



City Council Meeting

**Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
(because elevator is inoperable, Bushor Conference Room, Ground Floor, is available
for ADA Accessibility)**

Please click the link below to join the webinar:

<https://zoom.us/j/93996182599>

Or Telephone: +1 305 224 1968 US

Webinar ID: 939 9618 2599

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

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

To participate in Public Forum via ZOOM sign up here:

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

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

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

1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda

2. Communication: Attorney McNeil and Attorney Sturtevant, re: Litigation Update (verbal)expected executive session****

Subject	2.1. Communication: Attorney McNeil and Attorney Sturtevant, re: Litigation Update (verbal)**expected executive session**
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	2. Communication: Attorney McNeil and Attorney Sturtevant, re: Litigation Update (verbal)**expected executive session**
Department	City Attorney
Type	Action Procedural
Recommended Action	- o 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; - o 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).

3. Public Forum: Time Certain: 6:00 pm **See above for signup instructions**

Subject	3.1. Verbal Comments
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	3. Public Forum: Time Certain: 6:00 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

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

Subject	4.1. Verbal reports
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	4. Climate Emergency Reports (5 - 10 mins.)
Department	Council and Board
Type	Information

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

Subject	5.1. Verbal reports
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	5. Public Health & Safety Emergency Updates (5-10 mins.)
Department	Council and Board
Type	Information

6. Consent Agenda

Subject	6.1. Motion to adopt the consent agenda and take the actions indicated
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Council and Board
Type	Action (Consent) Procedural

Recommended Action Motion to adopt the consent agenda and take the actions indicated

Subject	6.2. Communication: C/T Office, re: Accountability List
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information

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

Subject	6.3. Communication: Andrea Marion, re: thank you for clearing sidewalk of dumped furniture!
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication

Recommended Action	waive the reading and place the communication on file
Subject	6.4. Communication: William White, re: What is happening to the crown jewel of downtown Burlington?
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	6.5. Communication: C/T Office, re: Special City Council Meeting Minutes, April 29, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.6. Communication: C/T Office, re: Special Local Control Commission Meeting Minutes, April 29, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.7. Communication: C/T Office, re: Regular City Council Meeting Minutes, May 6, 2024, Draft

Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.8. Communication: C/T Office, re: Local Control Commission Meeting Minutes, May 6, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.9. Communication: C/T Office, re: Regular City Council Meeting Minutes, May 20, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.10. Communication: C/T Office, re: Local Control Commission Meeting Minutes, May 20, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)

Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.11. Communication: C/T Office, re: Regular City Council Meeting Minutes, June 3, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.12. Communication: C/T Office, re: Local Control Commission Meeting Minutes, June 3, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.13. Communication: C/T Office, re: City Council With Mayor Presiding Meeting Minutes, June 10, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.14. Communication: C/T Office, re: Regular City Council Meeting Minutes, June 10, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.15. Communication: C/T Office, re: Local Control Commission Meeting Minutes, June 10, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.16. Communication: C/T Office, re: Regular City Council Meeting Minutes, June 24, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.17. Communication: C/T Office, re: Local Control Commission Meeting Minutes, June 24, 2024, Draft
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting
Subject	6.18. Acceptance of 2A Grants for the Fletcher Free Library's Restoration & Preservation Project for the 1904 Carnegie Building portion of the Library - Library
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Fletcher Free Library
Type	Action (Consent)
Recommended Action	1. To approve and authorize for the Director of the Fletcher Free Library to accept and execute the Award Agreements with the following 2 funders for the Restoration & Preservation Project: NPS to accept a grant amount of \$500,000 with a local match of \$500,000 in City Capital funds, and ACCD to accept a grant amount of \$20,000 with a local match of \$20,000 in City Facility Capital funds. For both grants, the project costs are to be paid upfront by the City of Burlington and then reimbursed by NPS, & ACCD for a total of \$540,000. These funds are to be added to previously accepted NEH grant and matching funds request of \$981,700 for a total FFL Restoration & Preservation project budget of \$2,021,700.00; subject to final review and approval by the City Attorney's Office and Chief Administrative Officer. 2. Move to accept the recommendation of the City's Capital Campaign Committee to approve and authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to support the proposed Fletcher Free Library's project budget for FY25 subject to final review and approval by the City Attorney's Office.
Subject	6.19. Burlington Police Department Front Canopy Renovation - BPRW

Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	to approve and authorize the execution of a contract with Polli Construction, Inc., for a price not to exceed \$174,175 for the Burlington Police Department Canopy Renovation project, and to authorize plus a project contingency in the additional amount of \$17,000, for a (total authorized project expenditure request including contingency not to exceed \$191,175); and, to further authorize Cindi Wight, Director of Parks, Recreation and Waterfront, to execute the contract, and any related documents, and contract amendments needed to carry out the project and utilize the contingency as necessary, subject to the review of the City Attorney's Office
Subject	6.20. Creation of one position at CJC - CJC/HR
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Community Justice Center
Type	Action (Consent)
Recommended Action	to approve the creation of the Data, Communications and Operations Specialist position within CEDO, a Limited Service, Full-time, Union, Grade 14, position
Subject	6.21. Court Diversion Grant Amendment #02100-FY24/25-CN - CJC
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	to approve the acceptance of the State of Vermont Grant Award #02100-FY24/25-CN, in the amount of \$632,522, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2025, and to authorize CEDO Director, Brian Pine to sign the grant agreement, and to take such further actions or to execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby
Subject	6.22. Department of Corrections Grant: "Safer Communities" (Grant Amendment # 03520-1578) - CJC
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)

Category	6. Consent Agenda
Department	Community Justice Center
Type	Action (Consent)
Recommended Action	move to approve and 1) authorize the CEDO Director to accept and execute a second amendment to State Grant #03520-1578 in the amount of \$357,160 for FY25 subject to review and approval of the City Attorney and to take such further actions and execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby, and 2) authorize the CAO or their designee to effectuate any budget amendments necessary to reflect the necessary changes to the FY25 budget lines associated with the grant
Subject	6.23. Approval to Enter into Contract with Sandr Energy LLC, for the City of Burlington's Fuel Supply - DPW
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve and authorize Department of Public Works Director, Chapin Spencer, or their designee: (1) to enter a five-year agreement with Sandri Energy LLC, to supply the City of Burlington, with gasoline and diesel fuel services, for a price of \$.10 over Sunoco rack price at their Burlington VT, terminal, subject to approval of the City Attorney's Office; (2) to execute future extensions following the initial five-year term of the agreement approved as to form by the City Attorney's Office, for so long as any increase in price over Sunoco rack price at the Burlington, Vermont terminal does not exceed the increase in CPI-U from the effective date of the agreement
Subject	6.24. FY25 Vehicle Purchase Recommendation - DPW
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	1. To approve the proposed FY'25 Fleet Purchasing List as detailed in Attachment E cost chart, and authorize the Director of the Department of Public Works to purchase the vehicles listed therein, for a total authorized expenditure in an amount not to exceed \$343,200.00; and 2. To approve and recommend that the City Council authorize the Chief Administrative

Officer to increase the foregoing authorization if the necessary by not more than 15% by budget-neutral amendment, without further approval from the Board of Finance or City Council; and

3. To approve the Director of the Department of Public Works or designee to dispose of the FY25 replaced vehicles/equipment through any of the following means, as they shall in their reasonable judgment determine to be in the City's best interest, and to take such further actions and execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby: auction the vehicles/equipment through any of various online public auctions; by trade - in where vehicle/equipment is being purchased; or if the vehicle is of no value to the vendor, Fleet Maintenance will have the vehicle/equipment, hauled away for scrap at the current market price.

Subject

6.25. Fleet Telematics - DPW

Meeting

August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)

Category

6. Consent Agenda

Department

Public Works Department

Type

Action (Consent)

Recommended Action

to authorize the Chief Innovation Officer to enter into a three (3) year contract with Samsara Incorporated, to supply the City Fleet with their Telematics software and equipment, as stated in Samsaras quote #Q-1396189, for a Maximum limiting amount not to exceed \$178,666.16., subject to review and approval of the City Attorney's Office

Subject

6.26. BSD Lease at Miller Community Recreation Center - BPRW

Meeting

August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)

Category

6. Consent Agenda

Department

Parks, Recreation, & Waterfront

Type

Action (Consent)

Recommended Action

to approve and authorize the lease of space at the Miller Center located at 130 Gosse Court, to include shared use of the gymnasium as well as exclusive use of the designated teen center space, two adjacent offices, and a storage closet off of the gym to the Burlington School District for the 2024-25 school year and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's Office

Subject

6.27. Lease of McKenzie Park - BPRW

Meeting

August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)

Category

6. Consent Agenda

Department

Parks, Recreation, & Waterfront

Type	Action (Consent)
Recommended Action	to approve and authorize the lease of 22.32 acres of McKenzie Park to the Intervale Center for a ten-year period for commercial agricultural purposes, and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's office
Subject	6.28. Authorization to Sign a Contract for Body-Worn Cameras, Conducted-Electrical Weapon, and Storage of BWC Footage with Axon Enterprise, Inc. - Police
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Police Department
Type	Action (Consent)
Recommended Action	to approve and authorize the Chief of the Burlington Police Department to enter into an agreement with Axon Enterprise, Inc., to purchase new Body-Worn Cameras, Conducted-Electrical Weapons, unlimited BWC Footage Storage, and various technical software support solutions outlined in the attached proposal with Axon Enterprises, Inc. not to exceed \$1,393,969.92 over a 5-year term, subject to review by the City Attorney's Office
Subject	6.29. FY2024 Annual Report - Board for Registration of Voters
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Information Report
Recommended Action	waive the reading, accept the report and place it on file
Subject	6.30. FIO Documents
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	for information only

Subject	6.31. UVM - City Land Swap at Pearl and Prospect Intersection - DPW
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve the proposed land swap agreement with the University of Vermont, as outlined in the attached Agreement and summarized in this memo, and to authorize the necessary actions to effectuate the agreement. subject to the final review and approval by the Office of the City Attorney
Subject	6.32. Communication: Burlington Housing Authority Board, re: Update on the Situation at Decker Towers and Other BHA Properties
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	waive the reading and place the communication on file
Subject	6.33. Authorization to Award and Execute the Construction Contract for Bridge Rail Repair - DPW
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. in an amount of \$456,789.00 with use of up to \$45,678.00 in contingency for a total of \$502,467.00 for construction services related to the Bridge Rail Repair contract, subject to review and approval of the Office of the City Attorney
Subject	6.34. 555 Shelburne Street - Gravel Wetland Encumbrance Permit Application South Meadow Upper Tier Condominium Association/Pomerleau Real Estate - DPW
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)

Category	6. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve the Encumbrance Application for South Meadow Upper Tier Condominium Association, and Antonio B. Pomerleau, LLC at 555 Shelburne St and 1074 Pine Street,requesting use of city owned property for a stormwater outfall pipe, and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office
Subject	6.35. Special Event Outdoor Entertainment Permit Application (three days only): SEABA, Art Hop, South End Business District, various locations and times, September 6 - 8, 2024
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the three day only special event outdoor entertainment permit application for SEABA, Art Hop, South End Business District, various locations and times, September 6-8, 2024
Subject	6.36. Burlington Fire Department - Lateral Hiring - Fire
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Fire Department
Type	Action (Consent)
Recommended Action	to approve and authorize the Chief of the Burlington Fire Department to execute a Memorandum of Understanding with the Burlington Firefighters Association, allowing for the hiring of experienced firefighter/EMTs through a lateral hiring process, subject to the final review and approval of the City Attorney's Office
Subject	6.37. Approval to Execute the Nissan Corporate Resolution - C/T
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent)
Recommended Action	to approve and authorize the CAO, or designee to execute the Nissan Corporate Resolution

7. Deliberative Agenda

Subject	7.1. Resolution: In Remembrance of William "Bill" J. Keogh Sr. (Councilors Traverse, Neubieser, Shannon, Bergman, Barlow, Brown McKnight, Carpenter, Litwin, Doherty)
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	7. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.2. Indoor Entertainment Permit Application (2024-2025): Tap House Beer & Garden, 160 Flynn Avenue, Suite 1
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	approve the 2024-2025 Indoor Entertainment Permit Application for Tap House & Beer Garden, 160 Flynn Avenue, Suite 1 with all standard conditions
Subject	7.3. Outdoor Entertainment Permit Application (2024-2025): Tap House Beer & Garden, 160 Flynn Avenue, Suite 1
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	approve the 2024-2025 Outdoor Entertainment Permit Application for Tap House & Beer Garden, 160 Flynn Avenue, Suite 1 with all standard conditions
Subject	7.4. Resolution: November 5, 2024 Special City Meeting--Issuance Of Revenue Bonds--For Burlington Electric Department--Net Zero Energy And Grid Reliability Projects (Board of Finance) (20 mins.)

Meeting August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)

Category 7. Deliberative Agenda

Department Burlington Electric Department

Type Action
Resolution

Recommended Action waive the reading and adopt the resolution

Subject 7.5. Champlain Parkway Project Final Construction Contract - Award Authorization and Public Process - DPW (30 mins.)

Meeting August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)

Category 7. Deliberative Agenda

Department Public Works Department

Type Action

Recommended Action To authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. (ECI) in an amount up to \$14,392,262.50 with \$1,439,226.25 (10%) in contingency funds, totaling up to \$15,835,613.75, for the Champlain Parkway Final Construction Contract, subject to the final review and approval by the Office of the City Attorney, and to:

1. Request the Department of Public Works provide the City Council a full briefing at a September 2024 Council meeting on the status of the South End Construction Coordination Sequence and the Railyard Enterprise Project in specific; and
2. Make best efforts to front load the installation of the Champlain Parkway final construction contract's improvements between Maple Street and Main Streets including the installation of traffic signals such that the signals are operational for up to 6 months, but in no case fewer than 3 months, prior to the opening of the project's interstate connection; and
3. Have the Department of Public Works and the Transportation, Energy & Utilities Committee develop a plan for post-construction traffic monitoring and public feedback, including proactive outreach to the King and Maple neighborhood, and present the results to the City Council every year for the first two years after the Champlain Parkway project is completed; and
4. Based on the traffic data and public feedback collected, advance any appropriate additional improvement or traffic mitigation necessary.

Subject 7.6. Mayor's Memorandum on Encampments (40 mins.)

Meeting August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)

Category 7. Deliberative Agenda

Department Mayor's Office

Type	Action Communication Information
Recommended Action	waive the readings, accept the communications and place them on file
Subject	7.7. Mayor's Update on Community Safety (40 mins.)
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	7. Deliberative Agenda
Department	Mayor's Office
Type	Action Communication Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	7.8. Resolution: Requesting Vermont's Congressional Delegation Request The Secretary Of The United States Air Force Replace The Current F-35 Mission With One That Causes No Harmful Noise To The People Living Around The Airport, And One That Is Fully Compatible With Residential Neighborhoods (Councilor Bergman)
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	7. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.9. Resolution: Changes to City Charter Articles 62,63,and 65 Regarding Police Oversight Short Form Ballot Question (Councilor Bergman)
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	7. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution

Subject	7.10. Ordinance: Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on Rides Originating from the Patrick Leahy Burlington International Airport (Ordinance Committee)
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	7. Deliberative Agenda
Department	Council and Board
Type	Action Ordinance - Second Reading
Recommended Action	second reading, waive the reading and adopt the Appendix to the Burlington Code of Ordinances

Subject	7.11. Ordinance: Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares (Ordinance Committee)
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	7. Deliberative Agenda
Department	Council and Board
Type	Ordinance - Second Reading
Recommended Action	second reading, waive the reading and adopt the ordinance as amended by the Ordinance Committee

8. Committee Reports

Subject	8.1. Verbal reports
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	8. Committee Reports
Department	Council and Board
Type	Information

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

Subject	9.1. Verbal reports
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	9. City Council - General Affairs (up to 15 mins.)
Department	Council and Board

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

Subject	10.1. Verbal reports
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	10. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

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

Subject	11.1. Verbal reports
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	11. Mayor - General Affairs (up to 10 mins.)
Department	Council and Board
Type	Information

12. Adjournment

Subject	12.1. Motion to adjourn
Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	12. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

13. Informational and Non-Discrimination Statements

Subject	13.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age,
----------------	--

sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.

Meeting	August 12, 2024 - Regular City Council Meeting - Monday, August 12, 2024, 5:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor (because elevator is inoperable, Bushor Conference Room, Ground Floor, is available for ADA Accessibility)
Category	13. 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

8/7/2024

	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 Tonv 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 Burington 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
10	5/20/2024	Resolution: A Building Emissions Reduction Ordinance	referred to TEUC	TEUC refer any working draft BERO and any related ballot language to the Ordinance Committee no later than the last City Council meeting in October of 2024
11	6/3/2024	Resolution: Review and Update To Rental Weatherization Standards	TEUC to hold one or two meetings to eaxmine implementation of the Rental Weatherization Standards and identify any reasons for delay in achieving the energy audtis and weatherization work required by Ordinance to take place	no later than October 1, 2024, TEUC shall provide the full Council an update on its findings and make any policy update recommendations to the Ordinance Committee
12	6/3/2024	Ordinance: Chapter 18 Housing, Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives	referred to Ordinance Committee	not-specified
13	6/24/2024	Ordinance: CDO--EMERGENCY SHELTERS ZA-24-03	referred to Ordinance Committee	not-specified
14	7/15/2024	Ordinances (2): Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares; Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares Originating from the Patrick Leahy Burlington International Airport	referred to Ordinance Committee	not-specified

Lori Olberg

From: City of Burlington Vermont
Sent: Monday, July 22, 2024 6:40 PM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

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

Received from: andrea marion

Reply to e-mail Address: andreamarion193@gmail.com

Subject: thank you for clearing sidewalk of dumped furniture!

Message: I want to commend the City of Burlington Public Works for responding quickly to my request to clear the public sidewalk of dumped furniture on Germain Street.

Thank you so much!

Submitted on Monday, July 22, 2024 - 18:39 from IP address: 2601:19b:c501:af80:fcc7:142b:4a61:d44

Check IP address location: <https://viewdns.info/iplocation/?ip=2601:19b:c501:af80:fcc7:142b:4a61:d44>

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

Burlington City Council

July 30, 2024

To: State Senators Irene Wrenner and Russ Ingalls
C/O Vermont State House
115 State Street
Montpelier, Vermont 05633-5301

'24 AUG 1 PM 4:41

What is happening to the crown jewel of downtown Burlington?

My wife and I enjoy the Church Street area often, usually parking at the Market Place Garage before heading to the Flynn Theater for productions, the Red Square for music or one of the many restaurants for meals or family celebrations. Over the years we have noticed a gradual deterioration of the area: dirtier, less well maintained, less vibrant and many more unsavory characters. There seems to be a dramatic increase in the number of vagrants and homeless. Here are recent examples.

On Thursday evening, June 20th we attended the Sound of Music production at the Flynn Theater. We parked at the Market Place Garage on Cherry Street. Several, obviously homeless men and women, traveling as a pack, crossed the garage entry lane as we drove into the garage. There is a small median dividing the garage entrance from the garage exit. Another homeless man was sleeping on the median, with his personal belongings, amid trash and debris which appeared to be his discarded items from food, etc. The homeless group called out to the sleeping man, calling him by name. The group settled into a small area to the immediate right of the garage entry. They were dirty in appearance, aggressively loud and created the feeling that it would be unsafe to walk out the Cherry Street exit. To avoid them we exited via the mural-lined alleyway to Church Street. Walking to the Flynn, we passed several other homeless on Church Street with their belongings piled in carts, bags or backpacks.

Arriving at the Flynn Theater there was a young lady sitting on the sidewalk to the left of the main entrance wearing filthy clothing with stringy unkempt hair and in an obviously drug or alcohol stupor.

Later, as we returned to the parking garage, it seemed that after 9pm, the business doorways are the campgrounds and begging areas for Burlington's homeless population. The homeless group was still at the Cherry Street garage entrance, even more this time, and we entered the garage via the mural alleyway entrance and exited our car onto Winooski St. to avoid them

Not long ago, my grandson and a friend were accosted and verbally assaulted by a homeless woman on Church Street. He said the homeless woman laughingly said, "Call the police, they won't do anything."

On July 18th, we again went to Red Square for music. There was a congregation of what appeared to be homeless individuals sitting, standing and milling about in a small area near College and Winooski streets. We decided not to try the Market Place Garage and drove to Main Street. We found a parking space one block east of the Flynn Theater. Crossing Main Street heading toward Church Street, we encountered a homeless couple, stretched out on the sidewalk, bagged belongings in a pile, eating a meal. At the Red Square Alleyway, a young lady openly smoked her crack pipe while other shirtless and barefoot adults lingered nearby, sitting and leaning on the adjacent building, smoking pot. The odor was overwhelming.

Church street should be the safest area of Burlington yet is one of the worst. We have never seen a police officer or police presence in the area. It seems the city of Burlington is making the streets and parks safe for homeless and vagrants rather than for tax-payers and citizens. In summary, we don't feel safe in the Church Street area unless with a group. It is not a fun destination. When friends visit from out of the area, we were once proud to show them Church Street. No Longer!

There are solutions.

You may have heard or read about the recent U.S. Supreme Court ruling in favor of Grants Pass, Oregon. In that case, the Supreme Court ruled that an anti-camping law did not violate constitutional protections against cruel and unusual punishment — overturning lower-court rulings that had put limits on how cities can regulate homeless camping.

In response to the Supreme Court Ruling, California Governor Newsom has given the green light for communities to remove homeless encampments.

City councils, legislatures, state legislators, public officials and community leaders at all levels must enact and support ordinances and laws to discourage vagrants and the hopelessly homeless from taking over our streets and public areas.

Even more important, law enforcement must have the staffing and equipment to do their jobs. They must be given the support of city leadership, businesses and civic organizations. Give our police officers the authority and support to enforce ordinances and laws to their fullest intent.

We must show compassion and provide recovery opportunities for our brothers and sisters in unfortunate circumstances. But there are those that take advantage of our compassion and do not want recovery. To those we must say, "You can't live on my front lawn any longer and I will help when you put in as much effort as I."



William White
48 Partridge Drive
Essex, Vermont 05452

'24 AUG 1 PM 4:41

Cc:

Burlington Mayor Emma Mulvaney-Stanak

Burlington City Council Members

Burlington Police Chief Jon Murad

Burlington Chamber of Commerce CEO Terry Caddo

Editor, Seven Days Newspaper

**BURLINGTON CITY COUNCIL
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL
OR
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 29, 2024
DRAFT**

MEMBERS PRESENT:

Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant (via Zoom)
Carter Neubieser (via Zoom)
Joe Kane
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Katherine Schad
Joe McNeil
Erik Ramakrishnan

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:51 PM.

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

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: LIMITED TO LISTED AGENDA ITEMS ONLY

2.1. Verbal Comments
None.

3. CONSENT AGENDA

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

3.2 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.

3.3 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.

MOTION by Councilor Bergman, SECOND by Councilor Grant, to approve the consent agenda as amended and take the actions indicated for items 3.1-3.3.

VOTING: unanimous; motion carries.

4. ADJOURNMENT

4.1 Motion to Adjourn

The meeting adjourned at 6:53 PM.

RScty: AACoonradt

**BURLINGTON LOCAL CONTROL COMMISSION
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL
OR
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 29, 2024
DRAFT**

MEMBERS PRESENT:

Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant (via Zoom)
Carter Neubieser (via Zoom)
Joe Kane
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

Katherine Schad
Joe McNeil
Erik Ramakrishnan

1.0 AGENDA

City Council President Traverse called the meeting to order at 6:53 PM.

MOTION by Commissioner Broderick, SECOND by Commissioner Bergman, 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 Renewals 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.

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

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.1 First, Second, Third Class Liquor License Renewals and Outside Consumption Permit Renewals: see attached list

MOTION by Commissioner Bergman, SECOND by Commissioner Barlow, to approve the 2024-2025 First, Second, Third Class Liquor License Renewals and Outside Consumption Permit Renewals as listed with the following conditions: all outstanding monies will need to be paid to the Clerk/Treasurer's Office and with all standard conditions.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 7:01 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 6, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Emma Mulvaney-Stanak
Katherine Schad
Joe McNeil
Erik Ramakrishnan
Lori Olberg
Keaton Knowles
Brian Pine
Darren Springer
Sarah Reeves
Lee Perry
Beth Parent
Jonathan Chapple-Sokol
Meagan Tuttle
Deb Snell

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:03 PM.

MOTION by Councilor Shannon, SECOND by Councilor Carpenter to amend and adopt the agenda as follows:

- **Remove from the consent agenda item 5.28 Proposed ZA-24-04 Neighborhood Code Part 2 Topics – Planning and place it on the deliberative agenda as item 6.7, moving to 6.8 the Resolution: Negotiations Between the Vermont Federation**

of Nurses and Health Professionals And The University of Vermont Medical Center (per City Council President Traverse per Councilor Grant);

- **Add to the consent agenda item 5.36 Indoor and Outdoor Entertainment Permit Renewals (2024-2025).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:15 PM

2.1. Verbal Comments

Forum opened at HH:MM PM.

COMMENTS:

Burlington residents (in person):

- Michael Nedell spoke about the overflow activity around the shelter pods on Elmwood Avenue. He said that there has been a significant increase in suspicious activity and behavior, drug use, people passed out in the street, and people climbing into the cemetery. He spoke about witnessing individuals defecating in the cemetery, and asked that the City look into replacing the current fencing with a higher fence to discourage that and other inappropriate activity in the cemetery.
- Jacob Berkewitz spoke on behalf of the unionized support staff at the UVM Medical Center, noting that support staff working conditions, wages, and staffing deficits have improved over the last 8 months since the execution of the union contract, in part thanks to the support of the City Council. He asked for the same support for the nurse's union as they go into their own negotiations with the hospital. He spoke about continued lack of support from the UVM Health Network for its nursing staff.
- Jak Tiano spoke in favor of the Neighborhood Code proposal that was passed several months ago. He said that this proposal can help to tackle the City's housing crisis more seriously, and noted that there is significant interest in the community to be more engaged and help out in this process as it moves into Phase 2. He asked that the project look at the City holistically.
- Robin Lloyd urged the Council to support a ceasefire resolution for Palestine. She also expressed hope for further work on foreign policy and the development of relationships with sister cities around the world.
- Jane McDougal asked when the roads and sidewalks are going to be fixed, particularly around Cathedral Square, given that they are in disrepair. She said that many people have physical challenges and are unable to move around the City.

Burlington residents (via Zoom):

- Sharon Bushor spoke about the Neighborhood Code, noting that the communication from the Planning Commission gives Councilors and opportunity to make sure that the proposal is addressing everything that should be addressed in this interim period before the second structure is allowed to be built. She noted that items include structure height, historic districts, and non-conforming encroachment into setbacks. She spoke about the importance of affordability and said that there is the possibility of mandating it in some form. She also spoke about how Burlington is a Tree City and that the proposal does not protect mature trees from clear-cutting. She pointed out that the Neighborhood Code process was extremely quick and questioned whether it was thoroughly vetted.
- Liz Curry spoke as someone with background in energy efficiency in building rehabilitation in the low-income sector. She spoke about item 6.4 and Councilor Kane's comment during the Climate Emergency Report item, saying that renewables include demand management and lowering demand. She said she is generally supportive of BED's pilot program, but noted that it doesn't provide for controlling higher electricity use and cost. She said that low-income, multi-family units will be the least likely to take advantage of this program, and that weatherization should occur first for leaky buildings.

Non-Burlington residents (in person):

- Dale Walsh spoke about the nursing staff at UVM Medical Center, saying that it is a community health and public safety crisis, given the heavy reliance on traveling nurses and UVM Medical Center's inability to match traveling nurses' wages and keep nurses in the community. She said that UVM Medical Center is good at attracting new nurses, but it cannot retain them. She urged the Council to support the UVM Medical Center nursing staff and union.

Forum closed at 6:38 PM.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports

Councilor Kane noted that California has met its energy demand over the last month from renewable energy on more than 75% of days, which includes energy from wind, hydro, solar, and geothermal. He noted this in the spirit of trying to be as ambitious in Vermont as we can be.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports

Councilor Grant noted that Decker Towers' residents continue to live in an unsafe situation. She thanked the Mayor for meeting recently with residents and hopes that this leads to further proposed solutions. She said that she will continue to provide updates at subsequent meetings. She also spoke about the latest figures from the State's Attorney's Office, which include a total of 3,000 criminal cases, comprising of 675 retail thefts, 96 burglaries, 35 assaults and robberies, 182 car thefts, and 51 grand larceny cases. She also provided information about prosecution of juvenile delinquencies, fish and game tickets, appeals, and cases involving children who need supervision or intervention, which adds an additional 1,000 cases to this workload. She noted that this information is for Chittenden County as a whole. She also spoke about the Police Chief's report to the Police Commission, which includes statistics about officers on patrol, etc.

Councilor Barlow spoke about item 5.6, which is a letter from a law firm in Burlington on George Street, regarding concerns about over 100 incidents they've documented including trespassing, drug uses, and other unauthorized activities on their property. He said that this continues to impact employees and clients of this law firm. He noted that this began with the sighting of the pod shelters in their neighborhood. He said that overdose prevention center legislation was passed at the State level, with the intent of locating a site in Burlington. He noted that it will be important to understand the implications of such as site, including collateral effects.

5. CONSENT AGENDA

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

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

5.3 Communications: Pat Robins, Member, Retirement Board, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days (already did) and send a letter of appreciation to Pat Robins thanking him for his time served as a Member of the Retirement Board.

5.4 Communication: Lynne Clauss, re: Vandalism – waive the reading and place the communication on file.

5.5 Communication: Colin Larsen, re: Winooski Bridge replacement project - waive the reading and place the communication on file.

5.6 Communication: McCormick, Fitzpatrick, Kasper & Burchard, P.C., re: Crime and Drug Use in the Vicinity of Burlington's Homeless Pods - waive the reading and place the communication on file.

5.7 Fence Viewer Report – Shay Totten, Report From 2023-2024 - waive the reading and place the communication on file.

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

5.9 Communication: Pike Porter, re: GREET model comments to TAG - waive the reading and place the communication on file.

5.10 Communication: C/T Office, re: March 25, 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 May 20, 2024 Regular City Council Meeting.

5.11 Communication: C/T Office, re: March 25, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.

5.12 Communication: C/T Office, re: April 1, 2024 City Council Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.

5.13 Communication: C/T Office, re: April 15, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.

5.14 Communication: C/T Office, re: April 15, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.

5.15 Special Event Indoor and Outdoor Entertainment Permit Application (one day only): Despacito LLC/Tank Studio Inc./Goldenjunk LLC, May 25, 2024, 5 pm – 12 am, Plex Art Event – approve the one day only special event indoor and outdoor entertainment permit application for Despacito LLC/Tank Studio Inc./Goldenjunk LLC, May 25, 2024, 5 pm – 12 am, Plex Art Event.

5.16 Special Event Outdoor Entertainment Permit Application (one day only): The Pinery, 377 Pine Street, June 1, 2024, 4 pm – 11 pm, Country for a Cure Benefit Concert – approve the one day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, June 1, 2024, 4 pm – 11 pm, Country for a Cure Benefit Concert.

5.17 Special Event Indoor and Outdoor Entertainment Permit Application (one day only): CannaPlanners LLC, 1 Lawson Lane, June 14, 2024, 6 pm – 10 pm, Office Party - approve the one day only special event indoor and outdoor entertainment permit application for CannaPlanners, LLC, June 14, 2024, 6 pm – 11 pm, 1 Lawson Lane, Office Party.

5.18 Special Event Outdoor Entertainment Permit Application (one day only): South End Get Down, June 29 2024, 5 pm – 10 pm, 98 North Avenue, parking lot of Brian’s Auto - approve the one day only special event outdoor entertainment permit application for South End Get Down, June 29, 2024, 5 pm – 10 pm, 98 North Avenue, parking lot of Brian’s Auto.

5.19 Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, August 25, 2024, 3 pm – 11 pm, Wallflower Fest, private parking lot - approve the one day only special event outdoor entertainment permit application for the Wallflower Collective, August 25, 2024, 3 pm – 11 pm, Wallflower Fest, private parking lot.

5.20 Special Event Outdoor Entertainment Permit Application (two days only): The Pinery, September 6 – 7, 2024, Art Hop - approve the two day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, September 6-7, 2024, Art Hop.

5.21 Special Event Outdoor Entertainment Permit Application (one day only): OKAY!OKAY!/REIB, Juneteenth Celebration, June 15, 2024, 11 am – 11 pm, various locations around the City – approve the one day only special event outdoor entertainment permit application for OKAY!OKAY!/REIB, Juneteenth Celebration, June 15, 2024, 11 am – 11 pm, various locations around the City.

5.22 Umbrella Entertainment Permit Application (five days only): Flynn Center for the Performing Arts, June 5-9, 2024, Jazzfest, various locations around the City - approve the umbrella entertainment permit application for Flynn Center for Performing Arts, JazzFest, June 5-9, 2024, Various locations around the City.

5.23 Tobacco License and Tobacco Substitute Endorsement Renewals: Greenleaf Central, 191 College Street – approve the tobacco license and tobacco substitute endorsement renewals for Greenleaf Center, 191 College Street.

5.24 ONE Cleanup/Cleanout Proposal – Gene Bergman, Ward Two City Councilor – approve the expenditure of up to \$5,000 from the City Council Initiative Funds to support the ONE clean-up in May 2024 and to authorize the Chief Administrative Officer to reimburse expenses up to \$5,000 for this event accordingly.

5.25 Distribution and Collection System Improvements – Consultant Amendment and Contractor Budget Amendment – DPW – Water Resource - 1. Authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$196,785.00 for Calendar Year 2024 administration and inspection services, for a total contract value with Dubois and King not to exceed \$743,076.00, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer; and 2. Authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$135,000.00, for a total Distribution and Collection System contract value with Inliner not to exceed \$8,136,131.13 provided that all these authorizations are contingent on the contract and any amendments thereto having the prior approval of the City Attorney and Chief Administrative Officer.

5.26 BPRW Budget Neutral Amendments – BPRW - authorize the budget neutral adjustments as detailed in the attached budget amendment forms, and further authorize the Chief Administrative Officer or designee to effect all necessary transfers of funds to carry out such amendments, subject to the final review and approval of the Chief Administrative Officer.

5.27 Regular Schedule of Meetings of the Board of Finance and City Council through April 2025 – approve the regular schedule of meetings of the Board of Finance and City Council through April 2025.

5.28 Proposed ZA-24-04 Neighborhood Code Part 2 Topics – Planning **now agenda item 6.8**

5.29 Authorization to Execute Easements with UVM Regarding the Redstone Water Storage Tank Site – DPW – Water Resources – 1. Authorize the Mayor to execute an easement to allow the City access to UVM property for the purposes of project staging and to access its parcel located at 354 South Prospect Street for inspection and maintenance; and 2. Authorize the Mayor to execute an easement to allow UVM access to its parcels through the City site located at 354 South Prospect Street.

5.30 2024 Legislative Update, April 22, 2024 – Jamie Feehan – waive the reading, accept the communication, and place it on file.

5.31 2024 Legislative Update, April 29, 2024 – Jamie Feehan – waive the reading, accept the communication, and place it on file.

5.32 Annual Report of the Design Advisory Board Fiscal Year 2024: July 1, 2023-June 30, 2024 – waive the reading, accept the report, and place it on file.

5.33 Annual Report of the Burlington Development Review Board Fiscal Year 2023: July 1, 2022-June 30, 2023 - waive the reading, accept the report, and place it on file.

5.34 FIO Documents – for information only.

5.35 111 Saint Paul Street – Outdoor Seating Encumbrance Permit Application – Devil Takes a Holiday – DPW - approve the Encumbrance Application for DJINN LLC d/b/a Devil Takes A Holiday at 111 Saint Paul Street requesting use of the sidewalk for an outdoor seating area and to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney’s Office.

5.36 Indoor and Outdoor Entertainment Permit Renewals (2024-2025) -

MOTION by Councilor Bergman, SECOND by Councilor Shannon, to approve the consent agenda as amended and take the actions indicated for items 3.1-3.36.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Tobacco License Application (2024-2025): Three Five 45 Community Store & Kitchen, 1563 North Avenue

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Tobacco License Application for Three Five 45 Community Store & Kitchen, 1563 North Avenue.

VOTING: unanimous; motion carries.

6.2 Lease Agreement for the Community Justice Center at Post Apartments – CEDO/CJC

Director Pine began by noting that the Community Justice Center (CJC) has had five different homes since its inception, none of which have been completely suitable for its needs. He spoke about how the needs of the CJC space have grown as the needs for its services has grown. He spoke about the difficulty of finding a high-quality space at a reasonable enough cost to relocate the CJC, and said that partnering with the Champlain Housing Trust on its redevelopment of the former VFW building in Burlington has presented an opportunity for a suitable space to house the CJC. He said that CEDO and CHT are here now asking for a lease commitment on a building that won't be redeveloped until 2025 due to requirements of the low income housing tax credit and needing to show lenders and investors that there is a lease commitment.

MOTION by Councilor Carpenter, SECOND by Councilor McKnight, to approve and authorize the Mayor to execute the proposed 15-year lease between the City of Burlington and Post Apartments Housing Limited Partnership for office space located at 176 S. Winooski Avenue, to be used to house the Community Justice Center.

DISCUSSION:

- Councilor Carpenter said that she is supportive of this move of the CJC. She said that it is important that the CJC is centrally located, given the need for its proximity to courts and other services. She acknowledged that this will increase CJC's rent, but noted that they are working on a number of strategies to address that increase.
- Councilor Shannon said that while this is an increase in annual rent, the lease is relatively low and competitive, and said that CJC's current space isn't meeting its needs. She expressed concern about the City shouldering the cost burden for the increased rent and asked about the long-term plans for meeting those funding needs. Director Pine replied that the majority of the cost for operating the CJC is provided by the State. He noted that Chittenden County currently has 4 CJC's, but that he anticipates some regionalization in the future, but that Burlington's CJC is likely to be a survivor in that process. He said that if there is regionalization, other municipalities can be expected to help bear the cost of the CJC. He noted that the City has secured a \$300,000 earmark in Congressionally directed spending and an award from the Vermont sales tax reallocation to cover the public portion of the infrastructure in the right-of-way when it is rebuilt. He said that they are also hoping to capitalize rent reserve equivalent to two years of operations for rent payment.

VOTING: unanimous; motion carries.

6.3 Potential Sale of 200 Church Street – CT/CEDO/I&T

Director Pine said that the City purchased this property in 2005 to operate and launch Burlington Telecom, and that the City has retained ownership of the property when the BT assets were transferred to a holding company in 2014. He noted that the asset purchase agreement stipulates that BT's owners have right of first refusal or an option to sell exclusively to BT by 2034 if BT chooses. He noted that two thirds of the building have been leased to Burlington Telecom, but the CJC and the City's Human Resources department occupy the other third of the space. He noted that BT's lease is around \$120,000 per year. He noted that HR and CJC are both supportive of selling the building to BT's asset holder. He noted that BT's asset holder owns and operates 6 broadband subsidiaries and that their model is to own the properties from which they operate. Speaking to Councilor questions about pursuing a ground lease instead of a sale, he said that the asset purchase agreement signed in 2017 envisioned the sale of both the land and the building, and that BT doesn't have a desire to ground lease the property. He said that the current lease term is in its first renewal period of three. He said that the third renewal term in April 2034 would trigger the option that BT has to purchase the property. He spoke about the key hurdles the City faces with continued ownership of the property, which include significant capital needs (replacing an HVAC system and roof membrane). He said that the City estimates it would cost about \$1.5 million to replace the entire HVAC system and \$200,000 to replace the roof membrane. He said that there are no specific

funds set aside to make the capital upgrades to the property, and that the funds would need to come out of the City's capital fund. He noted that the proposed purchase agreement is for sale of the property for \$1,571,000, and that if the agreement is executed, BT will commence the work at their cost, even though the closing won't occur until early 2025.

MOTION by Councilor Carpenter, SECOND by Councilor McKnight, to 1. Approve the proposed Purchase Option Exercise Agreement and License and Use Agreement with Champlain Broadband, LLC, for the sale and use of 200 Church Street; 2. Authorize the Mayor or designee to take such further actions and to execute such further instruments as may be necessary or convenient to accomplish the transactions contemplated in the Purchase Option Exercise Agreement and License and Use Agreement, subject to review and approval of the City Attorney; and 3. Authorize the Chief Administrative Officer to establish a separate fund in the Assigned Fund Balance to accept the proceeds of the sale of 200 Church Street and make any expenditures required to carry out the Purchase Option Exercise Agreement and License and Use Agreement and make all necessary budget transfers in relation thereto.

DISCUSSION:

- Councilor Carpenter said that given the extent of the liability the City carries as a landlord if it doesn't improve or repair the building, it has significant out-of-pocket immediate liability that it would have to exercise, should components of the infrastructure fail. She said that she is supportive of the sale of this property for this reason. She noted that the City does not own the parking lot behind the building.
- Councilor Neubieser noted constituent concern about selling off the City's public assets, but pointed out that in this situation, the City does not have many other options, given that it's locked into selling this asset at some point. He emphasized the importance of finding progressive taxation reforms in an effort to target revenue generation for those who can afford it, in order to adequately fund basic City services.
- Councilor Bergman said that he will support this proposal but that he is generally against the selling of public assets. He spoke about the timing of this proposal, given that it came before the Board of Finance and City Council in March, but noted that there were investigations into this proposal as far back as 2022. He said he will continue to support the major redevelopment that is occurring downtown, and said that these will lead to appreciating values in the coming years. He said that he is unhappy about the overall lack of transparency and caretaking of City assets.
- Councilor Broderick said that he is also unhappy about the prospect of a sale, but said that he hopes that the sale of 200 Church Street and the potential public/private partnerships around Memorial Block is what the City needs to end its current culture of deferred maintenance.
- Councilor Grant echoed the concerns raised by Councilors Bergman and Broderick, though she will also support this proposed sale. She said that she would have liked to have more of her questions answered prior to being locked into this decision.
- Councilor Shannon asked about the appraisals conducted on the building, and Director Pine provided more detail on the appraisals and income approach that were used to determine the final sale value, which satisfied her questions.

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

6.4 BED Heat Pump Bill Credit Program and Commercial Demand Response Program – BED

General Manager Springer said that the gist of this pilot program is to make the cost of heating with an electric heat pump cheaper than heating with natural gas or other fossil fuels. He noted that the low price of natural gas makes this challenging and that it is generally more expensive to heat with an electric heat pump than natural gas. He said that BED has had a long-standing goal of lowering the cost of heating with heat pumps. He said that BED received a grant from the federal government of \$1,158,000 in competitive climate funds, with which they

would like to help customers with heat pumps participate in this pilot. He said that they would do this by providing eligible users with a sensibo, which allows users to control the thermostat using their phones, but also allows the utility to send a signal to adjust the thermostat within a set range. He said that they would also provide users with a clamp that would go on the circuit for the heat pump and give the City real-time data in terms of usage. He said that these two pieces of equipment would help participating users to reduce their usage during peak periods and could have a large impact if aggregated over a large number of heat pumps. He said that if this pilot is successful, they would like to convert it to a per kilowatt hour rate. He said that if the grant funding goes smoothly and this is approved by the Public Utility Commission, they could support 1,000 heat pumps in this program. He noted that there will be a commercial as well as a residential component to this pilot program.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to approve the General Manager of Burlington Electric Department, or his designee, to file with the Vermont Public Utility Commission a pilot rate to provide a monthly bill credit and/or a pilot rate to customers installing BED approved measurement and control devices on electric heating systems.

DISCUSSION:

- Councilor Barlow asked how this fits more generally into the City's climate goals, and asked about the relationship of this program to weatherization and whether it may be better to offer weatherization prior to this program. General Manager Springer replied that in terms of climate benefits, 60% of the City's targets are around more efficient heating and heating technologies in the electric space, and that their focus is on heat pump uptake and usage. He said that this program is more about usage than uptake, and targets households that already have heat pumps. He noted that the City has other weatherization policies and incentives, including through CVOEO.
- Councilor Bergman asked if there is a difference here between a split pump and ducted systems. General Manager Springer replied that this program would be more effective for ductless mini-split systems, though both system types are eligible for the pilot. He also said that the cost of this pilot would be borne by the department and through the grant, not by rate-payers.
- Councilor Broderick asked about the preliminary study that included 9 trial participants. General Manager Springer replied that they took the cost to serve from an electric standpoint and looked at transmission and capacity and derived the cost to serve and credit range in different scenarios. He said that this range of savings was between \$4.46 per pump and around \$7 per pump, which is how they arrived at the \$5 per month bill credit. Councilor Broderick asked how close this program would get to the cost of natural gas, were it to be implemented broadly across the City. General Manager Springer replied that that depends partly on the price of natural gas, but that there are some levers they could use to make heat pumps as cost-competitive as possible.
- Councilor Neubieser expressed support for this pilot.
- Councilor Grant asked how this has been communicated to the public and landlords, so that they are aware of options and incentives for improvements. General Manager Springer replied that BED is hoping to present to the Transportation, Energy, and Utilities Committee (TEUC) soon about their efforts around outreach and equity. He said that they are also working to create video content, including communicating basic information about understanding one's electric bill. He said he appreciates the focus on rental properties, as this pilot could apply to rental properties, too.
- Councilor Kane asked about the percentage of heat pumps in single-family homes versus rental properties, and General Manager Springer replied that a rough estimate is around 50/50 between homes and rental properties.

VOTING: unanimous; motion carries.

6.5 Chittenden Solid Waste District Proposed FY 25 Budget – CSWD

CSWD Executive Director Reeves provided an overview of the FY25 budget for the Council's review and consideration. She began by noting the three main sources of CSWD's revenue, which are user fees, material and product sales, and solid waste management fees, adding that they do not receive revenue from local sales or property taxes. She spoke about CSWD's projected FY25 income of \$15.9 million, anticipated to come from solid waste management fees, tipping fees, the sale of materials, and, to a lesser degree, from product stewardship and reimburseables, grant revenue, and interest and dividends. She spoke about CSWD's projected FY25 expenses of \$16.08 million, the bulk of which are related to payroll expenses (38%) and materials management (43%), with other contributing costs associated with property management, promotion and education, community support, travel and training, administrative costs, and professional fees. She said that based on this, they are projecting a budget shortfall of approximately \$287,000. She spoke about FY25 compared to FY24's budget, noting that while revenue is projected to increase by 3.6%, expenses are anticipated to increase by 11.7%. She said that much of the expense increase is related to equipment and fleet increased costs, related to CSWD's aging infrastructure. She said that this shortfall would be covered by drawing approximately \$287,000 from CSWD's reserve fund. She noted that CSWD's board approved a solid waste management fee increase (the first in 12 years) from \$27 per ton to \$30 per ton, which will impact households by an approximately \$0.28 per month increase. She noted that this charge is only on waste, not compost, recycling, or scrap. She said that they also approved an increase in the tip fee in the recycling facility to \$90 per ton, which helps cover equipment expenses for the aging facility, and also budgeted \$250,000 in operating expenses to cover equipment repair and replacement. She noted that there was no increase in tip fees for the organics recycling facility, nor increases in fees at drop off centers. She spoke about the drop-off center in Burlington at 339 Pine Street, noting that it will be open 5 days a week beginning in July and that it will be available for trash, "blue bin" recycling, food scraps, and scrap metal drop-off. She also spoke briefly about future capital projects and fund equity.

Councilor Grant expressed excitement about the Burlington drop-off center opening at pre-Covid levels, especially for food scrap drop-off for residents. Councilor Neubieser echoed this support, as well as excitement about the ability to pay with credit and debit cards at the drop-off center.

MOTION by Councilor Bergman, SECOND by Councilor Shannon, to approve the CSWD Proposed FY25 Budget.

VOTING: unanimous; motion carries.

6.6 Resolution Relating to the Relationship Between City Officials and the Neighborhood Planning Assemblies City of Burlington – passed by the Ward 1 NPA at their March 2024 meeting

MOTION by Councilor Neubieser, SECOND by Councilor Bergman, to refer the resolution from the Ward 1 Neighborhood Planning Assembly Concerning the Relationship Between City Councilors & the NPAs to the Community Development and Neighborhood Revitalization Committee for further review and recommended action.

DISCUSSION:

- Councilor Neubieser said that the goal of this resolution is to help strengthen the role of Neighborhood Planning Assemblies (NPAs) in the public process. He expressed support for direct democracy and resident participation and engagement.
- Jonathan Chapple-Sokol, a member of the Ward 1 NPA Steering Committee said that the primary inspiration for this proposal comes from the City Council's decision last October to pass a resolution that prescribes specific actions required by the NPAs, which was unconventional and unprecedented and came without consultation from the NPAs themselves (though he acknowledged that the situation the Council was trying to address was serious and appreciated the action). He said that this highlighted a lack of a standard set of conditions under which the NPAs should be engaged

in City input and City decision-making. He said that this resolution would ask the City to work with the NPAs to establish conditions under which elected officials or City administrators seek and consider approval from the NPAs as an advisory group.

- Councilor McKnight said that the City needs to be careful not to add more burden to Councilors or NPA representatives, saying that thought needs to be given to the time requirements that this would place on them.
- Councilor Shannon said that the CDNR Committee should give consideration to the burden placed on City staff as well.
- Councilor Broderick said that the implementation of a resolution like this should also be considerate of making the NPAs more accessible and inclusive, by adjusting schedules to account for new families with young children, New Americans, students, and people with full-time jobs (for example).
- Councilor Grant said that the action taken last fall by the Council has shown some improvement in representation at certain NPAs. She spoke about how different NPAs have accommodated diverse backgrounds, such as holding a community dinner and having activities for children. She suggested that NPAs could hold community breakfasts instead of community dinners, to be more flexible and inclusive. She expressed support for this resolution, and said she looks forward to continued work and engagement across the NPAs.
- Councilor Neubieser said that this resolution can help give more resources and guidance to NPAs around some of the structural equity pieces that have been raised. He said that the City needs to give people real decision-making power in a measured and structured way to help them be more engaged.

VOTING: unanimous; motion carries.

6.7 Proposed ZA-24-04 Neighborhood Code Part 2 Topics – Planning **was consent agenda item 5.28**

Director Tuttle began by noting that the Neighborhood Code Part 2 is following the work that the previous City Council adopted at the end of March. She said that the City chose to bifurcate some of the topics and move forward the core concepts of the Neighborhood Code to allow the joint committee enough time to focus on them and ensure that they would be supported by the City Council prior to spending time on this second phase of Neighborhood Code work. She said that the Part 2 issues cover technical details, allows for discussion of items raised during public input from the Part 1 work, and allows for time to address inquiries following the adoption of the Code. She said that they anticipate the Part 2 work to comprise four or more separate amendments and series of projects. She spoke in more detail about the other relevant topics and related planning projects, which relate to a number of questions and issues raised during the Joint Committee process that were not within the core focus of the Neighborhood Code, but which should be discussed in other upcoming planning projects and studies. These include the impact that existing historic preservation standards have on implementing infill development, opportunities for expanding mixed-use and neighborhood commercial development in the New North End (along the North Avenue Corridor and within close proximity to the Burlington Greenway), and access to quality greenspace across all neighborhoods, including corridors and greenways that provide connectivity and mobility for people and wildlife. She also spoke about other topics that require the involvement of multiple departments prior to issuing recommendations on them, such as stormwater and wastewater impacts resulting from infill development, which must be conducted in conjunction with DPW's Water Division, consideration for whether inclusionary zoning should apply to lots where multiple structures exceed 5 units but the number of units in each building individually would not have required IZ, and solutions to address implementation feasibility and homeownership opportunities.

Director Tuttle then spoke about the timeline for the next phase of the Neighborhood Code work. She said that the Planning Commission will hold discussions about the scope of the Part 2 work in April and May, and will begin discussions of the Part 2-A topics (secondary structures, Planned Unit Developments, and technical corrections) at their May 14th meeting. She said that they anticipate referring the Part 2-A topics to the Council in the summer and fall, and anticipate the portion of the Neighborhood Code regarding secondary structures to go into effect on

October 1st. She said that they will also begin discussing the Part 2-B topics in the summer and fall, and will report to the City Council on the first 6 months of the Neighborhood Code implementation on November 1st, with statistics around the number of applications submitted, the number of projects under construction, and the number of units added.

Director Tuttle then spoke about the zoning amendment process more generally. She noted that the process to amend and adopt zoning changes is governed by both state law and City rules and procedures. She noted that many amendments originate with staff at the request of an outside entity, but that rarely amendments originate directly from Councilors. She said that all amendments must go through the Planning Commission for public hearing and recommendations to Council before action. She noted that the Council also refers to the recommendation the Ordinance Committee for its own input and public input, and then will hold a public hearing and consider adoption.

Director Tuttle briefly noted that the City Planning Office's data team provides key housing metrics and an annual housing report in collaboration with other departments, which includes indicators around the creation of new homes, the cost of new homes, and an annual report that dives deeper into prominent housing topics in more detail.

Councilor Neubieser asked whether the Neighborhood Code proposal moves through the CDNR Committee and whether there is interest in including CDNR in that process overall. City Council President Traverse replied that since zoning amendments fall under the comprehensive development ordinance, the Ordinance Committee is the committee of jurisdiction. Director Tuttle added that there have been some instances where multiple Council committees worked on planning efforts that resulted in zoning changes. She specifically discussed an effort in 2018-2019 on amendments to inclusionary zoning ordinance. She said that Councilors who are on other committees are also able to participate in Ordinance Committee meetings and share input on issues.

Councilor McKnight spoke about the items that require cross-department collaboration, and asked about the plan to manage that collaboration and past examples of this type of broad collaboration. Director Tuttle spoke about the short-term rental policy, which started as a joint conversation between the Planning Commission and Ordinance Committee, which also required collaboration with the Department of Permitting and Inspections and the City Attorney's Office, as well as the Clerk's Office. Councilor McKnight asked the Mayor whether her office has plans about how to encourage or follow up on interdepartmental work such as this. Mayor Mulvaney-Stanak spoke about the operational efficiency study currently being conducted and how it should help bring bigger structural considerations into the conversation and help make interdepartmental conversations easier and more logical.

City Attorney McNeil noted that there are differences between the way laws and regulations migrate through the Vermont legislature and the City of Burlington. He said that in the legislature, a bill is typically introduced and referred to a committee and may travel to three or four committees before reporting back. He said that in the City, the initial committee of jurisdiction typically develops the questions that need to be considered and answered before a measure is determined passage-worthy, which involves significant departmental input at that committee of jurisdiction. He said that this is much more efficient than how it's done at the legislature.

Councilor Grant thanked Director Tuttle and her staff for their work and responsiveness around the Neighborhood Code process.

MOTION by Councilor Grant, SECOND by Councilor Carpenter, to waive the reading, accept the communication, and place it on file.

VOTING: unanimous; motion carries.

6.8 Resolution: Negotiations Between the Vermont Federation of Nurses and Health Professionals and the University of Vermont Medical Center (Councilors Neubieser, Bergman, Grant, Broderick, Kane)
Councilors Doherty and McKnight, and City Council President Traverse, recused themselves from discussion and consideration of this item due to a conflict of interest. City Council President Traverse passed the gavel for this item to Councilor Shannon.

MOTION by Councilor Neubieser, SECOND by Councilor Broderick, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Neubieser said that the intention of introducing this resolution is to demonstrate that the City supports workers, especially working people negotiating with larger companies.
- Deb Snell, President of the Vermont Federation of Nurses and Health Professionals, and a long-time nurse at the UVM Medical Center (UVMHC), began by noting that the Union started bargaining with the hospital for its subsequent contract over a year ago. She said that she enjoys working at the Medical Center, but she does not feel that nurses receive the respect they deserve from that institution. She noted that there were a number of questions from the Medical Center regarding the resolution, and she walked through and responded to some of them. She noted that the Medical Center questioned whether it was one of the most expensive medical centers in the country, and she spoke about the data from the Green Mountain Care Board that supports that categorization. She also spoke about comparisons between nurses' pay in similar hospitals in Portland, Oregon (a comparable city in terms of cost of living), noting that nurses in those institutions make between \$7 and \$12 more per hour than their Vermont counterparts. She noted that UVMHC is has claimed that the average nurse makes \$83,304 or \$94,000, and Ms. Snell said that she would dispute both of those numbers and that neither of them are sufficient enough for the cost of living in Burlington. She noted that UVMHC plans to hire up to 140 travel nurses to backfill positions at its outpatient surgery center. She noted that UVMHC has only gained 70 nurses since 2022 and has a high vacancy rate.
- Councilor Carpenter noted that this resolution is different than past resolutions around supporting the nurses' union. She said that she supports the spirit of the resolution, which is to encourage UVMHC to increase nurses' wages to be comparable to that of other similar academic medical institutions. She expressed concern about the main resolved clause, which asks the City Council to take a specific position on a negotiation of which they are not familiar. She said that the varying data between the union and hospital needs to be reconciled in some kind of forum, but said that she is unsure what kind of a role the City Council can play in this.

MOTION by Councilor Carpenter, SECOND by Councilor Litwin, to postpone the consideration of this resolution until the City Council's May 20, 2024 meeting to allow for development of a resolution that would adequately support the nurses and articulates the role of the City Council in this negotiation.

DISCUSSION:

- Councilor Bergman said that he is reluctant to delay this, especially given that negotiations are at an impasse. He said that he will not support postponement of this resolution, and urged other Councilors to stand with the workers.
- Councilor Broderick expressed similar sentiments, saying that it is within the Council's scope to support its residents and workers.
- Councilor Neubieser said that he appreciates Councilor Carpenter's approach, but pointed out that the union spent months researching, citing, sourcing, and diligently developing thoughtful proposals. He said that it is important to make sure that residents see that the Council values raising wages as an affordability measure.
- Councilor Barlow said that an important reason to postpone is to build more Council consensus on the issue.

Councilor Litwin echoed Councilor Barlow's thoughts. He said that he is pro-labor and pro-nurses, and postponing allows the City Council to get to a place where there is unanimous support for this resolution.

- Councilor Grant said she will not support a motion to postpone.

VOTING (on MOTION to POSTPONE, by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – recused, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – recused, Councilor Neubieser – nay, Councilor Traverse – recused, Acting City Council President Shannon – aye (4 ayes, 5 nays, 3 recusals); motion fails.

DISCUSSION (CONT'D):

- Councilor Bergman said this is a relatively straightforward resolution, saying that it encourages UVMMC to negotiate a fair contract, that it focuses on comparability in cities that have similar costs of living, and that it emphasizes the importance of this support for all workers in Burlington. He spoke about how he wished the City Council had joined him in standing on the picket lines for the UVMMC/nurses' union negotiation back in 2018, but he hopes that his colleagues will demonstrate that support tonight.
- Councilor Barlow expressed support for collective bargaining and the right to fair wages, as well as for nurses' roles in healthcare as critical, demanding, and challenging. He also recognized that UVMMC is one of the City's most important institutional partners, and that partnership is essential to respond to community health issues, such as Covid and the substance use disorder crisis. He said that he does not support the Council weighing in on this negotiation, given that the resolution supports one side over the other. He also noted that UVMMC has questioned some of the facts in the whereas clauses of this resolution, and said that it is important for the City Council to pass resolutions that are factually accurate.
- Councilor Kane spoke from an economics perspective about how the nursing profession is a classic example of a monopoly, especially in Vermont. He acknowledged other Councilors' sentiments about passing a resolution that is balanced between capital and labor, but said that this resolution attempts to address a market failure in the healthcare industry, and that it is a government's job to try to correct market failures.
- Councilor Neubieser said that he is not surprised that UVMMC issued a memo questioning this data, given that other large industries also employ counterfactual narratives as a strategy to delay or derail movements. He urged Councilors to support this resolution.
- Councilor Grant said that the Council can't have it both ways, and needs to either support the nurses or not support the nurses. She summarized the facts as she sees them, which include dramatic increases in workplace violence at the hospitals, wait times, and trying to ensure stability. She said that rather than pay its nurses a fair wage, UVMMC has decided to instead pay hundreds of millions of dollars to traveling nurses. She said that the resolution is not asking the Council to get involved in negotiations, but to support the workers. She emphasized the importance of a stable workforce for the health of the community.
- Mayor Mulvaney-Stanak expressed support for this resolution, saying that the City needs to be more proactive around bargaining awareness so that it can support the workers in the community from the beginning of the negotiating process. She said that this resolution serves as a signal that the City has a keen interest in ensuring fair bargaining. She said that she supports the language in the resolution and doesn't believe it needs more detail around negotiations at this stage in the process.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – nay, Councilor Doherty – recused, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – recused, Councilor Neubieser – aye, Councilor Traverse – recused, Acting City Council President Shannon – nay (6 ayes, 3 nays, 3 recusals); motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Shannon noted that the Ordinance Committee met last week and discussed three items: the Trespass Ordinance, the Graffiti Ordinance, and the recommendations of the Dog Task Force. She noted that on the ordinances, they will have another meeting on May 16th at 2:00 PM. She said that given the low bandwidth of the City Attorney's Office, the Ordinance Committee has decided to postpone further action on recommendations from the Dog Task Force until the end of August.

Councilor Bergman noted that the Charter Change Committee met on May 1st and said that it will be taking up police oversight and committee comments at meetings on June 12th and June 18th at 5:00. He noted that they also discussed Councilor compensation and the barriers that people face in the community when posed with the opportunity to serve the people in this capacity.

Councilor Grant encouraged residents to check the City's calendar of events to find out when various committees and boards are meeting. She noted that the Racial Equity, Inclusion, and Belonging Committee met on April 30th and received a thorough update of the REIB Department's various projects. She said that they are looking forward to this year's Juneteenth event and noted that construction is underway on the Embrace and Belonging sculpture that will be placed in Dewey Park in the Old North End. She noted that the City's Public Safety Committee met on April 18th and had a discussion about open and various issues in public safety including continuing to provide more public data and drug use.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

None.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

City Council President Traverse noted that there are a number of vacancies posted for various Burlington boards and commissions, and encouraged residents to apply for these positions. He noted that applications are due May 15. He noted various construction projects around the City and encouraged residents to support local businesses that may be impacted by ongoing construction.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Mulvaney-Stanak noted that next Monday, May 13th, there will be another update on the Fiscal Year 2025 budget process. She expressed gratitude for staff's hard work during this process and bringing their creative thinking to bear on how to address the projected \$13 million budget gap. She also noted that there will be a series of informational meetings during May for the City Council to attend and hear presentations on the budget at the Board of Finance. She spoke about the model she has employed of utilizing community advisors who are not in government to help inform a collaborative approach to budget development.

Mayor Mulvaney-Stanak then spoke about holding informational meetings around community safety, to gather input from the community and stakeholders.

She additionally provided an update on the hiring process for vacancies within the City Attorney's Office.

She then spoke about unresolved issues and harm around tough conversations within the community around issues related to Gaza and Israel. She said that she has asked the Community Justice Center to convene restorative circles and that should begin soon. She said that part of doing community leadership work is acknowledging the interconnection between these issues and local government, while also acknowledging that more work needs to occur outside of this chamber.

She spoke about work to develop a plan to address the level of unhoused individuals within the community, and said she hopes to bring that plan forward within the next ten days.

She provided broader City updates, noting that Norm Baldwin has served as a city engineer for the last 33 years. She also noted that many public parks' opening day is May 15th. She noted that Kids Weekend is occurring on May 17th. She spoke about the upcoming Juneteenth event on June 15th. She noted that CEDO is working to develop a community engagement process around the Memorial Block project. She spoke about her work to partner with spiritual leaders within the community in more creative ways, as well as with other critical leaders throughout the community. She spoke briefly about the encampment at UVM of students around the continued conflict in Gaza, and said she has been working to be clear about the role of the City versus the role of UVM in terms of authority, though she has been actively monitoring the situation. She expressed appreciation for the peaceful activist movement by the students, as well as UVM keeping her office informed on a daily basis.

11. ADJOURNMENT

11.1 Motion to Adjourn

MOTION by Councilor Neubieser, SECOND by Councilor Barlow, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 9:43 PM.

RScty: AACoonrad

**BURLINGTON LOCAL CONTROL COMMISSION
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 6, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant (via Zoom)
Carter Neubieser
Joe Kane
Evan Litwin (via Zoom)
Marek Broderick
Becca McKnight
Emma Mulvaney-Stanak

OTHERS PRESENT:

Katherine Schad
Joe McNeil
Erik Ramakrishnan
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 7:39 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 and Third Class Liquor License and OCP Renewals (2024-2025): see attached list - approve the 2024 -2025 First and Third Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

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

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.1 First and Third Class Liquor License Applications (2024-2025): Fire & Gold, LLC, 294 North Winooski Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to approve the 2024-2025 First and Third Class Liquor License Applications for Fire & Gold, LLC, 294 North Winooski Avenue contingent upon Fire Marshal approval and with all standard conditions.

VOTING: unanimous; motion carries.

3.2 First and Third Class Liquor License Applications (2024-2025): Majestic, 616 South Willard Street

MOTION By Commissioner Shannon, SECOND by Commissioner Mulvaney-Stanak, to approve the 2024-2025 First and Third Class Liquor License Applications for Majestic, 616 South Willard Street with the following conditions: contingent upon Fire Marshal approval, all City Permits need to be closed out and with all standard conditions.

VOTING: unanimous; motion carries.

3.3 Outside Consumption Permit Application (2024-2025): Majestic, 616 South Willard Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Outside Consumption Permit Application for Majestic, 616 South Willard Street with the following condition: all City Permits need to be closed out.

VOTING: unanimous; motion carries.

3.4 Second Class Store Liquor License Application (2024-2025): Three Five 45 Community Store & Kitchen, 1563 North Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Carpenter, to approve the 2024-2025 Second Class Store Liquor License Application for Three Five 45 Community Store & Kitchen, 1563 North Avenue with all standard conditions.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 7:42 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 20, 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
Erin Jacobsen
Joe Magee
Joe McNeil
Katherine Schad
Kim Sturtevant
Lori Olberg
Keaton Knowles

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:06 PM.

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

VOTING: unanimous; motion carries.

2. MOMENT TO RECOGNIZE NORM BALDWIN

2.1. Moment to Recognize Norm Baldwin

Mayor Mulvaney-Stanak acknowledged Norm Baldwin for serving the City for 33 years. She spoke about how Mr. Baldwin began as a traffic field engineer in 1990 and became a City Engineer in 2000. She noted that he will become the new Director of Public Works in Colchester, which is a wonderful opportunity, though the City is saddened by his loss. She thanked him for his years of service in Burlington. She spoke about some of City Engineer Baldwin's accomplishments, including the establishing of the Skate Park at the Waterfront, efforts to improve the bike path, efforts to bring Amtrak back to Burlington, and beginning the Champlain Parkway after years of delay. She noted that City Engineer Baldwin's last day will be May 24, 2024.

3. COMMUNICATION: JOSEPH MCNIEL, ESQ., KIM STURTEVANT. ASSISTANT CITY ATTORNEY, RE: DISCUSSION OF "PENDING AND/OR POTENTIAL" LITIGATION (VERBAL) **EXPECTED EXECUTIVE SESSION 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**

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

City Attorney McNeil said that these motions pertain to three particular pending matters: a settlement agreement rating to a personnel officer, a piece of litigation that is pending with some discussion about positions to be taken with the City Council about the litigation, and the third about informational updates for a third piece of litigation with general direction from the Council, but nothing specific from the Council this evening in terms of direction.

MOTION by Councilor Doherty, SECOND by Councilor Shannon, that the City 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.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor McKnight, that, based upon that finding, the City Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending and/or proposed civil litigation matter, 1 VSA §313(a)(1)(E), to include City Attorney McNeil, Assistant City Attorney Sturtevant, Chief of Staff Jacobsen, and Deputy Chief of Staff Magee.

VOTING: unanimous; motion carries.

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

MOTION by Councilor Doherty, SECOND by Councilor Shannon, that the City 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.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor Shannon, that, based upon that finding, the City 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)(A), to include City Attorney McNeil, Assistant City Attorney Sturtevant, Chief of Staff Jacobsen, Deputy Chief of Staff Magee, and Human Resources Director Durfee.

VOTING: unanimous; motion carries.

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

4.1. Verbal Comments

Forum opened at 7:03 PM.

COMMENTS:

Burlington residents (in person):

- Catherine Foley spoke as the President of the resident council of Decker Towers. She said that Decker Towers was able to obtain guards but that this program does not go far enough. She said that the agreement between the City and Burlington Housing Authority is not being followed, as there is no written procedure for visitors to Decker Towers, rendering the guards unable to protect the safety of residents. She noted that the guards did not receive training and that there is no logbook for visitors. She said it is important that the City Council know that the \$38,000 that they provided is not being used adequately. She said that the building is in better shape than it was in the winter but that it is not completely improved yet.
- Jane McDougal spoke about the poor conditions of the sidewalks in certain parts of downtown, and asked when the sidewalks will be fixed. She spoke about how the residents of Cathedral Square cannot access sidewalks with wheelchairs and walkers, given their poor conditions.
- Dave Maher spoke about Burlington's plan to achieve net zero emissions in the next several years. He noted that this plan relies on a lot of green power from outside of Vermont, and that there isn't enough green power to go around. He noted that it is not feasible to store excess solar and wind energy and batteries or as hydrogen, so that the remaining sources of renewable energy are biomass and nuclear power, which often come from out of state sources. He said that this can't serve as a model for other cities, and recommended that the City scrap its plan and revise it to only use green energy that is local.
- Jack Hansen noted that the City isn't on track to reach its net zero goals and that further policy is needed, and that what is under debate tonight has a lot to do with trust and working in good faith. He said that to amend the resolution to study the issue and decide whether to move forward is a mistake, since this would represent a delay and postponing the real issue. He expressed support for moving forward and urged the Council to not postpone further.
- Taya Mahoney spoke about having to move out of Burlington soon because she cannot afford it. She said that when the City thinks about the climate and infrastructure, they should think about the bus infrastructure and improving this, which would help people with decreased mobility to move around. She also advocated for improving the sidewalks.
- Nick Persampieri urged the Council to support the resolution that would charge TEUC with an ordinance to reduce greenhouse gas emissions for buildings of 25,000 square feet or more and would require the TEUC to present a draft of this ordinance to the City Council this October. He urged the Council to resist amendments that would turn the resolution into a call for further study, given that the City has been studying decarbonization since 2021. He said that the time for action is now. He said that the Net Zero Energy roadmap should be reformed, as well as the current carbon impact fee ordinance.
- Julie Handel spoke in support of the building emissions reductions ordinance, saying that the City needs to take action now, rather than delaying action, in order to reduce emissions now.

- Ryan Hagan spoke in support of the building emissions reduction ordinance, saying that action should not be delayed. He said that the City does not have time to wait on this anymore and that it is the most important issue facing humanity today. He said that this can also help out with all of the other issues facing Burlington today.
- Colin McDermott expressed support for the resolution related to the building emissions reduction ordinance, saying that there is a great sense of urgency to make progress now and push toward today's environmental goals. He said that buildings are a leading emission of carbon in the City and that policies need to be implemented to curb those emissions.
- Trey Cook spoke in support of the resolution related to the building emissions reduction ordinance, saying that the Council should not amend the resolution to implement any delays. He said that this is a great proposal and that it is a good measure to take action on tackling climate emissions.

Burlington residents (via Zoom):

- Lindsey Maschler spoke in support of the resolution related to the building emissions reduction ordinance, saying that buildings represent a large portion of the City's emissions. She said that large buildings are a main source of pollution, saying that it makes sense to support this resolution in order to meet the City's climate goals. She urged the City not to delay action further and to make policy rather than conduct another study.
- Sharon Bushor spoke in favor of the resolution honoring Marcel Beaudin and his efforts to make sailing affordable and available to everyone in the community. She expressed condolences to his family. She then spoke about people needing a better explanation of the use of one-time ARPA funds, and a better explanation for PILOT funds. She requested that there be a differentiation between state properties and the state's allocation for fees related to PILOT properties, as well as the PILOT fees that apply to non-profits.
- Adam Franz expressed concern about the amendment to the resolution related to building emissions reductions, saying that there should not be a delay in the ordinance. He said that further action should not be postponed and urged the Council to pass the resolution as written.
- Ashley Adams said that Burlington is one of the top five fastest warming cities in the United States. She said that the impacts worsen with every bit of greenhouse gas pollution and that the continued burning of all carbon-based fuels, which is important for a city that hosts a 50 mega-Watt wood-burning plant like the McNeil Plant. She said that McNeil should shut down and that utility companies should not be in charge of climate policies, given the inherent conflict of interest. She said that the net zero energy plan should be revised. She said that she supports the building emissions reduction ordinance, but not the amendments that would undermine the resolution.

Non-Burlington residents (in person):

- Kate Neubauer spoke about the resolution honoring Marcel Beaudin, speaking about his talent in architecture and his passion for Burlington's waterfront and Lake Champlain. She said that he was also passionate about the Lake Champlain Sailing Center, which he cofounded and helped design. She said that this has allowed thousands of Burlingtonians to enjoy the lakefront and sailing.

Non-Burlington residents (via Zoom):

- Keren Sita spoke about Mental Health Awareness Month and the suffering of Black women. She spoke about the unaffordability of Burlington.
- Quinton Zondervan spoke about the building energy reduction ordinance, speaking about his efforts to pass a similar ordinance in Cambridge, Massachusetts. He said that this type of ordinance is possible and can be done successfully.

Forum closed at 7:38 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Verbal Reports

Councilor Bergman spoke about a publication called the Green Energy Times, and noted an article about greenhouse gas levels reaching record highs in 2023. He said that this is serious and the science backs it, and that it is a slow-moving catastrophe. He encouraged everyone to read this article.

Councilor Kane urged Councilors to look more at the transportation sector when considering climate initiatives.

6. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

6.1 Verbal Reports

Councilor Barlow spoke about an international brand that had decided not to move their business into downtown Burlington at the last minute, saying that the brand's board decided that the social issues in downtown Burlington are too risky for the store at this time. He said that businesses are staying away due to the mayhem and theft in the downtown area.

Councilor Grant said that the Public Safety Committee met on May 16, and encouraged residents to view the meeting recordings and minutes. She said that the Fire Department and Police Department's budgets will be reviewed on May 29th and that these meetings can be found on CivicClerk.

Councilor Litwin spoke about an event that occurred where an elderly man in Burlington was randomly attacked. He also spoke about a homeless woman who was also attacked this weekend in the same area on Cherry Street. He also said that he met last week with the head of the Burlington Technical School and said he is deeply concerned about the safety situation for those students as they move around Cherry Street to get to and from the school. He spoke about staff being held at knife-point as they make their way to the parking garage. He spoke about staff paying out of pocket to park in metered spots closer to the school because they do not want to walk the length of Cherry Street to get to their cars. He said that the City cannot afford to have these kinds of incidents.

Councilor Shannon said that these were random acts of violence, that perpetrators were caught, but that they were also released and are still at large in the community. She said that the City's budget is contingent upon people feeling safe in Burlington and spending their dollars here. She said that she looks forward to hearing from the Mayor on this topic so that everyone knows that measures are being taken to ensure the public's safety.

Councilor Neubieser expressed thanks to other Councilors and the Mayor for their work to increase public safety. He also spoke about ensuring that the judicial system is adequately resourced and that Montpelier step up with resources.

Councilor Grant reminded people that police officers are a limited resource and said that the City needs to investigate why turnover is high if it is losing police officers to other municipalities.

7. CONSENT AGENDA

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

7.2 Accountability List – C/T Office – waive the reading, accept the communication, and place it on file.

7.3 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.

7.4 Communication: Abbey Duke, Member, Parks & Recreation Commission, 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 Abbey Duke thanking her for her time served as a Member of the Parks & Recreation Commission.

7.5 Communication: Dana R. Pierson, re: parking meters – waive the reading and place the communication on file.

7.6 Communication: C/T Office, re: March 25, 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 May 6, Regular City Council Meeting.

7.7 Communication: C/T Office, re: March 25, 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 May 6, Regular City Council Meeting.

7.8 Communication: C/T Office, re: April 1, 2024 City Council Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the May 6, Regular City Council Meeting.

7.9 Communication: C/T Office, re: April 15, 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 May 6, Regular City Council Meeting.

7.10 Communication: C/T Office, re: April 15, 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 May 6, Regular City Council Meeting.

7.11 Request for Approval to Execute a Contract with ECI for the Temporary Forcemain Removal and Restoration of Site Project – DPW – Water Resources – approve and authorize the Director of Public Works to execute a Construction Contract with 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.

7.12 Request for Approval of a \$1,276,829 Budget Neutral Amendment to the FY 2024 Patrick Leahy Burlington International Airport – Airport - 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.

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 – 1. 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; and 2. 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.

7.14 Request to Accept and Execute a Contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of \$364,844 – Airport - 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, subject to review and approval of the contract by the City Attorney’s Office.

7.15 Request to Execute a Contract in the Amount of \$126,000 with Mikes Electric Inc. (MEI) for Terminal Fluorescent Lighting Control Replacement – Airport –approve and authorize the Director of Aviation to execute a contract with Mikes Electric Inc (MEI) in the amount of \$126,000 for Terminal Fluorescent Lighting Control Replacement, subject to review and approval of the City Attorney’s Office.

7.16 Extension of Lease – Waterfront Information Services Building – BPRW - 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.

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 - 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.

7.18 May 6, 2024 Legislative Update – Jamie Feehan – waive the reading and place the communication on file.

7.19 May 13, 2024 Legislative Update – Jamie Feehan – waive the reading and place the communication on file.

7.20 FIO Documents – for information only.

7.21 Ordinance: An Update to Chapter 23, Peddlers and Solicitors, to Accommodate Burlingtonians and Visitors of June 15, 2024 (License Committee) - 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.

7.22 Resolution: Designation of Ward 2 Polling Place for 2024 State Primary Election, 2024 General Election, and 2025 Annual City Election (Councilor Bergman) – waive the reading and adopt the resolution.

7.23 Resolution: Adoption of Updated Local Emergency Management Plan (Councilors Grant Barlow) – waive the reading and adopt the resolution

7.24 Resolution: Appointment of Dr. Whitney Sherman to the City of Burlington's Board of Medical Examiners (Councilor Carpenter) – waive the reading and adopt the resolution.

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to approve the consent agenda as amended and take the actions indicated for items 7.1-7.24.

VOTING: unanimous; motion carries.

8. FISCAL YEAR 2025 BUDGET PRESENTATION

8.1 Fiscal Year 2025 Budget Presentation

Chief Administrative Officer Schad began by speaking about the budget principles laid out by the Mayor for the FY25 budget. These include a commitment to affordability for Burlington taxpayers, identifying sustainable financial practices that reduce the need to rely on one-time funding, working to right-size the City's government by providing what the community needs now and in the future, being fair in raising new revenue across the entire community, and reflecting the City's priorities of community safety, maintenance of services, and creating processes for the public, unions, and City employees to engage in larger questions on how to right-size the City's government.

Chief Administrative Officer Schad summarized the budget assumptions for the FY25 General Fund budget. She said that all current staff are included in the budget, they have assumed a 7.5% attrition rate for all department except for the Police and Fire Departments, that they will hold 22 positions vacant for the FY25 budget year, that they are assuming an increase in user fees based on findings from the user fee study, and that they will use the remaining unused ARPA funds, which must be obligated by the end of 2024, to help fill the budget gap. She noted that the overall budget is currently projected at \$107.8 million in both revenues and expenses, and that the Administration and department heads have identified several strategies to effectively resolve the previously identified budget gap.

Chief Administrative Officer Schad then spoke about some of those proposed solutions. She noted that they are proposing to implement the voter-approved public safety tax increase to \$0.2, rather than to full \$0.3 authorized, which will yield \$1.35 million in revenue. She noted that they are proposing to raise the non-lodging gross receipts tax from 2% to 2.5%, which will raise \$700,000. She noted that they are proposing to raise the hotel tax from 2% to 4%, which would raise an additional \$1 million. She noted that the gross receipts tax increase would sunset after one year. She spoke about increasing the Retirement Tax and the Debt Tax, which would raise an additional \$2.73 million. She noted that these taxes do not need voter approval for any increases. She spoke about user fee increases, based on the findings from the user fee study that has just been completed. She noted that the study found that the Clerk & Treasurer's Office and the Permitting and Inspections

Department are both charging appropriate fees to cover their costs and that those fees don't need to increase. She said that for the Fire Department, Burlington Parks, Recreation, and Waterfront (BPRW) Department, and Burlington City Arts (BCA), there are opportunities to increase fees by at least the \$1.3 million that was originally forecast. She spoke about the strategic use of one-time funds, noting that they are proposing to repurpose unused ARPA funds, redirect other ARPA funds, use Housing Trust Fund money to free up ARPA funds, to use opioid settlement money, and to use the assigned fund balance for the REIB department, which results in a total of \$2.9 million for the use of one-time funds. She spoke about right-sizing the budget without making a significant impact on the public, noting that vacancy savings, right-sizing various programs, using enterprise funds to pick up more eligible costs, and using the capital fund to pay for capital salary work have resulted in savings of \$3.1 million. She spoke about other savings line items, which also resulted in savings of \$800,000. She said that in total, they have identified \$13.8 million to successfully fill the budget gap and leave headroom to fund additional initiatives.

Chief Administrative Officer Schad spoke about next steps for the FY25 budget. She said that the City Council will continue to revenue each department's budget over the course of May, that the Administration will make final adjustments based on Councilor feedback and the Mayor will submit the budget to the Council for its consideration no later than June 15th, for approval by the Council no later than June 30th. She also noted that the City will continue to receive operational analysis, discuss those results, and implement changes based on that analysis in FY25 and will continue its analysis of franchise fees and payments in lieu of taxes (PILOT) to ensure equitable and fair fees are borne appropriately throughout the City.

Mayor Mulvaney-Stanak said that she is proud that the work to close the \$13 million budget gap did not include layoffs. She said that they even found additional funding, which was intentional and meant to help start conducting strategic investments in community safety. She emphasized the importance of making these investments as soon as possible, such as with the use of the opioid settlement funds. She spoke about how these funds will help fund the CRT program through the Fire Department. She noted that this budget does rely in some part on the use of one-time funds, and said that she wants to avoid doing this in future years, as it is not a good budgeting practice. She spoke about the studies conducted on fees and operational efficiencies, saying that these are both good tools to use for future planning for Fiscal Year 2026 and beyond. She said that due to the timing of the results of these studies, many of the changes were not possible to implement for Fiscal Year 2025, but will be used to inform future budgets.

Councilor Shannon expressed support for a consumer tax rather than burdening residents with an increased property tax, but said that unfortunately, consumer taxes are less predictable than property taxes, in terms of revenue. She asked about the assumptions used for generating revenue through the gross receipts tax and the hotel tax. She also noted that it would be important to establish benchmarks so that the City knows if it's hitting its targets in terms of revenue from this tax. She noted that these proposals will require ordinance changes and said that in order for the Ordinance Committee to begin the process of making those changes, it needs a specific request from the Mayor's Office to discuss. Councilor Bergman noted that this request was made by the City Attorney's Office and that the gross receipts tax ordinance has been drafted and will be brought to the Council's next meeting for its consideration. Mayor Mulvaney-Stanak said that she will be meeting with business community members to discuss the gross receipts tax increase proposal. She noted that this is not a permanent fix and that she has also proposed a sunset to this tax after one fiscal year. She also said that regular reporting on this budget is going to be a priority throughout the year.

Councilor McKnight said that voters stepped up this year to provide feedback on the budget and increase investments in public safety, with the understanding that there would be creative thinking and bold proposals to tackle the public safety issues. She expressed concern that this current budget doesn't go far enough to do that. She said that the Council has a mandate to effect change in Burlington. She expressed concern about the vacancy strategy, saying that some of these positions are needed to improve the quality of life and safety in Burlington. She spoke specifically about the Housing Administrator position within the Department of Permitting & Inspections, saying that this

department is responsible for ensuring that landlords don't violate regulations, that construction is in compliance, and that the Neighborhood Code is being implemented correctly. She also spoke about how the City needs more investment in public safety but that it is not increasing the number of CSOs in the City. She asked if the administration could look at certain positions with more specificity, rather than imposing a blanket vacancy.

Councilor Barlow expressed support for the reduction in the use of one-time funds from \$3.7 million to \$2.9 million. He spoke about the vacancies being left open in the Police Department, including 7 sworn officers and 3 CSOs. He noted that last December, they had said that they would not reduce the Fire or Police Department staff, as they had recently had their own studies that had set employment levels. He said that each additional cent raised of the public safety tax raises an additional \$675,000. He said that in not funding the last additional cent increase of the public safety tax, they are replacing it with \$777,000 in gross receipts tax, and he asked about the fungibility of the gross receipts tax, versus the restricted nature of the public safety tax. He asked whether there is an assurance from the administration that the money raised from the gross receipts tax equivalent to the amount that would have been raised from the public safety tax would be restricted or used for those public safety needs that the City told the voters those funds would be used for. He noted that the City hasn't been able to hire for the positions it needs within the Police Department and that vacancy savings has gone to fund overtime for current officers, and he asked whether the proposed vacancy savings in this budget might be needed to continue to fund overtime pay for officers. He said that he would like to see both the user fee study and the operational analysis. Mayor Mulvaney-Stanak said that she would share the operational efficiency study once it's in final form (around June 4th). She said that this analysis is also the roadmap to some of Councilor McKnight's comments around bold, creative ideas. She said that the budget does include FTEs for 10 new sworn officers more than in FY24, and that if they are able to hire more, then the budget can be adjusted in future. She also noted that the proposed number of CSOs also comes from the Police Chief's determination of the right number of CSOs. She noted that the operating baseline for the Police and Fire Departments is bigger than the other departments, which were asked to level fund their operating budgets from FY24. She noted that the public safety tax is restricted to Police and Fire by charter. She said that increasing a more flexible tax would also allow the City to put public safety resources in less traditional areas, such as the Parks and Library Departments, where there is also a need for more community safety resources.

Councilor Litwin asked for more clarification about the number of sworn officers and about the use of the public safety tax. Mayor Mulvaney-Stanak noted that the restriction of the public safety tax is explicit and by charter. She said that they will also still need overtime, even with the goal of hiring ten new sworn officers. She noted that every police department in the state has the same challenges, and that this is a regional problem. She said that in terms of leaving the last cent of the public safety tax on the table, she does not want to have to tax people if she doesn't have to. Councilor Litwin asked about the potential to explore regional shared responsibility for officers at the Airport, given that there is a requirement to provide officers from BPD to the Airport. Mayor Mulvaney-Stanak replied that Aviation Director Longo has looked into other area police forces, but that they are all facing the same shortages that Burlington is facing.

Councilor Grant said that some of the issues with the CSOs are similar to that of the sworn officers. She said that the City could have up to 11 CSOs, but that they have not been able to fill those positions. She also noted that the CSO position has also served a recruiting mechanism, given that people may start as CSOs, go into the Police Academy, and end up being hired elsewhere. She also noted that there are supply lines in the Police Department budget that are important, such as the body cam footage storage and tasers. She asked for more specific information on the empowerment funds being reassigned from the REIB department, and Chief Administrative Officer Schad replied that these were FY23 funds that were unused and are being added back into the REIB department for FY25.

Councilor Kane spoke about the use of the public safety tax versus the gross receipts tax. He said that the average property owner in Burlington pays about \$6,000 per year in property taxes and that this is likely to increase by another \$1,000, irrespective of this particular decision about the use of the public safety tax. He noted that the use of the gross receipts tax increase is more equitable. He also spoke

about underlying issues with the property tax system, noting a presentation to the Board of Finance in January where a presenter showed that more expensive properties are taxed at a lower percentage of market value than less expensive properties, and that the tax system is flat and not progressive. He said he would like to see a higher increase in the gross receipts tax, rather than the public receipts tax. Mayor Mulvaney-Stanak replied that her Administration tried to focus on the pieces needed to address the increased budget gap. She agreed that it is time to have more structural reform conversations around affordability and how local taxes are collected. She said that she has been working with department heads to present a set of measured and balanced responses to the budget gap that are spread across different sectors.

Councilor Doherty thanked staff for the comparison of hotel tax rates for different places in the country, noting that they help ensure that Burlington remains competitive. He asked that as the City moves forward in this conversation, that it work to find more comparable benchmarks, such as Portland, Maine, when looking at things like the hotel tax. He also asked that the Administration and City staff ask the business community for their assessment of what this tax rate change will do.

Councilor Neubieser said that the resounding feedback he has received from constituents is to do everything the City can to slow property tax increases, and said that he is glad that this budget does just that. He said that another piece of feedback from constituents is to use a data-driven approach to public safety and set politics aside, and he said that this budget does that as well. He expressed support for the preservation of the CRT program. He noted that when considering increasing taxes for hotels and meals, these are luxury goods that have more elasticity, and he is glad that this will be evaluated throughout the year to gauge whether it is meeting revenue targets.

Councilor Carpenter asked what the City will do if its request for increased PILOT funds is not accepted, since it is voluntary. She also expressed frustration about lack of clarity around the availability of ARPA funding. She also expressed frustration at the reallocation of Housing Trust Fund money, which is desperately needed for housing. She said that given that the City is going to be reviewing its trespass ordinance and graffiti ordinance, they are going to need staff to help implement that, and she does not want the City to be short-sighted in whatever staff is needed by the Police Department to do that. She also noted a gap in the support staff system for the Police Department, given that sometimes people call and they can only get a recording. She said she would like the City to budget appropriately for customer service. She also asked about a timeline for beginning to review the operational study. She noted conversations about property taxes, saying that the majority of the taxes are with the State and that the City does not have good data on who qualifies for the homestead tax credit and needs to have good data. Mayor Mulvaney-Stanak replied that they had built a revenue buffer into the budget exactly because they were unsure about the additional revenue from the PILOT fees and fee for service. She noted that she agrees about Councilor Carpenter's point about customer service in the Police Department, saying that the City needs to have a larger conversation around dispatch.

Councilor Bergman noted that the hotel tax increase was proposed a while ago and that he didn't hear any of these objections to it then. He said he appreciates the flexibility of this new administration on the gross receipts tax. He said that he thinks the City is very competitive in its gross receipts tax, even by increasing it. He said that austerity is not a solution, but that the City needs to raise money from the people who can afford to pay it. He said that he hasn't heard in his time serving the City that it is overstaffed in any of its departments. He said that he looks forward to a good look at how the City raises revenues in development of its FY26 budget.

Councilor Kane said that in terms of revenue from the hotel tax increase, he noted several developments that have hotel components that will come online within the next year, which will help with revenue generation. He also said that he wouldn't compare Burlington to suburbs like Colchester.

Councilor Grant said that the City cannot continue to ignore the high turnover within its Police Department and that this turnover should be investigated further. She also agreed about comparing Burlington to other cities in the Northeast.

City Council President Traverse said that he appreciates the information about the General Fund budget, but said it will be helpful in the next month for taxpayers to understand what the entirety of the budget means in terms of costs for them. He said that this has been discussed piecemeal, but that laying out all of the increases and their impacts on taxpayers is important. He noted that any gap or deficit is one of the Mayor's or City Council's creation, given that they ultimately approve the budget, and that the taxpayers are ultimately burdened with needing to fill in that gap. He said that the trajectory Burlington is on is not sustainable. He expressed support for thinking creatively and big-picture about future budgets, but said that the City will also need to make some tough decisions. He said he would be supportive of a sunset on both the gross receipts tax increase for restaurants and bars, as well as on the hotel portion of the gross receipts tax, saying that they need to make a commitment to both the residents and businesses in Burlington to think boldly and creatively. He noted that Burlington and Rutland are the only two municipalities in the state that can charge a gross receipts tax, and said that this can make Burlington less competitive than surrounding municipalities. Mayor Mulvaney-Stanak said that she is committed to making sure that the budget is understandable, transparent, and easy to understand for the public, and that a summary of taxpayer implications will include utility rate increases as well as tax increases.

9. DELIBERATIVE AGENDA

9.1 Outdoor Entertainment Permit Renewal (2024-2025): Orlando's, 1 Lawson Lane, Suite 10

MOTION by Councilor Shannon, SECOND by Councilor Grant, to 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.

DISCUSSION:

- Councilor Shannon noted that she voted against this change in committee. She said that while she supports the City's bar and restaurants, this establishment has been problematic in the past and she is not willing to extend their hours without them demonstrating more responsiveness to community complaints (though she acknowledged that they have shown some improvement). She also noted that the Applicant did not attend the committee meeting where it was asking for extended hours. She said that the Council should demonstrate that it is holding this establishment accountable.
- Councilor Grant acknowledged that there were complaints against this bar and that there were issues with responsiveness to those complaints. She noted that there was a two-week suspension of this establishment's outdoor license and an attempt to shut them down completely for two weeks (which she said was unjustifiable and punitive). She spoke about her interactions with this business and their efforts to address sound remediation and issues from residents. She said that this bar is trying to be competitive with the businesses around it, which have later closing times, that it is trying to keep its business model viable, and that it needs to be treated fairly.
- Councilor Neubieser said he appreciates the balance between addressing the needs of residents and addressing the needs of businesses downtown. He said that it is City government's role to work in a collaborative manner across the City to address community needs, which may come with additional financial costs to businesses, such as with soundproofing.
- Councilor Barlow said that the City needs to have a more level playing field for outdoor entertainment permits across businesses downtown. He said that he is supportive of this extension of hours but agreed that the City needs to hold the business accountable to its commitments to be done by 11:30. He agreed with Councilor Neubieser's points.

- **Councilor Kane suggested that the business in question come before the License Committee sometime around Labor Day to check in and provide an update on how their extended hours have been going. He also expressed concern for extending the hours of outdoor entertainment for businesses that are right next to residential buildings, especially given that this is income-stabilized public housing. He asked why there is not more uniformity in the downtown core for indoor and outdoor hours for playing music.**

VOTING: unanimous; motion carries.

9.2 Resolution: Honoring Burlingtonian Marcel Beaudin (Councilors Shannon, Carpenter, Traverse, Brown McKnight, Litwin, Barlow, Bergman, Neubieser, Doherty)

Councilor Shannon said that she was at the first meeting where Marcel Beaudin proposed launching a community sailing center. She spoke about his vision for getting people involved in sailing who had never had the opportunity to do so, about providing access equity to the shorelines and access to Lake Champlain. She said that this was a foreign concept when he proposed it, but that this concept has become a model for community sailing centers across the country.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to adopt the following resolution, which Councilor Shannon read into the record:

That WHEREAS, Marcel Beaudin was an influential Vermont architect of modern design and resident of the City of Burlington for much of his life; and

WHEREAS, Marcel was a dedicated member of the Burlington Planning Commission, helping shape the development and landscape of Burlington and its world-class publicly accessible Waterfront; and

WHEREAS, Marcel was a staunch advocate for access to and recreational opportunities on the Waterfront and Lake Champlain, with a particular passion for sailing as a medium to celebrate and experience Lake Champlain; and

WHEREAS, Marcel conceived a vision for innovative places and spaces to ensure public access to the Waterfront and Lake Champlain and inspired the community to develop and support those spaces; and

WHEREAS, Marcel designed the Waterfront Burlington Community Boathouse in 1988 as a reflection of the 1887 historic yacht club there with his "Form Follows Function" contemporary style for a public building on a floating barge; and

WHEREAS, Marcel's legacy contribution to the City of Burlington and State of Vermont is the 1993 co-founding of the Lake Champlain Community Sailing Center, a nationally award winning organization providing access, education, and recreational opportunities for everyone, regardless of age, ability, or income – Lake Access. Life Lessons. For All.; and

WHEREAS, Marcel designed the new Lake Champlain Community Sailing Center building and waterfront access infrastructure, including universal access docks, ramps, paths and amenities in the only Net Positive energy community waterfront facility in the country; and

WHEREAS, to the end of his time, Marcel incessantly sketched innovations and solved for design problems for over a thousand architectural projects, including the preservation and restoration of the "Lost Mural" from the Chai Adam/Ohavi Zedek Synagogue, an important remnant of Burlington's rich history of 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.**

DISCUSSION:

- **Councilor Bergman spoke about the boathouse and how its design was perfect in its simplicity and honoring of Burlington's past. He spoke about how his son attended a summer camp at the Sailing Center, which exposed him to new experiences and viewpoints. He spoke about the Sailing Center's equity initiatives. He spoke about the City's efforts to create a waterfront that is accessible to all, much of which was successful due to Marcel's initiative.**
- **Councilor McKnight spoke about the special nature of the Sailing Center and access it provides to the community, and expressed appreciation for learning about the history of the Sailing Center and of Marcel.**

VOTING: unanimous; motion carries.

9.3 Resolution: A. Building Emissions Reduction Ordinance (Councilors Broderick, Bergman)

MOTION by Councilor Broderick, SECOND by Councilor Bergman, to waive the reading and adopt the proposed resolution referring a proposal for a building emission reduction ordinance to the Transportation, Energy, and Utilities Commission, and establishing a proposed timeline for adoption of the ordinance.

DISCUSSION:

- **Councilor Broderick said that this resolution aims to address gaps in the City's building decarbonization work, which builds off of rental weatherization and carbon impact fee policies and ordinances. He said that building emissions are the second highest polluter in Burlington and that through this resolution, the TEUC would be tasked with creating a building emissions reduction ordinance to apply to existing buildings of 25,000 square feet and over and exclude buildings that are already under the purview of the policies noted above. He said that the TEUC would solicit input from relevant stakeholders, such as climate advocacy groups, building owners, BED, and DPI, relevant labor unions, and that a working draft of the ordinance that would come out of TEUC would be referred to the Ordinance Committee in October 2024. He said that the City must commit to doing the work to meet its net zero energy goals. He urged the Council to pass this resolution without amendments.**
- **Councilor Neubieser spoke about the urgency with which the City must tackle these climate problems, given the amount of devastation seen even at a local level as a result of climate change. He spoke about the importance of students and young people getting involved in the political process, and thanked Councilor Broderick for his work on this resolution.**
- **Councilor Barlow**

MOTION TO AMEND by Councilor Barlow, SECOND by Councilor Litwin, to amend and replace the language in the posted document with the posted document named "2024 Resolution Relating to Building Emissions Reduction Ordinance, Final Amendment" as posted on CivicClerk.

DISCUSSION ON AMENDMENT:

- Councilor Barlow said that this amendment does not substantively change the outcome of the resolution, which is to set up a path by which the TEUC can draft an ordinance by the end of October. He said that the argument that this amendment replaces the action with a study is false and that this amendment does not delay or undermine the work of the underlying resolution. He said that the amendment adds a step to examine what other communities are doing with respect to building emissions reductions ordinances, as well as consult with City staff who would ultimately be tasked with enforcing this ordinance, and that it also provides a path for a strong building emissions reduction ordinance and does not require exemptions for buildings already subject to the carbon pollution impact fee or rental weatherization ordinances, or require minimum size limits on buildings.
- Councilor Broderick said that he agrees with much of this amendment and its detailed process for soliciting more input from certain parties. He said that he is also in favor of removing the exemptions from the underlying resolution. He said that he does not support amending this from the TEUC drafting a building emissions reduction ordinance to the TEUC instead just talking about whether it should have a building emissions reduction ordinance. He said that the City needs to act now to build strong climate action. He said he does not agree with lines 49 through 52 of the amendment.
- Councilor Bergman said that he is not in favor of a number of the proposed changes in this amendment. He said that the amendments to the whereas clauses on lines 38 through 44 of the amendment (the 19%) is wrongheaded. He concurred with Councilor Broderick on lines 49 through 52 being problematic. He said that listing the supposed impediments without listing the imperatives (in lines 53 through 57) is also problematic. He also did not agree with the deletion of the group of buildings of 25,000 square feet or more without an alternative. He expressed support for lines 70 through 73 and lines 74 through 77.
- Councilor Neubieser said he does not support taking out the 25,000 square foot and above buildings without proposing an alternative for them. He said that some of the modifications to the whereas clauses also decrease the urgency around the framing of them. He said he wants to pass this resolution tonight and does not want to sacrifice urgency or mislead the public into thinking that the City is doing better on its net zero energy goals than it truly is.
- Councilor McKnight expressed appreciation for Councilor Broderick's work on this resolution. She said that this amendment is not about punting or delaying action, and that she is supportive of Councilor Barlow's amendments because it is important to consult with the departments that are doing the work to implement policies, and it is important to make sure that anything that is developed is feasible. She said that her expectation is that this will be worked on meaningfully and in good faith by the TEUC.
- Councilor Carpenter said that the amendment provides more flexibility, looks more at disclosure, to whom the ordinance might apply, and clarifies what the committee itself ought to look at. She said it allows the TEUC the time to make this a good ordinance.
- Councilor Neubieser said that supporters of this amendment raise good points, but that many of these points aren't reflected in the amendment itself.

MOTION TO AMEND THE AMENDMENT by Councilor Kane, **SECOND** by Councilor Bergman, to revert lines 49 through 52 in the proposed amendment back to their original form.

DISCUSSION ON AMENDMENT TO THE AMENDMENT:

- Councilor Kane said that removing the most objectionable single piece of the amendment would get the Council closer to a yes vote on this resolution.
- Councilor Barlow said that the resolution needs to do the work of the process before it can come up with a solution, and that his amendment would establish that process and not presuppose an outcome (the development of an ordinance).

- Councilor Bergman said that lines 32 through 36 speak about the need for reductions in greenhouse gas emissions, which would require the adoption of stronger policies to reduce emissions in the buildings sector. He said a criticism of the original resolution is unwarranted.

VOTING ON AMENDMENT TO THE AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – nay, Councilor Doherty – nay, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – nay, City Council President Traverse – nay (5 ayes, 7 nays); motion fails.

DISCUSSION (ON AMENDMENT):

- Councilor Grant expressed concern about oversight and accountability, saying that even with promises and a sense of urgency, the City is still not where it needs to be in terms of climate policy and action.
- Councilor Carpenter said that this amendment would give the TEUC an opportunity to examine other BEROs (Building Emissions Reductions Ordinances) and that it allows the City to take the time it needs to do the work of developing a good ordinance.

VOTING ON AMENDMENT TO THE AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – aye (7 ayes, 5 nays); motion carries.

DISCUSSION (ON RESOLUTION AS AMENDED):

- Councilor Barlow said that he is committed to making best efforts to bring forward an ordinance, though he cannot guarantee that this will be the end result.
- Councilor Broderick said he will support this resolution as amended because he is ready to get the work done.

VOTING ON RESOLUTION AS AMENDED (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (12 ayes, 0 nays); motion carries.

10. COMMITTEE REPORTS

10.1. Verbal reports

Councilor Shannon said that the Ordinance Committee will meet on Thursday, May 23, 2024 at 11:00 AM.

Councilor Barlow said that the Boards and Commissions Nominating Committee will have its first meeting on Thursday, May 23, 2024 at 6:00 in City Hall. He also noted that the Transportation, Energy, and Utilities Committee (TEUC) will have its next meeting on Tuesday, May 28, 2024 at 5:00 PM at 645 Pine Street.

Councilor Grant said that the Racial Equity, Inclusion, and Belonging (REIB) Committee will meet tomorrow at 5:30 and will be discussing the Juneteenth event that is happening on June 15th.

11. CITY COUNCIL – GENERAL AFFAIRS

11.1. Verbal reports

Councilor Bergman thanked the Council for supporting the Old North End clean-up day last Saturday. He said that there were people collecting trash, scrap metal, and tires, and there was a significant amount of public participation. He said that people were very appreciative of this event.

Councilor Litwin spoke about an issue that has come up in the Parks, Arts, and Culture (PAC) Committee, with one of the City's parks. He thanked Councilor Grant for her work to help protect this park. He said that Director Wight will be attending a meeting this Wednesday at 12:00 PM to discuss the remediation plan related to the tree removal. He said that the cost is rising and it isn't clear what it is at this point. He spoke about a lack of public conversation, which is finally starting to change. He said that there is more work to be done in terms of oversight for future projects that abut conservation land, and that it is the permit-holder's responsibilities to hold and maintain those boundaries. He added that if the same contractor that made this error is going to be recontracted with in future, he hopes to see some sort of oversight plan from the developer.

12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

12.1. Verbal reports

None.

13. MAYOR – GENERAL AFFAIRS

13.1. Verbal reports

Mayor Mulvaney-Stanak reminded people that on Wednesday, May 22 and Wednesday, May 29, the Board of Finance will hold the last two informational hearings on the budget. She said that the City received the final user fee study today and that they are working through this with the impacted departments and hopes to share an update with the Council soon. She said that she convened a meeting with department heads and community partners on community safety to get an initial read on what would be useful strategic investments in the short-term and beginning to use community advisors to help broaden the conversation about community safety. She said that they are also working to draft a camping policy that works for the City ahead of the summer season and that she would like to share this with Councilors in draft form. She spoke about one of the positions (Emma Allen) in her office transitioning to a role with a different organization. She also noted that her Transition Director was working part-time through May to help get systems up and running and that her last day was May 15th. She noted that she has been holding biweekly cross-department meetings with department heads about emergent issues, and noted that at a recent meeting the Library spoke about how they have become the epicenter about a lot of community safety issues (drug deals, discarded needles, etc). She said that they are trying to develop a proposal that is broader than just increasing the police force. She said that the Mayor's Office is also working with REIB staff on redesign of that department and new leadership opportunities. She spoke about vacancies and anticipated vacancies in various departments. She also spoke about recent community engagement activities. She noted that she met with Decker Tower residents and is focused on ensuring that the funding given to the Towers goes to improving the conditions in the building for its residents. She further noted that she urged Governor Scott not to veto H. 72, which would set up an overdose prevention center in Burlington.

14. ADJOURNMENT

14.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 10:45 PM.

RScty: AACoonrad

**BURLINGTON LOCAL CONTROL COMMISSION
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 20, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Katherine Schad
Erin Jacobsen
Joe Magee
Joe McNeil
Kim Sturtevant
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 7:43 PM.

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

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

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.1 First and Third Class Liquor License Applications (2024-2025): Kismet, 180 Battery Street, Suite 130

MOTION by Commissioner Shannon, SECOND by Commissioner McKnight, to approve the 2024-2025 First and Third Class Liquor License Applications for Kismet, 180 Battery Street, Suite 130, with the following conditions: contingent upon Fire Marshal approval, all City Permits need to be closed out, and with all standard conditions.

VOTING: unanimous; motion carries.

3.2 Outside Consumption Permit Application (2024-2025): Kismet, 180 Battery Street, Suite 130

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Outside Consumption Permit Application for Kismet, 180 Battery Street Suite 130 with the following condition: all City Permits need to be closed out.

VOTING: unanimous; motion carries.

3.3 First Class Liquor License Application (2024-2025): Lang House Bed & Breakfast, 360 Main Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 First Class Liquor License Application for Lang House Bed and Breakfast, 360 Main Street with the following conditions: contingent upon Fire Marshal Approval and with all standard conditions.

3.4 Outside Consumption Permit Application (2024-2025): Lang House Bed and Breakfast, 360 Main Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Outside Consumption Permit Application for Lang House Bed and Breakfast.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 7:46 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 3, 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

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Katherine Schad
Kim Sturtevant
Joe McNeil
Lori Olberg
Brian Pine
Rebeka Lawrence-Gomez
Darren Springer
Scott Moody
Emily Stebbins-Wheelock
Bill Ward

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:42 PM. He spoke briefly about the passing of Senator Dick Mazza and Senator Dick Sears, and asked for a moment of silence on their behalf.

MOTION by Councilor Doherty, SECOND by Councilor Grant, to amend and adopt the agenda as follows:

- **Remove from the consent agenda item 5.12 Ordinance: Chapter 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Councilor Shannon, Traverse, Brown McKnight) and place it on the Deliberative Agenda as item 6.6 (per City Council President Traverse per Councilor Grant).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:45 PM

2.1. Verbal Comments

Forum opened at 6:45 PM.

COMMENTS:

Burlington residents (in person):

- Todd Luca thanked the City for their efforts to keep the waterfront clean of trash and needles. He noted that there are still encampments in other parts of town which still need to be cleaned up and are full of trash, needles, drugs, and human waste. He also expressed support for the draft ordinance supporting affordable homeownership. He finally spoke about turning the graffiti ordinance into a hate crime ordinance, and asked that the City not criminalize disagreement.
- Dave Maher expressed support for Police Chief Jon Murad and confirming his reappointment.
- Jane McDougal asked for a status update on the sidewalks, saying that the sidewalks on Main Street and Pearl Street are in need of repair.
- Lee Morrigan spoke in support of the appointment of Chief Jon Murad. They said that Chief Murad has become more progressive in his policies (using the example of Narcan administration), and expressed hope that this continues as the Chief and Mayor Mulvaney-Stanak become more aligned in the community safety strategy and vision.
- Chris Haessly noted that the Wards 2 and 3 NPA will be having a resolution to honor Representative Kurt McCormick for his many years of service to the City and to the City of Rutland. He also noted that they will be hosting an event on overdose prevention centers at the Main Street Landing, as well as a Narcan training.

Burlington residents (via Zoom):

- Jean Hopkins spoke about the loudness of the F35s in her neighborhood. She also expressed support for more affordable housing in the City.
- Sharon Bushor spoke about the condo conversion ordinance, which was originally intended to prevent displacement of renters by condominium conversion. She said that it is good that this is being reviewed again, as it is an obstacle to homeownership for renters.
- Colin Larsen spoke about the condominium conversion ordinance. He said that home affordability and rising home values are mutually exclusive, noting that the US typically pursues policies to ensure that properties rise in value over time, which in turn makes housing less affordable for future generations by default. He said that they should think about home ownership not as a way to build wealth.

Non-Burlington residents (in person):

- Jennifer Decker spoke about the 12,300 Palestinian children who have died since October and the 17,000 unaccompanied minors. She spoke about how there was a peaceful demonstration in support of Palestine on Church Street last year and that the Burlington Police Department forcibly broke up the demonstration. She also spoke about safety concerns related to the F-35s and said that they should be grounded.

- Jake Blend asked about the sale of Burlington Telecom and the BTV Ignite money of \$2.5 million set aside for innovation for community benefit. He asked for an ethics commission or a fact-finding mission to satisfy the public on this topic. He also asked for the removal of the current BTV Ignite leader, who does not currently live in the state.

Forum closed at 7:05 PM.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports

Councilor Grant noted that there was an event this weekend by the Sanders Institute called the Gathering and there were many different panels, noting that people can access this footage on YouTube, and that there was an excellent panel on taking on the fossil fuel industry to end fossil fuel subsidies.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports

Councilor Kane noted that health care workers staged a rally at City Hall to protest the genocide in Gaza. He also spoke about the recent F-35 crash in Albuquerque, saying that it underscores one element of the local public health and safety implications of funding genocide. He also spoke about a ride-along he participated in this past weekend with the Police Department. He noted one concern about a lack of mechanisms to ensure that an excess number of officers don't respond to a small incident, which would deplete the number of officers available and potentially trigger the priority response plan. He cited specific examples of this occurring.

Councilor Grant noted that H.72 (overdose prevention sites) was vetoed by the Governor, and the next step is to hope that there is a veto-proof majority to override that veto. She said that overdose prevention centers are important to Burlington and it is crucial that this measure passes.

Councilor McKnight spoke about concerns from constituents about the random violent crimes that have occurred in Burlington over the last several months, and that these concerns generally focus on the lack of acknowledgement that these crimes have happened. She listed several of these crimes. She said that the public is interested to learn about the short-term action steps being taken by the Administration in relation to these specific incidents.

Councilor Neubieser expressed frustration at the Governor's vetoing of H.72, given that substance use disorder treatment capacity is already stretched and unable to meet its baseline caseloads. He also expressed frustration about the lack of movement on a bill that would have taxed the wealthiest Vermonters to better fund the State's judicial system. He also spoke about the narrative that the City is encouraging or supporting encampments, when in reality he said that providing basic amenities and treating people with dignity cannot be conflated with supporting encampments. He said that what Burlington is doing is a pragmatic approach to a problem that the State refuses to take action on.

Councilor Shannon noted that she has expressed concern about where encampments with amenities would be located in the City, having dealt with living next to an encampment herself. She noted that she has heard from other sources that encampments would be located on the waterfront by the bike path, and also that she has heard that gasoline and weed whackers would be provided in addition to the other amenities (which also concerns her). She expressed support for the additional services and supports being provided to the library in terms of

social work and security resources, but also expressed concern about how the outside of the library is being protected. She requested that the Mayor speak to this issue and to Councilor McKnight's issues raised earlier.

Councilor Litwin said that he has toured the encampment at 702 Lake Street and said that it has dumpsters, portalets, and water, and that there is already trash, needles, and graffiti around the encampment. He said that he would have appreciated more transparency from the Administration about what is occurring at 702 Lake Street, as well as camping on public land.

Councilor Grant said that what has happened at the waterfront has been occurring for at least three years and that it is getting worse due to the lack of housing. She urged people to reach out to the Governor on this. She also said that if people see trash or other unhygienic practices at encampments to report it on SeeClickFix.

City Council President Traverse said that the Council and Mayor will be having a working session regarding encampments at its next City Council meeting on June 10.

5. CONSENT AGENDA

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

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

5.3 645 Pine Street Metal Siding Repair – BPRW - approve and authorize the execution of a contract with Polli Construction, Inc., for a price not to exceed \$233,775 for the 645 Pine Street Metal Siding Repair project, plus a project contingency of \$23,000 (total request including contingency not to exceed \$256,775), and to authorize Cindi Wight, Director of Parks, Recreation, and Waterfront, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

5.4 Community Boathouse Conditions Assessment Study – BPRW – approve and authorize the execution of a contract with Freeman French Freeman, Inc., for a price not to exceed \$181,175.00 for the Community Boathouse Conditions Assessment, plus a project contingency of \$18,117.50, for a total authorized expenditure of \$199,292.50, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

5.5 Business and Workforce Development – City Hall Park Kiosk – Authorization to Award Lease – BWD – approve and authorize the Mayor to execute a three-year concession and license agreement with Sherpa Foods, LLC for food and beverage operations in the City Hall Park kiosk, subject to final review and approval by the City Attorney's Office.

5.6 Recertification of the FY23 City of Burlington Waterfront TIF District Report to the Vermont Economic Progress Council (VEPC) – C/T – waive the reading, accept the communication, and place it on file.

5.7 Vermont Early Childhood Fund Opportunity Grant – BWD – approve and authorize the Director of Business & Workforce Development to enter into an agreement with the State of Vermont, subject to final review from the City Attorney's Office, to accept a grant award of \$15,000 as part of the Early Learning Initiative Budget.

5.8 Legislative Update May 28, 2024 – Jamie Feehan – waive the reading, accept the communication, and place it on file.

5.9 Pilot EV Charging Tariff for Pole-Mounted Chargers – BED – approve and authorize the General Manager of the Burlington Electric Department or their designee to file a pilot rate/tariff with the Vermont Public Utility Commission (PUC) creating a Community EV Charging Rate as described in this memo.

5.10 Request for Approval of a \$671,112 Budget Neutral Amendment to the FY2024 Patrick Leahy Burlington International Airport – Airport – approve a budget neutral amendment in the amount of \$671,122 to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget by modifying the accounts as described in the affiliated memorandum.

5.11 Ordinance: Chapter 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Councilors Shannon, Traverse, Brown McKnight) ****NOW AGENDA ITEM 6.6****

5.12 FIO documents – for information only.

5.13 BED Demonstration of Energy-Efficiency Developments and Energy Storage Access Program Grants – BED - approve and authorize the BED General Manager or their designee, subject to final review and approval by the City Attorney's Office, to accept and execute grant agreements for Vermont DPS grants 02440-FY24-Act74G600-023.

MOTION by Councilor Doherty, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 5.1-5.13.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Communication: Mayor Emma Mulvaney-Stanak, re: Fiscal Year 2025 Mayor Appointments

Mayor Mulvaney-Stanak said that she would like to present her FY25 mayoral appointments as a slate. She spoke about working over the past two months to get to know the individual department heads, their past service to the City, their goals, and their professionalism to help lead the City forward. She expressed appreciation for their diligence and hard work in helping to close the FY25 budget.

She outlined known vacancies, including a two-year vacancy for the City Attorney, as well as other vacancies that the City is in the process of hiring for. She noted that they are holding interviews for the City Attorney position, and have started recruiting for a Planning Director. She said that they are preparing to announce an interim Racial Equity, Inclusion, and Belonging (REIB) Director to help with the work in the upcoming year. She said that they also are anticipating a transition in the Human Resources department as the current director moves to another job. She finally noted that the City Assessor position was a two-year appointment, which does not expire until the end of FY25.

MOTION by Councilor Carpenter, SECOND by Councilor Litwin, to confirm the FY25 Mayoral appointments as listed.

DISCUSSION:

- **Councilor Carpenter said that the Mayor is the elected Chief Executive Officer of the City and that they need to work with their team, and that it is important as part of good governance that the CEO has a team with which they can work.**
- **Councilor McKnight echoed Councilor Carpenter's sentiments, and said that it is admirable that the Mayor has chosen to elect the same department heads as the prior Administration, for the sake of consistency and stability during a time of transition.**
- **Councilor Shannon concurred with Councilors Carpenter and McKnight and commended the Mayor for recognizing this team's dedication to the City. She said that it is the Mayor's purview to appoint the team that they see fit, and she said that she supports the Mayor's decision in her appointees.**

MOTION by Councilor Carpenter to divide the question and consider the appointment of the Chief of Police separately from the slate of other Mayoral appointees.

DISCUSSION:

- **Councilor Barlow said that he enthusiastically supports the reappointment of Jon Murad as Chief of Police, saying that he has done a tremendous amount of work with limited resources.**

- Councilor Grant said that she is supportive of the reappointment of John Murad as Chief of Police but that only if a plan is put in place to address some known issues, including goals and tracking that those goals are met. She said that some of these issues are interfering with the health of the Police Department. She agreed that there aren't enough officers and that the recruitment team is working diligently, but said that retention continues to be a problem, despite salary increases, bonuses, sign-on bonuses, and a very favorable union contract. She said that proper community engagement could help solve the retention issues. She said that there have been data request issues and numerous issues with disrespect. She said that Wards 2 and 3 are not policed in an equitable way, and that these have been chronic issues. She expressed hope that the current Administration will put forth a plan to set the Chief up for success but that at this time she cannot support his reappointment.
- Councilor Neubieser said that the prior Administration did not set this Administration up for success in terms of setting up clear goals and metrics for success. He said that anecdotally, he has heard from a number of social service providers in Burlington and Chittenden County that they have difficulty working with Burlington's Police Department though they work well with other police departments in the area. He said that he hopes that they can decrease political rhetoric when talking about public safety.
- Councilor Kane said he would like to support Jon Murad in his reappointment for the continuity of the department, but said that he is a weak liaison between the department and the public, because he is defensive and combative. He spoke about the Gaza vigil that was referenced during public forum and how the Chief acted in an antagonistic way to break up that vigil and did not take the opportunity to show leadership and use de-escalation techniques with his officers. He said he is eager to appoint someone who is not defensive and combative, who is an active listener and is eager to earn the trust of the community, who gives others the benefit of the doubt, and who is willing to make themselves vulnerable.
- Councilor Litwin agreed with Councilor Carpenter that the Mayor should have the ability to appoint their own team to achieve their administration's priorities and goals. He said that City employees deserve stability and not to be put in the middle of politics. He said that he would challenge the assertion that the Police Department's retention problem is due to the Chief, and that it could be related to myriad other issues, such as an aging headquarters building and difficult and exhausting work that requires overtime (which neighboring municipalities may not have), as well as an adversarial posture from this Council at times in the past.
- Councilor Doherty spoke about the Council's institutional role to approve Mayoral appointments, saying that though the Council does not grant rubber stamp approval, the Mayor deserves the team that they are the most comfortable working with, and that there is a high bar for him to vote against as prospective appointment by the Mayor. He spoke about retention, saying that there is no data of which he is aware that shows that the BPD's retention levels are out of line with other police departments in Vermont, nor evidence to show that Chief Murad's leadership is related to retention problems. He also said it's worth it to be reminded of the context in which Chief Murad has served, speaking about how the level of sworn officers in 2020 was cut almost in half, and said that Chief Murad has steered the department through an unprecedented diminution in the number of sworn officers but also in a rise in crime and criminal activities across arenas, and has continued to stabilize the City and solve major crimes.
- Councilor Broderick spoke about a fundamental mistrust and lack of faith in any sort of public safety in the City on behalf of his constituents. He spoke about lack of response from law enforcement, and the only way to rebuild trust is to rebuild the City's public infrastructure through a change in leadership.
- Councilor Shannon thanked the Chief for sticking with the City and City Council in the hardest of times (including this one). She said that the Chief has the support of his officers in this most critical of times. She said that Councilor Kane's

comments about how to structure responses to events is fair, but said that the Council needs to support the Mayor and the Mayor's appointed leaders.

- Councilor Grant said that the City has a problem where it is not policed equitably, hence why some in the community support the Chief and some don't. She said that this affects how community members feel toward the City's police officers, which in turn affects how the police feel about serving in this community. She said that the City needs to come to consensus about dealing with the retention issue.
- Councilor Neubieser spoke about the number of New Americans in his ward, and said that there is a lack of trust in the police from community stakeholders. He encouraged people to attend Public Safety Committee meetings to see the extent of this lack of trust. He said he wants to see some good faith issues to enforce accountability in leadership.
- Councilor Litwin said that the Chief needs to have the community's trust, not the Council's trust.
- Councilor Barlow said that the retention issues for the Police Department begin with this body, and this body's lack of support for its leadership. He said that the Chief needs to be reappointed and he needs the Council's support so that he in turn can support the officers in the police force.

VOTING ON REAPPOINTMENT OF POLICE CHIEF (by roll call): Councilor Barlow – aye, Councilor Bergman – absent, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (8 ayes, 3 nays, 1 absent); motion carries.

Jon Murad was confirmed as Chief of Police.

VOTING ON REAPPOINTMENT OF REMAINING MAYORAL APPOINTEES AS SLATE (by roll call): Councilor Barlow – aye, Councilor Bergman – absent, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (11 ayes, 1 absent); motion carries.

The remaining Mayoral Appointees were confirmed in their respective roles.

6.2 Resolution: Authorization To Submit 2024-2028 Burlington Five-Year Consolidated Plan 2024 Burlington One-Year Action Plan (Board of Finance)

Director Pine said that this is seeking approval for the Five-Year Consolidated Plan in addition to CEDO's annual action plan, which lays out how the City proposes to allocate federal dollars. He noted that the Consolidated Plan is a five-year plan that sets priorities for how CEDO will look at proposals in the future for allocating Community Development Block Grant (CDBG) and HOME investment partnership funding. He note that since inception, the amount of federal funding for CEDO through the CDBG grant decreased (partly due to inflation), and it has fewer dollars to spend on the City's most pressing issues, including homelessness and other public services. He made similar statements about the decline in HOME funding, saying that the needs continue to grow and far outpace the City's resources as the federal funding for these needs has declined.

Housing Manager Lawrence-Gomez provided an overview of the Consolidated Plan more specifically. She said that it is for FY25 through FY29 and that it lays out how the City would be expending its funding for that period, as well as more specifically how it would be expending funding for this upcoming fiscal year. She noted that CEDO began a community needs assessment from September 2023 through March 2024, that they sought public approval on a draft in early April, and that they are seeking City Council approval tonight for a June 6, 2024

submission to HUD. She spoke about recurrent feedback from the community around lack of affordable housing, public safety concerns such as discarded needles, approaches by strangers, graffiti, and gun violence, the visibility and intensity of needs around homelessness, open use of and lack of options around substance use disorder, as well as new and different dangerous drugs in circulation, and mental health concerns. She noted that the priority needs identified in the community needs assessment are affordable housing, addressing homelessness, community service and safety, economic development, public facilities and infrastructure improvements, and planning and administration. She provided an overview of the 2024-2025 CDBG Development Awards and Public Service Awards. She provided a summary of 2024 funding for both CDBG and HOME grants.

MOTION by Councilor Neubieser, SECOND by Councilor Litwin, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Carpenter spoke about the administrative burden around leveraging these funds, and spoke about the paltry assistance the City gets from the federal government regarding HUD funding. Director Pine noted that the City receives funding under the HUD Lead Reduction Program, which is competitive, and that the City has received 22 years of funding on this, as well as a competitive funding program around the continuum of care. He agreed that with regards to CDBG and HOME funding, it is a heavy staff lift for not much funding.**
- **Councilor Kane recommended that Councilors review the report, saying that it contains a wealth of good information. He noted statistics in the report around how in 2019 0.3% of homes are owned by Black individuals, though they make up 7% of the population, and asked CEDO to comment on the CHT shared equity program and other efforts since 2019. Director Pine replied that the sample size for this data was so small that data accuracy is challenging. He agreed that Black members of the community face significant barriers to securing both homeownership and rental housing, and said that it is an issue that needs to be addressed. Councilor Kane asked about local incentives or rebates for landlords who charge below market rental rates. Housing Manager Lawrence-Gomez replied that the City doesn't have subsidy programs that support people directly with monthly rent or housing expenses, and said that she would be happy to connect landlords with households who are eligible for subsidies. She said that the City can also look into how to support landlords and incentivize people in obtaining housing with other funds. Director Pine noted that there are between 100 and 200 households who have vouchers entitling them to rental assistance but that they are unable to find housing. Councilor Kane noted that in addition to lead, many households are concerned about bad electrical jobs in their homes, and asked if there are measures or funding that can be used to support improvement. Director Pine replied that the Healthy Homes funds are flexible enough to deal with a number of issues, but that the City does not have funding to put toward electrical upgrades, saying that this is typically dealt with through code enforcement. He noted a state improvement program (VHIP) that is available to help with those types of upgrades. Councilor Kane asked if there is data on wait list sizes, and Housing Manager Lawrence-Gomez replied that the housing authority and housing providers have a waitlist.**
- **Councilor Litwin asked how the recurring feedback in the presentation was collected. Housing Manager Lawrence-Gomez replied that CEDO outreached 39 different stakeholder organizations and community partners, as well as the public, and looked for recurring themes as a result of that outreach and feedback. She noted that housing consistently rose to the top as a priority, as well as public safety and feeling safe within the community. Councilor Litwin asked why the sub-points related to needles, approaches by strangers, graffiti, and gun violence were singled out. Housing Manager Lawrence-Gomez replied that these were the most frequently mentioned topics within the public safety domain. Councilor Litwin said that it is important to recognize that these are the topics the community is most concerned with when talking about public safety concerns.**

- **Councilor Shannon said that these grants are a big administrative lift from CEDO staff for the amount of money in question. She also said that the value to the community of this analysis is that it really lights a path to the priorities that the City needs to focus on related to public safety. She noted that the analysis shows that overcrowding in housing is not a high concern, and asked why, given the profound housing shortage. She also asked whether these funds can be used for shelters and finding year-round shelter for people. Housing Manager Lawrence-Gomez replied that in terms of overcrowding, the data comes from HUD and is from 2013-2017 and is slightly outdated. She said that one observation she has had is that landlords can be discerning about to whom they rent and that there is such a short supply of housing that they are being very selective and renting to very small households. She also spoke about how large, intergenerational families are struggling to find housing in the community. Director Pine said that the cost of operating winter shelters is incredibly high, given the level of support and services needed to achieve the safety that individuals and staff need and deserve. He said that 15% of CDBG funds could be used for shelter, but that it is a relatively small amount of funding. He noted that the State recently posted an RFP for shelters to hopefully increase shelter capacity.**
- **Councilor Grant said that in terms of overcrowding, she sees frequent lease violations in her wards, particularly among college students.**
- **Councilor Litwin noted concerns about shocking rental increases at the end of leases because the City has no protections against rent hikes, and asked whether this research discusses this. Director Pine said that this was not included in the findings, given that the City has no recourse to protect against this, other than providing assistance who are hit hard and focusing on increasing the number of units.**
- **Councilor Kane said that the definition of overcrowding is 1.5 people per room, which is a high standard. He also said that the number of people per household is kept low or pushed down in Burlington by lack of housing.**

VOTING: unanimous; motion carries.

6.3 Annual Commission Report – BED

Scott Moody, the Chair of the Electric Commission, provided the annual commission report. He began by noting the scope and mission of the commission, which is to oversee policy, power purchases, and street lighting, in addition to monitoring the department's financial condition. He spoke about the highlights of the department from the past year, which include the department's financial stability, changing lighting across neighborhoods and increasing public engagement in this area, an analysis of miscellaneous fees, translating electric bills into multiple languages for broader understanding, and focusing on affordability. He spoke about the benefits of the McNeil Plant and its predictable energy and stable rates. He said he appreciates the department's commitment to meeting its net zero energy goals.

Councilor Kane noted frustration on the part of the City Council regarding the lack of data on what programs may be driving the progress being made toward net zero energy goals, and asked if Chair Moody has further insight or perspective. Chair Moody replied that the Commission receives regular reporting from General Manager Springer on the priorities dashboard and that he is confident that the department is doing as much as possible to keep up with the goal of net zero energy by 2030. General Manager Springer also noted that BED is preparing a retrospective analysis to delve further into the drivers of emissions reductions as they relate to net zero energy goals, which they plan to present to the Council later this year.

Councilor Grant asked that the Commission give consideration to more public engagement in terms of notifying the community about what is happening related to net zero energy, emissions levels, and promoting the move toward electrification. Chair Moody replied that the department regularly updates its social media platforms and goes to various NPA meetings and that it has a significant community presence. Councilor Grant noted the importance of expanding the variety of social media platforms on which BED has presence, in order to cater to younger and more diverse demographics.

MOTION by Councilor McKnight, SECOND by Councilor Grant, to waive the reading, accept the report, and place it on file.

VOTING: unanimous; motion carries.

6.4 Presentation from Burlington Electric Department

General Manager Springer began by noting that BED is seeking a 5.5% rate change for FY25. He noted that there was a 5.5% increase in FY24 and a 3.95% increase the year prior to that. He noted that prior to this, there was a period of time with no rate changes at all, and a period prior to that of double-digit rate changes (decades ago). He said that the goal of BED is to have more modest rate changes year-over-year. He spoke about the drivers of the increase, which include flat customer sales, flat/declining REC revenues due to stable prices, higher purchased power costs, increased transmission costs, continued inflationary pressures, and a need that has outstripped the previous three years of rate increases. He noted that since 2021, BED has asked for rate increases that are less than the cost of service, to be conscious about affordability for rate payers. He compared residential rates in 2010-2024 for BED, other Vermont utility companies, and New England prices. He provided details on the effect of the rate change on customer bills, noting that it would result in a \$4.51 monthly increase for the average residential rate-payer, and a \$5.71 monthly increase for the average small general rate-payer. He noted that the rate change would take effect in September.

Chief Financial Officer Stebbins-Wheelock then spoke about the increase in BED's line of credit from \$5 million to \$10 million. She noted that this is to reflect that the operating budget has grown since the \$5 million level was set and this is to keep access to working capital at a level that is commensurate with BED's daily cash outflows. She noted that BED has not used this line of credit since 2009, in the wake of the financial crisis. She noted that the purpose of the line is both to provide access to emergency cash and to bolster BED's Moody's credit rating. She noted that Burlington's charter establishes a provision for BED to have this line of credit, and that there is a two-year limit on this authority each time it is granted. She noted that the resolution tonight includes both the credit line increase to \$10 million and that BED is switching banks (to M&T).

Chief Financial Officer Stebbins-Wheelock then spoke about proposed changes to BED's miscellaneous service fees. She began by providing background on "Miscellaneous Services", which include items such as initial service set-up, service reconnection, and removing a meter as requested by individual customers. She noted that fees are charged on a per-occurrence basis under a tariff that requires City Council and PUC approval. She said that current fees became effective July 1, 2010 based on FY2009 costs. She noted that the Electric Commission asked BED to review fees in response to public comment. She spoke in more detail on the analysis performed on the fees. She walked through the fees that would be decreasing (initial service, meter removal/replacement, and reconnection after hours), increasing (reconnection, returned checks, temporary service, and power problem investigations), eliminating (collection), and new fees (on-site disconnect and reconnect assistance). She spoke about the Electric Commission's review of this analysis as well as customer engagement, noting that the EC reviewed and discussed the proposed fee changes in Q1 of 2024, BED posted information about the proposed changes on a number of social media sites and its own website and solicited feedback, and that it made minor changes based on this feedback. She noted that the EC voted unanimously to recommend these changes on March 23, 2024. She noted that the revenue impact will be largely neutral, with a net revenue increase of \$10,000. She noted that next steps include the regulatory approval processes of having the tariff updated through the PUC, and that the tariff would not go into effect until approved by the PUC.

Councilor Kane asked how equity is taken into consideration when contemplating fee adjustments. He cited an example of the returned check fee increasing to \$20, which would impact lower-income people more often. Chief Financial Officer Stebbins-Wheelock replied that the

increased fees reflect BED's cost basis, and if a customer doesn't pay the fee, then costs are borne by BED and in turn all other rate payers. She said that if BED's bank does not charge them a bad check fee, then they won't in turn pass that bad check fee cost on to customers.

Councilor Neubieser expressed concern about the long-term sustainability of the REC market and the effect it will have over time, as well as the sustainability of the McNeil Plant and cutting its carbon emissions, and said he looks forward to working together to tackle those longer-term issues. He asked about the rate payer assistance program and what socioeconomic groups are being impacted. General Manager Springer said that in terms of McNeil's emissions, BED strives to look at any power resource on a lifecycle basis and look at and balance all of the inputs. He also stressed that this is one of the utilities that is doing the most work in the country on tackling the climate crisis and trying to help the community reach IPCC targets and net zero energy targets. He then spoke about the Energy Assistance Program (EAP), noting that there are currently 238 customers enrolled and that they anticipate being able to enroll between 800 and 1,500 residential customers automatically based on their enrollment in similar assistance programs. He noted that they use 185% of the federal poverty level as the eligibility criteria and that they rely on known eligibility in other programs (like Section 8 housing vouchers or 3 Squares Vermont) to reduce the administrative burden of having to independently verify eligibility.

Councilor Litwin asked for more details on the returned check fee and why it would be \$18 if there were no damages incurred by BED, and Chief Financial Officer Stebbins-Wheelock replied that the \$18 represents the labor time of customer care representatives and the finance team in processing or not processing that payment. Councilor Litwin said that he understands this but doesn't support it and would like to change the policy to take more of an equity approach. He also asked about the reconnection fee, and Chief Financial Officer Stebbins-Wheelock replied that the current language states that this fee can be charged only to customers who have been disconnected after not paying their bill, and that they are proposing to remove that language and charge it when a reconnection needs to be made for any reason. She also noted that they will now not charge an initial setup fee and a reconnection fee when a tenant switches over, but just the reconnection fee. General Manager Springer added that the PUC requires that fees be applied across rate payers, noting that cross-subsidization is looked upon unfavorably within the utility rate context in Vermont. Councilor Litwin asked about expanding the eligibility to the EAP so that it is more accessible, and perhaps use a standard comparable to the one used by Champlain Housing Trust. General Manager Springer replied that they use 185% of the FPL as a metric because it's used by other City programs, such as programs run by CEDO. He said that if this metric is not effective in future they can change it if needed.

Councilor McKnight expressed appreciation for the clarity around the fees and efforts to ensure that rate increases are modest. She asked what BED sees as the most effective way for rate-payers to reduce their electric use or overall utility costs. She asked whether there is a best practice and strategic communication plan in place for this. General Manager Springer replied that BED has strong programs for both energy efficiency and electrification, noting that in the FY25 budget there are over \$3 million dedicated to supporting incentives for residential and commercial customers for energy efficiency savings and electrification, switching to an electric vehicle, installing a heat pump, and other cost-effective measures. He spoke about the ways that customers can learn more about BED's programming.

6.4 BED FY 25 Rate Change

MOTION by Councilor Barlow, SECOND by Councilor Carpenter, to approve and authorize the General Manager of the Burlington Electric Department or their designee to file tariff amendments and supporting documents with the Vermont Public Utility Commission requesting an increase in Burlington Electric Department rates of 5.5 percent on bills rendered on or after September 1, 2024 as presented.

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

6.4 Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Electric Department (Board of Finance)

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

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

6.4 Proposed Changes to BED Miscellaneous Service Fees

MOTION by Councilor Barlow SECOND by Councilor Carpenter, to approve and authorize the General Manager of the Burlington Electric Department or their designee to file tariff amendments and supporting documents with the Vermont Public Utility Commission requesting changes in Burlington Electric Department's Miscellaneous Service Fees as proposed.

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

6.5 Resolution: Review and Update to Rental Weatherization Standards (Councilor Barlow)

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

DISCUSSION:

- Councilor Barlow noted that the Council approved a rental weatherization ordinance on January 17, 2022 that established a compliance schedule for rental buildings using more than 50 BTUs per square foot per year. He noted that there has been a staged implementation beginning with higher energy users first, and that by January 1, 2025, all buildings falling under this ordinance will be required to comply. He noted that according to the Department of Permitting & Inspections (DPI), the work is moving slowly and that few properties have done the work, and many are waiting for energy audits, waiting to schedule work, or waiting for work to begin. He said that this waiting line may be a result of the energy audit and weatherization workforce (or lack thereof), but that there could be other reasons. He said that this resolution creates a process for the Transportation, Energy, and Utilities Commission (TEUC) to review current progress and make recommendations on what might be done to improve that progress, as well as creates an advisory group of content experts to help make these recommendations.
- Councilor Neubieser expressed concern that this ordinance has been so difficult to implement, given the importance of weatherization. He expressed support for this resolution. He also expressed concern that there is a workforce shortage in this field, and he said that he will focus his efforts on workforce development.
- Councilor Broderick expressed support for this resolution, saying that rental units need to be weatherized and that it will bring more benefits to the City and its residents to lower emissions and electricity bills.

VOTING: unanimous; motion carries.

6.6 Ordinance: Chapter 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Councilors Shannon, Traverse, Brown McKnight) **WAS CONSENT AGENDA ITEM 5.11**

MOTION by Councilor Shannon, SECOND by Councilor Litwin, to waive the first reading and refer to the Ordinance Committee.

DISCUSSION:

- Councilor Shannon said that this rolls back the regulations that would discourage the creation of condominiums, saying that they were created at a time when the City's environment for creating condominiums was different than it is today. She noted that developers don't build condominiums today because they can't finance them. She said that there are very few affordable housing opportunities in the City, the vast majority of which are condominium projects. She said that this will be referred to the Ordinance Committee to look at ways to help tenants buy the unit they are renting in order to stabilize their housing costs and start building equity rather than facing increasing rents.
- Councilor Neubieser expressed interest in seeing where this goes, but also expressed concerns. He expressed concerns about eliminating revenue streams for the Housing Trust Fund. He also said that this is the first time he's seeing this resolution, and he would like to be able to give productive feedback. Councilor Shannon said that the Housing Trust Fund point was discussed with Director Pine and because the fees are so onerous, fees are rarely collected through this ordinance. She also noted that sometimes resolutions and ordinances are circulated in advance and sometimes they aren't, and that she will be more mindful of including all Councilors in resolution processes.
- Councilor Broderick said he is supportive of any measure to increase revenues for the Housing Trust Fund, and that having more affordable housing helps to solve the housing crisis. He noted that the ordinance's conversion fees would provide funds to replace low and moderate income housing lost through conversion of rental housing to condominiums and cooperatives.
- Councilor Carpenter said it is appropriate to revisit this ordinance. She noted the difficulty of getting financing in the secondary market for developing condominiums and that it is problematic. She said that they should broaden their perspective and even look into the provisions in the low income tax credits.
- Councilor Neubieser emphasized the importance for collaboration of having conversations before resolutions come to the floor.
- Councilor Grant agreed with Councilor Broderick's concerns and Councilor Neubieser's concerns about process. She said that the Council is not being consistent in its processes and is emphasizing politics over people.
- Councilors discussed several points of process.

VOTING: 10-1; motion carries (Councilor Grant dissenting).

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Barlow noted that the TEUC will be having a virtual meeting on June 11 at 5:30 PM, and will review ordinance changes for taxis as the vehicles for hire licensing board has recommended.

Councilor Grant said that the Racial Equity, Inclusion, and Belonging Committee will not be meeting in June because the team will be working hard on the final details of the Juneteenth event, which falls on Saturday, June 15. She also noted that the monument reveal will be earlier in the week.

Councilor Neubieser said that the Community Development and Neighborhood Revitalization Committee will be meeting on June 11 at 6:00 PM and will be discussing having all wards send representatives to participate in the development of a resolution regarding the relationship between NPAs and the Council.

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

Mayor Mulvaney-Stanak expressed appreciation for Councilors who have been able to attend the budget information meetings that were held through the month of May at the Board of Finance. She said that they concluded those meetings last Wednesday and that at that meeting she provided a memo that outlined recommendations for several different strategic community safety investments, which include \$250,000 to continue the CRT program and \$325,000 to invest in library security, use a social worker at the library, and an additional proposal around camping, and a special assistant in the Mayor's Office to decrease siloed conversations around community safety. She said that department heads and the Administration worked to find savings to close the budget gap and fund these proposals. She said that they will present the final budget to the full City Council next Monday, June 10. She said that the final proposal on camping will be available to the Councilors for their consideration tomorrow. She then talked about collaboration and the cross-departmental work that is occurring to put together the community safety plan, and that she appreciates the work session next week on this topic with the Council. She said that regarding the \$50,000 to put toward services and supports for encampments, she cannot in good conscience let these growing encampments exist without access to basic sanitation and other decent, dignified minimal supports. She also noted that she receives internal briefings from the park ranger, who monitors and visits every encampment throughout the City and has reported that conditions remain stable. She said this is a different context than Sears Lane in that there are staff actively engaged with encampments and who ensure that there is follow-up and supports for people within them. She also spoke about cross-departmental convenings around community safety and said that they have been working diligently for 4 weeks to develop proposals and ensure that the right approach is taken.

She then spoke about City highlights, noting a temporary administrative hire in her office for the summer, an interim Planning Director while recruitment begins for a permanent Director, and redesign work in the REIB department as well as interviews for an interim REIB Director.

She spoke about community engagement, noting that she met with the Burlington School District to discuss downtown safety concerns and working collaboratively to strengthen coordination around Cherry Street, as well as improve communication between the Police Department and School districts when there is police activity near schools campuses. She noted that she also met with VTrans and federal highway experts to discuss next steps related to the Champlain Parkway and Railyard Enterprise project. She noted a town hall with the business community to hear their concerns about community safety. She noted that she met with the State Attorney's Office about coordination and supporting her office. She spoke about meeting with Pakistani LGBTQ elected leaders who are visiting Vermont. She noted the beginning of the District meeting schedule. She expressed disappointment about the Governor's veto of H. 72 and said she has tried to follow up with him on this, but that it has not been reciprocated.

12. ADJOURNMENT

12.1 Motion to Adjourn

MOTION by Councilor Barlow, SECOND by Councilor Broderick, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 10:28 PM.

RScty: AACoonradt

**BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 3, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Katherine Schad
Erin Jacobsen
Joe Magee
Joe McNeil
Kim Sturtevant
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 7:28 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Carpenter, 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, Third Class Liquor License and Outside Consumption Permit Renewals (2024-2025): see attached list - approve the 2024-2025 First, Third Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

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

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 7:29 PM.

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 10, 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
Emma Mulvaney-Stanak

OTHERS PRESENT:

Erin Jacobsen
Katherine Schad
Kim Sturtevant
Erik Ramakrishnan
Lori Olberg

3. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Mulvaney-Stanak at 6:45 PM.

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 Communication: Meghan Sweeney, Administrative and Accounting Assistant, Burlington Fire Department, re: Listing of Fire Wardens to be Appointed at the June 2024 Meeting of the City Council for July 1, 2024 and expire June 30, 2025 – approve the Fire Wardens for July 1, 2024 and expiring June 30, 2025 as listed.

MOTION by Councilor Bergman, SECOND by Councilor Grant, to approve the consent agenda as amended and take the actions indicated for items 2.1-2.2.

VOTING: unanimous; motion carries.

3. 2024 BOARD AND COMMISSIONS APPOINTMENTS

3.1 2024 Boards and Commissions Appointments

MOTION by Councilor Barlow, SECOND by Councilor Grant, to approve the 2024 Boards and Commissions Appointments as listed as a slate. The slate is as follows: Airport Commission – Tim George, Airport Commission – Robin Guillian, Board of Assessors – Rob Gutman, Cemetery Commission – Nancy Lee Kirby, Conservation Board – Zoe Richards, Design Advisory Board – Emily Morse, Development Review Board – alternate seat – Evan Gould, Development Review Board – full seat – Miles Waite, Electric Light Commission – Michelle Hobbs, Fire Commission – Jake Perkinson, Library Commission – Emily Copeland, Library Commission – Patrick Halladay, Library Commission – Amy Mellencamp, Parks and Recreation Commission – Robert Etter, Planning Commission – Michael Gaughan, Planning Commission – Julia Randall, Planning Commission – Erhard Mahnke, Planning Commission – Ryan Nick, Public Works Commission – Christopher Damiani, Public Works Commission – Daniel Munteanu, Public Works Commission – Jacob Davis, Board of Tax Appeals – Alan Bjerke, Board of Tax Appeals – Emily Eley, Vehicle for Hire Licensing Board – Paul Hines, Board for Registration of Voters – Annie Schneider.

DISCUSSION:

- **Councilor Barlow spoke about the application and reappointment process, noting that out of those conversations comes a slate for the Council's consideration. He said that the ad hoc committee on board and commission appointments met three times in May and June to develop this slate of appointees for which it had unanimous consensus. He also noted that there is an amendment to the slate related to one of the Parks & Recreations Commissioners.**
- **Miles Waite and Julia Randall spoke as Applicants regarding their interest in serving on their respective boards.**

VOTING: unanimous; motion carries.

3.2 Police Commission: Term Expires 06/30/27

MOTION by Councilor Grant to nominate Susan Comerford.

MOTION by Councilor Shannon to nominate Malik Mines.

VOTING (Susan Comerford, by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – nay, City Council President Traverse – aye, Mayor Mulvaney-Stanak – aye (10 ayes, 3 nays); motion carries.

3.3 Board for Registration of Voters: Term Expires 06/30/27

MOTION by Councilor Shannon, to nominate Patrick Burns.

MOTION by Councilor Neubieser, to nominate Jeanne Keller.

VOTING (Patrick Burns, by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – nay, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – aye, Mayor Mulvaney-Stanak – nay (6 ayes, 7 nays); motion fails.

VOTING (Jeanne Keller, by roll call): Councilor Barlow – abstain, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – abstain, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – abstain, Councilor McKnight – abstain, Councilor Neubieser – aye, Councilor Shannon – abstain, City Council President Traverse – abstain, Mayor Mulvaney-Stanak – aye (7 ayes, 6 abstentions); motion carries.

3.4 Board for Registration of Voters: Term Expires 06/30/29

MOTION by Councilor Neubieser to nominate Colleen Montgomery.

VOTING: unanimous; motion carries.

4. ADJOURNMENT

4.1 Motion to Adjourn

The meeting adjourned at 7:03 PM.

RScty: AACoonrad

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 10, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant (Zoom, then in person at 6:21 PM)
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Katherine Schad
Erik Ramakrishnan
Kim Sturtevant
Lori Olberg
Kara Alnasrawi
Chapin Spencer
Corey Mims
Laura Wheelock
Julia Ursaki
Sarah Russell
Hayley McClenahan
Lacey Smith

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:04 PM.

MOTION by Councilor Doherty, SECOND by Councilor Bergman, to amend and adopt the agenda as follows:

- **Remove from the consent agenda item 5.6. Use of Vendor Space at A-Dog Skatepark – BPRW (per BPRW);**

- **Add to the consent agenda item 5.11 Ordinance: Restaurant, hotel, amusements and admissions taxes BCO Sec. 21-31 (Councilor Shannon);**
- **Remove from the consent agenda item 5.11 (per City Council President Traverse).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:15 PM

2.1. Verbal Comments

Forum opened at 6:17 PM.

COMMENTS:

Burlington residents (in person):

- Jake Schumann began with a moment of silence to recognize the suffering in Gaza and the West Bank. He said that the City has been discussing how to reform its Police Department for five years and that two articles about egregious behavior at the Police Department have come out in the last week. He said that the City does not have the luxury of time and must act with urgency to ensure that the community has speedy, reasonable, and fair justice.
- Troy Headrick spoke about the joint apology from the Burlington Police Department and Burlington School District on the events of June 5, 2024. He said that the use of passive voice in the apology shifts the ownership of the actions from the BPD to the students who witnessed the event, and was crafted in a way to blame the victims. He said that BPD designed and implemented the training event and that BPD leadership does not have the sense to understand why this sort of training was grossly inappropriate. He said that there is a crisis of trust with the Police Department and this incident is yet another example of how that mistrust developed. He said that there needs to be conversation about the lack of capacity in BPD leadership for good decision-making and repairing the harm that was caused.
- Susanne Sugar spoke about item 6.5, the encampments within the community. She said it is surprising that the City is spending \$50,000 for services at encampments. She said that this feels like the opposite of making Burlington feel safer. She said that the public has lost Church Street, the parking garages, and the parks, as they no longer feel safe. She said that this would now take the waterfront away from the public. She urged the Council to relook at this proposal. She also spoke against safe injection sites, saying that they aren't proven to make a community safer.
- Colin Hilliard and Alex Umber spoke about the Burlington/Kuyalnyck Sister City Program and provided an update to the Council on the upcoming visit to Kuyalnyck, Ukraine. He said that they will be attending the City's Borsch festival and Constitution Day, as well as attend a conference on regional development in the Odessa Oblast. They asked the Mayor to sign a Burlington City flag to deliver it to Kuyalnyck as part of the delegation.
- Erhard Mahnke spoke as an Applicant for a seat on the Planning Commission about his interest in serving on that commission and his qualifications.
- Leif Taranta said that the assertion that the City is losing its public spaces to the unhoused is absurd, that those are members of the community and the fact that they are unhoused is a disgrace to the entire community. He urged the Council to support providing services to the encampments as the least the City can do. He spoke about an incident where 8 police cruisers responded to an incident where a man had a toy rifle, and spoke against the recent BPD training event where they traumatized students.
- Julie Macuga spoke about how Burlington is in the national news again, for traumatizing kids. She said that there is a long list of extremely preventable missteps by the BPD. She spoke about the last five years of personnel changes and spoke about questionable behavior on the part of BPD leadership. She said that they still have not seen positive change in the department, and asked when the City will acknowledge their incompetence and make changes.

- Cheryl Boutilier spoke about the homelessness issue that has gone on for too long and that the police have not been helpful in some circumstances. She asked why the City won't turn abandoned or empty buildings into temporary shelters.

Burlington residents (via Zoom):

- Sharon Bushor spoke about the divided opinion on encampments. She said she is glad that Burlington is addressing this, but that homelessness is a national issue, and she hopes that one thing that comes of this discussion is a meeting attended by cities in Vermont such as Rutland, St. Albans, Burlington, Brattleboro, and Montpelier. She said that the actions taken by the Vermont legislature have exacerbated the homelessness issue, given that they are ending the motel voucher program and leaving communities to address the issue without any funding. She said that both long-term and short-term solutions are needed to support communities that are trying to help these people.

Non-Burlington residents (in person):

- Jeff Nick spoke as a long-time Church Street Marketplace Commissioner, saying that the Marketplace is in critical decline and something needs to be done. He spoke about how retail theft has skyrocketed. He noted that the City has as much at stake here as the retailers and restaurants that do business on the street, since the Marketplace is one of the City's biggest economic engines. He spoke about how tenants are looking to not renew leases or are looking at short-term renewals, about how a national tenant pulled out of a space due to security concerns, and that the Marketplace has a reputation now for retail theft. He said that there needs to be a sense of urgency, and that there needs to be more funding for police street patrols.

Forum closed at 6:42 PM.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports

None.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports

Mayor Mulvaney-Stanak provided updates from the City staff on work related to community safety. She said that they have begun to identify hot spots or areas of increased negative behavior in the City, the first of which is the library. She said that she convened cross-departmental meetings to identify immediate actions that can be taken to decrease this negative behavior, including fully fencing in Memorial Auditorium and working with the Police Department more closely on drug tips and more targeted enforcement of that area. She said that they have temporarily removed the bus stop in front of the library, given that much of the behavior was occurring in that area. She said that there has been improvement in activity at the library, and that the City will work to better utilize CSOs during after-hours periods of time. She noted that they are turning their focus to hot spots in the City's parking garages and are developing new approaches to be proactive in the spaces, to increase visibility, and to increase safety, by holding individuals accountable who are harming the City. She also spoke about the meetings of the community safety advisors, who have identified immediate actions the City can take to improve safety, including better communication on who to call and cross-department coordination and communication. She noted that she is working to strengthen the relationship between the City and State's Attorney's Office. She noted again the Governor's vetoing of H.72, which would set up an overdose prevention pilot location in Burlington, and spoke about working with Burlington's delegation to support overriding that veto.

Councilor Doherty noted that on June 6, the U.S. Attorney's Office for the District of Vermont issued a press release detailing an example of collaboration between federal and local law enforcement, culminating in a federal search warrant being executed at an apartment on St. Paul Street and the confiscation of significant quantities of illegal controlled substances, handguns, and cash, as well as the arrest of one of the alleged suspects in South Burlington. He said that this collaboration also demonstrates accountability for those who come to the community to do harm.

Councilor Grant said that she hasn't received the statistics from the State Attorney's Office for the last month yet, but plans to provide them and review them at the Public Safety Committee meeting next week. She reminded the public that they must get an incident number for any incident reported, for tracking cases.

5. CONSENT AGENDA

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

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

5.3 Housing Board of Review Annual Report for 2023 – waive the reading, accept the report, and place it on file.

5.4 Communication: John Guilmette, re: trimming the trees around the Greenmount Cemetery – waive the reading and place the communication on file.

5.5 Communication: Crystal R. Lafferty, re: Tina verbally assaulted a minor – waive the reading and place the communication on file.

5.6 Use of Vendor Space at A-Dog Skatepark – BPRW - **AGENDA ITEM REMOVED**

5.7 Microsoft Licensing Agreement – BED – approve and authorize the BED General Manager or their designee to execute the three-year licensing agreement between BED and Microsoft commencing on July 15, 2024, subject to final review and approval of the City Attorney's Office.

5.8 Open Space Plan Contract – DPI - approve and authorize the DPI Director or their designee, subject to final review and approval by the City Attorney's Office, to execute the contract with Agency Landscape + Planning for a comprehensive rewrite of the Open Space Plan.

5.9 FIO Documents – for information only.

5.10 Special Event Indoor Entertainment Permit Application (three days only): Paradiso Hi-Fi, 388 Pine Street, Suite 2 – approve the three day only special event indoor entertainment permit application for Paradiso Hi-Fi, 388 Pine Street, Suite 2

5.11 Ordinance: Restaurant, hotel, amusements and admission taxes BCO Sec. 21-31 (Councilor Shannon) - **AGENDA ITEM REMOVED**

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the consent agenda as amended and take the actions indicated for items 5.1-5.11.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 2024 Boards and Commissions Appointments

MOTION by Councilor Barlow, SECOND by Councilor Grant, to approve the 2024 Boards and Commissions appointments as listed. The slate is as follows: Chittenden Solid Waste District – full seat – Lee Perry, Chittenden Solid Waste District – alternate seat – Matt Kobzik, Church Street Marketplace Commission – Sarah Beal, Church Street Marketplace Commission – Cara Tobin, Fence Viewer – Shay Totten, Housing Board of Review – Don Sligh, Winooski Valley Park District – Andrew Jonah Gregg

VOTING: unanimous; motion carries.

6.2 Public Hearing Regarding Setting Common Area Fees FY25
City Council President Traverse opened the public hearing.
There were no public comments.

City Council President Traverse closed the public hearing.

6.2 Resolution: Allocation Method and Standards for Common Area Fee Formula, and Establishment of Common Area Fees for the Church Street Marketplace for Fiscal Year 2025 (Board of Finance)

Executive Director Alnasrawi began by noting that the City is required by charter to review the Church Street Marketplace Common Area Fees annually, and that the Church Street Marketplace Commission makes a recommendation around fees to the Board of Finance and City Council for their consideration. She said that the recommendation for FY25 is to leave the fees unchanged from FY24 levels. She noted that the fees are \$3.02 per ground floor square foot abutting the Church Street Marketplace, which totals approximately \$730,000 (out of the entire \$1 million Church Street Marketplace budget). She noted that the fees were raised from FY23 to FY24 by about 5%, and it was the first time the fees had been increased in five years. She noted that this was unanimously approved by the Board of Finance earlier tonight.

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

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

6.3 Champlain Parkway Project – Update and Final Construction Contract – DPW

Director Spencer said that this update is in anticipation of putting this project out to bid later this week and coming back to the Council in August to execute the construction contract for this phase of the Champlain Parkway Project. He summarized the Phase 1 construction. He said that this next phase (Phase 2) has a southern section by I-189 and a section north of Kilburn Street to Main Street. He spoke about the benefits of phasing the project into a first and second phase. He said that by splitting the project into two phases, DPW was able to get online a large portion of the project before the entire project is complete, which range from environmental benefits to reducing the amount of phosphorous entering Lake Champlain to opening new miles of shared use path and another South End city street.

Director Spencer then summarized the final construction contract (for the Phase 2 work). He said that it will occur in a southern section (I-189 to Home Avenue) and a northern section (Kilburn Street to Main Street). He noted that the cost, by the latest engineer's estimate, is \$24.5 million, and the duration will be from Summer 2024 to Summer 2026.

Director Spencer spoke about reinvestment activities in the King and Maple Neighborhood that occurred in order to prepare for this project. These activities began in 2014 and were completed in 2020, and consist of more than \$5 million in capital reinvestment. They include crosswalks, infrastructure improvements, traffic calming, repaving, signal upgrades, and rehabilitation of St. Paul Street to Great Street standards. He noted that while there will be a projected 9% increase in traffic in the neighborhood, there are corresponding improvements that will mitigate these impacts and make traffic and operations safer than they are today.

Senior Engineer Mims outlined the financing of the Champlain Parkway project. He said that the total project cost is approximately \$90 million across phases, with a split between pre-construction, initial construction, and final construction phases of \$14 million/\$40 million/\$36.5 million, respectively. He noted that the federal share is 95% of participating costs, state share is 3% of participating costs, and the local

match is 2% of participating costs (around \$1.7 million). He said that non-participating costs of around \$6.8 million. He noted that the City's total contribution to the project is \$7.2 million.

Senior Engineer Mims then spoke about the stages of public engagement from 2009 to 2021, and public meetings specifically focused on the King/Maple Neighborhood in 2019-2020.

Senior Engineer Mims then spoke about how the Champlain Parkway project fits into the South End Coordinated Redevelopment work, and how they influence traffic impacts. He said that based on traffic counts and modeling, there is an excess capacity of about 2,000 vehicle trips that could be accommodated, based on updated numbers between the 2009 and 2022 traffic analyses. He said that they are not seeing the initial phase of development causing any significant issues to the capacity of Pine Street following the completion of the Champlain Parkway project. He summarized other South End construction projects and timelines, including the Railyard Enterprise Project, Main Streets Great Streets project, and the BTC public improvements.

Director Spencer highlighted that DPW will be conducting data collection and monitoring through this project, noting that there are permit conditions that require monitoring of several intersections in the South End, as well as conducting traffic counts, speed counts, and other operational monitoring activities for the King/Maple Neighborhood.

Mayor Mulvaney-Stanak expressed support for this project and the intentionality of engaging the public, particularly in the King/Maple Neighborhood. She expressed support for the public improvements in the King/Maple Neighborhood. She also noted that the Railyard Enterprise project is a crucial piece of this and is part of the City's ongoing long view of what it needs in terms of increasing density.

Councilor Shannon asked if there is a turning lane at the Maple/Pine intersection, saying that the traffic light should be installed at that intersection prior to increasing the traffic on Pine Street. She asked about the non-participating costs and whether the contaminated soils are being covered by the Petroleum Cleanup Fund. She asked about the landscaping. She asked about the traffic calming measures and whether they will improve the flow of traffic (that area does not need calming, but needs increased flow to prevent so many idling cars at those intersections). Director Spencer said that there is no turning lane planned at the intersection of Pine and Maple Streets, noting that projections of that intersection functioning better today are based on not having a turning lane. He said that if there is undue congestion, there are other tools the City can use to improve that. He said that they will explore putting in the traffic light prior to the connection to the interstate. He said that yes, the City is on the hook for the additional soils money not covered by the Petroleum Cleanup Fund, and that this is a required cost. He said that they can provide Councilor Shannon with the landscaping plan and costs. He noted that in terms of traffic calming, there are side streets that are interested in traffic calming similar to the bump outs at intersections on King Street.

Councilor Litwin asked about the road from Home Avenue and whether residents have requested a sound buffer, given that their proximity to the street will be close. He also noted that there is a gap of time between Q3 2026 and Q3 2027 when the Railyard Enterprise project can break ground, and asked that the City to do everything in its power to reduce that time gap and break ground more quickly. He asked that the community be outreached to as productively as possible. Senior Engineer Mims noted that homeowners have mixed feelings about the traffic increase along Home Avenue, but said that they don't anticipate traffic noise being much more than on any other 25 mile-per-hour street. He said that DPW is working diligently to try and close the time gap for breaking ground on the Railyard Enterprise project.

Councilor Grant said that the situation at the King/Pine intersection has greatly improved. She noted that traffic backs up at peak commute times and that at other times drivers do tend to go through the intersection quickly, so she still sees a potential need for traffic calming in future. She said that there may be a need for a left-hand turn or arrow. She also advocated for installing a traffic light.

Councilor Bergman said he hasn't been supportive of this project for decades, and that without the Railyard Enterprise project coming online in tandem to siphon traffic, this puts him in a difficult position. He acknowledged many improvements, though. He asked for more information on whether the CityPlace development was incorporated into traffic projections. He asked about the traffic volume increases from the present on Maple/Pine and King/Pine intersections. He said he would also like to see update memos on future engagement with the public to deal with traffic congestion and bicycle and pedestrian safety. He said he would like to see a more detailed schedule of issues around the timeline for the Railyard Enterprise project. He expressed concern about bike traffic at the King/Pine and Maple/Pine intersections and asked for more information about bike lanes. Senior Engineer Mims described the proposed bike lane configuration. Councilor Bergman asked for a more detailed written description of the bicycle lane configuration, with an emphasis on safety.

Councilor Shannon asked for more information on the impact to neighbors who can no longer park on Pine Street and how they were notified of the change. She also asked for further clarification on why the City has to pay for 100% of cleaning up contamination and what the implications are of refusing to pay, and Director Spencer said that they will provide further clarification in writing.

6.4 Reconnecting Bank and Cherry Concept Presentation – DPW

Public Works Engineer Ursaki began by noting that this is an informational presentation on the concept of reconnecting Bank and Cherry Streets, which will give the Council time to take in the information and ask questions prior to DPW coming to the Council on June 24th to formally ask for concept approval. She began by providing a history of the project, beginning with voter approval in 2016 of the Tax Increment Financing (TIF) funding for the public improvements and rebuilding Bank and Cherry Streets. She said that the original concept was approved in 2018. She noted that the City was awarded \$15 million of Congressionally-directed spending from Senator Leahy in 2023, and a \$22 million RAISE grant, also in 2023.

Public Works Engineer Ursaki noted that the basis of the design concept for reconnecting Bank and Cherry Streets comes from two foundational documents, the Plan BTV WalkBike and the Great Streets BTV plans. She noted that the Great Streets BTV plan in particular has an extensive list of street types, how those are defined, and for what uses. She noted that the Plan BTV WalkBike identifies Main Street and Pearl Street as two major East-West bikeways through the city and Battery Street and Winooski Avenue as the North-South connectors.

Public Works Engineer Ursaki then outlined the proposed improvements for Cherry Street and Bank Street. She showed proposed configurations for Cherry Street that include 66 feet of right-of-way and 36 feet of roadway, with uses on the street, for pedestrians, for cyclists, for parking, deliveries, cars, trucks, and buses. She noted another configuration that also includes amenities such as stormwater treatment, bike parking, and public seating in some areas close to businesses. She also noted that there would be a new, 7-foot-wide sidewalk throughout the corridor. She then provided similar configurations for Bank Street, noting that the design allows for Bank Street to become a festival street for special events.

Public Works Engineer Ursaki then spoke about next steps for the concept. These include public meetings at the Church Street Commission and Public Works Commission in June, with approval from the City Council at its meeting on June 24. She noted that design development will occur in June-October 2024, an environmental review is anticipated from October 2024-April 2025, design, permitting, and right-of-way in April 2025-May 2026, and construction for Cherry Street beginning in 2026 and Bank/Pine/St. Paul Streets in 2027.

Councilor Kane asked why the travel lanes wouldn't all be ten feet given the low travel speed, and Public Works Engineer Ursaki replied that it is due to the proximity of the downtown transit center, and there was an extra foot added for bus access. Councilor Kane noted that of the three options proposed for Bank Street in 2017, this option seems less ambitious, and asked if there were considerations for raising the street

to the sidewalk level, including special pavement, and having a 10 mile-per-hour limit. Public Works Engineer Ursaki replied that speeds cannot be set below 20 miles-per-hour per state statute and that it is at sidewalk level and is designed to be a slow space with many uses. She noted that asphalt is used for paving, given that there are so many utilities under Bank Street. Councilor Kane asked about the parking being net neutral and not reduced. Public Works Engineer Ursaki replied that they are removing spaces for different amenities and adding some spaces on the new blocks of Pine and St. Paul Streets. She noted that businesses have said that parking is very important. She noted options for pedestrian plazas in the place of parking spaces. Councilor Kane asked about the feasibility of having one or more streets be pedestrian only, and Senior Engineer Wheelock replied that they looked into this but that it wasn't feasible.

Councilor Grant said she would like to see more consideration for shared use paths and bicycle lanes, particularly on Cherry Street. Director Spencer replied that DPW is interested in creating a network of bicycle lanes and said that Pearl Street will connect to Battery Street bicycle facilities. He said that PlanBTV BikeWalk helped to determine which streets are the most strategic for enhanced bicycle infrastructure.

Councilor McKnight challenged the idea that car-free streets are bad for business. She encouraged the City to think innovatively about what it means to have a downtown and move away from car-centric configurations. Senior Engineer Wheelock noted that CityPlace is required to develop their project with doors and storefronts all around their development. She also noted that St. Paul Street is a key vehicular road for Green Mountain Transit, and that these roads are vehicle driveways and significant loading dock access for CityPlace. Councilor McKnight encouraged the City to think more about Pine Street and think about how to replicate Church Street in other areas. Director Spencer noted that one advantage of having a curbside Bank Street is that it can be configured in a number of different ways (including as a pedestrian street), so they can see what works and what doesn't.

Councilor Litwin asked whether DPW had explored making one-way streets. He also noted that much of the focus is on safety as it relates to travel, but said that the current public safety situation in the downtown makes it unlikely that people will want to take advantage of the amenities in this concept. He said he would like to see a satellite or kiosk for security or police to be potentially staffed to ensure that people feel physically safe and go downtown to enjoy these amenities. Senior Engineer Wheelock said that they hadn't thought about public safety kiosks specifically, but they had thought about public restrooms and drinking fountains. She said that they can site them and can review what uses can be put into them.

Councilor Carpenter spoke about key businesses on Cherry Street, which include the elder-care facility at Cathedral Square, and that it doesn't have its own site parking but has a lot of staff and visitors, the courthouse, and old State office building on Cherry Street. She said that those businesses should be kept in mind.

Councilor Neubieser echoed Councilor McKnight's comments around the desire for a totally walkable downtown.

6.5 Seasonal Health Response to Encampments Working Session

Mayor Mulvaney-Stanak noted that this is a proactive plan that addresses the chronic issues the City has seen with encampments over the last several years, as well as a health and safety issues around the unhoused. She said that this is less of a policy change and more of a working session on how to respond to the challenges that are present. She said that the City is enforcing its parks ordinance in terms of parks and rights-of-way, and working on a public lands ordinance. She also expressed concern about what is on the horizon in terms of changes in funding and programming that the State administers, particularly because they tend to have disparately large impacts on Burlington as the largest city in the state. She said that this plan is adaptive, responsive, and temporary as part of the City's approach to the seasonal issue around camping. She noted that her staff conduct a weekly internal review and look at the conditions of the encampments at those times.

Special Assistant Russell said that this presentation and work session are an opportunity to provide the Council with an update from staff on how they are approaching and coordinating the response to the increasing unsheltered population within the City and across Chittenden County. She began by providing an update on homeless data from across Chittenden County, noting that 684 households were involved in Coordinated Entry in April, and that the May unsheltered census was 288 individuals. She noted that 260 households were housed during FY24. She noted that around 60-80 individuals were unhoused in 2022, which increased to 140-160 during 2023, and was at 192 in January 2024. She spoke about the need for expanding emergency shelter capacity and other mechanisms to address the growing population of unsheltered individuals. She provided an overview of current shelter capacity in Chittenden County for low, medium, and high-barrier shelters. She noted that out of the 11 shelters in Chittenden County, only 2 of them are outside of Burlington. She spoke about exercises to analyze the data from the Coordinated Entry program to determine what types of shelter capacity are needed for different sub-populations, in order to more adequately address needs. She noted that the total additional shelter capacity needed is 400 beds/rooms. She said that this requires additional physical space, as well as partnership and funding from the State Agency of Human Services (AHS), as well as engagement from the Designated Agencies to provide mental health and substance use disorder services.

Special Assistant Russell then spoke about proposed resources and strategies to support response efforts. These include identifying resources that could be strategically placed to help meet basic needs and mitigate health and environmental concerns, community engagement strategies with other stakeholders, and proactive planning to expand shelter capacity. She noted that with respect to identifying resources to help meet basic needs, these include the provision of portable toilets and handwashing stations, dumpsters for waste management, potable water, lighting, and sharps receptacles. She noted that this strategy is not intended to encourage encampments, but to respond to evolving challenges of unsheltered homelessness in a way that is human-centered. She spoke about the City's efforts to determine the best locations for these supports and resources, saying that they are targeted the areas with current encampments that have a lack of available sanitation resources while taking into account the health and safety of City staff, campers, and the broader community, as well as impacts to water quality and ecology. She noted that the City is not establishing sanctioned camping areas, but is providing temporary seasonal sanitation resources to mitigate negative health and environmental impacts. She spoke about the City's camping on public lands policy, saying that there is no change to enforcement or removal activities from FY24, that camps in parks and programmed areas are noticed for removal, but that the City will exercise tolerance of camps on public lands and will continuously monitor and evaluate them for safety, resources, conflict management, and may remove them as necessary. She then spoke about strategies around community engagement, which include engaging partners to coordinate outreach efforts, coordinating cross-department communication to increase collaboration, proactively mitigating conflict, and maintaining trauma-informed practices. She then spoke about strategies around proactive planning to expand shelter capacity. She said that this includes identifying necessary capacity, communicating and coordinating with partner agencies that provide shelter, monitoring the General Assistance Emergency Housing Program and its changes, engaging neighboring town and city leadership, and determining what Burlington's role is in shelter expansion. She emphasized that emergency shelter is not a solution to homelessness, and that true affordable housing is. She noted that the State has issued an RFP with significant investment in the state of up to \$10 million to expand shelter capacity either for the winter season or on an ongoing basis.

Special Assistant Russell then spoke about next steps. These include finalizing and approving the FY25 Community Safety Budget of \$50,000 for community resources, conducting a feasibility assessment of the City's role in expanding shelter capacity, continuing advocacy efforts for increased support and leadership from AHS and partners at the State, and ensuring clear and transparent communication with community partners, the City Council, and members of the public.

Councilor Litwin asked about the urban reserve area and how camping is prohibited there, and it is signed as such. He said that this appears to be a point of contention, given that there are some tents in that area. He asked whether there are exceptions to this rule from legacy encampments or areas that are not impeding recreational use of the waterfront. Special Assistant Russell replied that the City is exercising

tolerance and that they are trying to steer clear of allowing encampments in conservation areas of the urban reserve. Assistant City Attorney McClenahan added that even in spaces where camping is prohibited by ordinance or posting, the City's policy is an outreach approach to engaging with individuals in those public spaces, followed by enforcement if necessary. She said that although there are spaces where it is prohibited to camp, the City is focusing on outreach and then enforcement, but not a lack of enforcement.

Councilor Neubieser said that there are concerns among constituents that if the City provides resources that mitigate negative externalities and impacts on the houseless community that it will attract more unhoused individuals to come to Burlington. He asked whether there is data to support this. Special Assistant Russell replied that this is a misconception and that when they began tracking data in 2021, they found that in the motel program, only 32 households statewide had come from out-of-state, out of 2,500 that were housed in the motel program. She said that the largest population of people who are coming from out-of-state are households that are fleeing from domestic violence. Councilor Neubieser asked whether there has been a change in camping policy from last summer, and Special Assistant Russell replied that there hasn't been a change in policy or enforcement.

Councilor Doherty asked for confirmation that out of 183 year-round beds in Chittenden County, only 28 of them are outside of Burlington. Special Assistant Russell confirmed this. Councilor Doherty said that he has heard comments that Burlington isn't doing enough, but it seems like Burlington is doing almost everything. He said that this is a problem that is not reasonable or remotely possible for Burlington to address on its own. He asked how many of the 288 currently unsheltered individuals are in Burlington versus South Burlington or Essex, and what assessments have been conducted to determine whether existing policies are encouraging individuals to camp in Burlington, and further asked whether any discussions have occurred about accountability on behalf of those individuals living in encampments. Special Assistant Russell replied that because Vermont does not have county-level leadership, it has likely played a role in its lack of success with engaging neighboring towns on this issue. She said that with regards to accountability, the City needs to offer the stability of shelter and encourage individuals to work on goals that are housing focused, saying that no one wants to be unhoused. She said that it is also unfair to compare one shelter's outcomes to another, given that they are likely treating diverse populations and have various levels of barriers to access. Mayor Mulvaney-Stanak said that she is engaging with the Chittenden County Regional Planning Commission (CCRPC), given that this is the only quasi-governmental county-level structure that the State has, and is trying to build relationships and assemble a coalition of community partners on this issue.

Councilor Grant thanked Special Assistant Russell for providing clarity on this topic, given the level of misinformation in the community. She said that the Burlington community cannot ignore this issue. She thanked Special Assistant Russell for clarifying that the majority of the people in unhoused situations are from in-state. She said that Burlington sees the highest proportion of these individuals because Burlington has the most services, even though there is a lack of housing. She said that the community needs to learn from the Sears Lane experience, which involved an encampment that was established and entrenched and that the City was not proactive about it. She said that the City needs to deal with the hard reality that there is physical space needed for these people and that sanitary issues need to be addressed with dignity. She also said that there are hidden costs associated with managing the unhoused situation in Burlington, given that staff across departments (such as Parks) are spending hours dealing with various issues around this issue, rather than doing their regular jobs. She said she supports being proactive, real, and humane about this issue.

Councilor Barlow said that \$50,000 seems woefully inadequate to address the problem. He asked whether there will be some detailed planning about how many resources \$50,000 will buy and for how long. He said that he suspects this funding will not last very long. He also said that there will likely be costs associated with how to remediate campsites once they are abandoned. Special Assistant Russell spoke about how this is a pilot and a temporary response, and that it is also being supplemented by collaboration from other City staff, such as the Police and Fire Departments.

Councilor Bergman expressed support for providing basic health and safety supports for the unhoused individuals in the City. He requested that any changes either to the policy or the implementation of the policy (such as more involvement from the CSOs or CSLs) be documented and dated, so that the City can track that. He also asked for case studies in how the City has approached existing encampments and the efforts around them. He said that there needs to be real community engagement with the people who live in Manhattan Drive, Louis, and Walnut Streets, given that there is potentially going to be an encampment sited near there. He said that there may be unintended consequences of putting facilities down in the dump area past Manhattan Drive, if it isn't going to be patrolled regularly by the Parks Department, Fire Department, or Police Department.

Councilor Shannon spoke about the comments regarding whether the City was proactive or reactive to Sears Lane, and said that what the City is doing right now is reactive, in that it is reacting to where people are camping. She said that a similar approach was taken at Sears Lane, and is concerned that the outcome will be the same. She asked about the Elmwood Avenue Shelter and its status. She agreed about most of the unhoused being from in-state, based on her engagement with individuals in the Sears Lane encampment, but noted that she has not encountered anyone from Burlington, but that they were from other parts of Vermont. She expressed hope that the Mayor can help engage other municipalities to come to some level of shared responsibility. She asked about the City's seasonality with respect to its sheltering needs. She asked if all individuals in the urban reserve encampment have been noticed. Special Assistant Russell said that from her perspective, the City is being more proactive around these encampments than at Sears Lane, as they are providing support prior to many of these encampments being formed. She said that the goal for the Elmwood Shelter is that it transition to permanent supportive housing, but that the City is intending for it to remain a shelter for now, given the shelter capacity needed in the City.

Councilor Broderick asked how the City is helping transition individuals to housing once it shuts down an encampment. Special Assistant Russell that the sheltering on public lands policy contains provisions for outreach and connection to services and ensuring that individuals are not uprooted without doing due diligence to make sure that they're connected to resources.

Councilor Carpenter expressed frustration about the lack of engagement from other municipalities around the state. She also noted that there are individuals in line waiting to get a caseworker, which is a massive part of the systemic problem around rehousing people. She said that in terms of the policy itself, she asked about how accountability is enforced for individuals in encampments. She also spoke about the need for more CSOs, given that the City has capacity for 11 but that it only has 6.

Councilor McKnight said that encampments are going to be a reality for a number of years, given the number of individuals who have been left behind by the State. She said that encampments degrade the quality of life for everyone in the community but acknowledged that the City does not have the resources to accommodate all unsheltered individuals. She said that Burlingtonians are frustrated and feel unsafe about the encampments that are in Burlington and said that this needs to be reflected more in policies and plans. She said that a more proactive approach would be to determine where encampments are allowed and site services there, rather than bring services to already-established encampments. She also asked how long it will take for non-sanctioned areas such as the vestibule of a City business or the Library's front lawn to get cleaned up, since they are not technically parks but have been areas that have been affected by the unhoused. She also said that the City needs to provide more clear guidelines to the public on how they can report a new encampment or an issue with an encampment. She also asked how dangerous activity is being addressed in encampments.

Mayor Mulvaney-Stanak commended Special Assistant Russell, Assistant Director Smith, Assistant City Attorney McClenahan, and Deputy Chief of Staff McGee for the work they have put in for the City around this issue.

6.6 FY25 General Fund Budget Working Session

Chief Administrative Officer Schad began by briefly outlining the budget principles used as the framework for developing the FY25 budget (touched upon in numerous previous Board of Finance and City Council budget presentations). She provided an overview of the General Fund and how it has grown year-over-year, and that they are proposing a roughly \$7 million increase over FY24. She spoke about the \$13.1 million budget gap, which include increased expenses of \$6.6 million and unsustainable revenues to replace totaling \$6.5 million. She briefly summarized the major elements of the solution to close that gap, which include measures to increase tax revenue, increase user fees, strategically use one-time funding, use budget savings, and increase other revenues. She noted that previous municipal tax rate increases for FY25 included TIF parcels in the grand list, but has since learned that TIF parcels are not included in the grand list value used to set the tax rate. She said that this led to an increase in the projected FY25 municipal tax rate from 8.6% to 10.7%. She spoke about the total impact of increases from FY24 to FY25, which include the educational tax, municipal tax, electricity rate increases, water rate increases, and recycling rate increases, which result in an average monthly increase of \$64.99 on a \$300,000 home, \$101.53 on a \$500,000 home, and \$138.12 on a \$700,000 home.

Chief Administrative Officer Schad spoke in more detail about the correction to the grand list values. She said that this means \$1.1 million less in tax revenue than previously forecast, and that the City is proposing to make up the difference by increasing the gross receipts by \$525,000 from businesses that fell behind in paying in FY24, increasing financial services revenues by \$50,000, increasing bond premiums by \$200,000, increasing recording fees by \$50,000, reducing C/T consulting expenses by \$50,000, increasing the collection of deferred accounts by \$198,000, and removing an ambulance payment of \$115,000.

Chief Administrative Officer Schad then spoke about looking ahead to FY26. She noted that many of the budget challenges present for the FY25 budget build are likely to intensify in future years, so the City is implementing a number of measures and activities to proactively manage this. These include finalizing the operational efficiency analysis in June and beginning robust community discussions about rightsizing government to make it affordable, continuing to implement the findings of the user fee study, developing a Capital Financing Plan to meet the City's needs in the face of nonexistent bond capacity, actively investigating non-property tax sources of revenue including franchise fees and payments in lieu of taxes and fee-for-service agreements, and strictly monitoring expenses throughout the year to ensure a balanced budget. Mayor Mulvaney-Stanak noted that there are many practices in the City that can be improved in terms of financial responsibility, in terms of tracking policies, procedures, and documentation in order to ensure continuity of government.

Councilor Doherty asked about the increase in gross receipts revenue and how businesses had fallen behind on paying. Chief Administrative Officer Schad replied that the City was aware at the beginning of this year that there were certain businesses that were delinquent on gross receipts payments, as some of them have been long-standing establishments. She noted that the City does not require businesses to register when they come online, so the C/T Office has no formal way to know that a business has started and to notify them to begin submitting gross receipts. She noted that of 341 active gross receipts accounts, 21 of them are delinquent. She said that it also takes time to work with businesses and set up a payment plan with them. She said that this is part of a larger conversation around registration of businesses and enforcement of ordinances. Councilor Doherty asked how reliable the \$525,000 projection is. Chief Administrative Officer Schad replied that the projection is based on both a number of businesses who are on a payment plan, which is reliable, and a second group of businesses who weren't paying prior to FY25, but are now caught up and the City anticipates them continuing to pay gross receipts.

Councilor Litwin asked how the City is now identifying new businesses, given this gap in process. He asked about contingencies if the revenue from a portion of the gross receipts fails to materialize. Chief Administrative Officer Schad replied that the C/T Office is working with the Business and Workforce Development Office to identify the new businesses that come online and create a database for tracking purposes. She

added that the projected numbers for the gross receipts tax and other fees associated with revenue increases only assume a portion of what is outstanding is collected.

Councilor Grant asked about the root causes of not discovering new businesses and how they fell through the cracks. Chief Administrative Officer Schad replied that the City is trying to be proactive about it without creating undue administrative burden for businesses. She said that C/T and Business and Workforce Development staff are collaborating on this. Mayor Mulvaney-Stanak also noted that it is a legal requirement that businesses register with the Vermont Secretary of State.

Councilor Neubieser said that this budget helps to set the City up to address more challenges in the long-term and puts the City on a path to solving some of these issues in a pragmatic and sustainable way. He said that this budget demonstrates the way in which City staff and the Mayor's Office are putting an emphasis on transparency, open communication, and sharing information proactively.

City Council President Traverse said that he anticipates that there will be continued discussions around the public safety funding in this budget. He said that he appreciates the fact that when the City asked voters for an increase in the public safety tax, they committed to budgeting in FY25 for 77 sworn officers, which was confirmed by the Mayor's Office today. He said that he appreciates the Mayor's Office's commitment to hiring above that budgeted number of positions if more officers are able to be hired. He noted, however, that the number of CSOs that were committed to the public are not included in this budget, and that he anticipates that there will be discussion about whether additional resources are needed. He noted that the Police Department currently has 26 officers on patrol for the entire City, with 3-5 on day shifts and 2-3 on night shifts, and that the department no longer has a street crimes unit. He also noted that the Police Department's staffing plan projects that it will not be fully staffed until June 2027, and said that while much of that is outside the City's control, it should make efforts to try and accelerate that as much as possible.

Councilor Carpenter spoke about the lack of additional CSOs, saying that there have been discussions about how to increase recruitment efforts around CSOs in addition to sworn officers. She said that the City needs to be creative in how it tries to find the funding to increase funding for CSO positions.

Councilor Shannon said that the CSOs are critically important positions that can be hired for, and are able to respond to a lot of the calls that are currently not able to be responded to at the Police Department.

Councilor Barlow asked when a draft of the operational analysis will be available for the Council's review. Chief Administrative Officer Schad replied that it should be available within the next week.

Councilor Bergman said that increasing funding in order to hire more staff is laudable, but that if there are recruitment efforts that don't yield hires because no one is applying, the blame cannot be placed on the Administration. Additionally, he said that if there are progressive alternatives to the property tax that will raise funds for positions, he would enthusiastically support them.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Bergman noted that the Charter Change Committee will meet this Wednesday at 5:00 PM to begin conversations around the police oversight proposal that was brought forward by the Joint Committee and referred to the Police Commission, which has provided comments and feedback for the Charter Change Committee's review.

Councilor Shannon said that the Ordinance Committee will meet tomorrow morning at 10:30 AM to discuss the trespass and graffiti ordinance.

Councilor Barlow said that the Transportation, Energy, and Utilities Committee will meet tomorrow at 5:30 to discuss ordinance changes recommended by the Vehicle for Hire Licensing Board around taxis.

Councilor Grant said that the Public Safety Committee is meeting June 20th. She noted that there is no June meeting for the Racial Equity, Inclusion, and Belonging Committee, as they are working hard to put together this year's Juneteenth event (which will take place on June 15).

Councilor Neubieser said that the Community Development and Neighborhood Revitalization Committee is meeting tomorrow.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

Councilor Grant thanked Councilor Bergman for his comments about disinformation and lack of understanding of current recruitment efforts in the Police Department. She said that although there is a good recruitment team in place in the department, there are tensions around retention in the department and ongoing, chronic turnover issues. She noted that the CSO positions have become a recruitment ground for sworn officers, which isn't necessarily a bad thing, but that this makes it difficult to staff up to 11 CSOs.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

None.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Mulvaney-Stanak noted that she has appointed Phet Keomanyvanh as the interim director of the Racial Equity, Inclusion, and Belonging Department. She also encouraged the community to attend this year's Juneteenth celebrations on Saturday, June 15. She noted that City offices will be closed for the actual Juneteenth day on June 19. She noted the hiring of a new administrative staff in the Mayor's Office. She noted that DPW's City Engineer, Laura Wheelock, is the first woman to hold that role in the City. She spoke about her community engagement activities this week. She spoke about how the Burlington Police Department and Burlington School District struggled last week to serve the City's youth in its Yes Program, which included a curriculum in which a scenario was used that was not trauma-informed or age-appropriate. She said that she is holding an after-action review with the Police Department today to ensure that this does not occur again.

11. ADJOURNMENT

11.1 Motion to Adjourn

The meeting adjourned without objection at 10:44 PM.

RScty: AACoonrad

**BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 10, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Katherine Schad
Erin Jacobsen
Joe Magee
Kim Sturtevant
Erik Ramakrishnan
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 7:06 PM.

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

VOTING: unanimous; motion carries.

2.0 DELIBERATIVE AGENDA

2.1 First and Third Class Liquor License Applications (2024-2025): Tap House & Beer Garden, 160 Flynn Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 First and Third Class Liquor License Applications for Tap House & Beer Garden with the following conditions: all City Permits need to be closed out, contingent upon Fire Marshal Approval and with all standard conditions.

VOTING: unanimous; motion carries.

2.2. Outside Consumption Permit Application (2024-2025): Tap House & Beer Garden, 160 Flynn Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to approve the 2024-2025 Outside Consumption Permit Application for Tap House & Beer Garden with the following condition: all City Permits need to be closed out.

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 7:08 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 24, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (at 6:34 PM)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Joe McNeil
Lori Olberg
Keaton Knowles
Nic Longo
Marie Friedman
Larry Lackey
Jeff Bartley
Hannah Dusablon

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:34 PM.

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

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:45 PM

2.1. Verbal Comments

Forum opened at 6:43 PM.

COMMENTS:

Burlington residents (in person):

- Dave Maher showed data on the correlation between the effects of social policy (liberal versus conservative) and rates of homelessness. He said that liberal states tend to have a higher homeless rate than the conservative states in the U.S. He showed other trends that indicate that this is not due to housing availability, but said he believes this is due to generous services and lenient treatment provided by more liberal states.
- Ryan Nick said that in the last 90 minutes, a group of concerned citizens stopped two thefts and recovered about \$4,000 of stolen goods from a Church Street retailer. He asked whether citizens are expected to prevent retail thefts from known, repeat offenders on a daily and hourly basis. He asked whether citizens are expected to feel unsafe in the main parking garage downtown. He asked whether citizens should expect to find human feces in the one elevator in that garage, and asked when they can expect the two stairwells of that garage to reopen. He asked whether downtown employees and business-owners should be expected to respond daily to mental health and public safety crises. He said that these issues are caused by between 50-100 repeat violent offenders.
- Jane McDougal asked for more details about the Champlain Parkway, how it will be connected and to where. She said that residents need more sidewalk improvements as well.
- Michael Nedel spoke about the spurious activity occurring regularly near the Elmwood Shelter pods, and asked that a regular patrol of that area be conducted. He also spoke about property tax increases and said it would be good to have some sort of rebate for landlords who keep their rents low to help with affordability in the city.

Burlington residents (via Zoom):

- Sharon Bushor said that tonight's actions will set the stage for the year, the services people get, and the quality of life in Burlington. She spoke about how the Mayor's budget shares the burden of revenue raising among residents and businesses. She also spoke about the focus of this budget to inclusion and equity of services. She thanked the Mayor for her collaborative efforts with each member of the City Council.

Non-Burlington residents (in person):

- Keren Sita spoke about every Vermonter's constitutional right to happiness under Article One. She spoke about Vermont's recognition of the struggles of its rural communities, the empowerment of women, and reminded people that violence hurts a community.

Forum closed at 6:55 PM.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports

None.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports

Councilor Grant noted that the Public Safety Committee meetings are not broadcasted by Town Meeting TV, and said that she has not pushed to have these meetings added to Town Meeting TV's contract, given the fiscal constraints for the City. She noted that the meeting recordings are available on CivicClerk, even though they are not filmed by Town Meeting TV. She said that the Committee's July meeting will focus on recruitment, retention, the lack of traffic enforcement in the City, and plans by the Fire Department to coordinate with other community partners to offer medically assisted treatment to those experiencing overdoses who do not want to be transported to the hospital.

5. CONSENT AGENDA

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

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

5.3 Proposed DPW ROW Technician I & II Working Foreperson I & II Upward Tiering – DPW – approve and authorize: 1. Retitling and tiering of the Street Maintenance Worker, a Regular, Full-time, Non-Exempt, AFCSME, Grade 14 position as follows: a. Right-of-Way Field Technician I, a Regular, Full-time, Non-Exempt, AFCSME, Grade 14 position. This will be the first of two tiers for this position; and b. Right-of-Way Field Technician II, a Regular, Full-time, Non-Exempt, AFCSME, Grade 15 position. This will be the second of two tiers for this position; 2. Retitling and tiering of the Street Maintenance Working Foreman: a Regular, Full-time, Non-Exempt, AFCSME, Grade 16 position as follows: a. Right-of-Way Field Technician/Working Foreperson I, a Regular, Full-time, Non-Exempt, AFCSME, Grade 16 position. This will be the first of two tiers for this position; and b. Right-of-Way Field Technician/Working Foreperson II, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position. This will be the second of two tiers for this position.

5.4 Reclassification of one (1) DPW – Technical Services Position – DPW - approve the reclassification of the Public Works Project Accountant, Technical Services: a Regular, Full-Time, Non-Exempt, AFSCME, Grade 16 position to a Billing and Administrative Accountant, Technical Services; a Regular, Full-Time, Non-Exempt, AFCSME, Grade 17 position.

5.5 Vermont Gas Systems Franchise Agreement – DPW - approve the Franchise Agreement between the City and Vermont Gas Systems Inc., in order to execute a new agreement through June 30, 2029, granting use of the City right-of-way for utility infrastructure and annual payments of franchise fees as detailed in the agreement; and, to recommend the Mayor to execute the Franchise Agreement in substantial conformity with the Agreement attached—subject to approval by the City Attorney's Office—on behalf of the City of Burlington.

5.6 Authorization to Execute a Contract with BP Wastewater Services, LLC for Catch Basin Cleaning Services – DPW/Water Resources – approve and authorize Chapin Spencer, the Director of Public Works, to execute a contract with BP Wastewater Services, LLC with a maximum limiting amount of \$63,875 for catch basin cleaning services in Fiscal Year 2025, with the option to renew the contract for one additional 1-year term, subject to review by the City Attorney's Office.

5.7 Water Resources Wastewater Personnel Reorganization – Various – DPW/Water Resources - approve the: 1. Reclassification of the Wastewater Plant Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position, to the tiered Wastewater Plant Operator I/II position as follows: a. Wastewater Plant Operator I, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position, the first of two tiers for this position; and b. Wastewater Plant Operator II, a Regular, Full-time, Non-Exempt, AFCSME, Grade 18 position, the second of two tiers for this position; 2. Reclassification of the Senior Plant Operator – Main, a Regular, Full-time, Non-Exempt, AFCSME, Grade 18 position, to Senior Plant Operator – Main, a Regular, Full-time, Non-Exempt, AFCSME, Grade 19 position; 3. Reclassification and retitling of one Wastewater Plant Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position to Senior Plant Operator – North and East, a Regular, Full-time, Non-Exempt, AFCSME, Grade 19 position; 4. Reclassification of the Senior Plant Mechanic, a Regular, Full-time, Non-Exempt, AFCSME, Grade 18 position to Senior Plant Mechanic, a Regular, Full-time, Non-Exempt, AFCSME, Grade 19 position; 5. Creation of a Collection System Maintenance Manager, a Regular, Full-time, Non-Exempt, AFCSME, Grade 20 position; 6. Reclassification, retitling, and reorganization of one Street Maintenance Division to Senior Collection System Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 14 position in the Maintenance Division to Senior Collection System Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position in the Water Resources Division, reporting to the Collection System Maintenance Manager; 7. Reclassification, retitling, and reorganization of two Street Maintenance Workers, Regular, Full-time, Non-Exempt, AFCSME, Grade 14 positions in the Maintenance Division to a tiered Collection System

Operator I/II position in the Water Resources Division reporting to the Collection System Maintenance Manager, as follows: a. Collection System Operator I, a Regular, Full-time, Non-Exempt, AFCSME, Grade 15 position, the first of two tiers for this position; and b. Collection System Operator II, a Regular, Full-time, Non-Exempt, AFCSME, Grade 16 position, the second of two tiers for this position; 8. Reclassification, retitling, and reorganization of one Wastewater Plant Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position reporting to the Chief of North, East, and Pump Stations to Lead Pump Station Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 18 position reporting to the Collection System Maintenance Manager; 9. Redescription, retitling, and reorganization of one Wastewater Plant Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position reporting to the Chief of North, East, and Pump Stations to Pump Station Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position reporting to the Collection System Maintenance Manager; and further, to authorize the Chief Administrative Officer to approve budget neutral amendments to the FY25 Wastewater and Stormwater budgets to move budgeted amounts from Salaries and Wages Total Compensation Contingency lines 480-19-425-000.5000_910 and 245-19-000.5000_910 to the appropriate personnel and benefits expense lines as needed to implement the above actions.

5.8 Annual Report of the Burlington Conservation Board – Fiscal Year 2023: June 30, 2022 – July 1, 2023 – waive the reading, accept the report, and place it on file.

5.9 Three FY'24 Parking-Related Budget Amendments – DPW/Parking and Traffic – authorize the Chief Administrative Officer to implement FY24 budget amendments, in substantial conformance with the following: Parking Services budget amendment dated May 31, 2024 in the amount of \$66,699; Parking Facilities budget amendment dated May 31, 2024 in the amount of \$61,000; Traffic Fund Budget amendment dated May 28, 2024 in the amount of \$130,000.

5.10 Reclassification of one position, the Lead Urban Park Ranger, in the Department of Parks, Recreation, and Waterfront – BPRW - approve and authorize the reclassification of the Lead Urban Park Ranger, a regular, full-time, non-exempt, AFCSME, Grade 16 position, to a regular, full-time, non-exempt, AFCSME, Grade 17 position in the Department of Parks, Recreation, and Waterfront, and further authorize back pay in the amount of \$9,196.86 to the incumbent retroactive to May 16, 2022.

5.11 BPRW Budget Neutral Amendments – BPRW – approve and authorize the budget neutral adjustments as detailed in the attached budget amendment forms, in furtherance of funding security needs at North Beach, and further authorize the Chief Administrative Officer to effect all necessary transfers of funds to carry out such amendments, subject to the final review and approval of the Chief Administrative Officer.

5.12 Contract Renewal for Continuing Engagement with Managed Security Services Provider – I&T – approve and authorize the Chief Innovation Officer to execute a two-year contract with a vendor identified through the 2018 RFP Process seeking MSSPs to provide managed security services in an amount up to \$110,000 (paid in two annual installments), subject to contract approval by the City Attorney's Office.

5.13 Innovation & Technology Position Changes – I&T/HR - approve the: 1. Eliminate the open but unfilled IT Project Manager position, a Regular-Full-Time, Exempt, Non-Union, Market Factor position that was recently vacated by retirement; 2. Eliminate the open but unfilled Technology Support Specialist position, a Regular, Full-Time, Union, Non-Exempt, Market Factor position; and 3. Create a new Cybersecurity Analyst Position, a Regular, Full-Time, Non-Union, Grade 19, Exempt position.

5.14 Communication: Ines, Castro, Member, Board of Health, 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 Ines Castro thanking her for her time served as a member of the Board of Health.

5.15 Communication: Jonathan Davies, re: Visiting Burlington - waive the reading and place the communication on file.

5.16 Communication: William Coleman, re: Burlington - waive the reading and place the communication on file.

5.17 Communication: Coco Weishaar, re: homeless people – waive the reading and place the communication on file.

5.18 Special Event Outdoor Entertainment Permit Application (one day only): OSNS Entertainment, Lakeview Patio, 1 Main Street Landing, July 3rd, 4:00 pm - 11:00 pm - approve the one day only special event outdoor entertainment permit application for OSNS Entertainment, Lakeview Patio, 1 Main Street Landing, July 3rd, 4:00 pm - 11:00 pm.

5.19 FIO Documents – for information only.

5.20 Ordinance: CDO 0 Emergency Shelters ZA-24-03 (Planning, Planning Commission) – waive the reading and refer to the Ordinance Committee.

5.21 Resolution: Authorization For \$12,886,920 Step II Loan From Vermont Clean Water State Revolving Fund And For \$2,077,120 Amended Engineering Contract With Wright-Pierce For The Stage 0 Upgrade Of The City's Three Wastewater Treatment Plants (Board of Finance) – waive the reading and adopt the resolution.

5.22 Resolution: Approving The Issuance Of Grant Anticipation Notes For The Costs Of Certain Airport Improvement Projects (Board of Finance) – waive the reading and adopt the resolution.

5.23 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.

MOTION by Councilor Shannon, SECOND by Councilor Grant, to approve the consent agenda as amended and take the actions indicated for items 5.1-5.23.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Request to Execute a Construction Manager at RISK (CMAR) Contract with Engelberth Construction, Inc. (ECI) for Project NexT the North Concourse Replacement Project to accept and execute a Federal Aviation Administration (FAA) Grant Application and accept and execute a Northern Borders Regional Commission (NBRC) grant for design, construction manager at risk coordination and selection, pricing, construction in section and construction of the North Concourse Replacement Project "Project NexT" – Airport

Director Longo began by noting that the purpose of this project is to accommodate the changes that are happening in the aviation industry, which entails accommodating larger aircraft, and to build for that flexibility with this new terminal. He said that the project is three stories tall, is approximately 25,000 square feet on the first and second floors. He said that they will widen the hallway space that goes to two airline partners, creating more room for passengers at gates to access the aircraft. He said that the project has been designed for purpose, but also for sustainability.

Sustainability Director Lackey spoke about the construction of geothermal wells, which will heat and cool the building. He said that they analyzed using steel versus mass timber, and have determined that mass timber is more environmentally friendly. He noted that there will be solar panels on the roof of the terminal.

Jeff Bartley spoke about the third floor of the terminal, which is where the Airport will move its offices. He said that it will also have a dedicated event space and a patio for observing flight takeoffs and landings. He noted that this patio space will be available to the general public.

Director Longo noted that this is the largest contract and project the airport has had in its history, and that it is being very thoughtfully phased so as to not interfere with daily operations at the airport.

Chief Financial Officer Friedman then spoke about the financial components of the project. She noted that there are three requests before the City Council tonight for this project. She said that the first is a construction at risk managerial contract, which was secured through a competitive process, and they have had a contractor manage the project in a way that has saved the City a significant amount of funding on design, and has streamlined the remainder of the construction process. She said that this request is for the authorization to execute the construction contract with Engelberth Construction. She spoke about a second authorization for about \$8 million of FAA funding. She spoke

about funding sources, which include a Congressionally-directed spending source of \$34 million, Airport Terminal Project funding, and bipartisan infrastructure funding. She noted that 90% of the funding is coming from the federal level, though there are some portions of the project that are not eligible for funding, which include any spaces that don't have the public moving through them (such as relocating the offices to the third floor of the new terminal). She noted that the Airport receives about \$500,000 per year from the State of Vermont toward the 6% grant match. She also noted that they can cover the remainder through the Airport's passenger facility charges. She also noted a request for City Council approval of the Northern Border Regional Commission timber grant for \$1.8 million.

Councilor Kane asked why this project is occurring, given that the Airport is already the second busiest airport on the region, and why the Airport hasn't stayed current in its infrastructure. Director Longo replied that this project seeks to keep the Airport competitive with industry changes that are coming. He noted that many other airports in New England have done upgrades to their terminals. He noted that the number of operations that contribute to why BTV is the second busiest airport in New England is because of the various types of operations, such as commercial and military services. He noted that the terminal was constructed in the 1950s and has been added onto, but the section being replaced is small and was designed for very small aircraft. He said that the current terminal does not have enough hall space to service four 200-passenger planes at once, and it presents constraints related to building code, fire code, and density. He noted that he anticipates a commercial volume decrease but a seat capacity increase, given that this will allow for larger aircraft flying at a decreased frequency per day.

Councilor Bergman asked about the local share and how drawing down local funds impacts the fiscal health of the airport. Chief Financial Officer Friedman replied that the passenger facility charges are held in a restricted fund and are not allowed for use for airport operations, and must seek authority to use them for specific projects. She said that this account contains just under \$9 million currently. Director Longo also noted that the Airport's days cash on hand is the highest it has ever been, and the financial health of the Airport is strong.

Councilor Litwin asked about the security review process for the public viewing patio, especially given the location at the Airport of the National Guard, and what types of security protocols are being implemented. He also asked that the Airport consider improvements in communications protocols between the Airport and the remainder of the City's administrative leadership, if larger aircrafts will start to come to the Airport. Director Longo replied that there was full TSA and Department of Homeland Security (DHS) review and approval of the public viewing platform proposal, and that there will be a check-in area for visitors. He said that related to improved communications, this is part of a larger discussion that he would like to have with the Council and Mayor's Office.

Councilor Broderick asked if the number of flights and number of people flying through BTV will increase or decrease based on these improvements, and Director Longo replied that these improvements are meant to ensure that demand is met in this area, and it currently isn't being met.

Councilor Grant said that having more people on a single plane and having fewer flights could be beneficial, from an emissions perspective.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to 1. Approve and authorize the Director of Aviation to execute a Construction Manager at Risk (CMAR) contract with Engelberth Construction Inc. (ECI) in the amount of up to \$47,931,525.00 with a 15% contingency totaling up to \$55,121,253.90, as allowed by the grant for the construction of Project NexT – North Concourse Replacement Project, subject to review and approval of the City Attorney's Office; 2. Approve and authorize the Director of Aviation to execute an additional grant from the FAA to accept an amount up to \$6,922,436, with a 15% contingency totaling up to \$7,960,801.40, as allowed under the grant, for design, construction manager at risk coordination and selection, pricing, construction in section and construction of the North Concourse Replacement Project "Project NexT" Grant Application subject to review by the City Attorney's Office; and 3. Approve and accept and execute a Northern Borders

Regional Commission (NBRC) Grant in the amount of up to \$1,778,400.00 for utilization of domestic mass timber construction materials in construction of the North Concourse Replacement Project "Project NextT", subject to review by the City Attorney's Office.

VOTING: unanimous; motion carries.

6.2 Annual Appropriation And Budget For Fiscal Year Beginning July 1, 2024 And Ending June 30, 2025 (Mayor Mulvaney-Stanak; Board of Finance)

Mayor Mulvaney-Stanak began by saying that this budget begins important multi-year work to right-size the City's government in order to sustain services in an affordable and strategic way. She said that it raises revenue in a way that keeps affordability in mind. She said that it is balanced, even with the \$14.2 million budget gap that needed to be addressed. She spoke positively of the collaboration with department heads on the budget and closing the budget gap. She said that she has worked in good faith with the City Council, which bodes well for a stronger local government and developing compromises. She said that this is a community-safety-focused budget, noting that it increases investments in public safety over FY24 by \$4.6 million. She said that this includes \$2.47 million more in operating investments in the Police Department, \$1.4 million more in operating investments in the Fire Department, fully funds another year of the Community Response Team pilot in the Fire Department, \$150,000 in funding for private security and a social worker for the Library, \$50,000 in basic supports for the unhoused in Burlington, fully funding 11 Community Safety Officers (CSOs) positions, fully staffs firefighters, includes funding for 10 more sworn officers in the Police Department, and the creation of a position as an advisor in the Mayor's Office on public safety. She said that the budget also begins important sustainability work, including reducing reliance on one-time funds, right-size City government by reducing the growth rate of General Fund expenditures, and diversifying how to raise revenue. She said that this budget did not include a single layoff for FY25, though she acknowledged that there are going to be structural challenges to staffing in the future. She extended gratitude to staff that have worked tirelessly in putting this budget together.

Chief Administrative Officer Schad provided a final FY25 budget presentation. She began by outlining the budget principles that informed the budget. She provided an overview of General Fund growth from FY22 to FY25, noting that the year-over-year increase from FY24 to proposed FY25 is 6.9% or \$7 million. She spoke about the total impact of increases from FY24 to FY25, which include the educational tax, municipal tax, electricity rate increases, water rate increases, and recycling rate increases, which result in an average monthly increase of \$64.99 on a \$300,000 home, \$101.53 on a \$500,000 home, and \$138.12 on a \$700,000 home. She spoke about how each of the budget principles ties into aspects of the budget. She spoke about the commitment to affordability by implementing only 2 cents of the 3 cent authorization for the public safety tax increase. She spoke about identifying sustainable financial practices, including implementing findings from the User Fee study, which entails an upward adjustment in some fees in order to cover expenses. She spoke about right-sizing the government by providing what the community needs, by holding 18 positions vacant and implementing the Operational Efficiency study. She spoke about being fair in raising new revenue across the entire community, which includes implementing a consumption tax increase in addition to the public safety tax increase. She spoke about how the budget reflects the priorities of the City, including community safety, maintenance of City services, and creating good processes for the public to engage in larger questions on right-sizing City government. She spoke about looking ahead to FY26 and beyond, given that many of the FY25 budget challenges are likely to intensify in future years.

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

DISCUSSION:

- **Councilor Kane expressed appreciation for avoidance of layoffs, as well as using gross receipts tax increases in addition to increases in the public safety tax. He said that the budget is thoughtfully crafted. He said he looks forward to beginning to work on the FY26 budget soon.**

- Councilor Bergman thanked the Mayor and staff for their work on this budget, as well as other Councilors. He said that this is a bipartisan budget and reflects a commitment to the health and welfare of the residents of the City. He said that this increase in the gross receipts tax really represents a down payment on progressive tax relief and reform. He spoke about the funding of affordable housing and commitments to climate change. He expressed support for this budget.
- Councilor Litwin echoed thanks to the Mayor and staff for their work on this budget. He said that he looks forward to seeing the findings of the Efficiency Study, and said that FY26 will be a tough discussion. He asked if Chief Administrative Officer Schad can provide updates to the Board of Finance on collections and the status of the amounts collected. Chief Administrative Officer Schad replied that yes, this will be part of that monthly review at the Board of Finance.
- Councilor Barlow echoed thanks to the Mayor and staff for the work on this budget and collaboration. He said that he will support this budget, and expects the FY26 budget to be even more challenging. He said he looks forward to implementing any recommendations that come out of the Efficiency Study. He spoke about the characterization of the budget gap, saying that he disagreed with how it was calculated and characterized. He noted that the increase in the retirement costs shouldn't be included in the gap, given that the solution is to commensurately increase the retirement tax. He said he believes the gap is overstated by \$2.73 million. He also acknowledged that simply increasing the sworn officer count is enough to address the public safety crisis in the City.
- Councilor Broderick said that the City needs to radically change how it generates revenue, saying that the current model is regressive and harms those at the bottom of the income bracket. He said that the City should be looking at how it can equitably increase revenue, and looks forward to working on this.
- Councilor Grant thanked the Mayor and Chief Administrative Officer for their transparency in communicating on this budget to the public. She said she looks forward to implementing the Efficiency Study as part of the planning for the FY26 budget. She expressed the importance of tracking how the money being put into public safety is used well and there is accountability for it.
- Councilor Shannon thanked the Mayor, Chief Administrative Officer, and Chief of Staff for restoring the CSO positions and funding the Housing Administrator position. She said that there has never been a budget deficit, but there has always been a budget gap. She spoke about how during Covid the City was able to access one-time ARPA funding, but that that is no longer an option. She said that the City is on good footing to begin working collaboratively on the FY26 budget. She said that in terms of increased retirement costs, it would be important to look into what is driving that increase.
- Councilor Carpenter spoke about the high priority of public safety in the City. She asked that the City continue to explore how to spread out the financial burden of what are truly regional issues to other surrounding municipalities. She said that other municipalities and the State need to understand this and understand what the City is financially contributing to tackle these issues.
- Councilor Neubieser thanked the Mayor and staff for their work on this budget. He spoke about the transparency and honest process, bipartisanship, long-term planning for sustainability, and addressing the needs of the lower and middle classes. He expressed support for the holistic investments in public safety, including increased sworn officers, increased CSOs, harm reduction, and public health, and expressed support for the affordability focus the budget takes.
- Mayor Mulvaney-Stanak spoke about the retirement debt service component of the budget, saying that including it as a component in budget presentations was one way for her Administration to be transparent about how the City is spending taxpayer money.

VOTING: unanimous; motion carries.

6.3 Resolution: Annual Tax Assessments On The Property Grand List Of The City For The Fiscal Year Beginning July 1, 2024 And Ending June 30, 2025 (Mayor Mulvaney-Stanak; Board of Finance)

Chief Administrative Officer Schad said that this relates to obtaining the City Council's authority to assess taxes based on the resolution that was just approved related to the FY25 budget. She said that the tax resolution lays out the details of the 18 splinter taxes and how they are apportioned.

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

VOTING: unanimous; motion carries.

6.4 Ordinance: Restaurant, Hotel, Amusement and Admission Taxes BCO Sec. 21-31 (Councilors Shannon, Bergman, Traverse)

MOTION by Councilor Shannon, SECOND by Councilor McKnight, to waive the reading, suspend the rules, adopt the amendments to Chapter 21, Section 31 of the Burlington Code of Ordinances as detailed in the ordinance form attached as Attachment B, which amends the version of the ordinance sponsored by the Ordinance Committee by eliminating the reporting requirements and sunset proposed by the Committee, and place the amendment in all stages of passage.

DISCUSSION:

- Councilor Shannon said that the Ordinance Committee reviewed a version of this prior to subsequent discussion around the budget. She said that they kept portions of the public safety components out of this ordinance, given that they were added back into the budget upon collaboration with the Mayor. She said that they also made amendments to ultimately not sunset the hotel tax, as well as to not include reporting requirements on the gross receipts tax in the ordinance. She said that this amendment is consistent with current discussion with the Mayor's Office on where the FY25 budget landed. Councilor Shannon made a friendly amendment that the hotel tax would not be a temporary rate and would not sunset, that the .5% increase on the gross receipts tax would sunset next year and need review again, and that the reporting requirement is no longer in this ordinance.
- Councilor Bergman said that he will push for not sunsetting the increase in the gross receipts tax at the end of FY25.
- Chief Administrative Officer Schad made a clarifying point that this ordinance will go into effect on August 1, 2024.
- Councilor Kane said that he would also support not sunsetting the gross receipts tax increase.
- Councilor McKnight said that she is supportive of the approach of increasing the gross receipts tax, which shifts some of the burden of raising revenue away from the residents of the City. She said that the number one issue raised by constituents is the unlawfulness of conditions in downtown Burlington. She needs that the City needs to fix what is going on downtown, given that this increase in gross receipts tax is reliant on a healthy downtown economy for part of its budget.
- Councilor Neubieser said he will support this, but also echoed concerns with any sunsetting of increases. He noted that in 2023, foot traffic on Church Street for the first 8 months of the year was on par with the 3 years prior to Covid, which is good news. He said that while one of the issues is public safety, another one of the issues is people not having enough money to spend it on downtown businesses.
- Councilor Grant said that some businesses have expressed concerns that the uptick in foot traffic is a data point that is being used against them and their concerns about crime. She spoke about how the historic North End has dealt with this drug crisis and has not been able to get help for years, and that it is only coming to light because it has spread

downtown. She thanked the new Administration for addressing some of the issues that have not been addressed before. She said that the City needs to hold the Police Department accountable for lack of creative thinking.

- **Councilor Shannon agreed that the City needs to be partnering with downtown businesses to provide support and tackle safety issues.**
- **Councilor Kane spoke about the inequities of the City's tax system, saying that the gap between the appraised value and market value of homes is almost \$3,000 per property per year, which harms those in lower economic brackets.**
- **Councilor Barlow said that the City should be mindful that some businesses will have to pay both increased property taxes and gross receipts taxes.**

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Bergman noted that the Charter Change Committee meeting will be taking up the police oversight charter change at its June 25th meeting at 645 Pine Street, and he anticipates being able to pass that out of committee and back to the Council in time for meeting deadlines on a November ballot.

Councilor Barlow noted that the Transportation, Energy, and Utilities Committee will meet tomorrow at 5:30 PM at 645 Pine Street, and will discuss planning for the building emissions reduction ordinance and the review of the rental weatherization ordinance, as well as discussing GMT funding and planning, as well as the recently-proposed Bank and Cherry Street design concepts.

Councilor Carpenter noted that the HR Committee has been discussing a more robust evaluation of department heads and exploring providing 360 reviews in the next year.

Councilor McKnight said that the Parks, Arts, and Culture Committee will meet this Thursday at 12:00 PM, and will discuss the clear-cutting incident at Kieslich Park, as well as discussing encampment-related data from the parks.

Councilor Shannon said that the Ordinance Committee will meet on July 1st at 11:00 AM and will discuss the graffiti ordinance and the trespass ordinance, as well as a brief introduction to the condominium conversion ordinance.

Councilor Grant said that the Public Safety Committee will meet on July 18 and the Racial Equity, Inclusion, and Belonging Committee will next meet on July 9th. She said that the ribbon-cutting ceremony for the Embrace Belonging monument in Dewey Park will be on Wednesday at 11:00 AM.

Councilor Neubieser noted that the Community Development and Neighborhood Revitalization Committee will meet on July 17 at 6:30 PM in the Sharon Bushor Conference Room.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

Councilor Neubieser spoke about an organization that is trying to roll back progress the community has made around expanding the vote and strengthening democracy through all-resident voting. He said that it is important to be cognizant of organizations like these, which are funded by extreme right-wing mega-donors.

Councilor Grant noted the override of the Governor's veto around overdose prevention centers, and said that the City needs to start thinking about which organizations in the community would be best suited for this, as well as the location of the center. She also noted a community forum that occurred in St. Albans on June 18, and encouraged the public to tune into this, because St. Albans is confronting the same issues and concerns as Burlington.

Councilor Litwin said he looks forward to working on implementing the overdose prevention center resolution, and hopes that the City can have a transparent, open, and honest process from the beginning, to address concerns that people have raised around siting and zoning of the center. He spoke about looking into whether there can be advanced notice of when the F-35s are flying overhead, to allow people with auditory sensitivities more time to take precautions like putting on headphones. He said he would like to see more dialogue on the encampment response, and would like a working session around this.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

City Council President Traverse noted that the elevator will not be in service on July 15, and City Council will not be able to utilize Contois Auditorium for its next meeting. He said that he is looking for input on where to hold the next City Council meeting within the community. He also noted that they will be hosting a joint meeting with the Burlington School Board on July 15 as well.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Mulvaney-Stanak suggested holding the next City Council meeting at the Old North End Community Center or the Miller Center. She then provided general updates from the Mayor's Office, City highlights, her engagement efforts in the community, and regional, state, and legislative activity updates. She spoke about the public safety community advisors bringing proposals to the Mayor and Council at their next meeting. She spoke about reviewing the extensive feedback from the Council's working session on encampments, and what pieces of that can be incorporated into working on this chronic issue. She spoke about work the CJC is doing to put together a forum for local conversations around the Israel/Palestine issue. She said that she anticipates bringing a candidate for City Attorney to the Council for its consideration on July 15th. She noted that she is appointing Lynn Reagan as the interim Human Resources director while recruitment efforts are underway. She spoke about work to identify and deal with hot spots around the City. She spoke about engaging the community around the Decker Towers situation, and said that they are working on both temporary and permanent solutions to its issues. She spoke about engaging with CATMA around public transportation. She spoke about a series of Mayor Meetups in the community. She spoke about the very successful Juneteenth event that was hosted on June 15th. She spoke about more regional coordination with Town Managers, particularly around the unhoused issue. She said that she had a debrief with the City's State delegation on legislative activities for this past session.

11. ADJOURNMENT

11.1 Motion to Adjourn

The meeting adjourned without objection at 9:20 PM.

RScty: AACoonradt

**BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 24, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Katherine Schad
Joe McNeil
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 6:57 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, 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 Third Class Liquor License Renewal (2024-2025): Muddy Waters, 184 Main Street – approve the 2024-2025 Third Class Liquor License renewal for Muddy Waters, 184 Main Street with all standard conditions.

MOTION by Commissioner Shannon, SECOND by Commission Grant, to adopt the consent agenda and take the actions indicated for items 2.1-2.2.

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.1 First Class Liquor License Applications (2024-2025): Folino's Pizza, 71 South Union Street, Unit #1

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 First Liquor License Applications for Folino's Pizza, 71 South Union Street, Unit #1 with all standard conditions.

VOTING: unanimous; motion carries.

3.2. Outside Consumption Permit Application (2024-2025): Folino's Pizza, 71 South Union Street, Unit #1

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Outside Consumption Permit Application for Folino's Pizza, 71 South Union Street, Unit #1.

VOTING: unanimous; motion carries.

3.3 First and Second Class Liquor License Applications (2024-2025): Great Harvest Bakery & Cafe, 382 Pine Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 First and Second Class Liquor License Applications for Great Harvest Bakery & Cafe with all standard conditions.

VOTING: unanimous; motion carries.

3.4 Outside Consumption Permit Application (2024-2025): Great Harvest Bakery & Cafe, 382 Pine Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Outside Consumption Permit Application for Great Harvest Bakery & Cafe, 382 Pine Street.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 6:59 PM.



MEMORANDUM

TO: Board of Finance/City Council

FROM: Mary Danko, Director, Fletcher Free Library

DATE: August 5, 2024 (BOF); August 12, 2024 (CC)

RE: Acceptance of 2A Grants for the Fletcher Free Library's Restoration & Preservation Project for the 1904 Carnegie Building portion of the Library

Request:

The Fletcher Free Library (FFL) is requesting Board of Finance and City Council approval for the City to accept grants from the National Park Service (NPS) and the Vermont Historic Agency of Commerce and Community Development (ACCD) for the Library's Restoration & Preservation Project for the 1904 Carnegie Building portion of the Library. A summary of the grants and matches are as follows:

1. National Parks (NPS): Save America's Treasures (SAT) Grant
NPS - \$500,000
Local Match, Capital - \$500,000
Subtotal - \$1,000,000
2. ACCD: Vermont Historic Preservation Grant
ACCD - \$20,000
Local Match, Facilities Capital Contingency - \$20,000
Subtotal - \$40,000

Please note that the National Endowment Humanities (NEH): Infrastructure and Capacity Building Challenge Grant is also a part of this project and has already been approved and accepted. In summary:

NEH - \$245,425
Local Match, Capital - \$736,275
Subtotal - \$981,700
*Already approved and accepted by City Council on 8/4/2023 (Additional Document: FFL NEH BOF.CC Approval)

The entire total for this project is \$2,021,700.00.

Background of the FFL Restoration & Preservation Project

The Fletcher Free Library (FFL) was founded in 1873 and has proudly inhabited one of the four Carnegie public libraries in Vermont since 1904. Our beautiful Beaux-Arts building was slated for demolition in the 1970s due to a myriad of structural issues. A group of concerned citizens took action to not only restore the original building, but to add the 1981 addition that maintained the individuality and grandeur of the original building that was meticulously designed by famed

architect, Walter R.B. Wilcox.

While FFL programs grow and adapt, the physical building limits opportunities. Our next renovation will transform the interior. Upgraded facilities will bring the building up to today's energy efficiency standards, meet modern technological needs, and serve the community into the future – while preserving a Burlington architectural gem.

The Library has worked on a Vision Plan and then a Schematic Design Project for our interior transformation. During the Schematic Design phase a building assessment was completed and several areas in need of restoration and preservation were noted.

Exterior restoration and historic preservation is a critical first step to the larger renovation. The exterior of the building is decaying and in urgent need of attention to preserve a deteriorating historic landmark, protect and restore one of the largest public buildings in our City and move the Library renovation toward the next phase of interior transformation. The historic windows will be repaired and bricks and terra cotta will be repointed, as per recommendations in a 2022 FFL library assessment, to prepare for the larger renovation.

All three grants come together at a crucial time which allows FFL to maximize exterior renovation of the Carnegie Building.

The Restoration & Preservation Project is a continuing project from the Schematic Design SD Phase. Dore + Whittier has been approved to continue this work as per the original SD RFP that stated:

Future Design/Administration Phases:

The Fletcher Free Library Building Committee (FFL BC) reserves the right to extend the contract with the awarded architect to include future design phases without advertising or to advertise for Architectural Services as best fits the needs of the Committee. The specific scope and fee of future phases will be determined at that time. Respondents must demonstrate to the satisfaction of the FFL BC their capability to perform this scope of work to be deemed qualified. There may be a year or more between the Schematic Design and Detailed Design phases.

Please see Appendix B.

Project Budget & Funding: The NPS grant requires a 1:1 match for projects of this Save America's Treasures Grants that was received through a Congressionally Directed Spending (CDS) request by Senator Patrick Leahy. Federal funds would contribute \$500,000 for the proposed project. The grant does not allow operational budgets as a source of matching funds and requires that local match funds be restricted for the purpose outlined in the grant proposal. The City's Capital Committee reviewed a request for the \$500,000 local match requirement in March 2024 and subsequently approved it. This match will be split over two fiscal years, with \$250,000 likely coming from FY24 Bond Premiums in FY25.

The ACCD grant requires a 1:1 match for Vermont Historic Preservation Grants. ACCD funds would contribute \$20,000 for the proposed project. City Facility funds will provide the \$ 20,000 match out of Facility Capital Contingency.

The NEH grant that was already accepted and approved will need a change in the funding expenditures due to the delayed progress on starting the project. The current estimated expenditures in Fiscal Years are as follows:

	FY 25	FY 26	Totals
NEH Grant Expenses	\$28,510.00	\$216,915.00	\$245,425.00
NPS Grant Expenses	\$250,000.00	\$250,000.00	\$500,000.00
ACCD/VT Preservation Grant Expenses	\$10,000.00	\$10,000.00	\$20,000.00
Local Match for NEH	\$85,530.00	\$650,745.00	\$736,275.00
Local Match for NPS	\$250,000.00	\$250,000.00	\$500,000.00
Local Match for ACCD/VT Preservation	\$10,000.00	\$10,000.00	\$20,000.00
TOTAL	\$634,040.00	\$1,387,660.00	\$2,021,700.00

Motions

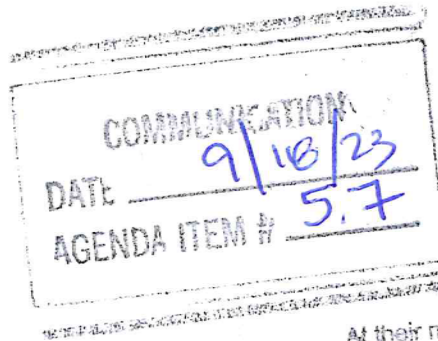
Actions for Board of Finance:

1. To approve and recommend the City Council approve and authorize for the Director of the Fletcher Free Library to accept and execute the Award Agreements with the following 2 funders for the Restoration & Preservation Project: NPS to accept a grant amount of \$500,000 with a local match of \$500,000 in City Capital funds, and ACCD to accept a grant amount of \$20,000 with a local match of \$20,000 in City Facility Capital funds. For both grants, the project costs are to be paid upfront by the City of Burlington and then reimbursed by NPS & ACCD for a total of \$540,000. These funds are to be added to previously accepted NEH grant and matching funds request of \$981,700 for a total FFL Restoration & Preservation project budget of \$2,021,700.00; subject to final review and approval by the City Attorney's Office and Chief Administrative Officer.
2. To approve and recommend the City Council approve and authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to support the proposed Fletcher Free Library's project budget for FY25 subject to final review and approval by the City Attorney's Office.

Actions for City Council:

1. To approve and authorize for the Director of the Fletcher Free Library to accept and execute the Award Agreements with the following 2 funders for the Restoration & Preservation Project: NPS to accept a grant amount of \$500,000 with a local match of \$500,000 in City Capital funds, and ACCD to accept a grant amount of \$20,000 with a local match of \$20,000 in City Facility Capital funds. For both grants, the project costs are to be paid upfront by the City of Burlington and then reimbursed by NPS, & ACCD for a total of \$540,000. These funds are to be added to previously accepted NEH grant and matching funds request of \$981,700 for a total FFL Restoration & Preservation project budget of \$2,021,700.00; subject to final review and approval by the City Attorney's Office and Chief Administrative Officer.
2. Move to accept the recommendation of the City's Capital Campaign Committee to approve

and authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to support the proposed Fletcher Free Library's project budget for FY25 subject to final review and approval by the City Attorney's Office.



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

From: Mary Danko, Library Director

Date: August 4, 2023

Re: National Endowment for the Humanities Challenge Infrastructure and Capacity Building Grant

At their meeting of 9/18/23
the Burlington City Council voted to

Approve the motion
Attest: *Jaci Oberg*
as
secretary

Request:

The Fletcher Free Library (FFL) is requesting City Council approval for the acceptance of the National Endowment for the Humanities (NEH) Challenge Infrastructure and Capacity Building Grant which is a 3:1 match.

The grant amount is \$245,425.00 to be paid upfront by the City of Burlington and then reimbursed by NEH. The local match is \$736,275.00 in City Capital funds, for a total project budget of \$981,700.00. This grant required an approval upon application. This request was approved by Board of Finance and City Council at their 9/12/2022 meetings, and the local match request was reviewed and approved by the Capital Committee on 9/8/2022. See BOF memo in Appendix A.

Background of Project: FFL Restoration & Preservation Project

The Fletcher Free Library (FFL) was founded in 1873 and has proudly inhabited one of the four Carnegie public libraries in Vermont since 1904. Our beautiful Beaux-Arts building was slated for demolition in the 1970s due to a myriad of structural issues. A group of concerned citizens took action to not only restore the original building, but to add the 1981 addition that maintained the individuality and grandeur of the original building that was meticulously designed by famed architect, Walter R.B. Wilcox.

While FFL programs grow and adapt, the physical building limits opportunities. Our next renovation will transform the interior. Upgraded facilities will bring the building up to today's energy efficiency standards, meet modern technological needs, and serve the community into the future – while preserving a Burlington architectural gem.

The Library has worked on a Vision Plan and then a Schematic Design Project for our interior transformation. During the Schematic Design phase a building assessment was completed and several areas in need of restoration and preservation were noted.

Exterior restoration and historic preservation is a critical first step to the larger renovation. The exterior of the building is decaying and in urgent need of attention to preserve a deteriorating historic landmark, protect and restore one of the largest public buildings in our City and move the Library renovation toward the next phase of interior transformation. The historic windows will be repaired and bricks and terra cotta will be repointed, as per recommendations in a 2022 FFL library assessment, to prepare for the larger renovation.

The historic preservation and restoration leverages funding from several sources. Further exterior renovation will be accomplished using congressionally directed spending (CDS) funding that is anticipated to be allocated in the coming months from the National Park Service (NPS) Save America's Treasure Grant Fund.

NEH support comes at a crucial time, and will dovetail with NPS funds and allow for FFL to maximize exterior renovation of the Carnegie Building.

The Restoration & Preservation Project is a continuing project from the Schematic Design SD Phase. Dore + Whittier has been approved to continue this work as per the original SD RFP that stated:

Future Design/Administration Phases:

The Fletcher Free Library Building Committee (FFL BC) reserves the right to extend the contract with the awarded architect to include future design phases without advertising or to advertise for Architectural Services as best fits the needs of the Committee. The specific scope and fee of future phases will be determined at that time. Respondents must demonstrate to the satisfaction of the FFL BC their capability to perform this scope of work to be deemed qualified. There may be a year or more between the Schematic Design and Detailed Design phases.

Funding for the FFL Restoration & Preservation Project

The NEH program requires a 3:1 match for projects of this size. Federal funds would contribute \$245,425.00 for the proposed project. The grant does not allow operational budgets as a source of matching funds and requires that local match funds be restricted for the purpose outlined in the grant proposal. As mentioned above, the City's Capital Committee approved the obligation of up to \$737,301 of the March 2022 General Obligation Bond Premiums received in FY23 to serve as the necessary match for this grant request. NEH has revised the necessary local match and it is now \$736,275.

We are seeking City Council approval to create the project budget based on the budget provided in the NEH award letter (see below).

The proposed budget amendment would follow the anticipated project schedule below:

Fiscal Year	City Match (Capital)	NEH Federal Match	Total:
FY24	\$64,125	\$21,375	\$85,500
FY25	\$672,150	\$224,050	\$896,200
Totals:	\$736,275	\$245,425	\$981,700

Motions

Actions for Board of Finance:

1. To approve and recommend the City Council authorize for the Director of the Fletcher Free Library to execute the Award Agreement with NEH, to accept a grant amount of \$245,425.00.00, with project costs to be paid upfront by the City of Burlington and then reimbursed by NEH, including a local match of \$736,275.00 in City Capital funds, for a total project budget of

\$981,700.00; subject to final review and approval by the City Attorney's Office and Chief Administrative Officer.

2. Move to approve and recommend that the City Council accept the recommendation of the City's Capital Committee to approve the creation of the Fletcher Free Library project budget for Fiscal Year 2024, for use of Capital Funds as described in the affiliated memorandum and related attachments, subject to the review and approval of the Chief Administrative Officer.

Actions for City Council:

- 
1. Move to authorize the Director of the Fletcher Free Library to execute the Award Agreement with NEH to accept a grant amount of \$245,425.00.00, with project costs to be paid upfront by the City of Burlington and then reimbursed by NEH, including a local match of \$736,275.00 in City funds, for a total project budget of \$981,700.00; subject to final review and approval by the City Attorney's Office and Chief Administrative Officer.
 2. Move to accept the recommendation of the City's Capital Committee and approve the creation of the Fletcher Free Library project budget for Fiscal Year 2024, for use of Capital Funds as described in the affiliated memorandum and related attachments, and subject to the review and approval of the Chief Administrative Officer.

Appendix A



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401 Voice (802) 865-7000

Fax (802) 865-7014

Deaf/Hard of Hearing 711

TO: Board of Finance
City Council

FROM: Nicole Losch, Grants Director
Gale Batsimm, Fletcher Free Library Development Director
Mary Danko, Fletcher Free Library Director
Ashley Parker, Capital Program Director
Kim Bleakley, Central Facilities Manager

DATE: September 13, 2022

RE: Proposed Budget Amendment for Fletcher Free Library Local Match toward National Endowment for the Humanities Infrastructure and Capacity Building Challenge Grants for Capital Projects

Executive Summary:

The Fletcher Free Library and Capital Committee jointly seek Board of Finance and City Council approval to spend up to \$737,301 from the FY23 Capital GO Bond Premiums as a local match for the National Endowment for the Humanities Challenge Grant for urgent exterior upgrades to the Library, including repoint masonry and replacing windows.

Overview:

The National Endowment for the Humanities (NEH) is accepting proposals for restoration or renovation of buildings of historical or cultural significance that house humanities collections or are used for humanities activities. Projects are financed through a combination of federal matching funds and related non-federal fundraising.

In February 2022, an assessment of the Fletcher Free Library identified \$2,055,361 in exterior upgrades needed to prevent damage caused by deferred maintenance. The Library and Facilities staff have identified \$983,068 in projects that should be advanced and will not impact the future renovations

Board of Finance and City Council Submission Checklist

Mary

Mary Danko

DDepartment: Fletcher Free Library Submitter: _____

Title/Subject: FFL Grant acceptance Restoration Preservation Project

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/8/2024	Mary Danko
Mayor's Office informed and approved memo	Yes	7/3/2024	Chief of Staff Erin Jacobson
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/3/2024	City Attorney Kimberlee Sturtevant
CAO has reviewed budget, financing, and memo	Yes	7/3/2024	CAO Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Click or tap here to enter text.
Additional Materials, if necessary	Yes	FFL NEH BOF.CC Approval 9.18.23
Draft Resolution or Motion?	Yes	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.

MEMO

Date: August 5, 2024

To: Board of Finance and City Council

From: Kim Bleakley, Central Facilities Manager Department of Parks, Recreation & Waterfront

CC: Cindi Wight, Director; Deryk Roach, Parks and Central Facilities Superintendent

Re: Burlington Police Department Front Canopy Renovation

I. Purpose

This memo seeks approval to execute all necessary contracts and budget approvals to renovate the front exterior canopy at the Burlington Police Department located at One North Avenue.

II. Background

The building which houses the Burlington Police Department was originally built in 1938. The building is just over 30,000 SF and is constructed with steel frame and has an exterior insulation and finish system (EIFS) for the exterior finish. In 2014 the City had a Level I assessment done on the building and at that time the building was found to be in fair to poor overall condition.

The front entrance to the building has been deteriorating. The prominent columns which welcome the public and employees are failing to the point where they are unsafe. The lighting does not work well any longer for either illuminating signage or for general safety and security of the building. Our goal in having the canopy renovated is twofold: First is to make the canopy area safe for all who enter the building. We will rebuild the front to make sure that the deteriorating columns and front canopy do not cause debris to fall on people. Second, to make the building welcoming to all who enter. This will create a vibrant, attractive and safe entry into the building for Burlingtonians.

In the Spring of 2023, local architect G4 Design Studios was interviewed and hired to create bid set drawings and specifications to move this project forward. Their hard work was immediately met with approval from the City Facilities Division and Police Department. They have designed an exciting entryway with low maintenance finishes to look welcoming for years to come.

The full scope of work for this project will include: removing the failing canopy and column finishes, installing a new ADA public access communication device, installing new lighting and adding signage. We will also upgrade the exterior finishes to include metal wall panels, exterior painting and high-performance coatings to specified area.

III. PROCESS

In March of 2023 the City hired local architect G4 Design Studios to create construction ready plans and specifications to renovate the front canopy. In June of 2024 the City issued a Request for Proposals (RFP) for the above-referenced project, publicly advertising on the City webpage and inviting local contractors to bid. Two companies bid on the project and the bids received are shown in the following table:



	Contractor 1	Contractor 2
	Polli Construction	Farrington Construction
Base Bid	\$ 174,175.00	\$ 365,325.00
Add Alternate 1 (Concrete Curbing)	\$19,855.00	\$ 5,750.00
Total Bid	\$195,030.00	\$ 365,895.00

Polli Construction, Inc. is a South Burlington based general contractor with over 30 years of experience. Polli has performed work satisfactorily for the City through BPRW on previous occasions. Their proposal and references were evaluated by BPRW staff and found to be satisfactory in terms of experience, qualifications, and clarity and completeness of their proposal.

BPRW seeks approval to award the project to the low bidder, Polli Construction and to proceed with both the Base bid and Add Alternate #1 for this project.

IV. PROJECT FUNDING SOURCES, BUDGET AND ESTIMATES

Funding for this project is coming from Capital Outlay Bond Expenditures and FY25 Facilities Capital Contingency. This budget was approved by the Capital Committee prior to the budget being approved by City Council.

Funding Sources & Budget	
Capital Outlay Bond Expenditures	\$166,000
FY25 Facilities Capital Contingency	\$25,175
Total Budget	\$191,175
Contractor bid	\$174,175
~10% Contingency (on above items)	\$17,000
Total Project Estimate	\$191,175

The contingency on the bid amount above is intended to cover any unanticipated costs that may come up as part of the project. Due to cost, we are choosing to not move forward with the alternate curbing for this project.

V. SCHEDULE

The anticipated project schedule is as follows:

- 06/05/2024: RFP issued for Burlington Police Department Canopy Renovation
- 8/5/2024: Board of Finance approval
- 8/12/2024: City Council approval



- 8/13/2024: Contract signed
- September 2024: Construction begins

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

To approve and recommend that the City Council approve and authorize the execution of a contract with Polli Construction, Inc., for a price not to exceed \$174,175 for the Burlington Police Department Canopy Renovation project, and to authorize a project contingency in the additional amount of \$17,000, for a total authorized project expenditure not to exceed \$191,175; and, to further authorize Cindi Wight, Director of Parks, Recreation and Waterfront, to execute the contract, any related documents, and contract amendments needed to carry out the project and utilize the contingency as necessary, subject to the review of the City Attorney's Office.

City Council Motion:

To approve and authorize the execution of a contract with Polli Construction, Inc., for a price not to exceed \$174,175 for the Burlington Police Department Canopy Renovation project, and to authorize plus a project contingency in the additional amount of \$17,000, for a (total authorized project expenditure request including contingency not to exceed \$191,175); and, to further authorize Cindi Wight, Director of Parks, Recreation and Waterfront, to execute the contract, and any related documents, and contract amendments needed to carry out the project and utilize the contingency as necessary, subject to the review of the City Attorney's Office.

Board of Finance and City Council Submission ChecklistDepartment: BPRW Submitter: Kim BleakleyTitle/Subject: Burlington Police Department Canopy Renovation

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/24/2024	Cindi Wight
Mayor's Office informed and approved memo	Yes	7/31/2024	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, -Identify attorney in note	Yes	7/24/2024	Hayley McClenahan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	7/25/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Choose an item.	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	Choose an item.	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.



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

MEMORANDUM

To: Board of Finance
City Council

From: Brian Pine, Director of CEDO
Rachel Jolly, Assistant Director, CJC
Lynn Reagan, Acting Director of Human Resources
Tim Clancy, Human Resources Manager

Date: July 25, 2024

RE: Creation of one position at CJC

Executive Summary

We propose creating one new position in the Community Justice Center (CJC):

- Data Communications and Operations Specialist, a Limited Service, Full-time, Union, Grade 14, position.

Background:

For part of the past year, the Burlington Community Justice Center has held a part-time, temporary Court Diversion Administrative Assistant position, enabled by one-time funding from the VT Attorney General's Office (AGO), to help us catch up with a backlog of data entry. Thanks to an increase of funding from the AGO for FY25, we are now able to create a new, hopefully permanent position to help the CJC more broadly with ongoing administrative, data and communication needs.

This request comes simultaneously with our separate memo seeking approval for the FY25 AGO contract amendment for \$632,522. We are also expecting an additional amendment from the AGO of \$36,400 in the next few weeks, however, the position was fully budgeted in the FY25 approved budget without this additional money. This position is funded through a split of CEDO General Fund (25%), CJC General Fund (25%) and AGO money (50%), prior to the amendment being received. Once that is confirmed, we anticipate only splitting the position between AGO and CJC General. While we anticipate we will be able to continue to support this position permanently, until more is known about the FY26 AGO and General Fund budgets, we are proposing a Limited Service position.

Motions

Board of Finance Motion:

To approve and recommend that City Council approve the creation of the Data, Communications and Operations Specialist position within CEDO, a Limited Service, Full-time, Union, Grade 14, position.

City Council Motion:

To approve the creation of the Data, Communications and Operations Specialist position within CEDO, a Limited Service, Full-time, Union, Grade 14, position.

City of Burlington Job Description

Position Title: Data, Communications, and Operations Specialist

Reports to: Manager of Court Diversion and Pretrial Services

Pay Grade: 14

Job Code:

Status: Limited Service, Full Time

Union: Yes

General Purpose:

The CJC Data, Communications & Operations Specialist is a guiding force behind collecting, analyzing and visualizing CJC data at the direction of the CJC Director and in collaboration with program managers. This position helps the City live up to its commitments to community connection/engagement, open data, transparency and innovation. The position also helps manage 'front end' responsibilities, including greeting visitors, maintaining a welcoming workspace, and helping with administrative needs.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed with this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment: state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of this position.)

Responsibilities:

Data Collection & Communication (50%)

- Assist in the distribution, collection, and documentation of feedback surveys and other forms of data collection
- Assist with data entry (on Law Manager and Sharepoint trackers) including but not limited to, participant personal information, case information, and case updates
- Collect, enter, and share data as required by CJC programs
- Identify and monitor community growth opportunities
- Provide data entry and analytical support to the team, including the development of internal management reporting capabilities regarding the annual report
- Design and implement data collection instruments, devices and procedures, including extracting information from core City systems.
- Use computer databases, electronic spreadsheets, desktop publishing, word processing, and statistical applications to manipulate, analyze, and present data.
- Create regular and recurring reports which include effective data visualizations or maps of meaningful metrics set by the Data Committee and programmatic teams.
- Manage internal and external communication:
 - Maintain a database of media organizations and contacts within them.
 - Manage the company's or organization's social media communications
 - Write, edit, and distribute various types of content, including material for a website, press releases, annual reports, and other types of content that take the message to the public.

Administrative Support (35%)

- Maintain organization of participant trackers on Sharepoint
- Provide administrative support with other Burlington Community Justice Center staff when necessary, such as closing out YSASP tickets, including data entry in the Law Manager database, and processing physical tickets for police departments and the Judicial Bureau.
- Act as a consistent presence in the CJC office, including greeting visitors, handling incoming and outgoing mail, general email inbox/inquiries to ensure timely responses and follow-up by appropriate staff, as needed
- Maintain a clean and welcoming ‘front end’ for the CJC and its guests, including lobby and entry way

Fundraising & Development (15%)

- Assist with the implementation and management of the annual fundraising plan and provide organizational support to any fundraising activities
- Lead administrative aspects of individual giving, corporate giving, and grant management including donor research, data management, donor communications, preproposal and grant application development, tracking, and reporting.

Other Job Functions:

- Attends monthly CEDO and CJC staff meetings and trainings when appropriate
- Actively participates in full-staff Race and Justice discussion groups
- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Education and at least two years of experience in data collection, analysis, statistics, communications or another relevant field. Ideal candidate has experience with work related to restorative or criminal justice.
- Experience presenting or communicating data analysis results to the public with multiple stakeholders, data sources and types of data is preferred.
- Proficiency in extracting data from databases (i.e. writing queries using Microsoft Access)
- Demonstrated strong organizational skills.
- Strong communication and customer service skills, including written, phone, and interpersonal.
- High standards of confidentiality, attention to detail, record keeping and follow through required.
- Ability to work in a team environment, while also working independently as necessary.
- Computer literacy necessary. Proficiency in Microsoft Office Suite 365 required.
- Ability to understand and comply with City standards, safety rules and personnel policies.
- The City of Burlington is committed to diversity, equity, and inclusion. We strongly encourage BIPOC, people with disabilities, LGBTQ applicants, and people from other

underrepresented groups to apply recognizing and respecting that diverse perspectives and experiences are valuable to our team and essential to our public service.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

☒ seeing	☐ ability to move distances	☐ lifting (specify)
☐ color perception	☐ within and between	☐ pounds
☐ (red, green, amber)	☐ warehouses/offices	☐ carrying (specify)
☒ hearing/listening	☐ climbing	☐ pounds
☒ clear speech	☐ ability to mount and	☐ driving (local/over
☒ touching	☐ dismount forklift/truck	☐ the road)
☒ dexterity	☐ pushing/pulling	
☐ hand		
☐ finger		
☐ reading - basic	☒ math skills - basic	☒ analysis/comprehension
☒ reading - complex	☐ math skills - complex	☒ judgment/decision
☐ writing - basic	☒ clerical	☐ making
☒ writing - complex		
☐ shift work	☐ outside	☐ pressurized equipment
☒ works alone	☐ extreme heat	☐ moving objects
☒ works with others	☐ extreme cold	☐ high places
☒ verbal contact w/others	☐ noise	☐ fumes/odors
☒ face-to-face contact	☐ mechanical equipment	☐ hazardous materials
☒ inside	☐ electrical equipment	☐ dirt/dust

Supervision:

n/a

Approvals:

Department Head: _____

Date: _____

Human Resources: _____

Date: _____

Board of Finance and City Council Submission ChecklistDepartment: CEDO Submitter: Rachel JollyTitle/Subject: Creation of new CJC position: Data, Communications and Operations Specialist

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/24/2024	Brian Pine
Mayor's Office informed and approved memo	Yes	7/25/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/25/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/25/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	7/24/2024	Tim Clancy
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?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Job Description
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.cedoburlington.org

MEMORANDUM

To: Board of Finance and City Council
From: Brian Pine, CEDO Director and Rachel Jolly, Assistant Director, CJC
CC: Mayor Emma Mulvaney-Stanak
Katherine Schad, Chief Administrative Officer

DATE: July 23, 2024
RE: Court Diversion Grant Amendment #02100-FY24/25-CN

This is a request from CEDO's Burlington Community Justice Center (BCJC) for Board of Finance and City Council approval to accept and execute a one year grant amendment with the VT Attorney General's office in the amount of \$632,522. The performance period of the grant is for two years—FY24 and FY25 (with two additional one-year extensions) and the current allocation is for the one year of FY25. The AGO is granting an increase of approximately \$106,000 from the FY24 allocation to allow for more staffing capacity for the very high caseload and corresponding administrative workload of our Court Diversion and Pretrial programs.

This grant award enables our sixth year of delivering a variety of court diversion and pretrial services that the BCJC took on starting July 1, 2019: Court Diversion, Youth Substance Awareness and Safety Program (YSASP), the Civil Driving with License Suspended program (DLS), Pre-Trial Services and Tamarack. In FY23, we served approximately 1000 people, offering them restorative alternatives to the court process, rapid referrals to mental health and substance use treatment, screenings and brief interventions for underage drinking and marijuana possession and assistance with regaining drivers' licenses. The grant covers a portion of sixteen CEDO staff members for a total FTE of 8.04.

Please see the attached grant amendment award for more information.

Board of Finance Motion: To approve and recommend that the City Council approve the acceptance of the State of Vermont Grant Amendment Award #02100-FY24/25-CN, in the amount of \$632,522, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2025, and to authorize CEDO Director, Brian Pine to sign the grant agreement, and to take such further actions or to execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby.

City Council Motion: to approve the acceptance of the State of Vermont Grant Award #02100-FY24/25-CN, in the amount of \$632,522, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2025, and to authorize CEDO Director, Brian Pine to sign the grant agreement, and to take such further actions or to execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby.

Part 1-Grant Award Detail

¹ Grant #: 02100-FY24/25-CN			² Original ☒		Amendment # ☐ 2	
³ Grant Title: Court Diversion & Pretrial Services						
⁴ Amount Previously Awarded: \$526,526.00		⁵ Amount Awarded This Action: \$632,522.00		⁶ Total Award Amount: \$1,159,048.00		
⁷ Award Start Date: 07/01/2024		⁸ Award End Date: 06/30/2025		⁹ Subrecipient Award: YES ☐ NO ☒		
¹⁰ Vendor #: 0000040096		¹¹ Grantee Name: Burlington City Treasurer				
¹² Grantee Address: Community Justice Center, 200 Church St Ste 101						
¹³ City: Burlington			¹⁴ State: VT		¹⁵ Zip Code: 05401	
¹⁶ State Granting Agency: Attorney General's Office					¹⁷ Business Unit: 02100	
¹⁸ Performance Measures: YES ☒ NO ☐		¹⁹ Match/In-Kind: Description:				
²⁰ If this action is an amendment, the following is amended: Amount: ☒ Funding Allocation: ☒ Performance Period: ☐ Scope of Work: ☐ Other: ☐						

²¹ Grantee Identifier [UEI] #:	²² Indirect Rate: %	²³ FFATA: YES ☐ NO ☐
²⁴ Grantee Fiscal Year End Month (MM format):		²⁵ R&D: ☐
²⁶ Entity Identifier [UEI] Name (if different than VISION Vendor Name in Box 11):		

STATE FUNDS				
Fund Type	²⁷ Awarded Previously	²⁸ Award This Action	²⁹ Cumulative Award	³⁰ Special & Other Fund Descriptions
General Fund	\$526,526.00	\$632,522.00	\$1,159,048.00	
Special Fund			\$0.00	
Global Commitment (non-subrecipient funds)			\$0.00	
Other State Funds			\$0.00	

³¹ CFDA#	³² Program Title	³³ Awarded Previously	³⁴ Award This Action	³⁵ Cumulative Award	³⁶ FAIN	³⁷ Fed Award Date	³⁸ Total Federal Award
				\$0.00			
³⁹ Federal Awarding Agency:			⁴⁰ Federal Award Project Descr:				
				\$0.00			
Federal Awarding Agency:			Federal Award Project Descr:				
				\$0.00			
Federal Awarding Agency:			Federal Award Project Descr:				
				\$0.00			
Federal Awarding Agency:			Federal Award Project Descr:				
				\$0.00			
Federal Awarding Agency:			Federal Award Project Descr:				
				\$0.00			
Federal Awarding Agency:			Federal Award Project Descr:				
Total Awarded - All Funds		\$526,526.00	\$632,522.00	\$1,159,048.00			

⁴¹ STATE GRANTING AGENCY	⁴² GRANTEE
NAME: Willa Farrell	NAME: Rachel Jolly
TITLE: Court Diversion & Pretrial Services Director	TITLE: CEDO Assistant Director
PHONE: (802) 371-8375	PHONE: (802) 865-7185
EMAIL: willa.farrell@vermont.gov	EMAIL: rjolly@burlingtonvt.gov

**STATE OF VERMONT
GRANT AMENDMENT**

GRANT RECIPIENT: Burlington City Treasurer

GRANT #: 02100-FY24/25-CN

AMENDMENT #: 2

Grant # 02100-FY24/25-CN, awarded by the Office of the Attorney General, on behalf of the State of Vermont to Burlington City Treasurer, is amended as follows:

1. **Maximum Amount:** The maximum amount payable under Grant # 02100- FY24/25-CN wheresoever such references to the maximum amount appear in said Grant or subsequent amendments shall be changed from \$526,626.00 to \$1,159,048.00.
2. **Budget:** Prior to beginning operations, the Grantee shall have a budget, approved by the State, for the period July 1, 2024 through June 30, 2025, for all services and performance management detailed in Attachment A.
3. **Taxes Due to the State:** Grantee further certifies under the pains and penalties of perjury that, as of the date this contract amendment is signed, the Grantee is in good standing with respect to, or in full compliance with, a plan to pay, any and all taxes due the State of Vermont.
4. **Certification Regarding Suspension or Debarment:** Grantee certifies under pains and penalties of perjury that, as of the date that this Amendment is signed, neither Grantee nor Grantee's principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in federal programs or programs supported in whole or in part by federal funds.

Grantee further certifies under pains and penalties of perjury that, as of the date that this amendment is signed, Grantee is not presently debarred, suspended, nor named on the State's debarment list at: <http://www.bgs.vermont.gov/purchasing-contracting/debarment>
5. **Certification Regarding Child Support:** (Applicable to natural persons only; not applicable to corporations, partnerships or LLCs): Grantee certifies that they are under no obligation to pay child support or are in good standing with respect to or in full compliance with a plan to pay any and all child support payable under a support order as of the date of this amendment.
6. **Standard State Provisions:** Attachment C – Standard State Provisions dated December 15, 2017 is hereby updated with the current version dated December 7, 2023

All other terms and conditions of Grant # 02100-FY24/25-CN not hereby amended shall remain in full force and effect.

The signatures of the undersigned parties indicate that each has read this amendment of Grant # 02100-FY24/25-CN in its entirety and agrees to be bound by the provisions enumerated therein.

By the State of Vermont:

Date: _____

Signature: _____

Name: Robert F. McDougall

Title: Deputy Attorney General

By the Grantee:

Date: _____

Signature: _____

Name: Brian Pine

Title: CEDO Director

ATTACHMENT C: STANDARD STATE PROVISIONS FOR CONTRACTS AND GRANTS**REVISED DECEMBER 7, 2023**

1. Definitions: For purposes of this Attachment, “Party” shall mean the Contractor, Grantee, or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement. “Agreement” shall mean the specific contract or grant to which this form is attached.

2. Entire Agreement: This Agreement, whether in the form of a contract, State-funded grant, or Federally-funded grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect. Where an authorized individual is either required to click-through or otherwise accept, or made subject to, any electronic terms and conditions to use or access any product or service provided hereunder, such terms and conditions are not binding and shall have no force or effect. Further, any terms and conditions of Party’s invoice, acknowledgment, confirmation, or similar document, shall not apply, and any such terms and conditions on any such document are objected to without need of further notice or objection.

3. Governing Law, Jurisdiction and Venue; No Waiver of Jury Trial: This Agreement will be governed by the laws of the State of Vermont without resort to conflict of laws principles. Any action or proceeding brought by either the State or the Party in connection with this Agreement shall be brought and enforced in the Superior Court of the State of Vermont, Civil Division, Washington Unit. The Party irrevocably submits to the jurisdiction of this court for any action or proceeding regarding this Agreement. The Party agrees that it must first exhaust any applicable administrative remedies with respect to any cause of action that it may have against the State regarding its performance under this Agreement. Party agrees that the State shall not be required to submit to binding arbitration or waive its right to a jury trial.

4. Sovereign Immunity: The State reserves all immunities, defenses, rights, or actions arising out of the State’s sovereign status or under the Eleventh Amendment to the United States Constitution. No waiver of the State’s immunities, defenses, rights, or actions shall be implied or otherwise deemed to exist by reason of the State’s entry into this Agreement.

5. No Employee Benefits For Party: The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the State withhold any state or Federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.

6. Independence: The Party will act in an independent capacity and not as officers or employees of the State.

7. Defense and Indemnity:

- A.** The Party shall defend the State and its officers and employees against all third-party claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party in connection with the performance of this Agreement. The State shall notify the Party in the event of any such claim or suit, and the Party shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit. The State retains the right to participate at its own expense in the defense of any claim. The State shall have the right to approve all proposed settlements of such claims or suits.
- B.** After a final judgment or settlement, the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party in connection with the performance of this Agreement.
- C.** The Party shall indemnify the State and its officers and employees if the State, its officers, or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party or an agent of the Party in connection with the performance of this Agreement.
- D.** Notwithstanding any contrary language anywhere, in no event shall the terms of this Agreement or any document furnished by the Party in connection with its performance under this Agreement obligate the State to (1) defend or indemnify the Party or any third party, or (2) otherwise be liable for the expenses or reimbursement, including attorneys’ fees, collection

costs or other costs of the Party or any third party.

8. Insurance: During the term of this Agreement, Party, at its expense, shall maintain in full force and effect the insurance coverages set forth in the Vermont State Insurance Specification in effect at the time of incorporation of this Attachment C into this Agreement. The terms of the Vermont State Insurance Specification are hereby incorporated by reference into this Attachment C as if fully set forth herein. A copy of the Vermont State Insurance Specification is available at: <https://aoa.vermont.gov/Risk-Claims-COI>.

9. Reliance by the State on Representations: All payments by the State under this Agreement will be made in reliance upon the accuracy of all representations made by the Party in accordance with this Agreement, including but not limited to bills, invoices, progress reports, and other proofs of work.

10. False Claims Act: Any liability to the State under the Vermont False Claims Act (32 V.S.A. § 630 et seq.) shall not be limited notwithstanding any agreement of the State to otherwise limit Party's liability.

11. Whistleblower Protections: The Party shall not discriminate or retaliate against one of its employees or agents for disclosing information concerning a violation of law, fraud, waste, abuse of authority, or acts threatening health or safety, including but not limited to allegations concerning the False Claims Act. Further, the Party shall not require such employees or agents to forego monetary awards as a result of such disclosures, nor should they be required to report misconduct to the Party or its agents prior to reporting to any governmental entity and/or the public.

12. Use and Protection of State Information:

- A. As between the State and Party, "State Data" includes all data received, obtained, or generated by the Party in connection with performance under this Agreement. Party acknowledges that certain State Data to which the Party may have access may contain information that is deemed confidential by the State, or which is otherwise confidential by law, rule, or practice, or otherwise exempt from disclosure under the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq. ("Confidential State Data").
- B. With respect to State Data, Party shall:
 - i. take reasonable precautions for its protection;
 - ii. not rent, sell, publish, share, or otherwise appropriate it; and
 - iii. upon termination of this Agreement for any reason, Party shall dispose of or retain State Data if and to the extent required by this Agreement, law, or regulation, or otherwise requested in writing by the State.
- C. With respect to Confidential State Data, Party shall:
 - i. strictly maintain its confidentiality;
 - ii. not collect, access, use, or disclose it except as necessary to provide services to the State under this Agreement;
 - iii. provide at a minimum the same care to avoid disclosure or unauthorized use as it provides to protect its own similar confidential and proprietary information;
 - iv. implement and maintain administrative, technical, and physical safeguards and controls to protect against any anticipated threats or hazards or unauthorized access or use;
 - v. promptly notify the State of any request or demand by any court, governmental agency or other person asserting a demand or request for Confidential State Data so that the State may seek an appropriate protective order; and
 - vi. upon termination of this Agreement for any reason, and except as necessary to comply with subsection B.iii above in this section, return or destroy all Confidential State Data remaining in its possession or control.
- D. If Party is provided or accesses, creates, collects, processes, receives, stores, or transmits Confidential State Data in any electronic form or media, Party shall utilize:
 - i. industry-standard firewall protection;
 - ii. multi-factor authentication controls;
 - iii. encryption of electronic Confidential State Data while in transit and at rest;
 - iv. measures to ensure that the State Data shall not be altered without the prior written consent of the State;
 - v. measures to protect against destruction, loss, or damage of State Data due to potential environmental hazards, such as fire and water damage;

- vi. training to implement the information security measures; and
 - vii. monitoring of the security of any portions of the Party's systems that are used in the provision of the services against intrusion.
- E. No Confidential State Data received, obtained, or generated by the Party in connection with performance under this Agreement shall be processed, transmitted, stored, or transferred by any means outside the United States, except with the express written permission of the State.
- F. Party shall notify the State within twenty-four hours after becoming aware of any unauthorized destruction, loss, alteration, disclosure of, or access to, any State Data.
- G. State of Vermont Cybersecurity Standard Update: Party confirms that all products and services provided to or for the use of the State under this Agreement shall be in compliance with State of Vermont Cybersecurity Standard Update in effect at the time of incorporation of this Attachment C into this Agreement. The State of Vermont Cybersecurity Standard Update prohibits the use of certain branded products in State information systems or any vendor system, and a copy is available at: <https://digitalservices.vermont.gov/cybersecurity/cybersecurity-standards-and-directives>
- H. In addition to the requirements of this Section 12, Party shall comply with any additional requirements regarding the protection of data that may be included in this Agreement or required by law or regulation.

13. Records Available for Audit: The Party shall maintain all records pertaining to performance under this Agreement. "Records" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired by the Party in the performance of this Agreement. Records produced or acquired in a machine-readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of this Agreement and for three years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

14. Fair Employment Practices and Americans with Disabilities Act: Party agrees to comply with the requirement of 21 V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable, and shall include this provision in all subcontracts for work performed in Vermont. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement.

15. Offset: The State may offset any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any offset of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided in 32 V.S.A. § 3113.

16. Taxes Due to the State: Party certifies under the pains and penalties of perjury that, as of the date this Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.

17. Taxation of Purchases: All State purchases must be invoiced tax free. An exemption certificate will be furnished upon request with respect to otherwise taxable items.

18. Child Support: (Only applicable if the Party is a natural person, not a corporation or partnership.) Party states that, as of the date this Agreement is signed, Party is not under an obligation to pay child support or is in good standing with respect to or in full compliance with a plan to pay any and all child support payable under a support order. Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

19. Sub-Agreements: Party shall not assign, subcontract, or subgrant the performance of this Agreement or any portion thereof to any other Party without the prior written approval of the State. Party shall be responsible and liable to the State for all acts or omissions of subcontractors and any other person performing work under this Agreement pursuant to an agreement with Party or any subcontractor.

In the case this Agreement is a contract with a total cost in excess of \$250,000, the Party shall provide to the State a list of all proposed subcontractors and subcontractors' subcontractors, together with the identity of those subcontractors' workers compensation insurance providers, and additional required or requested information, as applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54), as amended by Section 17 of Act No. 142 (2010) and by

Section 6 of Act No. 50 (2011).

Party shall include the following provisions of this Attachment C in all subcontracts for work performed solely for the State of Vermont and subcontracts for work performed in the State of Vermont: Section 10 (“False Claims Act”); Section 11 (“Whistleblower Protections”); Section 12 (“Confidentiality and Protection of State Information”); Section 14 (“Fair Employment Practices and Americans with Disabilities Act”); Section 16 (“Taxes Due the State”); Section 18 (“Child Support”); Section 20 (“No Gifts or Gratuities”); Section 22 (“Certification Regarding Debarment”); Section 30 (“State Facilities”); and Section 32.A (“Certification Regarding Use of State Funds”).

20. No Gifts or Gratuities: Party shall not give title or possession of anything of substantial value (including property, currency, travel, and/or education programs) to any officer or employee of the State during the term of this Agreement.

21. Regulation of Hydrofluorocarbons: Party confirms that all products provided to or for the use of the State under this Agreement shall not contain hydrofluorocarbons, as prohibited under 10 V.S.A. § 586.

22. Certification Regarding Debarment: Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party’s principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in Federal programs, or programs supported in whole or in part by Federal funds. Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State’s debarment list at: <https://bgs.vermont.gov/purchasing-contracting/debarment>.

23. Conflict of Interest: Party shall fully disclose, in writing, any conflicts of interest or potential conflicts of interest.

24. Vermont Public Records Act: Party acknowledges and agrees that this Agreement, any and all information obtained by the State from the Party in connection with this Agreement, and any obligations of the State to maintain the confidentiality of information are subject to the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 *et seq.*

25. Force Majeure: Neither the State nor the Party shall be liable to the other for any failure or delay of performance of any obligations under this Agreement to the extent such failure or delay shall have been wholly or principally caused by acts or events beyond its reasonable control rendering performance illegal or impossible (excluding strikes or lockouts) (“Force Majeure”). Where Force Majeure is asserted, the nonperforming party must prove that it made all reasonable efforts to remove, eliminate or minimize such cause of delay or damages, diligently pursued performance of its obligations under this Agreement, substantially fulfilled all non-excused obligations, and timely notified the other party of the likelihood or actual occurrence of an event described in this paragraph.

26. Marketing: Party shall not use the State’s logo or otherwise refer to the State in any publicity materials, information pamphlets, press releases, research reports, advertising, sales promotions, trade shows, or marketing materials or similar communications to third parties except with the prior written consent of the State.

27. Termination:

- A. Non-Appropriation:** If this Agreement extends into more than one fiscal year of the State (July 1 to June 30), and if appropriations are insufficient to support this Agreement, the State may cancel this Agreement at the end of the fiscal year, or otherwise upon the expiration of existing appropriation authority. In the case that this Agreement is funded in whole or in part by Federal funds, and in the event Federal funds become unavailable or reduced, the State may suspend or cancel this Agreement immediately, and the State shall have no obligation to pay Party from State revenues.
- B. Termination for Cause:** Either party may terminate this Agreement if a party materially breaches its obligations under this Agreement, and such breach is not cured within thirty (30) days after delivery of the non-breaching party’s notice or such longer time as the non-breaching party may specify in the notice.
- C. Termination Assistance:** Upon nearing the end of the final term or termination of this Agreement, without respect to cause, the Party shall take all reasonable and prudent measures to facilitate any transition required by the State. All State property, tangible and intangible, shall be returned to the State upon demand at no additional cost to the State in a format acceptable to the State.

28. Continuity of Performance: In the event of a dispute between the Party and the State, each party will continue to perform its obligations under this Agreement during the resolution of the dispute until this Agreement is terminated in accordance with its terms.

29. No Implied Waiver of Remedies: Either party's delay or failure to exercise any right, power, or remedy under this Agreement shall not impair any such right, power, or remedy, or be construed as a waiver of any such right, power, or remedy. All waivers must be in writing.

30. State Facilities: If the State makes space available to the Party in any State facility during the term of this Agreement for purposes of the Party's performance under this Agreement, the Party shall only use the space in accordance with all policies and procedures governing access to, and use of, State facilities, which shall be made available upon request. State facilities will be made available to Party on an "AS IS, WHERE IS" basis, with no warranties whatsoever.

31. Requirements Pertaining Only to Federal Grants and Subrecipient Agreements: If this Agreement is a grant that is funded in whole or in part by Federal funds:

- A. Requirement to Have a Single Audit:** The Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the Federal Audit Clearinghouse within nine months. If a single audit is not required, only the Subrecipient Annual Report is required. A Single Audit is required if the subrecipient expends \$750,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.
- B. Internal Controls:** In accordance with 2 CFR Part II, §200.303, the Party must establish and maintain effective internal control over the Federal award to provide reasonable assurance that the Party is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission.
- C. Mandatory Disclosures:** In accordance with 2 CFR Part II, §200.113, Party must disclose, in a timely manner, in writing to the State, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures may result in the imposition of sanctions which may include disallowance of costs incurred, withholding of payments, termination of the Agreement, suspension/debarment, etc.

32. Requirements Pertaining Only to State-Funded Grants:

- A. Certification Regarding Use of State Funds:** If Party is an employer and this Agreement is a State-funded grant in excess of \$1,000, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party's employee's rights with respect to unionization.
- B. Good Standing Certification (Act 154 of 2016):** If this Agreement is a State-funded grant, Party hereby represents: (i) that it has signed and provided to the State the form prescribed by the Secretary of Administration for purposes of certifying that it is in good standing (as provided in Section 13(a)(2) of Act 154) with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets, or otherwise explaining the circumstances surrounding the inability to so certify; and (ii) that it will comply with the requirements stated therein.

(End of Standard Provisions)

Board of Finance and City Council Submission ChecklistDepartment: CEDO Submitter: Rachel JollyTitle/Subject: Acceptance of FY25 AGO Grant to the BCJC

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/24/2024	Brian Pine
Mayor's Office informed and approved memo	Yes	7/25/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/24/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/24/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/25/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Grant Amendment
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

MEMORANDUM

To: Board of Finance/City Council
From: Brian Pine, CEDO Director
Rachel Jolly, Assistant Director, Community Justice Center
CC: Mayor Emma Mulvaney-Stanak
Katherine Schad, Chief Administrative Officer
DATE: July 25, 2024
RE: Department of Corrections Grant: “Safer Communities” (Grant Amendment # 03520-1578)

This is a request from CEDO’s Community Justice Center (CJC) for Board of Finance and City Council approval of a Safer Communities Grant Amendment in the amount of \$357,160 to be expended between July 1, 2024 and June 30, 2025. The purpose of this grant is to develop and provide local restorative crime, conflict and dispute resolution services and offender reentry services. This funding supports 3.19 FTEs, spread over 15 staff members, to deliver Restorative Justice Panels, the Circles of Support and Accountability program, and various reentry services. This is a continuation of our oldest contract, dating back to 1999.

The projected operating budget is \$392,876 for the fiscal year, with \$357,160 coming from the DOC and \$35,716 coming from the City as a match. The match for their grant was included in our FY25 budget, using a portion of the City’s General Fund.

Please see the attached grant for more information. Please do not hesitate to contact me with any questions.

Board of Finance Motion: Move to approve and recommend that the City Council approve and: 1) authorize the CEDO Director to accept and execute a second amendment to State Grant #03520-1578 in the amount of \$357,160 for FY25 subject to review and approval of the City Attorney and to take such further actions and execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby, and 2) authorize the CAO or their designee to effectuate any budget amendments necessary to reflect the necessary changes to the FY25 budget lines associated with the grant.

City Council Motion: Move to approve and 1) authorize the CEDO Director to accept and execute a second amendment to State Grant #03520-1578 in the amount of \$357,160 for FY25 subject to review and approval of the City Attorney and to take such further actions and execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby, and 2) authorize the CAO or their designee to effectuate any budget amendments necessary to reflect the necessary changes to the FY25 budget lines associated with the grant.

STATE OF VERMONT GRANT AGREEMENT					Part 1-Grant Award Detail		
SECTION I - GENERAL GRANT INFORMATION							
¹ Grant #: 03520-1578				² Original ☒		Amendment # ☐	
³ Grant Title: Community and Restorative Justice Services							
⁴ Amount Previously Awarded: \$0.00		⁵ Amount Awarded This Action: \$357,160.00		⁶ Total Award Amount: \$357,160.00			
⁷ Award Start Date: 07/01/2024		⁸ Award End Date: 06/30/2025		⁹ Subrecipient Award: YES ☐ NO ☒			
¹⁰ Vendor #: 000040096		¹¹ Grantee Name: City of Burlington					
¹² Grantee Address: City Hall, 149 Church Street							
¹³ City: Burlington			¹⁴ State: VT		¹⁵ Zip Code: 05401		
¹⁶ State Granting Agency: AHS / Department of Corrections					¹⁷ Business Unit: 03520		
¹⁸ Performance Measures: YES ☒ NO ☐		¹⁹ Match/In-Kind: \$35,716.00		Description: Annual Match			
²⁰ If this action is an amendment, the following is amended: Amount: ☐ Funding Allocation: ☐ Performance Period: ☐ Scope of Work: ☐ Other: ☐							
SECTION II - SUBRECIPIENT AWARD INFORMATION							
²¹ Grantee DUNS #:			²² Indirect Rate: %		²³ FFATA: YES ☐ NO ☐		
²⁴ Grantee Fiscal Year End Month (MM format):			(Approved rate or de minimis 10%)		²⁵ R&D: ☐		
²⁶ DUNS Registered Name (if different than VISION Vendor Name in Box 11):							
SECTION III - FUNDING ALLOCATION							
STATE FUNDS							
Fund Type		²⁷ Awarded Previously	²⁸ Award This Action	²⁹ Cumulative Award	³⁰ Special & Other Fund Descriptions		
General Fund			\$357,160.00	\$357,160.00			
Special Fund				\$0.00			
Global Commitment (non-subrecipient funds)				\$0.00			
Other State Funds				\$0.00			
FEDERAL FUNDS (includes subrecipient Global Commitment funds)					Required Federal Award Information		
³¹ CFDA#	³² Program Title	³³ Awarded Previously	³⁴ Award This Action	³⁵ Cumulative Award	³⁶ FAIN	³⁷ Fed Award Date	³⁸ Total Federal Award
				\$0.00			
³⁹ Federal Awarding Agency:		⁴⁰ Federal Award Project Descr:					
				\$0.00			
Federal Awarding Agency:		Federal Award Project Descr:					
				\$0.00			
Federal Awarding Agency:		Federal Award Project Descr:					
				\$0.00			
Federal Awarding Agency:		Federal Award Project Descr:					
				\$0.00			
Federal Awarding Agency:		Federal Award Project Descr:					
				\$0.00			
Federal Awarding Agency:		Federal Award Project Descr:					
Total Awarded - All Funds		\$0.00	\$357,160.00	\$357,160.00			
SECTION IV - CONTACT INFORMATION							
⁴¹ STATE GRANTING AGENCY				⁴² GRANTEE			
NAME: Chris Barton, VT Department of Corrections				NAME: Brian Pine			
TITLE: Restorativ System Administrator				TITLE: CEDO Director			
PHONE: (802) 505-0993				PHONE: (802) 578-6953			
EMAIL: chris.barton@vermont.gov				EMAIL: bpine@burlingtonvt.gov			

PART 2 – GRANT AGREEMENT

1. **Parties:** This is a Grant Agreement between the State of Vermont, Agency of Human Services, Vermont Department of Corrections Office (hereinafter called “State”), and the City of Burlington, VT (hereinafter called “Grantee”), with principal place of business at Burlington, VT. It is the Grantee’s responsibility to contact the Vermont Department of Taxes to determine if, by law, the Grantee is required to have a Vermont Department of Taxes Business Account Number.
2. **Subject Matter:** The purpose of this grant is Community and Restorative Justice Services. Detailed services to be provided are described in Attachment A.
3. **Award Details:** Amounts, dates and other award details are as shown in the attached Grant Agreement Part 1 – Grant Award Detail. A detailed scope of work covered by this award is described in Attachment A.
4. **Amendment:** No changes, modifications, or amendments in the terms and conditions of this Grant Agreement shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the State and Grantee.
5. **Cancellation:** This Grant Agreement may be suspended or cancelled by either party by giving written notice at least thirty (30) days in advance.
6. **Attachments:** This Grant consists of 17 pages.

Attachments that are Incorporated Herein

Grant Agreement – Part 1 – Grant Award Detail
Grant Agreement – Part 2 – Grant Agreement
Attachment A – Scope of Work to be Performed
Attachment B – Payment Provisions
Attachment C – Standard State Provisions for Contracts and Grants
Attachment D – Modification of Insurance (n/a)
Attachment E – Business Associate Agreement (n/a)
Attachment F – AHS Customary Contract/Grant Provisions
Click here to enter text.

Order of Precedence for Grant Documents

Grant Agreement – Part 1 and Part 2
Attachment D – Modification of Insurance (n/a)
Attachment C – Standard State Provisions for Contracts and Grants
Attachment A – Scope of Work to be Performed
Attachment E – Business Associate Agreement (n/a)
Attachment F – AHS Customary Contract/Grant Provisions
Attachment B – Payment Provisions
Click here to enter text.

WE, THE UNDERSIGNED PARTIES, AGREE TO BE BOUND BY THIS GRANT AGREEMENT.

STATE OF VERMONT

GRANTEE

By: _____
Kristin Calver, Deputy Commissioner
Vermont Department of Corrections

By: _____
Brian Pine, CEDO Director
bpine@burlingtonvt.gov

APPROVED AS TO FORM:

By: _____
Attorney General’s Office

ATTACHMENT A SCOPE OF WORK TO BE PERFORMED

In conjunction with the State, the Grantee will utilize restorative justice approaches, that strive to enhance community safety, improve quality of life, and increase volunteer participation in the criminal justice process. The services and activities provided by the Grantee are expected to be consistent with the intent of State Restorative Justice Policy as specified in V.S.A Title 28, Section 2a, the Agency of Human Services Outcomes and Key Practices, the Department of Corrections Outcomes and Principles, and the Community Justice Center Performance Measures. Services provided under this agreement should be consistent with the State's interest in promoting relational approaches that seek to prevent incarceration or re-incarceration while addressing the needs of victims and community members.

Concomitant with this goal is a collective obligation to develop and deepen understanding of our respective roles within the larger structure of racism and injustice. In addressing matters referred to the Community Justice Center, the Grantee and State are committed to working in partnership to provide support and accountability to all parties, including surfacing and making ongoing efforts to address underlying conditions that contributed to the circumstances. By attending to both situational and structural considerations through restorative processes, we seek to promote shared responsibility for community well-being and co-create a justice system that offers dignity, safety, equity, and healing for all.

Goals:

The overall goal of the Grantee's work shall focus on those services and programs that will enhance community safety. Program design should include approaches that are best practice and cost effective in reducing recidivism. In providing its programs and services, the Grantee will champion and incorporate the following restorative principles into its design and methods of service delivery:

- Give choice and opportunity to speak and be heard, especially for victims
- Place those who are harmed/affected at the center of the resolution process
- Reduce the risk of victimization of community members
- Improve responsible party accountability
- Seek to understand the harm done
- Work to repair the damage
- Recognize that community partners participation is voluntary
- Re-build relationships, to the degree possible, with all people involved
- Recognize the solution as a shared responsibility between the State and the community
- Use collaborative methodologies to resolve conflict and crime
- Expand community partners collaboration and involvement in the Grantee's activities

The Grantee is expected to provide restorative services and activities that utilize community volunteers to deal with and address a wide range of issues – crime, conflicts and disputes with youth and adults. Using restorative methodologies such as citizen panels, group conferencing, circle processes, mediated dialogues, and Circles of Support and Accountability (COSA), the Grantee will engage and mobilize community volunteers to solve problems locally in a manner that seeks to provide more timely, less costly services with greater effectiveness and efficiency.

The Grantee is expected to engage, empower, and support community members to address issues of preventing crime, resolving conflict, and rendering justice that are most important to them. Based upon these restorative principles, the Grantee will facilitate processes that seek to include everyone affected. In responding to crime and delinquency, these processes offer accountability and support for the responsible party while addressing the needs of the victim and the community. Although paid staff are expected to

coordinate, manage, and provide administrative support to the programs and services delivered by the Grantee, it is expected that most services will be provided by trained volunteers who have connections to the host community. These community members serve to take responsibility for the betterment of their community; they should be aware and responsive to societal and community structures that contribute the behaviors of those they serve, and work to promote justice and equity. Accordingly, the Grantee will recruit, train, support and supervise the volunteers who serve its community justice programs. The Grantee is expected to include community volunteers in guiding the development of services and overall direction of its center. Crucial to the success of this undertaking is the development and maintenance of a vigorous Community Advisory Board/Committee. The Grantee will make efforts to diversify staff and volunteers at all levels of the organization to provide a broad range of perspectives and lived experiences. All volunteers and grantee staff providing direct services within this scope of work must be approved in accordance with VTDOC clearance policies and directives. The Grantee will provide its programs and services within the categories of:

- **Restorative Justice Panels**
- **Circles of Support and Accountability (COSA)**
- **Reentry Navigation**

Restorative Justice Panels

The grantee will provide restorative justice panels for cases referred directly by Law Enforcement, referred by the Court as a sentencing condition without Probation, and/or referred by the Probation & Parole Office as a condition of Corrections supervision including, but not limited to, Reparative Probation.

Process Steps of a Reparative Panel/Circle Meeting:

- Establish Common Ground
- All Understand the Impact of the Harm
- Responsible Party Accepts Responsibility
- All Develop a Collective Plan to Address the Harm

Reparative activities shall address each of the following goal areas:

- To learn about the impact of the crime on victims and the community.
- To make amends to the victim for the harm when possible.
- To make amends to the community for the harm done.
- To learn ways to avoid re-offense and understand community responsibility and obligations.

Restorative Agreements:

- Fairness – Agreed upon activities should consider the responsible party's basic responsibility to work and provide for family, and not unduly interfere with these responsibilities.
- Equity – Agreed upon activities should reflect the severity and impact of the offense committed and applied consistently to all responsible parties, and responsive to the needs of the BIPOC community.
- Relevance – Agreed upon activities should be based on the nature of the act itself and relevant, to be closely associated to and right the specific harm caused. (e.g., offense: illegal dumping, activity: 16 hours cleaning up illegal dump site).
- Trauma Informed and Healing Centered
- Gender Responsive

Program Completion:

The goal is to complete the activities within a 90-day period after the Panel sees the responsible party.

When necessary, a 120-day period for completion is acceptable.

COSA

Incarcerated individuals who are pending release to DOC community supervision during the grant period and who are at moderate to high risk to reoffend will constitute the broad pool from which COSA referrals are chosen by DOC. COSAs should be reserved for core members presenting the highest levels of risk/need, including individuals convicted for sexual and/or violent offenses.

When a case is referred, grantee staff meet with prospective candidates. Participation by the potential core member is voluntary.

If the case is accepted, a broad assessment of the candidate's strengths and needs is completed. Grantee staff members also meet with DOC staff to identify supervision requirements and concerns, victim's needs, community issues and other concerns that need to be considered.

Grantee staff members recruit volunteers to serve as the core member's COSA. The COSA includes at least three volunteers who commit to work with the core member for at least one year. Volunteers are required to attend State approved COSA volunteer training prior to meeting with the core member.

Once established, the COSA volunteers receive targeted training that reflects the specific needs and strengths of the core member, and if possible, meet with the potential core member at the correctional facility or video conference prior to their release.

The basic COSA operating structure is comprised of weekly team meetings with the core member and periodic larger group meetings to ensure the core member's progress with reintegration, compliance with reentry conditions and other expectations, to deal with changing conditions and new opportunities, and to keep community partners adequately informed. It is expected that the grantee COSA Coordinator communicate with the local P&P office at a minimum of once per week to provide and receive relevant case information. Any violations of release conditions, and any concerns regarding the behavior and/or attitudes of the core member are to be brought to the immediate attention of the local Probation and Parole office.

Although each COSA is unique, the goal is the same: to develop durable relationships based upon mutual trust, honesty, and respect in direct support of having no more victims.

In addition to the weekly meetings, the volunteers also provide informal outreach to their core member. This may take the form of a ride, assistance looking for work, meeting for coffee, etc.

Reentry Navigation

Reentry Navigation consists of providing enhanced community connections for the formerly incarcerated individuals. This may include assistance with referrals to relevant service agencies, and resource identification within a community. It is intended to serve individuals for a short-term period with the greatest intensity during the first three months following the release from incarceration. Reentry navigation should not duplicate or supplant the case management services of the State. Grantee staff should apply effective relational approaches, integrate citizen volunteers, as appropriate, to assist with issues such as transportation and a variety of life skills. Navigation services to participating formerly incarcerated individuals may last up to one year.

Grantee Services Provided:

- The Grantee will provide restorative justice panels/circles to handle Reparative Probation, Reparative

Without Probation (Reparative Direct), criminal direct, P&P, and school cases as referred. Grantee will offer restorative justice panels/circles for a minimum of 225 cases annually.

- The Grantee will initiate and maintain outreach efforts with community partners as necessary in striving to ensure adequate support for its work.
- The Grantee will provide formerly incarcerated individual reentry resource navigation as needed and as referred by the Probation and Parole Office for formerly incarcerated individuals reentering the community.
- The Grantee will provide new COSAs referred by Probation and Parole Office for a minimum of 8 formerly incarcerated individuals annually, reentering the community.

Quality Assurance Reporting Requirements Schedule:

For all Reparative Probation, Reparative Without Probation, Criminal Direct, Civil, School, P&P/TH and other crime, conflict and dispute resolution cases, the Grantee will report the following measure monthly by the 15th of each month for the preceding month:

- Number of open cases on the 1st of the month
- Number of new referrals during the month
- Number of total cases (sum of open and new cases)
- Number of referrals rejected due to case conditions
- Number of negative closures due to failure to appear
- Number of other negative closures (fail to complete)
- Number positive closures
- Number other closures (transfer, withdrawal)
- Number open cases at the end of the month

For all individuals under State custody and supervision who receive services from the Grantee, including Reparative and reentry cases, the Grantee will obtain a Personal Identification Number (PID) from the State. The Grantee will report the following information monthly by the 15th of each month for the preceding month:

- PID Number
- Date of case acceptance by Grantee for some level of service
- Type of service received (e.g., Reparative Panel, COSA, reentry navigation, COSA, reintegration panels or circles, etc.)
- Date of case closure when applicable
- Reason for case closure

Within 30 days of the grant award or a new fiscal year, the Grantee is required to prepare an annual operating plan and budget that serves to achieve the intended results specified in this Attachment. The operating plan is expected to generally address the three categories of service and the specific services identified in this section of this Attachment, but in accordance with local needs and available resources. The operating plan and budget must be approved by the State Grant Administrator.

Within 30 days of the grant award the Grantee is required to submit a Staff Hiring and Volunteer Approval Policy. This policy must be approved by the State Grant Administrator.

All Grantees will provide a copy of the following documents within 45 days of the start of the fiscal year, and will provide updates when changed:

- The written agreement (protocol, procedure, etc.) that describes the process and responsibilities for

handling criminal cases referred directly by law enforcement and/or the State's Attorney.

- The written agreement (protocol, procedure, etc.) between the Grantee and the Court, and other community partners as appropriate, for handling Reparative Without Probation cases.
- The written program description of how civil referrals are handled. If the Grantee does not receive civil referrals, then the Grantee will provide a written explanation for why this restorative practice is not being used.
- The current mission or purpose statement.
- The current strategic plan for prioritizing the Grantee's work, promoting its growth and advancing restorative principles.
- A list and brief description of its collaborative relationships with pertinent community partners such as the community, referring agencies, etc.
- The Citizens Advisory Board/Board of Directors By-Laws or governance rules.

Program-Specific Monitoring and Reporting

The following table identifies how performance measures and other data will be reported, monitored, and improved. This section meets State of Vermont Bulletin 5.0 requirements for grant monitoring.

Monitoring Activities	Format	Frequency/ Due Date	Recipient/ Attendees	Purpose / Information Required
Performance measure reporting	Electronic Report	Monthly	DOC Restorative Systems Administrator	Performance monitoring
Site Visit	In person or virtual meeting	Bi-Annually	DOC Community & Restorative Justice Executive or DOC Restorative Systems Administrator, P&P and Program Staff	Review of general program operations
Financial Reports	Electronic	Quarterly*	DOC Community & Restorative Justice Executive or DOC Restorative Systems Administrator	Performance monitoring
Annual Report	Electronic Report	Annually	DOC Restorative Systems Administrator	Performance monitoring

Reporting Period

July 1 - September 30
October 1 - December 31
January 1 – March 31
April 1 – June 30

Report Due Date

October 15
January 15
April 15
July 15

Payment Provisions:

Payment Provisions are specified in Attachment B. The grant will be paid in four installments, each consisting of 25% of the total grant. After the initial payment, future payments will be dependent upon the Grantee successfully completing quarterly quality assurance progress reviews and a quarterly financial report.

Other Requirements and Provisions:

The Grantee's operating plan, budget, other quality assurance reporting requirements as specified above, and any additional pertinent information will serve as a basis reviewing the Grantee's operating status, performance and progress.

Grantee is required to attend all Community Justice Center Director meetings convened by the State.

The State will assume responsibility for scheduling the bi-annual quality assurance progress review meetings.

Upon assessing performance and progress at the bi-annual quality assurance review meetings, failure by the grantee to achieve the stipulated level of performance as specified in the Requirements and Services Provided and in the Quality Assurance Reporting Requirements sections of this Attachment may result in a penalty being imposed (loss of funding). The penalty for each infraction of inadequate performance or non-compliance will be a \$100.00 reduction in the total grant amount or participation in a restorative process. The State will provide written notice of the penalty assessment. Penalties are due to the State as specified in Attachment B of this grant.

The Grantee is required to provide a 10% match in cash and/or in-kind services.

Changes in the work to be completed by the Grantee require State Grant Administrator approval and will require the grant to be amended.

It is understood that the proposed budget may change during the grant time period. Changes totaling more than five (5) % of the total grant budget require State Grant Administrator approval.

The Grantee will cooperate with the State to establish and follow procedures and protocols to evaluate the effectiveness of its restorative initiatives, to include keeping files, data collection and sharing of such data.

Grantees must submit an accounting for the use of grant funds within 30 days of the end of the fiscal year or end of the grant.

All work products, reports, and invoices should be sent to Grant Administrator:

Chris Barton
Vermont Department of Corrections
NOB2 South
280 State Drive
Waterbury, VT 05671-2000

Or as e-mail attachments to:

chris.barton@vermont.gov

Reporting Misconduct

Grantee will require all staff, contractors and volunteers to report immediately any knowledge, suspicion or information of any grantee staff, contractor or volunteer misconduct. Grantee shall give notice of the requirement to report misconduct to all staff, contractors and volunteers in a form and manner approved by DOC. The Grantee shall document all reports of misconduct and shall immediately notify the DOC Central Office of any reported misconduct. Grantee shall not retaliate against residents, staff, contractors or volunteers who report such misconduct or any neglect or violation of responsibilities that may have contributed to an incident.

Misconduct is defined as the following: Any conduct that discredits the Grantee and/or the DOC. Examples include, but not limited to, violations of any state or federal law, violations of any VTDOC Work Rules, any activity that endangers the safety or well-being of another person, and any verbal or physical behavior that is malicious, demeaning, harassing or insulting.

Prison Rape Elimination Act (PREA)

Grantee will comply with the Prison Rape Elimination Act of 2003 (28 C.F.R. Part 115, Docket No. OAG-131, R1N1005-AB34- Dated May 17, 2012), and with all applicable PREA Standards, VTDOC Policies and Directives related to PREA for preventing, detecting, monitoring, investigating, and eradicating any form of sexual abuse within VTDOC. Grantee acknowledges that, in addition to “self-monitoring requirements” VT State staff will conduct announced or unannounced, compliance monitoring to include “on-site” monitoring. Failure to comply with PREA, including PREA Standards and VTDOC Directives and Policies may result in termination of the grant.

Link to the Final PREA Standards:

<http://www.prearesourcecenter.org/library/488/standards/departments-of-justice-national-prea-standards>

**ATTACHMENT B
PAYMENT PROVISIONS**

The maximum dollar amount payable under this agreement is not intended as any form of a guaranteed amount. The Grantee will be paid for products or services specified in Attachment A, or services actually performed, up to the maximum allowable amount specified in this agreement. The payment schedule for delivered products, or rates for services performed, and any additional reimbursements, are included in this attachment. The following provisions specifying payments are:

1. Grant funding will not be released until Grantee has provided State with certificates of insurance to show that the required insurance coverage, detailed on Attachment C, is in effect. It is the responsibility of the Grantee to maintain current certificates of insurance on file with the State throughout the term of this agreement. Grantee shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this agreement.
2. Grantee will submit a signed and dated invoice for each payment period which must include an invoice number (grant agreement number can be used as invoice number).
 - a. The State agrees to pay Grantee \$89,290.00 for the period of July 1, 2024, through September 30, 2024.
 - b. The State agrees to pay Grantee \$89,290.00 for the period of October 1, 2024, through December 31, 2024.
 - c. The State agrees to pay Grantee \$89,290.00 for the period of January 1, 2025, through March 31, 2025.
 - d. The State agrees to pay Grantee \$89,290.00 for the period of April 1, 2025, through June 30, 2025.
3. Should the Grantee be subject to a penalty for non-performance as detailed in Attachment A of this agreement, penalties assessed are due to the State within 15 days of written notification.
4. Should the Grantee not deplete the entire grant award prior to June 30, 2025, the unexpended funds will be returned to the State within 30 days of the end of the grant.
5. Grantee will submit a final report outlining the budgetary and programmatic uses of these grant funds. This report will be due within 30 days of the end of the grant. Penalties will be assessed by State for late submission of final reporting at the rate of \$10 per day until the final reporting has been received by State.

Grantee will return Grant Agreement, Certificate of Insurance and submit invoices to:

AHS.DOCInvoicesBusinessOffice@vermont.gov

AHS/Dept. of Corrections
Business Office
NOB2 South
280 State Drive
Waterbury, VT 05671-2000

**ATTACHMENT C: STANDARD STATE PROVISIONS
FOR CONTRACTS AND GRANTS
REVISED DECEMBER 7, 2023**

“Attachment C: Standard State Provisions for Contracts and Grants” (revision version dated December 7, 2023) constitutes part of this Agreement and is hereby incorporated by reference as if fully set forth herein and shall apply to the purchase of all goods and/or services by the State under this Agreement. A copy of this document is available online at: <https://bgs.vermont.gov/purchasing-contracting/forms>.

ATTACHMENT F
AGENCY OF HUMAN SERVICES' CUSTOMARY CONTRACT/GRANT PROVISIONS

1. **Definitions:** For purposes of this Attachment F, the term "Agreement" shall mean the form of the contract or grant, with all of its parts, into which this Attachment F is incorporated. The meaning of the term "Party" when used in this Attachment F shall mean any named party to this Agreement *other than* the State of Vermont, the Agency of Human Services (AHS) and any of the departments, boards, offices and business units named in this Agreement. As such, the term "Party" shall mean, when used in this Attachment F, the Contractor or Grantee with whom the State of Vermont is executing this Agreement. If Party, when permitted to do so under this Agreement, seeks by way of any subcontract, sub-grant or other form of provider agreement to employ any other person or entity to perform any of the obligations of Party under this Agreement, Party shall be obligated to ensure that all terms of this Attachment F are followed. As such, the term "Party" as used herein shall also be construed as applicable to, and describing the obligations of, any subcontractor, sub-recipient or sub-grantee of this Agreement. Any such use or construction of the term "Party" shall not, however, give any subcontractor, sub-recipient or sub-grantee any substantive right in this Agreement without an express written agreement to that effect by the State of Vermont.
2. **Agency of Human Services:** The Agency of Human Services is responsible for overseeing all contracts and grants entered by any of its departments, boards, offices and business units, however denominated. The Agency of Human Services, through the business office of the Office of the Secretary, and through its Field Services Directors, will share with any named AHS-associated party to this Agreement oversight, monitoring and enforcement responsibilities. Party agrees to cooperate with both the named AHS-associated party to this contract and with the Agency of Human Services itself with respect to the resolution of any issues relating to the performance and interpretation of this Agreement, payment matters and legal compliance.
3. **Medicaid Program Parties** (*applicable to any Party providing services and supports paid for under Vermont's Medicaid program and Vermont's Global Commitment to Health Waiver*):

Inspection and Retention of Records: In addition to any other requirement under this Agreement or at law, Party must fulfill all state and federal legal requirements, and will comply with all requests appropriate to enable the Agency of Human Services, the U.S. Department of Health and Human Services (along with its Inspector General and the Centers for Medicare and Medicaid Services), the Comptroller General, the Government Accounting Office, or any of their designees: (i) to evaluate through inspection or other means the quality, appropriateness, and timeliness of services performed under this Agreement; and (ii) to inspect and audit any records, financial data, contracts, computer or other electronic systems of Party relating to the performance of services under Vermont's Medicaid program and Vermont's Global Commitment to Health Waiver. Party will retain for ten years all documents required to be retained pursuant to 42 CFR 438.3(u).

Subcontracting for Medicaid Services: Notwithstanding any permitted subcontracting of services to be performed under this Agreement, Party shall remain responsible for ensuring that this Agreement is fully performed according to its terms, that subcontractor remains in compliance with the terms hereof, and that subcontractor complies with all state and federal laws and regulations relating to the Medicaid program in Vermont. Subcontracts, and any service provider agreements entered into by Party in connection with the performance of this Agreement, must clearly specify in writing the responsibilities of the subcontractor or other service provider and Party must retain the authority to revoke its subcontract or service provider agreement or to impose other sanctions if the performance of the subcontractor or service provider is inadequate or if its performance deviates from any requirement of this Agreement. Party shall make available on request all contracts, subcontracts and service provider agreements between the Party, subcontractors and other service providers to the Agency of Human Services and any of its departments as well as to the Center for Medicare and Medicaid Services.

Medicaid Notification of Termination Requirements: Party shall follow the Department of Vermont Health Access Managed-Care-Organization enrollee-notification requirements, to include the requirement that Party provide timely notice of any termination of its practice.

Encounter Data: Party shall provide encounter data to the Agency of Human Services and/or its departments and ensure further that the data and services provided can be linked to and supported by enrollee eligibility files maintained by the State.

Federal Medicaid System Security Requirements Compliance: Party shall provide a security plan, risk assessment, and security controls review document within three months of the start date of this Agreement (and update it annually thereafter) in order to support audit compliance with 45 CFR 95.621 subpart F, *ADP System Security Requirements and Review Process*.

4. **Workplace Violence Prevention and Crisis Response** (*applicable to any Party and any subcontractors and sub-grantees whose employees or other service providers deliver social or mental health services directly to individual recipients of such services*):

Party shall establish a written workplace violence prevention and crisis response policy meeting the requirements of Act 109 (2016), 33 VSA §8201(b), for the benefit of employees delivering direct social or mental health services. Party shall, in preparing its policy, consult with the guidelines promulgated by the U.S. Occupational Safety and Health Administration for *Preventing Workplace Violence for Healthcare and Social Services Workers*, as those guidelines may from time to time be amended.

Party, through its violence protection and crisis response committee, shall evaluate the efficacy of its policy, and update the policy as appropriate, at least annually. The policy and any written evaluations thereof shall be provided to employees delivering direct social or mental health services.

Party will ensure that any subcontractor and sub-grantee who hires employees (or contracts with service providers) who deliver social or mental health services directly to individual recipients of such services, complies with all requirements of this Section.

5. **Non-Discrimination:**

Party shall not discriminate, and will prohibit its employees, agents, subcontractors, sub-grantees and other service providers from discrimination, on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under Title IX of the Education Amendments of 1972, and on the basis of race, color or national origin under Title VI of the Civil Rights Act of 1964. Party shall not refuse, withhold from or deny to any person the benefit of services, facilities, goods, privileges, advantages, or benefits of public accommodation on the basis of disability, race, creed, color, national origin, marital status, sex, sexual orientation or gender identity as provided by Title 9 V.S.A. Chapter 139.

No person shall on the grounds of religion or on the grounds of sex (including, on the grounds that a woman is pregnant), be excluded from participation in, be denied the benefits of, or be subjected to discrimination, to include sexual harassment, under any program or activity supported by State of Vermont and/or federal funds.

Party further shall comply with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d, et seq., and with the federal guidelines promulgated pursuant to Executive Order 13166 of 2000, requiring that contractors and subcontractors receiving federal funds assure that persons with limited English proficiency can meaningfully access services. To the extent Party provides assistance to individuals with limited English proficiency through the use of oral or written translation or interpretive services, such individuals cannot be required to pay for such services.

6. **Employees and Independent Contractors:**

Party agrees that it shall comply with the laws of the State of Vermont with respect to the appropriate classification of its workers and service providers as “employees” and “independent contractors” for all purposes, to include for purposes related to unemployment compensation insurance and workers compensation coverage, and proper payment and reporting of wages. Party agrees to ensure that all of its subcontractors or sub-grantees also remain in legal compliance as to the appropriate classification of “workers” and “independent contractors” relating to unemployment compensation insurance and workers compensation coverage, and proper payment and reporting of wages. Party will on request provide to the Agency of Human Services information pertaining to the classification of its employees to include the basis for the classification. Failure to comply with these obligations may result in termination of this Agreement.

7. **Data Protection and Privacy:**

Protected Health Information: Party shall maintain the privacy and security of all individually identifiable health information acquired by or provided to it as a part of the performance of this Agreement. Party shall follow federal and state law relating to privacy and security of individually identifiable health information as applicable, including the Health Insurance Portability and Accountability Act (HIPAA) and its federal regulations.

Substance Abuse Treatment Information: Substance abuse treatment information shall be maintained in compliance with 42 C.F.R. Part 2 if the Party or subcontractor(s) are Part 2 covered programs, or if substance abuse treatment information is received from a Part 2 covered program by the Party or subcontractor(s).

Protection of Personal Information: Party agrees to comply with all applicable state and federal statutes to assure protection and security of personal information, or of any personally identifiable information (PII), including the Security Breach Notice Act, 9 V.S.A. § 2435, the Social Security Number Protection Act, 9 V.S.A. § 2440, the Document Safe Destruction Act, 9 V.S.A. § 2445 and 45 CFR 155.260. As used here, PII shall include any information, in any medium, including electronic, which can be used to distinguish or trace an individual’s identity, such as his/her name, social security number, biometric records, etc., either alone or when combined with any other personal or identifiable information that is linked or linkable to a specific person, such as date and place or birth, mother’s maiden name, etc.

Other Confidential Consumer Information: Party agrees to comply with the requirements of AHS Rule No. 08-048 concerning access to and uses of personal information relating to any beneficiary or recipient of goods, services or other forms of support. Party further agrees to comply with any applicable Vermont State Statute and other regulations respecting the right to individual privacy. Party shall ensure that all of its employees, subcontractors and other service providers performing services under this agreement understand and preserve the sensitive, confidential and non-public nature of information to which they may have access.

Data Breaches: Party shall report to AHS, through its Chief Information Officer (CIO), any impermissible use or disclosure that compromises the security, confidentiality or privacy of any form of protected personal information identified above within 24 hours of the discovery of the breach. Party shall in addition comply with any other data breach notification requirements required under federal or state law.

8. **Abuse and Neglect of Children and Vulnerable Adults:**

Abuse Registry. Party agrees not to employ any individual, to use any volunteer or other service provider, or to otherwise provide reimbursement to any individual who in the performance of services connected with this agreement provides care, custody, treatment, transportation, or supervision to children or to vulnerable adults if there has been a substantiation of abuse or neglect or exploitation involving that individual. Party is responsible for confirming as to each individual having such contact with children or vulnerable adults the non-existence of a substantiated allegation of abuse, neglect or exploitation by verifying that fact through (a) as to vulnerable adults, the Adult Abuse Registry maintained by the Department of Disabilities, Aging and

Independent Living and (b) as to children, the Central Child Protection Registry (unless the Party holds a valid child care license or registration from the Division of Child Development, Department for Children and Families). See 33 V.S.A. §4919(a)(3) and 33 V.S.A. §6911(c)(3).

Reporting of Abuse, Neglect, or Exploitation. Consistent with provisions of 33 V.S.A. §4913(a) and §6903, Party and any of its agents or employees who, in the performance of services connected with this agreement, (a) is a caregiver or has any other contact with clients and (b) has reasonable cause to believe that a child or vulnerable adult has been abused or neglected as defined in Chapter 49 or abused, neglected, or exploited as defined in Chapter 69 of Title 33 V.S.A. shall: as to children, make a report containing the information required by 33 V.S.A. §4914 to the Commissioner of the Department for Children and Families within 24 hours; or, as to a vulnerable adult, make a report containing the information required by 33 V.S.A. §6904 to the Division of Licensing and Protection at the Department of Disabilities, Aging, and Independent Living within 48 hours. Party will ensure that its agents or employees receive training on the reporting of abuse or neglect to children and abuse, neglect or exploitation of vulnerable adults.

9. **Information Technology Systems:**

Computing and Communication: Party shall select, in consultation with the Agency of Human Services' Information Technology unit, one of the approved methods for secure access to the State's systems and data, if required. Approved methods are based on the type of work performed by the Party as part of this agreement. Options include, but are not limited to:

1. Party's provision of certified computing equipment, peripherals and mobile devices, on a separate Party's network with separate internet access. The Agency of Human Services' accounts may or may not be provided.
2. State supplied and managed equipment and accounts to access state applications and data, including State issued active directory accounts and application specific accounts, which follow the National Institutes of Standards and Technology (NIST) security and the Health Insurance Portability & Accountability Act (HIPAA) standards.

Intellectual Property/Work Product Ownership: All data, technical information, materials first gathered, originated, developed, prepared, or obtained as a condition of this agreement and used in the performance of this agreement -- including, but not limited to all reports, surveys, plans, charts, literature, brochures, mailings, recordings (video or audio), pictures, drawings, analyses, graphic representations, software computer programs and accompanying documentation and printouts, notes and memoranda, written procedures and documents, which are prepared for or obtained specifically for this agreement, or are a result of the services required under this grant -- shall be considered "work for hire" and remain the property of the State of Vermont, regardless of the state of completion unless otherwise specified in this agreement. Such items shall be delivered to the State of Vermont upon 30-days notice by the State. With respect to software computer programs and / or source codes first developed for the State, all the work shall be considered "work for hire," i.e., the State, not the Party (or subcontractor or sub-grantee), shall have full and complete ownership of all software computer programs, documentation and/or source codes developed.

Party shall not sell or copyright a work product or item produced under this agreement without explicit permission from the State of Vermont.

If Party is operating a system or application on behalf of the State of Vermont, Party shall not make information entered into the system or application available for uses by any other party than the State of Vermont, without prior authorization by the State. Nothing herein shall entitle the State to pre-existing Party's materials.

Party acknowledges and agrees that should this agreement be in support of the State's implementation of the Patient Protection and Affordable Care Act of 2010, Party is subject to the certain property rights provisions of the Code of Federal Regulations and a Grant from the Department of Health and Human Services, Centers for Medicare & Medicaid Services. Such agreement will be subject to, and incorporates here by reference, 45 CFR 74.36, 45 CFR 92.34 and 45 CFR 95.617 governing rights to intangible property.

Security and Data Transfers: Party shall comply with all applicable State and Agency of Human Services' policies and standards, especially those related to privacy and security. The State will advise the Party of any new policies, procedures, or protocols developed during the term of this agreement as they are issued and will work with the Party to implement any required.

Party will ensure the physical and data security associated with computer equipment, including desktops, notebooks, and other portable devices, used in connection with this Agreement. Party will also assure that any media or mechanism used to store or transfer data to or from the State includes industry standard security mechanisms such as continually up-to-date malware protection and encryption. Party will make every reasonable effort to ensure media or data files transferred to the State are virus and spyware free. At the conclusion of this agreement and after successful delivery of the data to the State, Party shall securely delete data (including archival backups) from Party's equipment that contains individually identifiable records, in accordance with standards adopted by the Agency of Human Services.

Party, in the event of a data breach, shall comply with the terms of Section 7 above.

10. **Other Provisions:**

Environmental Tobacco Smoke. Public Law 103-227 (also known as the Pro-Children Act of 1994) and Vermont's Act 135 (2014) (An act relating to smoking in lodging establishments, hospitals, and child care facilities, and on State lands) restrict the use of tobacco products in certain settings. Party shall ensure that no person is permitted: (i) to use tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001 on the premises, both indoor and outdoor, of any licensed child care center or afterschool program at any time; (ii) to use tobacco products or tobacco substitutes on the premises, both indoor and in any outdoor area designated for child care, health or day care services, kindergarten, pre-kindergarten, elementary, or secondary education or library services; and (iii) to use tobacco products or tobacco substitutes on the premises of a licensed or registered family child care home while children are present and in care. Party will refrain from promoting the use of tobacco products for all clients and from making tobacco products available to minors.

Failure to comply with the provisions of the federal law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity. The federal Pro-Children Act of 1994, however, does not apply to portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable federal funds is Medicare or Medicaid; or facilities where Women, Infants, & Children (WIC) coupons are redeemed.

2-1-1 Database: If Party provides health or human services within Vermont, or if Party provides such services near the Vermont border readily accessible to residents of Vermont, Party shall adhere to the "Inclusion/Exclusion" policy of Vermont's United Way/Vermont 211 (Vermont 211), and will provide to Vermont 211 relevant descriptive information regarding its agency, programs and/or contact information as well as accurate and up to date information to its database as requested. The "Inclusion/Exclusion" policy can be found at www.vermont211.org.

Voter Registration: When designated by the Secretary of State, Party agrees to become a voter registration agency as defined by 17 V.S.A. §2103 (41), and to comply with the requirements of state and federal law pertaining to such agencies.

Drug Free Workplace Act: Party will assure a drug-free workplace in accordance with 45 CFR Part 76.

Lobbying: No federal funds under this agreement may be used to influence or attempt to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, continuation, renewal, amendments other than federal appropriated funds.

AHS ATT. F 5/16/2018

Board of Finance and City Council Submission ChecklistDepartment: CEDO/CJC Submitter: Rachel JollyTitle/Subject: DOC "Safer Communities" FY25 Grant Amendment Approval

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/25/2024	Brian Pine
Mayor's Office informed and approved memo	Yes	7/25/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/25/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/25/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/25/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Yes	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.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine St. Suite A
Burlington, VT 05401
802.865.7200 VOX
802.863.0466 FAX
802.863.0450 TTY

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Lee Perry
*DIVISION DIRECTOR
DPW MAINTENANCE DIVISION*

MEMORANDUM

To: Board of Finance, City Council

From: Chapin Spencer, Director
Lee Perry, Division Director DPW Maintenance Division
Dave Hammond, Fleet Manager

Date: August 5, 2024

Re: Approval to Enter into Contract with Sandri Energy LLC, for the City of Burlington's Fuel Supply

Background:

Currently, City department's access fuel from two City owned fueling facilities. One located at 645 Pine St. and the other a smaller facility located at 216 Leddy Park Road. The Department of Public Works (DPW) Fleet Maintenance Division manages both facilities. Collectively the City uses approximately 178,000 gallons of gasoline, and diesel combined annually. The City's fueling facilities are used by all City Departments, including, Burlington School District, and Burlington Electric Department (BED). The City pays for gallons of fuel dispensed at the pump, and any reduction in the per gallon price, is an opportunity for cost savings.

The current fuel supplier for the City, Sandri Energy LLC, has been supplying the City's gasoline and diesel fuel supply for the past five (5) years. FY24 fuel cost averages were Diesel, \$3.66/gallon, Unleaded, \$3.11/gallon. The current contract with Sandri expired June 30, 2024. DPW's Fleet Manager, Dave Hammond, posted a request for quotes (RFQ) for the City's new fuel contract to the City's webpage on June 24, 2024, as well as emailing RFQ's to fuel vendors. Vendors were given until July 12, 2024 to respond via emailed quote, or mailed quote. RFQ's were sent by email to the following vendors. (See Attachment A). The results of the RFQ produced only one (1) respondent to our request.

The following is the criteria used in our scope of request to select a fuel provider:

- The entity selected would install City Point of Sale (POS) system if needed where a retail transaction will take place; provide necessary equipment to receive inventory reading from our current Veeder-Root tank monitoring systems. Maintain and price inventory, coordinate maintenance for the tanks, dispenser, POS system, and Veeder-Root.

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

- The City of Burlington will pay for cost of maintenance.
- The entity will provide Fleet Cards to be used at the dispensers and provide an alternative, if needed, that allow the Fleet Cards to be used at any filling station should the depot be inaccessible or not functioning.
- The fleet card reporting system needs to be able to send automated reports to an FTP side for our fleet management software (RTA Fleet Management) to use for processing fuel transactions.
- The City of Burlington will pay for the fuel at the dispenser using the fleet cards.
- Fuel to be delivered to 645 Pine Street Burlington, VT

Summary:

The Fleet Manager received one (1) written proposal within the required posting period. All potential vendors provided bid pricing with mark up above the lowest rack rate for fuel cost including delivery of fuel to the two City's fuel facilities. Qualified bidders were given the opportunity to meet with the Fleet Manager based on the scope of request. The results of the respondents are as follows. (See Attachment B).

The only vendor to respond was Sandri Energy LLC. Sandri quoted the City's fuel supply at \$.16 above Sunoco's rack rate at their Burlington VT, terminal. The City of Burlington, shall receive a \$.06 per gallon discount for using the existing Sunoco Suntrak fleet cards issued by Wright Express (WEX). This brings the overall cost of fuel to \$.10 above Sunoco's Burlington VT, terminal rack rate.

Because Sandri Energy LLC, were the only respondent, and their price increased minimally, (\$.06 in five (5) years, a \$10,680 increase), the Fleet Manager would like to award the contract to Sandri Energy LLC. One of the benefits of Sandri being the chosen vendor is that there is no need to change any equipment as stated in the scope of request. All systems can remain, and current fuel cards are still active.

If you have any questions please reach out to Lee Perry, lperry@burlingtonvt.gov, or Dave Hammond dhammond@burlingtonvt.gov

Motion:

Board of Finance:

To approve and recommend City Council authorize Department of Public Works Director, Chapin Spencer, or their successor or designee: (1) to enter a five-year agreement with Sandri, Energy LLC., to supply the City of Burlington, with gasoline and diesel fuel services, for a price of \$.10 over Sunoco rack price at their Burlington Vermont terminal, subject to review and approval of the City Attorney's Office; (2) to execute future extensions following the initial five-year term of the agreement approved as to form by the City Attorney's Office, for so long as any increase in price over Sunoco rack price at the Burlington, Vermont terminal does not exceed the increase in CPI-U from the effective date of the agreement.

City Council Motion:

To approve and authorize Department of Public Works Director, Chapin Spencer, or their designee: (1) to enter a five-year agreement with Sandri Energy LLC, to supply the City of Burlington, with gasoline and diesel fuel services, for a price of \$.10 over Sunoco rack price at their Burlington VT, terminal, subject to approval of the City Attorney's Office; (2) to execute future extensions following the initial five-year term of the agreement approved as to form by the City Attorney's Office, for so long as any increase in price over Sunoco rack price at the Burlington, Vermont terminal does not exceed the increase in CPI-U from the effective date of the agreement.

Attachment A:

Fuel Suppliers That Received RFQ Via Email/Mail
Sandri
SB Collins
Global
R.L. Valley

Attachment B:**Vendor Response To RFQ:**

Fuel Supplier	Current Price Over Rack
Current Vendor (Sandri) contract expired June 30, 2024.	*\$.04
Sandri	*\$.10
SB Collins	No response
Global	No response
R.L. Valley	No response

*Vendor previous expired quote \$.10 over rack, with a \$.06 discount for using WEX fuel cards.

*Vendor total quote \$.16 over rack, with a \$.06 discount for using WEX fuel cards.



***Fuel Supply Proposal – City of Burlington DPW
Cover Page***

Sandri Energy LLC

***400 Chapman Street
Greenfield, MA. 01301
1-413-772-2121 office line
Scott Childs Sales Manager***



Fuel Supply Proposal – City of Burlington DPW

*Sandri Energy proposes to supply Diesel fuel and Regular gasoline to the City of Burlington DPW fuel depots located at 645 Pine Street Burlington, Vermont and 216 Leddy Park Road Burlington, VT.

*Sandri Energy and the City of Burlington DPW shall use the existing Verifone Ruby CI EPOS system currently in place. Sandri Energy will pay all EPOS fees and Credit Card transaction fees associated with the fleet cards used to purchase the fuel.

*Sandri Energy, in coordination with our fuel hauler, will monitor and maintain the Veeder-Root system, product inventory, pricing of the inventory, coordination of maintenance for the tanks & dispensers, EPOS system, and the Veeder-Root. The City of Burlington shall be responsible for all costs associated with this maintenance.

*The City of Burlington will use the existing Sunoco Suntrak fleet cards issued to them to purchase fuel at the dispensers. Alternatively, the City of Burlington can use the fleet cards at the following sites to fuel up:

Datillio's Sunoco- 794 Shelburne Road, South Burlington

Champlain Farms- 315 Shelburne Road, South Burlington

Champlain Farms- 1041 Shelburne Road, South Burlington

Champlain Farms- 1118 Williston Road, South Burlington

*The City of Burlington may use the WEX Link to gain access to their FTP site for the purpose of reporting associated with the city's Fleet Management Software (RTA).

*Sandri Energy shall set the price of fuels at the dispenser on the day of each delivery using the following formula:

Sunoco Rack price at Burlington, VT terminal + .16c margin plus applicable taxes & freight fees. The City of Burlington DPW shall receive a .06c per gallon discount for using the existing Sunoco Suntrak fleet cards issued to them by Wright Express (WEX).

EXHIBIT A:

SIGNATURE PAGE

The foregoing quote/proposal is hereby submitted by Vendor signed below in accordance with all terms and conditions as set forth in the Request for Quotes issued by Burlington Department of Public Works for the supply and delivery of Diesel and Unleaded to 645 Pine Street, Burlington, Vermont and 216 Leddy Park Rd, Burlington, Vermont. The Vendor understands and agrees to the above specifications and terms of delivery.

VENDOR

Name of Vendor:

By (Signature):

By (Name)

By (Title)

Phone:

Mailing Address:

Email Address:

Web Address (URL):

SANDRI EMAGY
Scott Childs
SCOTT CHILDS
MOTOR FUELS SUEZ MNGR.
802-772-5597
400 CHAPMAN ST. GREENSBORO, NH. 01301
Schilds@sandri.com
www.Sandri.com

Board of Finance and City Council Submission Checklist

Department: Public Works Submitter: Lee Perry

Title/Subject: City of Burlington Fuel Supply

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/29/2024	Approved by Laura Wheelock, acting Director
Mayor's Office informed and approved memo	Yes	7/30/2024	Approved by Joe Magee
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, -Identify attorney in note			Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/30/2024	Approved by Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/31/2024	Approved by Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Proposal included in memo
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Choose an item.	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.	



**City of Burlington
Fleet Committee**

645 Pine Street
Burlington, VT 05402
802.863.9094

Date: August 5, 2024

To: Board of Finance/City Council

From: Fleet Committee
Chapin Spencer, Director Public Works
Katherine Schad, Chief Administrative Officer
Cindi Wight, Director of Parks, Recreation, & Waterfront
Michael Lachance, Fire Chief
Deryk Roach, Parks Maintenance & Operations Supervisor
Lee Perry, DPW Division Director – Maintenance Division
Ashley Parker, Capital Program Director
Shannon Trammell, Police
Wade Labrecque, Police

Subject: FY25 Vehicle Purchase Recommendation

REQUEST:

The Fleet Committee requests the Board of Finance (BOF), approval, and recommendation to City Council, for the proposed FY'25 vehicle purchase recommendations and approval to sell at auction the vehicles being replaced.

BACKGROUND:

Annually, the City's interdepartmental Fleet committee, staffed by the Department of Public Works (DPW) Fleet Manager Dave Hammond, coordinates fleet purchases for the General Fund (GF) and several enterprise/special revenue funds in order to realize cost savings and provide management oversight. Per the City of Burlington Fleet Policy, the Fleet Manager and the Maintenance Division Director meet with each Department head, or their designee, to review their annual recommended Fleet replacements and receive input on upcoming vehicle/equipment needs. With that information, the Fleet Manager researches electric and hybrid options for each item, calculates the carbon pricing on fossil fuel options, and make his recommendations to the Fleet Committee. The Committee reviewed the Fleet Manager's list of needs via email, prior to the Fleet Committees quarterly meeting on July 18, 2024, where the list was discussed and reviewed further. The Committee then recommended the following purchase list for review and approval by the TEUC, Board of Finance, and City Council.

The Fleet Committee has identified and is recommending (4) vehicles/equipment to be replaced in FY25. The vehicles/equipment to be replaced and purchased are for enterprise/special revenue departments only. This is due to the lack of funding for GF Fleet vehicle/equipment purchases. GF Departments that are able to acquire grants or have other identified funding sources outside of the GF, will be allowed to make requests to purchase vehicles/equipment with Chief

Administrative Officer (CAO) approval in FY25. The FY25 GF Fleet budget is focused on supporting all FY25 GF lease payments for vehicles that have already been purchased. (See Attachment A for Fleet Funding History).

The recommended purchase list has been reviewed by Burlington Electric Department (BED), who provided additional recommendations and shared available incentives which further refined the purchase list through the lens of the City's 2030 NetZero goals. The Fleet Committee has worked hard to balance two key policy goals – the City's 2030 Net Zero energy goal and the City's operations and safety goal to replace as much of the fleet that is at end of life as possible – while also managing the identified financial constraints. The FY25 vehicle purchase recommendation, and approval to sell replaced vehicles, were recently approved by the City's Transportation, Energy, and Utilities Committee, July 22, 2024. The motion was approved unanimously, however there was a recommendation by Committee member Councilor Litwin, in regard to the RFQ process. Councilor Litwin suggested the Fleet Committee explore the possibility of inserting language in the RFQ that would include, "certified pre-owned vehicles and equipment" in addition to new, as an option vs. purchasing only new. The Fleet Committee will discuss this option at its upcoming quarterly meeting on October 10, 2024. (see Attachment B for Fleet replacement list).

General Fund Fleet Funding:

Over the last two fiscal years, General Fund Fleet has not had sufficient revenues to purchase new vehicles or cover existing lease payments for vehicles/equipment. This has led to a freeze on purchasing new vehicles/equipment for General Fund Departments, while keeping the focus on supporting existing leases.

In FY24, the lease payments were the focus for funding, and revenues were pulled from multiple places to support the ~\$1M need in FY24. This strategy included using all remaining FY23 Gains, one time funding of \$400,000 from Unassigned Fund Balance, some insurance reimbursement, and Police and Fire impact fee revenue. The CT Office is currently working to finalize revenue transfers for this fiscal year.

FY25 Lease Payment Funding:

At this time, the Fleet Team and CT Office, has identified the available funding sources to support FY25 Master Lease payments in the amount of \$943,425 (not including Recycling). While we have funds to support existing fleet, we do not have enough money to sustainably replace vehicles so there is still a lot of work that needs to be done to identify additional available revenues to support the purchase of General Fund Fleet.

The FY25 includes increased General Fund support in the DPW Equipment Maintenance budget to support FY25 General Fund lease payments. This includes utilizing leftover funds from DPW's salt budget in FY24 (\$100,000) and additional General Fund monies (\$802,425). The Fleet Manager is also expecting to bring in \$41,000 in Gains that will be put towards the FY25 lease payments. In addition, the CT Office is working to determine how best to take advantage of available tax credits for the previous purchase of EVs. Any credits received would go towards creating a sustainable Fleet reserve to support lease payments or the purchase of new Fleet. See initial revenue breakdown in the table below.

Proposed FY25 GF Lease Payment Revenue	
FY25 Gains	\$41,000.00
General Fund – Equipment Maintenance	\$902,425.00
Total:	\$943,425.00

Deferred Fleet Vehicles:

When it became apparent that funding for Fleet vehicle/equipment replacement had run out, and there was no immediate funding strategies to support future Fleet purchases, replacement of GF Fleet vehicles and equipment was deferred. The deferred list currently has (76) vehicles/equipment from various GF departments totaling about \$5.4M. Of the 76 deferred vehicles, seven (7) of these are vehicles in urgent need of replacement. This list is including vehicles/equipment that had to be deferred for FY25. There are a few items on the overall deferred list that have, and can be deferred for a number of years, because they are limited use, have limited wear, and are not expensive to maintain.

In addition to developing a strategy to fund General Fund Fleet replacement, there is also a need to fund DPW's fleet maintenance operations to ensure that there are enough resources to adequately maintain and repair existing fleet, especially considering the age and number of deferred vehicles. Supporting this effort would likely involve a combination of increased funding for DPW Equipment Maintenance personnel and parts expenses.

As the overall size of the City's Fleet has grown over these past few years, the number of Fleet Maintenance staff numbers has stayed stagnant. National standards show that based on the size of our fleet, and the amount of Fleet Technicians (7), the ratio of Fleet Technicians to assets are skewed. A Fleet Utilization Assessment Report completed in 2018 by Management Partners, suggested the addition of a service writer, and two extra help positions that would be responsible for obtaining parts, shuttling vehicles/equipment and other shop-oriented tasks, that currently take up valuable staff time (i.e.: the Fleet Technician, Inventory Control Specialist, and Fleet Manager). Based on recent data from our Fleet Management Software (RTA), Fleet Maintenance performed an exercise in March of 2023, comparing staff size to the amount of assets per General Fund Departments, and Revenue/Special Revenue Departments. Using national standards Vehicle Equivalent Units (VEU), the exercise showed that staff numbers should be ~9.5 Fleet Technicians for General Fund Departments, and ~3 Fleet Technicians for Special Revenue Departments, or 12.5 Fleet Technicians overall.

Our current staff of 7 Fleet Technicians are trying to keep up with preventative maintenance and repairs. The Department has also outsourced larger repairs using our Contractual Vehicle repair budget. As our Fleet continues to age, with no sustainable replacement funding, costs for these repairs, will only continue to increase.

(See Attachment C urgent need deferred list)

City's NetZero by 2030 Goal – Fleet Update:

DPW Fleet has worked to advance the electrification of the City fleet where possible. This is based on the needs of the Department, whether the EV technology can support those needs, as well as the consideration of whether the EV can provide safe and efficient service to the City's residents. All new proposed fleet purchases will be reviewed for potential EV replacements. The progression of the electrification of our fleet can be seen in Attachment D.

It is important to note again, that there are no funds allotted for GF vehicle replacement in FY25, and the coming fiscal years. Until a strategy for funding these purchases is implemented, the City's priority is funding the existing GF fleet leases.

The Fleet Committee, with direction from the previous Administration, has been working with Move EV, a consultant that specializes in assisting municipalities in Fleet electrification. They have been working on the following items:

- An overview of the City's current Fleet situation, including an options report focused on insights into current operations, costs, and emissions.
- Identification of strategic improvement opportunities, service providers, vehicles, fueling, and financing strategies.
- Recommendations for changes to the City's current Fleet Policy.
- Development of a new fleet electrification plan and timeline.
- A review of the City's current driving reimbursement policy and process.
- A review of fleet vendors, assessments and savings opportunities.
- Help with identifying and responding to grant and incentive opportunities.

The Fleet Team hopes that their final report will provide the City with a Fleet electrification road map that can be incorporated in an efficient and cost effective way. Staff expects this report to be wrapped up this August or September.

SUGGESTED BOARD OF FINANCE MOTION:

1. To approve and recommend the City Council approve the proposed FY'25 Fleet Purchasing List as detailed in Attachment E cost chart, and authorize the Director of the Department of Public Works to purchase the vehicles listed therein, for a total authorized expenditure in an amount not to exceed \$343,200.00; and
2. To approve and recommend that the City Council authorize the Chief Administrative Officer to increase the foregoing authorization if necessary by not more than 15% by budget-neutral amendment, without further approval from the Board of Finance or City Council; and
3. To approve and recommend that the City Council authorize the Director of the Department of Public Works or designee to dispose of the FY25 replaced vehicles/equipment through any of the following means, as they shall in their reasonable judgement determine to be in the City's best interest, and to take such further actions and execute such further instruments approved as to form by the City attorney as may be necessary or convenient to effectuate the transactions contemplated hereby: auction the vehicles/equipment through any of various online public auctions; by trade - in where vehicle/equipment is being purchased; or, if the vehicle is of no value to the vendor, Fleet Maintenance will have the vehicle/equipment, hauled away for scrap at the current market price.

SUGGESTED CITY COUNCIL MOTION:

1. To approve the proposed FY'25 Fleet Purchasing List as detailed in Attachment E cost chart, and authorize the Director of the Department of Public Works to purchase the vehicles listed therein, for a total authorized expenditure in an amount not to exceed \$343,200.00; and
2. To approve and recommend that the City Council authorize the Chief Administrative Officer to increase the foregoing authorization if the necessary by not more than 15% by budget-neutral amendment, without further approval from the Board of Finance or City Council; and
3. To approve the Director of the Department of Public Works or designee to dispose of the FY25 replaced vehicles/equipment through any of the following means, as they shall in their reasonable judgment determine to be in the City's best interest, and to take such further actions and execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby: auction the vehicles/equipment through any of various online public auctions; by trade - in where vehicle/equipment is being purchased; or if the vehicle is of no value to the vendor, Fleet Maintenance will have the vehicle/equipment, hauled away for scrap at the current market price.

ATTACHMENT A:

Fleet Funding History:

Below is a brief timeline of how funding was supported for the City's fleet, and how it has changed over time. It provides the framework for understanding how the past has shaped the present and may provide guidance for helping us determine a new strategy focused on long-term sustainability.

- FY12-FY15: There was a moratorium on the purchase of new vehicles due to the City's financial challenges.
- FY16: The City began to purchase new vehicles again – this time utilizing FY17 a master lease. At this time, an informal fleet team started creating a list of vehicles needed each year to help the City forecast needs over time.
- FY17: A sustainable infrastructure bond replaced 3 fire trucks for \$3.3 million.
- FY17-FY18: The fleet team began creating a spreadsheet to track sustainable investment in fleet. The strategy of using master leases was working, but projections were showing financial challenges for fleet funding in out years due to increased debt payments.
- FY18: The City contracted with a fleet consultant to review how fleet was structured and recommend improvements. This resulted in a new Fleet Policy, the Fleet Committee, and a spreadsheet of needs from the consultant.
- October 24, 2019: The Fleet Policy was approved by the City Council.
- FY20: The Fleet team estimated that the sustainable fleet replacement need was approximately \$2,700,000/year. Up to this point, fleet funding had been by department. As part of the Fleet Committee and Fleet Policy development, all fleet related resources were pooled across departments into one location in order to create efficiencies in purchasing and revenues.
- FY20-FY22: It appears due to staff transitions and focus on the pandemic that during this time staff lost track of the strategic focus on need for General Fund money for lease payments.
- FY23: The Fleet Team requested the use of \$715,000 of General Fund monies to support lease payments in FY23, as we were reaching the end of the Fleet reserve funds. At that time, the Fleet Team communicated that lease payments in FY24 & FY25 were going to require the same significant General Fund support.
- FY24: Freeze on the purchase of new vehicles for General Fund Departments and a focus on the funding of FY24 General Fund lease payments. The City approved, and funded an electrification and revenue generating study to be done by Move EV, a consultant that helps organizations and municipalities transition fleets and employees to electric vehicles faster, and funnel federal and state money to municipal employees and residents.
- FY25: Freeze on the purchase of new vehicles for General Fund Departments and a focus on the funding of FY25 General Fund lease payments.

Over the last several fiscal years, through effective coordination and purchasing vehicles through master leases, the City was able to make significant reinvestments in its municipal fleet. Now the City is entering a very challenging multi-year fiscal year period for multiple reasons:

- As discussed above, vehicle replacement funding was pooled from Police, Public Works and Parks starting in FY20. However, not all revenues from pooling vehicle replacement funding from Police, Fire, Public Works and Parks were able to be kept each fiscal year for fleet needs due to shortfalls in General Fund operating budgets.
- Several recent revenue ballot items were not successful at the ballot box (Fall 2021 \$40M capital bond proposal and FY23 proposed municipal tax increase).
- After multiple years of financing to purchase new vehicles, the City is now carrying significant debt service payments for vehicles previously received.
- The Fleet Team is also continuing to manage constraints within the vehicle industry related to ordering and purchasing of vehicles and equipment. This includes delays in vehicle manufacture and delivery for both internal combustion and electric vehicles.
- With existing fleet funding limited to gains (revenue from selling older vehicles), remaining fleet reserve funds, and some impact fees; alternative sources of funding will need to be identified to support that ~\$1M/year in lease payments through FY25. There will continue to be a ~\$2M/year need to replace the City's fleet, though this number will likely be higher as the deferred list has increased over the last two years. As noted in the memo, the current deferred vehicle replacement list is valued at \$5.4M.

ATTACHMENT B:

Fleet Replacement List:

Department	Equip. #	Year	Make	Model	Purchase Cost	Replacement Interval	Replacement Date
Parking Enforcement	PE 1709	2017	Ford	Focus	\$35,000	7	2024
Police	P47	2001	Pace	Cargo Sport	\$2,398	15	2016
Water	Z05	2013	John Deere	75G Excavator	\$108,000	10	2023
Water	Z314	2015	Ford	F550	\$49,800	10	2025

ATTACHMENT C:**Urgent Need Deferred List:**

General Fund Fleet - FY25 Urgent Replacements						
Dept	Equip #	Year	Make	Model	Description	Replacement Cost
Fire	FA5	2014	Ford	F-450	Rescue	\$450,000.00
Police	P06	2016	Ford	Explorer	Supervisor	\$88,735.00
Police	P09	2015	Ford	Explorer	Supervisor	\$88,735.00
					Line	
Police	P10	2016	Ford	Explorer	Cruiser	\$88,735.00
					Line	
Police	P11	2017	Ford	Explorer	Cruiser	\$88,735.00
Police	P34	2015	Ford	Taurus	Detective	\$50,000.00
Parks	PR47	2016	Jacobsen	HR9016T	Mower	\$130,000.00
Total:						\$984,940.00

ATTACHMENT D:**Progression of Fleet Electrification:**

	FY19	FY20	FY21	FY22	FY23	FY24	FY25	AVG	TOTAL
ELECTRIC	0	1	6	7	4	3	1	3.14	22
HYBRID	5	3	4	6	1	2	0	3.14	21
TOTAL FLEET									
PURCHASE	13	16	28	24	18	7	5	15.86	111
% OF EV	0%	6%	21%	29%	22%	43%	2%	20%	20%

***Does not include trailers, bicycles, other non-powered equipment, or Burlington Electric Department vehicles.**

***Includes Water Resources and Traffic/Parking Services vehicles/equipment.**

ATTACHEMENT E:

Cost chart. (See attachment in packet)

Department	Division	Vehicle ID	Vehicle	Recommendation	Replacement Interval	Lease Duration Years	Funds From Parking Services	Funds From Impact Fees	Funds From Water Resources	Vehicle Units	Cost of Carbon		Total Cost				
											Fossil Fuel	Hybrid/CNG	Fossil Fuel Purchase Cost	Hybrid/CNG(after rebates)	Total Vehicle Purchase Price w/ Cost of Carbon	Electric	Rebate
Parking Enforcement	Parking	PE1709	Ford Focus	Electric	7		1			1	\$1,800	\$1,200	\$24,000	\$37,000	\$38,200	\$40,000.00	\$2,300.00
Police	Police	P47	Range Trailer		15			1		1	N/A	N/A	\$7,500	N/A	N/A	N/A	N/A
Water Resources	Water Distribution	Z05	John Deere Excavator	Fossil Fuel	10	7			1	1	N/A	N/A	\$165,000	N/A	N/A	N/A	N/A
Water Resources	Water Distribution	Z314	Ford F550	Fossil Fuel	10	7			1	1	\$8,600	N/A	\$120,000	N/A	128600	N/A	N/A
Total								1	2	4	\$10,400	\$1,200.00	\$316,500	\$37,000.00	\$166,800	\$37,700.00	0
FY25 Vehicles Leased Annually @ ~4.5%		Lease Term		Value	Number of Leases												
Water Resources		7 year		\$285,000	2												
Total Including Interest				\$298,000	2												
Total FY25 Fleet Purchase Amount	\$343,200																

Board of Finance and City Council Submission Checklist

Department: Public Works Submitter: Lee Perry

Title/Subject: FY25 Fleet Purchases

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/26/2024	Approved by Chapin Spencer
Mayor's Office informed and approved memo	Yes	7/30/2024	Approved by Joe Magee
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, -Identify attorney in note			Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/30/2024	Approved by Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/30/2024	Approved by Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	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	Cost chart sent as an attachment
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
DEPARTMENT OF PUBLIC WORKS**

645 Pine St. Suite A
Burlington, VT 05401
802.865.7200 VOX
802.863.0466 FAX
802.863.0450 TTY

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Lee Perry
*DIVISION DIRECTOR
DPW MIANTENANCE DIVISION*

Date: August 5, 2024
August 12, 2024

To: Board of Finance & City Council

From: Chapin Spencer, Director Public Works
Lee Perry, Division Director – Maintenance Division
Dave Hammond – Fleet Manager
Scot Barker – CIO Innovation & Technology Department
Ashley Parker, Capital Program Director

Subject: Fleet Telematics

REQUEST:

The Department of Public Works (DPW) Fleet Maintenance Department and the City's Innovation & Technology Department (I&T) request Board of Finance approval, and recommendation to City Council, to enter into a three (3) year contract with Samsara Incorporated, for services and equipment related to implementation of a Fleet Telematics system. The resulting contract has a maximum limiting amount of \$178,666.16 (an initial purchase price of \$59,948.72 and two annual payments of \$59,358.72), which would cover the entire City of Burlington Fleet.

BACKGROUND:

Vehicle telematics combines Global Positioning Systems (GPS), on board vehicle diagnostics, wireless telematics devices, and black box technologies to record and transmit vehicle data, such as speed, location, maintenance requirements and servicing, while also cross-referencing data with the vehicles internal behavior.

In early January of 2020, DPW Fleet Maintenance Team and the City's Capital Program Manager started to look into the use of telematics as a way to bolster our management of the City's Fleet. The City suffers from costly and complex fleet management due to a lack of information concerning real-time condition, usage, and location of its equipment. One of the recommendations stemming from the ongoing moveEV Fleet Electrification study was that the City continue to pursue the use of Telematics in order to improve the management and monitoring of existing Fleet. Recently, the Chief Administrative Officer (CAO) asked Fleet Maintenance to meet with vendors, create a request for quote, (RFQ), and move forward with implementing telematics into all City fleet vehicles and equipment. As a result, Fleet Maintenance has met with multiple vendors and demoed their software and equipment to see what would best suit our fleet needs. DPW Fleet Maintenance and I&T have selected a vendor through

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

Sourcewell's cooperative purchasing program that will suit our fleet needs. (Cooperative purchasing is a process whereby goods are competitively bid by a private vendor like Sourcewell or another public agency, such as the federal General Services Administration, so that public agencies like Burlington that may not be able to reach a national audience through its own procurement processes can compare products and prices based on pre-existing competitive bids. This is considered a preferred contract procurement method for purchasing equipment and other good goods or related services, although it is not yet sanctioned by the City's existing purchasing policy without separate sole source approval or the approval of the Board of Finance and/or City Council for contracts within their approval authority.)

If implemented, telematics will offer multiple benefits:

Financial

Reduction of fleet capital life cycle costs.

- Fuel- Idle mitigation, efficient routing (snow plows, sidewalk tractors, dispatching), cost of carbon avoidance
- Maintenance- Predictive maintenance via real-time diagnostics and GPS. Real-time alerts sent via email to Fleet Manager will prevent future costly repairs if gone undetected.
- Accident/Insurance- Defensibility for employees regarding public complaints/accidents.
- Labor- Accurate fuel data means less time correcting erroneous fuel entries, catching repairs before they develop into larger more costly repairs that consume a large portion of our Fleet Technicians time, and outside vendor repair budget.
- Fleet Replacement Frequency and right sizing- Reports can show what vehicles are underutilized, and may be able to be sold or shared, to right size the fleet.

Environmental

Reduction of fuel use

- Idle monitoring and mitigation
- Correcting driving habits (harsh acceleration, speeding)
- Air Quality benefits (reducing our carbon footprint)
- Usage data to inform future applicability of electric vehicles, hybrids, or removal for future capital replacement based on use.

Safety

Telematics aids in

- Promoting safer driver habits through driver reporting and coaching.
- Protecting City employees who are working alone throughout the City.

Budget & Funding:

As noted previously, the contract will be structured to have a Maximum Limiting Amount of \$178,666.16 over three years. This will allow for full deployment of Telematics across all City Fleet. See table below summarizing total implementation costs by deployment type.

Samsara Fleet Telematics Deployment Quotes	
Full Deployment	
Year 1	\$59,948.72
Year 2	\$59,358.72
Year 3	\$59,358.72
Total:	\$178,666.16

The initial purchase of Telematics is a capital expense and there has been funding identified in the Asset Management Capital Budget to cover the year one purchase. The remaining two years of the contract will need to be built into the City's Innovation & Technology Operating Budget, in the Software Licensing and Maintenance GL. Potential funding sources for years two and three include cost savings from the telematics implementation, as well as cost sharing with Revenue/Special Revenue Departments.

Summary:

The City has identified funding in the Asset Management Capital Budget to implement telematics fleet-wide. Due to potential policy issues concerning some departments, the scope of implementation of telematics in the City's fleet could be reduced, therefore, Samsara was amenable to quoting a maximum limiting amount (entire city fleet) while accepting a lower contract cost if the City must exclude two (2) departments (BED and BPD). This allowance helped keep the process moving, and if possible, the other two (2) departments can be added later. The total cost of the three (3) year contract, maximum limiting amount is \$178,666.16.

The services covered in the contract include the following:

- Hardware and accessories, includes all equipment needed to mount and install devices in each vehicle/equipment
- Licensing, for various equipment

Motions:

Board of Finance:

To approve and recommend that City Council authorize the Chief Innovation Officer to enter into a three (3) year contract with Samsara Incorporated, to supply the City Fleet with their Telematics software & equipment as stated in Samsaras quote #Q-1396189, for a maximum limiting amount not to exceed \$178,666.16., subject to review and approval of the City Attorney's Office.

City Council:

To authorize the Chief Innovation Officer to enter into a three (3) year contract with Samsara Incorporated, to supply the City Fleet with their Telematics software and equipment, as stated in Samsaras quote #Q-1396189, for a Maximum limiting amount not to exceed \$178,666.16., subject to review and approval of the City Attorney's Office.



Samsara Inc
1 De Haro Street
San Francisco, CA 94107
www.samsara.com

QUOTE #Q-1396189

Issued 07-29-2024

Expires 08-31-2024

Sourcewell Contract #: 020221-SAM

Prepared For:

City of Burlington
645 Pine St
Burlington, Vermont
05401

Prepared By:

Matthew Duarte
matthew.duarte@samsara.com

Quote Summary

Subtotal

Hardware and Accessories

USD \$590.00

Licenses

License Term – 36
Months

Shipping and Handling

USD \$0.00

Upfront Hardware Sales Tax

USD \$0.00

Annual License Sales Tax

USD \$0.00

First Year Payment

USD \$59,948.72

**Payments Beginning Year
Two**

USD \$59,358.72

If shipping is "Pending" - Amount is pending due to size of order; Shipping and Handling subject to change.
If Sales tax is "Pending" – Final amount will be provided prior to payment
*3% fee charged on non-ACH charges (Canada Exempt)
*Sales tax subject to change

SHIP TO Dave Hammond 645 Pine St Burlington, Vermont, 05401 United States			
Hardware and Accessories	Quantity	Net Unit Price	Total Price
Vehicle IoT Gateway, model VG55 HW-VG55-NA	214	\$0.00	\$0.00
VG54 Aux Cable CBL-VG-CAUX	214	\$0.00	\$0.00
Enhanced VG Series OBDII J1962 L-mount cable CBL-VG-COBDII-Y1	160	\$0.00	\$0.00
AG52 Powered Asset Gateway HW-AG52	118	\$0.00	\$0.00
Mounting Bracket for AG51, AG52, and AG53 ACC-AG-BMNT	118	\$5.00	\$590.00
AG Equipment Monitoring Cable CBL-AG-BEQP	83	\$0.00	\$0.00
Enhanced VG Series J1939 or J1708 (9-pin) CBL-VG-CJ1939	39	\$0.00	\$0.00
CBL-AG-BPWR CBL-AG-BPWR	35	\$0.00	\$0.00
Powered asset gateway HW-AG26	16	\$0.00	\$0.00
AG J1939 9pin cable CBL-AG-A9PIN	15	\$0.00	\$0.00
Enhanced VG Series direct-wire non-diagnostic power cable CBL-VG-CPC	6	\$0.00	\$0.00
Enhanced VG series 1226 cable CBL-VG-CRP1226	6	\$0.00	\$0.00
Enhanced VG Series OBDII J1962 L-mount cable for Ram Promaster and similar CBL-VG-COBDII-Y2	3	\$0.00	\$0.00
9-pin Caterpillar cable CBL-AG-ACT9	1	\$0.00	\$0.00
Hardware Due			USD\$590.00

Licenses	Quantity	Annual Unit	Total Annual
----------	----------	-------------	--------------

		Price	Price
License for Vehicle Gateways - Public Sector Only, No WiFi, No ELD LIC-VG-PS	214	\$199.68	\$42,731.52
License for Basic Powered Asset Tracker LIC-AG-PWR-BASIC	118	\$119.04	\$14,046.72
License for Asset Gateways LIC-AG2-ENT	16	\$161.28	\$2,580.48
		Annual License Due	USD \$59,358.72

Thank you for considering Samsara for your fleet.

Samsara provides real-time visibility, business-relevant tools, and powerful analytics that enable customers to increase the productivity of their fleets and reduce operating costs. A solution for your fleet is proposed below.

What is included?

Samsara's fleet tracking solution includes hardware accessories and a per-gateway license. Gateway licenses provide all ongoing elements of the service, including:

- Real-time location and vehicle telematics
- Dashboard access with unlimited administrator accounts
- Driver App for iOS and Android devices with unlimited driver accounts
- Over-the-air software feature upgrades
- API access as it relates to features for integration with 3rd party systems
- Maintenance and phone support

Samsara does not include hidden costs in its licenses. If you want access to Samsara's full set of fleet features--including but not limited to WiFi hotspot and ELD capabilities--you will need to upgrade your license. Samsara reserves the right to audit usage of features unrelated to the solution as well as remove them from the Samsara Dashboard.

Payment Terms

This order form includes a license fee for the Samsara Software associated with the Hardware to be paid annually beginning on the License Start Date and, if applicable, a one-time Hardware cost to be paid upfront as of the license start date. The annual fees are payable by recurring wire transfer. All transfers made by credit card are subject to a processing fee up to 3%, subject to applicable law. Late payments are subject to a 1.5% per month late fee. If license payments are delinquent by 30 days, Samsara may suspend the Service until late payments are remitted.

License Term

The license term for the Samsara Software licenses purchased under this Order Form begins on the day Samsara activates the applicable Samsara Software license by providing you a claim number and access to the Hosted Software ("License Start Date"). If Hardware associated with a then-unactivated Samsara Software license will be shipped to you under this Order Form, such Samsara Software license will be activated on the day the Samsara Hardware ships.

Notwithstanding the foregoing, if you are renewing the license term for a previously-activated Samsara Software license under this Order Form, the License Start Date for the renewal license term shall be the day that Samsara extends your access to the Hosted Software for the renewal license term. Samsara Hardware requires a valid license to function.

Samsara may ship Hardware under this Order Form subject to a schedule as mutually agreed between the Parties or as determined by Samsara. By signing this Order Form, you confirm that each "Ship To" delivery address set forth herein is accurate and that any individual accepting delivery at that address is authorized to do so on your behalf. To the extent such Hardware is associated with then-unactivated Samsara Software licenses, the Samsara Software license term for each such Hardware device will start on the day that device ships regardless of the shipment schedule for the other such Hardware devices. If all such Hardware is shipped in one shipment, the license term for all such Hardware will be the full license term under this Order Form. If such Hardware is shipped in multiple shipments, only the license term of such Hardware in the initial shipment will be such full license term. The license term of the remaining such Hardware shipped after the initial shipment will be set to match the then-remaining license term of the initial shipment, so that the license term for all such Hardware under this Order Form expires on the same date. The total cost of the licenses for such Hardware shipped after the initial shipment will be pro-rated based on their actual license term, rounded up to the nearest month, as compared to the full license term under this Order Form. Certain payment amounts under this Order Form assume that the entire order is fulfilled at the same time and are subject to potential reduction based on the actual schedule of order fulfillment.

You agree that you will only use the features included with the Samsara Software licenses purchased under this Order Form ("Licensed Scope"). Samsara reserves the right to audit usage of Samsara Software and to remove your access to such features beyond the Licensed Scope (for example, the licensed feature scope or licensed user count, as applicable) at any time. If you would like to use features beyond the Licensed Scope, you are required to purchase the applicable Samsara Software licenses and if applicable install the applicable Hardware that include such scope. If Samsara becomes aware that you are using features beyond the Licensed Scope, Samsara reserves the right to charge you for the applicable Samsara Software licenses that include such Licensed Scope at list price, and you agree to immediately pay such amounts. Samsara further reserves the right to change, discontinue, or remove features included in a Samsara Software license at any time.

You acknowledge and agree that, during your license term, you may not downgrade your Samsara Software license plan to a lower Samsara Software license plan (e.g., downgrading your "Enterprise" license to a "Premier" license).

Support and Warranty

Samsara stands behind its Products. During the applicable warranty period, defective Hardware will be remedied pursuant to our Hardware Warranty Policy at www.samsara.com/support/hardware-warranty. Additional support information can be found at www.samsara.com/support.

Terms

Unless otherwise set forth herein, your use and access of the Hardware, Products, and Services specified herein are governed by Samsara's standard terms of service found at <https://www.samsara.com/terms-of-service>, unless the Parties have entered into a separate terms of service agreement and/or a separate terms of service agreement is attached to the Order Form, in which case such separate terms of service agreement shall govern (the 'Terms of Service') provided that notwithstanding anything stated in the Terms of Service to the contrary, Customer agrees the following sections from Samsara's standard terms of service found at <https://www.samsara.com/legal/public-sector-customers-platform-terms-of-service/> shall apply: License (Section 4), Product Updates (Section 7), Data Protection Addendum (Section 10.3), Non-Samsara Products (Section 14), and Hardware Warranty (Section 17). You agree to be bound by the Terms of Service, and any capitalized terms not defined herein shall have the meaning set forth in the Terms of Service. The terms and conditions of the Terms of Service and this Order Form are the exclusive agreement of the parties with respect to the subject matter hereof and no other terms or conditions, including those associated with any Customer payment portal or onboarding of Samsara as a Customer vendor, shall be binding upon Samsara or otherwise have any force or effect.

To the extent Samsara allows you to make subsequent purchases of Products via Purchase Order without a corresponding Quote, you agree that (i) such Purchase Order shall be subject to the terms and conditions of this Order Form, including with respect to payment and license terms, as well as the applicable Terms of Service; and (ii) to the extent there is a conflict between such Purchase Order and this Order Form, including with respect to payment and license terms, as well as the applicable Terms of Service, the terms of this Order Form shall prevail, and no additional terms included in such Purchase Order that are not included in this Order Form shall apply. You acknowledge and agree that any reference to a Purchase Order in this Order Form is solely for your convenience in record keeping, and the existence of a Purchase Order or any delivery of Products to you following receipt of any Purchase Order shall not be deemed an acknowledgement of or agreement to any terms or conditions associated with any such Purchase Order or in any way be deemed to modify, alter, supersede or supplement the Terms of Service or this Order Form.

The continuation of this Order Form one (1) year after the license start date and annually thereafter is contingent upon the appropriation of sufficient funds by Customer. If sufficient funds fail to be appropriated by Customer to provide for the continuation of the Order Form for Customer's then-subsequent fiscal year, Customer may terminate this Order Form with prior written notice effective as of the later of the date of the beginning of such subsequent fiscal year and the end of the then-current annual license period. If Customer so terminates this Order Form, Samsara shall be entitled to payment of and for: all amounts due as of the date of termination; deliverables in progress; liabilities, fees, or costs caused by such termination including for obligations that extend beyond the date of termination; and reasonable Order Form close-out costs.

Notification of Confidentiality

You agree that the pricing and payment terms specified in this Order Form shall (i) be held in strict confidence; (ii) not be disclosed to any Samsara competitor or other entity, except as pre-approved in writing by Samsara; and (iii) not be used except to evaluate the suitability of the Samsara Products for your business. You will immediately notify Samsara in the event of any unauthorized use or disclosure under these terms. Violation of these obligations will cause irreparable harm to Samsara for which Samsara may obtain compensatory and timely injunctive relief from a court, as well as any other remedies that may be available, including recovery of all reasonable attorney's fees and costs incurred in seeking such remedies. Your obligations specified herein shall last until the pricing and payment terms herein are, through no fault or action by you, public. This Order Form is a legally binding agreement between you ("Customer") and Samsara Inc. ("Samsara"). IN WITNESS WHEREOF, Customer has caused this Order Form to be executed by its duly authorized representative.

I confirm acceptance of this Order Form on behalf of the Customer identified herein and represent and warrant that I have full and complete authority to bind the Customer to this Order Form, including all terms and conditions herein." "Please confirm acceptance of this Order Form by signing below:

Signature

Print Name:

Date:

Board of Finance and City Council Submission Checklist

Department: Department of Public Works/ I&T Submitter: Lee Perry

Title/Subject: Fleet Telematics

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/30/2024	Approved by Scot Barker
Mayor's Office informed and approved memo	Yes	7/31/2024	Approved by Joe Magee
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, -Identify attorney in note			Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/30/2024	Approved by Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/30/2024	Approved by Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Quote included in memo
Contract Attached, if applicable?		
Additional Materials, if necessary		
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.



To: Board of Finance and City Council

From: Cindi Wight, Director of Parks, Recreation & Waterfront
Melissa Cate, Recreation Facilities Superintendent

Date: August 5, 2024

Re: BSD Lease at Miller Community Recreation Center

Request:

Approve a 2024-25 school-year lease with the Burlington School District to assume operations of the teen center, previously run by Sara Holbrook Community Center, at the Miller Center.

Background:

Sara Holbrook Community Center (SHCC) has run a popular teen center out of the Miller Center since it's opening by the City of Burlington in 2008. This afterschool drop-in program allows students from Hunt Middle School to utilize dedicated space as well as the gymnasium for a variety of activities throughout the school year. SHCC began to experience financial challenges and, as a result, stopped paying rent to the City as of January 1, 2023. The City negotiated a repayment plan, beginning in January 2024 but, to date, only one monthly payment has been made. SHCC's lease expired in January 2024 and was not renewed. In July SHCC announced that their organization has become insolvent and has had to discontinue programming as of July 31, 2024. In an effort to continue to provide out of school opportunities to teens in the New North End, the Burlington School District (BSD) has agreed to operate the teen center for the 2024-2025 school year. BSD has grant funding in place to staff the after-school program, but not to cover the rent that SHCC had previously paid. It is a benefit to the City to have its young people engaged in safe, fun activities guided by caring mentors. In recognition of BSD's investment in the after-school program and its commitment to seeking funding to cover Miller rent in future years, the recommendation is to enter into a 2024-25 school-year lease with BSD for use of the Miller Center for no fee under similar terms to SHCC's.

Motions:

Board of Finance Motion

To approve and recommend that the City Council authorize the lease of space in the Miller Center located at 130 Gosse Court, to include shared use of the gymnasium, as well as exclusive use of the



designated teen center space, two adjacent offices and a storage closet off of the gym, to the Burlington School District for the 2024-25 school-year, and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's office.

City Council Motion

To approve and authorize the lease of space at the Miller Center located at 130 Gosse Court, to include shared use of the gymnasium as well as exclusive use of the designated teen center space, two adjacent offices, and a storage closet off of the gym to the Burlington School District for the 2024-25 school year and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's Office.

Board of Finance and City Council Submission ChecklistDepartment: Parks, Recreation & Waterfront Submitter: Cindi Wight & Melissa CateTitle/Subject: BSD Lease of Miller Center Space

	Approval:	Meeting Date:
☐	Board of Finance	8/5/2024
☐	City Council	8/12/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/29/2024	Cindi Wight
Mayor's Office informed and approved memo	Yes	7/30/2024	Joe Magee
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	No	7/30/2024	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/30/2024	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	7/31/2024	Katherine Schaad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Click or tap here to enter text.
Additional Materials, if necessary	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?	No	Click or tap here to enter text.



To: Board of Finance and City Council
From: Cindi Wight, Director of Parks, Recreation & Waterfront,
Dan Cahill, City Land Steward,
Deryk Roach, Central Facilities and Park Superintendent
Date: August 8, 2024
Re: Lease of McKenzie Park

Request:

Approve a ten-year lease of portions of McKenzie Park with the Intervale Center.

Background:

McKenzie Park is a 63.28 acre City parkland adjacent to Intervale farms (see map). Approximately 30 of these acres are wooded with a Silver Maple Wetland Forest, which is a rare natural community in Vermont. The property has approximately 1.75 miles of natural surface trail in the forest, on the farm road, and on the edges of the open field space.

For over 30 years the Intervale Center has been working to enhance the viability of Burlington's Intervale. Through their work, there has been significant investments to the soil quality, ecology, and most notably local agriculture. The Intervale Center's work supports farmer innovation, mobilizes climate action, and strengthens the access and viability of the local food network.

The Intervale will sub-lease the proposed lease area to local farmers, to provide more commercial agricultural space in Burlington. The proposed lease land has more protection from flooding due to a higher elevation than other Intervale farms.

Proposed Lease Property Description:

The proposed 22.32 acres of leased land are in two sections, one that is 17.29 acres, and one that is 5.03 acres. Both areas are situated within historically underutilized open field spaces within McKenzie Park. The leased areas would not obstruct or limit the portions of the property currently used for active and passive recreation.



The property is abutted by agriculture land to its west and south, and the Winooski River to the east and north. The abutting agricultural land is in active use, and also has community-accessible trails that continue through the McKenzie Parcel.

Key Terms of the Lease

Two key features of the proposed lease are the length of the lease and the annual price per acre.

- Length of Lease - the proposed terms of a 10-year lease is the minimum timeline that will allow the Intervale Center and farmers they work with to have needed security and stability, given the investments needed to maintain soil quality and organic agriculture.
- Price Per Acre - the proposed starting rate of \$100 per acre is a rate that will allow the Intervale to maintain affordability for the needed investments to mobilize agricultural use and to maintain accessibility for farmers. This rate will be adjusted annually to reflect increases in the cost of living as reflected in the Consumer Price Index for all Cities, all Urban Consumers, published by the Bureau of Labor Statistics of the United States Department of Labor or equivalent replacement index or an increase of 3%, whichever is higher. In no event shall the annual rental rate be less than the immediately preceding rate.
 - The Intervale currently leases land to local farmers for approximately \$250/acre. With the City leasing to the Intervale, we do not need to take on the investments and ongoing maintenance to bring the land up to a standard for commercial agriculture. All active farms lease land in the Intervale from the Intervale Center, who provides consistent and professional management of land and resources.

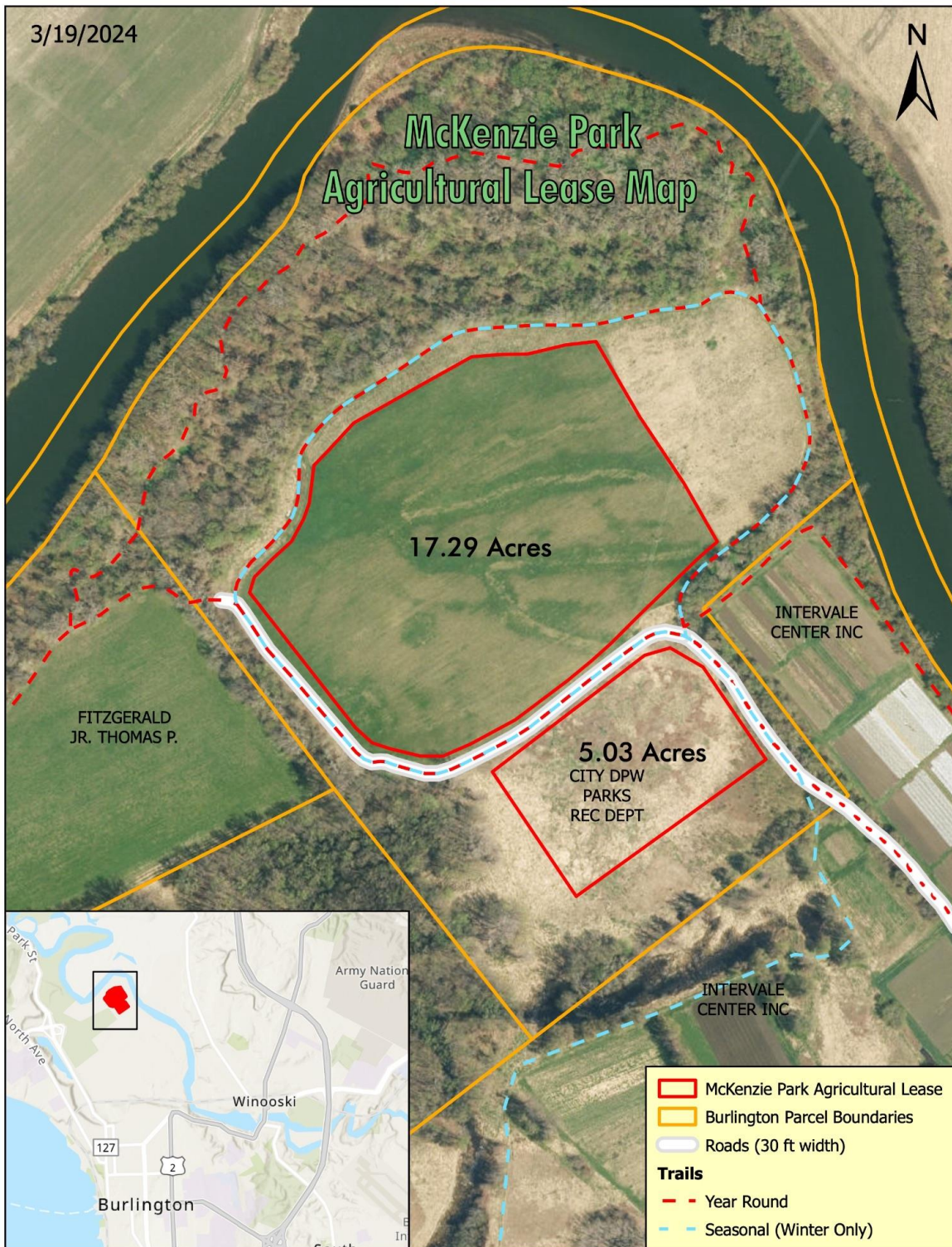
Motions:

Board of Finance Motion

To approve and recommend that the City Council authorize the lease of 22.32 acres of McKenzie Park to the Intervale Center for a ten-year period for commercial agricultural purposes, and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's office.

City Council Motion

To approve and authorize the lease of 22.32 acres of McKenzie Park to the Intervale Center for a ten-year period for commercial agricultural purposes, and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's office.



Board of Finance and City Council Submission Checklist

Department: BPRW Submitter: Cindi Wight

Title/Subject: Intervale Lease

	Approval:	Meeting Date:
☒	Board of Finance	8/5/24
☒	City Council	8/12/24
☐	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	7/29/24	Cindi Wight
Mayor's Office informed and approved memo	Yes	7/30/24	Joe Magee
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Hayley McClenahan – finalizing draft after BOF/CC approves
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/30/24	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	7/30/24	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	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.



MEMORANDUM

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

FROM: Jon Murad, Chief of Police 

CC: Shannon Trammell, Executive Manager

DATE: August 5 (BoF) / August 12 (CC), 2024

SUBJECT: Authorization to Sign a Contract for Body-Worn Cameras, Conducted-Electrical Weapon, and Storage for BWC Footage with Axon Enterprise, Inc.

REQUEST

The BPD seeks Board of Finance recommendation and City Council authorization to execute an agreement to purchase new Body-Worn Cameras, Conducted-Electrical Weapons, unlimited BWC Footage Storage, and various technical software support solutions outlined in the attached proposal with Axon Enterprises, Inc. for \$1,393,969.92 over a 5-year term.

EXECUTIVE SUMMARY

Background:

In 2021, the BPD entered into a five-year contract with Axon Enterprise, Inc. (Axon) for the purchase of new Body-Worn Cameras (BWC). That contract covered the purchase of new BWC and 2.8TB of a-la-carte data storage for BWC footage. The BPD is currently storing approximately 40TB of footage, which is roughly 37.2TB over the contractual amount.

Since that contract was signed, several factors have increased this storage requirement, including: the expanded use of the footage for transparency over the recent years, the increase in incidents throughout the City, and a Statewide Body Camera Policy that now mandates the retention of BWC footage be “held in accordance with the State’s record retention act for law enforcement records” and varies by incident type.

Axon’s structure for data storage has also changed since the 2021 contract and moved from an a-la-carte model to an unlimited storage model. Under the current contract, making the data overages current and upgrading to an unlimited storage model for the remainder of the contract would require approximately \$130,000.

Addressing the data overage is only part of the dilemma BPD is facing. BPD's Conducted-Electrical Weapons (TASERs) were initially purchased in 2015. The current model BPD has, the X2, are out of warranty and out of date in regards to modern and effective devices. On top of this, the X2 is no longer a manufactured model and the support for them has been phased out as of March 2023. Axon is no longer able to replace these units and it is unknown how long the cartridges and batteries will be available for them. BPD has been cycling through its remaining inventory, to outfit new recruits and using what it had to replace damaged or defective ones, but its ability to continue to do this is nearing its limit.

Accordingly, the BPD has worked with Axon to negotiate a new contract that eliminates the data overages and provides unlimited data storage, provides a new model of TASERs (TASER 10) and new Body-Worn Cameras, and also has additional software support solutions, all of which lead to safer outcomes for both officers and subjects, including fewer injuries, less liability, and continued transparency while operating within the State's policy.

In addition to the new hardware and unlimited storage, this new contract includes some additional software support solutions to include: virtual reality training equipment, automatic incident tagging to free up administrative tasks for tagging BWC footage, auto transcription, redaction assistant tools, all the batteries, cartridges, and training cartridges for new TASERs over the term of the contract, instructor recertification's for those that administer the TASER program, and My90, a tool to collect immediate feedback on calls for service and allow for public & staff surveys and engagement.

Project Funding:

BPD has been working through the contract details with Axon for quite some time and articulated this need during the FY25 budget process. With the passing of the FY25 budget, the funds for this contract are available in G/L: 101-17-050-7200_115, Capital Leases Equipment, for the first year.

A credit of \$143,543.95 has been applied to this new contract for monies paid under the previous 2021 contract, making the payment summary for this contract is as follows:

Sept. 2024	\$278,728.76
Sept. 2025	\$278,810.29
Sept. 2026	\$278,810.29
Sept. 2027	\$278,810.29
Sept. 2028	\$278,810.29

Bidding and Contractor Selection:

Axon has an approved contract through Sourcewell, in which the City of Burlington is a participating agency. Working through Sourcewell fulfills the City's competitive procurement process. This contract is being sourced and awarded through that contract.

Sourcewell is a company that serves government, education, and nonprofit organizations with a cooperative purchasing program at manages solicitations, contracts, and competitive pricing agreements.

Department Contact:

If you have any questions, please contact Shannon Trammell, Executive Manager at strammell@bpdvt.org or (802) 540-2107.

ATTACHMENTS

A. Axon Enterprise, Inc Quotation dated 6/17/2024

MOTIONS

The Burlington Police Department respectfully requests the Board of Finance and City Council approve the following motions:

Board of Finance:

To approve and recommend that the City Council approve and authorize the Chief of the Burlington Police Department to enter into an agreement with Axon Enterprise, Inc., to purchase new Body-Worn Cameras, Conducted-Electrical Weapons, unlimited BWC Footage Storage, and various technical software support solutions outlined in the attached proposal with Axon Enterprises, Inc. not to exceed \$1,393,969.92 over a 5-year term, subject to review by the City Attorney's Office.

City Council:

To approve and authorize the Chief of the Burlington Police Department to enter into an agreement with Axon Enterprise, Inc., to purchase new Body-Worn Cameras, Conducted-Electrical Weapons, unlimited BWC Footage Storage, and various technical software support solutions outlined in the attached proposal with Axon Enterprises, Inc. not to exceed \$1,393,969.92 over a 5-year term, subject to review by the City Attorney's Office.

Thank you for your continued support.



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-457783-45460.593JK

Issued: 06/17/2024

Quote Expiration: 08/30/2024

Estimated Contract Start Date: 10/01/2024

Account Number: 116180

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Burlington Police Dept. 1 North Ave Burlington, VT 05401-2946 USA	Burlington Police Dept. - VT 1 North Ave Burlington VT 05401-2946 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Joe Kwiatek Phone: Email: jkwiatek@axon.com Fax:	Oren Byrne Phone: 8026582700 Email: obyrene@bpdvt.org Fax: (802) 8657579

Quote Summary

Program Length	60 Months
TOTAL COST	\$1,393,969.92
ESTIMATED TOTAL W/ TAX	\$1,393,969.92

Discount Summary

Average Savings Per Year	\$189,473.48
TOTAL SAVINGS	\$947,367.38

Payment Summary

Date	Subtotal	Tax	Total
Sep 2024	\$278,728.76	\$0.00	\$278,728.76
Sep 2025	\$278,810.29	\$0.00	\$278,810.29
Sep 2026	\$278,810.29	\$0.00	\$278,810.29
Sep 2027	\$278,810.29	\$0.00	\$278,810.29
Sep 2028	\$278,810.29	\$0.00	\$278,810.29
Total	\$1,393,969.92	\$0.00	\$1,393,969.92

Quote Unbundled Price:	\$2,341,337.30
Quote List Price:	\$1,841,018.30
Quote Subtotal:	\$1,393,969.92

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
100553	TRANSFER CREDIT - SOFTWARE AND SERVICES	1			\$1.00	(\$86,095.69)	(\$86,095.69)	\$0.00	(\$86,095.69)
100552	TRANSFER CREDIT - GOODS	1			\$1.00	(\$57,448.26)	(\$57,448.26)	\$0.00	(\$57,448.26)
M00012	BUNDLE - OFFICER SAFETY PLAN 10 PLUS	87	60	\$392.23	\$297.90	\$257.24	\$1,342,792.80	\$0.00	\$1,342,792.80
BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	2	60	\$73.05	\$36.07	\$36.07	\$4,328.40	\$0.00	\$4,328.40
BWCamTAP	Body Worn Camera TAP Bundle	13	60	\$38.26	\$33.80	\$32.48	\$25,336.87	\$0.00	\$25,336.87
A la Carte Hardware									
H00002	AB4 Multi Bay Dock Bundle	2			\$1,638.90	\$1,638.90	\$3,277.80	\$0.00	\$3,277.80
H00001	AB4 Camera Bundle	15			\$849.00	\$849.00	\$12,735.00	\$0.00	\$12,735.00
H00002	AB4 Multi Bay Dock Bundle	11			\$1,638.90	\$0.00	\$0.00	\$0.00	\$0.00
H00001	AB4 Camera Bundle	85			\$849.00	\$0.00	\$0.00	\$0.00	\$0.00
A la Carte Software									
73638	AXON STANDARDS - LICENSE	31	60		\$10.85	\$10.85	\$20,181.00	\$0.00	\$20,181.00
100590	AXON MY90 - LICENSE	87	60		\$10.85	\$10.85	\$56,637.00	\$0.00	\$56,637.00
BasicLicense	Basic License Bundle	31	60		\$16.27	\$16.25	\$30,225.00	\$0.00	\$30,225.00
A la Carte Services									
101267	AXON VR - PSO - FULL INSTALLATION	1			\$12,000.00	\$12,000.00	\$12,000.00	\$0.00	\$12,000.00
73896	AXON STANDARDS - IMPLEMENTATION SERVICE	1			\$30,000.00	\$30,000.00	\$30,000.00	\$0.00	\$30,000.00
Total							\$1,393,969.92	\$0.00	\$1,393,969.92

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Shipping Location	Estimated Delivery Date
AB4 Camera Bundle	100147	AXON BODY 4 - CAMERA - NA US FIRST RESPONDER BLK RAPIDLOCK	85		09/01/2024
AB4 Camera Bundle	100147	AXON BODY 4 - CAMERA - NA US FIRST RESPONDER BLK RAPIDLOCK	15		09/01/2024
AB4 Camera Bundle	100147	AXON BODY 4 - CAMERA - NA US FIRST RESPONDER BLK RAPIDLOCK	2		09/01/2024
AB4 Camera Bundle	100466	AXON BODY 4 - CABLE - USB-C TO USB-C	94		09/01/2024
AB4 Camera Bundle	100466	AXON BODY 4 - CABLE - USB-C TO USB-C	17		09/01/2024
AB4 Camera Bundle	74020	AXON BODY - MOUNT - MAGNET FLEXIBLE RAPIDLOCK	94		09/01/2024
AB4 Camera Bundle	74020	AXON BODY - MOUNT - MAGNET FLEXIBLE RAPIDLOCK	17		09/01/2024
AB4 Multi Bay Dock Bundle	100206	AXON BODY 4 - DOCK - EIGHT BAY	11		09/01/2024
AB4 Multi Bay Dock Bundle	100206	AXON BODY 4 - DOCK - EIGHT BAY	2		09/01/2024
AB4 Multi Bay Dock Bundle	70033	AXON - DOCK WALL MOUNT - BRACKET ASSY	11		09/01/2024
AB4 Multi Bay Dock Bundle	70033	AXON - DOCK WALL MOUNT - BRACKET ASSY	2		09/01/2024
AB4 Multi Bay Dock Bundle	71019	AXON BODY - DOCK POWERCORD - NORTH AMERICA	11		09/01/2024
AB4 Multi Bay Dock Bundle	71019	AXON BODY - DOCK POWERCORD - NORTH AMERICA	2		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100126	AXON VR - TACTICAL BAG	4		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100390	AXON TASER 10 - HANDLE - YELLOW CLASS 3R	87	2	09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100390	AXON TASER 10 - HANDLE - YELLOW CLASS 3R	2	2	09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100393	AXON TASER 10 - MAGAZINE - LIVE DUTY BLACK	87		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100393	AXON TASER 10 - MAGAZINE - LIVE DUTY BLACK	2		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100394	AXON TASER 10 - MAGAZINE - HALT TRAINING BLUE	8		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100395	AXON TASER 10 - MAGAZINE - LIVE TRAINING PURPLE	6		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100396	AXON TASER 10 - MAGAZINE - INERT RED	30		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100399	AXON TASER 10 - CARTRIDGE - LIVE	1740		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100400	AXON TASER 10 - CARTRIDGE - HALT	530		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100401	AXON TASER 10 - CARTRIDGE - INERT	300		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100611	AXON TASER 10 - SAFARILAND HOLSTER - RH	87		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100623	AXON TASER - TRAINING - ENHANCED HALT SUIT V2	2		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100681	AXON SIGNAL - SIDEARM SENSOR ONLY	87		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100748	AXON VR - CONTROLLER - TASER 10	4		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100862	AXON VR - PLACEHOLDER - HANDGUN CONTROLLER	4		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	101122	AXON VR - HOLSTER - T10 SAFARILAND GREY - RH	3		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	101123	AXON VR - HOLSTER - T10 SAFARILAND GREY - LH	1		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	20018	AXON TASER - BATTERY PACK - TACTICAL	87		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	20018	AXON TASER - BATTERY PACK - TACTICAL	15		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	20018	AXON TASER - BATTERY PACK - TACTICAL	2		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	20296	AXON VR - TABLET	4		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	20297	VR TABLET CASE	4		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	20378	AXON VR - HEADSET - HTC FOCUS 3	4		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	70033	AXON - DOCK WALL MOUNT - BRACKET ASSY	1		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	71019	AXON BODY - DOCK POWERCORD - NORTH AMERICA	1		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	71044	AXON SIGNAL - BATTERY - CR2430 SINGLE PACK	174		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	74200	AXON TASER - DOCK - SIX BAY PLUS CORE	1		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	80087	AXON TASER - TARGET - CONDUCTIVE PROFESSIONAL RUGGEDIZED	2		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	80090	AXON TASER - TARGET FRAME - PROFESSIONAL 27.5 IN X 75 IN	2		09/01/2024
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100399	AXON TASER 10 - CARTRIDGE - LIVE	270		09/01/2025
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100400	AXON TASER 10 - CARTRIDGE - HALT	700		09/01/2025
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100399	AXON TASER 10 - CARTRIDGE - LIVE	260		09/01/2026
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100400	AXON TASER 10 - CARTRIDGE - HALT	700		09/01/2026

Bundle	Item	Description	QTY	Shipping Location	Estimated Delivery Date
Body Worn Camera Multi-Bay Dock TAP Bundle	73689	AXON BODY - TAP REFRESH 1 - DOCK MULTI BAY	2		03/01/2027
Body Worn Camera TAP Bundle	73309	AXON BODY - TAP REFRESH 1 - CAMERA	13		03/01/2027
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100210	AXON VR - TAP REFRESH 1 - TABLET	4		03/01/2027
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	101009	AXON VR - TAP REFRESH 1 - SIDEARM CONTROLLER	4		03/01/2027
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	101012	AXON VR - TAP REFRESH 1 - CONTROLLER	4		03/01/2027
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	20373	AXON VR - TAP REFRESH 1 - HEADSET	4		03/01/2027
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73309	AXON BODY - TAP REFRESH 1 - CAMERA	89		03/01/2027
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73689	AXON BODY - TAP REFRESH 1 - DOCK MULTI BAY	11		03/01/2027
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100399	AXON TASER 10 - CARTRIDGE - LIVE	260		09/01/2027
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100400	AXON TASER 10 - CARTRIDGE - HALT	690		09/01/2027
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100399	AXON TASER 10 - CARTRIDGE - LIVE	260		09/01/2028
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100400	AXON TASER 10 - CARTRIDGE - HALT	700		09/01/2028
Body Worn Camera Multi-Bay Dock TAP Bundle	73688	AXON BODY - TAP REFRESH 2 - DOCK MULTI BAY	2		09/01/2029
Body Worn Camera TAP Bundle	73310	AXON BODY - TAP REFRESH 2 - CAMERA	13		09/01/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73310	AXON BODY - TAP REFRESH 2 - CAMERA	89		09/01/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73688	AXON BODY - TAP REFRESH 2 - DOCK MULTI BAY	11		09/01/2029

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Basic License Bundle	73683	AXON EVIDENCE - STORAGE - 10GB A LA CARTE	31	10/01/2024	09/30/2029
Basic License Bundle	73840	AXON EVIDENCE - ECOM LICENSE - BASIC	31	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100801	AXON RECORDS - OSP LICENSE	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	101180	AXON TASER - DATA SCIENCE PROGRAM	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	20248	AXON TASER - EVIDENCE.COM LICENSE	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	20248	AXON TASER - EVIDENCE.COM LICENSE	1	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	20370	AXON VR - FULL ACCESS - TASER ADD-ON USER	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73478	AXON EVIDENCE - REDACTION ASSISTANT USER LICENSE	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73618	AXON COMMUNITY REQUEST	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73638	AXON STANDARDS - LICENSE	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73680	AXON RESPOND PLUS - LICENSE	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73682	AXON EVIDENCE - AUTO TAGGING LICENSE	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73683	AXON EVIDENCE - STORAGE - 10GB A LA CARTE	870	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73739	AXON PERFORMANCE - LICENSE	87	10/01/2024	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	73746	AXON EVIDENCE - ECOM LICENSE - PRO	87	10/01/2024	09/30/2029
A la Carte	100590	AXON MY90 - LICENSE	87	10/01/2024	09/30/2029
A la Carte	73638	AXON STANDARDS - LICENSE	31	10/01/2024	09/30/2029

Services

Bundle	Item	Description	QTY
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100751	AXON TASER 10 - REPLACEMENT ACCESS PROGRAM - DUTY CARTRIDGE	87
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	101184	AXON INVESTIGATE - TRAINING - OPERATOR AND EXAMINER	6
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	101193	AXON TASER - ON DEMAND CERTIFICATION	1
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	11642	AXON INVESTIGATE - THIRD PARTY VIDEO SUPPORT	87
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	79999	AXON EVIDENCE - IMPLEMENTATION FOR AUTO TAGGING/PERFORMANCE	1
A la Carte	101267	AXON VR - PSO - FULL INSTALLATION	1

Services

Bundle	Item	Description	QTY
A la Carte	73896	AXON STANDARDS - IMPLEMENTATION SERVICE	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Body Worn Camera Multi-Bay Dock TAP Bundle	80465	AXON BODY - TAP WARRANTY - MULTI BAY DOCK	2	09/01/2025	09/30/2029
Body Worn Camera TAP Bundle	80464	AXON BODY - TAP WARRANTY - CAMERA	13	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100197	AXON VR - EXT WARRANTY - HTC FOCUS 3 HEADSET	4	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100213	AXON VR - EXT WARRANTY - TABLET	4	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100704	AXON TASER 10 - EXT WARRANTY - HANDLE	87	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	100704	AXON TASER 10 - EXT WARRANTY - HANDLE	2	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	101007	AXON VR - EXT WARRANTY - CONTROLLER	4	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	101008	AXON VR - EXT WARRANTY - HANDGUN CONTROLLER	4	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	80374	AXON TASER 7 - EXT WARRANTY - BATTERY PACK	87	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	80374	AXON TASER 7 - EXT WARRANTY - BATTERY PACK	15	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	80374	AXON TASER 7 - EXT WARRANTY - BATTERY PACK	2	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	80396	AXON TASER 7 - EXT WARRANTY - DOCK SIX BAY	1	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	80464	AXON BODY - TAP WARRANTY - CAMERA	87	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	80464	AXON BODY - TAP WARRANTY - CAMERA	2	09/01/2025	09/30/2029
BUNDLE - OFFICER SAFETY PLAN 10 PLUS	80465	AXON BODY - TAP WARRANTY - MULTI BAY DOCK	11	09/01/2025	09/30/2029

Shipping Locations

Location Number	Street	City	State	Zip	Country
2	1 North Ave	Burlington	VT	05401-2946	USA
	1 North Ave	Burlington	VT	05401-2946	USA

Payment Details

Sep 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Hardware and Services Upfront	101267	AXON VR - PSO - FULL INSTALLATION	1	\$12,000.00	\$0.00	\$12,000.00
Hardware and Services Upfront	H00001	AB4 Camera Bundle	15	\$12,735.00	\$0.00	\$12,735.00
Hardware and Services Upfront	H00002	AB4 Multi Bay Dock Bundle	2	\$3,277.80	\$0.00	\$3,277.80
Year 1	100590	AXON MY90 - LICENSE	87	\$14,792.77	\$0.00	\$14,792.77
Year 1	73638	AXON STANDARDS - LICENSE	31	\$5,270.99	\$0.00	\$5,270.99
Year 1	73896	AXON STANDARDS - IMPLEMENTATION SERVICE	1	\$7,835.57	\$0.00	\$7,835.57
Year 1	BasicLicense	Basic License Bundle	31	\$7,894.33	\$0.00	\$7,894.33
Year 1	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	2	\$1,130.52	\$0.00	\$1,130.52
Year 1	BWCamTAP	Body Worn Camera TAP Bundle	13	\$6,617.63	\$0.00	\$6,617.63
Year 1	M00012	BUNDLE - OFFICER SAFETY PLAN 10 PLUS	87	\$350,718.10	\$0.00	\$350,718.10
Invoice Upon Fulfillment	100552	TRANSFER CREDIT - GOODS	1	(\$57,448.26)	\$0.00	(\$57,448.26)
Invoice Upon Fulfillment	100553	TRANSFER CREDIT - SOFTWARE AND SERVICES	1	(\$86,095.69)	\$0.00	(\$86,095.69)
Invoice Upon Fulfillment	H00001	AB4 Camera Bundle	85	\$0.00	\$0.00	\$0.00
Invoice Upon Fulfillment	H00002	AB4 Multi Bay Dock Bundle	11	\$0.00	\$0.00	\$0.00
Total				\$278,728.76	\$0.00	\$278,728.76

Oct 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Invoice Upon Fulfillment	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	2	\$0.00	\$0.00	\$0.00
Invoice Upon Fulfillment	BWCamTAP	Body Worn Camera TAP Bundle	13	\$0.00	\$0.00	\$0.00
Invoice Upon Fulfillment	M00012	BUNDLE - OFFICER SAFETY PLAN 10 PLUS	87	\$0.00	\$0.00	\$0.00
Total				\$0.00	\$0.00	\$0.00

Sep 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	100590	AXON MY90 - LICENSE	87	\$10,461.06	\$0.00	\$10,461.06
Year 3	73638	AXON STANDARDS - LICENSE	31	\$3,727.50	\$0.00	\$3,727.50
Year 3	73896	AXON STANDARDS - IMPLEMENTATION SERVICE	1	\$5,541.11	\$0.00	\$5,541.11
Year 3	BasicLicense	Basic License Bundle	31	\$5,582.67	\$0.00	\$5,582.67
Year 3	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	2	\$799.48	\$0.00	\$799.48
Year 3	BWCamTAP	Body Worn Camera TAP Bundle	13	\$4,679.82	\$0.00	\$4,679.82
Year 3	M00012	BUNDLE - OFFICER SAFETY PLAN 10 PLUS	87	\$248,018.65	\$0.00	\$248,018.65
Total				\$278,810.29	\$0.00	\$278,810.29

Sep 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	100590	AXON MY90 - LICENSE	87	\$10,461.06	\$0.00	\$10,461.06

Sep 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	73638	AXON STANDARDS - LICENSE	31	\$3,727.50	\$0.00	\$3,727.50
Year 4	73896	AXON STANDARDS - IMPLEMENTATION SERVICE	1	\$5,541.11	\$0.00	\$5,541.11
Year 4	BasicLicense	Basic License Bundle	31	\$5,582.67	\$0.00	\$5,582.67
Year 4	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	2	\$799.48	\$0.00	\$799.48
Year 4	BWCamTAP	Body Worn Camera TAP Bundle	13	\$4,679.82	\$0.00	\$4,679.82
Year 4	M00012	BUNDLE - OFFICER SAFETY PLAN 10 PLUS	87	\$248,018.65	\$0.00	\$248,018.65
Total				\$278,810.29	\$0.00	\$278,810.29

Sep 2027						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	100590	AXON MY90 - LICENSE	87	\$10,461.06	\$0.00	\$10,461.06
Year 5	73638	AXON STANDARDS - LICENSE	31	\$3,727.50	\$0.00	\$3,727.50
Year 5	73896	AXON STANDARDS - IMPLEMENTATION SERVICE	1	\$5,541.11	\$0.00	\$5,541.11
Year 5	BasicLicense	Basic License Bundle	31	\$5,582.67	\$0.00	\$5,582.67
Year 5	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	2	\$799.48	\$0.00	\$799.48
Year 5	BWCamTAP	Body Worn Camera TAP Bundle	13	\$4,679.82	\$0.00	\$4,679.82
Year 5	M00012	BUNDLE - OFFICER SAFETY PLAN 10 PLUS	87	\$248,018.65	\$0.00	\$248,018.65
Total				\$278,810.29	\$0.00	\$278,810.29

Sep 2028						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 6	100590	AXON MY90 - LICENSE	87	\$10,461.06	\$0.00	\$10,461.06
Year 6	73638	AXON STANDARDS - LICENSE	31	\$3,727.50	\$0.00	\$3,727.50
Year 6	73896	AXON STANDARDS - IMPLEMENTATION SERVICE	1	\$5,541.11	\$0.00	\$5,541.11
Year 6	BasicLicense	Basic License Bundle	31	\$5,582.67	\$0.00	\$5,582.67
Year 6	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	2	\$799.48	\$0.00	\$799.48
Year 6	BWCamTAP	Body Worn Camera TAP Bundle	13	\$4,679.82	\$0.00	\$4,679.82
Year 6	M00012	BUNDLE - OFFICER SAFETY PLAN 10 PLUS	87	\$248,018.65	\$0.00	\$248,018.65
Total				\$278,810.29	\$0.00	\$278,810.29

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract Sourcewell #101223-AXN is incorporated by reference into the terms and conditions of this Agreement. In the event of conflict the terms of Axon's Master Services and Purchasing Agreement shall govern.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at <https://www.axon.com/sales-terms-and-conditions>), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Exceptions to Standard Terms and Conditions

Agency has existing contract(s) originated via Quote(s) Q-328130.

Agency is terminating those contracts effective 09/30/2024. Any change in this date will result in modification of the program value which may result in additional fees or credits due to or from Axon.

The parties agree that Axon is applying a Net Transfer Credit of (\$143,543.95) to the quote for paid but undelivered items.

Signature

Date Signed

6/17/2024



Board of Finance and City Council Submission ChecklistDepartment: Police Submitter: Jon MuradTitle/Subject: Axon Contract

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/31/2024	J.Murad
Mayor's Office informed and approved memo	Yes	7/31/2024	E. Jacobsen
Board/Commission, if required	N/A		
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	No		Review in-progress, pending
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/30/2024	H. McClenahan
CAO has reviewed budget, financing, and memo	Yes	7/31/2024	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A		
CIO, if an IT-related investment/purchase	N/A		

Materials Included

	Included?	Note
Final Memo Attached?	Yes	
Contract Attached, if applicable?	No	Final Quotation Attached
Additional Materials, if necessary	N/A	
Draft Resolution or Motion?	Yes	In attached memo
If for submission to Council, are sponsors identified?	N/A	

To: Members, Burlington City Council
From: Board for Registration of Voters
Date: July 1, 2024
Re: FY2024 Annual Report

The Board for Registration of Voters (BRV) receives its authority from the Burlington City Charter § 43 which asks the 12 members of the BRV to (1) review and take lawful action on additions, corrections, alterations, and removals of voters to the voter checklist; (2) work at the polls on Election Day on voter registration related issues (i.e., challenge process issues, address and name changes, omission from the checklist, verification issues, etc.); (3) attend and participate in monthly and special board meetings; and (4) participate in Board sponsored voter outreach activities.¹

The Board's primary responsibility is to maintain the Burlington City Voter checklist. Our usual meeting time is the first Tuesday of the month at 6:00 PM. Meetings are held at City Hall in the Sharon Bushor Conference Room with a virtual option via Zoom. Notices of meetings are posted at City Hall, the Department of Public Works, Fletcher Free Library, and on the City of Burlington's website at <https://www.burlingtonvt.gov/CT/Board-for-Registration-of-Voters>. Zoom links are published at the top of each agenda.

In fiscal year 2024, 3,498 new voters were added to Burlington's voter checklist, 1,100 voters were deleted from the checklist, and 1,620 voters were transferred to other Vermont towns. Currently, there are 32,253 registered voters in Burlington. 9,003 of these registered voters are challenged.

Since our last report, Kate Baldwin and Larry Granillo left the board after their terms ended in June 2023. In FY24, Lis Mickenberg, Thea Knight, and Helen Rock left the board. Olga Bravo, Alexandre Demoly, Lesley Gendron, and Jeanne Keller and Colleen Montgomery were appointed as new members. BRV members reelected Grace Grundhauser as chair of the Board and Michelle Lefkowitz vice chair in FY24.

During elections, BRV members are stationed at the polls in each ward from 7:00 AM to 7:00 PM to assist voters in matters concerning voter eligibility, checklist corrections, voter challenges, and address changes. BRV members use City-provided laptops to access the statewide voter checklist and the Burlington ward and district look-up tool. During FY24, BRV members worked at the 2024 Annual City Election and Presidential Primary on March 5, 2024. The BRV recruits and trains volunteers to support BRV members at the polls by assisting with tasks not requiring BRV sign off. As of 2023, the BRV hosts training sessions at City Hall for BRV members and volunteers the week before an election as standard practice.

Through the years, the BRV has benefited from the participation of high school youth members. In September 2023, in cooperation with CEDO's Youth on Boards Program, the BRV welcomed new youth member Will Cunningham to the Board. Youth members actively participate in meetings and have the

¹ <https://www.burlingtonvt.gov/CityCouncil/Member-of-the-Board-of-Registration-of-Voters>

option to work at the polls on Election Day. Additional high school students volunteered for the BRV during the Annual City and Presidential Primary Election in March 2024 and the BRV hopes to recruit high school volunteers in future elections.

The BRV continues to refine a draft version of its Election Day handbook for member and volunteer orientation and training purposes. The handbook was last updated for the Annual City and Presidential Primary Election in March 2024, to include new sections on Legal Resident Voting and CEDO's language resources for voters at the polls. Improving BRV forms used to track and communicate checklist revisions on election days was also a focus of the Board and revisions were completed before March.

The past few years have been a time of change for the BRV, with high turnover among its members, the effect of automatically mailed ballots on the challenge system, and charter changes passed in 2023 affecting elections in Burlington, notably All Legal Resident Voting and new ward boundaries. Improvement of processes and communication with Ward Clerks and Ward Clerk volunteers has also been a focus of the Board's work. A future change expected soon is the Vermont Secretary of State's implementation of a new election management system. The Board's focus in recent years has been significantly devoted to learning and training, but topics of ongoing BRV discussion include volunteer recruitment and coordination and voter outreach. Past activities of the Board have included voter registration at busy local venues such as the Farmer's Market and City Market Onion River Co-op; review of the Vermont Voter's Oath language and improving instructions on the certificate envelope for Absentee Ballots; and discussion regarding topics such as translation services for Burlington voters.

Submitted by Grace Grundhauser, Chair, Board for Registration of Voters

Board for Registration of Voters Annual Report Sign-Off FY24:

Grace Grundhauser, Chair:

Michelle Lefkowitz, Vice Chair:

Olga Bravo:

Alex Demoly:

Lauren Ebersol:

Lesley Gendron:

Alison Harte:

Jeanne Keller:

Michael McGarhan:

Colleen Montgomery:

Karen Rowell:

Anna Schneider:

Sarah Montgomery

From: Annie Schneider <anniecschneider@gmail.com>
Sent: Thursday, July 11, 2024 1:21 PM
To: Sarah Montgomery
Subject: Approval of BRV Annual Report

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

Hi Sarah,

I approve the contents of the BRV Annual Report for the fiscal year 2024.

Thanks,
Annie

Sarah Montgomery

From: Michael McGarghan
Sent: Tuesday, July 23, 2024 11:04 AM
To: Sarah Montgomery
Cc: Grace Grundhauser
Subject: Re: BRV Annual Report FY24

Sarah,

With couple exceptions, I agree with this report.

I do not agree with #4 as this activity is more partisan than should be for official board duties.

I believe the board is less effective than it could be to do a better job than we currently do.

In my opinion, there should have been a written mention / acknowledgement of the superior support we receive from your office to help us do our job.

Otherwise, I allow my name / signature to be included on this report.

Respectfully,

Michael McGarghan,
Board of Registration of Voters
(802) 233-1238

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Sarah Montgomery <smontgomery@burlingtonvt.gov>
Sent: Tuesday, July 23, 2024 10:12:24 AM
To: Michael McGarghan <mmcgarghan@burlingtonvt.gov>
Subject: BRV Annual Report FY24

Hi Mike,

Can you please reply to this email indicating your agreement with the attached annual board report for the Board for Registration of Voters?

Thank you,
Sarah

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Thursday, July 11, 2024 5:28 PM
Subject: ANR Press Release - ANR Encourages Flood Safety and Environmental Protection During Flood Response and Recovery

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

PRESS RELEASE

For Immediate Release – July 11, 2024

Contact:

Stephanie Brackin, Communications Coordinator
Agency of Natural Resources
stephanie.brackin@vermont.gov, 802-261-0606

For more information,
additional info, please
contact the City Clerk's Office

ANR Encourages Flood Safety and Environmental Protection During Flood Response and Recovery

Montpelier, VT – The Vermont Agency of Natural Resources and its departments –Environmental Conservation, Fish and Wildlife, and Forests, Parks, and Recreation – are encouraging Vermonters to take every precaution possible responding to and recovering from this week's flooding event.

Our goal is to keep Vermonters safe while protecting the environment. Please remember to:

- **Avoid floodwaters** that may be filled with pollutants and hazards.
- **Follow advisories** from state and town officials about drinking water safety.
- **Contact the Spill Response Team** about hazardous spills, contaminated floodwater in your basement, or leaking aboveground storage tanks.
- **Sort your flood trash** into hazardous and non-hazardous piles.
- **Check closures** before you head to a state park or state land to camp or hike.

The [ANR Flood Resource web page](#) offers a support for flood recovery, including:

Flood Cleanup: Find safe ways to pump basements and clean flood-damaged areas.

Recreation After a Flood: Verify recreational areas are open before your go.

Septic System Care: Learn how to manage your private wastewater system.

Landslide Reporting: Report landslides impacting structures on your property.

Public Drinking Water: Understand boil water or do not drink notices from your provider.

Private Well Testing: Do not drink or use flood-impacted wells or spring water until you have tested it. (Department of Health)

The web page also provides [translated documents](#) and a list of contacts for further assistance.

The Environmental Assistance Office is here to answer your questions. Contact them Monday through Friday from 8:00 am to 4:30 pm at 802-477-2241 or anr.decassistance@vermont.gov.

Lori Olberg

From: Green Up Vermont <greenup@greenupvermont.org>
Sent: Friday, July 12, 2024 10:28 AM
To: Green Vermont
Subject: Volunteer Assistance for Flood Recovery

Neighbors,

I hope this email finds you and your families safe. It is hard to believe that just last year we were having the same awestruck reactions and discussions on the needs of communities after catastrophic flooding.

Green Up is once again prepared to use our channels of communication to rally volunteers for any cities and towns that have public space clean up and beautification needs.

Some of the projects last year included:

- Dac Rowe Field clean up in Waterbury, scrapping silt out and pressure washing the gazebo and playground area.
- Picking up tons of flood debris at the picnic area at Bolton Falls
- River and recreation field clean up in Morristown, Plainfield, Johnson and Andover
- Park clean up and reseeding in Barre; to name a few.

We were able to rally nearly 1,000 volunteers deployed across 14 locations. We also received a very generous donation of \$100,000 from Subaru of New England, one of our long-time top sponsors, to be used for Flood Recovery Clean Up specifically. These funds were used for location needs, debris disposal and dumpster costs.

We are ready to activate again to help your community by rallying helping hands to get your public space areas taken care of so your paid personnel can focus on the larger reconstruction projects necessary to put your communities back together.

Please reach out to me via email so we can set up a volunteer assistance project for your area.

There are still resources in the Flood Recovery Clean Up fund that we may be able to apply to your need as well.

We, along with many volunteers, want to help you and your area in this time of need.

Kindly,
Kate Alberghini, Executive Director
Green Up Vermont

2025 Green Up Day is May 3rd
greenupvermont.org

Together we can.

FOR INFORMATION ONLY

Lori Olberg

From: Vermont Department of Housing and Community Development
<accd.cpr@vermont.gov>
Sent: Friday, July 12, 2024 1:44 PM
To: Lori Olberg
Subject: Severe Storm Update 7-12-2024

FOR INFORMATION ONLY
additional info, please
contact the City Clerk's Office

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

AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT

[View this email in your browser.](#)

Department of Housing and Community Development

July 12, 2024



Water rushes through downtown Barre.

Severe Storm Center

The ACCD Severe Storm Resource Center is live. Please visit accd.vermont.gov/flood for the latest information on staying safe, getting help, giving help, clearing debris, documenting damage, and how to protect your mental health during this difficult time. ACCD will be continuously updating this site as new details emerge.

You can also sign up to receive the [ACCD Severe Storm Recovery Newsletter](#) for updates on recovery efforts.

Information Needed

The state of Vermont will pursue a federal disaster declaration which, if granted, would unlock resources for repairing and rebuilding. For that application to be a success, the state needs your help.

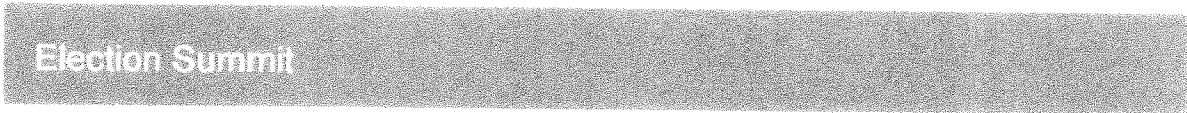
Please document your damage and report it to Vermont 211. The state of Vermont

Lori Olberg

From: postmaster@mg.vincta.org
Sent: Friday, July 12, 2024 2:30 PM
To: Lori Olberg
Subject: Join us for our upcoming meeting

FOR INFORMATION ONLY

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



September 10, 2024 | 8:30 AM to 4:30 PM

Capitol Plaza Hotel

100 State Street, Montpelier, VT, 05661

[Add to Calendar](#) [Get Directions](#)

Join us for an election summit. Educational sessions include Vermont election updates, de-escalation training, managing miscommunication and more. Lunch will be provided. This **FREE** event is open to Vermont Clerks & Assistant Clerks and is sponsored by the Secretary of State Elections Division & the Vermont Municipal Clerks & Treasurers Association.

This is an additional event before the VMCTA Annual Fall conference. **You must register separately if you wish to attend the conference.**

Tickets

\$0.00 VMCTA member ticket

\$0.00 Non- member ticket

Lori Olberg

FOR INFORMATION ONLY

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Monday, July 15, 2024 9:16 AM
Subject: DEC Press Release: Dam Safety Activities Post-Storm

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

PRESS RELEASE

For Immediate Release – July 12, 2024

For more information on this release,
please contact the City Clerk's Office

Media Contacts:

Stephanie Brackin, Communications Coordinator
Agency of Natural Resources
802-261-0606, Stephanie.Brackin@Vermont.gov

Neil Kamman, Water Investment Division Director
Department of Environmental Conservation
802 490-6137, Neil.Kamman@Vermont.gov

Dam Safety Activities Post-Storm

Montpelier, Vt. – After major flooding in central and northern Vermont, the Department of Environmental Conservation's Dam Safety Program is sharing how the State is keeping Vermonters safe from the effects of potential storm damage to dams.

Vermont's three Winooski River Valley flood control reservoirs are functioning as designed. They are effectively protecting downstream communities from what would have been more severe flooding effects. These reservoirs have plenty of remaining storage capacity and water levels are starting to become stable or recede. Engineers are actively monitoring all three dams: East Barre, Waterbury, and Wrightsville.

As of July 12, 2024, the Dam Safety Program has reviewed rainfall maps and river flow data. The Program has contacted owners of specific high hazard dams they prioritized for rapid inspections. The goal of inspections is to identify any areas of risk to owners or downstream residents and to recommend stabilization measures.

Further, the Program has sent general communications to owners throughout the affected areas. Owners of dams are encouraged to report any observed changes in the condition of their dam resulting from the storm, including photo(s) as practical, to ANR.DamSafety@Vermont.gov.

The Dam Safety Program is communicating with the owners of other major power dams in the state and has not received reason for concern at this time. The Program assessed the spillway at the dam at Harvey's Lake in Barnet, Vermont where early reports indicated potential dam failure. Engineers have assessed the extent of damage, which is limited and threatens neither the level of the lake nor downstream roads or property.

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Monday, July 15, 2024 2:16 PM
Subject: DEC Press Release: DEC on How to Safely Pump Out Basements

*For more information, call
802-241-2345, please
contact the City Clerk's Office*

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

PRESS RELEASE

For Immediate Release – July 15, 2024

FOR INFORMATION ONLY

Media Contact:

Michael Nucci, Hazardous Waste Section Supervisor
Department of Environmental Conservation
802-522-0287, Michael.Nucci@Vermont.gov

DEC on How to Safely Pump Out Basements

Montpelier, Vt. – Recent flooding in central and northern Vermont caused many basements to fill with water and, in some cases, resulted in a release of oil from heating oil tanks in the basement. The Department of Environmental Conservation (DEC) is offering guidance for basement cleanup.

If there is no evidence of oil in the water – such as an oil sheen (nothing floating on the water or no oil odor) – the water may be pumped out to the ground (preferably) or storm drains.

When oil or petroleum is present floating on the water in a basement or container, report the situation to DEC at **802-828-1138**.

DEC contractors will remove contaminated sediments and flood waters at no cost to the homeowner. Contractors will pump out the basement from the top of the liquid surface to recover any floating oil first. (Pumping liquid out from the floor level or below the liquid surface will likely cause floating oil to coat everything in the basement making for a more significant cleanup.)

Once any oil is skimmed off the water or if there is no evidence of oil or an oil sheen floating on the water, it may be pumped out to the ground.

Basements with oil and water should only be pumped out to the ground surface outside after consulting with the DEC.

If contractors or vac trucks are not available to remove the oil from basement water first, DEC will work with you to provide guidance on how to pump the water from the top down to ensure the oil is removed first followed by water only.

For more information on flood recovery resources from the Agency of Natural Resources visit <https://ANR.Vermont.gov/Flood>.

###

Lori Olberg

FOR INFORMATION ONLY

For more information, please
contact the City Clerk's Office

From: NRB.Act250Essex@vermont.gov
Sent: Tuesday, July 16, 2024 8:56 AM
To: Martin Lee; jacob.shactman@wright-pierce.com; jennifer.auster@wright-pierce.com; Kristen Lemasney; nrb.act250agenda@vermont.gov; Benjamin Traverse; Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; burlingtontownclerk; Sarah Montgomery; Lori Olberg; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; Stephanie.Monaghan@vermont.gov
Subject: 4C0847-2 LUP Administrative Amendment - City of Burlington Public Works - COS - Exhibit List
Attachments: AA_Construction 4C0847-2.pdf; 000 Exhibit List.pdf

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

Attached is LUP Administrative Amendment 4C0847-2 - City of Burlington Public Works - COS - Exhibit List

Act 250 District Office - Essex (District 4 Environmental Commission)

111 West Street
Essex Junction, VT 05452

Christine Commo NRB Technician

Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Lori Olberg

From: VLCT Journal <info@vlct.org>
Sent: Thursday, July 18, 2024 7:03 AM
To: Lori Olberg
Subject: Updated Flood Response and OML Resources, Hazard Mitigation Buyouts, New Animal Control Laws, and more

For more information, please
contact the City Clerk's Office

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

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



After the fun of fireworks, mid-July turned into a cruel time for the people whose communities and homes were inundated by floods this year and last. We continue to support the affected municipalities in their response and recovery processes, and we are developing new ways to provide that support.

This issue of the *VLCT Journal* addresses a variety of topics. Many are timely, including updated laws and flood resources, deadline-driven opportunities, and Ted Brady's testimony to the U.S. Senate Subcommittee on Rural Development. Others are timeless, such as how to foster excellent public service and cooperative community values.

Follow our Facebook page for more news, updates, and announcements: facebook.com/VTLLeague.



2024 Flood Recovery Resources

Our Flood Resources topic page has all the latest information and important links to help local governments recover from this year's flood damage.

We're here for you again.

ICYMI: FEATURED NEWS

Comment On Emergency Responder Rule
The deadline for comments to OSHA is July 22. Proposed changes could increase expenses.

ISO Better Federal Support for Rural Areas
We testified in Washington DC that 60% of you don't have capacity to get & use federal grants.

Check Our Updated OML Resources
See how to comply with the new Open Meeting Law posting requirement and more.

Nominate a Candidate for VLCT Board
Want to help steer this organization? Use the online form by August 15.

\$6,000 Raised for Municipal Scholarship
Children of municipal officials and those interested in municipal government are eligible.

Help Chart a More Inclusive Course
The VLCT Equity Committee is accepting applications for new members by August 28.

[Visit the News Feed](#)



Lori Olberg

FOR INFORMATION ONLY

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Tuesday, July 23, 2024 2:26 PM
Subject: ANR Press Release: ANR Resources for Flood Recovery and Resilience

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

PRESS RELEASE

For Immediate Release – July 23, 2024

For City of Burlington
additional text, please
contact the City Clerk's Office

Media Contact:

Stephanie Brackin, Communications Coordinator
Agency of Natural Resources
stephanie.brackin@vermont.gov, 802-261-0606

ANR Resources for Flood Recovery and Resilience

Montpelier, Vt. – As our communities continue the hard work of digging out, assessing the damage, and rebuilding after the most recent flooding, the Agency of Natural Resources encourages communities, homeowners, and businesses to leverage available resources and information to help them recover.

For Homeowners and Businesses

Cleaning Up After the Flood:

- Flood Trash Guidance: safety precautions and how to separate out hazardous materials.
- Hazardous Spills: call 802-828-1138 to report a spill or to ask for help pumping out contaminated water from your basement.
- River Recovery Work: learn how towns can implement Emergency Protective Measures for river work.

Reporting the Damage:

- Contact 211 by phone or visit 211 online.
- Contact your insurance company.

Beginning Repairs:

- Document the damage by taking photos and making a list.
- Keep receipts for labor and materials.
- Talk with your town Zoning Administrator to ask for guidance on repairs that may need permitting *and* for help determining FEMA base flood elevations.

Making Your Home or Business More Flood Resilient:

- Find National Flood Insurance Program information for flood-damaged communities.
- Elevate or relocate utilities (such as furnaces, heating systems, or electrical systems) that you replace or repair.
- Use flood-resistant materials that will not be damaged by future weather events.
- If your home heating fuel tank was flood-impacted, follow Aboveground Storage Tank guidelines.

Lori Olberg

FOR INFORMATION ONLY

From: VLCT News <info@vlct.org>
Sent: Tuesday, July 30, 2024 3:00 PM
To: Lori Olberg
Subject: Flood Claims and Check-In, Election Procedures, Water-Related Funding, New Trainings, and more!

*For Burlington's information /
additional info, please
contact the City Clerk's Office*

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

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



Was Municipal Property Damaged by July 2024 Flooding?

Please submit your claim(s) if you haven't yet. Late reporting may cause delays.

Registration for Town Fair Opens Tomorrow

As soon as tomorrow you can register to attend the VLCT/PACIF/VERB annual meeting via Zoom on 10/1 and the full day of Town Fair in person – with breakfast roundtables, trainings, exhibits, and more – on 10/2.

Compensation and Benefits Survey Due Fri 8/2

If your municipality hasn't already submitted your online survey and the accompanying reports, you have until the *end* of this week to finish.

Primary Election Procedures Guide

This is the 'go-to' resource for town clerks from the Vermont Secretary of State's Elections Division.

Recent SCOTUS Decisions That Affect Local Government

This blog from the National League of Cities summarizes the most municipally relevant decisions from the U.S. Supreme Court's 2023-2024 session.

FINAL Call to Apply for Three-Acre Stormwater Permit Grants

Sun 9/1 is the final deadline to apply for ARPA funds via the Vermont Dept. of Environmental Conservation (DEC). Municipalities and businesses can apply for up to \$49,999 in engineering and permit assistance now, or fully fund the costs themselves beginning in 2025.

Subsidized Financing for Your Flood-Damaged Water Systems

Municipal water and wastewater systems damaged by the 2023 floods are eligible for ARPA-derived funding through the Vermont Bond Bank.

Funding for Flood-Damaged Private Roads and Driveways

If you're fielding questions from property owners, use this handout to answer their funding questions.

Nominate an Award-Worthy Person

Do you know someone who provides outstanding service to Vermont local government? Nominate that person to be considered for one of VLCT's three VLCT awards – to be presented at Town Fair.

Nominate a New VLCT Board Member

We seek nominations for new VLCT board members every year because of defined term limits. Please submit this form by Thu 8/15 for nominees to be voted on at the Annual Meeting on Tues 10/1.

FOR INFORMATION ONLY

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Tuesday, July 30, 2024 3:47 PM
To: dmasse@aam15.com; lani.ravin@uvm.edu; dmasse@aam15.com; Derick.Read@krebssandlansing.com; Sarah Montgomery; burlingtontownclerk; Lori Olberg; Benjamin Traverse; Andrew Montroll; nrb.act250agenda@vermont.gov; citycouncil@southburlingtonvt.gov; jlouisos@sburl.com; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; hrees@southburlingtonvt.gov; joe.buford@usda.gov; info@winooskinrcd.org; john.gobeille@vermont.gov; andrew.wood@vermont.gov; josh.castonguay@greenmountainpower.com; efficiency@vermontgas.com; pics@veic.org; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; Stephanie.Monaghan@vermont.gov
Subject: 4C0233-11 Minor Notice and Proposed Permit -- DoubleTree Hotel by Hilton
Attachments: Minor_Notice 4C0233-11.pdf; Permit_Draft 4C0233-11.pdf

For more information, please contact the City Clerk's Office

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

Hello,

Please see attached Minor Notice and Permit Draft for 4C0233-11.

Thank you,

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Adriene Katz NRB Technician
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

FOR INFORMATION ONLY

Lori Olberg

From: Lambert, Kevin - RD, VT <Kevin.Lambert@usda.gov>
Sent: Thursday, August 1, 2024 2:11 PM
Subject: USDA offers up to \$38 million for Community Facilities Disaster funding

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

Rural Development Partners:

*For more information/
additional info, please
contact the City Clerk's Office*

On July 29th, USDA issued an announcement making up to \$38 million in Community Facilities Program Disaster Grants available for

- Repairing essential community facilities damaged by Presidentially Declared Disasters in Calendar Year (CY) 2022
- Repairing or replacing essential community facilities damaged by Presidentially Declared Disasters and Other Disasters in CY 2023

'Other Disasters' are events that occurred in CY23 caused by natural catastrophe, technological accident, or human-caused event that results in severe property damage, deaths, multiple injuries and/or severe environmental harm for which:

- local or state government declared a disaster or public health emergency, or
- a Presidential Executive Order was issued, or
- there was a multi-agency Federal response undertaken to address impacts.

Vermont and New Hampshire disasters can be viewed on the [FEMA website](#).

Please read the entire announcement in the [July 29th Federal Register](#), and call or write to USDA Community Programs if you know of an eligible project in your area.

Brandi Thompson, CP Director
(603) 223-6041
Brandi.Thompson@usda.gov

Thank you,
-krl

Kevin Lambert

Public Affairs, Rural Development - VT/NH
United States Department of Agriculture
87 State Street, Suite 324
PO Box 249 Montpelier, VT 05601
www.rd.usda.gov/vt www.rd.usda.gov/nh
Office: (802) 828-6080
Cell: (802) 318-3687
Kevin.Lambert@usda.gov

USDA is an equal opportunity provider, employer and lender.

Sign up for the latest news, announcements and press releases from VT & NH through

FOR INFORMATION ONLY

Lori Olberg

From: VLCT <info@vlct.org>
Sent: Thursday, August 1, 2024 2:25 PM
To: Lori Olberg
Subject: It's Time to Register for Town Fair!

For more information,
please
contact the City Clerk's Office

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

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



Town Fair Registration is Open!

Town Fair 2024 at the Killington Grand Hotel in Killington on October 2 is your annual chance to reconnect and network in person with your colleagues from around the state.

At Town Fair you'll

- get **ideas and inspiration** from topic experts,
- learn about new **products and services** from a wide variety of vendors, and
- enjoy great **food and prizes**.

This year the training tracks are

- Finance, Administration and Operations - *Tips and tools for successful operations*
- Leadership - *Skills and best practices every leader needs*
- Building Safe and Healthy Communities - *Make your community the best it can be*
- Elections - *Presented in cooperation with VMCTA*
- Facilitated Discussions - *Join your peers and subject matter experts*

REGISTER

Pricing

Oct 1 - Annual Meetings | Zoom

- FREE

Sign Up Your Voting Delegate

Oct 2 - Town Fair | Killington

- Early Bird (ends Aug 30): **\$79**
- Regular (begins Sep 1): **\$99**
- Exhibit Hall Only: **\$15**

FOR INFORMATION ONLY

Lori Olberg

From: Lani Ravin <Lani.Ravin@uvm.edu>
Sent: Thursday, August 1, 2024 2:33 PM
To: Lani Ravin; Lisa Kingsbury (she/her); NRB - Act250 Essex; Kaitlin.Hayes@vermont.gov; Lisa McNaney; burlingtontownclerk; Lori Olberg; Andrew Montroll; permitting@ccrpcvt.org; ANR - Act 250; barry.murphy@vermont.gov; psd.vtdps@vermont.gov; aot.act250@vermont.gov; agr.act250@vermont.gov; Dillon, Scott; greg.socinski@vermont.gov; ACCD - Project Review; Benjamin Traverse
Cc: Scott Gustin
Subject: RE: E-CoS Regarding Monthly Information for LUP 4C1043-1A for June 2024
Attachments: 2407_CATMA_counts.pdf; CoS UVM LUP 4C1043-1A 2024.07.pdf

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

I hereby certify that I, Lani Ravin, Associate Planner, at the University of Vermont & State Agricultural College, sent a copy of documents, dated August 1, 2024, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot for July 2024, by electronic mail to those with email addresses as indicated above, as attached (with attachments).

Thank you,

Lani Ravin

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Friday, August 2, 2024 2:54 PM
Subject: ANR/DEC Press Release: Flood Debris Removal Guidelines for Small Waterways, Property Drainage
Importance: High

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

PRESS RELEASE

For Immediate Release – August 2, 2024

For more information /
additional text, please
contact the City Clerk's Office.

Media Contact:

Stephanie Brackin, Communications Coordinator
Agency of Natural Resources
802-261-0606, Stephanie.Brackin@Vermont.gov

Flood Debris Removal Guidelines for Small Waterways, Property Drainage

Montpelier, Vt. – Vermont officials and Vermonters continue to contend with flood debris removal from Vermont waterways. If left in place, these piles of rocks, sediment, and woody material may pose a risk to property and public safety.

With rain in the forecast this weekend, it's important to check drainage around your home. To make sure flood debris removal around your home is not delayed, the Agency of Natural Resources (ANR) and Department of Environmental Conservation (DEC) are sharing additional guidelines:

Permit Requirements

- **Does Not Require a Permit**

Removing small amounts of flood-related debris (less than 10 cubic yards) from drainage ditches or small waterways within 150 feet of a structure outside of local or state right-of-way using hand tools, such as shovels, picks, chainsaws, or come-alongs, does not require a permit from the state.

- **May Require a Permit, Contact Your Town or the State Rivers Program**

If mechanical equipment is required or if the area of concern is further upstream or downstream (more than 150') of a structure, contact the town or state river engineers before proceeding.

Debris Disposal

Any debris that is removed should be taken to an upland location where it will not be remobilized during the next rain event. Do not leave it at the edge of the ditch or stream.

Emergency Protective Measures for Towns

FOR INFORMATION ONLY

Lori Olberg

From: VLCT <info@vlct.org>
Sent: Monday, August 5, 2024 7:31 AM
To: Lori Olberg
Subject: Reminder: It's Time to Register for Town Fair!

*The Computer Virus Protection Unit
Subscribed here, please
contact the City Clerk's Office*

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

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



Town Fair Registration is Open!

Town Fair 2024 at the Killington Grand Hotel in Killington on October 2 is your annual chance to reconnect and network in person with your colleagues from around the state.

At Town Fair you'll

- get **ideas and inspiration** from topic experts,
- learn about new **products and services** from a wide variety of vendors, and
- enjoy great **food and prizes**.

This year the training tracks are

- Finance, Administration and Operations - *Tips and tools for successful operations*
- Leadership - *Skills and best practices every leader needs*
- Building Safe and Healthy Communities - *Make your community the best it can be*
- Elections - *Presented in cooperation with VMCTA*
- Facilitated Discussions - *Join your peers and subject matter experts*

REGISTER

Pricing

Oct 1 - Annual Meetings | Zoom
• FREE

Sign Up Your Voting Delegate

Oct 2 - Town Fair | Killington
• Early Bird (ends Aug 30): **\$79**
• Regular (begins Sep 1): **\$99**
• Exhibit Hall Only: **\$15**

FOR INFORMATION ONLY

Lori Olberg

From: VLCT Events & Training <info@vlct.org>
Sent: Tuesday, August 6, 2024 12:25 PM
To: Lori Olberg
Subject: Ordinance Adoption and Enforcement

For more information
additional information
contact the City Clerk's Office
702.844.1231

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

[View as Webpage](#)



Vermont law authorizes municipalities to adopt ordinances regulating certain subjects as legally enforceable local laws if specific statutory process is followed. Some of the more common civil ordinances regulate dogs, solid waste, parking, and speeding. Adopting, amending, and enforcing ordinances in accordance with the processes prescribed in state law is critical for avoiding legal challenges.

This training includes two sessions.

Effective Ordinance Drafting and Adoption

- what ordinances municipalities can adopt
- the essential elements of an ordinance and what they mean
- the statutorily required processes for adopting, amending or repealing an ordinance

Enforcing Local Ordinances in the Judicial Bureau

- best practices and tips for complying with state law governing the process for enforcing civil ordinances
- overview of requirements for how "enforcement officials" issue municipal tickets for violations and file them with the Judicial Bureau.

Register

August 29
9:30 AM - 12 PM

Cost to Attend
\$28 PACIF
\$78 VLCT



Vermont League of Cities and Towns | 89 Main St. Suite 4 | Montpelier, VT 05602 US

[Unsubscribe](#) | [Update Profile](#) | [Constant Contact Data Notice](#)





City of Burlington
Department of Public Works

Technical Services Engineering Division
645 Pine Street, Suite A
Burlington, VT 05402
P 802-863-9094 / F 802-863-0466 / TTY 802-863-0450
www.burlingtonvt.gov/DPW

Memo

Date: August 5, 2024 & August 12, 2024

To: Board of Finance (BOF) & City Council (CC)

From: Phillip Peterson P.E., Senior Transportation Planner

CC: Chapin Spencer, Director of Public Works
Laura Wheelock P.E., City Engineer/Division Director Technical Services

Subject: UVM-City Land Swap at Pearl and Prospect Intersection

Approval Request:

The Department of Public Works (DPW) Staff are writing to formally request Board of Finance (BOF) and City Council (CC) approval of a proposed land swap agreement with the University of Vermont (UVM), see Attachment-1 and Attachment-2. The Transportation, Energy, and Utilities Committee (TEUC) approved the presentation of this proposal to BOF and CC at the July 22, 2024 TEUC meeting.

Background: On June 7, 2021, the City of Burlington and the University of Vermont (UVM) executed a Memorandum of Understanding (MOU) regarding boundary line adjustments adjacent to the Colchester Avenue and Prospect Street intersection, see Attachment-3. This MOU outlines the general intent of both parties to adjust property lines in conjunction with the reconstruction project at the Pearl Street and Prospect Street intersections, including adjustments necessary for Dewey Hall's property boundary to align with adjacent roadways. Staff availability within DPW and the Office of the City Attorney has hindered completing this land swap, however with the anticipation start of the Colchester/Pearl/Prospect Intersection Realignment by Vermont Agency of Transportation it is important to complete the land swap.

Summary of Proposed Agreement:

1. The City proposes to convey a 0.2-acre parcel to UVM, situated beneath a portion of UVM's Dewey Hall.

2. In exchange, UVM will transfer a 0.08-acre parcel to the City, crucial for necessary right-of-way improvements.
3. UVM will compensate the City with a parcel value differential (PVD) totaling \$112,980.00.
4. UVM consents to the condemnation of its parcel by the City and waives any objections to this process, see Attachment-4.

The realignment of this intersection is in the City's interest as it aligns with our strategic goals for improving traffic flow and safety. VTrans has selected this intersection for safety improvements and is providing funding for these upgrades. The proposed land swap is important to facilitate these necessary improvements and ensure that the project can proceed as planned.

Attachments:

1. Agreement signed by UVM: Attached is the executed agreement outlining the terms and conditions of the proposed land swap between the City of Burlington and UVM.
2. Plats showing the proposed land swap: Attached are two plats prepared by a Vermont licensed land surveyor, illustrating the affected parcels and the proposed adjustments.
3. Memorandum of Understanding (MOU) dated June 7, 2021: Attached for reference regarding the initial agreement and intent of property boundary adjustments.
4. Resolution: Attached is the resolution for the condemnation of the property located at 1 So. Prospect Road.

Motions:

1. Motion for Board of Finance: *To approve and recommend that the City Council authorize the proposed land swap agreement with the University of Vermont, as outlined in the attached Agreement and summarized in this memo, and to authorize the necessary actions to effectuate the agreement.*
2. Motion for City Council: *To approve the proposed land swap agreement with the University of Vermont, as outlined in the attached Agreement and summarized in this memo, and to authorize the necessary actions to effectuate the agreement. subject to the final review and approval by the Office of the City Attorney.*

NON-BINDING MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIVERSITY OF VERMONT AND THE CITY OF BURLINGTON REGARDING BOUNDARY LINE ADJUSTMENTS ADJACENT TO THE COLCHESTER AVENUE AND PROSPECT STREET INTERSECTION

This non-binding Memorandum of Understanding ("MOU") is entered into between the City of Burlington, a Vermont municipal corporation ("City"), and the University of Vermont and State Agricultural College, an educational corporation and instrumentality of the State of Vermont ("UVM") (collectively, "the parties").

I. Purpose

The City and UVM are seeking to address the property line adjustments that are necessary to facilitate the reconstruction of Colchester Avenue and Prospect Street intersection with the collateral benefit for the City and UVM. The desire to address these boundaries starts with the City's selection of a preferred alternative for this intersection that would require additional right-of-way to complete the improvements. Additionally the University Place Project that commenced upon the Agreement entered into by the City and UVM with regards to UVM's contributions to the City's Sustainable Infrastructure Program has a cascading effect to the Colchester Avenue and Prospect Street Intersection in that the change in traffic operations on University Place to one way will have impacts on the Colchester Avenue and Prospect Street intersection. This property line adjustment will help facilitate both projects moving forward.

The purpose of this MOU is to express the general intent of the City with support of UVM concerning the desired adjustment to property lines adjacent to the Colchester Avenue and Prospect Street intersection; the property line adjustments are dependent on the reconstruction of Colchester Avenue and Prospect Street intersection with the collateral benefit for the City and UVM, (collectively "Project"). In parallel with the City's efforts, UVM has requested an adjustment of the property line in front of Dewey Hall, which would normalize the existing property boundary and Right of Way boundary at Dewey Hall such that the boundary is no longer within the footprint of the building and is relative to the adjacent roadways similar to how other City property lines are laid out. The general locations of the property line adjustments are depicted in Exhibit C to this MOU.

This MOU will further serve to clarify the potential responsibilities of the City and UVM regarding the desired property boundary line adjustments. The parties intend to, and have generally agreed in the Third Amendment to "The Agreement Between The University Of Vermont And The City Of Burlington Regarding Participation In The City's Ten Year Capital Plan" (Exhibit B) to cooperatively support both property line adjustments. However, as property line adjustments are subject to approval by Burlington Zoning, and further, adjustments concerning the City's Right of Way are subject to City Council, it is acknowledged that the Department of Public Works, City staff, or the Mayor of the City of Burlington **do not have the authority** to guarantee any outcome regarding the desired adjustment to property lines. In addition, the University of Vermont's Board of Trustees will need to approve the proposed property line adjustments. As such, this MOU is **non-binding** and serves to set forth a general understanding concerning the Project.

II. The Project Properties

The real properties subject to this MOU consist of the following parcels: Public Right-of-Way (City), Parcel 045-4-007-134 (UVM), Parcel 045-4-003-240 (UVM) as described in Exhibit C.

III. Responsibilities

- a. In order to effectuate any property line adjustments, boundary survey work is necessary. The City will retain the services of a licensed professional to survey, provide plats, and assist with zoning applications. The costs of these services will be paid according to Sections 5.a. (University Place, Conceptual Design) and 5.b. (University Place, Final Design and Construction) of "The Agreement Between The University Of Vermont And The City Of Burlington Regarding Participation In The City's Ten Year Capital Plan" dated February 28, 2018, and as subsequently amended by the First Amendment dated February 28, 2020, Second Amendment dated August 19th, 2020, Third Amendment dated December 31, 2020, and Fourth Amendment dated April 2021.
- b. All property line adjustments in the City require Burlington Zoning approval. The City will support UVM

will the responsible for the Planning & Zoning application for lot line adjustments. Zoning lot line adjustment applications include the following:

- i. A completed application form, signed by the property owner;
 - ii. A filing fee of \$15.00;
 - iii. An application fee of \$140, in cash, check or credit card (credit cards incur a convenience fee). Checks are to be made out to the 'City of Burlington';
 - iv. Photographs of the subject property, showing the location of the project (and neighboring properties if applicable);
 - v. A letter requesting review and approval of a lot line adjustment, giving the names and address of property owners; and
 - vi. Two (2) copies of a lot line adjustment plat (with an additional copy at 11x17 size) will need to be submitted with the Zoning application for lot line adjustments. The plat shall be prepared by a Vermont licensed land surveyor and indicate all lots that are proposed to be modified as a result of the proposed lot line adjustment (the "Survey"). The Survey shall be sufficient to clearly indicate the area, metes, bounds, and ties of each of the affected lots. The Survey shall include all structures and site improvements and delineate all building/structure setbacks, lot coverage, parking spaces and any other details as may be specified by the Zoning Administrative Officer.
- c. As mandated by the Burlington City Charter, the Burlington City Council must approve changes to property lines affecting the public Right-of-Way. Securing the approval of City Council for Right-of-Way property line adjustments will be the responsibility of City Staff, with support from UVM. The property line adjustments will also require approval of the University Board of Trustees
- d. At the City's completion of final design of the Colchester Avenue and Prospect Street intersection realignment plan, both parties will work cooperatively and in good faith to make any additional boundary adjustments necessary to facilitate said intersection realignment.

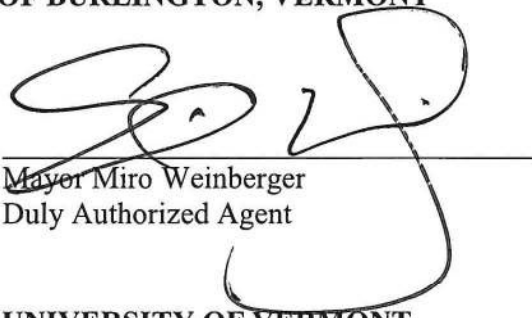
IV. Exhibits

- a. Exhibit C. Preliminary Proposed Land Transfers
- b. Exhibit B. "The Agreement Between The University Of Vermont And The City Of Burlington Regarding Participation In The City's Ten Year Capital Plan" dated February 28, 2018, and as subsequently amended by the First Amendment dated February 28, 2020, Second Amendment dated August 19th, 2020, Third Amendment dated December 31, 2020, and Fourth Amendment dated April 2021.

This non-binding Memorandum of Understanding is dated this _____ day of April 2021.

CITY OF BURLINGTON, VERMONT

By:


Mayer Miro Weinberger
Duly Authorized Agent

UNIVERSITY OF VERMONT

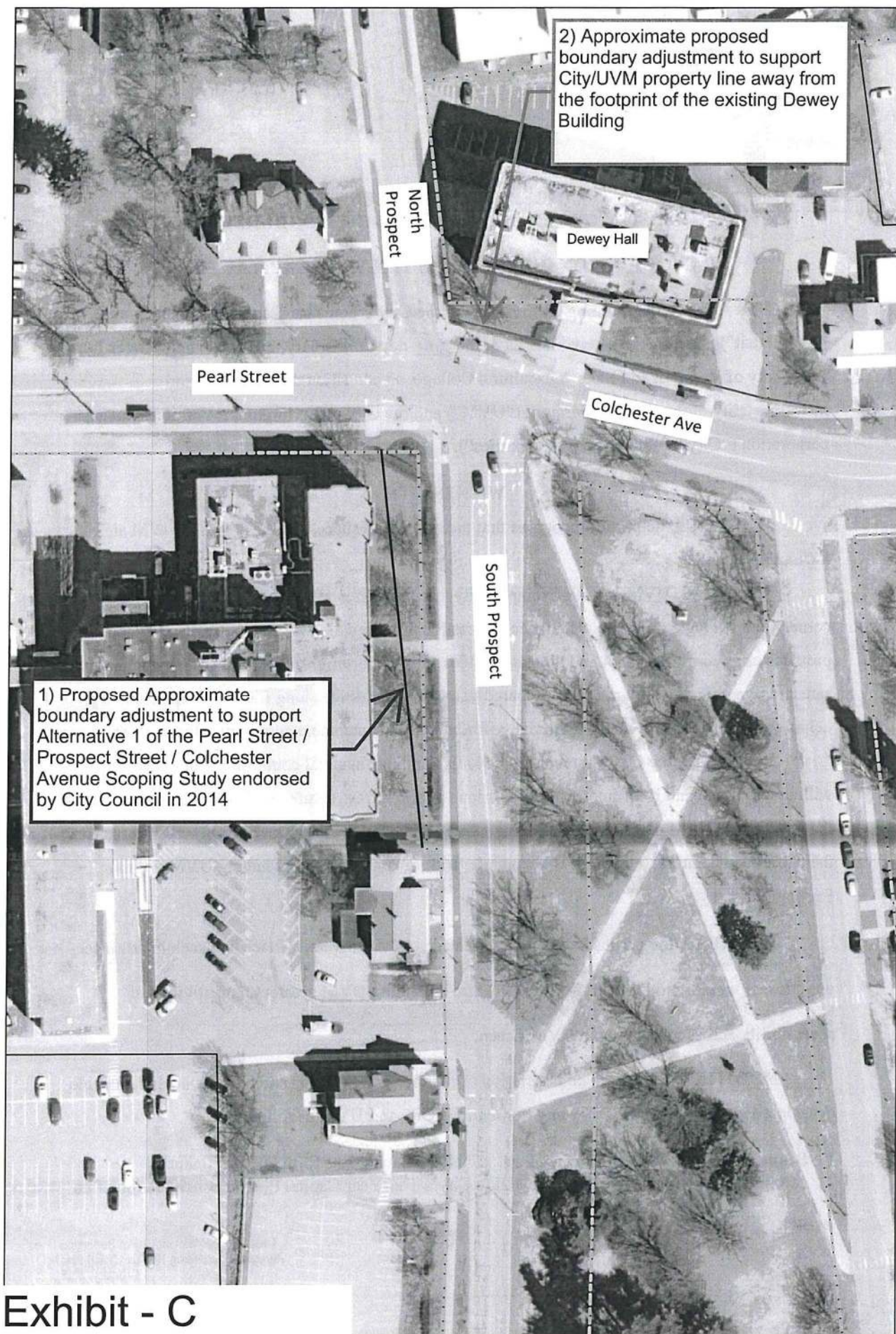
By:

Richard H
Cate

 Digitally signed by Richard H Cate
DN: cn=Richard H Cate, o=University of
Vermont and State Agricultural College,
ou, email=rcate@uvm.edu, c=US
Date: 2021.06.07 13:56:55 -04'00'

(Print Name)

Duly Authorized Agent



**AGREEMENT BETWEEN THE
UNIVERSITY OF VERMONT AND THE CITY OF BURLINGTON
REGARDING
PARTICIPATION IN THE CITY'S TEN YEAR CAPITAL PLAN**

This Agreement regarding participation in the City's Ten Year Capital Plan (the "Agreement") is made and entered into as of the 28th day of February, 2018, by and between the University of Vermont and State Agricultural College, an educational corporation and instrumentality of the State of Vermont ("UVM") and the City of Burlington, a Vermont municipal corporation ("City") (collectively, "the parties").

WITNESSETH:

WHEREAS, the parties recognize that the health and success of the City and UVM are inexorably linked;

WHEREAS, UVM is a tax-exempt entity that prioritizes affordability for its students as a cornerstone strategic principle. UVM recognizes the exceptional value the City of Burlington provides as a recruitment tool and the potential learning opportunities that exist for its students in a safe and dynamic downtown, and is prepared to expand its decades long financial commitment to helping ensure the City remains a vibrant, affordable, and sustainable community for years to come;

WHEREAS, the City appreciates this long standing financial commitment and the willingness to expand it further to address serious public infrastructure needs while also recognizing the importance UVM places on maintaining affordability for its students. The City also recognizes the tremendous cultural, educational, economic, and research benefits of having UVM within Burlington; and

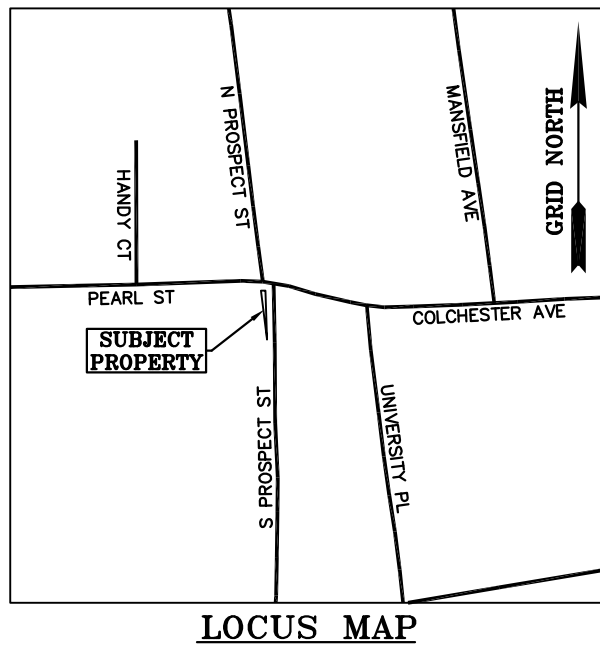
WHEREAS, the parties have discussed the status of University Place and seek to advance options that would limit or calm traffic while also providing UVM greater connectivity and accessibility across its campus to UVM Green.

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, IT IS AGREED, by and between the City and UVM as follows:

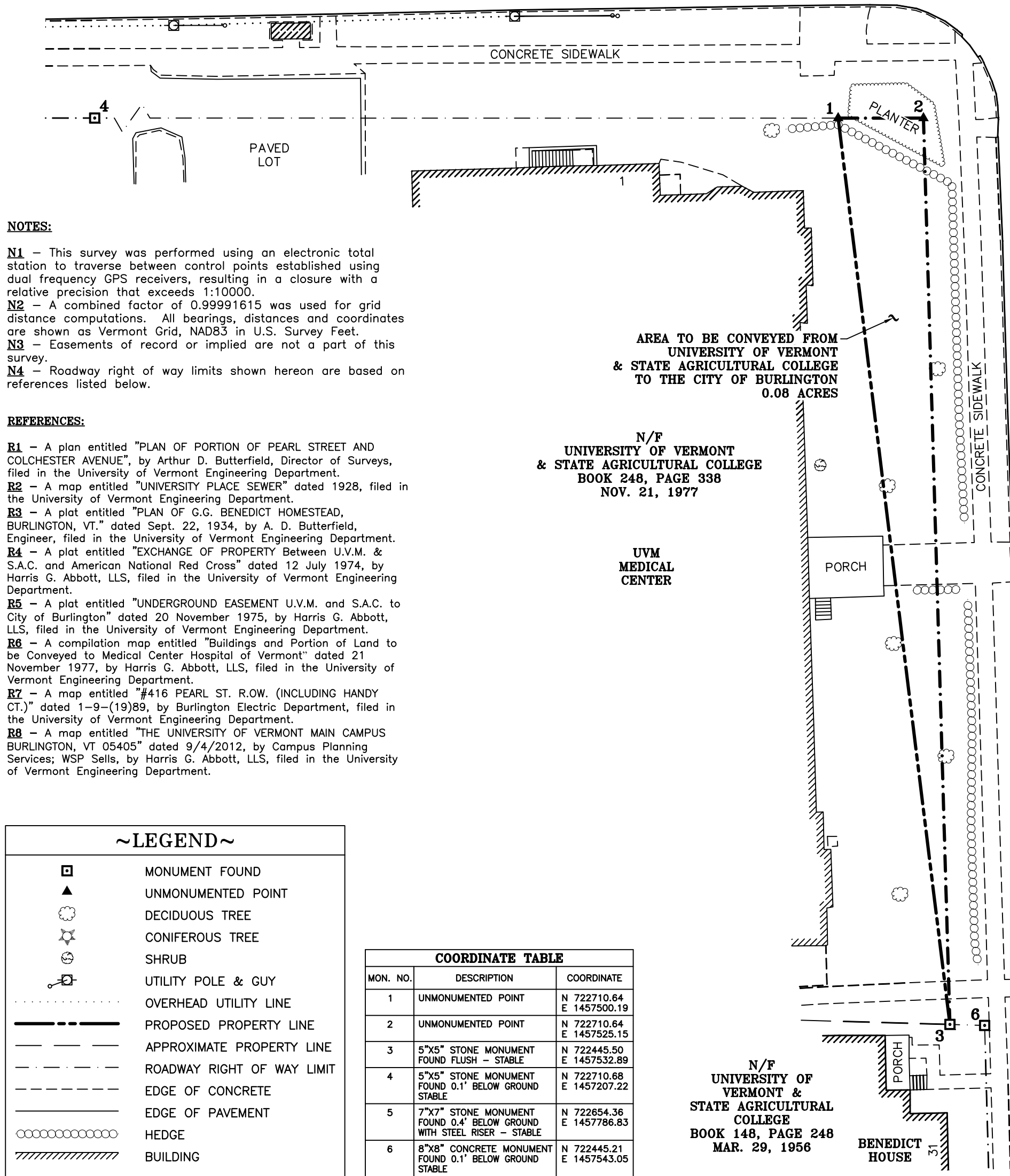
1. **Scope and Purpose of the Agreement.** This Agreement sets forth UVM's financial commitment to the City with respect to the City's Ten-Year Capital Plan in consideration of its

(V0024390.1)

University of Vermont/City of Burlington
Agreement Regarding 10 Year Capital Plan
February, 2018
Page 1 of 8

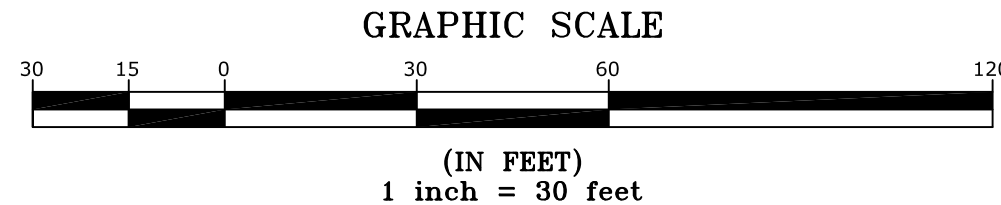


PEARL STREET - TOWN HIGHWAY 3



SOUTH PROSPECT STREET - TOWN HIGHWAY 13

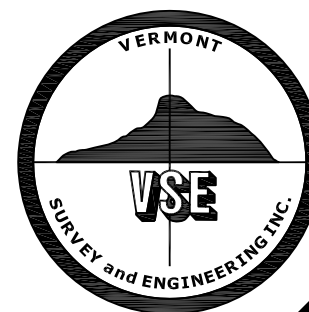
COLCHESTER AVENUE - TOWN HIGHWAY 3



I certify that this plat is based on information abstracted from documents, parcel evidence, and physical evidence. The survey work identified hereon is consistent with this information.

I certify that this plat meets the requirements of 27 VSA Section 1403 and complies with Vermont Board of Land Surveyors Rules, Part 5.4 and 5.5, adopted under 26 VSA Section 2544(a)(9).

Signed: Stephen C. Fraser, L.L.S. #527



PRELIMINARY

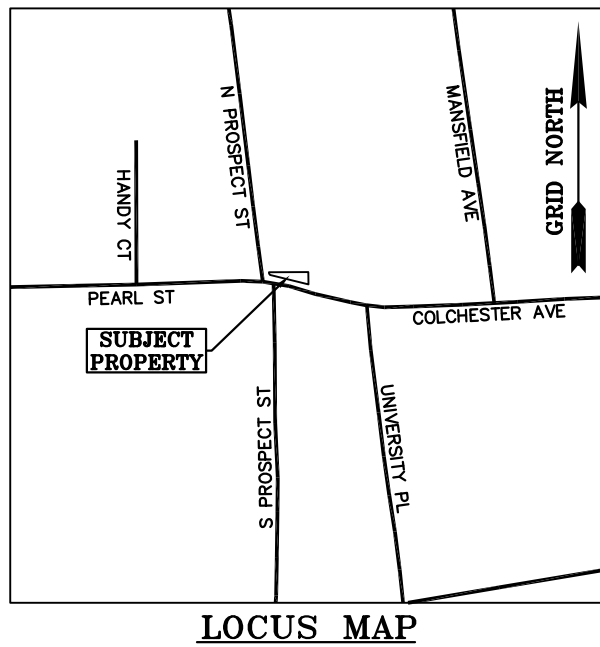
PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
1 TO 2	N 89° 59' 32" E	24.96'
2 TO 3	S 01° 40' 17" E	265.26'
3 TO 1	N 07° 01' 51" W	267.15'

BOUNDARY SURVEY
SHOWING LANDS TO BE CONVEYED FROM
UNIVERSITY OF VERMONT &
STATE AGRICULTURAL COLLEGE
TO
CITY OF BURLINGTON
PEARL STREET
& SOUTH PROSPECT STREET
CITY OF BURLINGTON
CHITTENDEN COUNTY - STATE OF VERMONT

SCALE: 1"=30' PLAT COMPILATION DATE: 12-13-2021
VSE PROJECT #: 21036-11 DRAWN BY: JMR SHEET 1 OF 1

Vermont Survey and Engineering, Inc.
79 River Street, Montpelier, Vermont
(802) 229-9138 ~ info@vermontsurvey.com

ORIGINAL DRAWING-INK ON POLYESTER FILM MEETING THE REQUIREMENTS OF 27 VSA 1403(b)(8)(B)



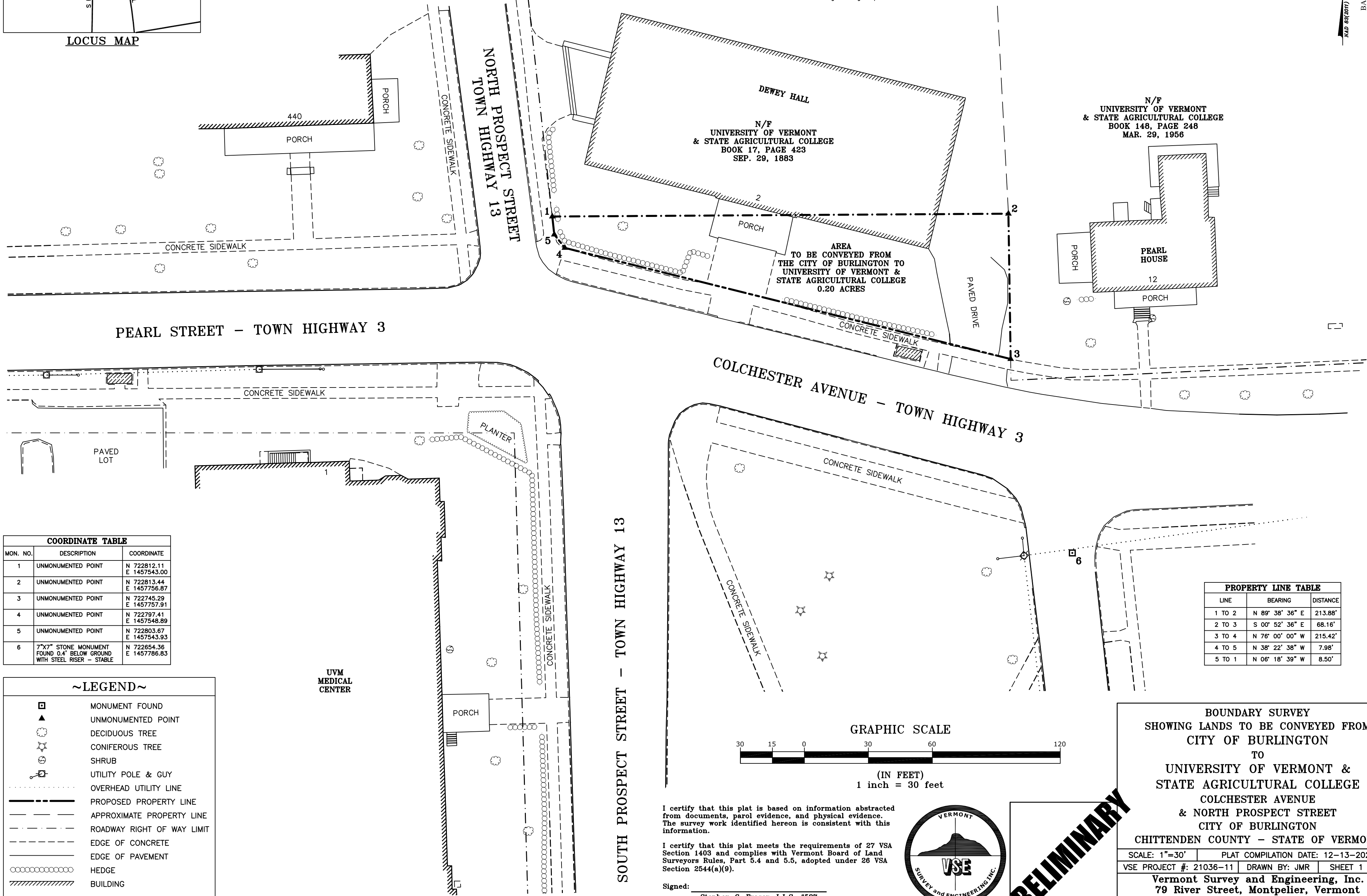
NOTES:

- N1** - This survey was performed using an electronic total station to traverse between control points established using dual frequency GPS receivers, resulting in a closure with a relative precision that exceeds 1:10000.
N2 - A combined factor of 0.99991615 was used for grid distance computations. All bearings, distances and coordinates are shown as Vermont Grid, NAD83 in U.S. Survey Feet.
N3 - Easements of record or implied are not a part of this survey.
N4 - Roadway right of way limits shown hereon are based on references listed below.

REFERENCES:

- R1** - A plan entitled "PLAN OF PORTION OF PEARL STREET AND COLCHESTER AVENUE", by Arthur D. Butterfield, Director of Surveys, filed in the University of Vermont Engineering Department.
R2 - A map entitled "UNIVERSITY PLACE SEWER" dated 1928, filed in the University of Vermont Engineering Department.
R3 - A plat entitled "PLAN OF G.G. BENEDICT HOMESTEAD, BURLINGTON, VT." dated Sept. 22, 1934, by A. D. Butterfield, Engineer, filed in the University of Vermont Engineering Department.
R4 - A plat entitled "EXCHANGE OF PROPERTY Between U.V.M. & S.A.C. and American National Red Cross" dated 12 July 1974, by Harris G. Abbott, LLS, filed in the University of Vermont Engineering Department.
R5 - A plat entitled "UNDERGROUND EASEMENT U.V.M. and S.A.C. to City of Burlington" dated 20 November 1975, by Harris G. Abbott, LLS, filed in the University of Vermont Engineering Department.
R6 - A compilation map entitled "Buildings and Portion of Land to be Conveyed to Medical Center Hospital of Vermont" dated 21 November 1977, by Harris G. Abbott, LLS, filed in the University of Vermont Engineering Department.
R7 - A map entitled "#416 PEARL ST. R.O.W. (INCLUDING HANDY CT.)" dated 1-9-(19)89, by Burlington Electric Department, filed in the University of Vermont Engineering Department.
R8 - A map entitled "THE UNIVERSITY OF VERMONT MAIN CAMPUS BURLINGTON, VT 05405" dated 9/4/2012, by Campus Planning Services; WSP Sells, by Harris G. Abbott, LLS, filed in the University of Vermont Engineering Department.

BASIS OF BEARINGS & COORDINATES
Datum: Horizontal - NAD 83 (2011) SFC (4400 VT) SFT
MAD 83 (2011)



I certify that this plat is based on information abstracted from documents, parol evidence, and physical evidence. The survey work identified hereon is consistent with this information.

I certify that this plat meets the requirements of 27 VSA Section 1403 and complies with Vermont Board of Land Surveyors Rules, Part 5.4 and 5.5, adopted under 26 VSA Section 2544(a)(9).

Signed: Stephen C. Fraser, L.L.S. #527



PRELIMINARY

PROPERTY ACQUISITION AGREEMENT

This Property Acquisition Agreement (this "Agreement") is entered as of _____, 2024 (the "Effective Date"), between the University of Vermont and State Agricultural College, a public land-grant research university with a principal address of 85 S. Prospect Street, Burlington, VT 05405 ("UVM") and the City of Burlington, a Vermont municipal corporation with a principal address of 149 Church Street, Burlington, VT 05401 (the "City"), with respect to the following facts:

- A. The City owns that certain parcel of real property generally triangular in shape and 0.2 acres in size, more or less, located in the City of Burlington, County of Chittenden, State of Vermont, labelled "Area to Be Conveyed from the City of Burlington to University of Vermont & State Agricultural College", as depicted in that certain plat prepared by Vermont Survey & Engineering, Inc., entitled "Boundary Survey Showing Lands to Be Conveyed from City of Burlington to University of Vermont & State Agricultural College, Colchester Avenue & No. Prospect Street", dated December 13, 2021, and recorded in the City's Land Records as Map Slide ____ (the "City Parcel").
- B. The City Parcel underlies a portion of UVM's Dewey Hall and associated property. UVM desires to acquire the parcel and the City desires to transfer it to UVM. The parties estimate that the City Parcel has a value of One Hundred Eighty-two Thousand Four Hundred Sixty-nine Dollars and No Cents (\$182,469.00) (the "City Parcel Value"), based upon an estimated value of Twenty-one Dollars and No Cents (\$21.00) per square foot.
- C. UVM owns that certain parcel of real property generally triangular in shape and 0.08 acres in size, more or less, located in the City of Burlington, County of Chittenden, State of Vermont, labelled "Area to Be Conveyed from University of Vermont & State Agricultural College to the City of Burlington", as depicted in that certain plat prepared by Vermont Survey & Engineering, Inc., entitled "Boundary Survey Showing Lands to Be Conveyed from University of Vermont & State Agricultural College to City of Burlington, Pearl Street & So. Prospect Street", dated December 13, 2021, and recorded in the City's Land Records as Map Slide ____ (the "UVM Parcel").
- D. The City needs to acquire the UVM Parcel for right-of-way improvements to the intersection where the two parcels are located, as expressed in that certain Memorandum of Understanding between the parties relating to said intersection dated April 2021, and executed on behalf of UVM on June 7, 2021. UVM is unwilling to sell the UVM Parcel voluntarily because doing so would constitute a zoning violation due to an existing lot coverage nonconformity.

UVM does not object, however, to the condemnation of the UVM Parcel, as further set forth in this Agreement.

- E. The parties estimate that the UVM Parcel has a value of Sixty-nine Thousand Four Hundred Eighty-nine Dollars and No Cents (\$69,489.00) (the "UVM Parcel Value"), based upon an estimated value of Twenty-one Dollars and No Cents (\$21.00) per square foot. The difference between the City Parcel Value and the UVM Parcel Value is One Hundred Twelve Thousand Nine Hundred Eighty Dollars and No Cents (\$112,980.00) (the parcel value differential, or "PVD").
- F. By this Agreement, the parties intend (this Agreement's "Objects & Purposes") that: (1) the City will convey the City Parcel to UVM, (2) the City will condemn the UVM Parcel without objection from UVM, (3) UVM will pay the PVD to the City in consideration of the City Parcel, (4) UVM will accept the transfer of the City Parcel for the PVD in lieu of its full cash value as full and just compensation for the taking of the UVM Parcel, and (5) both parties will accept the physical and legal condition of their respectively acquired parcels as-is, with all faults, except warranties of title.
- G. The parties contemplate that the condemnation described in the prior Recital may occur at the same meeting that this Agreement is approved by the City Council, but subsequent to the Agreement's execution on behalf of the City. It is the intent of the parties that upon approval, this Agreement shall be immediately binding upon the City.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.
- 2. Condemnation of the UVM Parcel. Once this Agreement has been approved and executed by UVM and approved by the City Council, the City Council shall hold a public hearing to condemn the UVM Parcel. UVM shall not object to the condemnation, and the parties mutually agree that:
 - a. The condemnation procedures set forth in 24 V.S.A. ch. 77, may be used to condemn the UVM Parcel, and to the extent any other procedures may be deemed to apply, UVM waives the application of those procedures to the fullest extent allowed by law.

- b. Compliance with the provisions of this Agreement fully satisfies the requirements of 24 V.S.A., ch. 77.
 - c. UVM is in receipt of the Federal Highway Administration's manual entitled: "Relocation: Your Rights and Benefits as a Displaced Person under the Federal Relocation Assistance Program". It is agreed and understood that UVM is not entitled to relocation assistance of any kind under federal or state law, and to the extent any right to such assistance may exist, UVM expressly waives such right.
 - d. The City needs the UVM Parcel for public use, as set forth in the Recitals.
 - e. UVM has received ten (10) days' notice of the condemnation proceedings pursuant to 24 V.S.A. § 2805(b), or otherwise waives any right to this or any other notice.
 - f. The UVM Parcel Value is an adequate measure of all the damages of every kind and nature to be sustained as a result of the condemnation, and UVM shall be fully compensated for such damages upon occurrence of the transactions contemplated in Section 4, below.
 - g. To the extent necessary pursuant to 24 V.S.A. § 2805(d) or any other law, by authorizing this Agreement, UVM has given its written consent to the condemnation, subject to the City's transference of the City Parcel as described herein.
 - h. UVM shall not challenge the condemnation pursuant to 24 V.S.A. § 2809 and 2810 or any other law.
 - i. A proposed form of resolution for condemning the UVM Parcel is attached hereto as **Exhibit A** (signature page and attachments thereto omitted). Title in the UVM Parcel shall vest in the City as soon as the City's resolution is recorded in the Land Records and damages have been paid to UVM as described paragraph (e), above.
3. Conditions Precedent. For greater clarity, it is agreed and understood that:
- a. The approval of this Agreement by the City Council is a condition precedent to UVM's obligations under the prior section such that if the condemnation is ordered without the approval of this Agreement by the City Council, then UVM shall not be deemed to have consented to the condemnation.

- b. UVM's right to acquire the City parcel for the PVD is conditioned upon the City Council's condemnation of UVM Parcel, so that the duties of the City as described in the following section, shall not arise unless the condemnation is approved by the City Council.
4. Transfer of the City Parcel. Concurrently with (or as soon as reasonably practicable following), the recordation of a resolution evidencing the condemnation proceedings, UVM shall pay the City the PVD, and the City shall deliver to UVM a validly executed quitclaim deed for the City Parcel to be recorded in the Land Records, substantially in the form attached as **Exhibit B.**
 5. Disclaimer of Warranties. EXCEPT AS OTHERWISE EXPRESSLY SET FORTH HEREIN, THE PARTIES DISCLAIM WARRANTIES OF EVERY KIND AND NATURE RELATING TO THEIR RESPECTIVE PARCELS. WHETHER ANY PHYSICAL OR LEGAL DEFECT WAS CAPABLE OF BEING KNOWN AS OF THE EFFECTIVE DATE, THE CITY AGREES AND UNDERSTANDS THAT IT IS ACQUIRING THE UVM PARCEL AS-IS, WITH ALL FAULTS, AND UVM AGREES AND UNDERSTANDS THAT IT IS ACQUIRING THE CITY PARCEL AS-IS, WITH ALL FAULTS.
 6. Term. This Agreement shall continue in force until both parties have completed their obligations hereunder or are excused at law or in equity from doing so.
 7. Independent Contractors. The parties are independent contractors of one another, and neither party is the agent or principal of the other. By entering this Agreement, neither party intends to form a partnership, joint venture, or similar enterprise.
 8. Interpretation. There are no third-party intended beneficiaries of this Agreement. This Agreement shall not be construed against either party but instead shall be construed in such manner as best effectuates its Objects & Purposes.
 9. Entire Agreement. This Agreement contains the entire understanding of the parties with respect to the subject matter hereof and supersedes all prior agreements or understandings relating to the same, whether written, oral, or implied.
 10. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall continue in force to the extent necessary to effectuate its Objects & Purposes and the original intent of the parties as closely as possible.

11. Assignment; Amendment; Waiver. Neither party shall assign this Agreement without the written consent of the other party. No waiver of this Agreement shall be valid unless in writing, notwithstanding the passage of time, and no waiver shall constitute a continuing waiver of the same or another provision. This Agreement may not be amended except in a writing signed by both parties.
12. Choice of Law & Venue. This Agreement shall be construed according to Vermont law, notwithstanding conflicts of law principles. Venue for this Agreement shall be proper in Chittenden County, Vermont, notwithstanding any law to the contrary.
13. Dispute Resolution. Neither party shall file any litigation arising from this Agreement 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. In case of any litigation arising from this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.
14. Notice. Any notice required under this Agreement shall be given to the receiving party at the address referenced in the opening paragraph, unless another address is given by notice. In case of personal delivery, notice shall be deemed given upon receipt. In case of notice by U.S. mail, notice shall be deemed given three (3) days after deposit in the mail. In case of notice by overnight courier, notice shall be deemed given the day after deposit with a reputable courier. In case of notice by electronic means, notice shall be deemed given upon written acknowledgment of receipt.
15. Execution. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement may be executed electronically, and an electronic copy or other facsimile shall be deemed an original. The signatories of this Agreement represent and warrant their authority to bind their respective parties hereto.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

**UNIVERSITY OF VERMONT
AND STATE AGRICULTURAL
COLLEGE**

By: _____
Richard H. Cate,
Vice President for Finance & Administration

CITY OF BURLINGTON

By: _____
Emma Mulvaney-Stanak, Mayor

EXHIBIT A
CONDEMNATION RESOLUTION

Resolution Relating to

Condemnation of Property at 1 So. Prospect Road owned by the University of Vermont and State Agricultural College

RESOLUTION_____

Sponsor(s):
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 University of Vermont and State Agricultural College (“UVM”) owns that certain parcel 0.08 acres in size, more or less, located at 1 So. Prospect Road and depicted in that certain plat prepared by Vermont Survey & Engineering, Inc., entitled “Boundary Survey Showing Lands to Be Conveyed from University of Vermont & State Agricultural College to City of Burlington, Pearl Street & So. Prospect Street”, dated December 13, 2021, and recorded in the City’s Land Records as Map Slide __ (the “Property”); and
- WHEREAS, the City needs the Property for public use for reasons explained the memorandum attached to this resolution as **Attachment A**; and
- WHEREAS, UVM is unwilling to sell the Property to the City but does not object to condemnation thereof, as set forth in that certain Property Acquisition Agreement of even date herewith attached to this resolution as **Attachment B**; and
- WHEREAS, just compensation for the Property is Sixty-nine Thousand Four Hundred Eighty-nine Dollars and No Cents (\$69,489.00); and
- WHEREAS, all notice and procedures required to take the Property by eminent domain have been complied with or waived;
- NOW THEREFORE, be it resolved that:
- The Property is ordered condemned pursuant to 24 V.S.A., ch. 77.
 - This resolution, including its attachments, which are incorporated herein by this reference, shall be recorded in the Land Records as evidence of these proceedings.
 - The full amount of damages as determined hereinabove shall be paid to UVM in the manner outlined in the Property Acquisition Agreement.
 - From the date that both this resolution is recorded and damages have been paid, the Property shall be held by the City in fee.
 - The Mayor or designee is authorized to execute such documents and take such further actions as may be reasonably necessary or convenient to accomplish the purposes of this resolution.

EXHIBIT B
QUITCLAIM DEED TO CITY PARCEL

QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS that the City of Burlington, a Vermont municipal corporation (“Grantor”), in consideration of ten or more dollars and other good and valuable consideration paid by the University of Vermont and State Agricultural College, a public land-grant research university (“Grantee”), the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, and quitclaim unto Grantee and its successors and assigns forever,

THAT CERTAIN PARCEL OF REAL PROPERTY located in the City of Burlington, County of Chittenden, State of Vermont, depicted as “Area to Be Conveyed from the City of Burlington to University of Vermont & State Agricultural College” in that certain plat prepared by Vermont Survey & Engineering, Inc., entitled “Boundary Survey Showing Lands to Be Conveyed from City of Burlington to University of Vermont & State Agricultural College, Colchester Avenue & No. Prospect Street”, dated December 13, 2021, and recorded in the City’s Land Records as Map Slide __,

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, and Grantee, its successors and assigns, to its own use and behoof forever;

AND FURTHERMORE, Grantor, for itself and its heirs, executors and administrators, does covenant with Grantee, its successors and assigns, that until the ensealing of these presents Grantor shall have and claim no right in or to the said quitclaimed premises;

IN WITNESS WHEREOF, the undersigned hereunto sets her hand and seal on behalf of the City of Burlington this __ day of __, 2024.

Emma Mulvaney-Stanak, Mayor

State of Vermont, County of Chittenden. This record was acknowledged before me on _____ (date) by Emma Mulvaney-Stanak as the Mayor of the City of Burlington, Vermont.

Signature of Notary Public: _____

Stamp or certificate number: _____

Title of office: _____

My commission expires: _____

Board of Finance and City Council Submission Checklist

Department: Public Works Submitter: Phillip Peterson
UVM-City Land Swap at Pearl and Prospect Intersection
 Title/Subject: _____

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/26/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	7/30/2024	Joe Magee
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/26/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/26/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/30/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Yes	UVM/City Land Swap Agreement
Additional Materials, if necessary	Yes	UVM/City MOU
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	TEUC/BOF

To: Burlington City Council
From: Burlington Housing Authority Board
Date: August 12, 2024
Subject: Update on the Situation at Decker Towers and Other BHA Properties

This memo provides an update to City Council on recent activity by Burlington Housing Authority (BHA) staff, residents, and Board members. It has three parts: (i) Providing some context; (ii) making a request to the City Council and City Administration to provide a critical service to the community again this year in the form of a warming shelter; and (iii) outlining some relevant updates for the City Council.

We would like to thank the City of Burlington and Burlington Police Department, as well as other partners like the U.S. Attorney, the State's Attorney, and other affordable housing providers for their ongoing engagement with BHA.

Context

This memo focuses on Decker Towers, which has been the subject of recent City Council attention, but also references other BHA properties. While the memo notes some improvement at Decker Towers, we want to acknowledge that the different and sometimes inter-related challenges of drug use, homelessness, and mental health are daunting, society-wide problems that every affordable housing provider, every business, the City, and many residents across our community are wrestling with in different ways.

Further, BHA's role is to stretch wherever we can to safely accommodate people who have few or no other housing options – and this mission becomes both more important and more difficult with not only pervasive drug use, homelessness, and mental health challenges but also as corresponding support services are reduced. It is a vital goal to reduce homelessness, and it is a vital goal to help people keep their housing, and it is a vital goal to provide a safe environment for all our residents.

We also know that some of the progress of the past few months is a direct result of warmer weather, and so alongside the steps we are taking to improve the situation for BHA residents now, we are also preparing to mitigate challenges in the winter ahead. This is part of the reason we want to emphasize the importance of a warming shelter to you now.

Importance of a Winter Warming Shelter

One area we have greatly appreciated the City's action in past years and want to highlight for City Council and the City Administration while there is plenty of time to prepare is the importance of a winter warming shelter.

Last winter, the warming shelter was located in the old VFW building and provided about 30 people with a place to sleep each night. We know it did not meet the full need in the community, but it helped many people. Some of those who could not get in used Decker Towers' stairwells instead as a last resort.

We are hopeful the City will again prioritize a warming shelter this winter, as it is a critical piece that will support BHA efforts to improve the quality of life in our buildings in the winter.

BHA Updates

The BHA staff, residents, and Board are moving on a number of fronts to improve the quality of life in BHA properties. Here is a summary of some of the steps taken to date, with a focus on Decker Towers:

- BHA has benefitted from the participation of partners like the Mayor's Office, Burlington Police Department, U.S. Attorney's Office, the State's Attorney's Office in a working group that has met this spring and summer. That working group has helped focus attention in different ways, resulting in arrests and separate eviction proceedings for tenants who have driven much of the unacceptable behavior in Decker Towers in particular.
- BHA has worked with a well-regarded private security consultant to help focus our attention and resources as an organization in the most effective ways.
- BHA has made numerous investments in our facilities and in security features across our buildings. By way of example, BHA has contracted to provide write ups every day of activity captured on security cameras the night before and is making this resource available to the Burlington Police Department and other law enforcement agencies as needed.
- With support from the City, BHA has hired private security for Decker Towers. This security guard presence has had mixed results to date, as we detail below.
- BHA has allocated significant new resources to Decker Towers and other properties, to the point that this year the organization is projecting a budget deficit to do so. This includes proactively setting aside funding for additional Sheriff patrols in the winter, which were an important step in regaining control of Decker Towers earlier this year.
- BHA has provided space and computers for the Resident Council established by Decker Towers residents this past winter and BHA staff meet regularly with the Resident Council.
- BHA has made changes to its screening policies that will help improve existing residents' quality of life.
- BHA has successfully evicted tenants using BHA apartments to move large quantities of illegal drugs.
- BHA is investing in new positions related to property management to improve building care and upkeep generally.

Security Guard

Establishing an overnight security guard presence in Decker Towers was one of the priorities for the last City Administration. BHA signed an agreement with the prior City Administration that committed BHA to hiring overnight security and the City offsetting this

cost for at least the first three months of the contract. The City's contribution was to capital improvements and BHA made a corresponding investment in security. BHA is appreciative of the City's support.

The overnight security guards have some utility but have not been as effective as we hoped. On one hand, guards were not properly trained for their first night on shift or slept on the job, and further, Vermont law prevents them from stopping individuals who are visiting identified "friends" in the building. BHA has worked with the private security firm to improve performance for these types of challenges where possible, but the private security firm has also struggled to consistently staff the position. There are many others – like the Library, City Hall, and many private entities in Burlington – that are also seeking security guard presence.

On the other hand, a security presence has some deterrent effect and can help coordinate with law enforcement if they enter the building. Improving security guard performance remains a BHA goal, as effective guards could have an outsize impact on improving the quality of life in Decker Towers during the winter months.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: Board of Finance and City Council

FROM: Madeline Suender, Public Works Engineer

DATE: August 5th, 2024 (BOF); August 12th, 2024 (CC)

CC: Laura Wheelock, PE Assistant Director of Public Works/City Engineer
Chapin Spencer, Director of Public Works

RE: Authorization to Award and Execute the Construction Contract for Bridge Rail Repair

Request:

The Department of Public Works ("DPW") is requesting approval and recommendation from Board of Finance and authorization from the City Council to award and execute the Construction Contract for the Bridge Rail Repair with Engineers Construction, Inc. for \$456,789.00 with use of up to \$45,678.00 in contingency for a total of \$502,467.00.

Background of the Bridge Rail

In October of 2022, the City entered into a contract with Vanasse Hangen Brustlin, Inc. (VHB) through the On Call process to perform design services for the repair of damaged bridge guardrails at two structures within the City, the Queen City Park Rd Bridge and the southernmost VT Route 127 Bridge (north of Manhattan Drive).

These bridge rails were damaged over time from vehicle crashes as well as general wear and tear from operations such as winter plowing. In 2022, following VTrans inspection, the City was put on notice for required repair of the 127 Bridge Rail and given 60 days to respond with intended next steps. The City then contracted VHB and responded to VTrans with our intent to repair.

These bridges both cross railroads with the Queen City Park Road Bridge crossing Vermont Rail Systems (VRS) and the VT Route 127 Bridge crossing New England Central Rail (NECR).

Contractor Procurement

This procurement followed the City's Procurement process. The Bid was first put out in 2023 with no respondents. After some additional design edits for constructability, the second Bid was successful with Engineers Construction, Inc. (ECI) as the only bidder. Though ECI was the lone bidder, they had a construction estimate within budget and within a reasonable range of the Engineer's Estimate from VHB. VHB's bid analysis ultimately recommended the bid be accepted with failure to indicate a disadvantage to the City.

Funding

Funding for this project was approved by City Council as part of the FY23 Capital Budget and comes from the March 2022 \$23.8M Capital General Obligation Bond (Series 2022A). There is \$600,000.00 available for this work. With one Amendment thus far, VHB's design contract is for \$33,994.47 leaving \$566,005.53 available for construction.

Attachments

1. Bridge Rail Repair Bid Analysis

Motions

Actions for Board of Finance:

1. To approve and recommend that the City Council authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. in an amount of \$456,789.00 with use of up to \$45,678.00 in contingency for a total of \$502,467.00 for construction services related to the Bridge Rail Repair contract, subject to review and approval of the Office of the City Attorney.

Actions for City Council:

1. To authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. in an amount of \$456,789.00 with use of up to \$45,678.00 in contingency for a total of \$502,467.00 for construction services related to the Bridge Rail Repair contract, subject to review and approval of the Office of the City Attorney.



City of Burlington
Division for Technical Services

Burlington Department
of Public Works

TO: Madeline Suender, Associate Public Works Engineer

FROM: Scott Burbank, PE, Project Manager

DATE: July 26, 2024

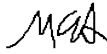
SUBJECT: Burlington Bridge Rail Repair – Bid Analysis

Summary:

Low Bidder:	Engineers Construction, Inc (ECI)
Low Bid Amount:	\$456,789.00
Engineer's Estimate:	\$406,325.66
Difference (amount & %)	\$50,463.34 or 12.42%
Advertisement Date:	6/14/2024
Bid Opening Date:	7/12/2024
Analysis By:	Matthew Nemeth, VHB
Analysis Completion Date:	7/26/2024

As required by 23 CFR 635.114, the low bid submitted for this project has been reviewed for reasonable conformance with the Engineer's estimate, in accordance with FHWA's *Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation, Section 5* (a link can be found here: <http://vtransestimating.vermont.gov/>), resulting in the following recommendation:

- ☒ The low bid should be accepted. The analysis has failed to indicate a disadvantage to the City in accepting the low bid.
- ☐ The low bid should be rejected. The analysis has determined a disadvantage to the City in accepting the low bid.
- ☐ All bids should be rejected. The analysis has determined a disadvantage to the City in *accepting* any of the submitted bids.

REVIEWED:  Date: 7/29/24
Madeline Suender, Associate Public Works Engineer

APPROVED: Laura Wheelock Date: 7/31/24
Laura Wheelock, P.E., City Engineer & Division Director for Technical Services

Competition Assessment:

Number of Bidders: 1 (excluding informal bids)
Allowable percentage above estimate: 1 Bidder/0%
Range of Bids: N/A
Engineer's Estimate: \$406,325.66
Low Bid: \$456,789.00
Difference (amount and percent): \$50,463.34 or 12.42%

- ☐ Adequate Competition.
- ☒ Exempt from Adequate Competition.
- ☒ Safety Project. ☐ Emergency Project.
- ☐ Gap Project. ☐ Critical Project.
- ☒ Bidding history of similar projects indicates re-advertisement will not improve competition.
- ☐ Inadequate Competition, project to be re-advertised.

Competition is assessed as outlined in FHWA's *Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation, Section 5a*.

Extended Estimate/Low Bid Assessment:

For the purposes of this bid analysis, only the construction items that were overbid or underbid by \$4,063.26 or more in cost between the extended estimate and the extended low bid were individually analyzed. This amount (\$4,063.26) represents 1% of the estimate.

Item Number: 506.60
Item Name: Structural Steel (Galvanized)
Estimated Quantity: 745 LB

- ☒ Estimated quantity has been verified. ☐ Estimated quantity has been found to be in error. (see explanation)

Estimated Unit Price	Extended Estimate	Low Bid Unit Price	Extended Low Bid	Low Bid Difference
\$ 34.65	\$ 25,815.74	\$ 18.00	\$ 13,410.00	-\$ 12,405.74

Explanation: The bid unit price for this construction item was lower than estimated unit price. The listed quantity of 745 LB has been verified. The estimated unit price was increased from previous bid prices for this item to account for the bending of the angle and the level of effort to install this angle. But even though the Plans state that the angle shall be removed they did not state how the Contractor would be paid for the removal of the angle. Therefore, it is likely that the additional cost in the unit bid price is due to the estimated unit price underestimated the level of effort to perform this work including the removal of the existing angle. There is no advantage to the Contractor or disadvantage to the City. Recommend acceptance of low bid unit price.

Item Number: 525.10
Item Name: Removal of Existing Bridge Railing
Estimated Quantity: 193 LF

☒ Estimated quantity has been verified.

☐ Estimated quantity has been found to be in error. (see explanation)

Estimated Unit Price	Extended Estimate	Low Bid Unit Price	Extended Low Bid	Low Bid Difference
\$ 25.00	\$ 4,825.00	\$ 100.00	\$ 19,300.00	+\$ 14,475.00

Explanation: The bid unit price is higher than the estimated unit price for this construction item. The estimated unit price of \$25.00 is based on recent bid prices for removal of bridge railing. The low bid unit price is likely high due to the need to perform this work over two active rail lines and the requirement to cut all the rail post anchor bolts flush with the top of the curb on the VT Route 127 Bridge. The listed quantity of 193 LF has been verified. There is no advantage to the Contractor or disadvantage to the City. Recommend acceptance of low bid unit price.

Item Number: 525.335
Item Name: Bridge Railing, Galvanized 3 Rail Box Beam
Estimated Quantity: 181 LF

☐ Estimated quantity has been verified.

☒ Estimated quantity has been found to be in error. (see explanation)

Estimated Unit Price	Extended Estimate	Low Bid Unit Price	Extended Low Bid	Low Bid Difference
\$ 740.00	\$ 133,940.00	\$ 550.00	\$ 99,550.00	-\$ 34,390.00

Explanation: The bid unit price is lower than the estimated unit price for this construction item. The estimated unit price was increased to account for inflation and installing bridge rail over the NECR rail line. The estimated unit price appears to have overestimated the effort required to install the bridge railing. The listed quantity of 181 LF was reviewed and found to be in error. The revised quantity is 193 LF. There is no advantage to the Contractor or disadvantage to the City. Recommend acceptance of low bid unit price.

Item Number: 621.21
Item Name: HD Steel Beam Guardrail, Galvanized
Estimated Quantity: 153 LF

☒ Estimated quantity has been verified.

☐ Estimated quantity has been found to be in error. (see explanation)

Estimated Unit Price	Extended Estimate	Low Bid Unit Price	Extended Low Bid	Low Bid Difference
\$ 40.00	\$ 6,120.00	\$ 105.00	\$ 16,065.00	+\$ 9,945.00

Explanation: The bid unit price is higher than the estimated unit price for this construction item. The estimated unit price of \$40.00 likely underestimated the inefficiencies of installing the heavy-duty steel beam guardrail over the VTR rail line and on the Queen City Park Road bridge which is not a typical application for w-beam guardrail. There is no advantage to the Contractor or disadvantage to the City. Recommend acceptance of low bid unit price.

Item Number: 621.51
Item Name: Manufactured Terminal End Section, Tangent
Estimated Quantity: 4 EA

☒ Estimated quantity has been verified.

☐ Estimated quantity has been found to be in error. (see explanation)

Estimated Unit Price	Extended Estimate	Low Bid Unit Price	Extended Low Bid	Low Bid Difference
\$ 3,000.00	\$ 12,000.00	\$ 4,300.00	\$ 17,200.00	+\$ 5,200.00

Explanation: The bid unit price is higher than the estimated unit price for this contract item. The estimated unit price is close to the average price from the previous two years, indicating that the estimated unit price may be out of date. Additionally, the estimate likely underestimated the effort required to install these units in a particular way to avoid underground utilities and impacts to the paved walkway on the southern approaches of the Queen City Park Road bridge. There is no advantage to the Contractor or disadvantage to the City. Recommend acceptance of low bid unit price.

Item Number: 621.725
Item Name: Guardrail Approach Section
Estimated Quantity: 4 EA

☒ Estimated quantity has been verified.

☐ Estimated quantity has been found to be in error. (see explanation)

Estimated Unit Price	Extended Estimate	Low Bid Unit Price	Extended Low Bid	Low Bid Difference
\$ 13,000.00	\$ 52,000.00	\$ 15,000.00	\$ 60,000.00	+\$ 8,000.00

Explanation: The bid unit price is higher than the estimated unit price for this contract item. With the difference between the estimated and low bid unit prices of only \$2,000 it appears that the engineer's estimate slightly overestimated the effort required to install the guardrail approach sections. There is no advantage to the Contractor or disadvantage to the City. Recommend acceptance of low bid unit price.

Item Number: 635.11
Item Name: Mobilization/Demobilization
Estimated Quantity: 1 LS

☒ Estimated quantity has been verified.

☐ Estimated quantity has been found to be in error. (see explanation)

Estimated Unit Price	Extended Estimate	Low Bid Unit Price	Extended Low Bid	Low Bid Difference
\$ 34,982.24	\$ 34,982.24	\$ 95,000.00	\$ 95,000.00	+\$ 60,017.76

Explanation: The bid unit price is higher than the estimated unit price for this construction item. The estimated unit price was based on mobilization/demobilization as 10.00% of the total estimated cost excluding this item. The bid unit price for this item is 26.26% of the total low bid cost excluding this item. It appears the 10.00% for mobilization/demobilization was low, likely due to there being two mobilizations for the project. The quantity will not change as this is a lump sum item. There is no advantage to the Contractor or disadvantage to the City. Recommend acceptance of low bid unit price.

Item Number: 641.10
Item Name: Traffic Control
Estimated Quantity: 1 LS

☒ Estimated quantity has been verified.

☐ Estimated quantity has been found to be in error. (see explanation)

Estimated Unit Price	Extended Estimate	Low Bid Unit Price	Extended Low Bid	Low Bid Difference
\$ 70,000.00	\$ 70,000.00	\$ 62,042.00	\$ 62,042.00	-\$ 7,958.00

Explanation: The bid unit price is lower than the estimated unit price for this construction item, indicating that the estimated unit price for this item overestimated the level of effort required for traffic control. The quantity will not change as this is a lump sum item. There is no advantage to the Contractor or disadvantage to the City. Recommend acceptance of low bid unit price.

Unit Price Assessment:

The low bid unit prices for the following additional items have been found to be significantly over/under the estimated unit price:

- 514.10 Water Repellant, Silane
- 522.35 Nonstructural Lumber, Treated
- 621.80 Removal and Disposal of Guardrail

☒ Unbalancing of the unit bid prices results in no disadvantage to the City.

☐ Unbalancing of the unit bid prices results in a potential disadvantage to the City.

Explanation: N/A

Final Recommendation:

There was only one bidder on this project. The bid was 112.42% of the estimate. The quantities have been back checked and verified, and one quantity was found to be in error. Item 525.335 has an additional 12 LF of Bridge Railing, Galvanized 3 Rail Box Beam. This will add an additional \$6,600 to the total low bid of \$456,789.00, increasing it to \$463,389.00. However, it would have increased the total estimated bid by \$8,800 as the estimated unit price was higher than the low bid unit price for this item. While the low bid is more than the estimate and there was only one bidder, this bid analysis has failed to indicate that there is an advantage to the low bid contractor or disadvantage to the City. Therefore, based on receiving no bids the first time this project was put out to bid, and because the bridge rail on each bridge does need to be repaired per the Vermont Agency of Transportation's (VTrans') request, we recommend that the low bid be accepted.

Board of Finance and City Council Submission ChecklistDepartment: Department of Public Works Submitter: Madeline SuenderTitle/Subject: Authorization to Award and Execute the Construction Contract for Bridge Rail Repair

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/28/2024	Laura Wheelock for Chapin Spencer as Acting Director
Mayor's Office informed and approved memo	Yes	7/29/2024	Joe Magee
Board/Commission, if required	N/A		Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/29/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/29/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Authorization to Award and Execute the Construction Contract for Bridge Rail Repair
Contract Attached, if applicable?	Yes	Attachment 1: Bid Analysis
Additional Materials, if necessary	No	
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	Board of Finance



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

MEMORANDUM

TO: License Committee/City Council

FROM: Caleb Manna, Associate Public Works Engineer, Department of Public Works

DATE: August 7, 2024

CC: Chapin Spencer, Director of Public Works
Laura Wheelock, P.E.; Division Director of Public Works/City Engineer
Corey Mims, P.E.; Senior Public Works Engineer

RE: 555 Shelburne Street – Gravel Wetland Encumbrance Permit Application
South Meadow Upper Tier Condominium Association/ Pomerleau Real Estate.

Request

The Applicant, South Meadow Upper Tier Condominium Association (represented by Champlain Housing Trust in the permit application) and Pomerleau Real Estate (Pomerleau), are requesting approval for a stormwater infrastructure system to partially exist in the city owned public right-of-way of the Champlain Parkway. The request, if approved, will formally permit the permanent installation of a stormwater outfall for the property located at 555 Shelburne Street and 1074 Pine Street, to meet State regulatory obligations under the 3-acre stormwater permit framework.

As stated in Burlington Code of Ordinance Chapter 27-32(a): *"No permit as required by Section 27-31 shall be for longer than sixty (60) days, except as authorized by the city council."*

Overview

Champlain Housing Trust submitted an encumbrance permit application on behalf of the joint applicants to the Department of Public Works on July 12th, 2024, requesting to occupy 2810 square feet of City right-of-way space on the Champlain Parkway Southern Connector, south of the shared-use path connection to Shelburne Street.

As part of its approach towards reducing phosphorus pollution from stormwater runoff, in 2020 the VT Department of Environmental Conservation issued a new round of regulations to address properties with significant amount of impervious surface (3 acres or more) that do not have modern stormwater management. These properties are required to comply with Stormwater General Permit 3-9050, known as the 3-Acre Permit, which includes requirements to evaluate the feasibility of installing stormwater treatment at existing sites (retrofits) and to build such practices no later than 2029.

The two sites identified in Burlington involved the “South Meadow Apartments” owned by Champlain Housing Trust and the “Shelburne Road Shopping Plaza” property owned by Pomerleau Real Estate.

The majority of the gravel wetland system will be located within the two properties, with an outfall pipe crossing the shared-use of the Champlain Parkway by Ramp “D” adjacent to 555 Shelburne Street that will discharge into Potash Brook on city owned right-of-way.

The Applicant will be responsible for any future maintenance or repairs and any other conditions as defined in the License Agreement. The gravel wetland is expected to remain in use indefinitely. The agreement and encumbrance permit will be annually renewable upon end of term date.

Recommendation

The Department of Public Works is supportive of entering into a License Agreement between the Applicant and the City. Installation of infrastructure is in coordination with Champlain Parkway final construction contract.

Thank you for your consideration of this request. Please do not hesitate to contact me directly at CManna@burlingtonvt.gov or 802-865-7562.

Attachment

- A. Application
- B. DPW Recommendation Form
- C. Photographs/Site Plan
- D. Certificate of Insurance

Motions:

License Committee:

“To approve and recommend that the City Council approve the Encumbrance Application for South Meadow Upper Tier Condominium Association, and Antonio B. Pomerleau, LLC, for the address located at 555 Shelburne Street and 1074 Pine, requesting use of city owned property for a stormwater outfall pipe, and to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney’s Office.”

City Council:

“To approve the Encumbrance Application for South Meadow Upper Tier Condominium Association, and Antonio B. Pomerleau, LLC at 555 Shelburne St and 1074 Pine Street, requesting use of city owned property for a stormwater outfall pipe, and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney’s Office.”

ENCUMBRANCE PERMIT AND LICENSE AGREEMENT

South Meadow Upper Tier Condominium Association

Antonio B. Pomerleau LLC

1074 Pine Street/555 Shelburne Street, Burlington VT

This Long-term Encumbrance Permit and License Agreement (“Agreement”) is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (“City”), and South Meadow Apartments Limited Partnership, d/b/a South Meadow Upper Tier Condominium Association, a Vermont limited partnership with a mailing address of 88 King Street, Burlington, VT Vermont 05401 and Earnest A. Pomerleau and Brian Waxler, individuals d/b/a Pomerleau Real Estate (“Pomerleau”) with a mailing address of 69 College St., Burlington, VT 05401 (collectively with South Meadow, “Licensee”.) The City and Licensee agree to the terms and conditions of this Agreement.

1. RECITALS

- A. Authority.** Authority to enter into this Agreement exists in the City Charter and Burlington City Ordinance 27-32. Required approvals, clearance, and coordination have been accomplished from and within each Party.
- B. Consideration.** The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Agreement.
- C. Background.** The City owns property, including the street and sidewalk right-of-way adjacent to 555 Shelburne Street and 1074 Pine Street. The Licensee has received approval to install stormwater infrastructure within the area of the public right-of-way for the Champlain Parkway adjacent to the premises.
- D. Purpose.** This Agreement sets forth the terms and conditions for the allowed use of the public right-of-way.
- E. Joint & Several Obligations.** The obligations of South Meadow and Pomerleau hereunder are joint and several obligations of each of them.

2. DEFINITIONS

- A. “Effective Date”** means the date on which this Agreement is approved and signed by the City as shown on the signature page of this Agreement.
- B. “Encumbrance Fee”** means the sum of the encumbrance application fee, and the square foot use fee annually set by the City.
- C. “Party”** means the City or Licensee and “Parties” means both the City and Licensee.
- D. “Premises”** means the lands directly adjacent of Ramp “D” and the shared-use path of the Champlain Parkway.
- E. “Property”** means the stormwater infrastructure that is the subject of this Agreement.

3. EFFECTIVE DATE AND TERM

- A. Effective Date.** The City shall not be bound by any provision of this Agreement before the Effective Date and shall have no obligation for any performance before the Effective Date or after

the expiration or termination of this Agreement. Licensee's obligations hereunder for indemnification, defense, and restoration of the Premises and other City property shall survive expiration or termination hereof.

B. Term. This Agreement shall commence on the Effective Date and expire on April 30, 2025.

C. Termination. This Agreement may be terminated as set forth in this paragraph (C). Upon termination, Licensee shall remove—at its own expense—all objects, materials, and other obstructions placed on the Premises. If Licensee refuses to promptly remove such obstructions, the City may remove all such obstructions and the Licensee shall be liable for all expenses of such removal.

i. Discontinued Use. The City shall have the exclusive right to immediately terminate this Agreement should Licensee or a subsequent owner discontinue the licensed use of the Premises.

ii. Termination for Convenience. At any time prior to completion of services specified under this Agreement, the City may terminate the Agreement for any reason by submitting written notice via certified or registered mail to the Licensee, not less than fifteen (15) days prior to the termination date, of its intention to do so. The Licensee shall make no claim against the City by reason of such termination.

iii. Breach. The City shall have the exclusive right to terminate this Agreement if Licensee is in breach of this Agreement. Unless the breach poses an imminent health or safety concern or is both material and incapable of cure, the City shall provide a reasonable opportunity to cure of not less than thirty (30) days following written notice of the breach.

iv. Renewal. This agreement shall be renewable annually for a one (1) year term provided that Licensee submits a timely annual renewal application certifying that its renewal does not amend, modify or otherwise change the existing agreement, pays the requisite fees, and provides updated proof of insurance and all applicable endorsements, and provided that the Department of Public Works certifies that licensee is still in compliance with terms of this agreement.

4. GRANT OF LICENSE

The City hereby grants to Licensee a license to install a stormwater infrastructure outfall for the properties located at 555 Shelburne Street and 1074 Pine Street directly adjacent to the Ramp "D" and the shared-use path of the Champlain Parkway, totaling an area of 2810 square feet for the term set forth above. Licensee may use and shall maintain the stormwater infrastructure existing in the City's right-of-way for the term set forth in §3.B of this Agreement. Licensee may use and maintain the outfall area existing in the City's right-of-way and must be maintained and placed exactly as described in the plan approved by the Department of Public Works, which is attached hereto as Attachment C.

5. LICENSE CONDITIONS

A. Maintenance. Licensee shall maintain the stormwater infrastructure to the satisfaction of the City, which includes maintaining it in a safe, proper, and working condition. Licensee shall be solely responsible for all costs associated with maintenance, upkeep, repair, and replacement of Stormwater infrastructure amenities and restoration of the public right-of-way. Upon termination of this Agreement or abandonment of Licensee's infrastructure, the infrastructure shall be

removed from the Premises, which shall be restored to the extent reasonably practicable to their condition prior to removal of the infrastructure. Licensee shall likewise restore the Premises whenever damaged due to Licensee's activities hereunder, including because of any condition of Licensee's property. Such restoration shall be completed within seven (7) days from the date this Agreement is terminated, Licensee's infrastructure is abandoned, or Licensee knows or should know of damage to the Premises requiring restoration; provided that if such restoration cannot occur within seven (7) days in the exercise of reasonable diligence, Licensee shall commence restoration activities within seven (7) days and shall complete restoration activities as soon as reasonably practicable thereafter.

- B. Placement.** The featured staging location shall be placed and maintained in accordance with all conditions set by the Department of Public Works in the approved plan (Attachment C) and shall not impede the City's or any other private or public utilities' ability to maintain the road, sidewalk, parking meters, greenbelt, utility infrastructure, or any other City or private property. The stormwater infrastructure shall not cause an obstruction or inconvenience to members of the public accessing the road, sidewalk, parking meters, greenbelt or any other City or private property. The stormwater infrastructure shall be removed from the public right of way when not in use by the contractor. Notwithstanding anything to the contrary herein, it is Licensee's obligation to ensure the approved plan complies with applicable laws, including state and federal stormwater management laws and the Americans with Disabilities Act, all applicable regulations and design standards promulgated thereunder, and other applicable disability access laws. Any analysis done by the City regarding compliance of the plan with applicable laws is for the City's sole and exclusive benefit, and Licensee shall not rely thereon. If the plan fails to comply with applicable laws, then it is Licensee's obligation to comply with the law and to request the City's ratification of any change from the plan shown in Attachment C as soon as reasonably possible. An amendment to the plan in Attachment C to comply with applicable law shall require the written approval of the Public Works Director or designee without a formal amendment to this Agreement.
- C. Appearance.** Licensee shall pick up and sweep debris created by its use of the public right-of-way.
- D. Emergency Access.** In the event of an emergency relating to municipal operations, the City shall have the authority to remove or relocate the stormwater infrastructure to access any public infrastructure deemed necessary. Licensee shall be solely responsible for all cost associated therewith.

6. PAYMENT FOR LICENSE

- A. License Fee.** Licensee shall pay the City an Encumbrance Fee, as described in Attachment A.
- B. Initial License Fee.** By signing this Agreement, the Parties acknowledge that Licensee has paid the City the encumbrance and license fee for the period beginning April 30, 2024 and ending April 30, 2025.

7. INSURANCE

- A. Requirement.** Licensee shall maintain throughout the term of this Agreement, and any subsequent extension or renewals, commercial general liability insurance from an insurance carrier rated A-:VII or higher by A.M. Best Co. and admitted in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of privileges granted by this Agreement in an amount not less than \$1,000,000 each occurrence, \$2,000,000 aggregate. Coverage for medical payments in the minimum amount of \$5,000 and damage to

rented premises in the minimum amount of \$250,000 shall also be provided. Pollution coverage shall be included or provided in an amount not less than \$1,000,000 per occurrence. Licensee shall also maintain automobile liability with a combined single limit of \$1,000,000 for all owned, non-owned, and hired vehicles; worker's compensation insurance in the minimum amount of: (1) \$500,000 per accident, and (2) \$500,000 per bodily injury from disease with a \$500,000 aggregate limit; and umbrella coverage excess of all the foregoing policies in the amount of \$1,000,000 per occurrence, \$1,000,000 aggregate. Each such policy of insurance (except worker's compensation/employer's liability) shall be endorsed to name the City and its officers, employees, and agents as additional insureds on a primary, non-contributory basis, and each such policy shall be endorsed to waive subrogation against the City.

- B. Evidence.** Prior to execution of this Agreement, Licensee shall furnish the City with a certificate of insurance and endorsements as described above on forms reasonably acceptable to the City. The current certificate of insurance and applicable endorsements are attached to this Agreement as Attachment D.
- C. Continuing Obligation.** Licensee shall provide the City with an updated certificate of insurance and applicable endorsements annually on or before the certificate's stated expiration. It is the responsibility of Licensee to ensure that a current certificate of insurance is on file with the City at all times.

8. INDEMNIFICATION

Licensee shall indemnify, defend, and hold harmless the City, its officers, officials, agents, and employees from liability for any claims, suits, expenses, losses, judgments, penalties, fines, costs (including attorneys' fees and costs), and damages arising as a result of the Licensee's acts and/or omissions, and the acts and/or omissions of Licensee's officers, directors, employees, agents, contractors, subcontractors, customers/invitees, successors, or assigns arising from or related to Licensee's use of the Premises or in connection with this Agreement or the privileges granted to it under this Agreement, excepting claims arising from the City's gross negligence or willful misconduct. If the City, its officers, officials, agents, or employees are notified of any claims asserted against it to which this indemnification provision may apply, the City shall promptly thereafter notify the Licensee in writing that a claim to which the indemnification provision may apply has been received. Licensee shall promptly retain counsel and otherwise provide a complete defense against the entire claim or suit. The City retains the right to participate, at its own expense, in the defense of any claim, and to approve all proposed settlements of claims to which this provision applies. Under no conditions shall the City be obligated to indemnify the Licensee or any third party, nor shall the City be otherwise liable for expenses or reimbursement including attorney's fees, collection costs, or other costs, of the Licensee or any third party.

9. RESPONSIBILITY FOR SUPERVISION:

Licensee shall assume responsibility for general supervision of its contractors and any subcontractors, shall be solely responsible for all procedures, methods, and work, and shall be responsible to the City for all acts or omissions of its officers, employees, agents, contractors, subcontractors, or any other person related to any activity or work performed in connection with this Agreement or the privileges granted to Licensee under this Agreement.

10. PUBLIC RELATIONS

Throughout the performance of the work, the Licensee will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Licensee shall

conduct themselves with propriety.

11. PERMITS

Licensee shall be responsible for obtaining all necessary City and/or State permits prior to performing any work on the Premises or in connection with this Agreement.

12. NUISANCES PROHIBITED

Licensee shall not—during the term of this Agreement—on or in the Premises, maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City ordinance, State or Federal statute, or controlling law, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

13. INSPECTION OF WORK

The City shall, at all times, have access to the Premises for the purposes of inspection and the Licensee shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Licensee shall permit the City or representative for the City the opportunity to inspect any plans, drawings, estimates, specifications, or other materials prepared or undertaken by the Licensee.

14. ASSIGNMENT OF RIGHTS

If Licensee sells the Property, Licensee may temporarily assign the privileges granted herein to the new owner of the Property for a period of sixty (60) days after closing. Any subsequent owner of the Property shall execute a new agreement with the City and provide proof of insurance within the sixty (60) day period. Failure to comply with this section shall constitute a discontinued use under §3C.i of this Agreement.

15. LIMITATION OF RIGHTS; PROPERTY TAXES

Licensee acknowledges that no title, estate, leasehold, easement, or other property interest or other right is created other than that specifically defined and limited by this Agreement. Any property tax liability arising from this Agreement under Vermont law, notwithstanding the foregoing, shall be the sole responsibility of Licensee.

16. WAIVER

The City's failure or delay in exercising any right, power, or privilege under this Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, notwithstanding the passage of time. Waiver by the City may only occur through an expressed written waiver signed by an authorized representative of the City. No waiver of a breach of any of the covenants, agreements, or provisions contained in this Agreement shall be construed to be a waiver of any subsequent breach of the same or of any other provision in this Agreement.

17. ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties with respect to the subject matter of this Agreement. All prior representations and understandings related to Licensee's use of the specified portions of the City's right-of-way, oral or written, are merged into this Agreement. Prior or contemporaneous additions, deletions, or other changes to this Agreement shall not have any force or effect whatsoever, unless embodied herein.

18. MODIFICATION

Modifications to this Agreement shall only be valid if agreed to in a formal written amendment to this Agreement, properly executed and approved by the Parties.

19. THIRD PARTY BENEFICIARIES

This Agreement does not confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Agreement are incidental to this Agreement and do not create any right for such third parties.

20. MISCELLANEOUS

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder shall remain in effect as necessary to effectuate the original intent of the Parties as closely as possible; provided, however, that if any provision hereof relating to indemnification or defense for the protection of the City and its taxpayers is held to be invalid and unenforceable, then this Agreement shall have no further prospective force or effect, but it shall be enforced to the fullest extent allowed by law for the protection of the City and its taxpayers with respect to prior transactions and occurrences. This Agreement shall be construed according to Vermont law, notwithstanding conflicts of law principles, and venue for any dispute arising from this Agreement shall be proper in Chittenden County, Vermont, notwithstanding any other law. This Agreement shall not be construed its drafter. In case of any dispute arising from this Agreement, the prevailing party shall be entitled to attorneys' fees and costs.

21. ATTACHMENTS

The following attachments are adopted, incorporated by reference, and made part of this Agreement:

- A. Attachment A:** Licensee's Application
- B. Attachment B:** Department of Public Works Encumbrance Recommendation Form
- C. Attachment C:** Photographs and Sketches of Encroachment
- D. Attachment D:** Certificate of Insurance

22. ORDER OF PRECEDENT

This Agreement shall control over any conflicting attachment.

— *Signature Page Follows* —

23. SIGNATURE PAGE

Persons signing for the Parties hereby swear and affirm that they are authorized to act on behalf of their respective Party and acknowledge that the other Party is relying on their representations to that effect. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement may be executed electronically, and an electronic copy or other facsimile shall be treated as an original.

The Parties hereto have executed this Agreement

LICENSEE

South Meadow Apartments Limited Partnership, d/b/a
South Meadow Upper Tier Condominium Association

By:
BCLT RENTAL DEVELOPMENT, INC.

By: _____
Michael Monte, President

By: _____
Ernest A. Pomerleau

By: _____
Brian Waxler

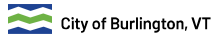
Date: _____

CITY OF BURLINGTON Mayor Emma Mulvaney-Stanak

By: _____
Mayor Emma Mulvaney-Stanak

Date: _____

Attachment A



July 15, 2024

REN-24-11

ROW Encumbrance

Permit

Status: Active

Submitted On: 7/11/2024

Primary Location1074 Pine Street
Burlington, VT 05401**Owner**SOUTH MEADOW APARTMENTS
LP
C/O CHAMPLAIN HOUSING
TRUST 88 KING ST Burlington,
VT 05401**Applicant** Donal Dugan
 802-399-9335
 ddugan@getahome.org
 88 King St
Burlington, VT 05401

Right-of-Way Encumbrance Application**Type of Encumbrance Requested***Long-Term Encumbrance (More than 60
Days)**Encumbrance Description*** P3 Stormwater outfall at Potash brook for Pomerleau/South Meadow/City of
Burlington gravel wetland**Location of Encumbrance *** Adjacent to Champlain Bike Way
multiuse path, SE corner of South
Meadow parcel

The length of Long-Term Encumbrances (years) are negotiated on a case-by-case
basis, and may be renewed at the request of the applicant.

Encumbrance Term (Years)

1

Encumbrance Start Date

08/01/2024

Encumbrance End Date	Area Encumbered (Square Feet)
04/30/2025	2810

Company Information

Company Name	DBA Name
Pomerleau Real Estate, South Meadow Apts LP	Champlain Housing Trust

Phone	FAX
8025781480	

Street Address	City, State Zip
88 King St	Burlington

Email 

kmerrimanshapiro@getahome.org

Instructions

Attachement B



DEPARTMENT OF PUBLIC WORKS
645 PINE STREET
BURLINGTON, VT 05401
Voice: (802) 863-9094 Ext 3 Fax: (802) 863-0466
Email: dpwpinecustomerservice@burlingtonvt.gov

DPW ENCUMBRANCE RECOMMENDATION FORM

DBA NAME: Champlain Housing Trust/Pomerleau DATE: 6/26/24
COMPANY NAME: _____ PHONE: (518) 791-1924
CONTACT NAME: Kirsten Merriman-Shapiro EMAIL: kmerrimanshapiro@getahome.org
MAILING ADDRESS: 88 King St., Burlington, VT 05401
LOCATION OF ENCUMBRANCE: 555 Shelburne St/1074 Pine St

FOR LONG-TERM ENCUMBRANCE, TABLE AND CHAIR ENCUMBRANCE, AND CONSTRUCTION ENCUMBRANCE

1. All encumbrances should be located on private property, if possible. In the opinion of the Excavation Inspector, is there an available alternative location for the requested encumbrance on private property?

YES []

NO ☒

2. Will there be sufficient width for plows, pedestrian access, and ADA requirements if the proposed encumbrance is added to the sidewalk/roadway/greenbelt?

YES ☒

NO []

3. Additional Comments:
Shared-use path and traveled ways to remain clear

4. Has this business remained in compliance to date (RENEWALS ONLY)?

YES []

NO []

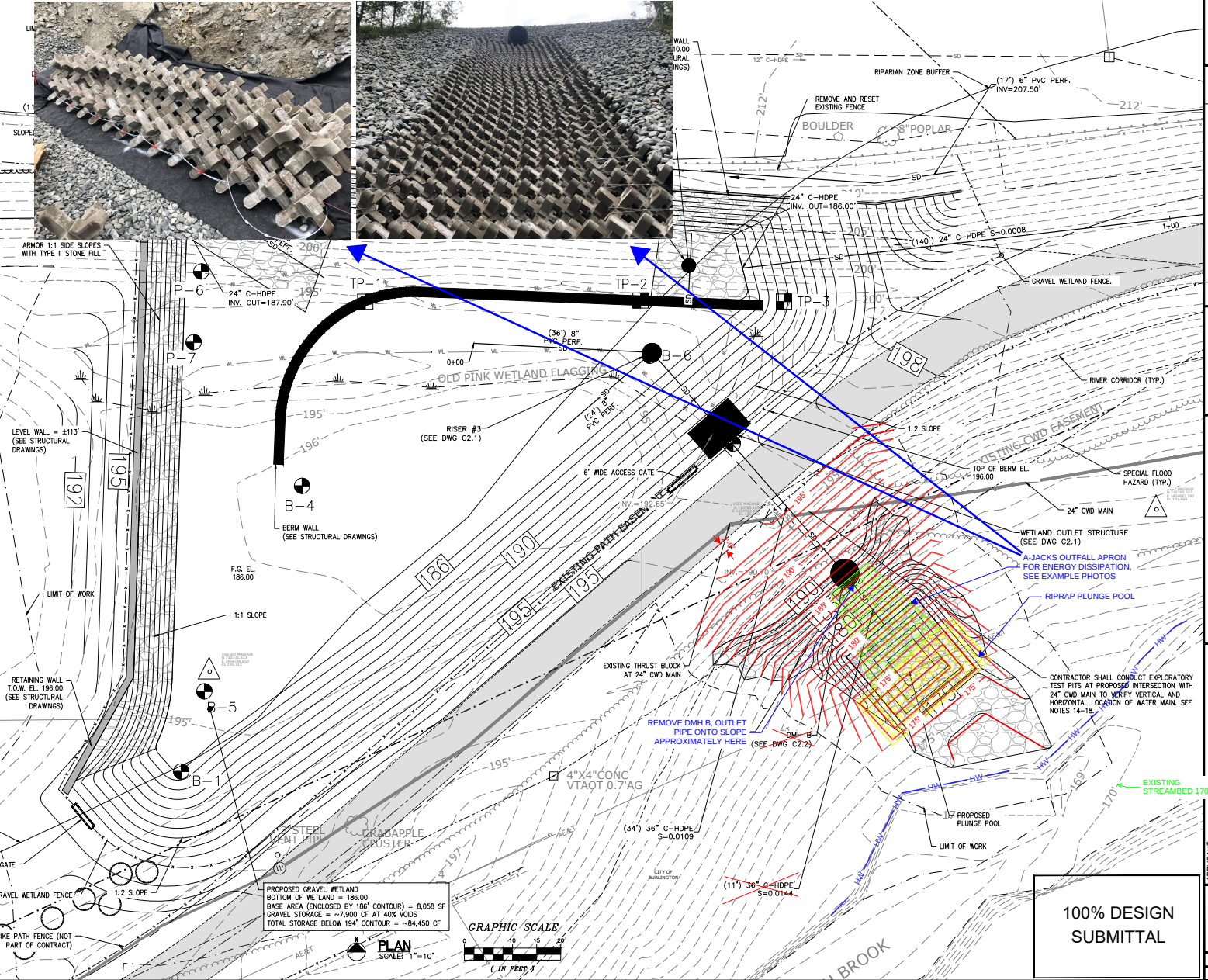
5. Describe the encumbrance, including square footage and location of items:
Stormwater outfall out pipe for treated stormwater discharge
into Potash Brook. 2,810 sq. ft.

BELOW THIS LINE – DEPARTMENT OF PUBLIC WORKS OFFICE USE ONLY

Approved: Yes ☒ No [] If no, reason: _____
Signature: Caleb Manna Date: 7/15/24

GENERAL NOTES:

- EXISTING SURFACE FEATURES AND INFORMATION SHOWN ON THESE PLANS WERE OBTAINED FROM FIELD SURVEY. REFER TO DRAWING G-0.1 FOR SURVEY DATA REFERENCE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY ALL EXISTING CONDITIONS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION AND SUPPORT OF ALL EXISTING UTILITIES LOCATED WITHIN THE LIMITS OF WORK, INCLUDING UTILITY POLES.
- THE LOCATION OF UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING WITH THE UTILITY COMPANIES INVOLVED AND VERIFY IN THE FIELD THE EXACT LOCATION OF MAINS AND SERVICES TO PREVENT DAMAGE. LOSS OF SERVICE DURING CONSTRUCTION, AND FOR REPLACEMENT OF SERVICES. THE CONTRACTOR SHALL NOTIFY "DIG SAFE" PRIOR TO ANY EXCAVATION. CONTRACTOR SHALL BE RESPONSIBLE FOR THE IDENTIFICATION AND LOCATION OF ALL UTILITIES PRIOR TO THE START OF WORK. CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF ANY CONFLICT BETWEEN THE PROPOSED WORK AND AN EXISTING UTILITY SUCH AS WATER, SEWER, GAS, ELECTRICAL OR TELECOMMUNICATIONS. CONTRACTOR SHALL RELOCATE CONFLICTING UTILITIES AS NEEDED. THERE SHALL BE NO SEPARATE PAYMENT.
- CONTRACTOR SHALL REMOVE ALL TREES, BRUSH, AND STUMPS WITHIN THE LIMITS OF CLEARING. PAYMENT FOR CLEARING AND GRUBBING SHALL BE UNDER PAY ITEM 201.10.
- CONTRACTOR SHALL CONFINED CONSTRUCTION ACTIVITIES TO AREAS OWNED BY THE PROPERTY OWNER(S) AND AS SHOWN ON THE DRAWINGS.
- CONTRACTOR SHALL SECURE WORK AREA WITH FENCING. PAID AS ITEM 653.50 BARRIER FENCE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF TRAFFIC AND TRAFFIC CONTROL.
- WHERE ADJACENT GROUND OUTSIDE OF THE LIMITS OF WORK IS DISTURBED OR DAMAGED DUE TO CONSTRUCTION ACTIVITIES, CONTRACTOR SHALL RESTORE TO ORIGINAL STATE, INCLUDING, BUT NOT LIMITED TO SIDEWALKS, PAVEMENT, GRASS AND LANDSCAPING, AT NO ADDITIONAL COST TO THE OWNER.
- ALL SLOPES 1:2 OR GREATER SHALL BE ARMORED WITH 18" OF 9" STONE RIP-RAP FILL (PAID AS ITEM 900.608 SPECIAL PROVISION (9" STONE)) OVER GEOTEXTILE UNDER STONE FILL (ITEM 649.31).
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE DIVERSION OF STORMWATER FLOWS AND BYPASSING EXISTING POND DURING CONSTRUCTION UNTIL NEW GRAVEL WETLAND IS COMPLETE AND READY TO ACCEPT FLOW. (SUBSIDIARY)
- SEE SPECIAL PROVISION SPECIFICATION 900.645 (GRAVEL WETLAND FACILITY) FOR GRAVEL WETLAND PLANTS, SOIL AND MATERIAL REQUIREMENTS.
- SEE DRAWING NO. C-2.1 FOR POND GRAVEL WETLAND DETAILS.
- CONTRACTOR SHALL REMOVE AND RESET EXISTING PLAYGROUND EQUIPMENT AND FENCE, AS NECESSARY FOR CONSTRUCTION OF WORK. REMOVAL AND RESETTING OF FENCE SHALL BE PAID FOR AS ITEM 620.50.
- CONTRACTOR TO COORDINATE ALL WORK AS REQUIRED TO MAINTAIN THE EXISTING CHAMPLAIN WATER DISTRICT (CWD) WATER MAIN, WITH CWD.
- CONTRACTOR SHALL SUBMIT A SEQUENCE OF OPERATIONS AND DETAILS ON MEANS AND METHOD FOR REVIEW AND APPROVAL BY CWD, OUTLINING HOW THE EXISTING CWD WATER MAIN WILL BE PROTECTED FROM DAMAGE. DAMAGE MAY INCLUDE BUT IS NOT LIMITED TO UNDERMINING AND SETTLEMENT. SUBMISSION SHALL BE REVIEWED AND APPROVED BY CWD.
- CONTRACTOR SHALL SUBMIT THE PROPOSED METHOD OF EARTH SUPPORT TO CWD FOR APPROVAL.
- SHOULD ROCK REMOVAL BE REQUIRED WITHIN 10 FEET OF THE CWD MAIN, METHODS FOR ROCK REMOVAL INCLUDING VIBRATION MONITORING AND VIBRATION LIMITS, SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY CWD.
- CONTRACTOR SHALL MAINTAIN A MINIMUM OF 10' UNDISTURBED SOIL BEHIND THE EXISTING THRUST BLOCK AT THE 45-DEGREE BEND. THE THRUST BLOCK IS INTENDED TO USE UNDISTURBED, NATIVE SOIL IN THE THRUST RESTRAINT.

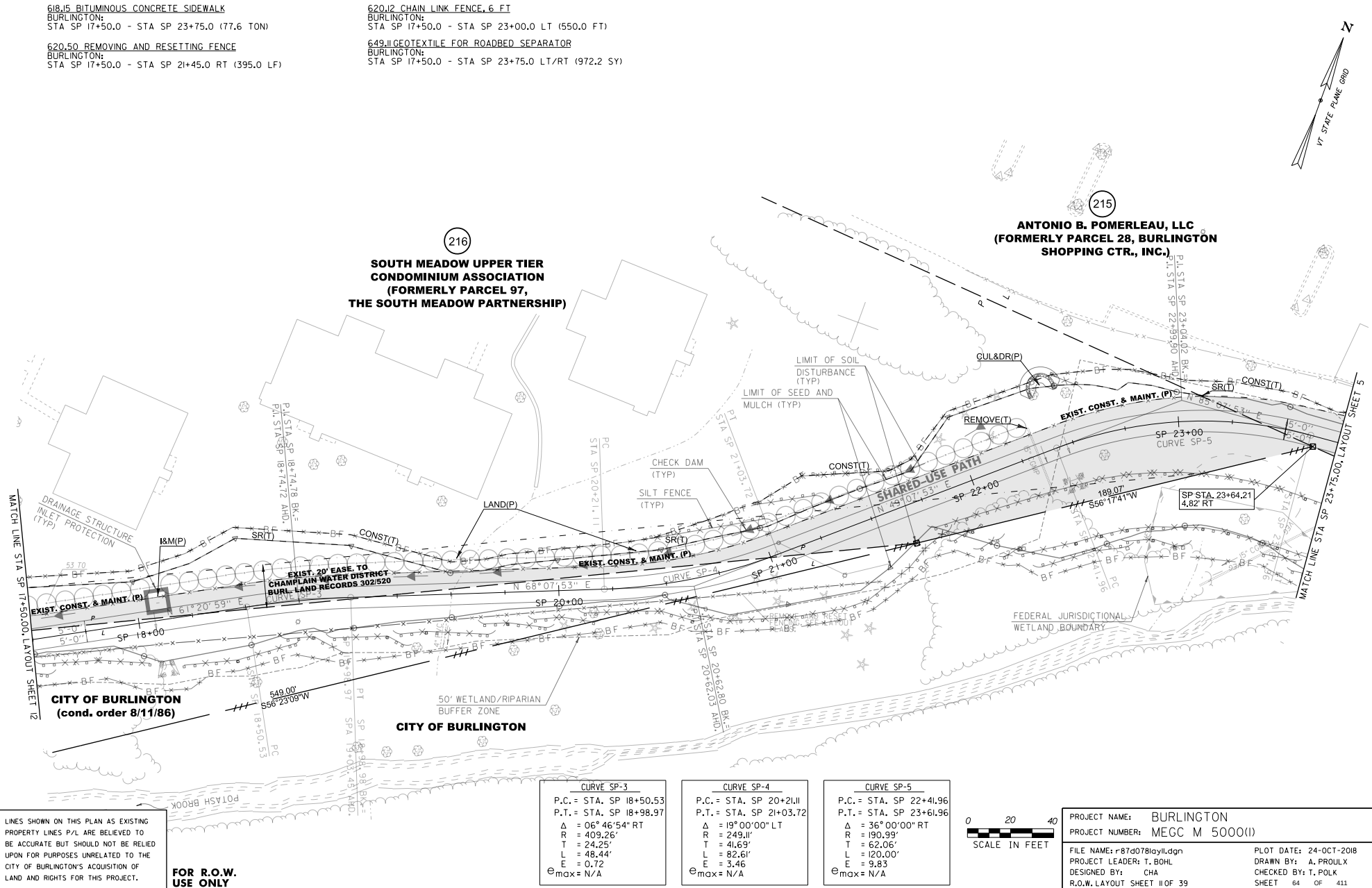
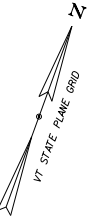
A-JACKS**OUTFALL INSTALLATION FOR ENERGY DISSIPATION**

618.15 BITUMINOUS CONCRETE SIDEWALK
BURLINGTON:
STA SP 17+50.0 - STA SP 23+75.0 (77.6 TON)

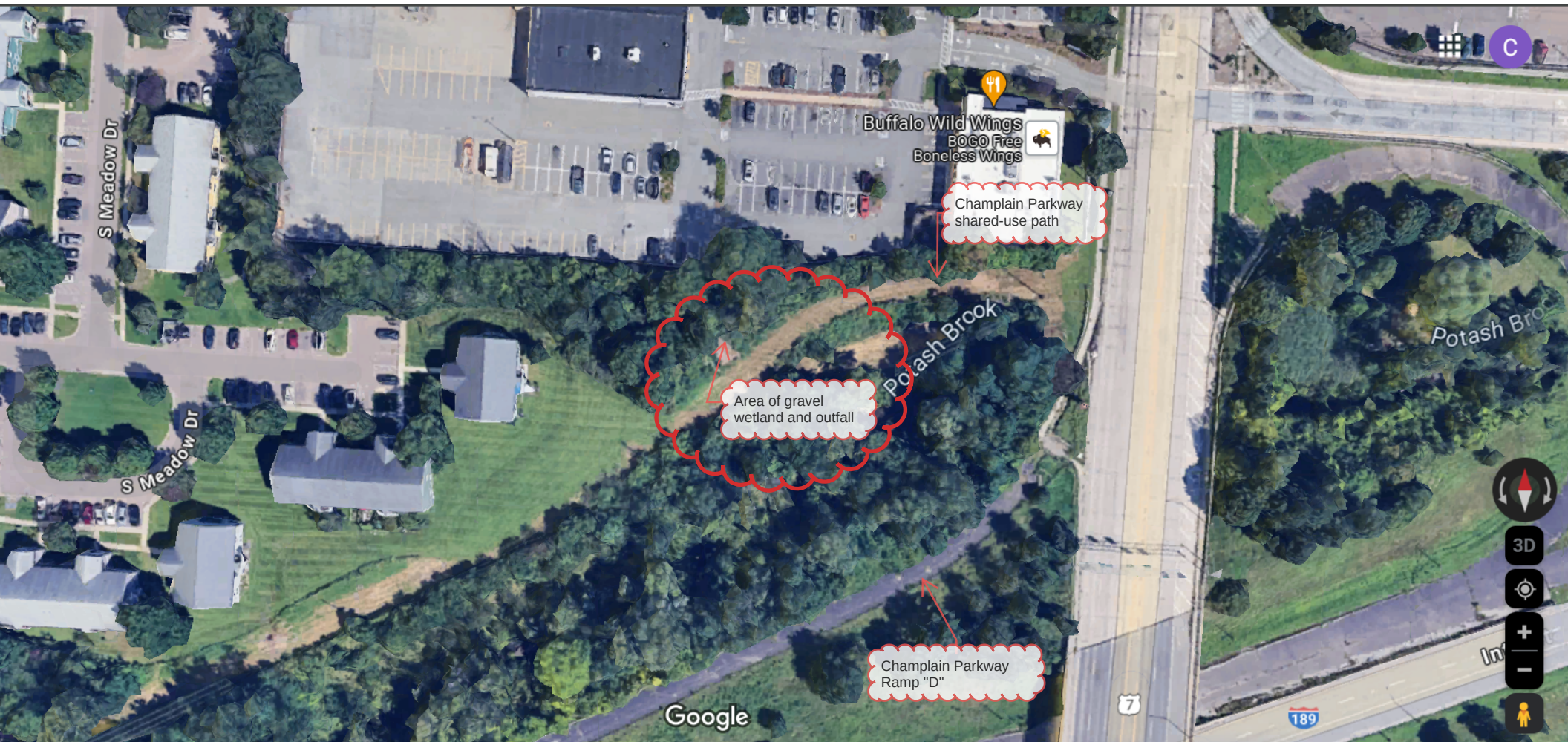
620.50 REMOVING AND RESETTING FENCE
BURLINGTON:
STA SP 17+50.0 - STA SP 21+45.0 RT (395.0 LF)

620.12 CHAIN LINK FENCE, 6 FT
BURLINGTON:
STA SP 17+50.0 - STA SP 23+00.0 LT (550.0 FT)

649.11 GEOTEXTILE FOR ROADBED SEPARATOR
BURLINGTON:
STA SP 17+50.0 - STA SP 23+75.0 LT/RT (972.2 SY)



Attachment C2





CERTIFICATE OF LIABILITY INSURANCE

POMEPRO-01

CREED1

DATE (MM/DD/YYYY)

7/15/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Acrisure New England Partners Insurance Services, LLC 10 Research Parkway, Suite 400 Wallingford, CT 06492	CONTACT NAME: Connie Reed	
	PHONE (A/C, No, Ext): (802) 383-1619	FAX (A/C, No):
	E-MAIL ADDRESS: coreed@acrisure.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
INSURED Pomerleau Properties Inc. P. O. Box 6 Burlington, VT 05402	INSURER A : The Charter Oak Fire Insurance Company	25615
	INSURER B : The Travelers Indemnity Company	25658
	INSURER C : Travelers Property Casualty Company of America	25674
	INSURER D : Wesco Insurance Company	25011
	INSURER E :	
	INSURER F :	

Attachment D

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY	X		Y-630-5G897583-COF-24	1/1/2024	1/1/2025	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	POLICY ☐ PRO-JECT ☒ LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER:						\$
B	☒ AUTOMOBILE LIABILITY			BA-0P09051A-24-14-G	1/1/2024	1/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☒ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per person) \$
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
C	☒ UMBRELLA LIAB ☒ OCCUR			CUP-5K596981-24-14	1/1/2024	1/1/2025	EACH OCCURRENCE \$ 15,000,000
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE \$ 15,000,000
	DED ☒ RETENTION \$ 10,000						\$
							\$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N ☒ N/A		WWC3689435	1/1/2024	1/1/2025	☒ PER STATUTE ☐ OTH-ER \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Burlington Shopping Center, 555 Shelburne Rd., Burlington, VT - Encumbrance Permit

Additional Insured status for City of Burlington on the general liability policy per terms and conditions of attached form CG D2 69 04 16

CERTIFICATE HOLDER

City of Burlington
Burlington Public Works
Encumbrance App Dept
645 Pine Street
Burlington, VT 05401

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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

CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION

☐ Indoor

☒ Outdoor

PART I
ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name__South End Arts + Business Association____
2. D/B/A (Business Name)__SEABA_____ 3. Bus. Phone: 802-578-2512
4. Business Address: 28 Howard Street, Suite 303, Burlington, VT 05401
5. Mailing Address: 28 Howard Street, Suite 303, Burlington, VT 05401
6. Contact person _Christy Mitchell_ 7. Contact Phone _802-578-2512 (cell)
8. Email contact address __director@seaba.com_____

PART II
OPERATION

1. Do you currently have a Liquor License? No X
2. Do you currently have an Entertainment Permit/Special Event Permit? No X
3. Proposed Date(s) for this Special Event __September 6, 7, & 8, 2024_____.
4. Proposed Hours for this Special Event: Fri Sept 6, 5-10pm, Sat Sept 7, 10am-10pm, Sun Sept 8, 11am-4pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way

Art Hop takes place throughout the South End Arts District of Burlington, from The Soda Plant at 266 Pine Street, down Pine at various locations, to down Flynn Avenue, and on certain side streets off Pine. The street will be closed with flaggers on Pine Street from Kilburn to Howard (both those streets are open to vehicles) only on Friday, Sept 6 from 5-10pm. All other times will have no events on streets or sidewalks, though we will have security and crossing guards to assist with the increased walking traffic.

For this Proposed location please answer the following questions:

Fee \$25.00

a) Occupancy Load: outdoors b) # of Restrooms: all major buildings, restaurants, breweries, art galleries, and businesses will have their bathrooms open c) # of Egresses: outdoors

d) Date of last Fire/Safety Check: outdoor event, we do hire fire, emt, and police to patrol e) Dancing by Patrons? No

f) Amplified Music? No g) Will additional staff and/or security be required? Yes we have hired Chocolate Thunder security for patrolling high density areas throughout the event

(Continued on back)

PART III DESCRIPTION OF ENTERTAINMENT

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

Description: __The South End Art Hop is now in its 32nd year, taking place in the South End Arts District of Burlington, VT. This time honored and well loved event brings a sense of community, a chance for visitors to support artists and businesses, and has a positive economic impact to our small business owners and creative sector. This is a family friendly event where the public is encouraged to walk, park their bike, or take our shuttle to various buildings to view art and activities. They may enjoy a portion of Pine Street free of cars on Friday night from 5-10pm, visit an artist market and a 'Kids Hop' at the Farmers Market on Saturday, and have a relaxing day of supporting the arts on Sunday. SEABA employs flaggers for the street closure, security for the weekend, crossing guards on Saturday during the busy Farmer's Market, and a shuttle for transportation to encourage visitors to park off site at designated areas. We distribute trash, compost, and recycling bins throughout the busiest locations and near food trucks that are placed in lots between popular stops. There is no longer a large outdoor tented fashion show, (that now takes place in the Spring off site). We also do not have SEABA planned amplified music or alcohol. The goal is to encourage fun community engagement for all ages with curated artwork on view in historic buildings throughout the South End and a program filled with activities hosted by businesses in the area. We are looking forward to another safe and successful event! Thanks for your continued support and consideration.

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

DATE SIGNED: __July 31, 2024__

SIGNATURE OF APPLICANT



PRINT NAME: __Christy Mitchell__

RELATIONSHIP TO BUSINESS __Executive Director__

OFFICE USE ONLY

Fee \$25.00

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

At their meeting of 8/7/24, the Burlington City Council License Committee recommended
Approval X Denial _____

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





Burlington Fire Department

136 South Winslow Avenue
Burlington, Vermont 05401-8378

(802) 864-4554 • (802) 658-2700 (TTY)

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



To: Board of Finance, City Council, Mayor Mulvaney-Stanak

From: Stephen J. Petit, Deputy Chief of Administration

Date: August 5th, 2024; August 12th, 2024

Re: Burlington Fire Department – Lateral Hiring

The Burlington Fire Department seeks approval and authorization to implement a lateral hiring process for experienced firefighter-EMTs, in a manner similar to the lateral hiring process that has been used by the Burlington Police Department for over a decade. The current collective bargaining agreement (CBA) with the Burlington Firefighters Association (BFFA) does not address lateral hiring specifically; accordingly, we are seeking approval for a stand-alone memorandum of understanding with the Burlington Fire Fighters Association to address rates of pay, seniority, promotional opportunity, and pension. This proposal is in response to recruitment, retention and staffing challenges experienced by the department over the past several years. Implementing a lateral hiring process is an immediate priority for the fire department, as it would allow us to address existing and projected vacancies. We believe our proposed lateral hiring process is competitive and provides a means to diversify our workforce by attracting quality candidates from career fire departments throughout the country.

Proposal

We are seeking approval to move forward with the recruiting and hiring of experienced firefighter/EMTs via a lateral hiring process. For several years, we have faced the challenge of accessing sufficient qualified applicants to fill our recruit academies and existing employee vacancies. We recognize that we have limited our applicant pool by not providing reasonable means to allow for an experienced firefighter/EMT to make the career move to our department without experiencing a negative financial impact. Additionally, as a result of hiring solely inexperienced, entry-level firefighters, the current recruit academy is twenty-two weeks long. Approval to implement a lateral hiring process would allow us to recruit experienced candidates, reducing the recruit academy down to between four and six weeks in duration. This would provide a significant financial benefit, as the department could more quickly fill vacancies that

are impacting minimum staffing, thus reducing overtime and mandatory overtime. Additionally, we have been taking a person from shift work (who would normally count toward minimum staffing) for the duration of the recruit academy, and with a condensed recruit academy, the impact would be further minimized. Also associated with these proposed changes, reducing the likelihood and frequency of mandatory overtime has a positive impact on employee satisfaction and improves our ability to retain current employees. Furthermore, because we would be recruiting candidates with experience in the same occupation, working in a similar environment, we could use the candidate's prior work performance to more accurately predict future performance, with the objective of improving retention.

We are proposing to bring experienced candidates in on a pay scale option the same as that used by the Burlington Police Department when they hire a lateral transfer.

- Candidates are given credit for previous length of service, to allow them to start at a step based on previous experience on a 1:1 basis, with a maximum of Step 6 in the new pay scale.
- Candidate seniority and accruals will be based on the date of hire.
- In an effort to be competitive in the current job market, candidates would be given a length of service credit, at the discretion of the Fire Chief, up to a maximum of 3 years of credit. Lateral hires would receive a maximum 1 year of credit for every two years of prior experience as a career firefighter. This length of service credit goes toward the amount of time an employee would need to be employed by the Burlington Fire Department before being eligible for promotion.

As part of the proposal, we are proposing to provide a similar benefit to our current employees who have not yet been promoted. The nine current employees who would have met the requirements under our proposed lateral hiring process will be given a length of service credit and a step increase based on prior experience. These changes are not retroactive and would go into effect following city council approval and posting of the lateral firefighter position. The cost of the changes to current employees over the remainder of FY25 is \$22,700, assuming a lateral firefighter job posting date of October 1st, 2024.

This proposal has been thoroughly discussed within the fire department administration, the city attorney's office, and the mayor's office, and is fully supported by both the Human Resources Director and the Chief Administrative Officer. The Burlington Firefighters Association has

strongly supported this proposal as well. Implementing a lateral hiring process is a solution to many of our current challenges, and a way to acknowledge specific recommendations contained within the Fire Department Staffing Study.

Funding

The money to fund this is included in the approved FY25 budget. Specifically, we have anticipated that new lateral hires would start at a higher step than an entry level firefighter and plan to use current and anticipated vacancy savings to cover the cost of lateral hiring. We also currently have (1) vacancy and will have an additional vacancy effective October 21st, 2024.

Attachments

1. New Employee Pay Scale
2. Lateral Hire MOU

Board of Finance Motion

To approve and recommend that the City Council authorize the Chief of the Burlington Fire Department to execute a Memorandum of Understanding with the Burlington Fire Fighters association, allowing for the hiring of experienced firefighter/EMTs through a lateral hiring process, subject to the final review and approval of the City Attorney's Office.

City Council Motion

To approve and authorize the Chief of the Burlington Fire Department to execute a Memorandum of Understanding with the Burlington Firefighters Association, allowing for the hiring of experienced firefighter/EMTs through a lateral hiring process, subject to the final review and approval of the City Attorney's Office.

Attachment 1 – New Employee Pay Scale

NEPS - Steps	Base	Base Hourly	AEMT - Weekly	AEMT - Hourly	Medic - Weekly	Medic - Hourly
Probationary Firefighter (NEPS Prob)	1167.46	20.8475	1214.16	21.6814	1284.21	22.9323
Basic Firefighter (NEPS S1)	1225.85	21.8901	1274.88	22.7657	1348.43	24.0791
Firefighter I/1st Year (NEPS S2)	1287.13	22.9845	1338.62	23.9039	1415.85	25.2830
Firefighter I/2nd Year (NEPS S3)	1345.06	24.0189	1398.86	24.9796	1479.56	26.4208
Firefighter II/1st Year (NEPS S4)	1385.40	24.7394	1440.82	25.7289	1523.94	27.2133
Firefighter II/2nd Year (NEPS S5)	1426.96	25.4815	1484.04	26.5007	1569.66	28.0296
FireFighter III (NEPS S6)	1469.77	26.2459	1528.56	27.2957	1616.75	28.8705
NEPS S7	1484.46	26.5082	1543.84	27.5686	1632.91	29.1591
NEPS S8	1499.31	26.7734	1559.28	27.8443	1649.24	29.4507
NEPS S9	1514.31	27.0412	1574.88	28.1229	1665.74	29.7453
NEPS S10	1529.44	27.3115	1590.62	28.4039	1682.39	30.0426
NEPS S11	1544.75	27.5848	1606.54	28.6882	1699.23	30.3433
NEPS S12	1560.19	27.8606	1622.60	28.9750	1716.21	30.6466
NEPS S13	1575.79	28.1391	1638.82	29.2646	1733.37	30.9530
NEPS S14	1591.56	28.4207	1655.22	29.5575	1750.71	31.2627
NEPS S15	1634.04	29.1793	1699.40	30.3464	1797.44	32.0972

NEPS - Steps	Annual -Base	Annual - AEMT	Annual - Paramedic
Probation	\$60,708.00	\$63,136.32	\$66,778.80
NEPS S1	\$63,744.00	\$66,293.76	\$70,118.40
NEPS S2	\$66,931.00	\$69,608.24	\$73,624.10
NEPS S3	\$69,943.00	\$72,740.72	\$76,937.30
NEPS S4	\$72,041.00	\$74,922.64	\$79,245.10
NEPS S5	\$74,202.00	\$77,170.08	\$81,622.20
NEPS S6	\$76,428.00	\$79,485.12	\$84,070.80
NEPS S7	\$77,192.00	\$80,279.68	\$84,911.20
NEPS S8	\$77,964.00	\$81,082.56	\$85,760.40
NEPS S9	\$78,744.00	\$81,893.76	\$86,618.40
NEPS S10	\$79,531.00	\$82,712.24	\$87,484.10
NEPS S11	\$80,327.00	\$83,540.08	\$88,359.70
NEPS S12	\$81,130.00	\$84,375.20	\$89,243.00
NEPS S13	\$81,941.00	\$85,218.64	\$90,135.10
NEPS S14	\$82,761.00	\$86,071.44	\$91,037.10
NEPS S15	\$84,970.00	\$88,368.80	\$93,467.00

Attachment 2 – Lateral Hire MOU

Memorandum of Understanding
Re: Lateral Hires to the Burlington Fire Department

This Memorandum of Understanding (“MOU”) is made by and between the City of Burlington (the “City”), acting by and through the Burlington Fire Department (“BFD” or “Department”); and, the Burlington Firefighters Association, Local 3044 (“BFFA” or “Union”) (collectively “Parties”). This MOU clarifies the Parties’ understanding and agreement with respect to the opportunities for firefighter candidates hired into open positions within the BFD that come to the Department with prior experience and training as firefighter-EMTs (“Lateral Hires” or “Lateral Candidates”); and, recognizes that certain current members came to the BFD with such experience and the asset that experience is to the Department.

WHEREAS, the BFD currently has vacant positions and there is significant time from point of hire until an entry-level firefighter can be trained and count toward manning, which leads to increased overtime and mandatory overtime; and

WHEREAS, the BFD also has experienced extremely low applicant numbers during the previous hiring processes and seeks to increase the applicant pool; and

WHEREAS, the current job market is extremely competitive for applicants, with many employers offering additional incentives; and

WHEREAS, the BFD has an immediate need for experienced and trained firefighter-EMTs; and

WHEREAS, the current Collective Bargaining Agreement between the City and BFFA (“CBA”) and city hiring practices limits the rate of pay for new hires within the BFD and does not provide incentive for experienced firefighter-EMTs to consider employment with the BFD, it presents a challenge to recruit experienced and trained firefighters who are willing to take a pay reduction to transfer to BFD; and

WHEREAS, we desire to retain existing employees who would have met the requirements to qualify as a lateral hire and would benefit from starting at a higher step and would have received a length of service credit toward promotional opportunity; and

WHEREAS, the current CBA is silent on how prior firefighter-EMT experience should be recognized in determining an employee’s grade and title.

NOW, THEREFORE, in consideration of the above recognition and mutual goals, the Parties agree, notwithstanding any inconsistent provision of the CBA, including those in Articles 9.3, 9.4, 9.5, and 10.3, as follows:

1. Lateral Candidates for open firefighter positions shall be eligible to have their prior firefighter-EMT service considered in determining their grade, title, and pay step upon hire, provided that the lateral transfer requirements are met. Such requirements shall be a minimum of one year of fulltime career fire service experience and the possession of NREMT EMT certification. Lateral Candidates meeting or exceeding these requirements shall be eligible to have such service credit applied upon hire as outlined in items 2 and 3. The Chief Engineer shall make the final determination as to whether any Lateral Candidate’s prior experience meets the lateral transfer requirements.

2. Lateral Candidates shall have their prior full-time firefighter-EMT experience assessed by a ratio of one year of service credit for every full year year of prior firefighter-EMT experience, up to a maximum of six years of service credit upon entry. This formula will determine the Lateral Candidate's pay step upon entry to the according to the "New Employee Pay Scale" outlined in Appendix B of the CBA, as well as the employee's grade level and title according to Article 10.3 of the CBA. Thereafter, a Lateral Hire shall advance through the "New Employee Pay Scale" and grade level and title progression in accordance with Section 10.3.
3. A Lateral Hire shall be eligible to have their prior firefighter-EMT experience considered towards the service credit necessary for promotion pursuant to Article 9. The prior firefighter-EMT experience will be assessed by a ratio of one year of service credit for every two full years of prior fulltime firefighter-EMT experience, up to a maximum of 3 years of service credit. , upon the review and approval of the Chief Engineer.
4. The above formula shall only apply to new Lateral Candidates as of the date of this MOU. In recognition of the prior experience of existing employees as of the date of this MOU, the Parties agree that such employees will be moved to an appropriate step and be given credit toward the length of service ("LOS") component relative to promotional opportunity. The increases will be banded, based on prior experience, as follows:

Band 1: 1-4 years prior experience	Step Increase & LOS Credit: 1
Band 2: 5+ years of experience	Step Increase & LOS Credit: 2

The step increases will be effective following the execution of this agreement and upon the posting of the lateral transfer position. The step increases and compensation for current employees will not be retroactive. The Parties agree that this banding will only apply to the following employees, as follows:

Employee	Date of Hire	Step Increase	L.O.S. Credit
Frank Rice	4/1/2019	1	1
Ben Shaw	10/5/2020	2	2
Jason S Smith	10/5/2020	1	1
Brian Bettencourt	3/15/2021	1	1
Robert Stratton	3/15/2021	1	1
Brett Sparks	9/27/2021	2	2
Ian McCormick	4/4/2022	1	1
Alec Johnson	12/12/2022	1	1
Randy Marshal	5/28/2024	1	1

5. Prior firefighter-EMT experience upon hire shall not be applied in consideration towards calculation of seniority; accrual of vacation, sick, or any other earned leave time; service credit towards the City's pension system; or, any other provision of the CBA or the City's Comprehensive Personnel Policy Manual. Such credit for such items shall be calculated from the employee's date of hire.

6. The Parties agree that this MOU shall be in force and effect through the end of term of the current CBA: June 30, 2025, unless otherwise agreed in writing between the Parties. Any employee who has received service credit as contemplated herein shall retain that service credit for the duration of their employment with the Department.
7. The above-mentioned terms, beliefs, and conditions are agreed upon by both Parties and shall not be altered or amended unless further agreed upon and reduced to writing by both parties. The Parties further agree that this MOU in no way alters the terms or conditions of the collective bargaining agreement between the City and BFFA.

Dated at Burlington, Vermont this ____ day of August, 2024.

**City of Burlington
Burlington Fire Department**

By: _____

Michael LaChance
Chief Engineer

**Burlington Fire Fighters Association
Local 3044**

By: _____

[Name]
[Title]

Board of Finance and City Council Submission ChecklistDepartment: Fire Submitter: DC Stephen PetitTitle/Subject: Fire Department - Lateral Hiring Proposal

	Approval:	Meeting Date:
☐	Board of Finance	8/5/2024
☐	City Council	8/12/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/19/2024	Michael LaChance
Mayor's Office informed and approved memo	Yes	7/19/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/29/2024	Hayley McClenahan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/29/2024	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	7/31/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	7/29/2024	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?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Draft MOU attached
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: City Council

FROM: Darlene Bayko, Assistant Director of Finance

DATE: August 12, 2024

RE: Approval to Execute the Nissan Corporate Resolution

Background

DPW released an RFP for an electric vehicle for Water Resources. There was only one respondent for a Ford MachE at \$46K which was more than they needed. Water Resources asked DPW to directly inquire with Nissan about pricing on electric vehicles. Nissan happened to have a great Corporate Rebate on electric vehicles allowing not only to purchase one electric vehicle but two vehicles. The total cost for both vehicles is \$36,178.

The rebates are being provided for financing the vehicles. However, this is considered a current expense of the City because the City will repay the financing this fiscal year without prepayment penalty. Water Resources has \$48K remaining in their FY24 budget – capital line 460-19-400-000.9500. Water Resources is intending to carry forward the FY24 remaining capital dollars to ultimately pay for these purchases and the Chief Administrative Officer (CAO) has the authority to authorize carry forwards for enterprise funds.

Nissan Corporation is requesting the CAO to sign their Corporate Resolution stating purporting to have been adopted by the City Council authorizing her to sign the agreement documents specific to this transaction.

MOTION:

City Council:

To approve and authorize the CAO, or designee to execute the Nissan Corporate Resolution.

NISSAN**BORROWING RESOLUTION FOR BUSINESS CONTRACTS**
(Corporation/Partnership/Limited Liability Company)

"RESOLVED, that any Director of Finance [officials' titles, such as president, vice president, treasurer, secretary, general partner, member or manager] of this Corporation [business entity type, for example, corporation, partnership or limited liability company] are hereby authorized, in the name of this organization, to enter into any one or more lease agreements, conditional sales contracts, security agreements, retail installment contracts, promissory notes, guaranties and retailer agreements or similar documents with Nissan Motor Acceptance Corporation, Nissan-Infiniti LT, their affiliates, assigns, predecessors-in-interest, and/or any party that has assigned or intends to assign any receivables, contracts, leases or similar documents to them (hereinafter referred to as the "Other Party") with or without security, to execute and deliver such aforementioned agreements and instruments and any related documents, instruments, schedules, modifications, amendments, extensions or certificates in the name of and on behalf of this organization, in such sums, upon such terms and as often as such authorized signers deem advisable. The authority given in this resolution shall be deemed to be retroactive, and all acts performed prior to the passage of this resolution are hereby ratified and affirmed. The authority herein conferred shall continue in full force and effect until written notice of its revocation shall actually be received by the Other Party at its headquarters office or by its assignee at the headquarters office of the assignee. The Other Party is free to assign any of the obligations to any assignee of its choice without notice, and this organization shall continue to be fully bound to any assignee."

I, Katherine Schad [undersigned's name], Chief Administrative Officer [business title, for example, Secretary, General Partner or Managing Member] of CITY OF BURLINGTON [this organization's legal name] hereby certify that this organization is formed under the laws of the State of VERMONT, and that the above is a true copy of a resolution properly and legally adopted by the Board of Directors, Members or Partners of this organization at a properly convened meeting of this body, and that this resolution has not been amended or revoked and is still in full force and effect.

I further certify that the following persons, whose signatures appear after their respective names, now hold the positions referred to in the above resolution:

Office or Position	Name	Signature
Director of Finance	Bradley Kukenberger	
Chief Administrative Officer	Katherine Schad	

Date: _____

_____ (Signature)	_____ Chief Administrative Officer (Title)
----------------------	--

Board of Finance and City Council Submission ChecklistDepartment: Clerk Treasurer Office Submitter: Darlene BaykoTitle/Subject: Approval to execute the Nissan Corporate Resolution

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	8/12/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	8/7/2024	Katherine Schad
Mayor's Office informed and approved memo	Yes	8/8/2024	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, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	8/7/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	8/7/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	N/A	
Draft Resolution or Motion?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	

Resolution Relating to

IN REMEMBRANCE OF WILLIAM “BILL” J. KEOGH SR.

RESOLUTION_____

Sponsor(s): Councilors Traverse,
Neubieser, Shannon, Bergman,
Barlow, Brown McKnight, Carpenter,
Litwin, 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, William (Bill) Keogh has passed at the age of 93 years; and
- 2
- WHEREAS, Bill Keogh was a lifelong Burlingtonian with tremendous love for this City and boundless
- 3
- energy to constantly attempt to improve it; and
- 4
- WHEREAS, Bill maintained fantastic athleticism from his high school teams to his adult life, playing
- 5
- organized basketball into his eighties and also being a dedicated runner and bicyclist; and
- 6
- WHEREAS, Bill brought the same energy and enthusiasm to his service to the City, serving it for more
- 7
- than 60 years in such capacities as Superintendent of the Parks Department, member and Chair of this City
- 8
- Council, member of the City’s Board of Finance, member and Chair of our Airport Commission,
- 9
- Representative from Burlington to the Vermont House of Representatives and Reporter of City activities; and
- 10
- WHEREAS, throughout his long life, Bill never lost his humility, his abundant sense of humor and his
- 11
- abiding interest in the affairs of his City, his State and his Country; and
- 12
- WHEREAS, Bill was a constant and continuous friend to all those he encountered along life’s
- 13
- pathway, including those whose political beliefs were different than his “Blue Dog Democrat” persuasion; and
- 14
- WHEREAS, Bill was always able to maintain his sense of humor, even when having serious
- 15
- discussions of matters of significant consequence throughout his life of service; and
- 16
- WHEREAS, above all else, Bill was dedicated and loyal to his children and family and most prideful
- 17
- of their accomplishments in life; and
- 18
- WHEREAS, it seemed to this City Council that Bill would always be among us doing good work on
- 19
- behalf of this City;
- 20
- NOW, THEREFORE, BE IT RESOLVED that the City’s Mayor, Emma Mulvaney-Stanak and this
- 21
- City Council express both their most sincere thanks and appreciation to Bill Keogh’s family for Bill’s
- 22
- incredible service to Burlington, and its most sincere condolences to all of Bill’s friends and family on Bill’s
- 23
- passing; and

24 BE IT FURTHER RESOLVED that a certified copy of this City Council resolution shall be presented
25 to Bill’s family by the Chief Administrative Officer upon its formal approval by our City’s Mayor.

26

27 JM/KS/Resolutions 2024/*William (Bill) Keogh*
28 8/12/24

Resolution Relating to

IN REMEMBRANCE OF WILLIAM “BILL” J. KEOGH SR.

RESOLUTION_____

Sponsor(s): Councilors Traverse,
Neubieser, Shannon, Bergman,
Barlow, Brown McKnight, Carpenter,
Litwin

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, William (Bill) Keogh has passed at the age of 93 years; and
2 WHEREAS, Bill Keogh was a lifelong Burlingtonian with tremendous love for this City and boundless
3 energy to constantly attempt to improve it; and
4 WHEREAS, Bill maintained fantastic athleticism from his high school teams to his adult life, playing
5 organized basketball into his eighties and also being a dedicated runner and bicyclist; and
6 WHEREAS, Bill brought the same energy and enthusiasm to his service to the City, serving it for more
7 than 60 years in such capacities as Superintendent of the Parks Department, member and Chair of this City
8 Council, member of the City’s Board of Finance, member and Chair of our Airport Commission,
9 Representative from Burlington to the Vermont House of Representatives and Reporter of City activities; and
10 WHEREAS, throughout his long life, Bill never lost his humility, his abundant sense of humor and his
11 abiding interest in the affairs of his City, his State and his Country; and
12 WHEREAS, Bill was a constant and continuous friend to all those he encountered along life’s
13 pathway, including those whose political beliefs were different than his “Blue Dog Democrat” persuasion; and
14 WHEREAS, Bill was always able to maintain his sense of humor, even when having serious
15 discussions of matters of significant consequence throughout his life of service; and
16 WHEREAS, above all else, Bill was dedicated and loyal to his children and family and most prideful
17 of their accomplishments in life; and
18 WHEREAS, it seemed to this City Council that Bill would always be among us doing good work on
19 behalf of this City;
20 NOW, THEREFORE, BE IT RESOLVED that the City’s Mayor, Emma Mulvaney-Stanak and this
21 City Council express both their most sincere thanks and appreciation to Bill Keogh’s family for Bill’s
22 incredible service to Burlington, and its most sincere condolences to all of Bill’s friends and family on Bill’s
23 passing; and

24 BE IT FURTHER RESOLVED that a certified copy of this City Council resolution shall be presented
25 to Bill’s family by the Chief Administrative Officer upon its formal approval by our City’s Mayor.

26

27 JM/KS/Resolutions 2024/*William (Bill) Keogh*
28 8/12/24

Resolution Relating to

IN REMEMBRANCE OF WILLIAM "BILL" J. KEOGH SR.

RESOLUTION 7.1.

Sponsor(s): Councilors Traverse,
Neubieser, Shannon, Bergman,
Barlow, Brown McKnight, Carpenter,
Litwin, Doherty

Introduced: 08/12/24

Referred to: _____

Action: adopted

Date: 08/12/24

Signed by Mayor: 08/13/24

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, William (Bill) Keogh has passed at the age of 93 years; and

2 WHEREAS, Bill Keogh was a lifelong Burlingtonian with tremendous love for this City and boundless
3 energy to constantly attempt to improve it; and

4 WHEREAS, Bill maintained fantastic athleticism from his high school teams to his adult life, playing
5 organized basketball into his eighties and also being a dedicated runner and bicyclist; and

6 WHEREAS, Bill brought the same energy and enthusiasm to his service to the City, serving it for more
7 than 60 years in such capacities as Superintendent of the Parks Department, member and Chair of this City
8 Council, member of the City's Board of Finance, member and Chair of our Airport Commission,
9 Representative from Burlington to the Vermont House of Representatives and Reporter of City activities; and

10 WHEREAS, throughout his long life, Bill never lost his humility, his abundant sense of humor and his
11 abiding interest in the affairs of his City, his State and his Country; and

12 WHEREAS, Bill was a constant and continuous friend to all those he encountered along life's
13 pathway, including those whose political beliefs were different than his "Blue Dog Democrat" persuasion; and

14 WHEREAS, Bill was always able to maintain his sense of humor, even when having serious
15 discussions of matters of significant consequence throughout his life of service; and

16 WHEREAS, above all else, Bill was dedicated and loyal to his children and family and most prideful
17 of their accomplishments in life; and

18 WHEREAS, it seemed to this City Council that Bill would always be among us doing good work on
19 behalf of this City;

20 NOW, THEREFORE, BE IT RESOLVED that the City's Mayor, Emma Mulvaney-Stanak and this
21 City Council express both their most sincere thanks and appreciation to Bill Keogh's family for Bill's
22 incredible service to Burlington, and its most sincere condolences to all of Bill's friends and family on Bill's
23 passing; 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

* * * * *

24 BE IT FURTHER RESOLVED that a certified copy of this City Council resolution shall be presented
25 to Bill's family by the Chief Administrative Officer upon its formal approval by our City's Mayor.

26

27 JM/KS Resolutions 2024 *William (Bill) Keogh*
28 8/12/24

* * * * *

DISTRIBUTION:

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

The Keogh Family

ORIGINAL

RESOLUTION RELATING TO

In Remembrance of William "Bill" J. Keogh Sr.

.....

.....

Adopted by the City Council

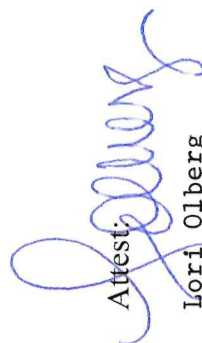
August 12....., 20 24.....

 Clerk

Approved..... August 13, 20 24.....

 Mayor

Vol. Page

Attest:


Lori Olberg
Licensing and Records Coordinator

* * * * *



City of Burlington, VT

July 31, 2024

ELI-53**Entertainment License -
Indoor**

Status: Active

Submitted On: 7/23/2024

Primary Location160 Flynn Avenue
Burlington, VT 05401**Owner**Gretchen M Langfeldt
Flynn Avenue 160 Burlington,
VT 05401**Applicant** Gretchen Langfeldt
 802-651-4114
 gretchen@switchbackvt.com
 160 Flynn Avenue
Burlington, Vermont 05401

* recommended for approval @ 8/7/24 lc mty jo

Establishment Information**Establishment Name (DBA) ***

Tap House & Beer Garden

Establishment Street Address*

160 Flynn Avenue, Suite 1

Establishment City, State Zip*

Burlington, VT, 05401

Establishment Phone*

8026514114

Establishment Owner (Legal Name) *

Switchback Beerworks, Inc.

Legal Owner Mailing Street Address*

160 Flynn Avenue

Legal Owner Mailing City, State Zip*

Burlington, VT, 05401

Contact Person Name*

Gretchen Langfeldt

Contact Email Address*

gretchen@switchbackvt.com

Contact Phone*

8026514114

Application Information**Occupant Load***

136

Number of Restrooms*

4

pdh #2189
jo 8/6/24
\$200.00

Number of Egresses*

5

Date of Last Fire Safety Inspection*

06/26/2024

Dancing by Patrons*

Yes

Amplified Music*

Yes

Indoor 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 

☐

Indoor Entertainment Proposed Days; Check all that Apply

Sunday

☒

Monday

☒

Tuesday

☒

Wednesday

☒

Thursday

☒

Friday

☒

Saturday

☒

Indoor Entertainment Hours

Sunday Start Time*

10:00 AM

Sunday End Time*

11:00 PM

Monday Start Time*

10:00 AM

Monday End Time*

11:00 PM

Tuesday Start Time*

10:00 AM

Tuesday End Time*

11:00 PM

Wednesday Start Time*

10:00 AM

Wednesday End Time*

11:00 PM

Thursday Start Time*

10:00 AM

Thursday End Time*

11:00 PM

Friday Start Time*

10:00 AM

Friday End Time*

11:00 PM

Saturday Start Time*

10:00 AM

Saturday End Time*

11:00 PM

Changes or Corrections to your License Application

Do you have any changes for this year's application?

*

No

VT Division of Liquor Control Licenses

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 Entertainment Permit Conditions

Digital Signature*

 Gretchen M Langfeldt
Jul 23, 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.*

 Gretchen M Langfeldt
Jul 23, 2024



City of Burlington, VT

July 31, 2024

ELO-34Entertainment License -
Outdoor

Status: Active

Submitted On: 7/23/2024

Primary Location160 Flynn Avenue
Burlington, VT 05401**Owner**Gretchen M Langfeldt
Flynn Avenue 160 Burlington,
VT 05401**Applicant** Gretchen Langfeldt
 802-651-4114
 gretchen@switchbackvt.com
 160 Flynn Avenue
Burlington, Vermont 05401**recommended for approval @ 8/7/24 lc mty Jo***Establishment Information****Establishment Name (DBA) ***

Tap House & Beer Garden

Establishment Street Address*

160 Flynn Avenue

Establishment City, State Zip*

Burlington, VT, 05401

Establishment Phone*

8026514114

Establishment Owner (Legal Name) *

Switchback Beerworks, Inc.

Legal Owner Mailing Street Address*

160 Flynn Avenue

Legal Owner Mailing City, State Zip*

Burlington, VT, 05401

Contact Person Name*

Gretchen Langfeldt

Contact Email Address*

gretchen@switchbackvt.com

Contact Phone*

8026514114

Application Information**Amplified Music***

Yes

Dancing by Patrons*

Yes

*#200.00
pd chx # 2189
Jo 8/6/24*

Date of Last Fire Safety Inspection*

06/26/2024

Outdoor entertainment Types; Check all that Apply

Live Instrumental Music

☒

Live Vocal Music

☒

Jukebox / Boom Box / Ipod

☒

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 ☐

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*

10:00 PM

Monday Start Time*

11:00 AM

Monday End Time*

10:00 PM

Tuesday Start Time*

11:00 AM

Tuesday End Time*

10:00 PM

Wednesday Start Time*

11:00 AM

Wednesday End Time*

10:00 PM

Thursday Start Time*

11:00 AM

Thursday End Time*

10:00 PM

Friday Start Time*

11:00 AM

Friday End Time*

10:00 PM

Saturday Start Time*

11:00 AM

Saturday End Time*

10:00 PM

Changes or Corrections to your License Application

Do you have any changes for this year's application?

*

No

VT Division of Liquor Control Licenses

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

Digital Signature*

☒ Gretchen M Langfeldt
Jul 23, 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.*

☒ Gretchen M Langfeldt
Jul 23, 2024

Resolution Relating to

NOVEMBER 5, 2024 SPECIAL CITY MEETING—
ISSUANCE OF REVENUE BONDS—
FOR BURLINGTON ELECTRIC DEPARTMENT—NET
ZERO ENERGY AND GRID RELIABILITY PROJECTS

RESOLUTION_____
Sponsor(s): Bd. of Finance
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 (the “City”) and the Burlington Electric Department (“BED”) have
2 previously adopted a goal to reduce and eventually eliminate fossil fuel usage in heating and ground
3 transportation (the “Net Zero Energy Goal”), as set forth in that Net Zero Energy Roadmap, dated September
4 5, 2019; and
- 5 WHEREAS, the City and BED have identified the need for various capital improvements to implement
6 the City’s Net Zero Energy Goal, including upgrades to further support electric grid updates to meet increased
7 electricity needs resulting from greater strategic electrification and to ensure the continued reliability of BED’s
8 current distribution system, grid demand management and battery storage opportunities, generation plant
9 upgrades, IT system/technology system upgrades, acquisition of municipal electric vehicles and support of EV
10 charging infrastructure; and
- 11 WHEREAS, the City has determined that the costs of such improvements are too great to be paid out
12 of the ordinary annual income and revenue of BED and that, in order to fund the costs of such capital
13 improvements, it will be necessary to incur indebtedness for that purpose; and
- 14 WHEREAS, it is expected that these improvements will benefit current and future ratepayers, the City
15 and the general public; and
- 16 WHEREAS, Sections 433 and 477 of the City Charter and other applicable law provide that, with at
17 least a majority vote of the City’s voters, the City shall have the authority to issue bonds, from time to time,
18 for the purpose of financing the cost of any improvement to the City’s electric plant and for energy
19 transformation and energy efficiency projects, with such bonds payable from the revenues of its electric
20 system or revenues derived from electric service; and
- 21 WHEREAS, the Board of Electric Commissioners, at its August 1, 2024 meeting, approved advancing
22 the proposed revenue bonding for electric system improvements for City-wide consideration and a public vote
23 at a City Special Meeting to be held on November 5, 2024; and

NOVEMBER 5, 2024 SPECIAL CITY MEETING—
ISSUANCE OF REVENUE BONDS—
FOR BURLINGTON ELECTRIC DEPARTMENT—NET ZERO ENERGY
AND GRID RELIABILITY PROJECTS

WHEREAS, the proposed financing of such capital improvements may be through a public or private issuance of bonds or notes or a combination thereof, and may be done in one or more series, and over multiple fiscal years; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby requests, pursuant to Section 25 of the City Charter, that the Mayor call a Special City Meeting to be held on November 5, 2024 and that the following question be placed on the ballot of that Special City Meeting:

“Shall the City be authorized to issue revenue bonds or notes in one or more series on behalf of the Electric Light Department, in an amount not to exceed \$20,000,000 in the aggregate, to be issued pursuant to the City Charter, as may be determined by the City Council, and payable from the net revenues of the electric system, for the purpose of paying for (i) capital additions and improvements to the City’s electric system, and energy transformation and energy efficiency projects, in furtherance of the City’s Net Zero Energy goals, including capital improvements for the distribution system, grid demand management and battery storage opportunities, generation plant upgrades, IT system/technology system upgrades, acquisition of municipal electric vehicles and support of EV charging infrastructure (the “Project”), and (ii) funding a debt service reserve funds and paying costs of issuance?”

Total Estimated Project Cost:	\$20,000,000
-------------------------------	--------------

City Electric Department Share of Total Cost:	\$20,000,000
---	--------------



MEMORANDUM

To: Burlington Board of Finance
Burlington City Council

From: Darren Springer, General Manager
Emily Stebbins-Wheelock, Manager of Strategy and Innovation

Date: August 1, 2024

Subject: November 2024 ballot item for Net Zero Energy and Grid Reliability Revenue Bond

Burlington Electric Department (BED) is pleased to provide this proposal to the City Council to place a Net Zero Energy and Grid Reliability BED Revenue Bond question on the November 5, 2024 election ballot for consideration by the voters of Burlington. This revenue bond would provide the next tranche of financing necessary to fund continued investment in our critical infrastructure and Net Zero Energy (NZE) Roadmap¹ goals in a way that reduces pressure on BED's retail rates and annual budgets.

When voters approved the first \$20 million Net Zero Energy Revenue Bond in December of 2021, BED referenced that the bond was the first of two tranches of funding envisioned to create an electric grid capable of managing new loads from electric vehicles, heat pumps, and other strategic electrification technologies while continuing the reliability Burlingtonians have come to expect. In addition, with the passage of major federal legislation including the Infrastructure Investment and Jobs Act and the Inflation Reduction Act, access to matching funds to bring federal dollars to Burlington will be important. BED has already demonstrated success in applying for competitive federal programs through the Grid Resilience & Innovation Partnership grants offered by the Department of Energy, drawing \$1,158,695 of federal funds.² BED was able to successfully compete for those funds in part due to access to matching funds through the current Net Zero Energy Revenue Bond. BED has pending applications for additional funds to support EV charging infrastructure, grid demand management, and battery storage opportunities. Having access to the Net Zero Energy and Grid Reliability Bond proposed will ensure BED has adequate matching funds as these or other federal grant opportunities come to fruition.

For all of the aforementioned reasons, BED is now requesting authorization for a new revenue bond issuance of up to \$20 million, with timing and number and amount of issuances to be determined.³

Results and Status of 2022 Net Zero Energy Revenue Bond

¹ www.burlingtonelectric.com/nze

² <https://www.energy.gov/sites/default/files/2023-10/DOE-GRIP-Burlington-Electric-Department.pdf>

³ The timing and number of issuances would be determined based on several factors, including capital spend rate on the current 2022 revenue bond, interest rates, issuance costs, and guidance from BED and the City's financial advisor, PFM.

Burlington Electric Department
585 Pine Street Burlington, VT 05401
burlingtonelectric.com
Phone 802.658.0300

As you know, Burlington’s Net Zero Energy goal is one of the most ambitious local climate goals anywhere in the nation, and national reporting has highlighted a gap in financing that exists for cities to meet their climate goals and a need for additional climate funds at the local level to provide matching funds for federal grants under the Inflation Reduction Act and Infrastructure Investment and Jobs Act.⁴ The Net Zero Energy goal is a true community goal requiring partnerships, community participation, and complementary policies and funding at all levels of government.⁵ BED, however, plays a critical role in supporting progress toward the goal through incentives for strategic electrification, innovative and progressive rate structures, and making the grid and technology system upgrades necessary to support higher electricity demand, flexible load management and end-use rates, and greater adoption of distributed energy resources such as heat pumps, electric vehicles, and battery storage.

In 2022, following unanimous Electric Commission and City Council support and overwhelming approval by Burlington voters, BED issued its first \$20 million Net Zero Energy Revenue Bond, the first of its kind nationwide for a public power utility,⁶ to invest in grid, generation, technology, and NZE infrastructure upgrades that would accelerate progress toward Burlington’s bold climate goals, while reducing upward rate pressure for BED customers. As of June 24, 2024, BED had expended \$11.7M of the \$20M construction fund provided by the bonds. BED expects to invest the remaining funding from the 2022 Net Zero Energy Revenue Bond on capital projects planned for FY25. Below is an update on the status of the 2022 NZE revenue bond, key areas of investment over the past three years, and plans for spending the remainder of the bond proceeds.

2022 NZE Revenue Bond Projects	Investment as of 6/24/24
Grid/Distribution	\$ 7,753,551
Generation	\$ 1,624,676
Technology	\$ 1,497,092
Fleet EVs	\$ 414,995
Public EV chargers, other NZE	\$ 408,347
Total	\$ 11,698,661

1. **Grid Upgrades** – To prepare for a NZE future of higher electricity demand resulting from greater strategic electrification and to continue to improve grid reliability, BED has invested \$7.8M of the 2022 NZE revenue bond to date in distribution system upgrades. These upgrades included new transformers, switches, and reclosers, as well as the upgrade, rebuilding, and/or reconductoring of lines and circuits including Scarff Avenue, Appletree Point, Buell Street, Heineberg Road, Edgemoor Drive, Lyman Avenue, Sunset Cliff, Ethan Allen Parkway, Austin Drive, Battery Street, Booth Street, Loomis Street, Pleasant Street, Fern Hill, Killarney Drive, North Street, and School Street. The 2022 NZE revenue bond has also funded critical upgrades to our supervisory control and data acquisition (SCADA) system used by grid

⁴ <https://www.smartcitiesdive.com/news/cities-behind-climate-goals-brookings-report/603708/> and <https://icma.org/blog-posts/municipal-budgets-are-force-addressing-climate-change>

⁵ Many of those efforts are underway, including through City policy changes such as rental weatherization standards and the carbon fee ordinance requirements for new construction, and use of a \$100 per ton carbon price in evaluating City fleet purchases. Partnerships have included working with CVOEO on equity issues related to electricity and fuel use, partnering with CarShare Vermont to deploy EVs in their fleet, working with Green Mountain Transit on new electric buses, and work with UVM and Senator Sanders on the solar test center located at the McNeil Waste Wood yard. State and federal funding for climate-related initiatives and infrastructure could also support Burlington’s Net Zero Energy goals. Notably absent, at the moment, is any carbon price for thermal or transportation fuels at the state, regional, or national level.

⁶ <https://energynews.us/2021/11/05/burlington-asks-voters-to-approve-a-20-million-net-zero-energy-bond/>

operators, including new field devices, switches and other network enhancements, servers, video displays, and the initial stages of a major software upgrade to an advanced distribution management system (ADMS).

BED's FY25 distribution capital budget includes an additional \$5.1M of 2022 revenue bond-funded projects to replace switches and underground cables, rebuild infrastructure on several streets, fund new transformer purchases, and complete the first two phases of the ADMS project to replace BED's SCADA system and implement a distribution management system.

2. **Technology Upgrades** – With the funding from the 2022 NZE revenue bond, BED has made several important upgrades to technology systems. As part of our IT Forward program, in 2023 we successfully implemented our new meter data management system (MDMS) and our new customer portal, which now gives customers detailed usage information and online payment and bill-viewing functionality in a single platform. In spring 2024 we implemented MDMS grid analytics modules, adding new capabilities for transformer loading, line loss analysis, and voltage analysis that have already provided tremendous value and efficiency to BED's engineering and billing teams. The 2022 revenue bond has also funded necessary upgrades to BED's advanced metering infrastructure, disaster recovery, and backup systems.

BED's FY25 IT capital budget includes an additional \$1.3M of 2022 revenue bond funding associated with a new customer information system (CIS; target kick-off date October 1, 2024). Combined with the new MDMS, the new CIS will give BED additional capabilities to offer innovative rates and enhanced service for customers in support of NZE, such as new dynamic rates and expanded end-use rates (such as our current electric vehicle charging rate) to other technologies such as cold-climate heat pumps. Smart rate designs will help save customers money and encourage more customers to switch from fossil fuel to electricity. The FY25 IT capital budget also includes \$533,000 in 2022 revenue bond funding for the early stages of a new financial system implementation.

3. **Generation and NZE Infrastructure Upgrades**— The 2022 revenue bond has funded \$1.6M of capital improvements at the Winooski One hydro facility and the McNeil Generating Station. Converting BED's gas turbine peaking plant located on the waterfront to renewable fuel is in progress—the GT is now running on B20 biodiesel, with plans to convert to B100 or R99⁷—but to-date these operational changes have not required capital improvements to the facility and have not drawn on revenue bond funding. The NZE revenue bond has also funded over \$340,000 of investment in public EV charging infrastructure, including Burlington's first modern DC fast charger located at 585 Pine Street, a level 2 charger at Oakledge Park, and a new DC fast charger in the Marketplace Garage. Finally, the 2022 revenue bond has funded over \$400,000 of BED electric fleet vehicle purchases, including matching funds (with a state grant) for the first all-electric bucket truck in the State of Vermont and funds to purchase five light-duty EVs (including F150 Lightning trucks to replace fossil fuel trucks).

The FY25 capital budget includes approximately \$400,000 in funding from the 2022 NZE revenue bond for replacement of Winooski One's rubber dam. (Due to damage sustained in the July 2023 flood, BED expects approximately 75% of the dam replacement costs to be funded through a FEMA public assistance

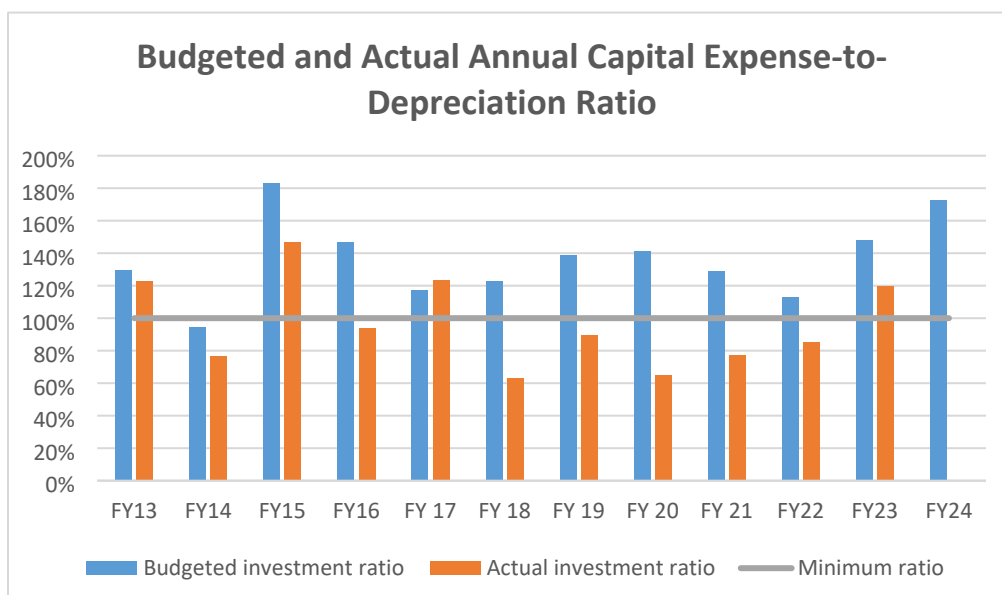
⁷ B100 is 100 percent biodiesel. R99 is a 99% blend of renewable diesel, which may require less modifications given its similar chemical properties to conventional diesel - <https://afdc.energy.gov/fuels/renewable-diesel>.

grant.) The FY25 capital budget also includes 2022 NZE revenue bond funding for a second all-electric bucket truck (amount TBD based on available grant funding) and investments in electric fleet charging infrastructure at BED’s 585 Pine Street headquarters.

BED 5-Year Capital Plan, FY25-FY29

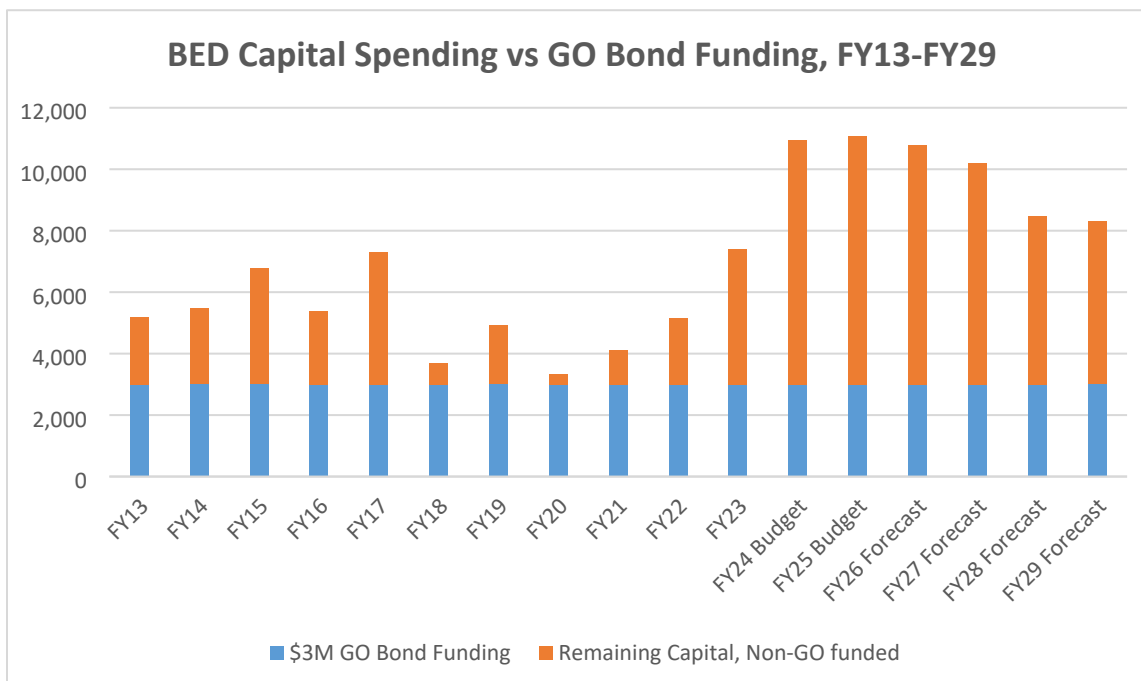
BED’s customers benefit from our robust capital program, which supports high reliability, customer service, and innovation toward our NZE goal by keeping our distribution system and generation plants in good working order, supporting and retaining knowledgeable employees with safe and modern tools and equipment, and investing in new technologies.

As a rule of thumb, a company’s annual capital expenditures should be greater than its annual depreciation expense because (a) depreciation expense is based on the actual cost of past investments and future replacement costs are likely to be higher and (b) if an organization is growing (in scope, scale, complexity, etc.) additional capital investment will be needed above historical levels to meet new demands. As of FY23, BED’s annual depreciation and amortization expense was just over \$6M. As shown in the chart below, over the past 12 years BED has typically *budgeted* for annual capital expense in excess of annual depreciation expense, but in only four of those years has *actual* capital investment exceeded depreciation expense.



Looking forward, BED’s most recent update of its five-year capital plan indicates growing capital needs as labor, materials, and other expenses have increased due to rising and persistent inflation over the past few years and the deferral of some expenditures in prior years to preserve cash balances. As shown in the chart below, for many years, BED’s annual general obligation (GO) borrowing, set in City Charter at \$3 million in 2012, covered a substantial portion of BED’s capital needs. As capital costs increase, however, the annual \$3 million GO bond is projected to fund only 27-36% of total annual capital needs for FY25 and beyond, not counting other demands on cash reserves such as strategic electrification incentive funding. In 2021 when BED proposed its first NZE revenue bond, we noted that the gap between the size of BED’s annual capital program (net of customer contributions) and BED’s \$3 million annual GO bond allocation would result in “pressure on BED’s annual budget, retail rates, and cash position to fully fund capital projects and Net Zero Energy initiatives” without new financing capacity.

We also noted that the 2022 NZE revenue bond would help address this gap over the next several years, but that we would need to explore additional financing options to support our capital needs and NZE progress beyond FY25. Thus, we present the current proposal for an additional \$20M in revenue bond funding to support capital needs through FY29.



Proposed Net Zero Energy and Grid Reliability Revenue Bond Areas of Focus

The NZE and Grid Reliability revenue bond, if approved, would fund similar key areas of investment as the 2022 NZE revenue bond, all of which are expected to qualify for tax-exempt revenue bond financing based on our review with bond counsel. Below are the project categories proposed to be funded by the bond⁸, and attached to this memorandum, please find the full project list.

Proposed NZE & Grid Reliability Revenue Bond Projects	FY26	FY27	FY28	FY29	Total
Generation	\$1,215,858	\$535,383	\$150,972	\$122,500	\$2,024,713
Distribution	\$4,015,675	\$5,075,901	\$4,580,873	\$5,056,103	\$18,728,551
General Plant/Fleet EVs	\$432,580	\$230,000	\$97,000	\$160,000	\$919,580
IT	\$1,535,069	\$0	\$165,000	\$0	\$1,700,069
Other-Demand Response, Flexible Load Mgmt, etc.	\$132,536	\$62,461	\$64,022	\$65,623	\$324,642
Total	\$7,331,718	\$5,903,744	\$5,057,867	\$5,404,226	\$23,697,555

- 1. Grid Upgrades** – The primary investment proposed from the new revenue bond is to continue to upgrade and maintain a reliable electric grid distribution system. Approximately \$12.3 million of the planned

⁸ Full-year funding is shown for FY29 projects which is why the total exceeds \$20 million, even though it is expected that proceeds from the proposed new revenue bond will be fully expended at some point during FY29.

projects primarily support BED grid reliability through investment in our distribution and SCADA/ADMS systems. The revenue bond proposal includes funding for approximately \$5.4 million of NZE-related grid upgrades to increase BED's distribution system capacity, a new outage management system as the final phase of the new ADMS, and new switches, transformers, and line rebuilds necessary for continued reliability of our current distribution system. These investments will help ensure we continue to have capacity on the grid to add more EVs, heat pumps, geothermal systems, electric buses, and other strategic electrification measures as more customers adopt these technologies. The grid capacity prior to the first Net Zero Energy Revenue Bond was approximately 77 megawatts. With projects already implemented it is now above 80 megawatts, and with the projects planned here the grid capacity would reach 90 megawatts (against a current peak of approximately 65 megawatts, leaving room for new electrification as well as growth in demand due to new construction projects). The new revenue bond would also fund cost-share for a pending Department of Energy grant application, were BED to be selected for an award.

- 2. Technology Systems Upgrades** – Approximately \$2 million of the proposed revenue bond will fund technology upgrades, including new dynamic rate and load control capabilities. Specifically, the bond would fund the final stages of new CIS implementation, the majority of new FIS implementation costs, replacement of critical data center hardware, and cost-share for a new distributed resource management system (DERMS) for which BED received grant funding from the State of Vermont. These new systems will give BED additional capabilities to offer innovative rates and enhanced service for customers in support of Net Zero Energy, including new dynamic pricing options and expansion of our end-use rates (such as our current electric vehicle charging rate) to other technologies such as cold-climate heat pumps. Smart rate designs will help save customers money and encourage more customers to switch from fossil fuel to electricity. We also plan to include aspects of load control in future dynamic rates to help mitigate grid and peak demand impacts as we move toward strategic electrification. Our current systems rely too heavily on manual processes, and the new systems will help us automate and innovate our rate designs and service delivery for the future.
- 3. Generation and Net Zero Energy Capital Projects** – Approximately \$2 million will be invested in BED's generation plants, including the FERC relicensing of Winooski One, a wood chip dryer and NoX catalyst replacement at McNeil to improve efficiency and support continued air emissions reduction, and EVs for our forestry team. Maintaining and upgrading existing renewable generating assets will be critical for achieving NZE (as will efforts in the future to secure additional renewable generation to meet growing loads from strategic electrification). Approximately \$2.7 million of bond proceeds will be designated for the expansion of public EV charging in Burlington and be available to provide cost-share funds for two pending EV charging grant applications. Finally, about \$1 million will be dedicated toward continued electrification of BED's vehicle fleet, including a second all-electric bucket truck, a new electric forklift, and other fleet replacements.

The investments above include tangible climate action, including:

- adding 10 new EVs to BED's fleet;
- adding a new all-electric bucket truck to replace a fossil fuel bucket truck;
- adding a new all-electric forklift to replace a fossil fuel forklift;
- 50 new level 2 public EV charging stations; and

- 38 new modern DC fast charge public EV charging stations in Burlington.

In addition, the grid investments will ensure capacity for continued strategic electrification and continued reliability as customers use the electric grid for their transportation and heating/thermal needs. The technology system investments will enable dynamic rates, to help lower the cost for customers using electricity for transportation and heating and reduce peak demand impacts. The funds will as mentioned support potential match for federal grants, expanding the reach of the \$20 million from the Revenue Bond to achieve even more.

The list of proposed revenue bond projects has a weighted average expected asset life of approximately 30 years, well beyond the 20-year period during which BED would pay the associated debt service on a new bond issuance.

Projected Impacts of the Proposed Revenue Bond on BED's Financial Metrics

BED proposes to ask voters to approve a revenue bond borrowing of up to \$20 million, with timing and number of issuances to be determined. BED will consider factors including the interest rate environment, FY24 and FY25 financial performance and projected financial metrics, closing costs, and other factors in determining whether to pursue a single \$20 million issuance or two \$10 million issuances a few years apart. Ten-year pro forma debt service schedules for each of these scenarios are shown in the table below.

10-Year Pro Forma Debt Service Schedules for Proposed Revenue Bond

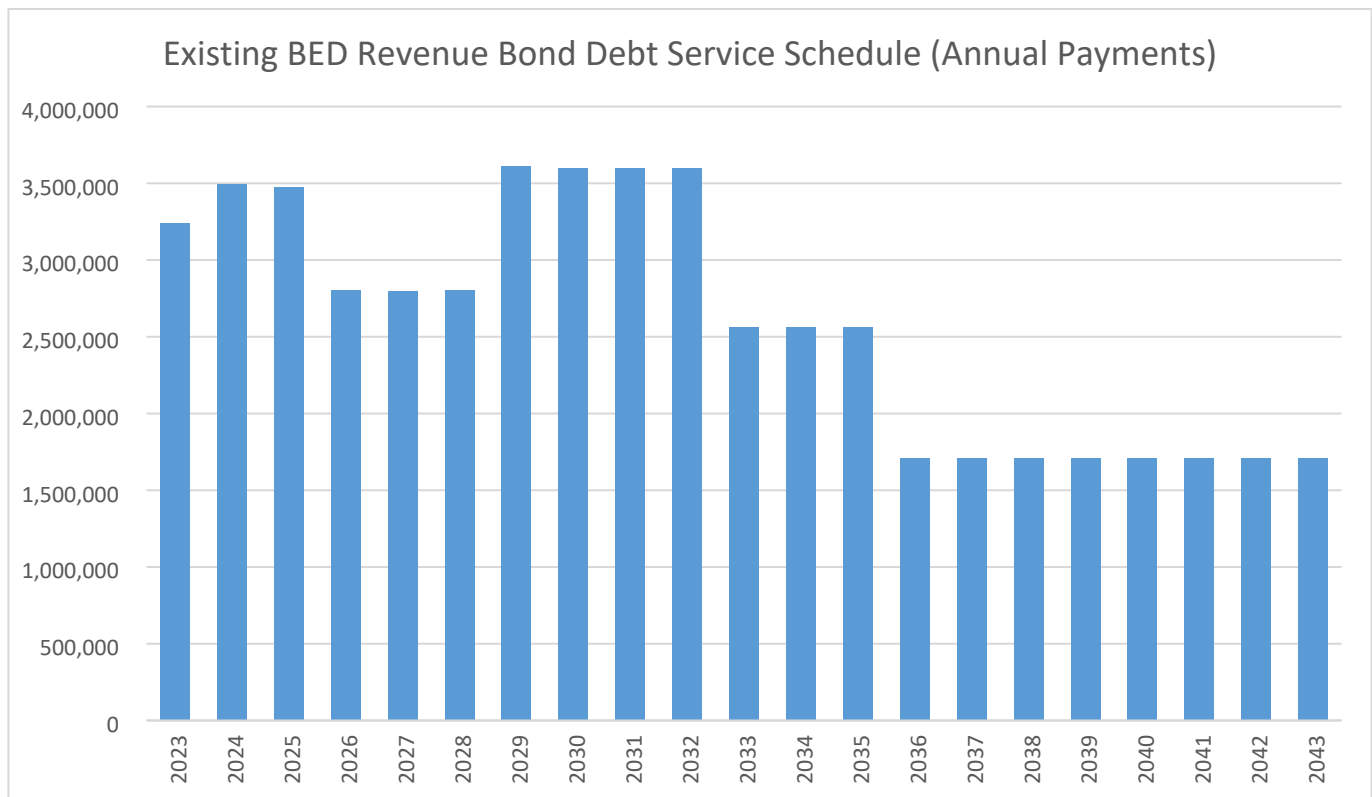
Fiscal Year	Single \$20M Issuance (FY26)			Two \$10M Issuances (FY26 and FY29)		
	Principal*	Interest**	Total Payment	Principal*	Interest***	Total Payment
2026	\$0	\$400,000	\$400,000	\$0	\$200,000	\$200,000
2027	\$0	\$800,000	\$800,000	\$0	\$400,000	\$400,000
2028	\$0	\$800,000	\$800,000	\$0	\$400,000	\$400,000
2029	\$0	\$800,000	\$800,000	\$0	\$575,000	\$575,000
2030	\$0	\$800,000	\$800,000	\$0	\$750,000	\$750,000
2031	\$0	\$800,000	\$800,000	\$0	\$750,000	\$750,000
2032	\$998,822	\$780,024	\$1,778,846	\$499,411	\$740,012	\$1,239,423
2033	\$1,038,775	\$739,272	\$1,778,047	\$519,387	\$719,636	\$1,239,023
2034	\$1,080,326	\$696,890	\$1,777,215	\$540,163	\$698,445	\$1,238,608
2035	\$1,123,539	\$652,812	\$1,776,351	\$1,080,020	\$667,337	\$1,747,357
10-Year Total	\$4,241,462	\$7,268,997	\$11,510,459	2,638,982	5,900,429	\$8,539,411

* Principal payments would be deferred for 5 years.

** Assumes interest rate of 4.00%. Actual interest rate to be determined upon bond issuance.

*** Assumes interest rate of 4.00% for first issuance and 3.50% for second issuance. Actual interest rate to be determined upon bond issuance.

In terms of existing revenue bond debt service, BED's 2014B revenue bond, which has had average annual debt service payments of approximately \$684,000, will mature in 2025. Principal payments on the 2022 revenue bond, which were deferred for five years, begin in FY29. In FY32, both the 2017A and 2017B revenue bonds, with combined annual payments of approximately \$1 million, will mature, followed by the 2014A revenue bond in FY35.



On December 12, 2023, Moody’s Investors Service affirmed BED’s A3 credit rating, with a stable outlook. BED targets A-range values for its credit rating financial metrics, which include days cash on hand, debt ratio, and adjusted debt service coverage ratio. BED also monitors compliance with its revenue bond covenant 1.25 debt service coverage ratio, which we consistently exceed and expect to continue to do so. By design, the Moody’s metrics check and balance each other (for example, liquidity can be improved with borrowing, but increased borrowing will negatively affect the debt ratio and adjusted debt service coverage ratio), so that the financial management challenge becomes maintaining all three metrics at satisfactory levels. After 12 years without a rate increase, BED’s days cash on hand and adjusted debt service coverage ratios have been challenged in recent years as expenses increased, sales to customers have been flat to declining, and cash reserves were depleted without offsetting revenue increases.

BED’s rate changes over the past four years have improved the adjusted debt service coverage ratio, while helping to maintain at least 90 days cash on hand, including our line of credit at its former \$5 million level. The 2022 Net Zero Energy revenue bond has been a critically important source of financing for BED’s capital investments that mitigated what otherwise would have been significant upward rate pressure if the same projects had to have been funded from operating cash sources. To continue to maintain adequate cash reserves while also continuing to fund needed capital projects, strategic electrification incentives, and other activities, additional financing will be necessary. Without the proposed NZE and Grid Reliability Revenue Bond as a financing source, BED would face a choice of either dramatically reducing capital investment and curtailing incentive funding or needing much larger rate increases in the near term to fund our projects while maintaining A rating metrics for days cash on hand.

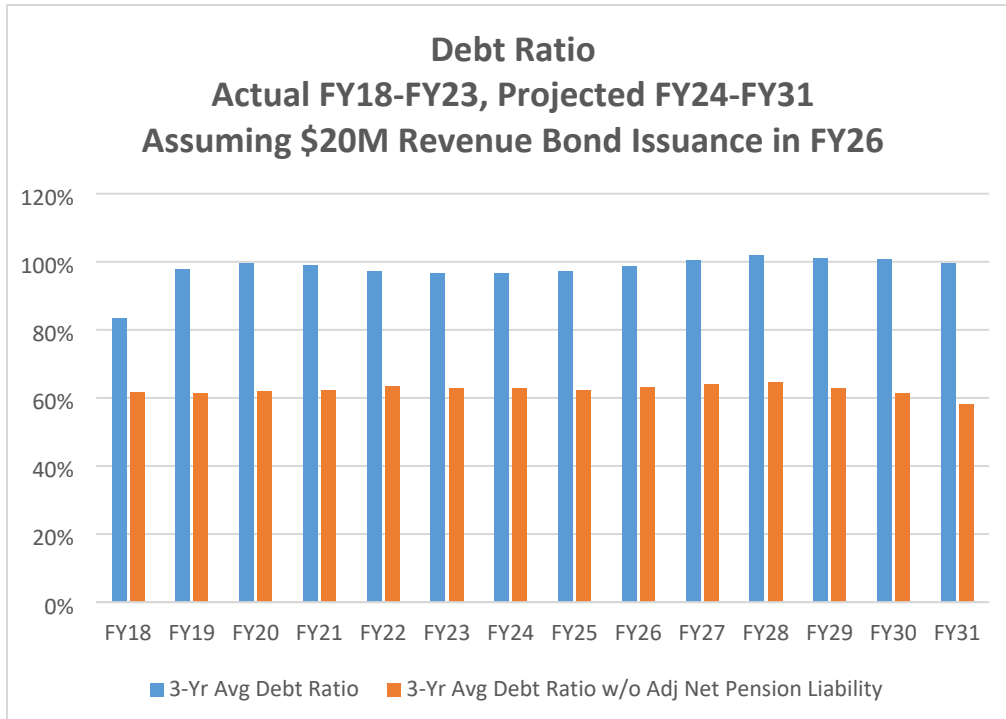
For FY26, as an illustrative example, absent new revenue bond funding and assuming we still attempted to fund both our capital needs (including Net Zero grid and technology upgrades) and strategic electrification incentives above the level required by State law, BED would be faced with implementing a 12.8 percent rate increase in order to maintain 120 days cash on hand (including the \$10 million line of credit). BED does not believe this level of rate increase would be justifiable or support affordability for customers. By contrast, current estimates show that, with the financing from the proposed Net Zero Energy & Grid Reliability Revenue Bond, we would achieve 120 days cash on hand in FY26 with only 2 percent of upward rate pressure.

FY26 Projected Rate Pressure to Reach 120 Days Cash On Hand (assuming full funding of capital projects and including \$10M line of credit)

Financing	Rate Pressure FY23
Without Revenue Bond	+12.8%
With Revenue Bond	+2.0%

Again, this scenario demonstrates how much rate pressure would exist without the Net Zero Energy & Grid Reliability Revenue Bond if we still sought to fund the same projects based on current forecasts and operating revenues. It is not an actual rate case proposal for any of the fiscal years mentioned. Such a proposal would include consideration of many other factors. However, in this context, the proposed revenue bond offers a way to invest in our system and free up cash reserves for our strategic electrification programs while significantly reducing upward rate pressure compared to alternate funding mechanisms and maintaining strong credit rating metrics, a true win-win scenario for our customers and community.

A new Revenue Bond would put pressure on BED's adjusted debt service coverage ratio (because debt service would increase in the short-term, before older revenue bonds mature) and debt ratio. Moody's A-rating range for the debt ratio (in simplest terms, debt+pension liability/assets) is 60-80%. In 2019 Moody's changed its methodology to include net pension liability in the debt ratio calculation. With this methodology change, BED's debt ratio jumped from 61% to 92% in a single year. The chart below shows BED's actual debt ratio (3-year running average) through FY23, with projections for the 3-year running average for FY24 and beyond, assuming a single \$20 million revenue bond issuance in FY26. The 3-year running average not including the adjusted net pension liability is shown for comparison purposes. The chart shows that BED's debt ratio is not dramatically affected by the new revenue bond issuance. Including the net pension liability, the 3-year running average of the debt ratio is projected to peak at 102.3% in FY28 and then slowly decline (assuming no other borrowings). (Omitting the net pension liability, the 3-year running average is projected to peak at 64.6% in FY28 before declining.)



Conclusion

BED believes the Net Zero Energy & Grid Reliability Revenue Bond proposal is a fiscally responsible and innovative means of financing needed capital improvements and providing access to liquidity to support additional incentives and projects for accelerating strategic electrification and our community’s progress toward our NZE climate goal. The proposed Revenue Bond would support BED’s capital needs and ensure BED’s continued efficient and economical operations. Burlington’s precedent-setting issuance of a revenue bond for energy efficiency in 1990 and the first NZE Revenue Bond in 2022 provide a strong foundation upon which to pursue this new Net Zero Energy & Grid Reliability Revenue Bond. Given our ambitious 2030 goal and our desire to maintain strong financial metrics and affordable rates for our customers, this financing option provides the best avenue moving forward.

BED respectfully requests that the City Council approve placing a question on the November 2024 election ballot for voters to consider authorizing BED to issue \$20 million in revenue bonds for the purposes described in this memo. We will be available to answer any questions or provide additional information at the Board of Finance meeting on August 5th and City Council meeting August 12th. Thank you.

Attachment: Proposed NZE and Grid Reliability Revenue Bond Projects, FY26-FY29

Proposed Net Zero Energy & Grid Reliability Revenue Bond Projects	FY 26	FY 27	FY 28	FY 29
Distribution				
1L1/1L4 Long Span Removal	\$ -	\$ -	\$ -	\$ 331,250
2L3 Rebuild 927S to Sub#7	\$ -	\$ -	\$ 165,478	\$ -
2L3 Rebuild UH303 to 929S	\$ -	\$ -	\$ 668,118	\$ -
Add automation to manual switch 801S (Pine St and Home Ave)	\$ -	\$ -	\$ 75,756	\$ -
Add automation to manual switch 986S (Maple St and S Winooski Ave)	\$ -	\$ 42,737	\$ -	\$ -
Bayview Street Reconnector Poles P896-P851	\$ -	\$ 18,749	\$ -	\$ -
Distribution Transformers	\$ 400,000	\$ 300,000	\$ 250,000	\$ 257,500
Distribution Transformers Engineering	\$ 6,124	\$ 6,308	\$ 6,497	\$ 6,692
Extend 1L2 to P3097 on North Avenue & transfer load from 1L4 to 1L2 (814S-214D-218D-P3097)(NZE #1 by 2024) (Peak >80 MW)	\$ -	\$ 1,637,504	\$ 1,582,399	\$ 1,890,689
Grey Meadows UG Rebuild	\$ 88,872	\$ -	\$ -	\$ -
Install 4-Way Padmount or Submersible Switch (1002S, 1003S, 1004S, 1005S) at Starr Farm Rd & North Ave (Peak >90 MW)	\$ -	\$ 345,748	\$ -	\$ -
Lake Forest UG Replacement	\$ 54,867	\$ -	\$ -	\$ -
Lake Street Battery Bank Replacement	\$ 44,698	\$ -	\$ -	\$ -
Level 2 Chargers	\$ 321,255	\$ 330,892	\$ 202,554	\$ 212,682
Level 3 Chargers	\$ 431,461	\$ 444,405	\$ 376,178	\$ 394,987
Little Eagle Bay UG Rebuild	\$ -	\$ -	\$ -	\$ 771,796
Pole Replacement	\$ 254,088	\$ 239,901	\$ 269,562	\$ -
Rebuild 1L4 from P2838 to P2795 (Institute Rd to Bike Path)	\$ 149,439	\$ -	\$ -	\$ -
Rebuild Deforest Rd	\$ 501,235	\$ -	\$ -	\$ -
Rebuild Howard Street OH, Poles P828 to P836	\$ 29,905	\$ -	\$ -	\$ -
Rebuild Howard Street OH, Poles P892-P843	\$ -	\$ 17,260	\$ -	\$ -
Rebuild Lakeside Avenue OH, Poles P2302-P526	\$ -	\$ -	\$ 14,911	\$ -
Rebuild Plattsburg Avenue OH, poles P3762 to P3752	\$ 26,650	\$ -	\$ -	\$ -
Rebuild Plattsburg Avenue poles P3762 to P3752	\$ -	\$ 27,449	\$ -	\$ -
Rebuild S. Union Street OH, Poles P925-P929	\$ -	\$ -	\$ 15,749	\$ -
Rebuild St. Paul Street OH, Poles 1004 – P1011	\$ 20,428	\$ -	\$ -	\$ -
Rebuild Wells Street OH, Poles P191-P183	\$ 23,505	\$ -	\$ -	\$ -
Replace 348S/230S/145S/427S (Battery & Cherry)	\$ -	\$ -	\$ 342,016	\$ -
Replace direct buried underground cables along Oakledge Drive	\$ -	\$ 136,788	\$ -	\$ -
Replace Disconnect #346D (normal open point between 3L1 & 3L2) with a SCADA controlled switch.	\$ 85,688	\$ -	\$ -	\$ -
Replace livefront transformer #2355 (Pearl Street - Courthouse)	\$ 14,138	\$ -	\$ -	\$ -
Replace livefront transformer #2598 (St. Paul Street - Decker Towers)	\$ 44,740	\$ -	\$ -	\$ -
Replace livefront transformer #2889 (Battery St - Hilton)	\$ -	\$ 11,426	\$ -	\$ -
Replace Sub#7 328S/602S/704S/740S switch	\$ -	\$ 324,649	\$ -	\$ -
Replace Switch # 716S/728S/729S (Lake Street) 9/97	\$ -	\$ 66,941	\$ -	\$ -
Replace switchgear at College St Substation	\$ -	\$ -	\$ 542,384	\$ -
Replace the underground system at Fairmount Place 1985	\$ -	\$ -	\$ -	\$ 189,710
Replace the underground feed to Stafford Green House	\$ -	\$ -	\$ 13,785	\$ -
Replace the underground system at Birch Court (Off North Avenue)	\$ -	\$ -	\$ 55,485	\$ -
Replace the underground system at Juniper Terrace (Off Summit Street)	\$ 198,568	\$ -	\$ -	\$ -
Replace the underground system at Overlake Condos (Off S. Prospect Street)	\$ -	\$ -	\$ -	\$ 304,212
Replace the underground system at River Watch	\$ -	\$ 873,171	\$ -	\$ -
Replace the underground system at Village at North Shore	\$ -	\$ 251,973	\$ -	\$ -
Replace the underground system to UVM Aiken Center	\$ 13,978	\$ -	\$ -	\$ -
Replace UG St. Paul St. (Bank St to Cherry St)	\$ 298,429	\$ -	\$ -	\$ -
SCADA ADMS Phase III/IV	\$ 772,276	\$ -	\$ -	\$ -
Transfer load between 1L1 to 1L4 (Woodlawn Rd, Woodbury Rd)	\$ 167,734	\$ -	\$ -	\$ -
UH#328 Switch Relocation	\$ -	\$ -	\$ -	\$ 696,584
Upgrade the manual switch 917S P1765 to a SCADA operated switch	\$ 67,595	\$ -	\$ -	\$ -
General Plant				
All electric forklift	\$ 137,580	\$ -	\$ -	\$ -
BED Fleet EV charging (civil work)	\$ 30,000	\$ 30,000	\$ 50,000	\$ 50,000
C3 Freightliner Hybrid Bucket Truck Replacement w/All-Electric	\$ 200,000	\$ -	\$ -	\$ -
Replace Vehicle C15 F350 Cube van with Transit electric	\$ 65,000	\$ -	\$ -	\$ -
Replace Vehicle C18 Technicians F150	\$ -	\$ -	\$ -	\$ 65,000
Replace Vehicle C23 Nissan Leaf	\$ -	\$ -	\$ 47,000	\$ -
Replace Vehicle C29 Ford Fusion	\$ -	\$ -	\$ -	\$ 45,000
Replace Vehicle C5 F350 Cube van with Transit electric	\$ -	\$ 150,000	\$ -	\$ -
Replace Vehicle C64 Subaru Outback-Safety with electric	\$ -	\$ 50,000	\$ -	\$ -
Generation-Mcneil				
McNeil Catalyst Replacement for Nox System	\$ 125,000	\$ 20,000	\$ -	\$ -
McNeil Energy Efficiency Improvements	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
McNeil Forestry Vehicle	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
McNeil Wood Dryer	\$ 250,000	\$ -	\$ -	\$ -

Generation-Other

WinOne Automatic Voltage Regulator (AVR)	\$	150,000	\$	-	\$	-	\$	-
WinOne Unit #1 Bearing Replacement	\$	-	\$	100,000	\$	128,472	\$	100,000
WinOne Unit 3 Bearing Replacement	\$	-	\$	124,790	\$	-	\$	-
Winooski One FERC Relicensing	\$	668,358	\$	268,093	\$	-	\$	-

IT

IT Forward - CIS Replacement	\$	413,896	\$	-	\$	-	\$	-
IT Forward - FIS Replacement	\$	906,173	\$	-	\$	-	\$	-
Refresh Velco Production Compute/Storage	\$	165,000	\$	-	\$	-	\$	-
Upgrade Smart Grid Collection Engine to Riva platform	\$	50,000	\$	-	\$	-	\$	-
Virtualized Hardware Refresh Pine	\$	-	\$	-	\$	165,000	\$	-

Other-Demand Response

DER	\$	33,644	\$	34,485	\$	35,347	\$	36,230
DER Aggregator/Flexible Load Management	\$	71,599	\$	-	\$	-	\$	-
P&P R&D	\$	27,294	\$	27,976	\$	28,675	\$	29,392

Project Totals	\$	7,331,718	\$	5,903,744	\$	5,057,867	\$	5,404,226
-----------------------	-----------	------------------	-----------	------------------	-----------	------------------	-----------	------------------

Revenue Bond Funding Totals (FY29 @ 31.5%)	\$	7,331,718	\$	5,903,744	\$	5,057,867	\$	1,706,671
---	-----------	------------------	-----------	------------------	-----------	------------------	-----------	------------------



Proposed Net Zero Energy & Grid Reliability Revenue Bond

Burlington Electric Commission, August 1, 2024

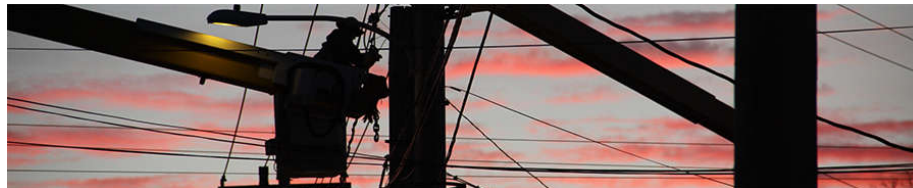
Burlington Board of Finance, August 5, 2024

Burlington City Council, August 12, 2024



BED Revenue Bond Basics

- Authorized under City Charter § 3-421 and General Bond Resolution adopted by Board of Electric Commissioners in 1981
- Requires approval of a majority of Burlington voters
- Payable solely from BED rates and revenues, not City General Fund or property taxes
- An obligation only of BED, not of the City (does not affect City's debt ratio or policy)
- BED has used issued revenue bonds several times since 1981 – for McNeil Generating Station construction, initial Energy Efficiency funding, AMI/Smart Grid infrastructure, purchasing Winooski One hydroelectric facility, and most recently for the 2022 Net Zero Energy Revenue Bond





2022 Net Zero Energy Revenue Bond Update

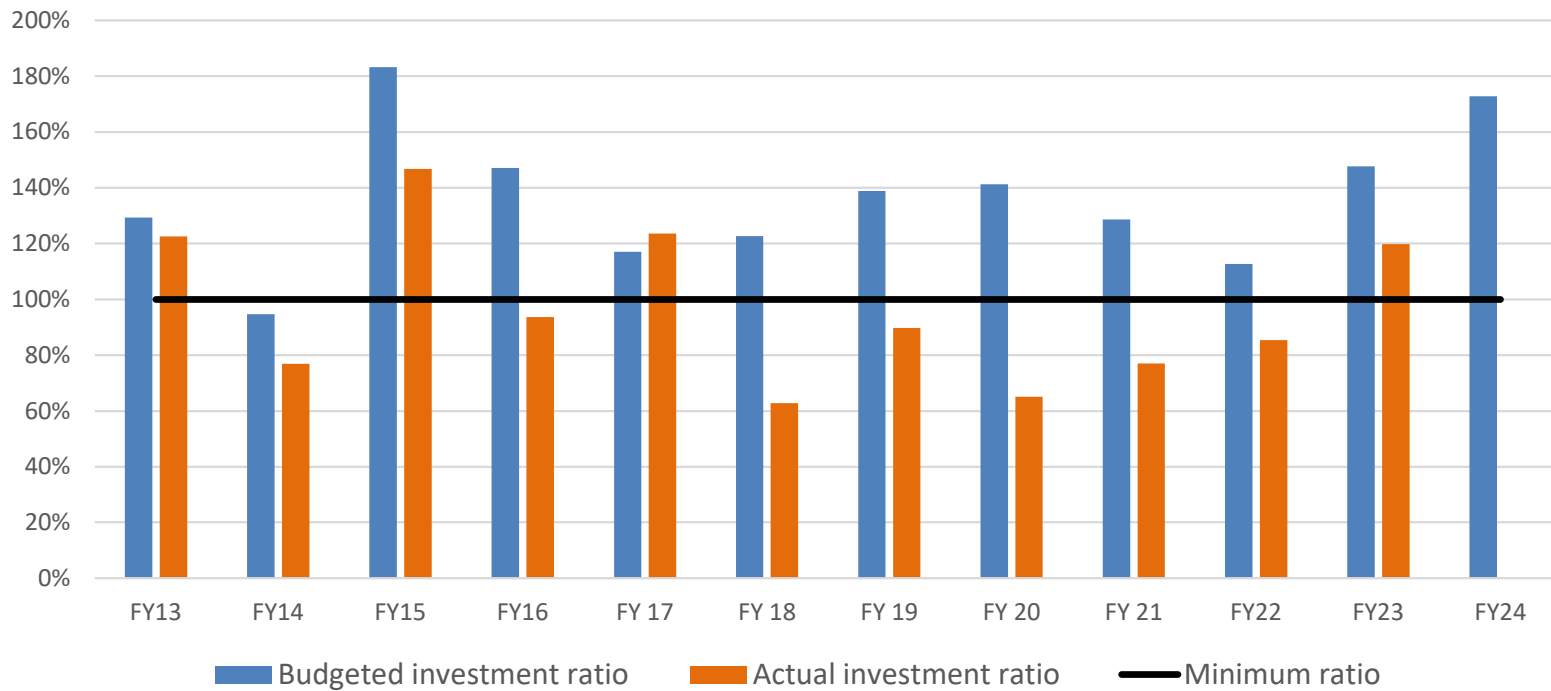
- **Builds on Prior Net Zero Energy Revenue Bond** – BED's \$20 million 2022 Net Zero Energy Revenue Bond has supported:
 - grid upgrades raising capacity from 77 megawatts to 80 megawatts,
 - key technology systems upgrades (including the new meter data management system and customer portal),
 - EV charging infrastructure (including first modern public fast charger in our network),
 - EV fleet conversion (including first all-electric bucket truck in Vermont), and
 - renewable plant investments.

BED has currently spent \$11.7 million of the 2022 revenue bond and expects to use the remainder to fund FY25 capital projects.



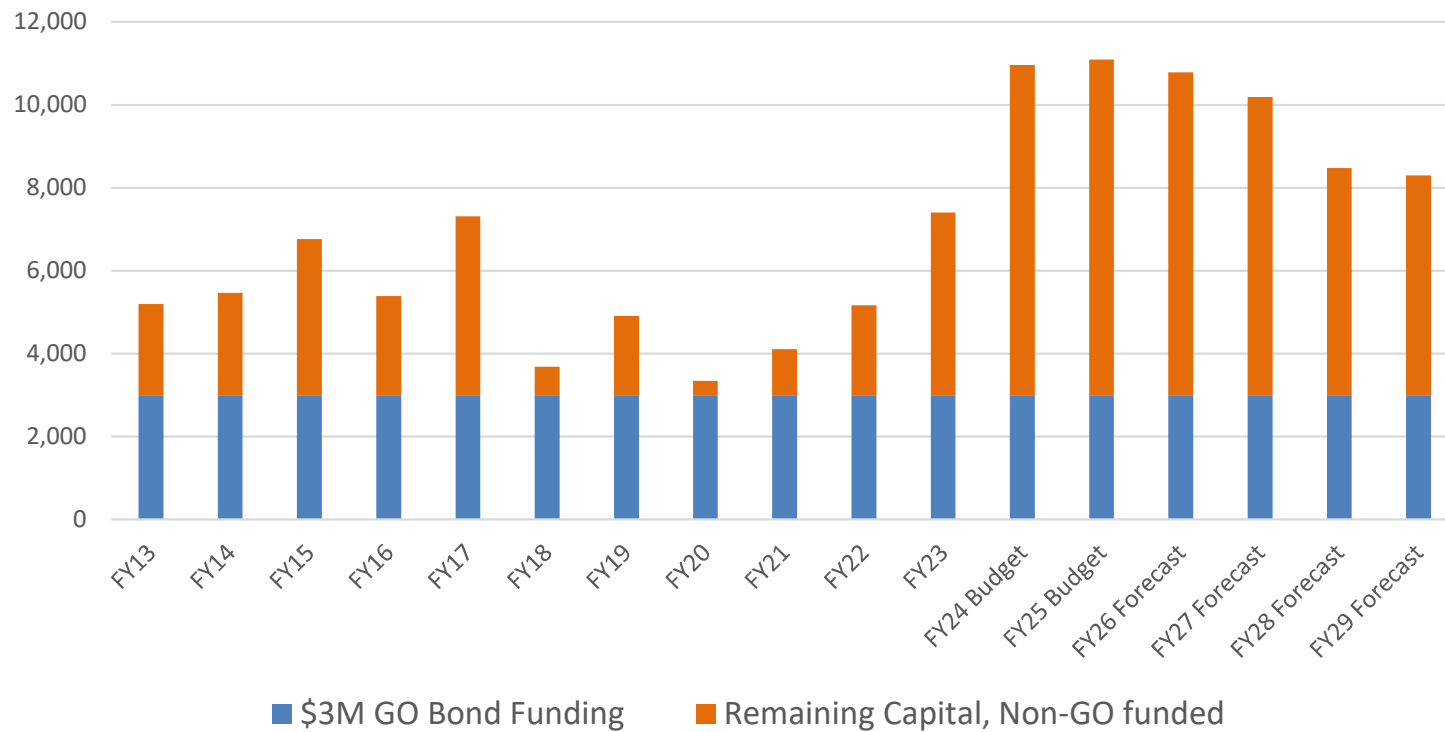


Budgeted and Actual Annual Capital Expense-to-Depreciation Ratio





BED Capital Spending vs GO Bond Funding, FY13-FY29





\$20 Million Net Zero Energy and Grid Reliability Revenue Bond Proposal

The proposed Net Zero Energy and Grid Reliability Bond will:

- continue grid upgrades to increase capacity further to 90 megawatts to support adding more EVs, heat pumps, geothermal systems, E-buses and more in Burlington;
- complete technology systems upgrades (including customer information system);
- invest in our renewable plants including FERC relicensing at Winooski One and wood chip dryer efficiency measure for McNeil,
- support EV fleet conversion (10 new BED EVs, second all-electric bucket truck, and electric forklift) replacing fossil fuel and older vehicles, and
- invest in 88 new public EV charging stations (including 38 new fast chargers).





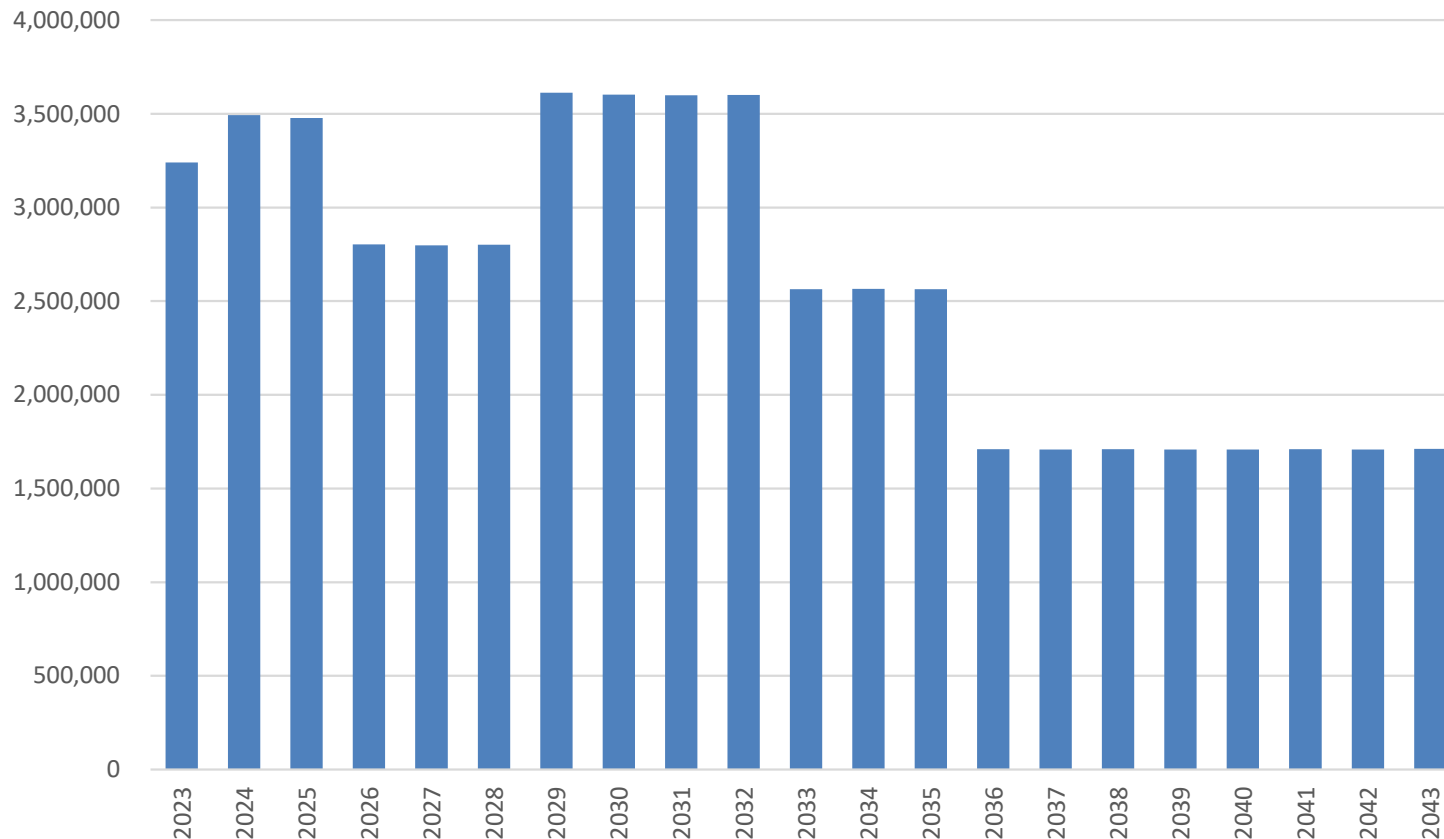
Net Zero Energy & Grid Reliability Revenue Bond Proposed Projects By Category

Proposed NZE & Grid Reliability Revenue Bond Projects	FY26	FY27	FY28	FY29	Total
Generation	\$1,215,858	\$535,383	\$150,972	\$122,500	\$2,024,713
Distribution	\$4,015,675	\$5,075,901	\$4,580,873	\$5,056,103	\$18,728,551
General Plant/Fleet EVs	\$432,580	\$230,000	\$97,000	\$160,000	\$919,580
IT	\$1,535,069	\$0	\$165,000	\$0	\$1,700,069
Other-Demand Response, Flexible Load Mgmt, etc.	\$132,536	\$62,461	\$64,022	\$65,623	\$324,642
Total	\$7,331,718	\$5,903,744	\$5,057,867	\$5,404,226	\$23,697,555

*Full-year funding is shown for FY29 projects which is why the total exceeds \$20 million, even though it is expected that proceeds from the proposed new revenue bond will be fully expended at some point during FY29.



Existing Revenue Bond Debt Service Schedule



- FY25 - 2014B revenue bond, (average annual payments approximately \$684,000) matures
- FY29 - Principal payments on the 2022 revenue bond begin
- FY32 - 2017A and 2017B revenue bonds (combined annual payments of approximately \$1M) mature
- FY35 - 2014A revenue bond matures



10-Year Pro Forma Debt Service Schedule for Proposed Revenue Bonds

Fiscal Year	Single \$20M Issuance (FY26)			Two \$10M Issuances (FY26 and FY29)		
	Principal*	Interest**	Total Payment	Principal*	Interest***	Total Payment
2026	\$0	\$400,000	\$400,000	\$0	\$200,000	\$200,000
2027	\$0	\$800,000	\$800,000	\$0	\$400,000	\$400,000
2028	\$0	\$800,000	\$800,000	\$0	\$400,000	\$400,000
2029	\$0	\$800,000	\$800,000	\$0	\$575,000	\$575,000
2030	\$0	\$800,000	\$800,000	\$0	\$750,000	\$750,000
2031	\$0	\$800,000	\$800,000	\$0	\$750,000	\$750,000
2032	\$998,822	\$780,024	\$1,778,846	\$499,411	\$740,012	\$1,239,423
2033	\$1,038,775	\$739,272	\$1,778,047	\$519,387	\$719,636	\$1,239,023
2034	\$1,080,326	\$696,890	\$1,777,215	\$540,163	\$698,445	\$1,238,608
2035	\$1,123,539	\$652,812	\$1,776,351	\$1,080,020	\$667,337	\$1,747,357
10-Year Total	\$4,241,462	\$7,268,997	\$11,510,459	2,638,982	5,900,429	\$8,539,411

* Principal payments would be deferred for 5 years.

** Assumes interest rate of 4.00%. Actual interest rate to be determined upon bond issuance.

*** Assumes interest rate of 4.00% for first issuance and 3.50% for second issuance. Actual interest rate to be determined upon bond issuance.



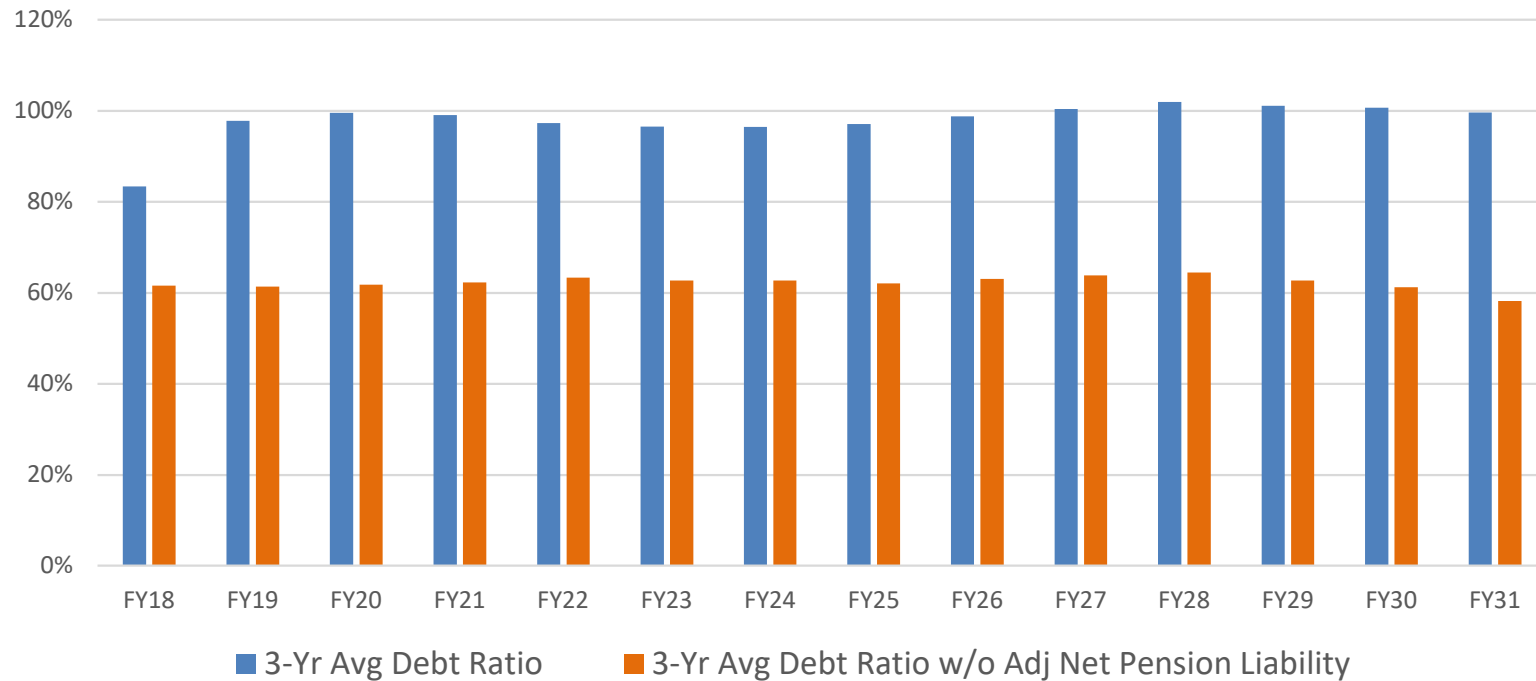
Net Zero Energy and Grid Reliability Revenue Bond reduces near-term rate pressure

FY26 Projected Rate Pressure to Reach 120 Days Cash On Hand
(assuming full funding of capital projects and Net Zero Energy initiatives)

Financing Option	Projected Rate Pressure FY26
Without Revenue Bond	+12.8%
With Revenue Bond	+2.0%



Debt Ratio
Actual FY18-FY23, Projected FY24-FY31
Assuming \$20M Revenue Bond Issuance in FY26



Board of Finance and City Council Submission ChecklistDepartment: BED Submitter: Darren SpringerTitle/Subject: BED Net Zero Energy and Grid Reliability Bond

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/29/2024	Darren Springer
Mayor's Office informed and approved memo	Yes	7/30/2024	Erin Jacobsen
Board/Commission, if required	Yes	8/1/2024	Expected Approval 8/1
City Attorney's Office has approved contract and/or legal documents, -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) -Identify attorney in note	Yes	7/31/2024	Kim Sturtevant
CAO has reviewed budget, financing, and memo	Yes	7/30/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	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	List of Revenue Bond Proposed Projects
Draft Resolution or Motion?	Yes	Resolution from Bond Counsel
If for submission to Council, are sponsors identified?	Yes	Board of Finance

Resolution Relating to

NOVEMBER 5, 2024 SPECIAL CITY MEETING—
ISSUANCE OF REVENUE BONDS—
FOR BURLINGTON ELECTRIC DEPARTMENT—NET
ZERO ENERGY AND GRID RELIABILITY PROJECTS

RESOLUTION 7.4.

Sponsor(s): Bd. of Finance

Introduced: 08/12/24

Referred to: _____

Action: adopted

Date: 08/12/24

Signed by Mayor: 08/13/24

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 (the "City") and the Burlington Electric Department ("BED") have
2 previously adopted a goal to reduce and eventually eliminate fossil fuel usage in heating and ground
3 transportation (the "Net Zero Energy Goal"), as set forth in that Net Zero Energy Roadmap, dated September
4 5, 2019; and

5 WHEREAS, the City and BED have identified the need for various capital improvements to implement
6 the City's Net Zero Energy Goal, including upgrades to further support electric grid updates to meet increased
7 electricity needs resulting from greater strategic electrification and to ensure the continued reliability of BED's
8 current distribution system, grid demand management and battery storage opportunities, generation plant
9 upgrades, IT system/technology system upgrades, acquisition of municipal electric vehicles and support of EV
10 charging infrastructure; and

11 WHEREAS, the City has determined that the costs of such improvements are too great to be paid out
12 of the ordinary annual income and revenue of BED and that, in order to fund the costs of such capital
13 improvements, it will be necessary to incur indebtedness for that purpose; and

14 WHEREAS, it is expected that these improvements will benefit current and future ratepayers, the City
15 and the general public; and

16 WHEREAS, Sections 433 and 477 of the City Charter and other applicable law provide that, with at
17 least a majority vote of the City's voters, the City shall have the authority to issue bonds, from time to time,
18 for the purpose of financing the cost of any improvement to the City's electric plant and for energy
19 transformation and energy efficiency projects, with such bonds payable from the revenues of its electric
20 system or revenues derived from electric service; and

21 WHEREAS, the Board of Electric Commissioners, at its August 1, 2024 meeting, approved advancing
22 the proposed revenue bonding for electric system improvements for City-wide consideration and a public vote
23 at a City Special Meeting to be held on November 5, 2024; 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, the proposed financing of such capital improvements may be through a public or private issuance of bonds or notes or a combination thereof, and may be done in one or more series, and over multiple fiscal years; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby requests, pursuant to Section 25 of the City Charter, that the Mayor call a Special City Meeting to be held on November 5, 2024 and that the following question be placed on the ballot of that Special City Meeting:

“Shall the City be authorized to issue revenue bonds or notes in one or more series on behalf of the Electric Light Department, in an amount not to exceed \$20,000,000 in the aggregate, to be issued pursuant to the City Charter, as may be determined by the City Council, and payable from the net revenues of the electric system, for the purpose of paying for (i) capital additions and improvements to the City’s electric system, and energy transformation and energy efficiency projects, in furtherance of the City’s Net Zero Energy goals, including capital improvements for the distribution system, grid demand management and battery storage opportunities, generation plant upgrades, IT system/technology system upgrades, acquisition of municipal electric vehicles and support of EV charging infrastructure (the “Project”), and (ii) funding a debt service reserve funds and paying costs of issuance?”

Total Estimated Project Cost:	\$20,000,000
City Electric Department Share of Total Cost:	\$20,000,000

* * * * *

DISTRIBUTION:

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

BED GM, Darren Springer

ORIGINAL

RESOLUTION RELATING TO

November 5, 2024 Special City Meeting--Issuance Of Revenue Bonds--For Burlington
Electric Department--Net Zero Energy and Grid Reliability Projects

.....

.....

Adopted by the City Council

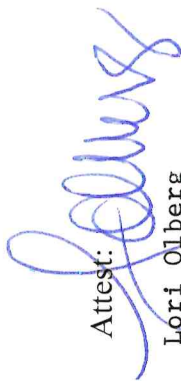
August 12....., 20 24.....

 Clerk

Approved August 13....., 20 24.....

 Mayor

Vol. Page

Attest: 
Lori Olberg
Licensing and Records Coordinator

* * * * *



Memorandum

Date: August 05, 2024 / August 12, 2024

To: Burlington Board of Finance / City Council

From: Corey Mims, P.E., Senior Public Works Engineer
Laura Wheelock, P.E., Division Director/City Engineer

CC: Chapin Spencer, Director

Subject: Champlain Parkway Project Final Construction Contract – Award Authorization

Request

The Burlington Department of Public Works (DPW) respectfully request Board of Finance and City Council provide authorization to execute the Champlain Parkway Project Final Construction Contract with Engineers Construction Inc. (ECI), in an amount up to \$14,396,012.50 with an additional \$1,439,601.25 (10%) in contingency funds, totaling up to \$15,835,613.75.

Background

On 9/13/2021 DPW staff presented to the Board of Finance and City Council the South End Construction Coordination Plan which introduced the idea of a two-phase construction of the Champlain Parkway project – as part of an overall sequencing plan for South End capital projects to minimize concurrent construction impacts. With Council support, the Champlain Parkway project team split the project's construction into two separate construction phases, the "Initial" and "Final" phases.

The Initial Construction Contract began construction in June 2022 and is scheduled to be substantially completed by early to mid-September 2024.

By splitting the Parkway project into two separate contracts, the City will soon be able to open the initial contract section (between Home Avenue and Kilburn Street) which has already begun to provide some of the following benefits with the remaining at completion of the initial phase:

- o A new 25-mph grid street between Home Avenue and Lakeside Avenue that will enhance connectivity and resiliency of the South End street network
- o A new stormwater pond and new stormwater sand filter that will take 11.5 acres off the combined sewer system and reduce 6,344 pounds (over 3 tons) of sediment from being discharged into Lake Champlain annually

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

Champlain Parkway Project Final Construction Contract – Award Authorization

- o New shared use paths providing a continuous ~2 mile off-road bike/pedestrian path from the Pine Street & Locust Street intersection to Queen City Park Road in South Burlington
- o Improved raised intersections at Pine St & Kilburn St, Pine St & Marble Ave, and Pine St & Howard St
- o A new midblock crosswalk Pine St & Arts Riot
- o An enhanced Pine Street with new granite curbs, reconstructed sidewalk with ADA-compliant access ramps on the eastern side, and new top pavement layer with improved surface drainage
- o Undergrounded utilities on Lakeside Avenue between Pine St and the new portion of the Champlain Parkway
- o Renewed water and sewer lines throughout the South End – approximately 4,000 feet of waterlines and 3,000 feet of sewer lines will be replaced
- o Reconstructed rail crossings with new active warning system including new gates in all quadrants, improved bicycle and pedestrian accommodation and improvements to drainage and stormwater features
- o New and restored sidewalk deteriorated sidewalk along Pine Street, Lakeside Ave and Flynn Ave were replaced, and new sidewalk was added on Sears Lane and Home Ave that facilitates pedestrian connectivity where the project intersects these streets.

Project Timeline

DPW Staff issued the final phase bid advertisement on June 11, 2024. At the time of bid opening on July 12, 2024 there were four submitted bids ranging from \$14,396,012.50 to \$17,036,483.70 with ECI being the apparent lowest responsive, responsible bidder at \$14,396,012.50.

On July 18, 2024 the final bid analysis was completed and provided to State and Federal partners for their approval. The result of the bid analysis was that ECI's bid should be accepted. The analysis had failed to indicate a disadvantage to the State in accepting the low bid. State approval and Federal concurrence of the bid analysis was received on July 22, 2024.

The bid process requires contractors to hold their bid for 61 days – a period which ends on September 10, 2024. With the City Council's approval on August 15, the last Council meeting prior to September 10, the DPW will be in a position to secure the competitive bid and execute the construction contract to commence the work. Construction schedule for this final construction phase planned commencement by mid to late September and has a contract completion date of June 30, 2026.

Bids Considerations

ECI's bid was ~42% below the engineer's estimate for the work and will be split between the City and State/Federal partners. There were a number of factors that contributed to the significantly lower than estimated bid pricing.

- o Engineers Estimate was based on observed unit pricing from multiple local and state projects in the area over the last two (2) years as well as the 2-year statewide average bid pricing.
- o Some bid items are seeing a reduction from the inflation experienced in the wake of the COVID-19 pandemic and other economic influences.
- o The competitive bid environment for the final contract was not experienced at the time of the initial contract and is seen as playing a factor in the lower bid prices.

Champlain Parkway Project Final Construction Contract – Award Authorization

- o Since the contract was competitively bid with multiple interested parties the bids came in favorably for the project. Not awarding the contract would likely result in the project seeing increased costs if the project were to be delayed and re-bid at a later date.

Project Funding

Work on this project is split between participating and non-participating expenses. Participating expenses for the final construction contract are approximately \$13,336,812.50. This equates to an approximate total of \$51,168,985.04 in participating costs for the combined construction contracts (Initial and Final phases) and will be eligible for reimbursement at the project's funding split of 95% Federal, 3% State and 2% Local Match as outlined in the Cooperative Agreement, and its Amendments, between the State of Vermont Agency of Transportation and the City of Burlington. The 2% local match comes from Street Capital Funding.

Non-participating expenses for the final contract are approximately \$1,055,450.00. This equates to an approximate total of \$5,398,677.05 in non-participating costs for the combined construction contracts (Initial and Final phases) and are the full responsibility of the City. The non-participating expenses are comprised of contaminated soil disposal, landscaping and select utility upgrades.

With the City's approved FY25 budget, the funding has been secured to award this contract. This includes an additional \$492,257 in Street Capital Funding for the 2% local match, \$1,170,000.00 of FY25 bond proceeds for Non-Participating Expenses for this project based on earlier engineering estimates, and an additional \$16,623.00 of bond proceeds to support public art per the City's 1% Public Art Ordinance. These amounts are projected to cover the City's participating and non-participating expenses for this contract.

MOTIONS

Board of Finance:

1. "To approve and recommend that the City Council authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. (ECI) in an amount up to \$14,392,262.50 with \$1,439,226.25 (10%) in contingency funds, totaling up to \$15,835,613.75, for the Champlain Parkway Final Construction Contract, subject to the final review and approval by the Office of the City Attorney."

City Council:

1. "To authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. (ECI) in an amount up to \$14,392,262.50 with \$1,439,226.25 (10%) in contingency funds, totaling up to \$15,835,613.75, for the Champlain Parkway Final Construction Contract, subject to the final review and approval by the Office of the City Attorney."



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

MEMORANDUM

TO: City Councilors

FROM: Corey Mims, PE, Senior Public Works Engineer
Chapin Spencer, Director of Public Works

CC: Laura Wheelock, PE, Division Director – Technical Services/City Engineer

DATE: August 12, 2024

RE: Councilor Question Responses on South End Projects

The Department of Public Works (“DPW”) Champlain Parkway Project team provided a memo to councilors on July 26, 2024, addressing a number of questions about the Champlain Parkway as well as other south end and downtown projects. In consultation with the design consultant for the Champlain Parkway (CHA) responses have been generated and are shared in this memo and the attached documentation.

Questions/Comments Received:

- ***There is reason to believe that a traffic light will not improve current conditions in the Maple St and King St neighborhood, much less mitigate the impacts of increased traffic after opening the Champlain Parkway.***

The installation of traffic signals along with curb bump outs, separated bike lanes south of Maple, and exclusive pedestrian crossing phases included in the Champlain Parkway, will improve many aspects of the Maple Street and King Street intersections in addition to simply handling traffic flow in a more efficient manner than occurs today.

The traffic impacts have been modeled and designed by professional engineers using advanced traffic modeling tools and adhering to standards to ensure accurate predictions and solutions. These standards include Federal Highway Administration Standards, MUTCD for providing standards for signals, signs, and markings, and the Highway Capacity Manual which provides guidelines for evaluating the capacity and quality of service of various roadway types and intersections. The traffic design also adheres to VTrans Standards, NEPA

requirements for environmental assessments (including traffic impacts), and ACT 250 land use and development law. These standards all required extensive assessment and review prior to the project approval.

The engineering practices employed during design included Traffic Impact Studies, Level of Service (LOS) Analysis, safety evaluations, and pedestrian and bicycle design standards.

Regarding the traffic operations, the NEPA process documents show the Pine Street at Maple Street improvement at Estimated Time of Construction (ETC) AM peak hour from LOS F to LOS C and ETC PM peak hour LOS F to LOS D and it shows Pine Street at King Street improvement from ETC AM peak hour LOS C to LOS B and ETC PM peak hour LOS C to LOS C.

Further the NEPA process documents show the Pine Street at Maple Street improvement at ETC+20 YEAR AM peak hour from LOS F to LOS C and ETC+20 PM peak hour LOS F to LOS D and it shows Pine Street at King Street improvement from ETC+20 AM peak hour LOS C to LOS B and ETC+20 PM peak hour LOS D to LOS C.

To better understand the Level of Service, Table 6-1 from the 2020 Limited Scope Final Supplemental Environmental Impact Statement has been included below:

Table 6-1: Intersection Levels of Service (LOS) Criteria

Level of Service (LOS)	Characteristics	Unsignalized Control Delay per Vehicle (sec)	Signalized Control Delay per Vehicle (sec)
A	Little or no delay	≤ 10	≤ 10
B	Short delays	> 10 and ≤ 15	> 10 and ≤ 20
C	Average delays	> 15 and ≤ 25	> 20 and ≤ 35
D	Long delays	> 25 and ≤ 35	> 35 and ≤ 55
E	Very long delays	> 35 and ≤ 50	> 55 and ≤ 80
F	Extreme delays	> 50	> 80

Source: *Highway Capacity Manual*, Transportation Research Board, National Research Council, 2000 and 2016

Additionally, exclusive pedestrian phases are provided at the Pine Street at Maple Street and Pine Street at King Street intersections which allow all pedestrians to move in all directions without vehicles moving. These intersections also incorporate emergency vehicle preemption for equipped emergency response equipment and transit signal prioritization for equipped mass transit vehicles. All of these are factors which are improvements over the current conditions. Additionally, the overall Parkway project itself provides pedestrian and bicycle connectivity on both sides of Pine Street within the project limits.

Once the full Champlain Parkway project is completed, the City will monitor the performance of these intersections. If the intersections do not perform as

projected, for whatever reason, the City along with our State and Federal project partners, will evaluate what additional steps will need to be taken. It is important to recognize that all project partners are committed to having this project be successful and that there are reasonable supplemental steps that can be taken if needed. Additional actions can include signal timing changes, prohibition of left turns during peak hours, and intersection geometry changes. Given that there are options to address unanticipated but potential performance issues, it is appropriate to advance construction of the final construction project as planned.

- ***Why would there be a long lead time in ordering and installing the lights (traffic signals)?***

There has been and will still be a long lead time for traffic signal equipment based on supply chain and equipment availability. As the City decided to split the Champlain Parkway into the Initial and Final phases it was understood that no aspects of the project in the Maple and King neighborhood (signals included) would be advanced under the initial construction contract.

Even if the City were to get agreement with our State and Federal partners to independently pursue acquiring traffic signal equipment, any lead-time duration still applies regardless of who is funding it. Additional time would be needed to develop the independent plans, bid documents, bid/award, and then order the necessary equipment which affects the duration it would take. There would also be increased risk of costs to the City as materials would need to be stored until installation.

- ***Why can we not install signals prior to awarding the final construction contract to ensure the signals function as designed? This was done at Lakeside and Pine?***

The signalized intersections at Maple, King and Main have been designed and paid for (to date) as part of the Champlain Parkway Project and are included under its ACT250 permit. A jurisdictional opinion would have to be received prior to any new project being allowed to proceed that would impact that permit.

If the City were to proceed with installation of traffic signals (or any portion thereof) in advance of the completion of the NEPA process (final construction of the Champlain Parkway), that infrastructure would be installed in its entirety at the City's expense (estimated over \$900,000 for just Maple and King) as part of a separate project.

If a separate contract was advanced without all necessary elements (e.g. sidewalk, accessible sidewalk ramps, interconnection between the Pine Street at Maple Street intersection, Pine Street at King Street intersection and Pine Street at Main Street intersection) the true effect of the proposed improvement will not be realized.

Additionally, if the council were to choose to not provide award authorization with the final bid award and delaying the project in order to pursue one portion of the final construction contract, we would not have support from our State and FHWA partners.

Federal, State and local agencies (Chittenden County Regional Planning Commission, CCRPC) have budgeted for construction of the current Final Contract Plans starting in 2024. There is no guarantee if the pending Final Contract bid is not accepted in a timely manner there will be project funding available when/if the City pursues completion of the project at a later date.

Lakeside and Pine traffic signal installation was a unique situation that occurred prior to the final design of the Champlain Parkway and was spurred on by a requirement the City had to fix a traffic signal that was damaged in a motor vehicle accident to the point of not being compliant with MUTCD. That process took over two years to work through the jurisdictional opinion, complete a new intersection traffic signal design, obtain funding and complete the installation of the new signals all fully at the City's expense around \$500,000 all in.

- ***What is at stake by not awarding the final construction contract?***

Initially, it is unlikely bid pricing would be held beyond the 61 days per the bid processes (September 10, 2024) and any future bid would see increased costs to the project which would not be advantageous for the City, State and FHWA.

Not awarding a competitively priced bid would reflect poorly on the City, and potentially damage our working relationship with our State and Federal partners. This will likely impact the City's credibility to be good stewards of federal funds and may impact future federal awards. This impact may be seen when the City is up against other communities and submitting on competitive grant applications that have limited funds, recent success and progress (or lack of) is often a determining factor when it comes to making awards.

As stated before, Federal, State and local agencies (RPC) have budgeted for construction of the current Final Contract Plans starting in 2024. There is no guarantee if the pending Final Contract bid is not accepted in a timely manner there will be project funding available when/if the City pursues completion of the project at a later date.

Project team in conversation with State partners discussed that the final contract needed to be bid by early June for award by early September to ensure funds would be secured and available for this contract. If the City did not continue to show its commitment and prioritization of this project and meet this timeline then there was significant risk that this project would no longer be prioritized by the State and Federal partners.

DPW has invited VTrans leadership to attend the upcoming Council Meeting on Monday August 12 to answer any questions on this topic. Director of Policy, Planning and Intermodal Development Michele Boomhower has indicated she is able to attend.

- ***How many parking spaces will be removed with the completion of the final construction contract along Pine St?***

There would be approximately nineteen (19) parking spaces removed from the east side of Pine Street between Maple St and Kilburn St to facilitate the installation of separated bike lanes on this roadway section. Twelve (12) of those spots were added during the construction of St. Paul Great Streets project to offset parking loss due to construction and were planned to be removed when Champlain Parkway was constructed. The project has preserved the on-street parking areas north of Maple Street and south of Kilburn Street in efforts to minimize impacts of this project on adjacent residents and businesses.

Please visit the Champlain Parkway website for access to the Final Supplemental Environmental Impact Statement, Limited Scope Final Supplemental Impact Statement (LS FSEIS) and more information: <http://champlainparkway.com/documents/>

The previously provided DPW memo and CHA memo are attached. Don't hesitate to reach out to DPW staff members should you have additional questions prior to the August 12 City Council meeting.

Attachments:

DPW Memo: Councilor Question Responses on the South End Projects July 26, 2024

CHA Memorandum: City Council Question Detail Responses July 26, 2024

Champlain Parkway Final Contract Plans Pavement Markings – Pine Street

ATTACHMENTS



CITY OF BURLINGTON DEPARTMENT OF PUBLIC WORKS

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

MEMORANDUM

TO: City Councilors

FROM: Corey Mims, PE, Senior Public Works Engineer
Chapin Spencer, Director of Public Works

DATE: July 26, 2024

RE: Councilor Question Responses on South End Projects

The Department of Public Works ("DPW") Champlain Parkway Project team presented a project update to City Council on June 10th, 2024. At that meeting councilors asked a number of questions about Champlain Parkway as well as other south end and downtown projects which resulted in a request for DPW to provide a written correspondence to answer the questions. In consultation with the design consultant for the Champlain Parkway (CHA) responses have been generated and are shared in this and the attached documentation.

Questions/Comments Received:

- ***Please provide more information about lost street parking along Pine St.***
 - The 24 hour parking that currently is on the east side of Pine St. from the Soda Plant north to Maple St. was provided as a temporary condition during the reconstruction of St. Paul Street. It is the only parking impacted by the construction of the Final Contract. This parking was left in place following the completion of that project with the plan for it to be transitioned out when the bicycle and roadway upgrades happen as part of the Champlain Parkway construction.
 - Additionally, the extent of the Champlain Parkway project limits east and west on Maple St. and King St. will not remove any existing parking spaces on those streets. The pavement marking plans have been attached.
- ***Please provide an updated South End construction schedule, including a detailed schedule for the REP with a listing of the issues we will be facing at each stage.***
 - The Railyard Enterprise Project team is working to ensure continued coordination and cooperation with VRS prior to entering the right-of-way (ROW) phase. This coordination is a key to the successful advancement of the project.

ATTACHMENT TO AUGUST 12, 2024 MEMO

- Railroad coordination and the need to secure a Railroad Agreement is crucial prior to negotiating with other potentially impacted business or landowners.
- Each landowner could cause small to significant project delays depending on his/her willingness to accept the offered compensation to offset the perceived impacts to his/her property.
- The South End Construction Coordination Plan provided to the Council on February 12, 2024 projected a 2027-2028 construction phase for the Railyard Enterprise Project. Meeting this timeline is dependent on property acquisitions going smoothly during the ROW phase and the City's financial prioritization of this project.

Additional questions are responded to by CHA in the attached Memo.

Attachments:

CHA Memorandum: City Council Question Detail Responses July 26, 2024

Champlain Parkway Final Contract Plans Pavement Markings – Pine Street

Burlington City Place Traffic Impact Study



Memorandum

To: Corey J. Mims, P.E., Senior Public Works Engineer
From: Dale E. Gozalkowski, P.E., Project Manager
Date: July 26, 2024
Re: City Council Question Detail Responses

Clarification regarding why the City is responsible for cleaning up contamination that is only necessitated by building the Parkway project and why the project cannot advance without cleaning up the contaminated soils. When was the requirement to remove contaminated soil introduced on the Parkway project? Was it always there when the City was offered the Parkway project with the 95/3/2 funding split? If the obligation to pay to remove contaminated soils was added to the cooperative agreement, did the City know what that cost of that effort would be? What happens if City refuses to pay its financial share which was committed to in the Cooperative Agreement and subsequent amendments? Can the Maple Street and King Street traffic signals be installed and opened before the highway connection is open to give people a chance to adjust to the new condition?

- The City of Burlington signed a Cooperative Agreement regarding the Champlain Parkway project with VTrans dated October 21, 1998. Subsequent amendments have been executed after that initial agreement to keep the project cost totals to date consistent with the intended design scope of the project.
- The language in the cooperative agreements between VTrans and municipalities previously executed on projects such as the Champlain Parkway stated that the mitigation of contaminated soils would be a non-participating expense. The City knew there were contaminated soils that required mitigation and accepted this fact when signing the Parkway's Cooperative Agreement including the funding partnership with FHWA and the State.
- The Federal (95%) and State (3%) partners are paying 98% of the project eligible costs. The City is paying 2% of the project eligible costs. This funding ratio is appreciably more favorable to the City than virtually all other municipal projects being advanced which involve federal funds around the entire country. The MEGC funds that establish this ratio are no longer being applied to new projects involving federal and state funds with these ratios. Further, even with the City paying for the contaminated soil costs on the Parkway, the percentage of the overall cost of the project that the City is paying is less than 10%.
- The purpose of the federal and state funding awarded to the Champlain Parkway is intended for the construction of new transportation infrastructure. With the potential significant costs associated with environmental cleanup, the funding partners are focused on assuring that most of the provided funding stays true to the intended purpose.



- As the City pursued a project solution with what it believes is an acceptable design alternative, contaminated soils were encountered in the existing City's right-of-way limits which were within the proposed limits of the Parkway's proposed construction impacts. The costs of handling these contaminated soils were confirmed to be non-participating from the funding partners. The City acknowledged this decision as it continued to finalize the design and pursue completion of the project.
- The non-participating contaminated soils costs for this project correspond only to the areas of the project located within the City's right-of-way limits. Any lands previously acquired for the construction of the Parkway which were purchased for the construction of the project and turned over to the City of Burlington that have contaminated soils costs are considered project eligible and subject to the 95/3/2 funding ratios.
- In the future the City and City Council could discuss any environment funding restriction requests in advance of accepting and signing new cooperative agreements which involve federal and state funding. However, it should be noted that it has been a standard condition in federally funded transportation projects that the respective municipality is responsible for soil management as a non-participating cost. Also, specific to the City of Burlington, provisions of the Pine Street Barge Canal Site (including but not limited to the institutional controls) and the Parkway's Corrective Action Plan and its corresponding amendments will apply to future City of Burlington projects regardless of what funding ratios would be established for those projects.
- Once all the traffic signals are installed and interconnected, there will be a 30-day test period to ensure proper traffic signal equipment operation. This 30-day test period would be in advance of the entire Parkway including the connect to I-189 and receiving full traffic.

Is the City Place development counted in the traffic count projections and if yes, when were those counts made and what are the projections?

- The Champlain Parkway project traffic projections were generated as part of the NEPA process and pre-date the City Place development and other recent development traffic numbers. The Parkway's DSEIS was submitted in 2006 and the FSEIS was submitted in 2008 with a Record of Decision in 2010. These volumes were verified during other NEPA actions including a 2018 overall project reevaluation and again in the 2020 DS LSEIS and 2021 LS FSEIS.
- Once the Parkway design was accepted, the City's traffic baseline was increased to include the Champlain Parkway's Initial Contract and Final Contract construction (full build out) for any subsequent development review and traffic projections.
- City Place traffic projections which were developed after the Champlain Parkway's NEPA approval. Therefore, City Place traffic projections need to consider all previously approved developments including the Champlain Parkway for their traffic projections.
- As a result, City Place received its DRB permit after demonstrating that its traffic, on top of the Champlain Parkway's projected traffic, did not cause undue delays in Burlington's traffic network. The City Place traffic impact study is attached.



What will be the increase in traffic at the Maple-Pine and King-Pine intersections from the present volume to the volume projected (a) when the road opens, (b) when each of City Place's phases "open", and (c) when each of the SE projects' phases are "opened"?

- Once a project completes the federal (NEPA) and state permitting processes, that project is not required to continually recompute its approved/accepted traffic modeling to incorporate projects advancing subsequent to the original project's approval. The predicted traffic volumes determined by its modeling associated with the original project's approval becomes the new baseline that projects initiated after the original project is approved must consider when they are advancing through their designs. These anticipated traffic volume changes would be determined for each subsequent project and the combination of subsequent projects if there is more than one project like the situation associated with the South End Construction Projects.
- Once the transportation project is constructed, such as the Champlain Parkway, and post-construction counts are conducted, the actual traffic volumes become the new baseline.
- There is projected to be an increase in traffic on the northern portion of Pine Street from Lakeside Avenue to Main Street associated with improved accessibility to the CCD achieved by the Project. The Maple and King Street Neighborhood is located within this northern portion of the Project corridor. Daily traffic volumes on the section of Pine Street between Lakeside Avenue and Maple Street are estimated to increase by approximately 1,400 vehicles per day (vpd) (a 9% increase) because of the Project. During the peak hours, traffic on this section is estimated to increase by 260 vehicles (20%) in the AM peak hour and 235 vehicles (16%) in the PM peak hour in the Estimated Time of Construction (ETC) design horizon. This is the amount of additional two-way traffic estimated to impact the Maple Street and King Street neighborhood area of the Project.
- It should be noted that due to a variety of factors that the Parkway's traffic growth projections to date have exceeded actual vehicle counts.

What will the Level of Service be at the Pine Street and Maple Street intersection be after the road opens and a traffic signal is installed? What is the planned signal phasing for turns, including times for turn arrows and the estimated number of cars that will be able to turn on the arrow before the light turns green in both directions? When is the earliest that a traffic signal can be installed? There is a desire to have these in place as soon as possible.

- It is anticipated that the Pine Street and Maple Street traffic signal will operate at a LOS C in the AM peak hour and a LOS D in the PM peak hour at the Estimated Time of Construction (ETC) when the Parkway is opened to traffic. Without the addition of the traffic signal at this location, the intersection will be four-way stop controlled and will operate at a LOS F in the AM peak hour and LOS F in the PM peak hour at the same ETC date.
- The proposed phasing of the Pine Street and Maple Street traffic signal includes a phase for concurrent northbound and southbound traffic along Pine Street as well as another phase for concurrent westbound and eastbound traffic flow along Maple Street. There are no separate phases for turning vehicles as part of either of these phases. There is also an exclusive pedestrian phase where no vehicles are allowed to move while the pedestrian are crossing either street.



- Installation of the new traffic signals would occur after the roadway and sidewalk improvements are complete at the Pine Street intersections at Maple Street, King Street and Main Street. Undergrounding of utilities in the intersections is also required. The execution of this work is anticipated to be the first phase work of the Final Contract beginning later this year. However, actual schedule of this work is up to the contractor. Also, it should be noted that the traffic signal equipment has lead time to obtain the necessary equipment prior to installation which will affect that schedule.
- Once all the traffic signals are installed and interconnected, there will be a 30-day test period to ensure proper traffic signal equipment operation. This 30-day test period would be in advance of the entire Parkway including the connect to I-189 and receiving full traffic.

What is the plan, including schedules, for future engagement with the King-Maple neighborhood regarding how we are continuing to measure, monitor, and mitigate traffic congestion, air quality, general increase in traffic, pedestrian safety, and bicycle safety? What are the mitigation measures that are available to deal with these issues? What are the impediments to enacting these measures? What is the process needed to have mitigation measures implemented and the likely schedule for doing so?

- The project team is hosting an Open House at the King Street Center on July 31, 2024 from 5:00 to 7:00 p.m. This will provide an opportunity to share information of the upcoming contract's work, construction timelines, anticipated short-term and long-term impacts, and community improvements. The project team will be available for any other questions that public may have.
- During construction of the Final Contract, the project team will be in communication with the community and businesses in the area to update of anticipated construction impacts as well as coordinate traffic control as needed. This coordination will vary with the actual proposed construction activities and their anticipated impacts.
- The City is committed to properly maintaining its infrastructure. The proposed Parkway design shortens pedestrian crossing distances and provided exclusive pedestrian phases which allow pedestrians to cross the street without any vehicular movement conflicts.
- The installation of the new traffic signals results allows the Pine Street corridor to handle the increase in vehicular traffic in a more efficient manner than the current four-way stops do. This change to traffic signal control creates more efficient traffic flows resulting in reduced traffic congestion and will improve air quality compared to the existing condition.
- During construction of the Final Contract, the project team will be in communication with the community and businesses in the area to update of anticipated construction impacts as well as coordinate traffic control as needed. This coordination will vary with the actual proposed construction activities and their anticipated impacts.
- Bicyclists heading south on Pine Street from Main Street to Maple Street will share the lane with cars. Bicyclists heading south on Pine Street from Maple Street to Kilburn Street will have a 5 ft separated bike lane with a painted buffer.
- There is a two-stage turn queue box at the Pine Street and Maple Street intersection for northbound bicyclists. This feature will improve a bicyclist's ability to make left turns safely and comfortably. It provides a formal marked queuing space for bicyclists making a two-stage turn. It reduces turning conflicts bicyclists and motor vehicles. It prevents conflicts arising from bicyclists queuing in the crosswalk. And it separates turning bicyclists from through bicyclists.



- There are RRFBs located on each side of the Pine Street at its intersection with Kilburn Street. Additionally, there are sidewalk access ramps at both locations. It is anticipated that a bicyclist heading south would use the sidewalk access ramp located south of the Pine Street and Kilburn Street intersection to access the Pine Street shared-use path. A bicyclist heading south on Pine Street that desires to turn left onto Kilburn Street has the option of blending with vehicular traffic and making a left turn to head east on Kilburn Street or turning right and dismounting his/her bicycle to push the actuation button on the RRFB and cross Pine Street when the beacons are flashing.
- The sidewalks on both sides of the Pine Street will be reconstructed in accordance with ADA requirements. This includes constructing sidewalk access ramps at the Pine Street and Maple Street, Pine Street and King Street, and Pine Street and Main Street intersections as well as at the RRFB locations at the Pine Street and Kilburn Street intersection where the midblock crosswalk markings are provided. The southern side of the Pine Street and Kilburn Street intersection is where the shared-use path on the western side of Pine Street begins/ends.
- Until an actual negative variation is identified, there are no specific details regarding how the variation would be addressed. These would be site specific and could vary for each intersection. Further, when the Parkway project is complete, the City can modify features as needed to address any public safety issues.

Bicycles traveling north from Kilburn St. are expected to merge into a shared travel lane. Is parking on the eastern side of the street going to continue to be allowed. Traffic volume without the BREP(3) Railyard Enterprise Project may make left-hand turns on Maple and perhaps King for bikes more difficult. What is contemplated to make such turns safe?

- Parking on the eastern side of Pine Street between Kilburn Street and Maple Street will change from the existing conditions when the Parkway construction in this area is complete. The existing parking spaces will be removed and replaced with a dedicated bicycle lane and buffer.
- On-street parking on the eastern side of Pine Street between the northern side of Maple Street and Main Street will be accommodated using a marked parking lane and painted buffer between the travel lane and parking lane.
- There is a two-stage turn queue box at the Pine Street and Maple Street intersection for northbound bicyclists. This feature will improve a bicyclist's ability to make left turns safely and comfortably. It provides a formal marked queuing space for bicyclists making a two-stage turn. It reduces turning conflicts bicyclists and motor vehicles. It prevents conflicts arising from bicyclists queuing in the crosswalk. And it separates turning bicyclists from through bicyclists.



Are bicyclists traveling southbound from Main Street through Kilburn Street are expected to share a travel lane with cars. If yes, what measures will be taken to ensure the safety of bikers traveling southbound and turning both eastbound and westbound until reaching the shared path at the Pine Street and Kilburn Street intersection?

- Bicyclists heading south on Pine Street from Main Street to Maple Street will share the lane with cars. Bicyclists heading south on Pine Street from Maple Street to Kilburn Street will have a 5 ft separated bike lane with a painted buffer.
- There are RRFBs located on each side of the Pine Street at its intersection with Kilburn Street. Additionally, there are sidewalk access ramps at both locations. It is anticipated that a bicyclist heading south would use the sidewalk access ramp located south of the Pine Street and Kilburn Street intersection to access the shared-use path. A bicyclist heading south on Pine Street that desires to turn left onto Kilburn Street has the option of blending with vehicular traffic and making a left turn to head east on Kilburn Street or turning right and dismounting his/her bicycle to push the actuation button on the RRFB and cross Pine Street when the beacons are flashing.

646.403 DURABLE 4 INCH WHITE LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 52+00.00 - STA P 52+20.00 DOTTED BIKE LANE LINE LT
STA P 52+00.00 - STA P 52+13.00 BIKE LANE LINE RT
STA P 52+13.00 - STA P 52+53.00 DOTTED BIKE LANE LINE RT
STA P 52+20.00 - STA P 53+71.00 BIKE LANE LINE LT
STA P 52+53.00 - STA P 53+76.00 BIKE LANE LINE RT
STA P 53+71.00 - STA P 54+57.00 DOTTED BIKE LANE LINE LT
STA P 53+76.00 - STA P 54+15.00 DOTTED BIKE LANE LINE RT
STA P 54+15.00 - STA P 54+77.00 BIKE LANE LINE RT
STA P 54+57.00 - STA P 58+00.00 BIKE LANE LINE LT
STA P 54+77.00 - STA P 55+17.00 DOTTED BIKE LANE LINE RT
STA P 55+17.00 - STA P 58+00.00 BIKE LANE LINE RT

646.602 TEMPORARY 4 INCH WHITE LINE, PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 52+00.00 - STA P 52+20.00 DOTTED BIKE LANE LINE LT
STA P 52+00.00 - STA P 52+13.00 BIKE LANE LINE RT
STA P 52+13.00 - STA P 52+53.00 DOTTED BIKE LANE LINE RT
STA P 52+20.00 - STA P 53+71.00 BIKE LANE LINE LT
STA P 52+53.00 - STA P 53+76.00 BIKE LANE LINE RT
STA P 53+71.00 - STA P 54+57.00 DOTTED BIKE LANE LINE LT
STA P 53+76.00 - STA P 54+15.00 DOTTED BIKE LANE LINE RT
STA P 54+15.00 - STA P 54+77.00 BIKE LANE LINE RT
STA P 54+57.00 - STA P 58+00.00 BIKE LANE LINE LT
STA P 54+77.00 - STA P 55+17.00 DOTTED BIKE LANE LINE RT
STA P 55+17.00 - STA P 58+00.00 BIKE LANE LINE RT

646.413 DURABLE 4 INCH YELLOW LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE C/L BREAKS FOR SIDE STREETS)
STA P 52+00.00 - STA P 58+00.00 DOUBLE SOLID C/L

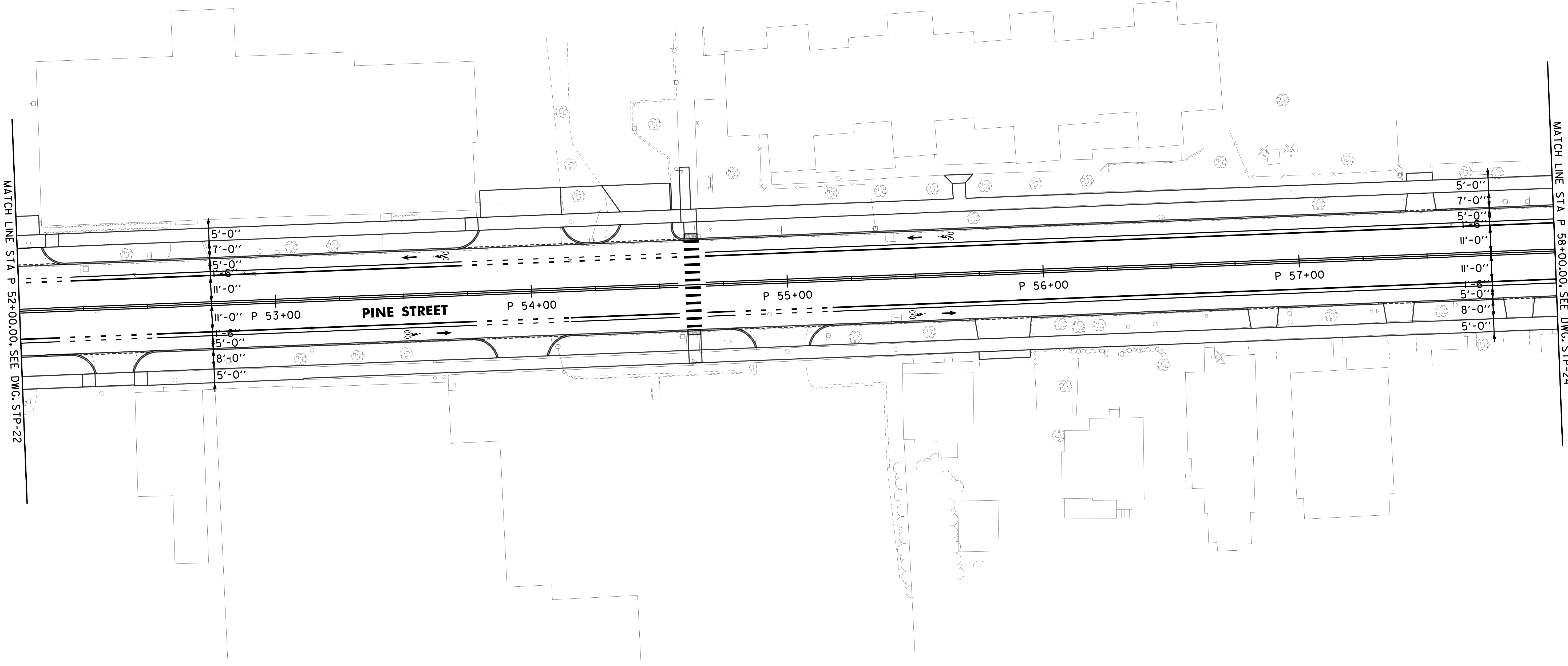
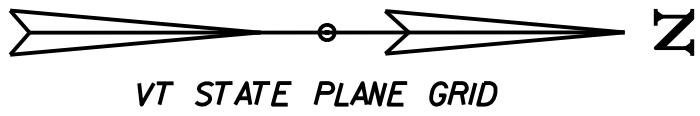
646.612 TEMPORARY 4 INCH YELLOW LINE, PAINT
(ALL LINES WILL INCLUDE C/L BREAKS FOR SIDE STREETS)
STA P 52+00.00 - STA P 58+00.00 DOUBLE SOLID C/L

646.503 DURABLE CROSSWALK MARKING, EPOXY PAINT
STA P 54+62.00 LT/RT

646.702 TEMPORARY CROSSWALK MARKING, PAINT
STA P 54+62.00 LT/RT

646.493 DURABLE LETTER OR SYMBOL, EPOXY PAINT
STA P 53+59.00 LT, BIKE LANE SYMBOL (1 EA)
STA P 53+59.00 RT, BIKE LANE SYMBOL (1 EA)
STA P 55+56.00 LT, BIKE LANE SYMBOL (1 EA)
STA P 55+56.00 RT, BIKE LANE SYMBOL (1 EA)

646.692 TEMPORARY LETTER OR SYMBOL, PAINT
STA P 53+59.00 LT, BIKE LANE SYMBOL (2 EA)
STA P 53+59.00 RT, BIKE LANE SYMBOL (2 EA)
STA P 55+56.00 LT, BIKE LANE SYMBOL (2 EA)
STA P 55+56.00 RT, BIKE LANE SYMBOL (2 EA)

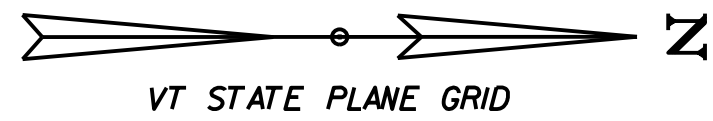


646.622 TEMPORARY 6 INCH WHITE LINE, PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 52+00.00 - STA P 52+13.00 BIKE LANE LINE RT
STA P 52+00.00 - STA P 52+20.00 DOTTED BIKE LANE LINE LT
STA P 52+13.00 - STA P 52+53.00 DOTTED BIKE LANE LINE RT
STA P 52+20.00 - STA P 53+71.00 BIKE LANE LINE LT
STA P 52+53.00 - STA P 53+76.00 BIKE LANE LINE RT
STA P 53+71.00 - STA P 54+57.00 DOTTED BIKE LANE LINE LT
STA P 53+76.00 - STA P 54+15.00 DOTTED BIKE LANE LINE RT
STA P 54+15.00 - STA P 54+77.00 BIKE LANE LINE RT
STA P 54+57.00 - STA P 58+00.00 BIKE LANE LINE LT
STA P 54+77.00 - STA P 55+17.00 DOTTED BIKE LANE LINE RT
STA P 55+17.00 - STA P 58+00.00 BIKE LANE LINE RT

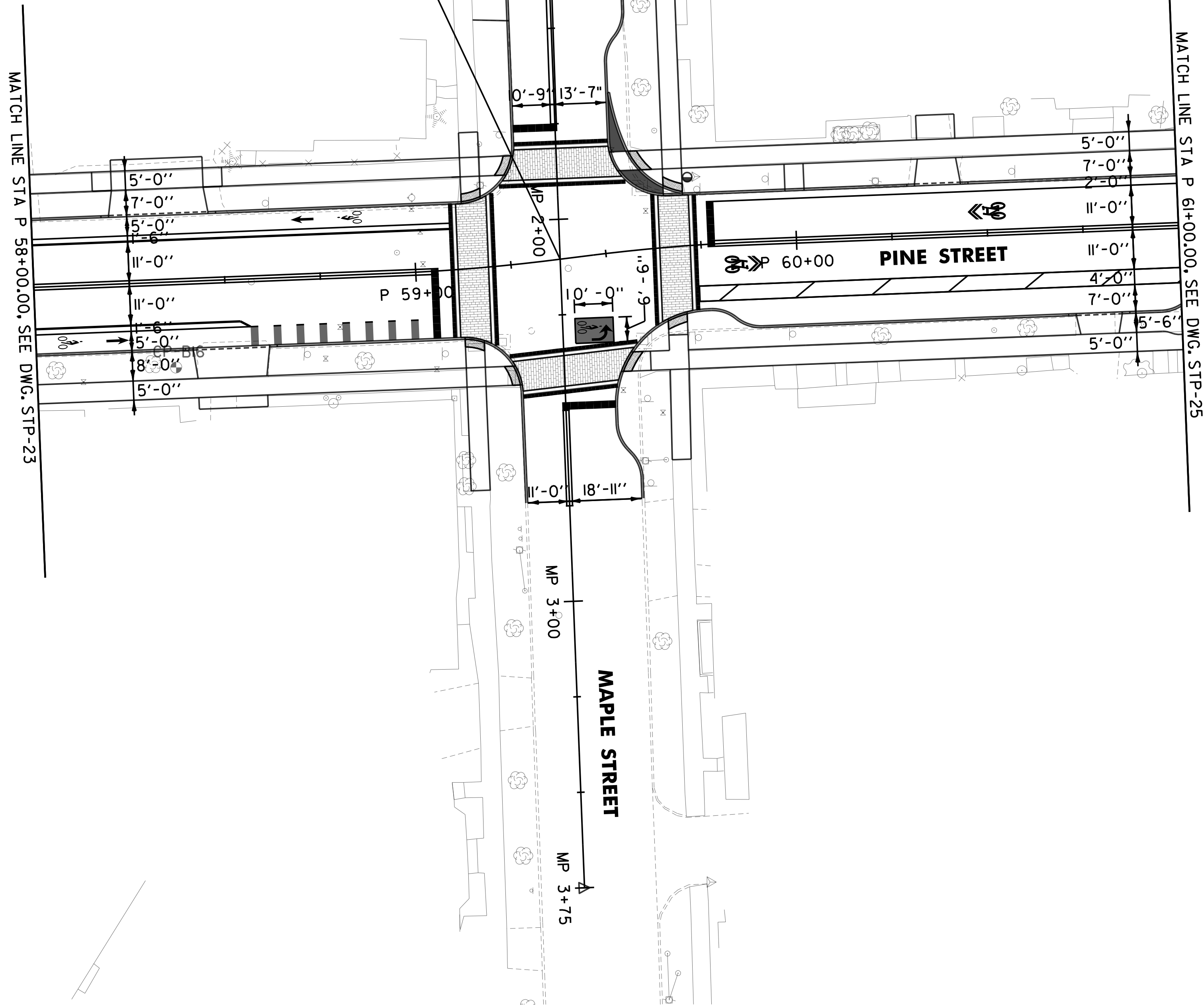
646.423 DURABLE 6 INCH WHITE LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 52+00.00 - STA P 52+13.00 BIKE LANE LINE RT
STA P 52+00.00 - STA P 52+20.00 DOTTED BIKE LANE LINE LT
STA P 52+13.00 - STA P 52+53.00 DOTTED BIKE LANE LINE RT
STA P 52+20.00 - STA P 53+71.00 BIKE LANE LINE LT
STA P 52+53.00 - STA P 53+76.00 BIKE LANE LINE RT
STA P 53+71.00 - STA P 54+57.00 DOTTED BIKE LANE LINE LT
STA P 53+76.00 - STA P 54+15.00 DOTTED BIKE LANE LINE RT
STA P 54+15.00 - STA P 54+77.00 BIKE LANE LINE RT
STA P 54+57.00 - STA P 58+00.00 BIKE LANE LINE LT
STA P 54+77.00 - STA P 55+17.00 DOTTED BIKE LANE LINE RT
STA P 55+17.00 - STA P 58+00.00 BIKE LANE LINE RT



PROJECT NAME: CHAMPLAIN PARKWAY-FINAL CONTRACT	
PROJECT NUMBER: MEGC - M5000(I)	
FILE NAME: z87d078bdrstrp.dgn	PLOT DATE: 6/10/2024
PROJECT LEADER: D. GOZALKOWSKI	DRAWN BY: J. HEALD
DESIGNED BY: J. SCUDDER	CHECKED BY: J. SHIELDS
STRIPING PLAN SHEET 23 (STP-23)	SHEET 207 OF 411



PINE STREET STA P 59+37.94 =
MAPLE STREET STA MP 2+10.44



646.403 DURABLE 4 INCH WHITE LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 58+00.00 - STA P 58+56.00 BIKE LANE LINE RT
STA P 58+00.00 - STA P 59+11.00 BIKE LANE LINE LT
STA P 58+56.00 - STA P 59+06.00 DOTTED BIKE LANE LINE RT
STA P 59+71.00 - STA P 61+00.00 EDGE LINE RT
STA P 59+71.00 - STA P 61+00.00 SOLID BUFFER LINE RT
STA P 59+77.00 - STA P 61+00.00 EDGE LINE LT

646.602 TEMPORARY 4 INCH WHITE LINE, PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 58+00.00 - STA P 58+56.00 BIKE LANE LINE RT
STA P 58+00.00 - STA P 59+11.00 BIKE LANE LINE LT
STA P 58+56.00 - STA P 59+06.00 DOTTED BIKE LANE LINE RT
STA P 59+71.00 - STA P 61+00.00 EDGE LINE RT
STA P 59+71.00 - STA P 61+00.00 SOLID BUFFER LINE RT
STA P 59+77.00 - STA P 61+00.00 EDGE LINE LT

646.702 TEMPORARY CROSSWALK MARKING, PAINT
STA P 59+14.00 LT/RT
STA P 59+37.94 LT, MAPLE STREET
STA P 59+37.94 RT, MAPLE STREET
STA P 59+67.00 LT/RT

646.483 DURABLE 24 INCH STOP BAR, EPOXY PAINT
STA P 59+05.00 RT
STA P 59+78.00 LT
STA MP 1+76.00 RT
STA MP 2+49.00 LT

646.682 TEMPORARY 24 INCH STOP BAR, PAINT
STA P 59+05.00 RT
STA P 59+78.00 LT
STA MP 1+76.00 RT
STA MP 2+49.00 LT

646.423 DURABLE 6 INCH WHITE LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 58+00.00 - STA P 59+11.00 BIKE LANE LINE LT
STA P 58+00.00 - STA P 58+56.00 BIKE LANE LINE RT
STA P 59+40.00 - STA P 59+50.00 BIKE BOX BORDER RT

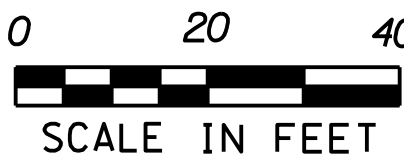
646.622 TEMPORARY 6 INCH WHITE LINE, PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 58+00.00 - STA P 59+11.00 BIKE LANE LINE LT
STA P 58+00.00 - STA P 58+56.00 BIKE LANE LINE RT
STA P 59+40.00 - STA P 59+50.00 BIKE BOX BORDER RT

900.675 SPECIAL PROVISION (PAINTED BIKE LANE)
STA P 58+56.00 - STA P 59+06.00 RT, DASHED BIKE LANE (18.0 SY)
STA P 59+40.00 - STA P 59+50.00 RT, BIKE BOX (8.0 SY)

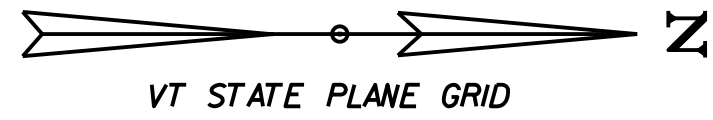
646.413 DURABLE 4 INCH YELLOW LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE C/L BREAKS FOR SIDE STREETS)
STA P 58+00.00 - STA P 59+06.00 DOUBLE SOLID C/L
STA P 59+77.00 - STA P 61+00.00 DOUBLE SOLID C/L
STA MP 1+25.00 - STA MP 1+77.00 DOUBLE SOLID C/L
STA MP 2+48.00 - STA MP 2+75.00 DOUBLE SOLID C/L

646.612 TEMPORARY 4 INCH YELLOW LINE, PAINT
(ALL LINES WILL INCLUDE C/L BREAKS FOR SIDE STREETS)
STA P 58+00.00 - STA P 59+06.00 DOUBLE SOLID C/L
STA P 59+77.00 - STA P 61+00.00 DOUBLE SOLID C/L
STA MP 1+25.00 - STA MP 1+77.00 DOUBLE SOLID C/L
STA MP 2+48.00 - STA MP 2+75.00 DOUBLE SOLID C/L

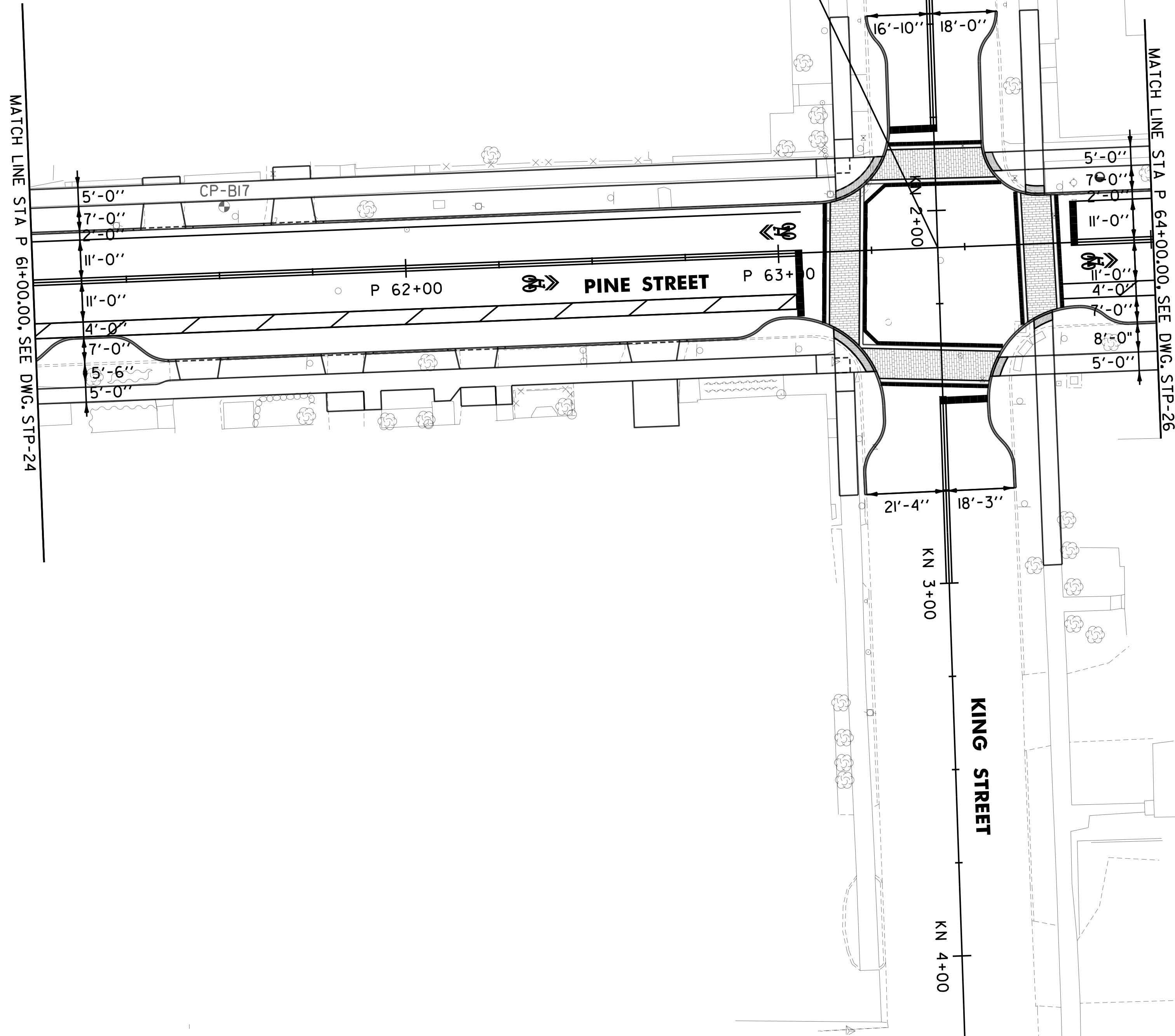
646.493 DURABLE LETTER OR SYMBOL, EPOXY PAINT
STA P 58+15.00 RT, BIKE LANE SYMBOL (1 EA)
STA P 58+77.00 LT, BIKE LANE SYMBOL (1 EA)
STA P 59+45.00 RT, BIKE LANE SYMBOL (1 EA)
STA P 59+86.00 RT SHARED LANE MARKING (1 EA)
STA P 60+50.00 LT SHARED LANE PARKING (1 EA)



PROJECT NAME: CHAMPLAIN PARKWAY-FINAL CONTRACT	
PROJECT NUMBER: MEGC - M5000(I)	
FILE NAME: z87d078bdrstrp.dgn	PLOT DATE: 6/10/2024
PROJECT LEADER: D. GOZALKOWSKI	DRAWN BY: J. HEALD
DESIGNED BY: J. SCUDDER	CHECKED BY: J. SHIELDS
STRIPING PLAN SHEET 24 (STP-24)	SHEET 208 OF 411



PINE STREET STA P 63+42.75 =
KING STREET STA KN 2+09.98



646.403 DURABLE 4 INCH WHITE LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 61+00.00 - STA P 64+00.00 EDGE LINE LT & RT
STA P 61+00.00 - STA P 64+00.00 SOLID BUFFER LINE RT

646.602 TEMPORARY 4 INCH WHITE LINE, PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 61+00.00 - STA P 64+00.00 EDGE LINE LT & RT
STA P 61+00.00 - STA P 64+00.00 SOLID BUFFER LINE RT

646.702 TEMPORARY CROSSWALK MARKING, PAINT
STA P 63+17.00 LT/RT
STA P 63+42.75 LT, KING STREET
STA P 63+42.75 RT, KING STREET
STA P 63+69.00 LT/RT

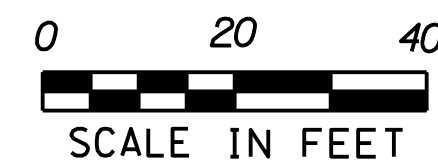
646.483 DURABLE 24 INCH STOP BAR, EPOXY PAINT
STA P 63+05.00 RT
STA P 63+79.00 LT
STA KN 1+79.00 RT
STA KN 2+51.00 LT

646.682 TEMPORARY 24 INCH STOP BAR, PAINT
STA P 63+05.00 RT
STA P 63+79.00 LT
STA KN 1+79.00 RT
STA KN 2+51.00 LT

646.413 DURABLE 4 INCH YELLOW LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE C/L BREAKS FOR SIDE STREETS)
STA P 61+00.00 - STA P 63+06.00 DOUBLE SOLID C/L
STA P 63+78.00 - STA P 64+00.00 DOUBLE SOLID C/L
STA KN 1+25.00 - STA KN 1+80.00 DOUBLE SOLID C/L
STA KN 2+50.00 - STA KN 3+00.00 DOUBLE SOLID C/L

646.612 TEMPORARY 4 INCH YELLOW LINE, PAINT
(ALL LINES WILL INCLUDE C/L BREAKS FOR SIDE STREETS)
STA P 61+00.00 - STA P 63+06.00 DOUBLE SOLID C/L
STA P 63+78.00 - STA P 64+00.00 DOUBLE SOLID C/L
STA KN 1+25.00 - STA KN 1+80.00 DOUBLE SOLID C/L
STA KN 2+50.00 - STA KN 3+00.00 DOUBLE SOLID C/L

646.493 DURABLE LETTER OR SYMBOL, EPOXY PAINT
STA P 62+36.00 RT SHARED LANE MARKING (I EA)
STA P 63+00.00 LT SHARED LANE MARKING (I EA)
STA P 63+85.00 RT SHARED LANE MARKING (I EA)



PROJECT NAME: CHAMPLAIN PARKWAY-FINAL CONTRACT	
PROJECT NUMBER: MEGC - M5000(I)	
FILE NAME: z87d078bdrstrp.dgn	PLOT DATE: 6/10/2024
PROJECT LEADER: D. GOZALKOWSKI	DRAWN BY: J. HEALD
DESIGNED BY: J. SCUDDER	CHECKED BY: J. SHIELDS
STRIPING PLAN SHEET 25 (STP-25)	SHEET 209 OF 411

646.403 DURABLE 4 INCH WHITE LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 64+00.00 - STA P 65+35.00 SOLID BUFFER LINE RT
STA P 64+00.00 - STA P 65+35.00 EDGE LINE RT
STA P 64+00.00 - STA P 67+15.00 EDGE LINE LT
STA P 66+35.00 - STA P 67+11.00 SOLID LANE LINE RT
STA MN 108+75.00 - STA MN 109+01.00 SOLID EDGE LINE LT
STA MN 108+75.00 - STA MN 109+37.00 SOLID EDGE LINE RT

646.423 DURABLE 6 INCH WHITE LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE C/L BREAKS FOR SIDE STREETS)
STA MN 108+75.00 - STA MN 109+46.00 BIKE LANE LINE LT
STA MN 108+75.00 - STA MN 109+37.00 BIKE LANE LINE RT
STA MN 109+70.00 - STA MN 109+80.00 BIKE BOX BORDER LT
STA MN 110+00.00 - STA MN 110+10.00 BIKE BOX BORDER RT

646.622 TEMPORARY 6 INCH WHITE LINE, PAINT
(ALL LINES WILL INCLUDE C/L BREAKS FOR SIDE STREETS)
STA MN 108+75.00 - STA MN 109+46.00 BIKE LANE LINE LT
STA MN 108+75.00 - STA MN 109+37.00 BIKE LANE LINE RT
STA MN 109+70.00 - STA MN 109+80.00 BIKE BOX BORDER LT
STA MN 110+00.00 - STA MN 110+10.00 BIKE BOX BORDER RT

646.413 DURABLE 4 INCH YELLOW LINE, EPOXY PAINT
(ALL LINES WILL INCLUDE C/L BREAKS FOR SIDE STREETS)
STA P 64+00.00 - STA P 66+72.00 DOUBLE SOLID C/L
STA P 68+11.00 - STA P 68+60.00 DOUBLE SOLID RT
STA MN 108+75.00 - STA MN 109+37.00 DOUBLE SOLID C/L

646.612 TEMPORARY 4 INCH YELLOW LINE, PAINT
(ALL LINES WILL INCLUDE C/L BREAKS FOR SIDE STREETS)
STA P 64+00.00 - STA P 66+72.00 DOUBLE SOLID C/L
STA P 68+11.00 - STA P 68+60.00 DOUBLE SOLID RT
STA MN 108+75.00 - STA MN 109+37.00 DOUBLE COLID C/L

646.503 DURABLE CROSSWALK MARKING, EPOXY PAINT
STA P 67+18.00 LT/RT
STA P 68+11.00 LT/RT
STA MN 109+50.00 LT/RT
STA MN 110+30.00 LT/RT
STA MN 110+30.00 LT
STA MN 110+30.00 RT

PINE STREET STA P 67+59.33 =
MAIN STREET STA MN 109+87.13

646.493 DURABLE LETTER OR SYMBOL, EPOXY PAINT
STA P 64+50.00 LT, SHARED LANE MARKING (1 EA)
STA P 66+39.00 RT, O.N.L.Y. (4 EA)
STA P 66+39.00 RT, ARROWS (2 EA)
STA P 66+68.00 RT, ARROW (1 EA)
STA P 67+00.00 LT, SHARED LANE MARKING (1 EA)
STA MN 109+23.0 RT, BIKE LANE MARKING (1 EA)
STA MN 109+25.0 RT, BIKE LANE MARKING (1 EA)
STA MN 109+75.00 LT, BIKE SYMBOL (1 EA)
STA MN 109+75.00 LT, BIKE BOX ARROW (1 EA)
STA MN 110+05.00 RT, BIKE BOX ARROW (1 EA)
STA MN 110+05.00 RT, BIKE SYMBOL (1 EA)
STA MN 110+12.00 LT, RAMP MARKING (1 EA)
STA MN 110+15.00 RT, RAMP MARKING (1 EA)
STA MN 110+22.00 RT, YIELD MARKINGS (3 EA)
STA MN 110+35.00 LT, YIELD MARKINGS (3 EA)

646.692 TEMPORARY LETTER OR SYMBOL, PAINT
STA P 66+39.00 RT, ARROWS (4 EA)
STA P 66+68.00 RT, ARROW (2 EA)
STA P 67+00.00 RT, ARROW (2 EA)

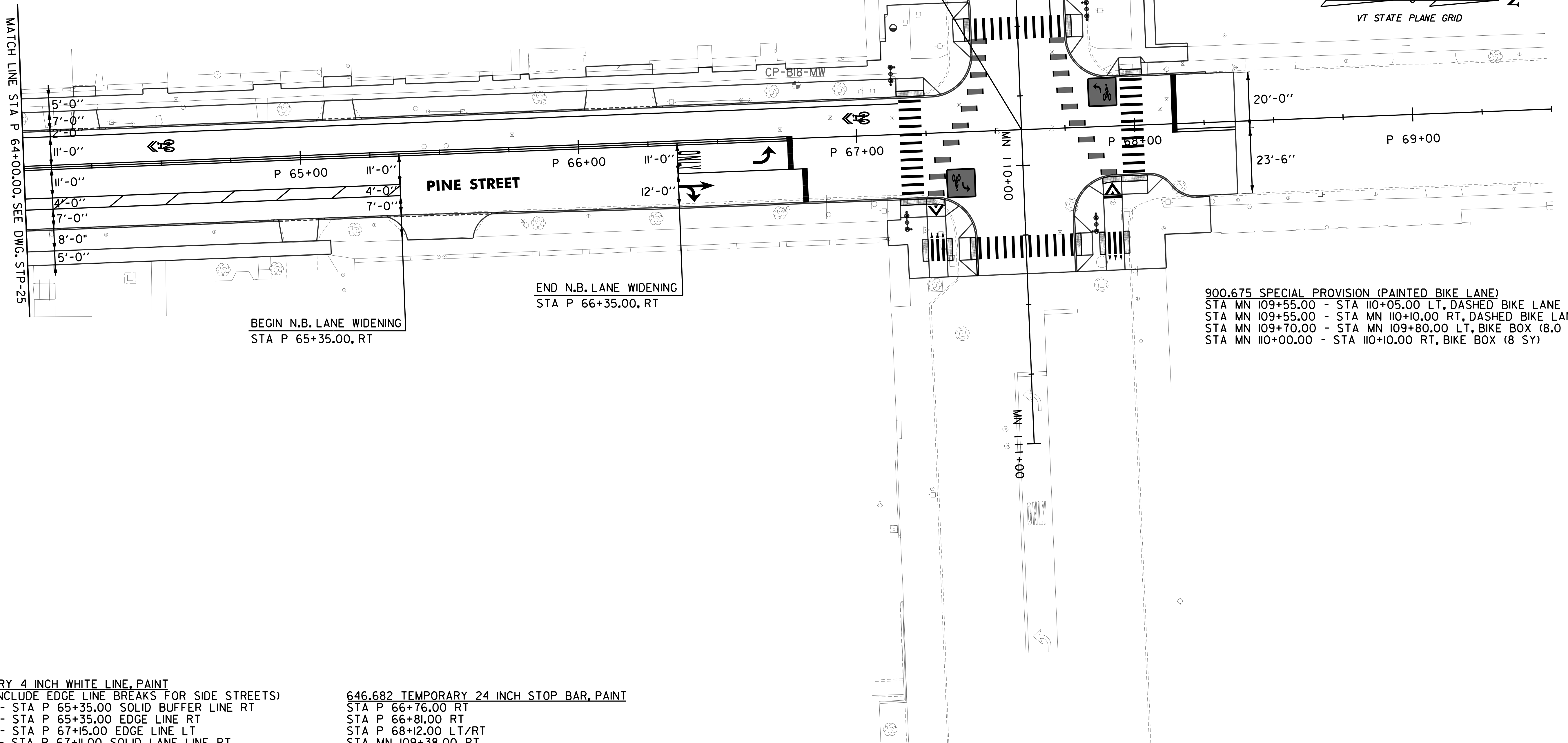
900.675 SPECIAL PROVISION (PAINTED BIKE LANE)
STA MN 109+55.00 - STA 110+05.00 LT, DASHED BIKE LANE (12 SY)
STA MN 109+55.00 - STA MN 110+10.00 RT, DASHED BIKE LANE (12 SY)
STA MN 109+70.00 - STA MN 109+80.00 LT, BIKE BOX (8.0 SY)
STA MN 110+00.00 - STA 110+10.00 RT, BIKE BOX (8 SY)

646.602 TEMPORARY 4 INCH WHITE LINE, PAINT
(ALL LINES WILL INCLUDE EDGE LINE BREAKS FOR SIDE STREETS)
STA P 64+00.00 - STA P 65+35.00 SOLID BUFFER LINE RT
STA P 64+00.00 - STA P 65+35.00 EDGE LINE RT
STA P 64+00.00 - STA P 67+15.00 EDGE LINE LT
STA P 66+35.00 - STA P 67+11.00 SOLID LANE LINE, RT
STA MN 108+75.00 - STA MN 109+01.00 SOLID EDGE LINE LT
STA MN 108+75.00 - STA MN 109+37.00 SOLID EDGE LINE RT

646.702 TEMPORARY CROSSWALK MARKING, PAINT
STA P 67+18.00 LT/RT
STA P 68+11.00 LT/RT
STA MN 109+50.00 LT/RT
STA MN 110+30.00 LT/RT

646.682 TEMPORARY 24 INCH STOP BAR, PAINT
STA P 66+76.00 RT
STA P 66+81.00 RT
STA P 68+12.00 LT/RT
STA MN 109+38.00 RT
STA MN 110+12.00 SIDEWALK RT

646.483 DURABLE 24 INCH STOP BAR, EPOXY PAINT
STA P 66+76.00 RT
STA P 66+81.00 RT
STA P 68+12.00 LT/RT
STA MN 109+38.00 RT
STA MN 110+12.00 SIDEWALK RT



0 20 40
SCALE IN FEET



PROJECT NAME: CHAMPLAIN PARKWAY-FINAL CONTRACT	PLOT DATE: 6/10/2024
PROJECT NUMBER: MEGC - M5000(I)	DRAWN BY: J. HEALD
FILE NAME: z87d078bdrstrp.dgn	CHECKED BY: J. SHIELDS
PROJECT LEADER: D. GOZALKOWSKI	SHEET 210 OF 411
DESIGNED BY: J. SCUDDER	
STRIPING PLAN SHEET 26 (STP-26)	

Board of Finance and City Council Submission ChecklistDepartment: Public Works Department Submitter: Corey MimsTitle/Subject: Champlain Parkway Final Construction Contract Award Authorization

	Approval:	Meeting Date:
☒	Board of Finance	8/5/2024
☒	City Council	8/12/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/29/2024	Laura Wheelock (Acting Director)
Mayor's Office informed and approved memo	Yes	7/30/2024	Joe Magee
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, -Identify attorney in note	Choose an item.		Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/30/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/31/2024	Kathrine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	
Additional Materials, if necessary	Choose an item.	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?	Choose an item.	Click or tap here to enter text.

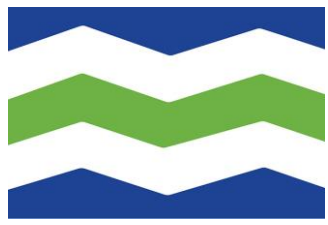


Champlain Parkway Project Final Construction Contract

City Council
August 12, 2024

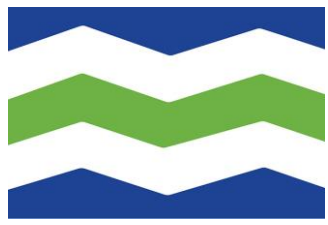


Intersection of Pine St and
Maple St Looking South



Champlain Parkway Project Limits Overview





Champlain Parkway – Final Construction Phase

Location

- Southern section: I-189 to Home Ave
- Northern section: Kilburn St to Main St

Cost

- ECI Bid: ~\$14.4M

Duration

- September 2024 to Summer 2026





Champlain Parkway Timeline

- **June 10 – City Council – Champlain Parkway Final Contract Update**
- **June 11 – Bid advertisement for Final Construction contract**
- **July 12 – Bid opening and start subsequent bid analysis**
- **Mid July – Open House in the King & Maple neighborhood**
- **End of July – Substantial completion of Initial Construction contract**
- **August 5 – Board of Finance – Final Construction contract award**
- **August 12 – City Council – Final Construction contract award**
- **September/October – Commencement of construction**



South End Construction Coordination Schedule

		SOUTH END COORDINATION SCHEDULE 6.10.24																							
		CY2023				CY2024				CY2025				CY2026				CY2027				CY2028			
PROJECTS COMPLETED	Project/Location	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	U.S. 7 State Paving	CONSTRUCTION																							
	Shelburne Street Roundabout	CONSTRUCTION																							
	Passenger Rail	CONSTRUCTION																							
CURRENT-FUTURE PROJECTS	Champlain Parkway: Initial Contract Limited Access(Home Ave-Lakeside Ave) Pine(Lakeside Ave-Kilburn S)	CONSTRUCTION- <i>On-going</i>																							
	Champlain Parkway: Final Contract Limited Access(189-Home) Pine Street(Kilburn St. to Main St.)			DESIGN				BID	CONSTRUCTION- <i>Tentative</i>																
	Railyard Enterprise Pine St.-Battery&Maple	ENVIRONMENTAL ASSESSMENT				PRELIMINARY PLANS				RIGHT OF WAY ACQUISITION						FINAL ENGINEERING		CONSTRUCTION- <i>Tentative</i>							
	Main Street-Great Streets: Phase I Union to Pine Street	DESIGN				CONSTRUCTION																			
	Main Street-Great Streets: Phase II Battery St-Pine, S. Winooski-Union					GRANT APPLICATION						DESIGN - <i>Tentative</i>						CONSTRUCTION - <i>Tentative</i>							
	Cherry Street-Great Streets/City Place (Battery-S.Winooski)					DESIGN										CONSTRUCTION- <i>Tentative</i>									
	Bank Street-Great Streets/City Place (Pine St-S. Winooski)					DESIGN										CONSTRUCTION- <i>Tentative</i>									
	BTC Public Improvements Bank St, Cherry St, Pine St, St Paul St	CONSTRUCTION																							



Champlain Parkway Project Final Construction Contract

Department of Public Works
www.champlainparkway.com

August 12, 2024



Champlain Parkway Proposed Amended Motion

To authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. (ECI) in an amount up to \$14,392,262.50 with \$1,439,226.25 (10%) in contingency funds, totaling up to \$15,835,613.75, for the Champlain Parkway Final Construction Contract, subject to the final review and approval by the Office of the City Attorney, and to:

1. Request the Department of Public Works provide the City Council a full briefing at a September 2024 Council meeting on the status of the South End Construction Coordination Sequence and the Railyard Enterprise Project in specific; and
2. Make best efforts to front load the installation of the Champlain Parkway final construction contract's improvements between Maple Street and Main Streets including the installation of traffic signals such that the signals are operational for up to 6 months, but in no case fewer than 3 months, prior to the opening of the project's interstate connection; and
3. Have the Department of Public Works and the Transportation, Energy & Utilities Committee develop a plan for post-construction traffic monitoring and public feedback, including proactive outreach to the King and Maple neighborhood, and present the results to the City Council every year for the first two years after the Champlain Parkway project is completed; and
4. Based on the traffic data and public feedback collected, advance any appropriate additional improvement or traffic mitigation necessary.



Office of Mayor Emma Mulvaney-Stanak

MEMORANDUM

Date: July 12, 2024
To: Burlington City Council
From: Mayor Emma Mulvaney-Stanak
Cc: Sarah Russell, Special Asst. to End Homelessness
Re: Updates Related to Burlington's Seasonal Health Response to Encampments

This memo serves as an update on the City's seasonal response to encampments following the June 10 City Council work session, and the June 24 approval of the FY25 budget.

Current Status of Resource Placements

As discussed during the June 10 work session, the City identified three locations where resources could be placed to mitigate health and safety concerns. Numbers of people camping in these locations has remained consistent in recent weeks.

- **North of the Dog Park:** Two portable toilets and one three-yard dumpster have been in place for a number of weeks.
- **Concrete Pad/Urban Reserve:** One portable toilet was placed Tuesday, July 9. A dumpster is expected in the coming days.
- **Manhattan Drive/Old Dump Road:** The administration is planning a community engagement meeting in collaboration with Councilors Bergman and Grant, which is expected to take place in late July. At this meeting, will share the plan for resource placement and gather feedback from the community, with the hope to place resources shortly after to help mitigate health and safety concerns.

The cross-department working group led by CEDO will continue to meet regularly to identify possible additional resources and discuss potential challenges. We still plan to procure secure sharps containers (like the box in City Hall Park). And, we are also working diligently on a plan to safely provide clean drinking water.

Further Updates

City staff continue to monitor and promptly respond to camping in City parks and notice tents for removal according to the *Sheltering on Public Lands* policy.

As discussed during the June 10 work session, eligibility criteria for the State's General Assistance Emergency Housing Program ("motel program") changed on July 1, significantly restricting access to the program, leaving hundreds of Vermonters without stable shelter. [Learn more about the FY25 General Assistance Emergency Housing Program here.](#)

Questions Asked During the June 10 Work Session

Will the City implement formalized sanctioned camping?

Our goal is to support people without shelter, while at the same time working to expand capacity. If we utilize all of our resources to implement sanctioned camping, we can't also focus on increasing shelter beds- which is the leading reason why setting up sanctioned camping is not always aligned with national best practice. Further, setting requirements for people when we are unable to offer them shelter does not align with a Housing First model (also national best practice) and without shelter beds, we lack the leverage required to set and enforce expectations within a contained space. The budget for the Elmwood Community shelter is roughly \$1.4m annually and the City does not have access to resources dedicated to support managed camping.

Establishing formalized sanctioned camping would require policy and ordinance change(s) which would take many months to draft and approve. Additionally, managing sanctioned encampments would require staffing and financial investments that are not within our current ability to provide.

Instead, our work will focus on expanding shelter capacity, and ensuring the members of our community who must live outside have access to resources to fulfill basic human needs.

Is the \$50,000 line in the Community Safety budget enough to support people living unsheltered?

The City sees this investment as a temporary response to ensure people living outside have access to toilets, garbage removal, clean drinking water, and handwashing. A memo was submitted to Board of Finance and City Council on June 24, 2024, which provided budget and justification.

How will the City provide for safety, size, fire, or violence?

- City teams including CEDO, Mayor's Office, DPW, BPRW, HR, City Attorney, BPD and BFD continue to meet on a weekly basis to plan and evaluate our response. This allows us to anticipate where concerns might arise and develop a strategy to proactively mitigate challenges.
- CEDO convenes a monthly meeting with all outreach partners who support people who are unsheltered (including Howard Center, Safe Harbor Clinic/CHC, CVOEO, Cots, Burlington Housing Authority, BPRW Urban Park Rangers, BPD CSL team, and others.
- CEDO convenes a weekly connection time for BPRW Urban Park Rangers, CSLs, and CSOs. This group meets once per week on Mondays to assess the following:
 - Issues that may have come up over the weekend and determine direction for the upcoming week
 - New camps in City Parks
 - Identify priority areas and people; ensure point person for each camp location
- At the request of the Mayor, the Business and Workforce Development department convenes a routine "hot spot" group of City department heads and staff. During this time, specific locations with increased activity are identified and a coordinated strategy is developed to interrupt

harmful behavior. The City has seen modest improvements in the first “hot spot” identified in May when the group began meeting. The following four locations are the current focus of this group’s work:

- Library and surrounding area
- Marketplace Garage
- Downtown transit area and the surrounding two-block area, including the Elmwood Pods and BHS/BTC campus locations
- Bike path entrance on Manhattan Drive
- BFD has purchased a tank and pump to be mounted to pick-up truck to ease response to any brush fire across the City, including, but not limited to camps).

Will tents be visible from bike path? What should people do when they see a camp?

Visibility of tents (while creating some level of discomfort for the public) ensures staff are able to monitor camps for health and safety challenges. Additionally, reduced isolation contributes to sense of safety for campers, and opportunities for engagement with services.

The visibility of abject suffering, due in large part to the housing crisis, is deeply unsettling. We encourage members of the community who are concerned about this to contact state legislators to express urgency for a coordinated regional and statewide effort to establish emergency shelter.

What is happening with regional coordination with other towns?

In late June, the Mayor met with Chittenden County Town Managers to begin a conversation around coordinating our response to addressing the housing emergency for people who are unhoused. Town Managers are eager to collaborate on state solutions in terms of adequate policy solutions and sustained funding sources. Different towns in our region have held more of the burden of supporting unhoused folks than others in recent years. Colchester supported a higher proportion of unhoused people during the pandemic given its higher number of affordable motel rooms compared to other towns, including Burlington. Burlington now has a higher proportion of unhoused people living on public lands considering walkability, easier access to transportation, and location of services compared to neighboring towns. We are in the early stages of identifying additional areas of collaboration and the Mayor will be holding a follow up meeting later in July.

The Mayor also researched whether an MOU existed during Mayor Clavelle’s administration with other towns regarding supporting unhoused folks. There was no such MOU. There was an attempt to start a regional conversation and coordination on creating more affordable housing units in every town, but there was no formal agreement.

What is happening with creating more shelter beds in Burlington?

On July 10, the City submitted an application for state funding to support a new low barrier emergency shelter in Burlington. City Staff are in the very early stages of identifying a suitable location, establishing what organization could be the provider, and finding other necessary partners to make this a successful endeavor.

The state application deadline of July 10 created a very short timeline to indicate interest. If we are awarded funding, we will engage in a more robust community conversation with the City Council and neighborhoods about next steps.



MEMORANDUM

Date: August 12, 2024
To: Burlington City Council
From: Sarah Russell, Special Asst. to End Homelessness
Re: Work Session: Burlington's Response to Unsheltered Homelessness

This memo serves as an update on the City's response to unsheltered homelessness following the June 10 City Council work session.

Current Status of Resource Placements

As discussed during the June 10 work session, the City identified three locations where resources could be placed to mitigate health and safety concerns. Numbers of people camping in these locations have remained consistent in recent weeks with slight fluctuation in Urban Reserve.

- **North of the Dog Park:** Two portable toilets and one three-yard dumpster were placed in July
- **Urban Reserve:** One portable toilet and one three-yard dumpster were placed in July.
- **Manhattan Drive/Old Dump Road:** The administration met with interested community members on 07-31-2024. Concerns related to behavior unrelated to camping resources were raised. As the administration works through these concerns, resources (one portable toilet and one dumpster) will be placed in the coming days.

The cross-department working group led by CEDO will continue to meet regularly to identify possible additional resources and discuss potential challenges. We continue to work diligently on a plan to safely provide clean drinking water. City outreach teams visit each location (as well as many others) daily and at this time, there have been no significant conflict reported. People living unsheltered have expressed gratitude of these resources and they are in high-use. The City continues to assess needs related to heat waves and responds by ensuring cooling centers are available across the City.

Expanding Shelter Capacity

Last month, we saw a reported record high of 315 people living unsheltered. The goal of the City is to expand low-barrier shelter capacity, which is needed now more than ever. The Chittenden County Homeless Alliance (CCHA) is aligned with this goal. The City fully supports the work of the CCHA, and City staff always defer to the CCHA for guidance and to ensure our work is aligned with theirs.

As was shared previously with City Council, at the request of the Agency of Human Services, the City submitted an application for state funding to support a new low-barrier emergency shelter in Burlington. One location under consideration is 58 Pearl Street (previous Social Security Administration building). City staff are actively working to identify alternate locations in the event the 58 Pearl building is not available for acquisition prior to the adverse weather season (Dec 1-15th).

The City's possible acquisition of 58 Pearl would not necessarily mean we will become shelter operators. However, it would ensure that this valuable resource can be utilized within the priorities of the CCHA. The City possesses expertise when it comes to standing up, supporting, and operating low-barrier shelter. This expertise is demonstrated in the Elmwood Community Shelter, the operation of the extreme cold weather shelter (February 2023), and the seasonal warming shelter at the VFW (December '23-March '24). The City welcomes a partnership with any operating entity that can effectively provide the type of shelter that is required and needed, based on community-level determination by the CCHA.



Office of Mayor Emma Mulvaney-Stanak

MEMORANDUM

To: City Councilors
From: Mayor Emma Mulvaney-Stanak
Date: August 9, 2024
Re: Community Safety Updates

Dear Colleagues,

I write to share updates on my administration's efforts to address Burlington's community safety challenges. Alongside affordable housing and climate resiliency, community safety is a top priority of my administration—and it has been since my first day in office. As you know, Burlington's health and safety challenges are complex and multi-faceted, and like you, my team and I hear daily from constituents with their pleas for a safer Burlington, about their concerns for those who are suffering, and with ideas for addressing our shared concerns. Likewise, I hear from you with concerns and ideas. I sincerely appreciate this engagement, and my administration is working daily to improve our response to the City's immediate safety needs, while also crafting longer-term solutions. This memo provides an overview of both.

Efforts underway

Since April, my administration has focused on the following community safety efforts:

- Ensuring our FY25 budget prioritized community safety needs, including hiring more sworn officers and Community Service Officers (CSOs); dedicating resources to recruitment and retention of police officers; ensuring the viability of the Fire Department's CRT program; funding for expanded security and an in-house social worker at the Library; and funding for a Senior Advisor on Community Safety.
- Convening Department Heads and City Staff, as well as [Community Advisors on Safety](#), who identified immediate action steps to address safety--on which we have already begun working. These action steps include:
 - Increase public safety response effectiveness by improving dispatch interactions with the public and reviewing how calls are triaged and who responds; making the BPD's non-emergency phone menu more user-friendly; and developing and updating public-facing guides about whom to call for what (such as this [Downtown Safety and Security Guide](#)).
 - Re-establish staffing at the Police Department Front Desk to support people seeking in-person help or information at One North Avenue.
 - Increase public bathroom access in the downtown core.
 - Improve coordination between the BPD, the State's Attorney, and Courts, especially in regard to what happens with bail and community release.

- Use data to inform staffing schedules and improve coordination between public safety departments across the city.
- Improve case management coordination between community partners, including the city, to better address health and safety needs of individuals.
- **Holding weekly “hot spots” meetings of City Staff, led by BWD, to discuss areas in the city needing immediate responses and taking steps to improve conditions, for example:**
 - Fletcher Free Library: additional security guards, securing the parking lot, increased police presence, removal of bus shelter, creating an in-house social worker position;
 - Marketplace Garage: increased staffing, maintenance, trash clean-up, security, and law enforcement presence; ensuring all cameras are fully-functioning;
 - Buell Street area: increased law enforcement patrols, enforcement of camping ordinance, frequent presence and response to calls by Community Support Liaisons (CSLs) and Fire Department, scheduling meeting with area churches;
 - Downtown BHS: convening meetings with School District leaders and City Staff to discuss safety concerns and solutions prior to the first day of school;
 - Multiple additional locations/situations around the City (e.g., Manhattan Drive area, Depot Street, activity in condemned property on North Champlain) that we are alerted to through community outreach and reports to See Click Fix. Follow up includes efforts such as enforcement of code violations, infrastructure repair, trash and needle clean-up, and/or responses by CSLs, Park Rangers, or BPD.
- Meetings with BPD and REIB to discuss and share ideas for improving external communications and community engagement efforts by BPD and with an eye toward how this can help build community trust and support the Department’s recruitment and retention efforts;
- Supporting an expanded role for our Community Justice Center, including through partnership with the Police Department to provide pre-charge diversion, which allows an immediate response for helping hold people accountable, repair harm, and support victims;
- Implementing the City’s Encampments Policy that prioritizes meeting basic human needs where people are sleeping outdoors while also enforcing our city’s ordinances that prohibit camping in City Parks and greenways along streets and sidewalks;
- Hiring a Senior Advisor on Community Safety! Official announcement is on Monday, 8/12; job description is affixed to this memo.

Future work

- 8/12 City Council meeting work sessions on encampment response and community safety;
- Public Forum on Community Safety series—first one will be on September 5 at 5:30 pm, Contois Auditorium;
- Reconvening Community Advisors on Safety and continuing to meet with Burlington business owners and staff;
- Working with BPD, the State’s Attorney, BFD, and other justice stakeholders to review the Priority Response Plan and better collaborate on our shared Community Safety responsibilities;
- Supporting the Police Commission by ensuring it is sufficiently staffed and better able to achieve its goals and carry out its primary tasks;

- Continue working on and supporting efforts that will improve the health and safety of Burlington by meeting people's basic needs, addressing root causes of harmful behaviors, and improving accountability. These longer-term efforts include:
 - Creating more housing and expanding emergency, low-barrier shelter availability
 - Establishing an Overdose Prevention Center
 - Expanding access to mental healthcare and substance use treatment
 - Empowering youth and supporting juvenile justice initiatives that do the same
 - Centering restorative justice, equity, compassion, and anti-violence in our approach to community safety
 - Collaborating with regional, state, and federal officials to help ensure Burlington has the resources we need to address our health and safety needs

As I hope this memo indicates, my administration is acutely aware of the health and safety challenges facing our community, and addressing them is a top priority. We will continue to work in collaboration with you, with our City staff, with the community, and with local, regional, state, and federal partners to implement and resource immediate and long-term strategies for improving the quality of life in Burlington. Our efforts must be collective if we are going to achieve this goal, and so I welcome your continued engagement, and I am grateful for the time, energy, and ideas you contribute. Thank you.



City of Burlington, Vermont

Senior Advisor on Community Safety

SALARY	\$56.07 - \$62.68 Hourly	LOCATION	Burlington, VT
JOB TYPE	Temporary Seasonal	JOB NUMBER	9000-02-006
DEPARTMENT	Mayor's Office	OPENING DATE	07/31/2024
CLOSING DATE	8/9/2024 11:59 PM Eastern	FLSA	Non-Exempt
BARGAINING UNIT	Non Union		

General Purpose

The Office of the Mayor seeks a Senior Advisor on Community Safety to advise the Mayor's Office and other Departments on issues of Community Safety across the City. The Senior Advisor should have excellent communication, research, policy development, data analysis, and community engagement skills, as well as political acumen, a commitment to equity and inclusion, and cultural sensitivity. The Senior Advisor should have at least 10 years of experience in public safety systems, such as policing, the court system, victim advocacy, restorative approaches, and community response models. The Senior Advisor will assist the Mayor by engaging the community and coordinating citywide departments in order to leverage data-informed, creative, and collaborative approaches to increasing the health and safety of Burlington. This is a temporary position with the potential of lasting more than one year.

Union Affiliation: Non-Union

Pay Grade: \$56.07 - \$62.68 Hourly

Essential Job Functions

- Alongside the Mayor and their team, develop data- and equity-informed, innovative policy initiatives for improving the health, peace, and safety of Burlington;
- Convene and lead regular meetings with department heads and city staff who engage with community safety issues in order to improve communication between departments and work toward increasing cost effectiveness and responsiveness to community safety needs;
- Collaborate closely with the Police and Fire Departments, as well as with the Office of Racial Equity, Inclusion, and Belonging; the Community Justice Center; and the City's Data and Analytics team to track ongoing community safety trends, efforts, and challenges in the community;
- Engage with our Police Department, the Police Union, the Police Commission, and regional, state and federal law enforcement partners in developing new, and revising existing, response systems, strategies, and internal and external policing policies.
- Engage and collaborate with external public safety partners, such as the Judiciary, the Chittenden County State's Attorney's Office, the Department of Corrections, the Department of Public Safety, and the Office of the US Attorney;
- Engage with City Councilors, community partners, and constituents to hear about health and safety concerns; to provide information about city initiatives and responses related to community safety; and to seek input and ideas for

improving response systems;

- Engage the City Attorney's Office for any needed legal information and advice regarding issues related to community safety;
- Track possible legislative changes related to community safety and help advance legislation that can improve health and safety outcomes for the city;
- Seek out education and training opportunities that can help inform the City's community safety policy initiatives, such as those provided by academic institutions, public policy experts; advocacy organizations, or other jurisdictions;
- Ensure a focus on equity in policy-making by collaborating with those with lived experience and expertise and by using tools in decision-making, such as the State Office of Racial Equity's *Equity Impact Assessment Tool*;
- Assist Mayor's Office communications by drafting memos, letters, speeches, constituent correspondence, reports, and talking points and help conduct background research and prepare presentations and other materials related to community safety and key policy initiatives.

Qualifications/Basic Job Requirements

- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by past experience, ongoing trainings, and professional development.
- Bachelor's Degree or higher and a minimum of ten (10) years of experience in a criminal justice or public safety-related field.
- A strong background in policing and/or a keen understanding of internal policing policies, structures, and culture.
- Knowledge and experience in the development of public safety policies and modernizing policies and approaches to public/community safety.
- Knowledge and expertise in anti-violence work, victims' advocacy, and alternative approaches to harm, such as restorative justice.
- A strong understanding of equity and inclusion, especially economic and racial equity, and experience implementing these principles in public safety work.
- Proven ability to coordinate with multiple governmental entities or departments to facilitate interdepartmental work efforts, problem solving, and planning activities.
- Proven ability to respectfully engage with community members with different backgrounds, life experiences, and perspectives.
- Knowledge of state and federal legislation and programs related to public safety and justice systems.
- Working knowledge of a variety of computer applications, including: Microsoft Office suite and/or Office 365 applications; Adobe Suite InDesign; and/or other computer applications applicable to analysis, and research.
- Ability to obtain working knowledge of pertinent state and local regulations.
- Ability to communicate effectively orally and in writing.
- Occasional attendance at evening, and sometimes weekend, meetings.

The ideal candidate will also possess:

- A professional background that demonstrates excellence and leadership in the development and implementation of public safety-related policy changes that have led to the improvement of public safety responses.
- Experience with data analysis to inform evidence-based decision making, especially using innovative and cross-department thinking.
- Demonstrated professionalism, tact, and discretion in addressing controversial and emotionally charged issues, and the ability to establish and maintain positive and effective engagement with City Government and community members alike.

Additional Information

Promoting a culture that reveres diversity and equity

The City of Burlington is proud to be an equal opportunity employer, and we are strongly committed to creating a dynamic and equitable work-force that mirrors the population and world that we serve. We do not discriminate on the basis of

political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, crime victim status, veteran status, disability, HIV positive status, or genetic information in employment or the provision of services.

In addition to being an equal opportunity employer we actively encourage applicants who can contribute to our growing diversity to apply.

Applications for our employment opportunities are **only accepted online** through our [Government Jobs](#) website.

For accessibility information or alternative formats, please contact Human Resources Department at [802-540-2505](tel:802-540-2505) or careers@burlingtonvt.gov.

Benefits

Temporary or Seasonal Position that is **Not Eligible** for City of Burlington Benefits

Agency

City of Burlington, Vermont

Address

200 Church Street, Suite 102

Burlington, Vermont, 05401

Phone

802-540-2505

Website

<https://www.burlingtonvt.gov/HR/career-and-internship-openings>

Resolution Relating to

REQUESTING VERMONT’S CONGRESSIONAL DELEGATION
REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE
REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES
NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE
AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH
RESIDENTIAL NEIGHBORHOODS

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:

1 That WHEREAS, the Air Force reported that over 6,663 people in 2,963 households in the communities of
2 Winooski, South Burlington, Williston, Burlington, and Colchester live in areas subjected to a day-night level
3 average (DNL) of 65 decibels (dB) produced by the F-35A. {United States Air Force F-35A Operational Basing
4 Environmental Impact Statement (EIS) 2013, page BR4-30}; and
5 WHEREAS, the U.S. federal government has determined that “Areas exposed to DNL above 65 dB are
6 generally not considered suitable for residential use.” {EIS page C-12}; and
7 WHEREAS, the Air Force found that minority and low-income people in these Vermont communities,
8 in particular Winooski, would be disproportionately impacted by the F-35 noise. {EIS, page BR4-83}; and
9 WHEREAS, the Air Force found that there were 4,692 children under the age of 18 living in the cities
10 of South Burlington and Winooski. {EIS, page BR4-82}; and
11 WHEREAS, the World Health Organization cited overwhelming evidence from large-scale studies that
12 exposure to environmental noise had adverse effects on the health of the population. {World Health Organization
13 (WHO) report “Burden of disease from environmental noise” 2011, pages xvii and 105}; and
14 WHEREAS, the federal government wrote, “A growing body of scientific knowledge demonstrates
15 that children may suffer disproportionately from environmental health risks and safety risks. These risks arise
16 because children’ neurological, immunological, digestive, and other bodily systems are still developing ...”
17 {Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. April 2003}; and
18 WHEREAS, the U.S. Environmental Protection Agency wrote, “children may suffer disproportionately
19 from environmental health risks and safety risks. Because their smaller ear canals magnify the sounds entering
20 the ear canals, children’s hearing may be particularly sensitive. For example, a 20-decibel difference can exist
21 between adult and infant ears.” {U.S. Environmental Protection Agency letter commenting on the Draft EIS for the F-35
22 Beddown at Eglin AFB, Florida. November 2010}; and
23 WHEREAS, the World Health Organization found evidence linking noise and cognitive impairment in
24 children, writing “Exposure during critical periods of learning at school could potentially impair development
25 and have a lifelong effect on educational attainment.” And, “It would be realistic to assume that the impaired

Resolution Relating to

REQUESTING VERMONT’S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

26 cognitive functions will carry over to the years after the schooling period.” {WHO report “Burden of disease from
27 environmental noise” pages 45, 52}; and

28 WHEREAS, the World Health Organization found that aircraft noise is likely to have a greater effect
29 on children’s reading than road traffic noise. {WHO report “Burden of disease from environmental noise” page 51}; and

30 WHEREAS, environmental and developmental experts found that children’s health and cognitive
31 development are negatively affected by chronic loud noise. Specifically, children’s blood pressure and stress
32 hormones increase, and their reading abilities, cognitive development, physiological indicators, and
33 motivational tasks are adversely affected by exposure to noise. And that “...significant reading delays are
34 found for children living near airports, regardless of income.” {“The Effects of the Physical Environment on Children’s
35 Development” Cornell University 2006}; and

36 WHEREAS, the Federal Aviation Administration advised regarding the noise of the F-35 in Burlington
37 that “...noise impacts that cannot be mitigated could occur. Other unavoidable adverse impacts may be
38 identified which cannot be mitigated to an acceptable level.” {EIS, page 2-45}; and

39 WHEREAS, the City of South Burlington lost 200 affordable homes because of the noise of the F-16.
40 {“South Burlington Councilors Seek ‘Seat at Table’ on Airport Noise” Morgan True, VTDigger March 28, 2017}; and

41 WHEREAS, the Airport Noise Compatibility Planning report stated, “Land acquisition and relocation
42 is the only alternative that would eliminate the residential incompatibility.”{Burlington International Airport Title 14
43 Code of Federal Regulations (CFR) Part 150 Report, page 29}; and

44 WHEREAS, the Airport Noise Compatibility Planning report further stated, “Also, soundproofing does
45 not address the problem of noise levels outside the residence, meaning that yard and outside leisure activities,
46 including those of children playing, would be impacted by unacceptably high levels of noise. Therefore,
47 soundproofing is considered the least desirable alternative for addressing sound in residential buildings.”
48 {Burlington International Airport 14 CFR Part 150 Report, page 46}; and

49 WHEREAS, Richard Doucette, the Federal Aviation Administration’s New England Environmental
50 Program manager, stated “The best way to mitigate noise, at high noise levels, is to buy homes and remove
51 them....We have encouraged the airport to buy every home they can....That’s the trouble with sound
52 mitigation. Some people think it’s a panacea; it is not. The sound insulation does not work as soon as you open
53 your windows.”{Burlington Free Press, February, 2017}; and

54 WHEREAS, the City of Burlington continues to pursue sound proofing, and the Director of the
55 Burlington International Airport estimates that the airport will need \$5.5 million from the FAA every year for

Resolution Relating to

REQUESTING VERMONT’S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

56 the next 46 years to sound-proof all of the eligible homes. {“Sound Plan?” Courtney Lamdin, Seven Days, October 11-
57 18, 2023}; and

58 WHEREAS, the Air Force found that over 27 times more people live in the 65 dB DNL noise area in
59 the vicinity of the Burlington Air National Guard (ANG) station than live in the 65 dB DNL noise area in the
60 vicinity of another Air Guard base that was being considered to base the F-35—McEntire Air National Guard
61 station in South Carolina. Specifically, 6,663 people and 2,963 households are in the Burlington F-35 noise
62 area compared with 245 people and 91 households in the McEntire F-35 noise area {EIS, page BR4-30}; and

63 WHEREAS, Air Combat Command leadership stated “... there is no operational benefit of Burlington
64 ANG Base over McEntire ANG base, and that Burlington scored higher than McEntire overall due to incorrect
65 scoring (Burlington scored higher than it should have been and McEntire score lower than it should have...)”
66 {Air Force F-35 Basing Administrative Record #57838}; and

67 WHEREAS, Air Force basing experts wrote: “The environmentally preferred alternative for Air
68 National Guard (ANG) basing locations is McEntire...This ANG represent the greatest decrease in the amount
69 of acres, population, households, and receptors exposed to noise levels 65 dB DNL...”{Draft Review Document on
70 the Environmentally Preferred Alternative, Air Force Administrative Record #57909}; and

71 WHEREAS, Air Force basing experts recommended selecting McEntire Air National Guard Base in
72 South Carolina over Burlington Air National Guard base “Due to the overwhelming evidence provided by the
73 EIS documentation.” {Air Force F-35 Basing Administrative Record #57838}; and

74 WHEREAS, claims that if F-35s were not based at the Vermont Air National Guard Station the
75 Vermont Air Guard would lose a flying mission, were refuted by the Secretary of the Air Force and by Federal
76 District Judge Geoffrey Crawford:

77 A. The Air Force wrote, “Therefore, if there is no F-35A operational beddown at Burlington AGS
78 the current mission would continue.” {EIS, page PA-47};

79 B. Air Force basing officials wrote, “Had the Air Force not decided to base the F-35A at
80 Burlington, the present F-16s could well have been replaced with other F-16s. But, had the F-
81 35A not been selected to replace the F-16s, there could have been ‘any number’ of reasonable
82 alternatives available to the Air Force on how to configure Burlington.” {Air Force F-35 Basing
83 Administrative Record #64410, and Federal court records—Civil Action No 5:14-cv-132, Defendant’s
84 Memorandum in Opposition to Plaintiffs’ Motion, March 7, 2016, pages 59-60};

Resolution Relating to

REQUESTING VERMONT’S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

C. The Secretary of the Air Force testified as part of a lawsuit that “...it expected Burlington to continue to fly military aircraft if it was not selected to host the F-35A.” {Federal court records—Civil Action No 5:14-cv-132, Defendant’s Memorandum in Opposition to Plaintiffs’ Motion, March 7, 2016, pages 59-60};

D. Continuity for a flying mission for the Vermont Air Guard was reinforced by U.S Federal District Court Judge Geoffrey Crawford. He stated in his ruling in a lawsuit filed against the Secretary of the Air Force that “...there is no reason to believe that the base will close and the squadron disbanded even if the F-35 aircraft are based elsewhere there is no evidence of a plan to close the base or to use it for purposes other than flying aircraft.” {Federal court records—Civil Action No 5:14-cv-132, Decision on Cross-Motions for Summary Judgement, August 10, 2016, page 27-28};

E. U.S. Federal District Court Judge Geoffrey Crawford further stated in his ruling that “...the scheduled retirement of the F-16 aircraft currently stationed at Burlington does not inevitably lead to ‘empty hangers at Burlington’. Burlington’s history proves that. Through the years particular aircraft have come and gone, but the military mission has remained. (See AR 33541 recounting eight different airframes flown by the VTANG over its 70 year history.)” {Federal court records—Civil Action No 5:14-cv-132, Defendant’s Reply Memorandum, May 13, 2016, pages 21-22}; and

WHEREAS, there are other flying missions for the Vermont Air National Guard which will not cause harm to the people in the local area. Some include mobility aircraft. For example:

- A. The Air Force reports that demand for mobility aircraft (transports, cargo, and refueling aircraft) is increasing, and expressed the need for mobility aircraft by stating “The demand for mobility aircraft, which includes transport aircraft, is trending upwards. Transports deliver critical equipment and supplies, as well as expertise to forces stateside and overseas. Transports play powerful humanitarian and diplomatic roles especially during times of natural disasters. Air Force transports help others and enhance U.S. global reputation and build trust. Transport pilot skills are ideally and best suited to fly big body commercial airliners.” {“Air Mobility: A clear need for future environments” Col Chris Karns, Director for Public Affairs Air Mobility Command, Force Times, January 29, 2018};
- B. Air Force advisors say they need more transport missions, “Transport aircraft will likely be in high demand supporting inter-and-intra theater mobility and other missions...” {Timothy Walton, senior fellow at the Hudson Institute April 3, 2023};

Resolution Relating to

REQUESTING VERMONT’S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

C. The Air Force has a growing need for Aeromedical Evacuation (medevac) missions stating that certain conflicts “will increase the need for flying ambulances to save the lives of their fellow service members” and that “medevac units will need to fly longer, triage more injuries and illnesses in midair, and work more closely with their international partners than ever before.” {“Getting Patients to Safety” Rachel S. Cohen, Air Force Times, September, 2023};

D. In 2012, the Burlington Air Guard was on the list of bases being considered to base the KC-46A tanker. {Air Force F-35 Basing Administrative Record #56929}; and

WHEREAS, twenty-six state Air Guard units fly transport/airlift missions, and 19 units fly the C-130 transport aircraft. {2023 Wikipedia using data from 103 Air Force and Air National Guard websites}; and

WHEREAS, other Air Guard units have switched military missions; for example:

A. The Great Falls Air Guard Base in Montana changed from an F-15 fighter aircraft to a C-130 transport aircraft {“120th Airlift Wing Prepares to Deploy” Jenn Rowell, Air Force Times, October 17, 2016};

B. An Air Guard Base in New Mexico changed from a F-16 fighter unit to a special operations training unit in 2013 {150th Special Operations Wing official website, 150sow.ang.af.mil};

C. An Air National Guard Base in Michigan changed from the C-21 aircraft to flying drone missions in 2013 {“Drone missions to operate from Battle Creek Air National Guard Base” Kalamazoo News, 3-14-2013};

D. A North Dakota Air National Guard Base changed from C-21A aircraft to an intelligence mission in 2013 {“Last aircraft departs as N.D. Air National Guard ends flying mission, transitions to intelligence mission” Courtney Story, 8-28-2013};

E. An Air Guard Base in Ohio changed from a C-130 aircraft to a cyberspace mission in 2023 {“179th Airlift Wing becomes first cyberspace wing in the Air National Guard” Air National Guard website, ang.af.mil}; and

WHEREAS, Lt Gen Clarke former head of the Air National Guard said “dual-mission equipment is gold for the ANG. A perfect example is its fleet of C-130 cargo planes. It can do anything from tactical airdrops to fighting fires at home....So we are trained to do the federal mission, but we try to leverage all of that to do the state mission.” {“Sequester sharpens Guard’s challenge to meet dual missions” Air Force Times, August 25, 2014}; and

WHEREAS, a military transport mission would allow the Vermont Air Guard to support Vermont state needs, thus fulfilling dual roles—civilian and military missions—as other state Air Guard units do. {“Sequester sharpens Guard’s challenge to meet dual missions” Air Force Times, August 25, 2014}; and

WHEREAS, a military transport mission would retain the Vermont Air Guard fire-fighting services to the Burlington airport. {Air Force Fire Emergency Service “Aircraft Rescue and Fire Fighting Response Guide,” March 2018}; and

Resolution Relating to

REQUESTING VERMONT’S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

WHEREAS, a transport mission would increase the number of Air Guard jobs as transport aircraft require more people to accomplish their missions. For example, switching from the F-35 to a transport would triple the number of onboard crew. A Medevac mission requires at least five times more crew than the F-35. {Air Force Accelerates Changes to Save Lives: How Aeromedical Evacuation Mission Advances in 20 Years” - Shireen Bedi, Air Force General Public Affairs, December 21, 2021}; and

WHEREAS, Vermont Air National Guard pilots have the skills to fly military transport aircraft, which are similar to the skills needed to fly commercial aircraft; and

WHEREAS, a military transport humanitarian mission is more compatible with many Vermonters’ values than a fighter-bomber mission; and

WHEREAS, military transport aircraft would not result in any 65 dB DNL noise zones. {“Military Aviation and the Environment: Historical Trends and Comparison to Civil Aviation” Journal of Aircraft, March 2005; “Noise Comparisons” Purdue University}; and

WHEREAS, housing lost because of military fighter aircraft noise, which has exacerbated the region’s acute housing crisis, could be re-built, and if so, would add much needed affordable housing. {FAA Advisory Circular, “Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects,” 7-10-2017}; and

WHEREAS, adults and children suffering from fighter-bomber noise; and schools and businesses disrupted by fighter-bomber noise would find relief from an alternative mission that results in no 65 dB DNL zone; and

WHEREAS, Vermonters living in the areas around Burlington have consistently opposed the basing of the F-35. For example:

A. During the first EIS comment period in 2012, of the 1,126 oral and written comments received, 822 (73%) were in opposition to the F-35 basing. {EIS, BR4-15/16}

B. During the second EIS comment period in 2013, of the 809 letters, handwritten notes, and emails received 644 (80%) were in opposition to the F-35 basing. {EIS Table BR2.5-1}

C. In March 2018, a Burlington city-wide 6,482-5,237 vote called for the cancelation of the F-35 basing decision. This vote was followed by a Burlington City Council 9-3 vote which requested the F-35 be re-based. {Seven Days and Burlington Free Press, March 2018}

D. In May 2012 and July 2013, the Winooski City Council passed two Resolutions against the basing of the F-35. {Burlington Free Press, May 2012 and July 2013}

Resolution Relating to

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

E. In April 2015, a Winooski city-wide 572-475 vote called for the City to join the federal lawsuit against the Secretary of the Air Force which opposed the basing of the F-35. {VTDigger and Seven Days, April 2015}

F. In March 2021, Winooski voters overwhelmingly voted 723-354 to halt the F-35 flights. {VTDigger, Burlington Free Press, and Seven Days, March 2021}; and

WHEREAS, Congressional Delegations have the authority and ability to request the Air Force replace existing missions and aircraft with new missions and aircraft; and

WHEREAS, some Congressional Delegations have successfully exercised this authority, for example:

A. The Minnesota state's Congressional Delegation was involved in successful efforts to get the C-130 transport mission. {"Minnesota Air Guard will get Super Hercules transport planes" John Corman 9-16-2023}

B. Efforts by Ohio's Congressional Delegation succeeded in getting the Air Force to transition to a new cyber mission. {"Ohio's Lawmakers Applaud Air Force Decision to Name Mansfield-Lahm as the Preferred Location for New Cyber Warfare Wing" Press Release from Congressman Balderson. 8-26-2021}

C. Gov. Sisolak and Nevada's entire congressional delegation were successful in getting the Air Force to assign them a new regional aeromedical evacuation squadron to respond to emergencies and disasters. {"Nevada Touts Reno for New Squadron" Air Force Times, 1-20-2020}

D. Alaskan Senator Mark Begich was successful in his request to the Air Force to abandon its plans to move F-16s from Eielson AFB to Joint Base Elmendorf. {"F-16 transfer debate highlights flaws in Senate's decision-making" Robert F. Dorr, Air Force Times, July 9, 2012 page 5}; and

WHEREAS, the Vermont Congressional Delegation is aware of the facts of the F-35 basing process, the harms being done to thousands of Vermonters from the presence of the F-35, and their authority to request and urge the United States Air Force to replace the F-35 mission with a mission that is compatible with residential neighborhoods;

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council and the Mayor of the City of Burlington request the Vermont Congressional Delegation contact the Secretary of the United States Air Force requesting they replace the current F-35 mission with a mission that causes no harmful noise to the people living around the airport, no substantively adverse economic impact to the airport or community, and a mission that is fully compatible with residential neighborhoods; and

Resolution Relating to

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

BE IT FURTHER RESOLVED that this resolution be delivered to the Vermont Congressional Delegation and to the City Councils of South Burlington and Winooski, and the Selectboards of Colchester and Williston by the Clerk/Treasurer's Office within five working days of the adoption of the resolution; and

BE IT FURTHER RESOLVED that the City Council President appoint a tri-partisan committee to follow up on this resolution with the Congressional Delegation and their staff, and report back regularly to the full Council on their progress.

GB/Resolutions 2024/*Requesting Vermont's Congressional Delegation request the Secretary of the United States Air Force replace the current F-35 mission with one that causes no harmful noise to the people living around the airport, and one that is fully compatible with residential neighborhoods*
8/12/24

After line 57:

WHEREAS, the City of Burlington, with the support of the Vermont Air National Guard, has used these funds to support noise mitigation efforts through a Noise Compatibility Program (NCP) and Implementation Plan approved by the FAA whereby the City has been actively installing sound insulation in impacted residential properties, previously installed active noise monitors in surrounding communities, and constructed a Positive Ventilation and Sound Insulation project at the Chamberlin School in South Burlington; and

WHEREAS, the Vermont Air National Guard has fully participated in the City of Burlington's noise mitigation efforts, including by, but not limited to, supporting the Technical Advisory Committee for the NCP and Implementation Plan, providing vital data for the development of a Noise Exposure Map, and continuously advocating through our Congressional Delegation and FAA for additional federal funds dedicated to noise mitigation; and

After line 161:

WHEREAS, since it was originally recognized in 1946, the Vermont Air National Guard has flown more than eight different missions and Vermonters have consistently appreciated and been grateful for their dedication to the defense our nation and local communities, the community stewardship exhibited by hundreds of service members and their families, and the essential contributions they have made to the capital infrastructure and operations of the airport; and

WHEREAS, Vermonters living the areas around Burlington have also consistently ...

In last RESOLVED clause:

BE IT FURTHER RESOLVED that the City Council President appoint a tri-partisan committee to follow up on this resolution with the Congressional Delegation and their staff, and report back regularly to the full Council on their progress. This committee shall exist until a formal response is received from either the United States Air Force or the Congressional Delegation, at which point the committee shall prepare and submit a final report to the full Council, summarizing the committee's work, the response received, and any recommendations on next steps; and

BE IT FURTHER RESOLVED that the City Council respectfully requests that the Mayor meet with the leadership of our airport and the Vermont Air National Guard and, on or by October 1, 2024, report back to the City Council on the status of collaborative noise mitigation efforts, VTANG's contributions to the airport's capital infrastructure, and how, if at all, this resolution may impact VTANG's future operations at the airport.

Resolution Relating to

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION
REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE
REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES
NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE
AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH
RESIDENTIAL NEIGHBORHOODS

RESOLUTION 7.8.

Sponsor(s): Councilor Bergman

Introduced: 08/12/24

Referred to:

Action: adopted as amended

Date: 08/12/24

Signed by Mayor: 08/13/24

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 Air Force reported that over 6,663 people in 2,963 households in the communities of
2 Winooski, South Burlington, Williston, Burlington, and Colchester live in areas subjected to a day-night level
3 average (DNL) of 65 decibels (dB) produced by the F-35A. {United States Air Force F-35A Operational Basing
4 Environmental Impact Statement (EIS) 2013, page BR4-30}; and

5 WHEREAS, the U.S. federal government has determined that "Areas exposed to DNL above 65 dB are
6 generally not considered suitable for residential use." {EIS page C-12}; and

7 WHEREAS, the Air Force found that minority and low-income people in these Vermont communities,
8 in particular Winooski, would be disproportionately impacted by the F-35 noise. {EIS, page BR4-83}; and

9 WHEREAS, the Air Force found that there were 4,692 children under the age of 18 living in the cities
10 of South Burlington and Winooski. {EIS, page BR4-82}; and

11 WHEREAS, the World Health Organization cited overwhelming evidence from large-scale studies that
12 exposure to environmental noise had adverse effects on the health of the population. {World Health Organization
13 (WHO) report "Burden of disease from environmental noise" 2011, pages xvii and 105}; and

14 WHEREAS, the federal government wrote, "A growing body of scientific knowledge demonstrates
15 that children may suffer disproportionately from environmental health risks and safety risks. These risks arise
16 because children' neurological, immunological, digestive, and other bodily systems are still developing ..."

17 {Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. April 2003}; and

18 WHEREAS, the U.S. Environmental Protection Agency wrote, "children may suffer disproportionately
19 from environmental health risks and safety risks. Because their smaller ear canals magnify the sounds entering
20 the ear canals, children's hearing may be particularly sensitive. For example, a 20-decibel difference can exist
21 between adult and infant ears." {U.S. Environmental Protection Agency letter commenting on the Draft EIS for the F-35
22 Beddown at Eglin AFB, Florida. November 2010}; and

23 WHEREAS, the World Health Organization found evidence linking noise and cognitive impairment in
24 children, writing "Exposure during critical periods of learning at school could potentially impair development
25 and have a lifelong effect on educational attainment." And, "It would be realistic to assume that the impaired

* * * * *

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

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

cognitive functions will carry over to the years after the schooling period." {WHO report "Burden of disease from environmental noise" pages 45, 52}; and

WHEREAS, the World Health Organization found that aircraft noise is likely to have a greater effect on children's reading than road traffic noise. {WHO report "Burden of disease from environmental noise" page 51}; and

WHEREAS, environmental and developmental experts found that children's health and cognitive development are negatively affected by chronic loud noise. Specifically, children's blood pressure and stress hormones increase, and their reading abilities, cognitive development, physiological indicators, and motivational tasks are adversely affected by exposure to noise. And that "...significant reading delays are found for children living near airports, regardless of income." {The Effects of the Physical Environment on Children's Development" Cornell University 2006}; and

WHEREAS, the Federal Aviation Administration advised regarding the noise of the F-35 in Burlington that "...noise impacts that cannot be mitigated could occur. Other unavoidable adverse impacts may be identified which cannot be mitigated to an acceptable level." {EIS, page 2-45}; and

WHEREAS, the City of South Burlington lost 200 affordable homes because of the noise of the F-16. {South Burlington Councilors Seek 'Seat at Table' on Airport Noise" Morgan Tre, VTDigger March 28, 2017}; and

WHEREAS, the Airport Noise Compatibility Planning report stated, "Land acquisition and relocation is the only alternative that would eliminate the residential incompatibility." {Burlington International Airport Title 14 Code of Federal Regulations (CFR) Part 150 Report, page 29}; and

WHEREAS, the Airport Noise Compatibility Planning report further stated, "Also, soundproofing does not address the problem of noise levels outside the residence, meaning that yard and outside leisure activities, including those of children playing, would be impacted by unacceptably high levels of noise. Therefore, soundproofing is considered the least desirable alternative for addressing sound in residential buildings." {Burlington International Airport I4 CFR Part 150 Report, page 46}; and

WHEREAS, Richard Doucette, the Federal Aviation Administration's New England Environmental Program manager, stated "The best way to mitigate noise, at high noise levels, is to buy homes and remove them... We have encouraged the airport to buy every home they can... That's the trouble with sound mitigation. Some people think it's a panacea; it is not. The sound insulation does not work as soon as you open your windows." {Burlington Free Press, February, 2017}; and

WHEREAS, the City of Burlington continues to pursue sound proofing, and the Director of the Burlington International Airport estimates that the airport will need \$5.5 million from the FAA every year for

* * * * *

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

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

the next 46 years to sound-proof all of the eligible homes. {"Sound Plan?" Courtney Lamdin, Seven Days, October 11-18, 2023}; and

WHEREAS, the City of Burlington, with the support of the Vermont Air National Guard, has used these funds to support noise mitigation efforts through a Noise Compatibility Program (NCP) and Implementation Plan approved by the FAA whereby the City has been actively installing sound insulation in impacted residential properties, previously installed active noise monitors in surrounding communities, and constructed a Positive Ventilation and Sound Insulation project at the Chamberlin School in South Burlington; and

WHEREAS, the Vermont Air National Guard has fully participated in the City of Burlington's noise mitigation efforts, including by, but not limited to, supporting the Technical Advisory Committee for the NCP and Implementation Plan, providing vital data for the development of a Noise Exposure Map, and continuously advocating through our Congressional Delegation and FAA for additional federal funds dedicated to noise mitigation; and

WHEREAS, the Air Force found that over 27 times more people live in the 65 dB DNL noise area in the vicinity of the Burlington Air National Guard (ANG) station than live in the 65 dB DNL noise area in the vicinity of another Air Guard base that was being considered to base the F-35—McEntire Air National Guard station in South Carolina. Specifically, 6,663 people and 2,963 households are in the Burlington F-35 noise area compared with 245 people and 91 households in the McEntire F-35 noise area {EIS, page BR4-30}; and

WHEREAS, Air Combat Command leadership stated "...there is no operational benefit of Burlington ANG Base over McEntire ANG base, and that Burlington scored higher than McEntire overall due to incorrect scoring (Burlington scored higher than it should have been and McEntire score lower than it should have ...)" {Air Force F-35 Basing Administrative Record #57838}; and

WHEREAS, Air Force basing experts wrote: "The environmentally preferred alternative for Air National Guard (ANG) basing locations is McEntire...This ANG represent the greatest decrease in the amount of acres, population, households, and receptors exposed to noise levels 65 dB DNL..." {Draft Review Document on the Environmentally Preferred Alternative, Air Force Administrative Record #57909}; and

WHEREAS, Air Force basing experts recommended selecting McEntire Air National Guard Base in South Carolina over Burlington Air National Guard base "Due to the overwhelming evidence provided by the EIS documentation." {Air Force F-35 Basing Administrative Record #57838}; 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

* * * * *

Resolution Relating to

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

WHEREAS, claims that if F-35s were not based at the Vermont Air National Guard Station the Vermont Air Guard would lose a flying mission, were refuted by the Secretary of the Air Force and by Federal District Judge Geoffrey Crawford:

- A. The Air Force wrote, "Therefore, if there is no F-35A operational beddown at Burlington AGS the current mission would continue." {EIS, page PA-47};
- B. Air Force basing officials wrote, "Had the Air Force not decided to base the F-35A at Burlington, the present F-16s could well have been replaced with other F-16s. But, had the F-35A not been selected to replace the F-16s, there could have been 'any number' of reasonable alternatives available to the Air Force on how to configure Burlington." {Air Force F-35 Basing Administrative Record #64410, and Federal court records-Civil Action No 5:14-cv-132, Defendant's Memorandum in Opposition to Plaintiffs' Motion, March 7, 2016. pages 59-60};
- C. The Secretary of the Air Force testified as part of a lawsuit that "...it expected Burlington to continue to fly military aircraft if it was not selected to host the F-35A." {Federal court records-Civil Action No 5:14-cv-132, Defendant's Memorandum in Opposition to Plaintiffs' Motion, March 7, 2016, pages 59-60};
- D. Continuity for a flying mission for the Vermont Air Guard was reinforced by U.S Federal District Court Judge Geoffrey Crawford. He stated in his ruling in a lawsuit filed against the Secretary of the Air Force that "...there is no reason to believe that the base will close and the squadron disbanded even if the F-35 aircraft are based elsewhere...there is no evidence of a plan to close the base or to use it for purposes other than flying aircraft." {Federal court records-Civil Action No 5:14-cv-132, Decision on Cross-Motions for Summary Judgement, August 10, 2016, page 27-28};
- E. U.S. Federal District Court Judge Geoffrey Crawford further stated in his ruling that "...the scheduled retirement of the F-16 aircraft currently stationed at Burlington does not inevitably lead to 'empty hangers at Burlington'. Burlington's history proves that. Through the years particular aircraft have come and gone, but the military mission has remained. (See AR 33541 recounting eight different airframes flown by the VTANG over its 70 year history.)" {Federal court records-Civil Action No 5:14-cv-132, Defendant's Reply Memorandum, May 13, 2016, pages 21-22}; and

WHEREAS, there are other flying missions for the Vermont Air National Guard which will not cause harm to the people in the local area. Some include mobility aircraft. For example:

- A. The Air Force reports that demand for mobility aircraft (transports, cargo, and refueling aircraft) is increasing, and expressed the need for mobility aircraft by stating "The demand for mobility

* * * * *

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

Attest:

* * * * *

Resolution Relating to

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

aircraft, which includes transport aircraft, is trending upwards. Transports deliver critical equipment and supplies, as well as expertise to forces stateside and overseas. Transports play powerful humanitarian and diplomatic roles especially during times of natural disasters. Air Force transports help others and enhance U.S. global reputation and build trust. Transport pilot skills are ideally and best suited to fly big body commercial airliners." {Air Mobility: A clear need for future environments" Col Chris Karns, Director for Public Affairs Air Mobility Command, Force Times, January 29, 2018}};

B. Air Force advisors say they need more transport missions, "Transport aircraft will likely be in high demand supporting inter-and-intra theater mobility and other missions..." {Timothy Walton, senior fellow at the Hudson Institute April 3, 2023}};

C. The Air Force has a growing need for Aeromedical Evacuation (medevac) missions stating that certain conflicts "will increase the need for flying ambulances to save the lives of their fellow service members" and that "medevac units will need to fly longer, triage more injuries and illnesses in midair, and work more closely with their international partners than ever before." {Getting Patients to Safety"Rachel S. Cohen, Air Force Times, September, 2023}};

D. In 2012, the Burlington Air Guard was on the list of bases being considered to base the KC-46A tanker. {Air Force F-35 Basing Administrative Record #56929}}; and

WHEREAS, twenty-six state Air Guard units fly transport/airlift missions, and 19 units fly the C-130 transport aircraft. {2023 Wikipedia using data from 103 Air Force and Air National Guard websites}}; and

WHEREAS, other Air Guard units have switched military missions; for example:

A. The Great Falls Air Guard Base in Montana changed from an F-15 fighter aircraft to a C-130 transport aircraft {120th Airlift Wing Prepares to Deploy" Jenn Rowell, Air Force Times, October 17, 2016}};

B. An Air Guard Base in New Mexico changed from a F-16 fighter unit to a special operations training unit in 2013 {150h Special Operations Wing official website, 150sow.af.mil}};

C. An Air National Guard Base in Michigan changed from the C-21 aircraft to flying drone missions in 2013 {Drone missions to operate from Battle Creek Air National Guard Base" Kalamazoo News, 3-14-2013}};

D. A North Dakota Air National Guard Base changed from C-21A aircraft to an intelligence mission in 2013 {Last aircraft departs as N.D. Air National Guard ends flying mission, transitions to intelligence mission" Courtney Story, 8-28-2013}};

E. An Air Guard Base in Ohio changed from a C-130 aircraft to a cyberspace mission in 2023 {"179th Airlift Wing becomes first cyberspace wing in the Air National Guard" Air National Guard website, ang.af.mil}}; 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

* * * * *

Resolution Relating to

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

145 WHEREAS, Lt Gen Clarke former head of the Air National Guard said "dual-mission equipment is
146 gold for the ANG. A perfect example is its fleet of C-130 cargo planes. It can do anything from tactical
147 airdrops to fighting fires at home. . . . So we are trained to do the federal mission, but we try to leverage all of
148 that to do the state mission." {"Sequester sharpens Guard's challenge to meet dual missions" Air Force Times, August 25,
149 2014}; and

150 WHEREAS, a military transport mission would allow the Vermont Air Guard to support Vermont state
151 needs, thus fulfilling dual roles—civilian and military missions—as other state Air Guard units do. {"Sequester
152 sharpens Guard's challenge to meet dual missions" Air Force Times, August 25, 2014}; and

153 WHEREAS, a military transport mission would retain the Vermont Air Guard fire-fighting services to
154 the Burlington airport. {Air Force Fire Emergency Service "Aircraft Rescue and Fire Fighting Response Guide," March 2018};
155 and

156 WHEREAS, a transport mission would increase the number of Air Guard jobs as transport aircraft
157 require more people to accomplish their missions. For example, switching from the F-35 to a transport would
158 triple the number of onboard crew. A Medevac mission requires at least five times more crew than the F-35.
159 {Air Force Accelerates Changes to Save Lives: How Aeromedical Evacuation Mission Advances in 20 Years"- Shireen Bedi, Air
160 Force General Public Affairs, December 21, 2021}; and

161 WHEREAS, Vermont Air National Guard pilots have the skills to fly military transport aircraft, which
162 are similar to the skills needed to fly commercial aircraft; and

163 WHEREAS, a military transport humanitarian mission is more compatible with many Vermonters'
164 values than a fighter-bomber mission; and

165 WHEREAS, military transport aircraft would not result in any 65 dB DNL noise zones. {"Military
166 Aviation and the Environment: Historical Trends and Comparison to Civil Aviation" Journal of Aircraft, March 2005; "Noise
167 Comparisons" Purdue University}; and

168 WHEREAS, housing lost because of military fighter aircraft noise, which has exacerbated the region's
169 acute housing crisis, could be re-built, and if so, would add much needed affordable housing. {FAA Advisory
170 Circular, "Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects," 7-10-2017}; and

171 WHEREAS, adults and children suffering from fighter-bomber noise; and schools and businesses
172 disrupted by fighter-bomber noise would find relief from an alternative mission that results in no 65 dB DNL
173 zone; 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

* * * * *

Resolution Relating to

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

WHEREAS, since it was originally recognized in 1946, the Vermont Air National Guard has flown more than eight different missions and Vermonters have consistently appreciated and been grateful for their dedication to the defense our nation and local communities, the community stewardship exhibited by hundreds of service members and their families, and the essential contributions they have made to the capital infrastructure and operations of the airport; and

WHEREAS, Vermonters living in the areas around Burlington have also consistently opposed the basing of the F-35. For example:

- A. During the first EIS comment period in 2012, of the 1,126 oral and written comments received, 822 (73%) were in opposition to the F-35 basing. {EIS, BR4-15/16}
- B. During the second EIS comment period in 2013, of the 809 letters, handwritten notes, and emails received 644 (80%) were in opposition to the F-35 basing. {EIS Table BR2.5-1}
- C. In March 2018, a Burlington city-wide 6,482-5,237 vote called for the cancelation of the F-35 basing decision. This vote was followed by a Burlington City Council 9-3 vote which requested the F-35 be re-based. {Seven Days and Burlington Free Press, March 2018}
- D. In May 2012 and July 2013, the Winooski City Council passed two Resolutions against the basing of the F-35. {Burlington Free Press, May 2012 and July 2013}
- E. In April 2015, a Winooski city-wide 572-475 vote called for the City to join the federal lawsuit against the Secretary of the Air Force which opposed the basing of the F-35. {VTDigger and Seven Days, April 2015}
- F. In March 2021, Winooski voters overwhelmingly voted 723-354 to halt the F-35 flights. {VTDigger, Burlington Free Press, and Seven Days, March 2021}; and

WHEREAS, Congressional Delegations have the authority and ability to request the Air Force replace existing missions and aircraft with new missions and aircraft; and

WHEREAS, some Congressional Delegations have successfully exercised this authority, for example:

- A. The Minnesota state's Congressional Delegation was involved in successful efforts to get the C-130 transport mission. {Minnesota Air Guard will get Super Hercules transport planes" John Corman 9-16-2023}
- B. Efforts by Ohio's Congressional Delegation succeeded in getting the Air Force to transition to a new cyber mission. {"Ohio's Lawmakers Applaud Air Force Decision to Name Mansfield-Lahm as the Preferred Location for New Cyber Warfare Wing" Press Release from Congressman Balderson. 8-26-2021}

* * * * *

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

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

- C. Gov. Sisolak and Nevada's entire congressional delegation were successful in getting the Air Force to assign them a new regional aeromedical evacuation squadron to respond to emergencies and disasters. {"Nevada Touts Reno for New Squadron" Air Force Times, 1-20-2020}
- D. Alaskan Senator Mark Begich was successful in his request to the Air Force to abandon its plans to move F-16s from Eielson AFB to Joint Base Elmendorf. {"F-16 transfer debate highlights flaws in Senate's decision-making" Robert F. Dorr, Air Force Times, July 9, 2012 page 5}; and

WHEREAS, the Vermont Congressional Delegation is aware of the facts of the F-35 basing process, the harms being done to thousands of Vermonters from the presence of the F-35, and their authority to request and urge the United States Air Force to replace the F-35 mission with a mission that is compatible with residential neighborhoods;

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council and the Mayor of the City of Burlington request the Vermont Congressional Delegation contact the Secretary of the United States Air Force requesting they replace the current F-35 mission with a mission that causes no harmful noise to the people living around the airport, no substantively adverse economic impact to the airport or community, and a mission that is fully compatible with residential neighborhoods; and

BE IT FURTHER RESOLVED that this resolution be delivered to the Vermont Congressional Delegation and to the City Councils of South Burlington and Winooski, and the Selectboards of Colchester and Williston by the Clerk/Treasurer's Office within five working days of the adoption of the resolution; and

BE IT FURTHER RESOLVED that the City Council President appoint a tri-partisan committee to follow up on this resolution with the Congressional Delegation and their staff, and report back regularly to the full Council on their progress. This committee shall exist until a formal response is received from either the United States Air Force or the Congressional Delegation, at which point the committee shall prepare and submit a final report to the full Council, summarizing the committee's work, the response received, and any recommendations on next steps; and

BE IT FURTHER RESOLVED that the City Council respectfully requests that the Mayor meet with the leadership of our airport and the Vermont Air National Guard and, on or by October 1, 2024, report back to the City Council on the status of collaborative noise mitigation efforts, VTANG's contributions to the airport's capital infrastructure, and how, if at all, this resolution may impact VTANG's future operations at the airport.

* * * * *

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

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION REQUEST THE
SECRETARY OF THE UNITED STATES AIR FORCE REPLACE THE CURRENT F-35
MISSION WITH ONE THAT CAUSES NO HARMFUL NOISE TO THE PEOPLE LIVING
AROUND THE AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH
RESIDENTIAL NEIGHBORHOODS

233 GB/Resolutions 2024/*Requesting Vermont's Congressional Delegation Request The Secretary Of the United States Air Force Replace The Current*
234 *F-35 Mission With One That Causes No Harmful Noise To The People Living Around The Airport, And One That Is Fully Compatible With*
235 *Residential Neighborhoods*
236 08/12/2024

* * * * *

DISTRIBUTION:

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

see attached, page 8

* * * * *

ORIGINAL

RESOLUTION RELATING TO

Requesting Vermont's Congressional Delegation Request The Secretary of The United
States Air Force Replace the Current F-35 Mission With One That Causes No Harmful
Noise to the People Living Around the Airport, and One that is Fully Compatible
With Residential Neighborhoods

As amended

Adopted by the City Council

August 12, 2024

[Signature] Clerk

Approved August 13, 2024

[Signature] Mayor

Vol. Page

[Signature]
Attest:
Lori Olberg
Licensing and Records Coordinator

Resolution Relating to

CHANGES TO CITY CHARTER ARTICLES 62, 63, AND 65
REGARDING POLICE OVERSIGHT
SHORT FORM BALLOT QUESTION

RESOLUTION_____

Sponsor(s): Councilor Bergman
Committee
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, over the past several years, as part of its continued commitment to oversight and
2 accountability, the City Council and the Administration have continued to take steps to revise Burlington’s
3 police oversight, transparency, and accountability practices; and
4 WHEREAS, pursuant to a resolution adopted by the Council on February 6, 2023, the City Council
5 requested the Ordinance Committee and Charter Change Committee to hold joint meetings, allowing for
6 community and stakeholder input on the disciplinary authority of the Chief of Police, the oversight role of the
7 Police Commission, and the creation of a separate community oversight body independent from the
8 Burlington Police Department; and
9 WHEREAS, over a span of eight months, the Joint Ordinance and Charter Change Committee met
10 fourteen times, seeking and receiving community and stakeholder input on the issues; and
11 WHEREAS, the Joint Committee voted to move forward a proposed charter change for public
12 comment with the understanding it may be placed upon the ballot after a final vote of the Burlington City
13 Council; however, after the first public hearing before the City Council on January 16, 2024 it was referred to
14 the Police Commission for review and comment; and
15 WHEREAS, the Police Commission met over the span of three months and brought forth their
16 thoughts to the City Council prior to the proposed Charter Change being brought back up by the Charter
17 Change Committee who met substantively four times regarding police oversight between June 12, 2024 and
18 July 1, 2024; and
19 WHEREAS, the Charter Change Committee unanimously referred the proposed language below to the
20 full City Council for consideration and voted 2-1 to place the proposed language on the November 5, 2024
21 ballot and warn the language for public hearing; and
22 WHEREAS, the City Council approved the amendments to the city charter recommended by the
23 Charter Change Committee and requested the Mayor to place the following question on the ballot of the
24 Special City Meeting (corresponding with the General Election) to be held on November 5, 2024 and the City
25 Clerk to set public hearings on this question in accordance with Charter §303 and 17 V.S.A. § 2645:

"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to amend Article 62, Police Department; Article 63, Chief of Police and Captain; and Article 65, Removal or Suspension, thereto to read as follows:

ARTICLE 62. POLICE DEPARTMENT

183 Board of police commissioners; composition; terms.

The board of police commissioners shall consist of seven (7) legal voters and should represent the diverse nature of said city's constituents, including those from historically marginalized communities, to be appointed by the city council with mayor presiding to serve for three (3) years and until their successors are appointed and qualified.

184 Same-powers and duties.

(a) The city council shall make rules and regulations for the government of the entire police ~~force-department~~ and shall fix the qualifications of applicants for positions and service on said ~~force-department~~ and, to the extent permitted by applicable law, the chief of police shall furnish the city council with any information they may require concerning the finances of the police department. The chief of police shall be responsible for all expenditures made by the police department and no expenditures shall be made by the department except in conformity with the standards promulgated by the city council.

(b) The board of police commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the police department, its services and facilities, as may be delegated from time to time by resolution, ordinances, and orders of the city council. Said board shall notify the mayor, ~~and the~~ chief administrative officer, and city council, in writing, of any and all changes, modifications or additions to the rules and regulations of the department.

(c) Without limitation to the foregoing, the board of police commissioners and the chief of police may propose rules and regulations for the government of the entire police department in a manner not inconsistent with those established by the city council. Adoption of such proposed rules and regulations requires joint approval by the board of police commissioners and the chief of police. In the event joint approval is not provided by the board of police commissioners and the chief of police, either party may bring forward to the city council the proposed rule or regulation for the city council's consideration.

(d) The board of police commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the police department. The mayor's proposed budget and the city council shall annually appropriate an amount necessary for the adequate support and facilitation of such review. To the greatest extent permitted by law, the chief of police shall provide the board of police commissioners timely updates of any review, investigation, or disposition of alleged misconduct. The board of police commissioners shall have the ability to request additional information from the chief of police and access to those documents or other evidence relied upon by the chief of police in reviewing allegations of misconduct as the city council shall designate by ordinance. For complaints of alleged misconduct that constitute an offense subject to an investigation of the Vermont Criminal Justice Training Council pursuant to 20 V.S.A 2401 et seq. or for which the chief of police intends to impose discipline constituting loss of pay, suspension, or termination, the complaint may not be disposed until the board of police commissioners is notified of the proposed disposition.

After receiving notice from the chief of police of the recommended or actual disposition relating to the review of alleged misconduct, the board of police commissioners shall have the authority to:

(i) recommend an alternative disposition to the chief of police within a time established by ordinance; or

(ii) independently investigate any allegation of misconduct by members of the police department upon a 2/3 majority vote. Such investigation or review shall be conducted by an independent investigator hired by the board of police commissioners, and approved by the city attorney's office, and completed within a time established by ordinance. Upon the conclusion of such an investigation, the board of police commissioners may make a recommendation per subsection (i). The board of police commissioners shall not have the authority to investigate or impose discipline upon the chief of police. Matters regarding the alleged misconduct of the chief of police shall be addressed in conformity with section 190(b) of this Charter and other relevant Vermont statutes.

(e) Upon receiving a recommendation by the board of police commissioners in subsection (d), the chief of police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the chief of police rejects the recommendation, the chief of police shall immediately notify the board of police commissioners. Upon receiving notice of the rejection, the board of police commissions may, upon a 2/3 majority vote, request that an independent panel decide the disposition of the matter within a time established by ordinance, subject to the notice and hearing provisions set forth in in Article 62, section 190(a). The disposition of the independent panel shall be final, subject to any applicable right of appeal or grievance process.

This independent panel shall consist of three (3) to five (5) persons appointed per ordinance.

ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

185 Officers of police ~~force~~department designated.

(a) The direction and control of the entire police ~~force~~department, except as herein otherwise provided, shall be vested in a police officer who shall be called the chief of police, and such other ranking police officers as the city council shall authorize, subject to the ordinances, resolutions, and orders of the city council; and, provided that the mayor shall retain the powers and duties of chief executive officer pursuant to §116. The order of rank and succession within the police department shall be as designated by the city council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

ARTICLE 65. REMOVAL OR SUSPENSION

190 Chief of police may remove member for cause; hearing.

(a) Whenever it shall appear to the chief of police that any member of said ~~force~~police department has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the chief of police by a responsible person against such member, the chief of police may investigate and, after appropriate notice and hearing, dismiss such member from the ~~force~~police department, order a reduction in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the chief of police's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the charges being considered. In connection therewith, the chief of police shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b. The board of police commissioners, or in the case it has already offered an opinion on discipline pursuant to §184(d)(i), or in the case that the voting number of commissioners falls below four (4) due to declared actual or apparent conflict(s) of interest, an independent panel comprised as in §184(e) shall hear any appeal filed in a timely manner with respect to such actions of the police chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such

board of regulation. Following its consideration of any such appeal, the board may affirm, modify, or vacate the decision made by the police chief.

(b) Whenever it shall appear to the mayor that the chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the mayor by a responsible person, the mayor may suspend the chief of police from duty pending a hearing thereon by the city council. The city council shall forth-with notify the chief of police of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the chief of police reasonable notice of the same, not less than 48 hours, and the city council shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b.

(c) If, upon hearing, the city council shall find such complaints or charges to be well founded, it may dismiss the chief of police from the ~~force~~ police department, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this Charter as pertains to the removal of the chief of police.

(d) The chief of police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the police department that may seem to the chief of police sufficient, suspend from duty without pay any member of the police ~~force~~ department for a period not to exceed 14 days.”

NOW, THEREFORE, BE IT RESOLVED that pursuant to 17 V.S.A. Sec. 2645(a)(7) the City Council hereby determines that the proposed charter amendment is too long or unwieldy to be shown in the amendment form and determines that the printed ballot shall utilize a short form question to read:

“Shall the Charter of the City of Burlington, Acts of 1949, No. 298, as amended, be further amended by amending Title VI, Article 62, Sections 183-184, Article 63, Section 185, and Article 65, Section 190 as follows: to further define the role of the police chief and police commission, providing opportunity for the police chief and police commission to jointly establish rules and regulations for the police department and for the city council to resolve any dispute with respect to the same and for the council to delegate the authority for auditing or monitoring of the police department to the police commission; adding the intent for the police commission to represent the diverse nature of the city’s constituents; providing a process for review of alleged misconduct of members of the police department, with opportunity for review and recommendation by the police commission, including the ability to review documents and other evidence relevant to the allegation as the city council shall determine by ordinance, on any disposition of an allegation of misconduct by any member of the police department, aside from the chief, who shall continue to answer to the city council for any such allegation; creating an independent panel consisting of three to five members as appointed by ordinance for determination of the disposition of an allegation of misconduct (subject to appeal rights), where the chief of police does not accept the police commission’s recommendation and after 2/3 vote of the police commission; and, provided that department members shall retain appeal rights of any such disposition to the police commission or in the case of conflict of such body, the independent panel?”

*Materials underlined added

151 **Materials stricken deleted
152
153 KS/Resolutions 2024/*Changes to City Charter Arts. 62, 63, & 65 Regarding Police Oversight-Short Form Ballot Question*
154 8/08/24

Resolution Relating to

CHANGES TO CITY CHARTER ARTICLES 62, 63, AND 65
REGARDING POLICE OVERSIGHT
SHORT FORM BALLOT QUESTION

RESOLUTION 7.9.

Sponsor(s): Councilor Bergman
Committee

Introduced: 08/12/24

Referred to: _____

Action: adopted

Date: 08/12/24

Signed by Mayor: 08/13/24

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, over the past several years, as part of its continued commitment to oversight and
2 accountability, the City Council and the Administration have continued to take steps to revise Burlington's
3 police oversight, transparency, and accountability practices; and

4 WHEREAS, pursuant to a resolution adopted by the Council on February 6, 2023, the City Council
5 requested the Ordinance Committee and Charter Change Committee to hold joint meetings, allowing for
6 community and stakeholder input on the disciplinary authority of the Chief of Police, the oversight role of the
7 Police Commission, and the creation of a separate community oversight body independent from the
8 Burlington Police Department; and

9 WHEREAS, over a span of eight months, the Joint Ordinance and Charter Change Committee met
10 fourteen times, seeking and receiving community and stakeholder input on the issues; and

11 WHEREAS, the Joint Committee voted to move forward a proposed charter change for public
12 comment with the understanding it may be placed upon the ballot after a final vote of the Burlington City
13 Council; however, after the first public hearing before the City Council on January 16, 2024 it was referred to
14 the Police Commission for review and comment; and

15 WHEREAS, the Police Commission met over the span of three months and brought forth their
16 thoughts to the City Council prior to the proposed Charter Change being brought back up by the Charter
17 Change Committee who met substantively four times regarding police oversight between June 12, 2024 and
18 July 1, 2024; and

19 WHEREAS, the Charter Change Committee unanimously referred the proposed language below to the
20 full City Council for consideration and voted 2-1 to place the proposed language on the November 5, 2024
21 ballot and warn the language for public hearing; and

22 WHEREAS, the City Council approved the amendments to the city charter recommended by the
23 Charter Change Committee and requested the Mayor to place the following question on the ballot of the
24 Special City Meeting (corresponding with the General Election) to be held on November 5, 2024 and the City
25 Clerk to set public hearings on this question in accordance with Charter §303 and 17 V.S.A. § 2645:

* * * * *

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

CHANGES TO CITY CHARTER ARTICLES 62, 63, AND 65
REGARDING POLICE OVERSIGHT
SHORT FORM BALLOT QUESTION

"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to amend Article 62, Police Department; Article 63, Chief of Police and Captain; and Article 65, Removal or Suspension, thereto to read as follows:

ARTICLE 62. POLICE DEPARTMENT**183 Board of police commissioners; composition; terms.**

The board of police commissioners shall consist of seven (7) legal voters ~~and should represent the diverse nature of~~ said city's ~~constituents, including those from historically marginalized communities,~~ to be appointed by the city council with mayor presiding to serve for three (3) years and until their successors are appointed and qualified.

184 Same-powers and duties.

~~(a) The city council shall make rules and regulations for the government of the entire police force department and shall fix the qualifications of applicants for positions and service on said force department and, to the extent permitted by applicable law, the chief of police shall furnish the city council with any information they may require concerning the finances of the police department. The chief of police shall be responsible for all expenditures made by the police department and no expenditures shall be made by the department except in conformity with the standards promulgated by the city council.~~

~~(b) The board of police commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the police department, its services and facilities, as may be delegated from time to time by resolution, ordinances, and orders of the city council. Said board shall notify the mayor, and the chief administrative officer, and city council, in writing, of any and all changes, modifications or additions to the rules and regulations of the department.~~

~~(c) Without limitation to the foregoing, the board of police commissioners and the chief of police may propose rules and regulations for the government of the entire police department in a manner not inconsistent with those established by the city council. Adoption of such proposed rules and regulations requires joint approval by the board of police commissioners and the chief of police. In the event joint approval is not provided by the board of police commissioners and the chief of police, either party may bring forward to the city council the proposed rule or regulation for the city council's consideration.~~

~~(d) The board of police commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the police department. The mayor's proposed budget and the city council shall annually appropriate an amount necessary for the adequate support and facilitation of such review. To the greatest extent permitted by law, the chief of police shall provide the board of police commissioners timely updates of any review, investigation, or disposition of alleged misconduct. The board of police commissioners shall have the ability to request additional information from the chief of police and access to those documents or other evidence relied upon by the chief of police in reviewing allegations of misconduct as the city council shall designate by ordinance. For complaints of alleged misconduct that constitute an offense subject to an investigation of the Vermont Criminal Justice Training Council pursuant to 20 V.S.A 2401 et seq. or for which the chief of police intends to impose discipline constituting loss of pay, suspension, or termination, the complaint may not be disposed until the board of police commissioners is notified of the proposed disposition.~~

~~After receiving notice from the chief of police of the recommended or actual disposition relating to the review of alleged misconduct, the board of police commissioners shall have the authority to:~~

~~(i) recommend an alternative disposition to the chief of police within a time established by ordinance; or~~

* * * * *

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

CHANGES TO CITY CHARTER ARTICLES 62, 63, AND 65
REGARDING POLICE OVERSIGHT
SHORT FORM BALLOT QUESTION

(ii) independently investigate any allegation of misconduct by members of the police department upon a 2/3 majority vote. Such investigation or review shall be conducted by an independent investigator hired by the board of police commissioners, and approved by the city attorney's office, and completed within a time established by ordinance. Upon the conclusion of such an investigation, the board of police commissioners may make a recommendation per subsection (i). The board of police commissioners shall not have the authority to investigate or impose discipline upon the chief of police. Matters regarding the alleged misconduct of the chief of police shall be addressed in conformity with section 190(b) of this Charter and other relevant Vermont statutes.

(e) Upon receiving a recommendation by the board of police commissioners in subsection (d), the chief of police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the chief of police rejects the recommendation, the chief of police shall immediately notify the board of police commissioners. Upon receiving notice of the rejection, the board of police commissions may, upon a 2/3 majority vote, request that an independent panel decide the disposition of the matter within a time established by ordinance, subject to the notice and hearing provisions set forth in in Article 62, section 190(a). The disposition of the independent panel shall be final, subject to any applicable right of appeal or grievance process.

This independent panel shall consist of three (3) to five (5) persons appointed per ordinance.

ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

185 Officers of police ~~force-department~~ designated.

(a) The direction and control of the entire police ~~force-department~~, except as herein otherwise provided, shall be vested in a police officer who shall be called the chief of police, and such other ranking police officers as the city council shall authorize, subject to the ordinances, resolutions, and orders of the city council; and, provided that the mayor shall retain the powers and duties of chief executive officer pursuant to §116. The order of rank and succession within the police department shall be as designated by the city council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

ARTICLE 65. REMOVAL OR SUSPENSION

190 Chief of police may remove member for cause; hearing.

(a) Whenever it shall appear to the chief of police that any member of said ~~force-police department~~ has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the chief of police by a responsible person against such member, the chief of police may investigate and, after appropriate notice and hearing, dismiss such member from the ~~force-police department~~, order a reduction in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the chief of police's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the charges being considered. In connection therewith, the chief of police shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b. The board of police commissioners, or in the case it has already offered an opinion on discipline pursuant to §184(d)(i), or in the case that the voting number of commissioners falls below four (4) due to declared actual or apparent conflict(s) of interest, an independent panel comprised as in §184(e) shall hear any appeal filed in a timely manner with respect to such actions of the police chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such

* * * * *

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

CHANGES TO CITY CHARTER ARTICLES 62, 63, AND 65
REGARDING POLICE OVERSIGHT
SHORT FORM BALLOT QUESTION

board of regulation. Following its consideration of any such appeal, the board may affirm, modify, or vacate the decision made by the police chief.

(b) Whenever it shall appear to the mayor that the chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the mayor by a responsible person, the mayor may suspend the chief of police from duty pending a hearing thereon by the city council. The city council shall forth-with notify the chief of police of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the chief of police reasonable notice of the same, not less than 48 hours, and the city council shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b.

(c) If, upon hearing, the city council shall find such complaints or charges to be well founded, it may dismiss the chief of police from the ~~foree police department~~, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this Charter as pertains to the removal of the chief of police.

(d) The chief of police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the police department that may seem to the chief of police sufficient, suspend from duty without pay any member of the police ~~foree-department~~ for a period not to exceed 14 days."

NOW, THEREFORE, BE IT RESOLVED that pursuant to 17 V.S.A. Sec. 2645(a)(7) the City Council hereby determines that the proposed charter amendment is too long or unwieldy to be shown in the amendment form and determines that the printed ballot shall utilize a short form question to read:

"Shall the Charter of the City of Burlington, Acts of 1949, No. 298, as amended, be further amended by amending Title VI, Article 62, Sections 183-184, Article 63, Section 185, and Article 65, Section 190 as follows: to further define the role of the police chief and police commission, providing opportunity for the police chief and police commission to jointly establish rules and regulations for the police department and for the city council to resolve any dispute with respect to the same and for the council to delegate the authority for auditing or monitoring of the police department to the police commission; adding the intent for the police commission to represent the diverse nature of the city's constituents; providing a process for review of alleged misconduct of members of the police department, with opportunity for review and recommendation by the police commission, including the ability to review documents and other evidence relevant to the allegation as the city council shall determine by ordinance, on any disposition of an allegation of misconduct by any member of the police department, aside from the chief, who shall continue to answer to the city council for any such allegation; creating an independent panel consisting of three to five members as appointed by ordinance for determination of the disposition of an allegation of misconduct (subject to appeal rights), where the chief of police does not accept the police commission's recommendation and after 2/3 vote of the police commission; and, provided that department members shall retain appeal rights of any such disposition to the police commission or in the case of conflict of such body, the independent panel?"

*Materials underlined added

* * * * *

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

151 **Materials stricken deleted

152
153 KS Resolutions 2024 *Changes to City Charter Arts. 62, 63, & 65 Regarding Police Oversight-Short Form Ballot Question*
154 8/08/24

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

Changes To City Charter Articles 62, 63, And 65 Regarding Police Oversight Short Form

Ballot Question.....

.....

Adopted by the City Council

August 12 24

 Clerk

Approved August 13, 20 24

 Mayor

Attest:

Vol. Page

* * * * *

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

A Regulation in Relation to

Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on Rides Originating from the Patrick Leahy Burlington International Airport

ORDINANCE _____
Sponsor: Ordinance Committee
Public Hearing Dates: _____
First reading: July 15, 2024
Referred to: Ordinance Committee
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 Appendix E, Burlington International Airport Rules and Regulations, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Chapter 1, Ground Transportation, thereof to read as follows:

Articles I-III. As written.

Article IV. Operations

Sub article 1. General Operations. As written.

Sub article 2. Taxicab and Limousine Operations

Sections 4.13-4.16 As written.

Section 4.17 Meter Use Required.

(a) Notwithstanding any provision of Chapter 30 of the Code of Ordinances of the City of Burlington, all persons operating taxicabs, limousines, or vehicles for hire, as that term is defined in Burlington City Ordinance Chapter 30-1, shall be required to utilize a taximeter to calculate all fares originating from the Airport queue line for rides expected to be fifty (50) miles or less in duration. Such persons are required to charge no more than the rates established and published by the Vehicle for Hire Licensing Board.

(b) This requirement shall not apply to rides that have been pre-arranged by phone, online reservation, or any method by which both the ride and the rate have been pre-arranged and pre-agreed by both the driver and passenger(s) prior to the driver entering the queue line.

Sub-Article 3. Buses

4.178 Registration and operation generally. As written.

4.189 Filing schedules and rates of fare. As written.

23 ~~4.19~~20 Loading and discharging of passengers. *As written.*

24 Sub article 4. Courtesy Carriers and Contract Carriers

25 ~~4.20~~1 Registration and operation generally. *As written.*

26 ~~4.21~~2 Equipment, inspection and maintenance. *As written.*

27 ~~4.22~~3 Loading and discharging of passengers. *As written.*

28 Articles V-VIII. *As written.*

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46 * Material underlined added.

47 ** Material struck through deleted.

48

49

50 Ordinance Committee/HM/Ordinances 2024/ Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on
51 Rides Originating from the Patrick Leahy Burlington International Airport
52 August 12, 2024

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

A Regulation in Relation to

Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on Rides Originating from the Patrick Leahy Burlington International Airport

ORDINANCE 7.10.

Sponsor: Ordinance Committee

Public Hearing Dates: _____

First reading: July 15, 2024

Referred to: Ordinance Committee

Rules suspended and placed in all

stages of passage: _____

Second reading: 08/12/24

Action: adopted as amended

Date: 08/12/24

Signed by Mayor: 08/13/24

Published: 08/21/24

Effective: 09/11/24

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

That Appendix E, Burlington International Airport Rules and Regulations, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Chapter 1, Ground Transportation, thereof to read as follows:

Articles I-III. As written.

Article IV. Operations

Sub article 1. General Operations. As written.

Sub article 2. Taxicab and Limousine Operations

Sections 4.13-4.16 As written.

Section 4.17 Meter Use Required.

(a) Notwithstanding any provision of Chapter 30 of the Code of Ordinances of the City of Burlington, all persons operating taxicabs, limousines, or vehicles for hire, as that term is defined in Burlington City Ordinance Chapter 30-1, shall be required to utilize a taximeter to calculate all fares originating from the Airport queue line for rides expected to be fifty (50) miles or less in duration. Such persons are required to charge no more than the rates established and published by the Vehicle for Hire Licensing Board.

(b) This requirement shall not apply to rides that have been pre-arranged by phone, online reservation, or any method by which both the ride and the rate have been pre-arranged and pre-agreed by both the driver and passenger(s) prior to the driver entering the queue line.

Sub-Article 3. Buses

4.178 Registration and operation generally. As written.

4.189 Filing schedules and rates of fare. As written.

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

Distribution

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

Attest:

* * * * *

* * * * *

23 **~~4.19~~20 Loading and discharging of passengers. *As written.***

24 **Sub article 4. Courtesy Carriers and Contract Carriers**

25 **~~4.20~~1 Registration and operation generally. *As written.***

26 **~~4.21~~2 Equipment, inspection and maintenance. *As written.***

27 **~~4.22~~3 Loading and discharging of passengers. *As written.***

28 **Articles V-VIII. *As written.***

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46 * Material underlined added.

47 ** Material struck through deleted.

48

49

50 Ordinance Committee/HM/Ordinances 2024/ Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on
51 Rides Originating from the Patrick Leahy Burlington International Airport
52 August 12, 2024

ORIGINAL

AN ORDINANCE IN RELATION TO

Certain Updates to Appendix E of the Burlington
Code of Ordinance Regarding Taxi Fares on Rides
Originating from the Patrick Leahy Burlington
International Airport

Introduced by _____
Ordinance Committee

Read in City Council first time

July 15, 2024

Attest, _____, Clerk.

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

_____, 2024

Attest, _____, Clerk.

Read in City Council second time

August 12, 2024

Attest, _____, Clerk.

Passed in City Council at meeting held

August 12, 2024

Attest, _____, Clerk.

Approved August 13, 2024
_____, Mayor.

I, CAO Katherine Schadt, 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,
Wednesday August 20, 2024.

namely the 21st day of August, 2024.

Adopted 08/12/24 Published 08/21/24 Effective 09/11/24
CAO, City Clerk

Distribution

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

Attest:

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

Updates to Chapter 30 of the Burlington Code of Ordinances to
Update to the Vehicle for Hire Board Composition; Require
Vehicle for Hire Operators to Accept Electronic Payment for Fares

ORDINANCE _____
Sponsor: Ordinance Committee
Public Hearing Dates: _____
First reading: July 15, 2024
Referred to: Ordinance Committee
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 30, Vehicles for Hire, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 30-4 and 30-22 thereof to read as follows:

30-4 Licensing Board.

(a) A vehicle for hire licensing board (board) is established, which shall be composed of five (5) members appointed by the city council with mayor presiding. The initial terms of the members shall be staggered. The first two (2) shall be appointed for a term of three (3) years, and the remaining three (3) shall be appointed for a term of two (2) years. Thereafter, all such appointments shall be for a term of three (3) years commencing the first day of July following their appointment and continuing until their successors have been appointed and qualified. In making appointments, the city council with mayor presiding should consider including members of the general public who use vehicles for hire, representatives of the vehicle for hire industry, representatives from the public safety community, and any other persons expressing an interest in serving, but they are not required to satisfy each category of representatives when making appointments. Terms of board members shall be for three (3) years. Three (3) members of the board shall constitute a quorum. In the event that a quorum of members is unavailable for good cause in the assessment of the Chair to conduct regular, monthly business of the Board, the Chair shall notify the Chair of the transportation, energy, and utilities committee of the City Council, who may appoint any member of the committee to sit on the Board as an alternative, voting member(s) to form a quorum until such time as a quorum of regular Board members is attained.

(b) – (c). As written.

23 ...

24 **30-22 Pre-agreement and disclosure on rates.**

25 (a) *As written.*

26 (b) *As written.*

27 (c) ~~Except as provided below, no licensee may charge a rate that has not been disclosed prior to the~~
28 ~~passenger's entering the vehicle.~~ Effective January 1, 2025, all vehicles for hire, including taxicabs, shall be
29 required to accept electronic means of payment for fares through at least two major national credit card
30 and/or debit card carriers. Upon passage and until this requirement becomes effective, vehicles for hire that
31 do not accept such method of payment must clearly disclose the same to passengers verbally before the
32 passenger(s) enters the vehicle and by prominent signage displayed in the vehicle and visible from the
33 exterior. Such signage shall be of the form as determined and approved by the Vehicle for Hire
34 Administration Office.

35 (d) Except as provided elsewhere in this Chapter below, no licensee may charge a rate that has not been
36 disclosed prior to the passengers entering the vehicle.

37

38 **30-23 Taxi rides.**

39 (a) Notwithstanding Section 30-22, vehicles for hire operating as taxicabs and picking up street hails shall
40 use a meter for setting fares, and shall charge no more than the meter rates set by the board.

41 (b) A driver or licensee operating as a taxicab and using a meter for determining fares shall not tamper
42 with, alter, or connect any unauthorized device to the taximeter or make any change in the taximeter that
43 would affect its operation.

44 (c) Any taximeter shall be subject to inspection by the city at any time. If any violation or any inaccuracy is
45 discovered, the administration office shall notify the taxicab driver and/or licensee for whom the driver is
46 operating to cease operation and shall order the vehicle out of service. The taxicab shall be kept out of
47 service until the taximeter is repaired, the required working condition is restored, and the taximeter is
48 resealed.

49 **30-24 Dynamic market pricing.**

50 (a) Licensees may utilize dynamic market or surge pricing in the city or at the airport; provided, that the
51 licensee provides clear and visible indication that such pricing is in effect before a passenger requests a ride
52 and includes a feature that requires riders to confirm that they understand such pricing will be applied in
53 order for the ride request to be completed.

(b) Licensees shall establish and implement a written policy capping dynamic pricing during disasters and relevant states of emergency and shall make this policy available on its website or application.

* Material stricken out deleted.

** Material underlined added.

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

Updates to Chapter 30 of the Burlington Code of Ordinances to
Update to the Vehicle for Hire Board Composition; Require
Vehicle for Hire Operators to Accept Electronic Payment for Fares

ORDINANCE 7.11.

Sponsor: Ordinance Committee

Public Hearing Dates: _____

First reading: July 15, 2024

Referred to: Ordinance Committee

Rules suspended and placed in all

stages of passage: _____

Second reading: 08/12/24

Action: adopted as amended

Date: 08/12/24

Signed by Mayor: 08/13/24

Published: 08/21/24

Effective: 09/11/24

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

1 That Chapter 30, Vehicles for Hire, of the Code of Ordinances of the City of Burlington be and hereby is
2 amended by amending Sections 30-4 and 30-22 thereof to read as follows:

30-4 Licensing Board.

3
4
5
6 (a) A vehicle for hire licensing board (board) is established, which shall be composed of five (5) members
7 appointed by the city council with mayor presiding. The initial terms of the members shall be staggered. The
8 first two (2) shall be appointed for a term of three (3) years, and the remaining three (3) shall be appointed
9 for a term of two (2) years. Thereafter, all such appointments shall be for a term of three (3) years
10 commencing the first day of July following their appointment and continuing until their successors have been
11 appointed and qualified. In making appointments, the city council with mayor presiding should consider
12 including members of the general public who use vehicles for hire, representatives of the vehicle for hire
13 industry, representatives from the public safety community, and any other persons expressing an interest in
14 serving, but they are not required to satisfy each category of representatives when making appointments.
15 Terms of board members shall be for three (3) years. Three (3) members of the board shall constitute a
16 quorum. In the event that a quorum of members is unavailable for good cause in the assessment of the Chair
17 to conduct regular, monthly business of the Board, the Chair shall notify the Chair of the transportation,
18 energy, and utilities committee of the City Council, who may appoint any member of the committee to sit on
19 the Board as an alternative, voting member(s) to form a quorum until such time as a quorum of regular Board
20 members is attained.

21
22 (b) – (c). As written.

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

Distribution

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

Attest:

* * * * *

...

30-22 Pre-agreement and disclosure on rates.

(a) *As written.*

(b) *As written.*

(c) ~~Except as provided below, no licensee may charge a rate that has not been disclosed prior to the passenger's entering the vehicle.~~ Effective January 1, 2025, all vehicles for hire, including taxicabs, shall be required to accept electronic means of payment for fares through at least two major national credit card and/or debit card carriers. Upon passage and until this requirement becomes effective, vehicles for hire that do not accept such method of payment must clearly disclose the same to passengers verbally before the passenger(s) enters the vehicle and by prominent signage displayed in the vehicle and visible from the exterior. Such signage shall be of the form as determined and approved by the Vehicle for Hire Administration Office.

(d) ~~Except as provided elsewhere in this Chapter below, no licensee may charge a rate that has not been disclosed prior to the passengers entering the vehicle.~~

30-23 Taxi rides.

(a) Notwithstanding Section 30-22, vehicles for hire operating as taxicabs and picking up street hails shall use a meter for setting fares, and shall charge no more than the meter rates set by the board.

(b) A driver or licensee operating as a taxicab and using a meter for determining fares shall not tamper with, alter, or connect any unauthorized device to the taximeter or make any change in the taximeter that would affect its operation.

(c) Any taximeter shall be subject to inspection by the city at any time. If any violation or any inaccuracy is discovered, the administration office shall notify the taxicab driver and/or licensee for whom the driver is operating to cease operation and shall order the vehicle out of service. The taxicab shall be kept out of service until the taximeter is repaired, the required working condition is restored, and the taximeter is resealed.

30-24 Dynamic market pricing.

(a) Licensees may utilize dynamic market or surge pricing in the city or at the airport; provided, that the licensee provides clear and visible indication that such pricing is in effect before a passenger requests a ride and includes a feature that requires riders to confirm that they understand such pricing will be applied in order for the ride request to be completed.

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 _____

* * * * *

* * * * *

(b) Licensees shall establish and implement a written policy capping dynamic pricing during disasters and relevant states of emergency and shall make this policy available on its website or application.

* Material stricken out deleted.

** Material underlined added.

ORIGINAL

AN ORDINANCE
IN RELATION TO

Updates to Chapter 30 of the Burlington Code of Ordinance to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares

Introduced by

06060616411 Ordinance Committee

Read in City Council first time

July 15, 2024

Attest,

[Signature], Clerk.

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

_____, 20____.

Attest,

_____, Clerk.

Read in City Council second time

August 12, 2024

Attest,

[Signature], Clerk.

Passed in City Council at meeting held

August 12, 2024

Attest,

_____, Clerk.

Approved

August 13, 2024, 20____

[Signature], Mayor.

I, CAO Katherine Schad, 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 _____ Wednesday _____ day,

namely the _____ 21st _____ day of _____ August _____, 2024.

Adopted _____ 08/12/24 Published _____ 08/21/24 Effective _____ 09/11/24

[Signature] CAO
[Signature] City Clerk

Distribution

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

Attest:



Office of Mayor Emma Mulvaney-Stanak

MEMORANDUM

To: City Council
From: Mayor Emma Mulvaney-Stanak
Date: June 25, 2024
Re: Mayor's Update to City Council

Please find below a written summary of my June 24 verbal Mayor's Update report to City Council.

General Updates from the Mayor

- I delivered my final budget to the City Council tonight and appreciate the collaboration that got us to this point. The FY25 budget is balanced, included no layoffs of city employees, and sets us on an important path of right-sizing our budget so it is affordable and sustainable.
- Community safety advisors will meet a final time on July 9th for their initial work to identify immediate safety improvements the city can take. They will meet alongside city department heads and staff who work on community safety issues. I expect to take core recommendations from this meeting and share them back to the City Council at your August meeting and work to implement what is straightforward as soon as possible.
- We will deliver an update on the camping plan for continual feedback at the July 15th City Council meeting. The update will include answers to questions raised at the June City Council work session. We will also update the Council on our larger efforts to identify more shelter beds within the city ahead of the colder months. The agenda tonight included a memo itemizing the \$50K for basic resources to support three encampment locations per my recommendation in May. The itemized information is in response to the Council's request for more information.
- The Community Justice Center is working with REIB to coordinate and design listening circles on Israel and Gaza conflict with a local focus of these critical conversations. These will be neighborhood based conversations. The CJC is working with two subject matter experts who also have backgrounds in community dialoguing and conflict resolution.

Internal City Highlights

- We are finishing our City Attorney appointment process and expect to bring a strong candidate to the Council on July 15 for confirmation.
- I would like to proudly announce Phet Keomanyvanh (she/her) as our new REIB Interim Director. Phet has been a Program Manager with REIB since 2022 and served as Interim Director of this department for a brief time in 2022. Prior to these roles, Phet served as a Community Engagement Manager within CEDO for several years. In this role, she created the City's

Language Access Policy, the City's Trusted Community Voices Engagement Team with our refugee community members, managed our NPAs, and lead the department's community engagement team. She received her MPA from the University of Vermont and B.A. from the University of North Carolina-Greensboro. Most importantly, Phet is an experienced leader in our City and offers wonderful insights into how we can move our equity work and commitment to racial justice forward as a community.

- I am also proud to announce the appointment of Lynn Reagan (she/her) as our Interim Human Resources Director as of July 1. Lynn is currently the HR Assistant Director and has worked within the city's HR department since 2016. She has worked with most of our city departments and is longest serving HR employee at this point.
- Kara Alnasrawi, Director of Business Workforce and Development, is leading our cross department "hot spot" working group meetings. This group is working to address known hot spots, determine solutions, and replicate successful strategies to new locations to interrupt harmful behavior impacting our community. We have focused on the library and downtown garage and plan to include the Elmwood Pods/bus depot. We are also looking into options to change our approach to retail theft to expand our capacity and BPD will be taking the lead on this critical work.
- I met with the BCA Advisory Board meeting this past month to learn about their role in supporting our department and we had an exciting conversation about public art in our city.

Community Engagement

I met with the following external partners and/or attended the following events in our community since the last council meeting.

- Met with M&T Bank to build relationships
- Met with Warf Lane Residents to discuss building safety concerns
- Attended a Preservation Trust Board meeting
- Briefed on CATMA partnership with the City on alternative transportation methods
- Met with Burlington School District teacher to discuss graffiti collaboration opportunities with students
- Attended Champlain College event on education and innovation and the future of the College
- Met with Climate activists and residents of Burlington looking to strengthen the city's climate goals
- Met with Democracy Next, an international organization focused on community engagement and strengthening democracy
- Attended BHS graduation
- Held two mayoral meet ups in the Central and South Districts
- Attended and celebrated CCTV 40th Anniversary
- Honored former State Rep. Curt McCormack at NPA Ward 2/3
- Spoke at two Juneteenth events and handed out several community awards, including Dr. Vicki Garrison Burlington resident and leader, and youth at AALV and King Street Center
- Welcomed Acting Secretary of HUD Adrienne Todman and Congresswoman Becca Balint to discuss BIPOC home ownership at the Richard Kemp Center

- Spoke at a BED and GMT press conference to announce 5 electric buses
- Met with leaders from Ohavi Zedek Synagogue
- Spoke to VPIRG canvassers
- Attended a queer business event hosted by Mercy Connections
- Spoke at YMCA annual meeting
- Visited King St Laundry
- Met with VT Rail System and tour of railyard
- Spoke at Special Olympics Opening Ceremony – first summer games in person since 2019 and first time back in Burlington
- Kicked off Fletcher Free Library summer reading challenge with my kids

Regional, State and Legislative Activity

- H72 passed! We are beginning to plan initial next steps and held a press gaggle to share information with the community
- Held a legislative session debrief with state delegation last week, planning for the next meeting in late August
- Attending a Chittenden County Town Manager meeting this week with a focus on how to support unhoused people and think about sustainable budgeting practices



Office of Mayor Emma Mulvaney-Stanak

MEMORANDUM

To: City Council
From: Mayor Emma Mulvaney-Stanak
Date: July 20, 2024
Re: Mayor's Update to City Council

Please find below a written summary of my July 15th Mayor's Update report to City Council.

General Updates from Mayor

- **On July 15th I presented Attorney Jessica Brown as my appointment for City Attorney.** Thank you for your unanimous support. Attorney Brown earned her law degree from Georgetown University in May 1996. While there, she was a Public Interest Law Scholar and taught in the University's Street Law Clinic. She has a twenty-year legal career that includes trial work, appellate work, and attorney supervision, and most recently, teaching as Assistant Professor of Law and leading Vermont Law and Graduate School's Center for Justice Reform.

Those who know Attorney Brown, describe her as a collaborative and creative leader, with a deep commitment to equity and justice. As I learned more about her during our appointment process, I was impressed by her leadership experience, thoughtfulness in her approach to complex problem solving, and commitment to public service. We share many values, especially those of equity, responsibility - especially in the context of being good stewards of the public good as leaders, and service.

Finally, and very noteworthy, if confirmed, Attorney Brown will be the first Black woman to serve in the role of City Attorney in our city's history. This is historic and notable as we know that representation matters and the perspectives of women, people of color, and other marginalized voices in our community have for too long been unheard in significant positions such as Mayor and City Attorney. Attorney Brown will begin work with the city on August 19th. Interim City Attorney Joe McNeil will continue to serve in the role until August 19 and will support the Office as needed during the transition.

- **We began the Planning Director hiring process in June.** The job posting closed a few days ago and we are assembling a hiring committee that will include Planning Commission members, Department Heads, an HR department representative, my chief of staff, a Planning Department staff member, and Council President Traverse as the city council representative. This group will screen qualified candidates and make a list of recommended candidates to for my consideration. I hope to conclude the review process by the end of the summer.
- **We will begin the Human Resources Director hiring process in the next couple of weeks.** We will compose the hiring committee in a similar way. The one notable difference will be the inclusion of two union representatives. There are no unionized employees within the Planning Department, so we did not include union representatives in that process. I hope to post the position in August.
- I will bring the **Senior Advisor on Community Safety position** to the Board of Finance on August 5th. I shared the draft job description with city councilors earlier this month. We will post the position the first week of August if approved by the Board and look to hire someone within the month.
- **My Community Safety Advisors met for a last time on July 9th** alongside several city department heads and city staff who work on community safety issues. I hope to convene these advisors again in the late fall/winter to assess where we are and what should come next.

I will be requesting time on the August 12 City Council agenda to share a larger update on community safety work by my administration over the last three months. I identified **6 recommendations for immediate action** from the long list of recommendations offered by the advisors are as follows. I am working with my team and department heads to refine these further and clarify workplans in the coming two weeks. The draft list includes:

- **Improve public safety response effectiveness.**
 - Improve dispatch interactions with the public, including information provided and tone with callers
 - Review how calls are triaged and what entities are selected to respond
 - Develop **public education** on who to call for what/when and how the non-emergency number works and outcome when using that number
 - Update the non-emergency phone menu to increase user-friendliness

- **Re-establish customer service for people seeking help or information at the Police Department Front Desk.**
 - Staff the Front Desk at One North Avenue (need not be a sworn officer)
 - Ensure language access by providing clear and simple informational signage, translated into commonly spoken languages
 - Communicate staffing plan to the public for awareness and education
- **Facilitate more public bathroom access in core city.**
 - Place portable toilets in strategic key areas (Cherry Street, garages, etc.)
 - Create a map of available public bathrooms
 - Create maintenance and safety plan
- **Improve coordination between the Police Department, State's Attorney, and Courts with regard to release and reentry.**
 - Improve real time transparency from court to city partners
 - Explore clinics to resolve low-level charges
 - Create a possible special docket for retail theft cases
- **Use data to inform community safety staffing and coordination.**
 - Review staffing schedules based on heat mapping of incidents and strategic need (e.g., making sure there are officers on duty during beginning and end of school day)
 - Review and better coordinate job assignments and responsibilities (CSL, CSO, officer, Street Outreach, Rangers)
 - Strengthen staff coordinated response for better response/outcomes (ex: not having police respond to a call that escalates situation)
 - Create better information sharing system among city staff and partners
- **Improve case management coordination across partners, including the city.**
 - Schedule a follow up to the 2022 mental health summit
 - Establish process and necessary waivers to allow City departments and community partners to engage in case coordination (look at how we use City Link)
 - Create a Client State case management process like original work of CommStat
- The City received the draft of the Operational Efficiency Study in early July. I am working with CAO Schad, CIO Barker and my Chief of Staff to finalize the Study with the consultant and begin internal meetings with each department leadership team included in the study. We will then share the findings with all department heads in August and create an implementation plan. There are several other relevant studies to consider. We

will share a copy of the Study with City Council, union leadership, and the public soon. I will likely request time on a City Council agenda in September to share an initial implementation plan.

- We planned to share an update on our emergency housing work at the July 15th meeting but it was tabled until August. We will be holding a neighborhood meeting on July 31st in the Manhattan Drive area to discuss the third encampment site we identified to place basic needs resources (dumpster, etc). I will also be meeting with Town Manager again in late July to continue our conversations on coordinated advocacy on the housing emergency in our region.
- I held a third REIB revision meeting with the staff and my office to work on clarifying the vision and mission of our equity work as a city. We will be bringing our draft proposal to the community and then council soon. We strived to incorporate prior work from community members, former city councilors, the past administration, and city staff to honor the work already invested in REIB.
- We held an initial meeting at CommStat in late June to begin identify our first steps in developing an overdose prevention center after the passage of H.72. This preliminary planning work is critical to make sure we have a robust community engagement process and create the conditions for a successful site in our city.

City Highlights

- **Burlington Electric Department** would like your input on where to locate new chargers. Please participate by sharing ideas at www.burlingtonelectric.com/newchargers
- Nancy Stetson from the **Planning Department** will be sharing the **2024 Annual Report with the Police Commission** on July 23. The report covers trends in police incidents, traffic stops, arrests and use of force, and whether there is racial disparity in the outcomes of these events.
- **Leahy International Airport** completed our annual federal inspection. Director Longo reported it was one of the cleanest inspections he has seen at the airport. Congratulations to our airport team for excellent work!
- **Burlington City Arts will host Festival of Fools on August 2-4.**
- **BCA** is also hosting our annual City Hall Park Summer Concert Series 9 lunchtime concerts every Wednesday and Friday at 12:30pm.
- **Parks, Recreation and Waterfront** is hosting Leddy Beach Bites on Wednesdays.
- The **Library** hosted an exciting program on July 18th: Melissa Jacoby, author of "Unjust Debts," joined by Vermont State Treasurer Mike Pieciak.

- **CEDO** reports that on July 31 CHT/Evernorth will be closing on the former VFW with demolition shortly after and then new construction to follow soon.
- **BED is sponsoring the 3rd annual Net Zero Energy Festival at 585 Pine St. On September 21st.**
- **BPRW** unveiled our first tactile map at Waterfront Park in June marking the first inclusive map for people who are visual impaired or disabled in our park system.
- **Burlington Fire Department** celebrated two classes of recruits who joined our ranks in late June at a recognition ceremony at City Hall.
- **REIB, BCA, and BPRW** organized a celebration of the new Embrace and Belonging Sculpture at IAA in the Old North End in June. We were joined by students from IAA and BHS.

Community Engagement

I met with the following external partners and/or attended the following events in our community since the last council meeting.

- CCRP and town manager meeting on housing emergency in our region and a follow up meeting with CCRP, CHT, CEDO
- Howard Center CEO
- CommStat and had an OPC brainstorm
- UVM Rally for professional and clerical staff union
- BHA meeting to monitor the safety and well being of Decker Towers and Wharf Lane
- BPD all-call roll call on July 3rd
- Successful July 3rd Independence Day event
- State Treasurer
- Middlebury Students summer class on sustainability, climate issues, and public service
- Mayor Meet Ups continue each week!
- Vermont League of Cities and Towns
- Tribal Council Meeting with Abenaki leaders
- St Joseph Memorial Garden
- U.S. Health and Human Services Regional Director. There will be a potential tour of Burlington this fall with HHS Secretary Xavier Becerra and Senator Bernie Sanders
- City union leaders meeting

State and Legislative Activity

My monthly department head meeting in August will primarily focus on identifying our initial legislative and state policy needs as a city. The school district will be in attendance. I then plan to meet with our current state delegation in late August to hear their priorities. We will then

prepare a draft for the City Council to consider this fall so we can finalize our legislative agenda in the early winter ahead of the legislative session beginning in January 2025. We will of course include any new legislators elected in November.