the House and Senate and will now be sent to the Governor for consideration. The 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.

State and Municipal Code of Ethics – PASSED – H.875 passed the House and Senate and will now be sent to the Governor for consideration. 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.



Lori Olberg

FOR INFORMATION ONLY

**From:** Vermont Department of Housing and Community Development  
<accd.cpr@vermont.gov>  
**Sent:** Monday, May 6, 2024 9:13 AM  
**To:** Lori Olberg  
**Subject:** Flood Recovery Symposium Dates and Locations

You don't often get email from accd.cpr@vermont.gov. [Learn why this is important](#)

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AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT

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Department of Housing and Community Development

## Symposium Details Set

The Vermont Flood Recovery and the Federal Emergency Management Agency (FEMA) are presenting a series of [Flood Recovery Symposiums](#) featuring in-person workshops and opportunities to engage federal agencies, state programs, and other supporting organizations to support flood recovery for your municipality, business, or nonprofit. These representatives can speak with you about your situation, offer tips on how to navigate the system, and combine resources across agencies to help get your projects done.

### June 4, 2024 South - Stratton Mountain Resort

5 Village Lodge Rd., Stratton Mountain, VT 05155

[Info and registration for Flood Recovery South](#)

### June 5, 2024 North - Vermont State University

337 College Hill, Johnson, VT 05656

[Info and registration for Flood Recovery North](#)

### June 6, 2024 Central - Vermont State House

115 State St. Montpelier, VT 05633

[Info and registration for Flood Recovery Central](#)

# FOR INFORMATION ONLY

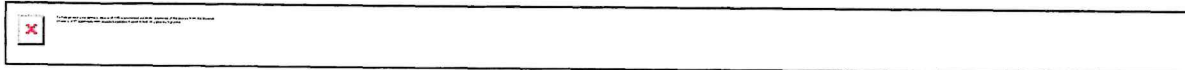
Lori Olberg

**From:** VLCT Weekly Legislative Report <info@vlct.org>  
**Sent:** Monday, May 6, 2024 11:32 AM  
**To:** Lori Olberg  
**Subject:** Reminder: May 3, 2024

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additional text, please  
contact the City Clerk's Office

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[Click here to view this email as a web page.](#)



Bills continue to progress at a rapid rate as we approach the last week (we hope) of the session. Read more about what happened this week in today's [Weekly Legislative Report](#).

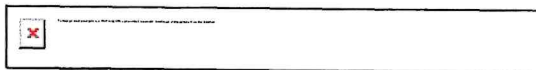
Don't miss our latest advocacy update to [Municipal Capacity, Revenue, and Governance](#), which includes:

- [Tax Abatement and Tax Sales](#)
- [Statewide Authorization for Municipal Local Option Tax](#)
- [Changes to Open Meeting Law](#) a must-pass bill due to remote or electronic meeting authorization expiring June 30, 2024

#### Opportunities for input:

- [Contact the H.546 Conference Committee](#) about statewide authorization for local option tax
- [Provide Input](#) on VLCT's 2025/26 Municipal Policy

[Read the Weekly Legislative Report](#)



#### Join Us for the Next Chat!

We will share the latest status of 2024 legislation in our last regular-session 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 even this late in the season!

Stay tuned to vlct.org for the date of our 2024 session wrap-up chat.

[Register](#)

Lori Olberg

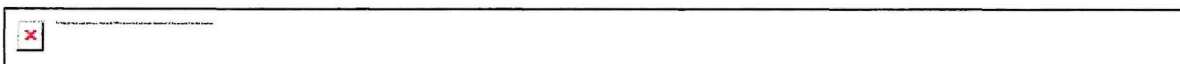
FOR INFORMATION ONLY

**From:** VLCT Events & Training <info@vlct.org>  
**Sent:** Tuesday, May 14, 2024 7:35 AM  
**To:** Lori Olberg  
**Subject:** Spring Zoning & Development Review Forum

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[View as a webpage.](#)



This forum will have two main components. Law clerks from the Environmental Division of Vermont's Superior Court will explain many practical aspects of how the E-Court operates, best practices for local boards to write effective decisions, and recent case law affecting municipal zoning appeals. In addition, VLCT's Advocacy staff will explain the status of current legislation relating to local zoning and development.

#### **Behind the Bench: Insights into Municipal Zoning Appeals**

The law clerks from the Environmental Division of the Superior Court will address an array of topics including how cases work through the court system, recent case law regarding municipal zoning appeals, and best practices for Development Review Boards and Zoning Boards of Adjustment in writing effective decisions.

#### *Presenters*

Zach Handelman, Law Clerk, Vermont Superior Court, Environmental Division  
Lizzie Filosa-Leonardi, Staff Attorney, Vermont Superior Court, Environmental Division

#### **2024 Legislative Wrap-Up**

#### *Presenters*

Ted Brady, Executive Director, VLCT  
Josh Hanford, Director of Intergovernmental Relations, VLCT

**REGISTER**

**May 30, 2024  
9 AM to 12 PM**

**Cost to Attend**  
\$10 PACIF  
\$48 VLCT

Vt. League of Cities & Towns | 89 Main St., Suite 4, Montpelier, VT 05602

[Unsubscribe lolberg@burlingtonvt.gov](mailto:Unsubscribe_lolberg@burlingtonvt.gov)

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# CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

## An Ordinance in Relation to

AN UPDATE TO CHAPTER 23, PEDDLERS AND  
SOLICITORS, TO ACCOMMODATE BURLINGTONIANS  
AND VISITORS ON JUNE 15, 2024

ORDINANCE \_\_\_\_\_  
Sponsor: License Committee  
Public Hearing Dates: \_\_\_\_\_  
\_\_\_\_\_  
First reading: \_\_\_\_\_  
Referred to: \_\_\_\_\_  
Rules suspended and placed in all  
stages of passage: \_\_\_\_\_  
Second reading: \_\_\_\_\_  
Action: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective: \_\_\_\_\_

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Chapter 23, Peddlers and Solicitors, of the Code of Ordinances of the City of Burlington be and hereby is amended to add the following:

### 23-17 Special 12 Hour Peddler License for June 15, 2024

**Purpose.** Burlington is celebrating its annual Juneteenth Celebration commemorating the emancipation of enslaved persons in the United States. A large number of visitors, residents, performers, and vendors are anticipated to participate in various events concentrated in the downtown core. To ensure sufficient amenities are available to Burlingtonians and our visitors, and to promote and highlight vendors with racial and cultural ties to the Celebration, the provisions of this article shall be temporarily amended as follows:

- (a) A special 12-hour peddler license may be issued for June 15, 2024, from the hours of 11AM-11PM authorizing peddling at any location throughout the city as permitted by Section 23-15 and designated for peddling by the City's Director of the Racial Equity, Inclusion, and Belonging Office pursuant to Sub-Section 23-16(e), provided that the provisions of Section 23-6(a)(1)(d) related to peddling in and around city parks shall remain in place.
- (b) The application requirements for 12-hour peddler certificates set forth in Section 23-15(c)(3)(b) shall apply to all applicants seeking a special 12-hour peddler license, except that applicants seeking to peddle in and around city parks, including City Hall Park, shall also obtain authorization from the Parks Commission. This shall be notwithstanding the use of the term "marketplace" throughout Section 23-15 and shall be understood to mean all applicants seeking a special 24-hour peddler license pursuant to this Section.
- (c) The combined application and license fee for a special 12-hour peddler license shall be one – hundred dollars (\$100). The city may also require that peddlers selling food pay the deposit required by Section 23-6(d)(3). This fee and deposit requirements shall apply regardless of a peddler's location.
- (d) All applications for special 12-hour peddler licenses shall be submitted to and subject to final review by the Department of Burlington City Arts. Upon receipt of a satisfactorily completed application, the requisite fee, and proof of insurance as required by Section 23-3(h), the Burlington City Arts staff shall issue the special 12-hour peddler license, as long as space is available as provided under this Section, and provided further that the applicant is not in violation of any applicable provision of this



Code. Any denial of a special 12-hour peddler license shall be a final determination and there shall be no administrative appeal.

- (e) The Director of Racial Equity, Inclusion, and Belonging may designate any number of peddler sites throughout the city, including those eligible for vehicle endorsement, and any restrictions set forth herein on how far peddlers must be from each other, or a business selling similar produce or wares, may be waived. Such designations shall be submitted to the Department of Burlington City Arts forthwith for processing of applications received pursuant to this Section.
- (f) The Director of Racial Equity, Inclusion, and Belonging may in their discretion, as needed to safely and efficiently designate peddling locations as outlined herein or otherwise carry on the business of June 15, 2024 within the City in the same manner, temporarily suspend any provision enumerated in Section 23-11, excepting that relating to discharge of grease, ash, or refuse onto any street or sidewalk.
- (g) Peddlers that receive a special 12-hour peddler license may request a vehicle endorsement that authorizes the placement of a vehicle on a city street or right-of-way, regardless of the peddler's location. If a vehicle for which an endorsement is requested exceeds thirty (30) feet in length, the Department of Burlington City Arts may only issue such endorsement after consultation with the Department of Public Works and a determination that the vehicle will not impede the free flow of safe pedestrian, vehicle, or emergency personnel passage.
- (h) A peddler that has already received a peddler license or certificate under this Article may peddle on June 15, 2024 to the extent permitted by their existing license or certificate without having to apply for a separate special 12-hour peddler license.
- (i) Except as set forth in this Section, all other requirements of this Article shall apply to peddlers granted a special 12-hour peddler license.
- (j) This Section shall sunset in its entirety and be stricken from the Code of Ordinances effective June 16, 2024.

\*Material underlined added.



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## MEMORANDUM

**Date:** May 20, 2024  
**To:** Burlington City Council

**From:** Katie Greene, Community and Belonging Program Manager  
**CC:** Christian Berry, Communications and Community Engagement Manager and  
Kerin Durfee, Acting REIB Director

**Re:** **Time-Limited Update to the Peddlers' Ordinance to Accommodate the  
Juneteenth 2024 Celebration**

---

### Request

The Office of Racial Equity, Inclusion, and Belonging (REIB) is seeking approval and authorization from the City Council to update the Peddlers' Ordinance for Saturday, June 15, 2024 to allow for food trucks and other vendors to peddle in the downtown core in connection with the Juneteenth Celebration. This request has been reviewed and recommended by the License Committee at their May meeting.

### Background

We formally request a waiver of the Food Truck Ordinance for Saturday, June 15th, specifically to allow Jamaican Supreme and other vendors to participate in the Supper Club segment from 5-7pm. This diverse vendor participation is expected to enhance community togetherness, boost the local economy, and support a variety of businesses.

Granting this waiver would enable vendors to reach a broader audience, including those with limited access to their food offerings. By showcasing diverse cuisines, we can celebrate Burlington's community while creating economic opportunities for businesses across different neighborhoods.

Furthermore, lifting the Food Truck Ordinance is likely to increase business participation, leading to higher foot traffic and economic activity in surrounding areas. This benefits both the vendors involved and the overall economic landscape of the local community.



In summary, granting the waiver for Jamaican Supreme and other vendors on Juneteenth will enrich the celebration and promote economic growth in Burlington's diverse communities. The event's location underscores the need to lift the ordinance temporarily to facilitate broader engagement from businesses, emphasizing the importance of flexible measures to support local businesses and enhance community involvement.

### **Department Contact**

If you have any questions, please contact Christian Berry, Communications and Community Engagement Manager in the Racial Equity, Inclusion, and Belonging Office at [cberry@burlingtonvt.gov](mailto:cberry@burlingtonvt.gov).

### **City Council Recommended Motions**

Move to waive the reading, suspend the rules, and place the updates to Chapter 23 of the Burlington Code of Ordinances in all stages of passage as detailed in the attached ordinance form.

**Board of Finance and City Council Submission Checklist**

Department: REIB Submitter: Katie Greene, Community and Belonging Program Manager

Title/Subject: Update the Peddlers' Ordinance for Saturday, June 15, 2024 Juneteenth 2024

|                                     |                  |                               |
|-------------------------------------|------------------|-------------------------------|
|                                     | Approval:        | Meeting Date:                 |
| <input type="checkbox"/>            | Board of Finance |                               |
| <input checked="" type="checkbox"/> | City Council     | 5/20/2024                     |
| <input type="checkbox"/>            | 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             | 5/15/2024                     | Department Head initiated, Kerin Durfee |
| Mayor's Office informed and approved memo                                                             | N/A             | 5/15/2024                     | Erin Jacobsen                           |
| Board/Commission, if required                                                                         | Choose an item. | 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,<br>-Identify attorney in note    | Choose an item. | Click or tap to enter a date. |                                         |
| City Attorney's Office has approved memo and motion(s) or resolution(s)<br>-Identify attorney in note | Yes             | 5/15/2024                     | Hayley McClenahan                       |
| CAO has reviewed budget, financing, and memo                                                          | Yes             | 5/14/2024                     | Katherine Schad                         |
| Human Resources, if personnel action<br>-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             | Click or tap here to enter text. |
| Contract Attached, if applicable?                      | Choose an item. | Click or tap here to enter text. |
| Additional Materials, if necessary                     | Yes             | Click or tap here to enter text. |
| Draft Resolution or Motion?                            | Choose an item. | 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. |

# CITY OF BURLINGTON

ORDINANCE 7.21

Sponsor: License Committee

Public Hearing Dates: \_\_\_\_\_

In the Year Two Thousand Twenty-Four

First reading: \_\_\_\_\_

Referred to: \_\_\_\_\_

Rules suspended and placed in all stages of passage: 05/20/24

Second reading: \_\_\_\_\_

Action: \_\_\_\_\_

Date: \_\_\_\_\_

Signed by Mayor: 05/22/24

Published: 05/29/24

Effective: 06/12/24

## An Ordinance in Relation to

AN UPDATE TO CHAPTER 23, PEDDLERS AND SOLICITORS, TO ACCOMMODATE BURLINGTONIANS AND VISITORS ON JUNE 15, 2024

It is hereby Ordained by the City Council of the City of Burlington as follows:

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- (b) The application requirements for 12-hour peddler certificates set forth in Section 23-15(c)(3)(b) shall apply to all applicants seeking a special 12-hour peddler license, except that applicants seeking to peddle in and around city parks, including City Hall Park, shall also obtain authorization from the Parks Commission. This shall be notwithstanding the use of the term "marketplace" throughout Section 23-15 and shall be understood to mean all applicants seeking a special 24-hour peddler license pursuant to this Section.
- (c) The combined application and license fee for a special 12-hour peddler license shall be one – hundred dollars (\$100). The city may also require that peddlers selling food pay the deposit required by Section 23-6(d)(3). This fee and deposit requirements shall apply regardless of a peddler's location.
- (d) All applications for special 12-hour peddler licenses shall be submitted to and subject to final review by the Department of Burlington City Arts. Upon receipt of a satisfactorily completed application, the requisite fee, and proof of insurance as required by Section 23-3(h), the Burlington City Arts staff shall issue the special 12-hour peddler license, as long as space is available as provided under this Section, and provided further that the applicant is not in violation of any applicable provision of this



ORIGINAL

AN ORDINANCE  
IN RELATION TO

Introduced by

Councilor \_\_\_\_\_

Read in City Council first time

\_\_\_\_\_, 20\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Rules suspended, and ordinance placed in all stages of  
passage.

\_\_\_\_\_, 20\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Read in City Council second time

\_\_\_\_\_, 20\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Passed in City Council at meeting held

\_\_\_\_\_, 20\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Approved \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Mayor.

I, \_\_\_\_\_, City Clerk of the City of Burlington  
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has  
been duly published according to Law and the Charter of the City, and in compliance with said  
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for \_\_\_\_\_ day,

namely the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Adopted \_\_\_\_\_ Published \_\_\_\_\_ Effective \_\_\_\_\_  
\_\_\_\_\_, City Clerk

Attest:

Distribution

I hereby certify that this Ordinance has  
been sent to the following department(s)  
on \_\_\_\_\_

\* \* \* \* \*  
\* \* \* \* \*

Code. Any denial of a special 12-hour peddler license shall be a final determination and there shall be no administrative appeal.

- (e) The Director of Racial Equity, Inclusion, and Belonging may designate any number of peddler sites throughout the city, including those eligible for vehicle endorsement, and any restrictions set forth herein on how far peddlers must be from each other, or a business selling similar produce or wares, may be waived. Such designations shall be submitted to the Department of Burlington City Arts forthwith for processing of applications received pursuant to this Section.
- (f) The Director of Racial Equity, Inclusion, and Belonging may in their discretion, as needed to safely and efficiently designate peddling locations as outlined herein or otherwise carry on the business of June 15, 2024 within the City in the same manner, temporarily suspend any provision enumerated in Section 23-11, excepting that relating to discharge of grease, ash, or refuse onto any street or sidewalk.
- (g) Peddlers that receive a special 12-hour peddler license may request a vehicle endorsement that authorizes the placement of a vehicle on a city street or right-of-way, regardless of the peddler's location. If a vehicle for which an endorsement is requested exceeds thirty (30) feet in length, the Department of Burlington City Arts may only issue such endorsement after consultation with the Department of Public Works and a determination that the vehicle will not impede the free flow of safe pedestrian, vehicle, or emergency personnel passage.
- (h) A peddler that has already received a peddler license or certificate under this Article may peddle on June 15, 2024 to the extent permitted by their existing license or certificate without having to apply for a separate special 12-hour peddler license.
- (i) Except as set forth in this Section, all other requirements of this Article shall apply to peddlers granted a special 12-hour peddler license.
- (j) This Section shall sunset in its entirety and be stricken from the Code of Ordinances effective June 16, 2024.

\*Material underlined added.



ORIGINAL

# AN ORDINANCE IN RELATION TO

An Update To Chapter 23, Peddlers And  
Solicitors, To Accommodate Burlingtonians And  
Visitors On June 15, 2024

Introduced by

Chairman / License Committee

Read in City Council first time

\_\_\_\_\_, 20\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Rules suspended, and ordinance placed in all stages of  
passage.

May 20\_\_\_\_, 20\_\_\_\_.

Attest,

[Signature], Clerk.

Read in City Council second time

\_\_\_\_\_, 20\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Passed in City Council at meeting held

\_\_\_\_\_, 20\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Approved MAY 22, 20\_\_\_\_.

[Signature], Mayor.

I, CAO Schad,  
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has  
been duly published according to Law and the Charter of the City, and in compliance with said  
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for \_\_\_\_\_ Wednesday \_\_\_\_\_ day,  
namely the \_\_\_\_\_ 29th \_\_\_\_\_ day of \_\_\_\_\_ May \_\_\_\_\_, 20\_\_\_\_.

Adopted \_\_\_\_\_ 05/20/24 \_\_\_\_\_ Published \_\_\_\_\_ 05/29/24 \_\_\_\_\_ Effective \_\_\_\_\_ 06/12/24 \_\_\_\_\_  
\_\_\_\_\_, City Clerk

Attest:

Distribution

I hereby certify that this Ordinance has  
been sent to the following department(s)  
on \_\_\_\_\_

\* \* \* \* \*

\* \* \* \* \*

Resolution Relating to

DESIGNATION OF WARD 2 POLLING PLACE FOR 2024  
STATE PRIMARY ELECTION, 2024 GENERAL  
ELECTION, AND 2025 ANNUAL CITY ELECTION

RESOLUTION\_\_\_\_\_

Sponsor(s): Councilor Bergman  
Introduced: \_\_\_\_\_  
Referred to: \_\_\_\_\_  
Action: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

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

That WHEREAS, City election officials recently learned that Integrated Arts Academy, the polling place previously designated by City Council as the Ward 2 polling place, is undergoing extensive renovations which will begin in June of 2024 and take approximately one year to complete; and

WHEREAS, during this time frame, the facility cannot be used as a polling place; and

WHEREAS, the 2024 State Primary Election will be held on August 13<sup>th</sup>, the 2024 General Election will be held on November 5<sup>th</sup>, and the 2025 Annual City Election will be held on March 4<sup>th</sup>; and

WHEREAS, management of the Old North End Community Center has agreed to allow these three elections be held at their facility, located at 20 Allen Street in Burlington, which is outside of Ward 2, but is in close proximity to the ward boundary; and

WHEREAS, Section 19 of the Charter of the City of Burlington authorizes City Council to designate polling places;

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby designates the Old North End Community Center located at 20 Allen Street as the WARD TWO polling place for the purposes of the August 13<sup>th</sup>, 2024 State Primary Election, the November 5<sup>th</sup>, 2024 General Election, the March 5<sup>th</sup>, 2025 Annual City Election, and any special elections that may be called before July 2025.

SM/ER/Resolutions 2024/*Designation of Ward 2 Polling Place for 2024 State Primary Election, 2024 General Election, and 2025 Annual City Election*  
May 20, 2024

**Resolution Relating to**

DESIGNATION OF WARD 2 POLLING PLACE FOR 2024  
STATE PRIMARY ELECTION, 2024 GENERAL  
ELECTION, AND 2025 ANNUAL CITY ELECTION

**RESOLUTION 7.22**

Sponsor(s): Councilor Bergman

Introduced: 05/20/24

Referred to:

Action: adopted

Date: 05/20/24

Signed by Mayor: 05/22/24

**CITY OF BURLINGTON**

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

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4 WHEREAS, during this time frame, the facility cannot be used as a polling place; and

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14 the August 13<sup>th</sup>, 2024 State Primary Election, the November 5<sup>th</sup>, 2024 General Election, the March 5<sup>th</sup>, 2025  
15 Annual City Election, and any special elections that may be called before July 2025.

16  
17  
18  
19 SM/ER/Resolutions 2024/*Designation of Ward 2 Polling Place for 2024 State Primary Election, 2024 General Election, and 2025 Annual City*  
20 *Election*  
21 May 20, 2024

\* \* \* \* \*

**DISTRIBUTION:**

I hereby certify that this resolution  
has been sent to the following  
department(s) on

**ORIGINAL**

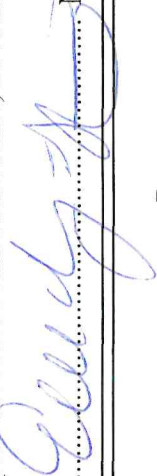
**RESOLUTION RELATING TO**

Designation Of Ward 2 Polling Place For 2024 State Primary Election,  
2024 General Election, And 2025 Annual City Election

.....

**Adopted by the City Council**

May 20....., 20 24.....  
 Clerk

Approved..... MAY 22, 20 24.....  
 Mayor

Vol. .... Page .....

\* \* \* \* \*

Resolution Relating to

ADOPTION OF UPDATED LOCAL EMERGENCY  
MANAGEMENT PLAN

RESOLUTION \_\_\_\_\_  
Sponsor(s): Councilors Grant, Barlow,  
Neubieser  
Introduced: \_\_\_\_\_  
Referred to: \_\_\_\_\_  
\_\_\_\_\_  
Action: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_

CITY OF BURLINGTON

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

That WHEREAS, Local Emergency Management Plans are required by the Vermont Department of  
Emergency Management to be updated and submitted to Regional Planning Commissions after Town Meeting  
Day on an annual basis; and  
WHEREAS, the Local Emergency Management Plan is an important planning document that is used at  
the Local and State level to contact and coordinate local resources to address a full spectrum of needs in an  
emergency; and  
WHEREAS, the City of Burlington Emergency Management Director Michael LaChance has worked  
to ensure that the Local Emergency Management Plan contains up to date information; and  
WHEREAS, this update is consistent with the format recommended by the Vermont Department of  
Emergency Management;  
NOW, THEREFORE, BE IT RESOLVED that the City of Burlington officially approves the 2024 –  
2025 City of Burlington Local Emergency Management Plan.

TM/ML/Resolutions 2024/*Adoption of Updated Local Emergency Management Plan*  
May 20, 2024

**Board of Finance and City Council Submission Checklist**Department: Fire Submitter: Michael LaChance – Fire ChiefTitle/Subject: Adoption of Local Emergency Management Plan LEMP

|                          |                  |                               |
|--------------------------|------------------|-------------------------------|
|                          | Approval:        | Meeting Date:                 |
| <input type="checkbox"/> | Board of Finance | Click or tap to enter a date. |
| <input type="checkbox"/> | City Council     | 5/20/2024                     |
| <input type="checkbox"/> | 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                     | LaChance                         |
| Mayor's Office informed and approved memo                                                             | Yes      | 5/15/2024                     | E. 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,<br>-Identify attorney in note    | Yes      | 5/7/2024                      | H. McClenahan                    |
| City Attorney's Office has approved memo and motion(s) or resolution(s)<br>-Identify attorney in note | Yes      | 5/7/2024                      | H. McClenahan                    |
| CAO has reviewed budget, financing, and memo                                                          | N/A      | Click or tap to enter a date. | Click or tap here to enter text. |
| Human Resources, if personnel action<br>-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?                            | Yes       | Resolution                       |
| If for submission to Council, are sponsors identified? | Yes       | Grant, Barlow, Neubieser         |



# Burlington Fire Department

136 South Winooski Avenue  
Burlington, Vermont 05401-8378  
(802) 864-4554 • (802) 658-2700 (TTY)

Business Fax (802) 864-5945 • Central Station Fax (802) 865-5387



To: Burlington City Council  
From: Michael LaChance – Fire Chief  
Date: May 09, 2024  
Re: Local Emergency Management Plan Adoption

---

As the delegated City of Burlington emergency management coordinator, I am required to update the Local Emergency Management Plan (LEMP) annually and submit it to Vermont Emergency Management. This plan lists the points of contact for our city leadership team, identifies the locations of our emergency shelters, and assigns areas of responsibility depending on the event type.

The LEMP has been updated, and a resolution has been included, which Councilors Grant, Barlow, and Neubieser are co-sponsoring. Updates include contact information of key partners, dates, and grammatical updates. We are requesting the Council's adoption of the plan. The plan contains personal information such as phone numbers, so it is not being published with this memo and resolution.

I am grateful for your anticipated approval of the Local Emergency Management Plan. Your support is instrumental in ensuring the safety and well-being of our community. Please feel free to reach out if you would like to review the plan or discuss any emergency management issues.



**Resolution Relating to**

**ADOPTION OF UPDATED LOCAL EMERGENCY  
MANAGEMENT PLAN**

**RESOLUTION 7.23**

Sponsor(s): Councilors Grant, Barlow,  
Neubieser  
Introduced: 05/20/24  
Referred to: \_\_\_\_\_

Action: adopted  
Date: 05/20/24  
Signed by Mayor: 05/22/24

**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, Local Emergency Management Plans are required by the Vermont Department of  
2    Emergency Management to be updated and submitted to Regional Planning Commissions after Town Meeting  
3    Day on an annual basis; and  
4            WHEREAS, the Local Emergency Management Plan is an important planning document that is used at  
5    the Local and State level to contact and coordinate local resources to address a full spectrum of needs in an  
6    emergency; and  
7            WHEREAS, the City of Burlington Emergency Management Director Michael LaChance has worked  
8    to ensure that the Local Emergency Management Plan contains up to date information; and  
9            WHEREAS, this update is consistent with the format recommended by the Vermont Department of  
10   Emergency Management;  
11            NOW, THEREFORE, BE IT RESOLVED that the City of Burlington officially approves the 2024 –  
12   2025 City of Burlington Local Emergency Management Plan.

13  
14  
15    TM/ML/Resolutions 2024/*Adoption of Updated Local Emergency Management Plan*  
16    May 20, 2024

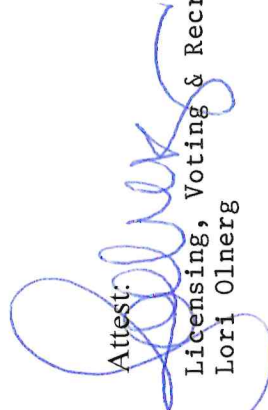
\* \* \* \* \*

**DISTRIBUTION:**

I hereby certify that this resolution  
has been sent to the following  
department(s) on

Chief LaChance

\* \* \* \* \*

Attest:   
Licensing, Voting & Records Coordinator  
Lori Olnerg

**ORIGINAL**

**RESOLUTION RELATING TO**

Adoption..Of..Updated..Local..Emergency..Management Plan

.....

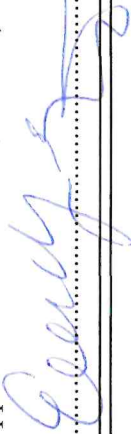
.....

**Adopted by the City Council**

..... May 20 ....., 20 24 .....

 Clerk

Approved..... MAY 22, 20 24 .....

 Mayor

Vol. .... Page .....

Resolution Relating to

APPOINTMENT OF DR. WHITNEY SHERMAN TO THE  
CITY OF BURLINGTON’S BOARD OF MEDICAL  
EXAMINERS

RESOLUTION\_\_\_\_\_

Sponsor(s): Councilor Carpenter  
Introduced: \_\_\_\_\_  
Referred to: \_\_\_\_\_  
\_\_\_\_\_  
Action: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_

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 City of Burlington Code of Ordinance Section 24-59, Designation of Medical  
Examiners, provides that the City Council shall appoint members to the Board of Medical Examiners; and  
WHEREAS, Dr. Whitney Sherman has agreed to and meets the qualifications to serve as Medical  
Examiner; and  
WHEREAS, the Human Resources Director recommends appointing Dr. Whitney Sherman to the City  
of Burlington Board of Medical Examiners for a two-year term expiring May 21, 2026;  
NOW, THEREFORE, BE IT RESOLVED that this City Council appoints Dr. Whitney Sherman to the  
City of Burlington Board of Medical Examiners. This appointment is effective May 21, 2024 and expire on  
May 21, 2026.

LR/Resolutions 2024/Appointment of Dr. Whitney Sherman to the City of Burlington’s Board of Medical Examiners  
May 20, 2024

### Board of Finance and City Council Submission Checklist

Department: Human Resources      Submitter: Lynn Reagan

Title/Subject: Appointment of City Medical Examiner

|                                     |                  |                               |
|-------------------------------------|------------------|-------------------------------|
|                                     | Approval:        | Meeting Date:                 |
| <input type="checkbox"/>            | Board of Finance | Click or tap to enter a date. |
| <input checked="" type="checkbox"/> | City Council     | 5/20/2024                     |
| <input type="checkbox"/>            | 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      | 5/9/2024                      | Click or tap here to enter text. |
| Mayor's Office informed and approved memo                                                             | Yes      | 5/9/2024                      | Click or tap here to enter text. |
| 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,<br>-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)<br>-Identify attorney in note | Yes      | 05/18/2024                    |                                  |
| CAO has reviewed budget, financing, and memo                                                          | N/A      |                               | Click or tap here to enter text. |
| Human Resources, if personnel action<br>-Identify HR Manager in note                                  | Yes      | 5/9/2024                      | Lynn Reagan                      |
| 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       | CV                               |
| Draft Resolution or Motion?                            | Yes       | Submitted by CA's office         |
| If for submission to Council, are sponsors identified? | Yes       | Sarah Carpenter                  |

HUMAN RESOURCES DEPARTMENT  
CITY OF BURLINGTON

200 Church Street, Suite 102, Burlington, VT 05401

Phone: (802) 865-7145

Fax (802) 864-1777

Vermont Relay: 7-1-1 or 800-253-0191



To: City Council

From: Lynn Reagan, Human Resources

Date: May 20, 2024

Re: Designation of Medical Examiner

The City of Burlington Code of Ordinance, Chapter 24 Personnel, Section 24-59, Designation of Medical Examiners, explains that the City Council shall appoint members of the Board of Medical Examiners.

Concentra Urgent Care recently hired a new physician; Dr. Whitney Sherman. The Human Resources office is recommending the appointment of Dr. Sherman to the Board of Medical Examiners for the City. We are seeking approval for a two year appointment expiring on May 21, 2026.

Dr. Sherman has agreed to serve as Medical Examiners for the City, if approved. Curriculum Vitae is attached and the expectations of a Medical Examiner are listed below. Contact information for the physician:

Dr. Whitney Sherman, M.D.  
Concentra Urgent Care  
57 Fayette Drive, Ste 4  
South Burlington, VT 05403  
Phone: (802) 658-5756

#### Medical Examiner Expectations

The City of Burlington relies heavily on its Medical Examiners for support and resources relating to Fit for Duty Exams and Pre-Employment examinations. Below are the primary ways in which the Board of Medical Examiners has been utilized by the City of Burlington Human Resources Department in the past:

- Pre-employment exams:
  - Review medical history and job description to determine if the candidate is “medically qualified for the position.”
- Medical Exams supported by City Ordinance Section 24-1:
  - Fit for Duty Exams for the purpose of determining the need for continuation of leave under the City of Burlington’s Short-Term Disability and Workers’ Compensation policies.
  - Fit for Duty Exams required under Burlington City Ordinance, Personnel Section 24.
- Disability Retirement:
  - Medical exam and records review for the purpose of providing an opinion regarding disability for the City of Burlington Retirement Board.

Thank you for your consideration



## SUMMARY

Board certified internal medicine physician with 7 years of experience.

## CONTACT

PHONE:  
310-717-7523

EMAIL:  
Whitney.R.Sherman@gmail.com

# WHITNEY R. SHERMAN, MD

## PROFESSIONAL EXPERIENCE

---

### **Concentra - Center Medical Director**

March 2024- present  
Medical Director, specializing in occupational medicine.

### **Whitney R. Sherman MD PLLC - Physician and Owner**

April 2023 - March 2024  
Primary care physician at my own direct primary care clinic.

### **Rutland Regional Medical Center - Physician Hospitalist**

July 2021 - March 2023  
Hospital based internal medicine physician. Duties include admitting, rounding, diagnosis, management and complex care coordination.

### **First Advantage – Medical Review Officer**

April 2021 - present  
Duties include reviewing lab results from drug tests for companies such as Home Depot, Amazon, Walgreens and the Department of Transportation which requires compliance with strict federal standards.

### **Santa Cruz Medical Group – Physician Hospitalist**

August 2017 – March 2021  
Hospital based internal medicine physician. Duties include admitting, rounding, diagnosis, management and complex care coordination. Member of the peer review committee and med exec committee where we reviewed protocols for the hospital.

## EDUCATION

---

### **Dartmouth Hitchcock Medical Center**

July 2014- June 2017  
Residency in Internal Medicine

### **Scottish Livingstone Hospital, Molepolole, Botswana**

August 2016-October 2016  
International Rotator  
Participated in an international rotation sponsored by Brigham and Women's Hospital to help develop the first residency training programs in Botswana. Duties included teaching medical students/interns and managing 40-50 patients.

### **ABC News**

March 2016  
Medical Journalism Intern  
Critically read new health studies and developed them into news articles for public consumption

**Tulane University School of Medicine**

August 2010 – June 2014

Medical Doctorate

Recipient of the C. Thorpe Ray Excellence in Internal Medicine Award

Received honors in Internal Medicine and Family Medicine rotations

**Tulane University School of Medicine**

July 2009 – June 2010

Masters degree earned in Pharmacology

Completed research project and thesis paper on using stem cells as a potential drug delivery system

**University of California, Santa Cruz**

September 2003 – December 2008

Bachelor's degree earned in Molecular, Cell and Developmental Biology

**RESEARCH AND PUBLICATIONS**

---

**"Cholelithiasis After Cholecystectomy: Case Report and Review of the Literature"**

First Author, poster presented at Tulane Health Sciences Research Fair 2013

**"The Immortal Life of Henrietta Lacks: Evolving medical Ethics for a Changing World"**

Book Review. Published in the Journal of the Mississippi State Medical Association Sept 12 2010

**"Comparison of the Tumor Homing Potential of Adipose Derived and Bone Marrow Derived Mesenchymal Stem Cells Toward Prostate Cancer"**

Masters Thesis 2010, as well as first author presented at Tulane Health Sciences Research Day 2009

**LICENSURE AND BOARD CERTIFICATION**

---

Certified by American Board of Internal Medicine 2017

Certified by American Board of Obesity Medicine 2019

ACLS and BLS certified

Active medical licenses in California and Vermont

**HONORS AND AWARDS**

---

C. Thorpe Ray Award for excellence in internal medicine 2013

Honors in internal medicine and family medicine rotations at Tulane, 2013-2014

"Shout-Out" recipient for excellent patient satisfaction scores



**Resolution Relating to**

APPOINTMENT OF DR. WHITNEY SHERMAN TO THE  
CITY OF BURLINGTON'S BOARD OF MEDICAL  
EXAMINERS

**RESOLUTION 7.24**

Sponsor(s): Councilor Carpenter

Introduced: 05/20/24

Referred to: \_\_\_\_\_

Action: adopted

Date: 05/20/24

Signed by Mayor: 05/22/24

**CITY OF BURLINGTON**

In the year Two Thousand Twenty-Four .....

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

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8 City of Burlington Board of Medical Examiners. This appointment is effective May 21, 2024 and expire on  
9 May 21, 2026.

10  
11  
12 LR/Resolutions 2024/Appointment of Dr. Whitney Sherman to the City of Burlington's Board of Medical Examiners  
13 May 20, 2024

\* \* \* \* \*

**DISTRIBUTION:**

I hereby certify that this resolution  
has been sent to the following  
department(s) on

HR, Lynn Reagan

\* \* \* \* \*

**ORIGINAL**

**RESOLUTION RELATING TO**

Appointment..Of..Dr..Whitney..Sherman..To The City Of Burlington's

Board..Of..Medical..Examiners.....

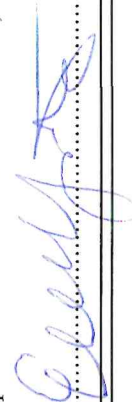
.....

**Adopted by the City Council**

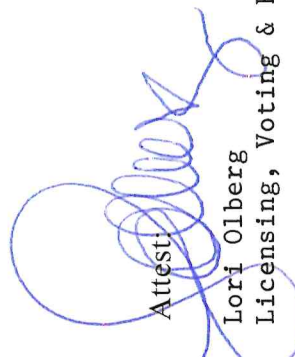
May 20 ....., 20 24 .....

 Clerk

Approved..... MAY 22, 20 24 .....

 Mayor

Vol. .... Page .....

Attest:  
  
Lori Olberg  
Licensing, Voting & Records Coordinator



# FY25 Draft General Fund Budget

City Council  
May 20, 2024



# Budget Principles

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- Committing to **affordability** for Burlington taxpayers
- Identifying **sustainable** financial practices that move us away from relying on one-time funds
- Working to **right-size** city government by providing what the community needs most now and into the future
- Being **fair** in raising new revenue across the entire community
- Reflecting the **priorities** of our city: community safety, maintaining city services, creating a good process for city employees, unions, and the public to engage in larger questions on how to right-size city government



# Budget Assumptions

---

- All current staff included
- 7.5% attrition included for all departments (except BFD and BPD) based on historical data
- 22 currently vacant positions included in FY25 budget
- Increasing user fees, within reason, according to the study
- Using remaining unused ARPA funds, which must be obligated by 12/31/24, to help fill the gap



# Overall General Fund Budget



|          | FY22    | FY23    | FY24     | FY25     |
|----------|---------|---------|----------|----------|
| Revenues | \$88.5M | \$96.5M | \$100.8M | \$107.8M |
| Expenses | \$88.5M | \$96.5M | \$100.8M | \$107.8M |

**The Administration and department heads have identified several strategies to effectively resolved previously identified budget gap.**



# Tax Revenues

| Description                                                | Amount  |
|------------------------------------------------------------|---------|
| Implement voter-approved police/fire tax<br>\$.02 increase | \$1.35M |
| Raise non-lodging gross receipts from 2%<br>to 2.5% **     | \$0.77M |
| Raise hotel tax from 2% to 4%                              | \$0.95M |
| Retirement Tax (triggered automatically)                   | \$1.93M |
| Debt Tax (triggered automatically)                         | \$0.80M |
| Total increased taxes                                      | \$5.80M |

Property taxpayers will pay 28% of the approximately \$13M budget gap.

**\*\* The non-lodging gross receipts tax increase will sunset after one year.**





# User Fee Increases

---

- User Fee Study RFP released in late 2023 and firm worked with departments to complete study which is just now concluding. Purpose of the study was to ensure that City understands the cost of the services it provides.
- Also to agree on a policy regarding cost recovery as well as associated issues related to subsidy, equity, scholarship, etc.
- Those conversations will continue into FY25 but based on the draft report we have found that the Clerk & Treasurer's Office and Permitting & Inspection fees are recovering their costs.
- **For Fire, BPRW and BCA there are opportunities to increase fees and we are still discussing the details of how to do this in a thoughtful way. Estimates are included.**



# Strategic Use of One-Time Funds

| Description                                  | Amount        |
|----------------------------------------------|---------------|
| Repurpose unused ARPA funds                  | \$2.1M        |
| Use HTF money to free up ARPA funds          | \$0.3M        |
| Use opioid settlement money**                | \$0.25        |
| Use REIB assigned fund balance               | \$0.26        |
| <b>Total use of strategic one-time funds</b> | <b>\$2.9M</b> |

One-time funds represent **less than 3%** of the overall general fund budget.

\*\* Although included here, opioid settlement agreements will ensure that funds flow to the City for at least the next decade.



# Budget Savings

| Description                                      | Amount        |
|--------------------------------------------------|---------------|
| Vacancy savings                                  | \$1.4M        |
| Savings from various programs                    | \$0.9M        |
| Water dept pick up more eligible expenses        | \$0.12M       |
| Airport utilizing more sworn officers            | \$0.21        |
| Use capital money to pay for capital salary work | \$0.5M        |
| <b>Total budget savings</b>                      | <b>\$3.1M</b> |



# Other Savings

| Description                              | Amount        |
|------------------------------------------|---------------|
| Corrected Water/SW/WW PILOT              | \$0.4M        |
| Ask for additional PILOT/Fee for Service | \$0.04M       |
| Increased vacant & inspection fees       | \$0.01M       |
| Increased gross receipt collection       | \$0.15M       |
| Increased investment earnings            | \$0.15M       |
| Increased interest on taxes              | \$0.05M       |
| <b>Total other</b>                       | <b>\$0.8M</b> |



# Summary

| Description                     | Amount         |
|---------------------------------|----------------|
| Tax Revenues                    | \$5.8M         |
| Increase Fees                   | \$1.2M         |
| Strategic Use of One-Time Funds | \$2.9M         |
| Budget Savings                  | \$3.1M         |
| Increase Other Revenue          | \$0.8M         |
| <b>Approximate Total</b>        | <b>\$13.8M</b> |

- The team worked to find more than \$13M to identify funds City can use for strategic investments in a comprehensive community safety system.
- This will include efforts within and outside the FY25 Police and Fire department budgets such as continuing CRT and supporting the library with additional safety services.



# What's Next

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- City Council reviews each department's budget over Marvelous Nights of May and asks questions or provides comments.
- Administration makes final tweaks based on Councilor feedback.
- Mayor submits detailed version of budget no later than June 15 and City Council approves no later than June 30 (dates governed by Charter).
- Receive operational analysis, discuss results, and implement changes within FY25.
- Continue analysis of franchise fees and PILOTs to ensure equitable and fair fees are borne appropriately.

## FY25 Budget Solutions Presented To City Council - May 20, 2024

| Budget Solutions                                          |    | Approx. Amount | Notes                |
|-----------------------------------------------------------|----|----------------|----------------------|
| Tax Revenue                                               |    |                |                      |
| Implement voter-approved public safety tax \$.02 increase | \$ | 1,350,000      |                      |
| Raise non-lodging gross receipts from 2% to 2.5%          | \$ | 770,000        |                      |
| Raise hotel tax from 2% to 4%                             | \$ | 950,000        |                      |
| Retirement Tax                                            | \$ | 1,930,000      |                      |
| Debt Service Tax                                          | \$ | 800,000        |                      |
| Subtotal                                                  | \$ | 5,800,000      |                      |
|                                                           |    |                |                      |
| Increase Fees                                             |    |                |                      |
| Fire Dept fee increase per report                         | \$ | 600,000        | details forthcoming  |
| BCA fee increase per report                               | \$ | 200,000        |                      |
| BPRW fee increase per report                              | \$ | 265,000        |                      |
| Push all credit card fees to user instead of City         | \$ | 100,000        |                      |
| Subtotal                                                  | \$ | 1,165,000      |                      |
|                                                           |    |                |                      |
| Strategic Use of One-Time Funds                           |    |                |                      |
| Repurpose unused ARPA funds                               | \$ | 2,100,000      | See details on tab 3 |
| Using HTF \$ to free up more ARPA                         | \$ | 300,000        |                      |
| Opioid Settlement Funds                                   | \$ | 257,000        |                      |
| REIB assigned fund balance unused from FY23               | \$ | 264,000        |                      |
| Subtotal                                                  | \$ | 2,921,000      |                      |
|                                                           |    |                |                      |
| Budget Savings                                            |    |                |                      |
| Vacancy savings from 22 FTEs                              | \$ | 1,400,000      | See details on tab 2 |
| Cut expenses from various programs                        | \$ | 900,000        | See details on tab 4 |
| Offer early retirement                                    |    | TBD            |                      |
| Additional funds from Water to GF                         | \$ | 122,000        |                      |
| Additional funds from Airport for increased officers      | \$ | 210,000        |                      |
| Use capital money to pay for capital salaries             | \$ | 500,000        |                      |
| Subtotal                                                  | \$ | 3,132,000      |                      |
| Increase Other Revenues                                   |    |                | See details on tab 5 |
| Ask for more PILOTs/fee for services                      | \$ | 40,000         |                      |
| Increase inspection fees for rental units                 | \$ | 10,000         |                      |
| Corrected water/wastewater/stormwater PILOT               | \$ | 400,000        |                      |
| Other                                                     | \$ | 350,000        |                      |
| Increase vacant building fee                              | \$ | 10,000         |                      |
| Subtotal                                                  | \$ | 810,000        |                      |
|                                                           |    |                |                      |
| Tentative Total                                           |    | \$             | 13,828,000           |



**Tab 2 - Proposed Positions to Hold Vacant for FY25**

| Department               | Position                      | FTEs           | Rationale and Notes                                                                                                                                                                                                                                                            |
|--------------------------|-------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CEDO                     | Community Development Manager | 1 FTE          | Vacant since March 6 and existing staff filling duties. Two programs supported by this role do not have ARPA funding beyond FY25.                                                                                                                                              |
| Permitting & Inspections | Housing Administrator         | 1 FTE          | Two other people doing similar work and can cover work for now                                                                                                                                                                                                                 |
| Information & Technology | Tech Support Specialist       | 1 FTE          | Reduction from 3 to 2 tech support specialist due to actual workload/need.                                                                                                                                                                                                     |
| Planning                 | Data Fellow                   | 1 FTE          | Position created 2 years ago and supports work of other staff.                                                                                                                                                                                                                 |
| DPW                      | Transportation Planner        | 1 FTE          | Minimal savings projected, as position alligns with projects and position generally covers their own cost based on project billing                                                                                                                                             |
| REIB                     | Various                       | 6 FTE          | Resdesign of department will be focus of FY25, hiring 1 FTE to support admin capacity of existing team                                                                                                                                                                         |
| Assessor                 | Deputy Assessor               | 1 FTE          | Contingent on reclassification of Assessor role (possibly others) but current staff can handle workload                                                                                                                                                                        |
| BPD                      | Community Service Officers    | 3 FTEs         | We will maintain 8 CSOs, which will allign with the shift schedule allowing 2 CSOs to be assigned per shift.                                                                                                                                                                   |
| BPD                      | Sworn Officers                | 7 FTEs         | We will hire 10 new sworn officers in FY25. The original FY25 budget proposed 82 FTE officers, we are currently at 65 FTEs and BPD acknowledged we cannot hire more than 10 in one fiscal year due to workforce shortages. The new FY25 budget will include 75 sworn officers. |
|                          |                               |                |                                                                                                                                                                                                                                                                                |
|                          | <b>TOTAL</b>                  | <b>22 FTEs</b> |                                                                                                                                                                                                                                                                                |

|    | A                                                                     | B                      | H                         | I                        | J                                                                                                              |
|----|-----------------------------------------------------------------------|------------------------|---------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------|
| 1  | <b>Tab 3 - ARPA Funds Proposed to Use in FY25 General Fund Budget</b> |                        |                           |                          |                                                                                                                |
| 2  |                                                                       |                        |                           |                          |                                                                                                                |
| 3  | <b>Project</b>                                                        | <b>Budgeted Amount</b> | <b>Total expenditures</b> | <b>Balance Remaining</b> | <b>Notes</b>                                                                                                   |
| 4  | Community infrastructure                                              | \$ 2,000,000           | \$ 1,407,200              | \$ 592,800               | Waterworks (Moran) and Roosevelt Park                                                                          |
| 5  | Community Reactivation                                                | \$ 197,669             | \$ 114,853                | \$ 82,816                | Mostly in BWD related to business and reconnection of community post COVID                                     |
| 6  | COVID response                                                        | \$ 500,000             | \$ -                      | \$ 500,000               | Contingency funds put aside in FY22 for COVID major surge                                                      |
| 7  | 200 Church ventilation                                                | \$ 300,000             | \$ 22,500                 | \$ 277,500               |                                                                                                                |
| 8  | Resident emergency communication                                      | \$ 80,000              | \$ 28,787                 | \$ 51,213                | Was with CEDO and related to outreach for COVID                                                                |
| 9  | Employee test kit                                                     | \$ 60,000              | \$ 43,189                 | \$ 16,811                |                                                                                                                |
| 10 | Masks                                                                 | \$ 20,000              | \$ 1,154                  | \$ 18,846                |                                                                                                                |
| 11 | Air purifier                                                          | \$ 10,000              | \$ 7,980                  | \$ 2,020                 |                                                                                                                |
| 12 | Property tax lag relief                                               | \$ 1,000,000           | \$ 661,015                | \$ 338,985               |                                                                                                                |
| 13 | High-impact projects - Non-profit Grants                              | \$ 1,000,000           | \$ 985,125                | \$ 14,875                | Remaining funds from nonprofit grants COVID, returned grant                                                    |
| 14 | Resource Recovery Center                                              | \$ 286,214             | \$ 78,664                 | \$ 207,550               | Remaining funds for emergency (COVID) constituent services (CEDO) and language access related to such services |
| 15 | REIB salary support                                                   | \$ 800,000             | \$ 450,481                | \$ 200,000               | FY24 savings from staff vacancies                                                                              |
| 16 | <b>Remaining Balance</b>                                              |                        |                           | <b>\$ 2,103,415</b>      |                                                                                                                |

**Tab 4 - Proposed Savings from Various Programs for FY25**

| <b>Department</b> | <b>Program</b>                                        | <b>Amount</b>    |
|-------------------|-------------------------------------------------------|------------------|
| BWD               | Early Learning Initiative                             | \$250,000        |
| Regional Programs | Various Line Items                                    | \$100,000        |
| Citywide          | Eliminating unnecessary landlines                     | \$20,000         |
| Fire              | Rentention bonus placed in FY24 budget vs FY25 budget | \$230,000        |
| BCA               | Program reductions                                    | \$100,000        |
| BPD               | Change in BTV CARES from nurse to EMT                 | \$200,000        |
|                   |                                                       |                  |
|                   |                                                       |                  |
| <b>Total</b>      |                                                       | <b>\$900,000</b> |

**Tab 5 - Other Revenues Proposed for FY25**

| <b>Category</b>                    | <b>Tentative Amount</b> |
|------------------------------------|-------------------------|
| Increase gross receipts collection | \$ 150,000              |
| Increase investment income         | \$ 150,000              |
| Updated interest on taxes          | \$ 50,000               |
|                                    |                         |
| <b>Total</b>                       | <b>\$ 350,000</b>       |



# Gross Receipts Information

City Council  
May 20, 2024



# Hotel Portion of Gross Receipts Tax

---

- Currently charged at 11% - 9% goes to the State + 2% to the City
- Hotels represent approximately 20% of all Gross Receipts collected by the City – this averages \$1M/year (excluding COVID years)
- We are proposing adding an additional 2% to the City rate for a new total of 13% - 9% to State and 4% to the City



# Regional Hotel Tax Comparisons

| State Rate |       | City Rates                                |
|------------|-------|-------------------------------------------|
| MA         | 5.7%  | 14.95% Boston; 14.45% Cambridge & Hyannis |
| RI         | 5.0%  | 13% Providence & Newport                  |
| CT         | 15.0% |                                           |
| VT         | 9.0%  | 13% proposed in Burlington                |

- Portland, Maine 10.5%
- South Burlington, Colchester, Williston, Winooski 10%
- In a 2012 Tax Foundation survey (latest available) of the 150 largest US cities the max lodging tax was 20.5%, the minimum was 8%, and **the median was 14%.**



# Increase in Hotel Rates vs Gross Receipt Rate

| Hotel Name         | 2017 Avg<br>Peak Nightly<br>Rate | 2024 Avg<br>Peak Nightly<br>Rate | Hotel Rate<br>Increase<br>Over 7 Years |     | FY18 City<br>2% Tax<br>Total | FY23 City<br>2% Tax<br>Total | City GR Increase<br>Over 6 Years |    |
|--------------------|----------------------------------|----------------------------------|----------------------------------------|-----|------------------------------|------------------------------|----------------------------------|----|
| Hotel Vermont      | \$ 315                           | \$ 489                           | \$ 174                                 | 55% | \$903,189                    | \$ 951,757                   | \$ 48,568                        | 5% |
| Courtyard Marriott | \$ 240                           | \$ 400                           | \$ 160                                 | 67% |                              |                              |                                  |    |





# Proposed Increase in Hotel Gross Receipt Rate

| Hotel Name         | 2024 Avg Peak Nightly Rate | Current City GR Tax | Proposed City GR Tax | Proposed City & State GR Tax |
|--------------------|----------------------------|---------------------|----------------------|------------------------------|
| Hotel Vermont      | \$ 489                     | \$ 9.78             | \$ 19.56             | \$ 63.57                     |
| Courtyard Marriott | \$ 400                     | \$ 8.00             | \$ 16.00             | \$ 52.00                     |



# Overall Gross Receipts Tax

---

- Currently charged at 11% - 9% goes to the State + 2% to the City
- We are proposing adding an additional 0.5% to the City rate, sunsetting for one year, on everything except lodging (including short-term rentals)



# Regional and Big City Meal Tax Comparisons

---

| City or State | Tax Rate on Meals |
|---------------|-------------------|
| Burlington    | 11%               |
| Minneapolis   | 12.025%           |
| Chicago       | 10.75%            |
| Seattle       | 10%               |
| Massachusetts | 6.25-7.0%         |
| Maine         | 8%                |
| New Hampshire | 8.5%              |
| Connecticut   | 7.35%             |

- South Burlington, Colchester, Williston, Winooski 10%
- Providence, Portland, Hartford 8%
- Boston 7%



# Effect of Potential Increase in Gross Receipt Meal Rate

|            | \$7 latte | \$17 sandwich | \$45 treat a friend to lunch | \$100 date night | \$200 family dinner |
|------------|-----------|---------------|------------------------------|------------------|---------------------|
| 11%        | \$0.77    | \$1.87        | \$4.95                       | \$11             | \$22                |
| 11.5%      | \$0.81    | \$1.96        | \$5.18                       | \$11.50          | \$23                |
| Difference | \$0.04    | \$0.09        | \$0.23                       | \$0.50           | \$1                 |



City of Burlington, VT

4/26/2024

|                                 |                                                             |                                                                   |
|---------------------------------|-------------------------------------------------------------|-------------------------------------------------------------------|
| <b>ELO-16 Renewal</b>           | <b>Primary Location</b>                                     | <b>Applicant</b>                                                  |
| Entertainment License - Outdoor | 1 Lawson Lane<br>Burlington, VT 05401                       | Brandon Mossman<br>802-497-8112<br>orlandosbarandlounge@gmail.com |
| Status: Active                  | <b>Owner</b>                                                | 1 Lawson Lane                                                     |
| Submitted On: 3/26/2024         | Barry Mossman<br>Lawson Lane 1 Burlington,<br>Vermont 05401 | Ste 10<br>Burlington, VT 05401                                    |

See Page Three \*  
\*requested changes

Establishment Information

|                                             |                                            |
|---------------------------------------------|--------------------------------------------|
| <b>Establishment Name (DBA) * ?</b>         | <b>Establishment Street Address*</b>       |
| Orlando's Bar & Lounge                      | 1 Lawson Lane ste 10                       |
| <b>Establishment City, State Zip*</b>       | <b>Establishment Phone* ?</b>              |
| Burlington, VT 05401                        | 802-540-0033                               |
| <b>Establishment Owner (Legal Name) * ?</b> | <b>Legal Owner Mailing Street Address*</b> |
| BDM Enterprises LLC                         | 1 Lawson Lane ste 10                       |
| <b>Legal Owner Mailing City, State Zip*</b> | <b>Contact Person Name* ?</b>              |
| Burlington, VT 05401                        | Brandon Mossman                            |
| <b>Contact Email Address*</b>               | <b>Contact Phone* ?</b>                    |
| Bbmossma@gmail.com                          | 8024978112                                 |

Application Information

|                         |                            |
|-------------------------|----------------------------|
| <b>Amplified Music*</b> | <b>Dancing by Patrons*</b> |
| Yes                     | No                         |

Date of Last Fire Safety Inspection\*

05/08/2023

### Outdoor entertainment Types; Check all that Apply

Live Instrumental Music

☐

Live Vocal Music

☐

Jukebox / Boom Box / Ipad

☐

Disc Jockey

☐

Karaoke

☐

Floor / Stage Show Entertainment

☐

### Floor/Stage Show Entertainment Details:

Check any of the below for which you are applying, and provide additional description in the text box below.

Fashion Show / Trade Show / Exhibition

☐

Readings

☐

Stage Play / Pantomime

☐

Comedian

☐

Dance Performance

☐

Contests / Games / Amusements

☐

Movies

☐

Other 

☐

Friday Start Time\*

4:00 PM

Friday End Time\*

11:00 PM

Saturday Start Time\*

11:00 AM

Saturday End Time\*

11:00 PM

## Changes or Corrections to your License Application

Do you have any changes for this year's application?

\*

Yes

Please enter any changes to entertainment types, or days/hours of operation here.\*

\* We would like to go past 11 pm, as we are in the city ordinance location as Church Street ie. Red Square permit goes until 1 am.

\* request: 11:30pm Friday/Saturday 12:1 (JS nay)

VT Division of Liquor Control Licenses

@ 5/14/24 lc mtg  
lo

First Class Liquor License\*

Yes

Second Class Liquor License\*

No

Third Class Liquor License\*

Yes

Outside Consumption Permit\*

Yes

## Standard Entertainment Permit Conditions

I attest that I have read the standard permit conditions

## Outdoor Entertainment Proposed Days; Check all that Apply

**Sunday****Monday****Tuesday****Wednesday****Thursday****Friday****Saturday**

## Outdoor Entertainment Hours

**Sunday Start Time\***

11:00 AM

**Sunday End Time\***

10:30 PM

**Monday Start Time\***

4:00 PM

**Monday End Time\***

10:30 PM

**Tuesday Start Time\***

4:00 PM

**Tuesday End Time\***

10:30 PM

**Wednesday Start Time\***

4:00 PM

**Wednesday End Time\***

10:30 PM

**Thursday Start Time\***

4:00 PM

**Thursday End Time\***

10:30 PM



**Digital Signature\***

☒ Brandon Brian Mossman  
Mar 26, 2024

**Certification**

**I have agreed to submit this application by electronic means. I understand that an electronic signature has the same legal effect and can be enforced in the same way as a written signature. By checking this box and typing my name, I am electronically signing my application.\***

☒ Brandon Brian Mossman  
Mar 26, 2024



Resolution Relating to

HONORING BURLINGTONIAN MARCEL BEAUDIN

RESOLUTION\_\_\_\_\_

Sponsor(s): Councilors Shannon,  
Carpenter, Traverse, Brown  
McKnight, Litwin, Barlow, Bergman,  
Neubieser, Doherty

Introduced: \_\_\_\_\_

Referred to: \_\_\_\_\_

Action: \_\_\_\_\_

Date: \_\_\_\_\_

Signed by Mayor: \_\_\_\_\_

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, Marcel Beaudin was an influential Vermont architect of modern design and resident of  
2 the City of Burlington for much of his life; and  
3 WHEREAS, Marcel was a dedicated member of the Burlington Planning Commission, helping shape  
4 the development and landscape of Burlington and its world-class publicly accessible Waterfront; and  
5 WHEREAS, Marcel was a staunch advocate for access to and recreational opportunities on the  
6 Waterfront and Lake Champlain, with a particular passion for sailing as a medium to celebrate and experience  
7 Lake Champlain; and  
8 WHEREAS, Marcel conceived a vision for innovative places and spaces to ensure public access to the  
9 Waterfront and Lake Champlain and inspired the community to develop and support those spaces; and  
10 WHEREAS, Marcel designed the Waterfront Burlington Community Boathouse in 1988 as a reflection  
11 of the 1887 historic yacht club there with his “Form Follows Function” contemporary style for a public  
12 building on a floating barge; and  
13 WHEREAS, Marcel’s legacy contribution to the City of Burlington and State of Vermont is the 1993  
14 co-founding of the Lake Champlain Community Sailing Center, a nationally award winning organization  
15 providing access, education, and recreational opportunities for everyone, regardless of age, ability, or income  
16 – Lake Access. Life Lessons. For All.; and  
17 WHEREAS, Marcel designed the new Lake Champlain Community Sailing Center building and  
18 waterfront access infrastructure, including universal access docks, ramps, paths and amenities in the only Net  
19 Positive energy community waterfront facility in the country; and  
20 WHEREAS, to the end of his time, Marcel incessantly sketched innovations and solved for design  
21 problems for over a thousand architectural projects, including the preservation and restoration of the “Lost  
22 Mural” from the Chai Adam/Ohavi Zedek Synagogue, an important remnant of Burlington’s rich history of  
23 Eastern European settlement; and

WHEREAS, Marcel sailed off into the Lake Champlain sunset on March 29, 2024, passing away at the age of 95 years and 11 days; and

WHEREAS, the City of Burlington and State of Vermont are forever changed and improved by Marcel's innovative design contributions to the landscape and communities surrounding Lake Champlain;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Burlington City Council respectfully requests the life of Marcel Beaudin and his many contributions to Burlington be celebrated in a Mayoral Proclamation that Friday, August 2, 2024, be declared Marcel Beaudin Day;
2. The Burlington City Council encourages all residents to honor Marcel Beaudin and his contributions to integrating Vermont's built-human landscape into its remarkable natural environment.

JS/ER/Resolutions 2024/*Honoring Burlingtonian Marcel Beaudin*

May 20, 2024

## Resolution Relating to

HONORING BURLINGTONIAN MARCEL BEAUDIN

## RESOLUTION 9.2

Sponsor(s): Councilors Shannon,  
Carpenter, Traverse, Brown  
McKnight, Litwin, Barlow, Bergman,  
Neubieser, Doherty

Introduced: 05/20/24

Referred to: \_\_\_\_\_

Action: adopted

Date: 05/20/24

Signed by Mayor: 05/22/24

## 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, Marcel Beaudin was an influential Vermont architect of modern design and resident of  
2 the City of Burlington for much of his life; and

3 WHEREAS, Marcel was a dedicated member of the Burlington Planning Commission, helping shape  
4 the development and landscape of Burlington and its world-class publicly accessible Waterfront; and

5 WHEREAS, Marcel was a staunch advocate for access to and recreational opportunities on the  
6 Waterfront and Lake Champlain, with a particular passion for sailing as a medium to celebrate and experience  
7 Lake Champlain; and

8 WHEREAS, Marcel conceived a vision for innovative places and spaces to ensure public access to the  
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16 – Lake Access. Life Lessons. For All.; and

17 WHEREAS, Marcel designed the new Lake Champlain Community Sailing Center building and  
18 waterfront access infrastructure, including universal access docks, ramps, paths and amenities in the only Net  
19 Positive energy community waterfront facility in the country; and

20 WHEREAS, to the end of his time, Marcel incessantly sketched innovations and solved for design  
21 problems for over a thousand architectural projects, including the preservation and restoration of the “Lost  
22 Mural” from the Chai Adam/Ohavi Zedek Synagogue, an important remnant of Burlington’s rich history of  
23 Eastern European settlement; and

\* \* \* \* \*

**DISTRIBUTION:**

I hereby certify that this resolution  
has been sent to the following  
department(s) on

**ORIGINAL**

**RESOLUTION RELATING TO**

.....  
.....  
.....

**Adopted by the City Council**

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. .... Page .....

\* \* \* \* \*

WHEREAS, Marcel sailed off into the Lake Champlain sunset on March 29, 2024, passing away at the age of 95 years and 11 days; and

WHEREAS, the City of Burlington and State of Vermont are forever changed and improved by Marcel's innovative design contributions to the landscape and communities surrounding Lake Champlain;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Burlington City Council respectfully requests the life of Marcel Beaudin and his many contributions to Burlington be celebrated in a Mayoral Proclamation that Friday, August 2, 2024, be declared Marcel Beaudin Day;
2. The Burlington City Council encourages all residents to honor Marcel Beaudin and his contributions to integrating Vermont's built-human landscape into its remarkable natural environment.

*JS/ER/Resolutions 2024/Honoring Burlingtonian Marcel Beaudin*

May 20, 2024

\* \* \* \* \*

**DISTRIBUTION:**

I hereby certify that this resolution  
has been sent to the following  
department(s) on

**ORIGINAL**

**RESOLUTION RELATING TO**

Honoring..Burlingtonian..Marcel..Beaudin

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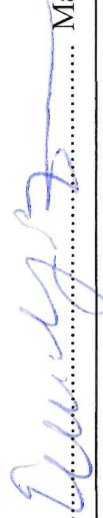
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**Adopted by the City Council**

.....May..20....., 20 ..24.....

..... Clerk

Approved..... MAY 22 .., 20 ..24.....

..... Mayor

Attest:

Vol. .... Page .....

\* \* \* \* \*



**Resolution Relating to**

A BUILDING EMISSIONS REDUCTION ORDINANCE

**RESOLUTION**\_\_\_\_\_

Sponsor(s): Councilors Broderick,  
Bergman  
Introduced: \_\_\_\_\_  
Referred to: \_\_\_\_\_  
\_\_\_\_\_  
Action: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_

**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 City of Burlington has declared a climate emergency exists, and on September 5,  
2 2019 the City and Burlington Electric Department issued the Net Zero Energy Roadmap ("the Roadmap") to  
3 guide progress in reducing greenhouse gas emissions in buildings and ground transportation; and  
4 WHEREAS, the Roadmap identified emissions from buildings as the second largest source of  
5 greenhouse gas emissions in the city; and  
6 WHEREAS, the City enacted new ordinances in 2021 to create rental weatherization standards and  
7 require primary renewable heating systems in new construction; and  
8 WHEREAS in 2022 Burlington's neighboring community, the City of South Burlington, adopted a  
9 similar primary renewable heating system ordinance, aligning the two cities in both requiring the use of  
10 renewable systems and fuels for new construction; and  
11 WHEREAS, on March 2, 2021, Burlington voters approved a proposed change to the City charter that  
12 would allow the City to create policies to regulate greenhouse gas emissions in existing buildings, and an  
13 advisory ballot question focused on providing equity in the development of such policies; and  
14 WHEREAS, on April 20, 2022, the Governor signed the charter change into law after it was approved  
15 by the Vermont Legislature; and  
16 WHEREAS, on November 20, 2023, the City Council approved an ordinance requiring, beginning  
17 January 1, 2024, newly constructed buildings either install non-fossil fueled thermal energy systems or pay a  
18 fee of \$150 per ton and requiring existing commercial and industrial buildings 50,000 square feet or larger  
19 who are seeking a permit for a new thermal energy system to either install a non-fossil fueled thermal energy  
20 system or pay a fee of \$150 per ton; and  
21 WHEREAS, the aforementioned ordinances are expected to lead to some reductions in greenhouse gas  
22 emissions, but are limited in scope and will not on their own reduce greenhouse gas emissions substantially  
23 enough for the City to meet its Net Zero Energy Roadmap commitments, necessitating the adoption of  
24 stronger policies to reduce emissions in the building sector; and

WHEREAS, as indicated in the Net Zero Energy 2024 roadmap update provided to the City Council on April 15th, 2024, Burlington has only reduced emissions from buildings 19% compared to a 2018 baseline, leaving us with the monumental task of reducing emissions 81% in under six years in order to achieve our goal of zero emissions in the building sector by 2030;

NOW, THEREFORE, IT BE RESOLVED that the Burlington City Council task the Transportation, Energy and Utilities Committee (TEUC) with drafting a Building Emissions Reduction Ordinance (BERO) for referral to the City Council Ordinance Committee; and

BE IT FURTHER RESOLVED that BERO include requirements for greenhouse gas emission reductions from large existing buildings (25,000 square feet and above); and

BE IT FURTHER RESOLVED that buildings that are regulated prior to January 1, 2028 under the city ordinance related to renewable primary heating systems (also known as the “carbon impact fee” ordinance) be exempted from BERO; and

BE IT FURTHER RESOLVED that buildings regulated under the city ordinance related to minimum energy efficiency standards (also known as the “rental weatherization” ordinance) be exempted from BERO; and

BE IT FURTHER RESOLVED that in the development of BERO, the TEUC take input from members of the public, from climate advocacy organizations, from relevant labor unions, from large building owners, from leaders in other cold-climate cities that have adopted building decarbonization policies, from the Burlington Electric Department, from the Department of Permitting and Inspections, and from other groups and individuals the TEUC feels should be included in the policymaking process; and

BE IT FURTHER RESOLVED that the TEUC refer a working draft ordinance to the Ordinance Committee no later than the last City Council meeting in October of 2024.

## Resolution Relating to

### a Building Emissions Reduction Ordinance.

## RESOLUTION \_\_\_\_\_

Sponsors: Councilors *Broderick*,  
*Bergman*

Introduced: \_\_\_\_\_

Referred to: \_\_\_\_\_

Action: \_\_\_\_\_

Date: \_\_\_\_\_

Signed by Mayor: \_\_\_\_\_

## CITY OF BURLINGTON

In the year Two Thousand Twenty-four.....

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

1 ~~THAT~~That WHEREAS, the City of Burlington has declared a climate emergency exists; and, on  
2 September 5, 2019, the City and Burlington Electric Department ("BED") issued the Net Zero Energy  
3 Roadmap ("the Roadmap") to guide progress in reducing greenhouse gas emissions in buildings and ground  
4 transportation; and; ~~and~~

5  
6 WHEREAS, the Roadmap identified emissions from buildings as the second largest source of  
7 greenhouse gas emissions in the city; and

8  
9 WHEREAS, the City enacted new ordinances in 2021 to create rental weatherization standards and  
10 require primary renewable heating systems in new construction; and

11  
12 WHEREAS, in 2022, Burlington's neighboring community, the City of South Burlington, adopted a  
13 similar primary renewable heating system ordinance, aligning the two cities in both requiring the use of  
14 renewable systems and fuels for new construction; and

15 WHEREAS, on March 2, 2021, Burlington voters approved a proposed change to the City charter that  
16 would allow the City to create policies to regulate greenhouse gas emissions in existing buildings, and an  
17 advisory ballot question focused on providing equity in the development of such policies; and

18  
19 ~~WHEREAS, on April 20, 2022, the Governor signed the charter change into law after it was approved by the~~  
20 ~~Vermont Legislature; and~~

21 WHEREAS, between 2021 and 2023, the City and BED engaged in an extensive public process to  
22 explore the adoption of a carbon pollution impact fee in Burlington; and

23 WHEREAS, on March 7, 2023, after this public engagement process, the voters of Burlington  
24 approved, with over 67% voting in favor, a ballot item allowing the City Council to implement a carbon

pollution impact fee of up to \$150 per ton for new construction and existing commercial and industrial buildings 50,000 square feet or larger that install new fossil fuel systems; and

\_\_\_\_ WHEREAS, on November 20, 2023, the City Council approved an ordinance requiring, beginning January 1, 2024, newly constructed buildings either install non-fossil fueled thermal energy systems or pay a fee of \$150 per ton and requiring existing commercial and industrial buildings 50,000 square feet or larger who are seeking a permit for a new thermal energy system to either install a non-fossil fueled thermal energy system or pay a fee of \$150 per ton; and

WHEREAS, while the aforementioned ordinances are expected to lead to ~~some meaningful~~ reductions in greenhouse gas emissions, ~~but are limited in scope and will not on their own reduce greenhouse gas emissions substantially enough for the City to meet also acknowledges that meeting~~ its Net Zero Energy Roadmap commitments, ~~neessitating will necessitate~~ the adoption of stronger policies to reduce emissions in the building sector; and

WHEREAS, ~~as indicated in the City's Net Zero Energy 2024 roadmap update provided to the city council on April 15th, 2024, Burlington has only reduced emissions from buildings 19% compared to Roadmap outlines a 2018 baseline, leaving us with the monumental task~~ number of policies and initiatives to make progress in reducing emissions 81% in under six years in order to achieve our greenhouse gas emissions from the built environment, including both carbon pricing and various incentive programs, permit reforms, energy benchmarking and rating systems, electric rate design programs, efficiency standards, and innovative finance programs; and

WHEREAS, to meet the goal of zero emissions in reducing greenhouse gas emissions, other State and local governments around the building sector by 2030. country have adopted a Building Emissions Reduction Ordinance (BERO) that requires certain buildings to disclose and benchmark their energy usage while working to meet energy efficiency and emissions reduction standards; and

\_\_\_\_ NOW, THEREFORE, BE IT BE RESOLVED-THAT, that that the Burlington City Council task the Transportation, Energy and Utilities Committee (TEUC) with ~~drafting a Building Emissions Reduction Ordinance (BERO) for referral to the City Council Ordinance Committee~~ considering whether Burlington should enact a BERO; and

BE IT FURTHER RESOLVED, that in considering whether Burlington should enact a BERO, the TEUC shall remain mindful of the staffing and administrative requirements for City staff necessary to implement this policy, the technical feasibility for implementation in a cold-weather community, the benefits

and costs of this approach to decarbonization, and the impact on affordability for Burlington's commercial and residential properties that would be subject to the regulation; and

~~BE IT FURTHER RESOLVED THAT BERO include requirements for greenhouse gas emission reductions from large existing buildings (25,000 square feet and above); and~~

~~BE IT FURTHER RESOLVED THAT buildings that are regulated prior to January 1, 2028 under the city ordinance related to renewable primary heating systems (also known as the "carbon impact fee" ordinance) be exempted from BERO; and~~

~~BE IT FURTHER RESOLVED THAT buildings regulated under the city ordinance related to minimum energy efficiency standards (also known as the "rental weatherization" ordinance) be exempted from BERO; and~~

BE IT FURTHER RESOLVED, that to the extent any BERO proposes regulations for new or existing buildings already subject to the City carbon impact fee ordinance and ordinances on rental weatherization, the BERO shall ensure these buildings are not subjected to conflicting regulations or duplicative fee structures; and

BE IT FURTHER RESOLVED, that because any BERO will be inextricably connected to the use of thermal energy systems in the building sector, the City Council acknowledges that any carbon impact or alternative compliance payment assessed by any BERO shall require voter authorization pursuant to Section 48(66) of the City Charter; and

BE IT FURTHER RESOLVED THAT, that in the development of BERO, the TEUC any BERO under this Resolution, the TEUC shall request the assistance of BED and Department of Permitting and Inspections for support, policy analysis, and technical and implementation feasibility analysis, and the TEUC shall take input from members of the public, from climate advocacy organizations, from relevant labor unions, from large building owners, from and business and non-profit building tenants, leaders in other cold-climate cities that have adopted building decarbonization policies, from the Burlington Electric Department, from the Department of Permitting and Inspections, and from and from any other groups and individuals the TEUC feels should be included in the policymaking process; and

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BE IT FURTHER RESOLVED ~~THAT, that~~ the ~~TUECTEUC~~ refer ~~any~~ working draft ~~ordinance to the~~  
~~ordinance committee~~ BERO and any related ballot language to the Ordinance Committee no later than the last  
City Council meeting in October of 2024.

*MB/Resolutions 2024/Resolution Relating to a Building Emissions Reduction Ordinance*  
*5/11/2024*

DRAFT

**Resolution Relating to**

**A BUILDING EMISSIONS REDUCTION ORDINANCE**

**RESOLUTION 9.3**

Sponsor(s): Councilors Broderick,  
Bergman

Introduced: 05/20/24

Referred to: \_\_\_\_\_

Action: amended as adopted

Date: 05/20/24

Signed by Mayor: 05/22/24

**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 City of Burlington has declared a climate emergency exists, and on September 5,  
2 2019 the City and Burlington Electric Department ("BED") issued the Net Zero Energy Roadmap ("the  
3 Roadmap") to guide progress in reducing greenhouse gas emissions in buildings and ground transportation;  
4 and

5 WHEREAS, the Roadmap identified emissions from buildings as the second largest source of  
6 greenhouse gas emissions in the city; and

7 WHEREAS, the City enacted new ordinances in 2021 to create rental weatherization standards and  
8 require primary renewable heating systems in new construction; and

9 WHEREAS, in 2022, Burlington's neighboring community, the City of South Burlington, adopted a  
10 similar primary renewable heating system ordinance, aligning the two cities in both requiring the use of  
11 renewable systems and fuels for new construction; and

12 WHEREAS, on March 2, 2021, Burlington voters approved a proposed change to the City charter that  
13 would allow the City to create policies to regulate greenhouse gas emissions in existing buildings, and an  
14 advisory ballot question focused on providing equity in the development of such policies; and

15 WHEREAS, between 2021 and 2023, the City and BED engaged in an extensive public process to  
16 explore the adoption of a carbon pollution impact fee in Burlington; and

17 WHEREAS, on March 7, 2023, after this public engagement process, the voters of Burlington  
18 approved, with over 67% voting in favor, a ballot item allowing the City Council to implement a carbon  
19 pollution impact fee of up to \$150 per ton for new construction and existing commercial and industrial  
20 buildings 50,000 square feet or larger that install new fossil fuel systems; and

21 WHEREAS, on November 20, 2023, the City Council approved an ordinance requiring, beginning  
22 January 1, 2024, newly constructed buildings either install non-fossil fueled thermal energy systems or pay a  
23 fee of \$150 per ton and requiring existing commercial and industrial buildings 50,000 square feet or larger  
24 who are seeking a permit for a new thermal energy system to either install a non-fossil fueled thermal energy  
25 system or pay a fee of \$150 per ton; and

\* \* \* \* \*

**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 .....

..... Mayor

Vol. .... Page .....

\* \* \* \* \*



WHEREAS, while the aforementioned ordinances are expected to lead to meaningful reductions in greenhouse gas emissions, the City also acknowledges that meeting its Net Zero Energy Roadmap commitments, will necessitate the adoption of stronger policies to reduce emissions in the building sector; and

WHEREAS, the City's Net Zero Energy Roadmap outlines a number of policies and initiatives to make progress in reducing greenhouse gas emissions from the built environment, including both carbon pricing and various incentive programs, permit reforms, energy benchmarking and rating systems, electric rate design programs, efficiency standards, and innovative finance programs; and

WHEREAS, to meet the goal of reducing greenhouse gas emissions, other State and local governments around the country have adopted a Building Emissions Reductions Ordinance (BERO) that requires certain buildings to disclose and benchmark their energy usage while working to meet energy efficiency and emissions reduction standards;

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council task the Transportation, Energy and Utilities Committee (TEUC) with considering whether Burlington should enact a BERO; and

BE IT FURTHER RESOLVED that in considering whether Burlington should enact a BERO, the TEUC shall remain mindful of the staffing and administrative requirements for City staff necessary to implement this policy, the technical feasibility for implementation in a cold-weather community, the benefits and costs of this approach to decarbonization, and the impact on affordability for Burlington's commercial and residential properties that would be subject to the regulation; and

BE IT FURTHER RESOLVED that to the extent any BERO proposes regulations for new or existing buildings already subject to the City carbon impact fee ordinance and ordinances on rental weatherization, the BERO shall ensure these buildings are not subjected to conflicting regulations or duplicative fee structures; and

BE IT FURTHER RESOLVED that because any BERO will be inextricably connected to the use of thermal energy systems in the building sector, the City Council acknowledges that any carbon impact or alternative compliance payment assessed by any BERO shall require voter authorization pursuant to Section 48(66) of the City Charter; and

BE IT FURTHER RESOLVED that in the development of any BERO under this Resolution, the TEUC shall request the assistance of BED and Department of Permitting and Inspections for support, policy analysis, and technical and implementation feasibility analysis, and the TEUC shall take input from members of the public, climate advocacy organizations, relevant labor unions, large building owners, and business and non-profit building tenants, leaders in other cold-climate cities that have adopted building decarbonization

\* \* \* \* \*

**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 .....

..... Mayor

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\* \* \* \* \*

57 policies, and from any other groups and individuals the TEUC feels should be included in the policymaking  
58 process; and

59 BE IT FURTHER RESOLVED that the TEUC refer any working draft BERO and any related ballot  
60 language to the Ordinance Committee no later than the last City Council meeting in October of 2024.

61

62

63 MB/Resolutions 2024/A *Building Emissions Reduction Ordinance*

64 May 20, 2024

\* \* \* \* \*

**DISTRIBUTION:**

I hereby certify that this resolution  
has been sent to the following  
department(s) on

TEUC Members

\* \* \* \* \*

**ORIGINAL**

**RESOLUTION RELATING TO**

A...Building...Emissions Reduction Ordinance

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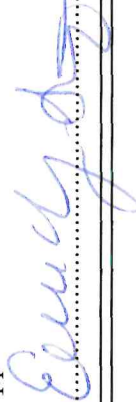
*as amended*

**Adopted by the City Council**

.....May 20....., 20 24.....

.......... Clerk

Approved.....MAY 22....., 20 24.....

.......... Mayor

Attest:

Lori Olberg

Licensing, Voting & Records Coordinator

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