



City Council Meeting

Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Please click the link below to join the webinar:

<https://zoom.us/j/91081797319>

Or Telephone: +1 305 224 1968 US

Webinar ID: 910 8179 7319

****CCTV link: https://www.youtube.com/playlist?list=PLIjLFn4BZd2PwCge7lNoKug676jIf_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	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda

2. Public Forum: Time Certain: 6:05 pm ****See above for signup instructions****

Subject	2.1. Verbal Comments
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	2. Public Forum: Time Certain: 6:05 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

3. Work Session: 2025 TMD General Obligation Bond - C/T **6:30 pm - 7:15 pm**

Subject	3.1. Work Session: 2025 TMD General Obligation Bond -C/T **6:30 pm - 7:15 pm**
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Work Session: 2025 TMD General Obligation Bond - C/T **6:30 pm - 7:15 pm**
Department	Clerk/Treasurer's Office
Type	Information Discussion Presentation

4. Mayor - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 10 mins.)

Subject	4.1. Verbal reports
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	4. Mayor - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 10 mins.)
Department	Council and Board
Type	Information

5. City Council - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 5 mins. per City Councilor)

Subject	5.1. Verbal reports
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. City Council - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 5 mins. per City Councilor)
Department	Council and Board
Type	Information

6. Consent Agenda

Subject **6.1. Motion to adopt the consent agenda and take the actions indicated**

Meeting December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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. Accountability List - C/T**

Meeting December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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: Erhard Mahnke, re: Recommended addition to City Legislative Priorities**

Meeting December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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: Dr. Emma Wall Kouri, PhD, re: A plea for healing: an open letter to Burlington City Council**

Meeting December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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: County Assistant Judges, re: Pre-Budget Meeting
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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	6.6. Communication: Timothy C. Doherty, Jr., re: Resignation from the Burlington City Council
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Council and Board
Type	Action (Consent) Communication
Recommended Action	waive the reading, accept the communication and place it on file
Subject	6.7. Shelburne Street and Home Ave Preferred Alternative Approval - DPW
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve the Shelburne Street and Home Avenue Intersection Scoping Study Project Advisory Committee's selection of Alternative 2A to implement an exclusive pedestrian phase at this intersection and to make the additional short- and medium-term improvements described in the report
Subject	6.8. Wastewater Plant Operator Reclassification Grievance Agreement - DPW
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Public Works Department
Type	Action (Consent)

Recommended Action	to approve and authorize the attached "Memorandum of Agreement Between AFSCME Local #1343 and the City of Burlington Re: Grievance Regarding Main Plant Wastewater Operators and Retroactive Pay", authorizing the pay of \$17,750 in total wages to identified, eligible employees presently holding the positions of Wastewater Operator II and Senior Wastewater Operator and employed with the City as of May 5, 2023, and further authorizing the Director of Public Works to execute said agreement on behalf of the City
Subject	6.9. Authorization to Accept Grant Funds from the Patrick Leahy Lake Champlain Basin program and acquire the 0 North Avenue property - BPRW
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	to approve and authorize: 1. Acceptance of \$1,228,592 in grant funds from Patrick Leahy Lake Champlain Basin Program in furtherance of acquisition, improvement, and maintenance of certain property located at 0 North Avenue; and 2. Execution of a grant agreement and all documents necessary to accept the funding by the Director of Parks, Recreation, and Waterfront, subject to the final review and approval of the City Attorney's Office and Chief Administrative Officer; and 3. Acquisition of the 0 North Ave property for a cost not to exceed \$80,000, with the understanding that the land will be conserved in perpetuity, including mayoral execution of a purchase and sale agreement and any other documents necessary to affect the transaction, subject to final review and approval of the City Attorney's Office
Subject	6.10. Proceeding with \$20M Capital Bond Request for TMD 2025 and Delaying Capital-Related Charter Change until TMD 2026 - CAO
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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	6.11. Reassignment of lease for kiosk at the corner of Church St. & College St. - BWD
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Business and Workforce Development

Type	Action (Consent)
Recommended Action	to authorize the Mayor to execute a lease agreement with a term concluding on July 31, 2026 with Taste of France, LLC for food and beverage operations in the College Street Kiosk, subject to final review and approval by the City Attorney's Office
Subject	6.12. Local Health Office Annual Report: 2024
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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	6.13. Communication: JJ Redington, re: Tony Redington Roundabout Dedication
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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	6.14. March 4, 2025 Annual City Election Calendar - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Information Communication
Recommended Action	waive the reading, accept the communication and place it on file
Subject	6.15. Revised: Regular Schedule of Meetings of the Board of Finance and City Council through April 2025 - C/T and CC President
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication, place it on file and approve the dates as listed
Subject	6.16. October 7, 2024 Regular City Council Meeting Minutes, Draft - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 at the December 16, 2024 Regular City Council Meeting
Subject	6.17. October 7, 2024 Board of Civil Authority Meeting Minutes, Draft - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 at the December 16, 2024 Regular City Council Meeting
Subject	6.18. October 28, 2024 Regular City Council Meeting Minutes, Draft - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 at the December 16, 2024 Regular City Council Meeting
Subject	6.19. October 28, 2024 Local Control Commission Meeting Minutes, Draft - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 at the December 16, 2024 Regular City Council Meeting
Subject	6.20. November 12, 2024 Regular City Council Meeting Minutes, Draft - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 minutest at the December 16, 2024 Regular City Council Meeting
Subject	6.21. November 12, 2024 Local Control Commission Meeting Minutes, Draft - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 at the December 16, 2024 Regular City Council Meeting
Subject	6.22. November 18, 2024 Regular City Council Meeting Minutes, Draft - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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 at the December 16, 2024 Regular City Council Meeting
Subject	6.23. November 18, 2024 Board of Civil Authority Meeting Minutes, Draft - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 at the December 16, 2024 Regular City Council Meeting
Subject	6.24. November 18, 2024 Local Control Commission Meeting Minutes, Draft - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 at the December 16, 2024 Regular City Council Meeting
Subject	6.25. November 18, 2024 Local Cannabis Control Commission Meeting Minutes, Draft - C/T
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 at the December 16, 2024 Regular City Council Meeting

Subject 6.26. FIO Documents

Meeting December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication
Information

Recommended Action for information only

7. Deliberative Agenda

Subject 7.1. Resolution: Honoring Barbara Nolfi (Councilor Bergman)

Meeting December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Council and Board

Type Action
Resolution

Recommended Action waive the reading and adopt the resolution

Subject 7.2. Resolution: Authorization For \$18,330,720 Amended Step III Loan From Vermont Clean Water State Revolving Fund And For Construction Contract With PC Construction For Up To \$15,540,800 For Headworks Improvements (Stage 0) At The City's Three Wastewater Plants - DPW (15 mins.)

Meeting December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Public Works Department

Type Action
Resolution

Recommended Action waive the reading and adopt the resolution

Subject 7.3. BED U.S. Department of Transportation Charging & Fueling Infrastructure grant - BED (20 mins.)

Meeting December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	7. Deliberative Agenda
Department	Burlington Electric Department
Type	Action
Recommended Action	to 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 the grant agreement for a U.S. Department of Transportation Federal Highway Administration Charging & Fueling Infrastructure award
Subject	7.4. Ordinance: Energy Benchmarking Of Space Heating In Certain Commercial Properties BCO Chapter 8, Art. VII (TEUC)(20 mins.)
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Deliberative Agenda
Department	Council and Board
Type	Action Ordinance - Second Reading
Recommended Action	waive the second reading and adopt the ordinance
Subject	7.5. BFD Staffing Study Recommendations - Fire (45 mins.)
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Discussion Information Presentation
Subject	7.6. Ordinance: Ordinance Amending B.C.O Sec. 1-9 & Sec. 21-29 Re; defacement of property and ordinance violations targeting individuals on the bases of protected classifications (Ordinance Committee)(15 mins.)
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Deliberative Agenda
Department	Council and Board
Type	Action Ordinance - Second Reading
Recommended Action	to waive the second reading, to amend the ordinance as posted on CivicClerk by removing the private right of action, to adopt the amended ordinance and place in all stages of passage, and to request that the Ordinance Committee, in collaboration with the City Attorney's Office, confer with interested parties of their choosing, at least including the American Civil Liberties Union (ACLU), to report back to the City Council

with further policy or legislative recommendations on addressing hate speech

8. Committee Reports

Subject	8.1. Verbal reports
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Committee Reports
Department	Council and Board
Type	Information

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

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

10. Adjournment

Subject	10.1. Motion to adjourn
Meeting	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

11. Informational and Non-Discrimination Statements

Subject	11.1. 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	December 9, 2024 - Regular City Council Meeting - Monday, December 9, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	11. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information



Town Meeting Day 2025

Prioritizing Affordable Public Infrastructure

December 9, 2024

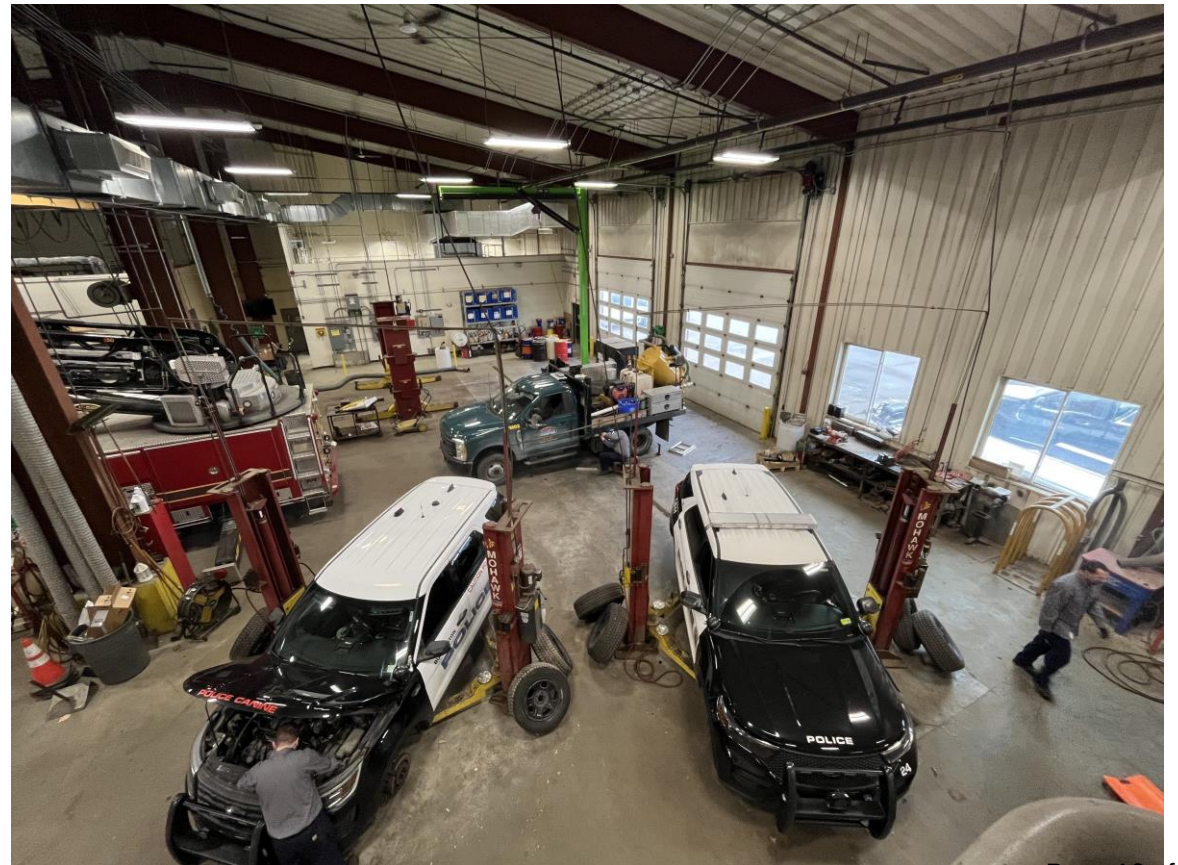


What to Expect Tonight

- Introduction to General Fund Capital Budget
- Brief History of Infrastructure Plan Phase One: 2016-2021
- Review of Infrastructure Plan Phase Two Achievements: 2022-2025
- Infrastructure Plan Phase Three: Where Do We Go From Here?



General Fund Capital Budget 101





General Fund Capital Budget 101

What is a Capital Project?

- City Code of Ordinances: *“A Capital Project is one funded wholly or in part by the City of Burlington and that involves construction, renovation or remodeling of buildings, structures, or parking facilities; street improvements; streetscape improvements; or park or recreational area construction or remodeling.”*
- **Does not** include routine repair or maintenance expenditures.
- GF Capital INCLUDES: DPW, Parks, Facilities, Fire, Police, & Public Art





Prioritizing Affordable Public Infrastructure

Phase One: 2016-2021



Infrastructure Plan Phase One

Phase 1: 2016 -2021



- City's first capital plan approved by City Council and voters approved the first Sustainable Infrastructure General Obligation Bond (\$27.5M).
- Results include:
 - Improved 14 miles of sidewalk
 - Rehabilitated 7 miles of bike path
 - Doubled investments in streets
 - Renovated City Hall and 645 Pine Street (which houses public works, parks and permitting departments).



Prioritizing Affordable Public Infrastructure

Phase Two: 2022-2025



Infrastructure Plan Phase Two

Phase 2: 2022 - 2025

- City's Capital Committee continued implementing infrastructure improvements and voters approved a second General Obligation Bond (\$23.8M) to continue investments.
- The City identified \$151M in capital infrastructure needs.
- City staff presented a plan to leverage \$60M of State and Federal Funding.





Highlights from Infrastructure Plan Phase Two

More than one-quarter (26%) of the \$23.8M bond went to support Burlington's police and fire departments.



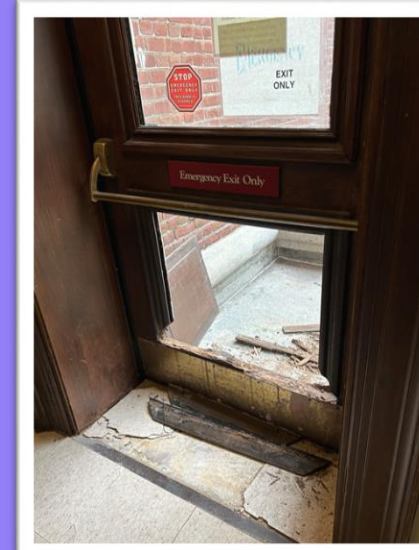
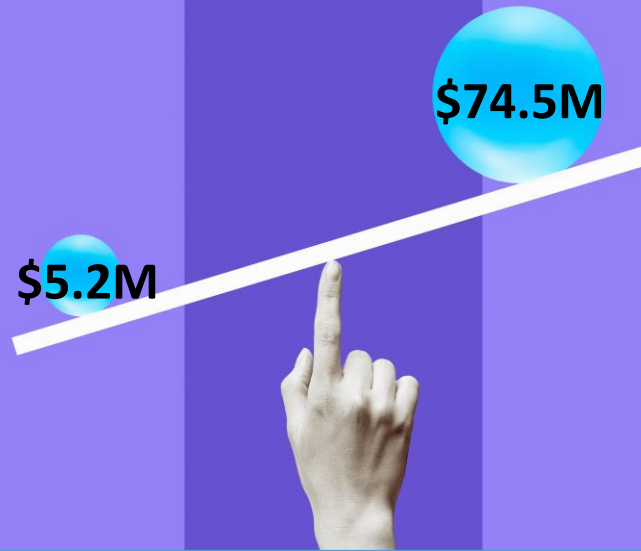
- **Public Safety Communication Infrastructure (\$4M)** – Replaced 20-year radio infrastructure to improve communication coverage that ensures first responders can effectively and quickly communicate with each other across the City.



- **3 New Fire Trucks (\$2.2M)** – City replaced 3 of 8 trucks that were at or beyond their useful life.



Highlights from Infrastructure Plan Phase Two



Project	Description	Local Match (FY23-25)	Grant Funding (FY23-25)
Champlain Parkway	2-lane, 25 MPH road connecting 189 to Burlington's South End, with shared use paths, traffic calming, etc.	\$3,106,191	\$56,811,805
Library Renovations	Historic preservation of the crumbling exterior of the Carnegie portion of the building	\$987,301	\$745,767



Highlights from Infrastructure Plan Phase Two

Street & Sidewalk Improvements – including Traffic Safety Efforts

- ~1-2 mile/year of existing Street (\$1.4M) and Sidewalk (\$2.1M) Paving
- Over 3 years this is approximately an additional 4.5 miles of both streets and sidewalks that have been paved because of the bond
- \$1.5M went to Traffic Calming, intersection improvements, & new bike/ped elements (10-12 projects completed)



Stanford Road – Before/After Paving



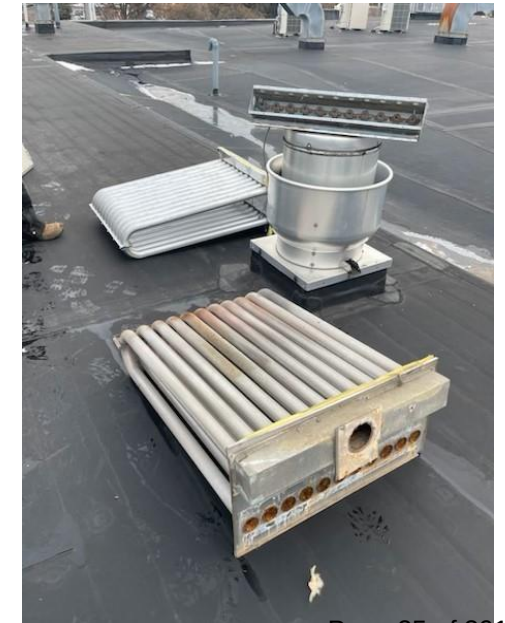
**Birchcliff Pkwy/Linden Terr
– Before/After Raised
Crosswalk**



Highlights from Infrastructure Plan Phase Two

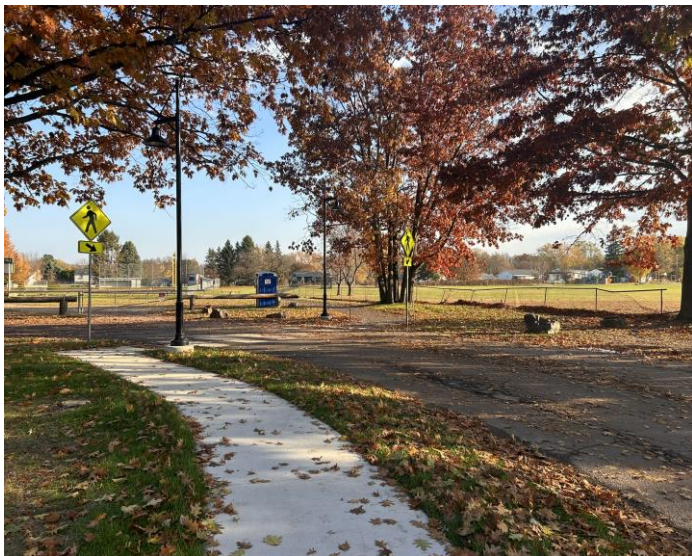
29% (or ~\$7M) of the bond went towards deferred maintenance of City Facilities, including improvements focused on urgent needs, equity and Net Zero goals.

- Leddy Arena Boiler Replacement
- City Hall Sump Tank Replacement
- 1 North Ave Heat Exchanger Replacement





Highlights from Infrastructure Plan Phase Two



11% (or ~\$2.6M) of the bond was reinvested in Park facilities to allow for continued public access and use.

Park Projects Include:

- Oakledge Universally Accessible Playground
- Starr Farm Irrigation (Community Garden)
- Schifilliti Park Path
- Boathouse Dredging





Prioritizing Affordable Public Infrastructure

Phase Three: 2026-2028



Phase Three: \$20M Bond on TMD 2025

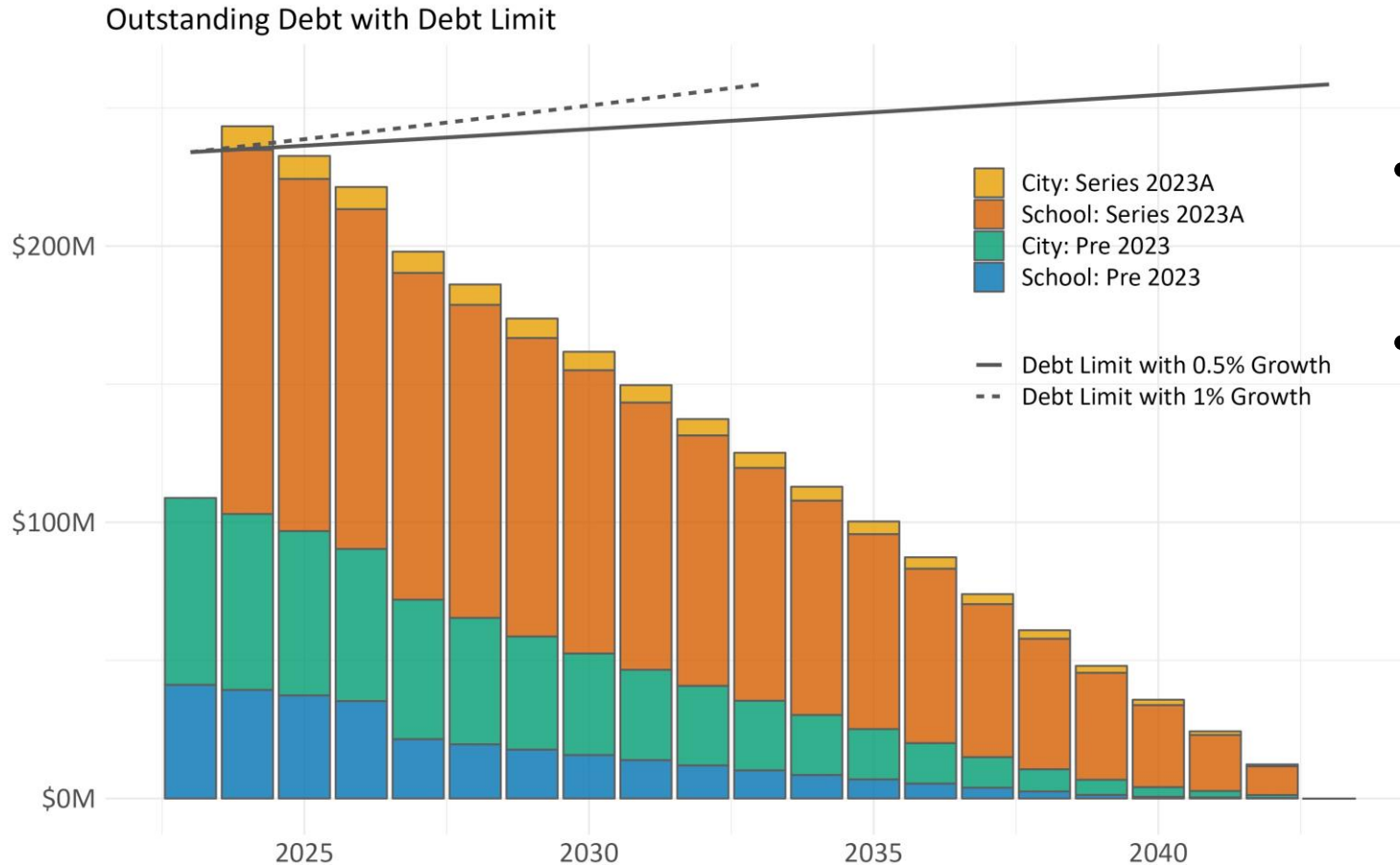
Why do we need another bond now?

- 1. Without a bond the City’s Charter only authorizes **\$2M/year for capital expenses**
- 2. To help ensure good governance the City needs approximately **\$8-10M/year** for critical infrastructure.
- 3. Implementation costs for infrastructure needs do not get cheaper over time.
 - **Non-Construction inflation is 10% higher since 2022**
 - **Construction inflation is 25% higher since 2022**

Revenue Source	FY26	FY27	FY28
Annual CIP	\$2M	\$2M	\$2M
\$20M GO Bond	\$7M	\$6.5M	\$6.5M
Total Revenue	\$9M	\$8.5M	\$8.5M



Phase Three: Fitting in with Debt Policy



- City recalculates existing debt annually per our policy
- Due to growth of grand list and paying down principal & interest faster than originally projected, there is now \$20M of debt capacity that has freed up



Improved Safety in Phase Three

General Fund Fleet Capital Assets:

- City owns 242 Fleet Assets and 74 (or 30%) need to be replaced.
- Of the 74 that need to be replaced, 45% are critical public safety vehicles (fire, police, snow removal)
- City deferred spending on Fleet in FY24 & 25
- Staff is working to look for **used fleet and to purchase electric** to reduce cost and fossil fuel use

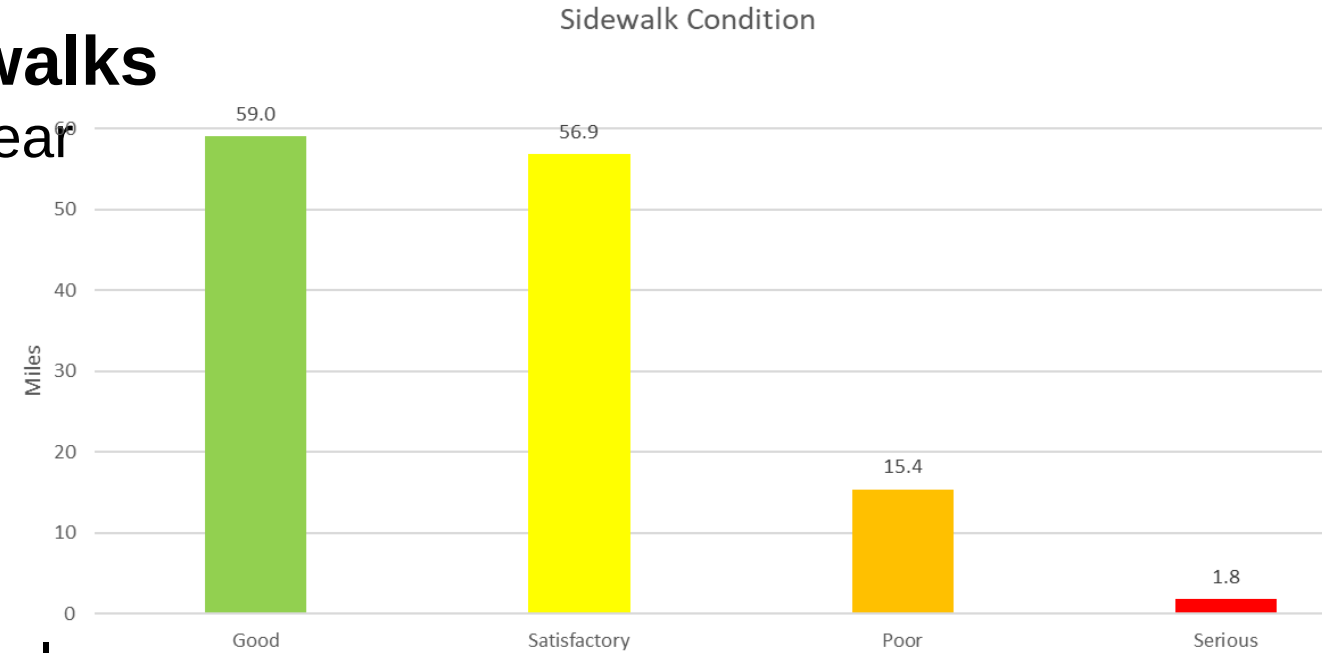




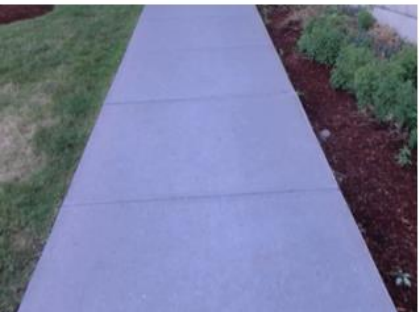
Better Sidewalks in Phase Three

Improvements to Existing City Sidewalks

- City has 133 miles of sidewalks with a 40-year lifespan
- 3 miles should be replaced annually
- Cost per miles = ~\$1M
- Prioritized by:
 1. Physical Barriers: cross slope, vertical displacement, etc
 2. Activity/Equity: proximity to parks, schools, community centers, census data, etc.



Good



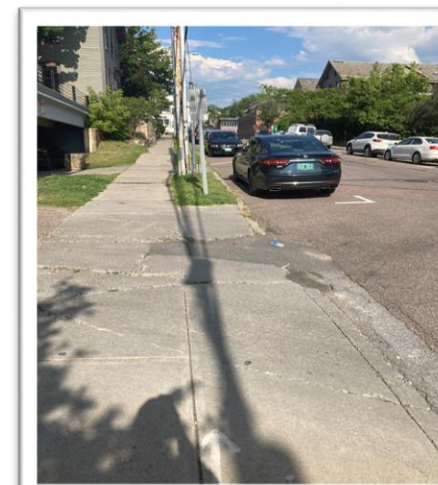
Satisfactory



Poor



Serious





Better Streets in Phase Three



Improvements to Existing City Streets

- City maintains 88 miles of Streets – **4 miles should be paved annually to properly maintain**
- Cost per mile of paving in FY25 is \$1.2M
- FY25 City Road Pavement Condition Index (PCI) = 70.3/100 (Fair Condition)
- City Road PCI for Roads Maintained by VTRANS = 98.1/100 (Good Condition)

Failed	Serious	Very Poor	Poor	Fair	Satisfactory	Good
0-10	11-25	26-40	41-55	56-70	71-85	86-100





Improved Safety in Phase Three

Transportation Safety – Focus on Bridge Infrastructure Needs

Burlington also has several bridge assets that need urgent replacement:

- Heineberg Bridge Guard Rail
- Winooski Bridge
- North Beach Bridge/Overpass





Improved Safety in Phase Three

Transportation Safety Initiatives

There are 130 crashes/year in the City's transportation network that results in injury or fatality. Coordinated traffic safety efforts that **need funding** include:

- Traffic Calming
- Bike & Pedestrian Facilities
- Intersection Improvements
- Planning

\$500K in Transportation Safety COULD Achieve:

\$200K of planning

2 new permanent traffic calming projects/year

10 seasonal traffic calming features/year

1 new bike/ped project constructed

1 "Quick Build" project





Address Deferred Needs in Phase Three



Central Facilities

- The City owns 19 buildings with a mix of public and staff only uses.
- The City has ~\$13M in deferred facilities needs
- Focus on **health and safety first**
- Keeping in mind **net zero energy & equity goals**

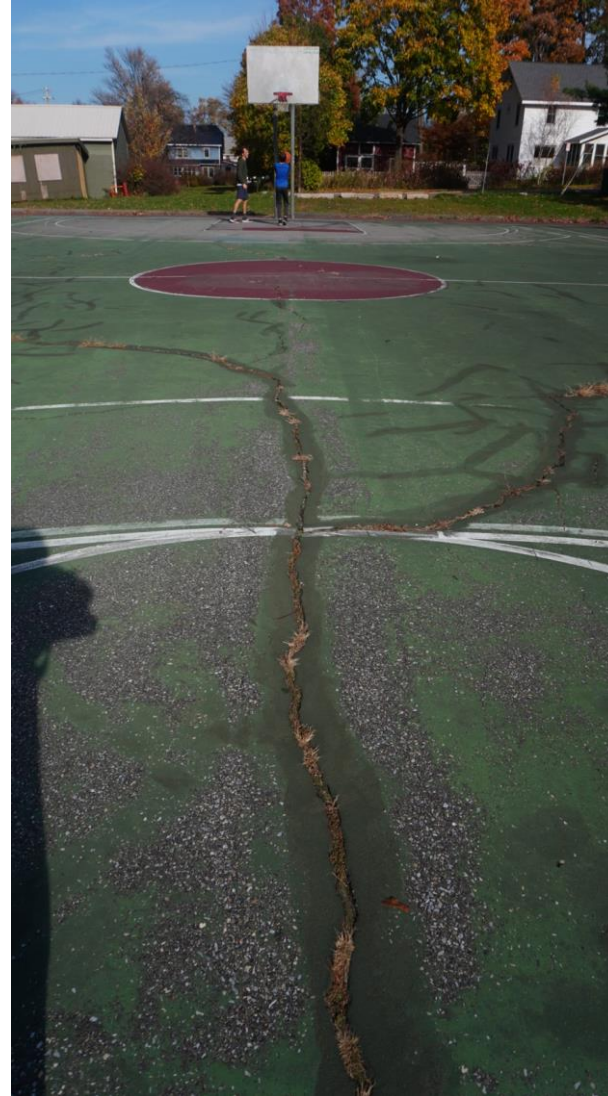
Facility	Project	Cost Est
Fletcher Free Library	Structural Roof Work	\$400K
Police Department	Locker Room Renovation	\$800K
Police Department	HVAC Upgrade	\$950K
Leddy Arena	HVAC Upgrade	\$500K
Fire Station 1	Continued Window Replacement	\$150K
Fire Station 1	Bathroom/Plumbing Upgrades	\$450K
Fire Station 3	Gender Neutral Bathroom	\$450k



Address Deferred Needs in Phase Three

Parks, Recreation, & Waterfront

- The City has 37 Parks – each one has deferred needs.
- Currently there are about **\$25M in deferred park needs.**
- Park Comprehensive Plans identified additional **\$58M in improvements** (only looks at 4 parks)





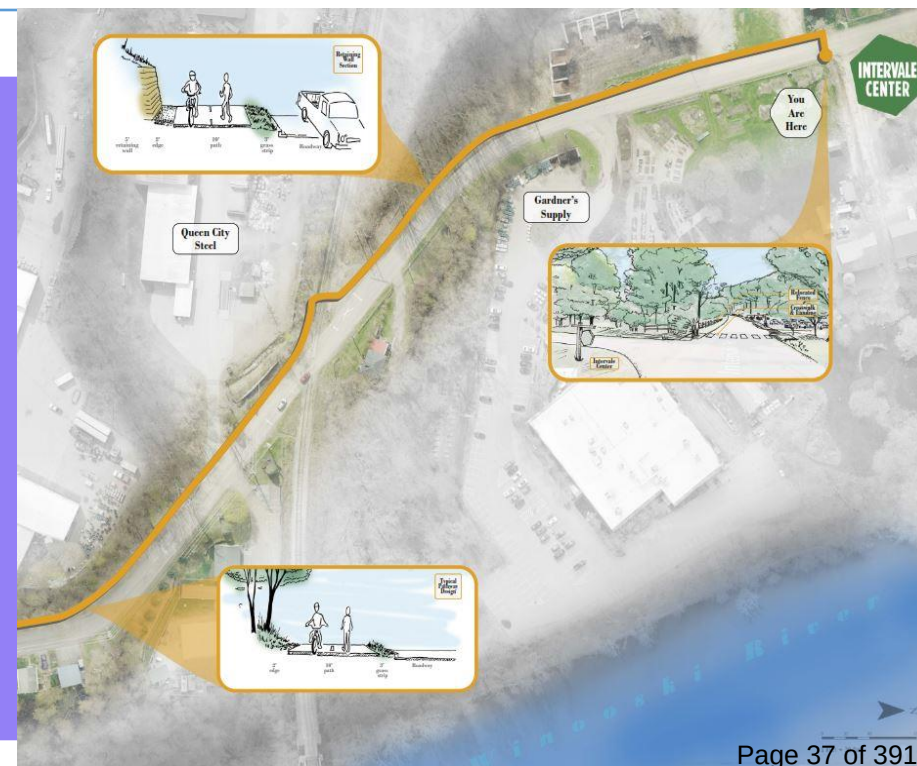
Leverage the Bond into More City Investments in Phase Three

Project	Description	Local Match (FY26-28)	Grant Funding (FY26-28)
Winooski Bridge	Replacement of upgrades to critical bridge infrastructure connecting Burlington and Winooski	\$3,424,000	\$52,632,000
Intervale Shared Use Path	Creating a 10 ft-wide pathway to improve safety & access for all users between Riverside & the Intervale	\$644,295	\$829,119



\$20M

\$145M





Investing Affordably and Transparently

- **Affordability is critical to the Administration**, and we are working to balance responsible investment in City assets with ensuring Burlingtonians can afford their property tax bills.
- The FY26 Budget Process is underway - with goals for efficiency and better planning of maintenance expenditures.
- **Waiting won't help – prices just go up & deferred maintenance only gets worse and more expensive over time.**





Effect on Tax Bills

- The \$20M bond would be repaid through a small increase in municipal property taxes starting in FY26.
- We anticipate the increase to be approximately:
- The effect from this bond will not be more than the amount listed on this slide; it could be less over a payback period of 20 years.

Assessed Home Value	Monthly Expected Tax Increase
\$300,000	\$6.92
\$500,000	\$11.58
\$700,000	\$16.18
\$900,000	\$20.83



Next Steps

1. Continue community conversations including:
 - town hall on **January 6th**; at Contois in City Hall
 - visiting NPAs December - February
2. BOF/CC Vote – January
3. Vote by Community – Town Meeting Day, March 5, 2025
4. Town Meeting Day 2026 – Annual Borrowing Charter Change





Questions?



Thank you!

For more information, please contact
Ashley Parker, Capital Program Director:
aparker@burlingtonvt.gov.

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

12/5/2024

	Meeting Date	Type of Document and Title	Action Requested	Updated Next Steps in the Process
1	2/6/2023	Communication re Ward 2/3 NPA Resolution to Name the New Shelburne Street Roundabout After Tony Redington and Resolution in Support of Big Heavy World Teen Center Proposal for Memorial Auditorium	refer the communication to TEUC and CDNR Committees respectively for further review and engagement	TEUC Item was taken up at the March 2023 meeting. No further action taken
2	3/13/2023	Communication re Ward 5 NPA Steering Committee to Name the New Shelburne Street Roundabout after Tony Redington	refer the communication to TEUC for further review	TEUC Item was taken up at the March 2023 meeting. No further action taken
3	3/13/2023	Resolution: Supporting LGBTQIA+ Community Members and Condemning Transphobia	City Council will work in collaboration with community members and organizations and the City administration to develop a plan for ongoing activities to support and amplify the voices of the LGBTQIA+ community; City Council urges Burlington’s state legislative delegation to look at current state hate crime statute to look to extend protections for schools and organizations that advocate/support LGBTQ+ (and other minoritized communities) from hate motivated targeted crimes, examine Burlington’s graffiti ordinance and consider changes that address continued defacement of public property, and graffiti that spreads hateful and harmful messages.	There have been stakeholder meetings brought forward by the Administration to address the directives in the resolution. UPDATE: Work is being done in the Legislature, a former resident created a physical Burlington trans pride flag to fly in front of City Hall in recognition of Trans Day of Visibility; the flag will fly the flag from March 15 - April 15 to celebrate Trans Day of Visibility and reboot the Trans People Belong campaign.
4	6/5/2023	Resolution: Accepting Grant Funding from the Department of Mental Health for the Crisis Response Team and Exploring the Creation of a Burlington CAIP Department	The City Council requests an evaluation be done to explore Burlington CAIP becoming a department of the City , an evaluation be done to review the reporting and supervisory structure needed to support three public safety departments (police, fire and CAIP), that a report come to Public Safety Committee in October 2023, approval for the Chief of Police to accept the Department of Mental Health grant for Burlington CARES	A report was to come to Public Safety in late 2023. UPDATE: this was presented to the Public Safety Committee as per the resolution in March 2024, report to the full Council in April 2024.
5	7/24/2023	Resolution: The Climate Emergency and the Council Request to Count Vermont Air National Guard GHG Emissions and to Plan to Eliminate VTANG Aviation and Ground GHG Emissions in the Spirit of the City's 2030 Net Zero Goals	requests that the Vermont Air Force National Guard Adjutant General, beginning for the year 2023, calculate aviation and ground fuel usage at the VTANG base and to annually provide BTV Director and TEUC with a complete record of the calculated aviation and ground greenhouse gas emission; for VTANG to work collaboratively to draft a plan to adopt simulation and augmented reality training to substantially reduce or eliminate GHG with initial meeting on or before 12/31/23 and follow up at TUEC's March 2024 meeting	Initial meeting of the parties by 12/31/2023; UPDATE: parties met at March TEUC meeting
6	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
7	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
8	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
9	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

Lori Olberg

From: Erhard Mahnke <erhardm@burlingtontelecom.net>
Sent: Monday, November 18, 2024 9:29 PM
To: Lori Olberg
Subject: Recommended addition to City Legislative Priorities

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

Hi Lori,
I'm re-sending the email with the correct subject line. Thanks for posting.
~erhard

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

From: Erhard Mahnke <erhardm@burlingtontelecom.net>
Reply-To: Erhard Mahnke <erhardm@burlingtontelecom.net>
To: Ben Traverse <btraverse@burlingtonvt.gov>, Mark Barlow <mbarlow@burlingtonvt.gov>, Joan Shannon <jshannon@burlingtonvt.gov>, Eugene Bergman <gbergman@burlingtonvt.gov>, Sarah Carpenter <scarpenter@burlingtonvt.gov>, Tim Doherty <tdoherty@burlingtonvt.gov>, Melo Grant <megrant@burlingtonvt.gov>, Marek Broderick <mbroderick@burlingtonvt.gov>, Carter Neubieser <cneubieser@burlingtonvt.gov>, Joe Kane <jkane@burlingtonvt.gov>, Becca Brown McKnight <bbrownmcknight@burlingtonvt.gov>, Evan Litwiin <elitwin@burlingtonvt.gov>, Mayor Emma Mulvaney-Stanak <mayor@burlingtonvt.gov>
Cc: Lori Olberg <lolberg@burlingtonvt.gov>, Erin Jacobsen <ejacobsen@burlingtonvt.gov>, Joe Magee <jmagee@burlingtonvt.gov>, Erhard Mahnke <erhardm@burlingtontelecom.net>, Brian Pine <bpine@burlingtonvt.gov>, Michael Monte <mmonte@champlainhousingtrust.org>
Sent: 11/18/2024 5:39:03 PM
Subject: Recommended addition to City Legislative Priorities

Dear Mayor, Council President Traverse, and Council Members,

Sorry to add one more communication to your agenda tonight, but I want to recommend that you add an item to your "secondary" priorities list for affordable housing.

As one of the City's legislative liaisons for 11 years, I applaud you for assembling such a comprehensive and timely list of priorities, as well as for the transparency of the process. While addressing the City's homelessness emergency is rightfully at the top of the list, I was somewhat surprised to see no mention of support for additional state funding for permanently affordable housing, without which no real progress can be made by the City's nonprofit affordable housing partners in addressing homelessness and the extreme shortage of affordable housing for our most vulnerable residents. I would highly recommend adding something to the effect of the following to your second tier priorities under "Ample, Safe, Affordable Housing":

"Support robust state funding for permanently affordable rental housing and shared equity homeownership through the Vermont Housing and Conservation Board and other state programs to help alleviate the City's dire shortage of affordable housing for low-income working families, seniors, people with disabilities, and others with special needs, including those without permanent housing."

Thank you for your consideration!

Sincerely,

Erhard Mahnke
Retired, Housing Policy Advisor & Outreach Representative
Office of Sen. Bernie Sanders &
Former Coordinator, Vermont Affordable Housing Coalition
60 Grove St.
Burlington, VT 05401
802-862-4841 (h) | 802-233-2902 (cell)
erhardm@burlingtontelecom.net

A plea for healing: an open letter to Burlington City Council

Dear Mayor Emma,

It has been over 200 days since I – full of hope and expectations after your win – emailed you asking about your plan for repairing harm done to Tyeastia Green. No action.

It has been over 300 days since the Black community, [spelling out their pain](#) for all of us to see, has begged the city of Burlington to repair the harm done to Tyeastia Green. No action.

It has been over 400 days since Tyeastia has been unemployed, despite filing hundreds of applications, as a direct result of the violent mobbing and smear campaign that was done by the city of Burlington and subsequently, the city of Minneapolis. And still you are there, not taking action.

Actually, you have taken action. You have not only chosen complacency and allowed the false narratives to continue to circulate, but you have actively contributed to them recently by providing Seven Days with information out of context, which they [weaponized](#) and did further damage. This is violence.

With the previous administration, I could attribute such behaviors to ignorance, lack of lived experience with oppression, blind spots, etc. But not this one. [This administration knows](#) deeply the harm that was done, why it was done, and what needs to be done to repair it.

This leaves me reeling. How can I comprehend this dissonance? How can I explain your deep knowledge of the situation and all the implications around it, combined with your lack of action? Please reconcile this incongruence because the only interpretation I can come to is horrifying and sends chills down my spine. It leaves me desperate. It leaves me deeply concerned for our collective safety as a community.

We cannot believe anything you say about your concern for Black lives until you repair the harm and pay reparations to Tyeastia Green.

We cannot believe anything you say about racism as a public health emergency until you repair the harm and pay reparations to Tyeastia Green.

We cannot believe anything you say about Racial Inclusion, Equity, and Belonging until you repair the harm and pay reparations to Tyeastia Green, solidify that office in charter, and appoint a Director with competence and lived experience with racial oppression.

We cannot believe anything you say about safety in Burlington until you repair the harm and pay reparations to Tyeastia Green.

The city of Burlington desperately needs and deserves leadership that will be honest with us. Please:

Grant Tyeastia healing by repairing the harm, clearing her name, and paying reparations. Give her back her life!

Grant Burlington collective healing by being real, by naming the problems, by showing us that together we can move in a new direction.

Grant Burlington collective healing by showing us what it looks like to be vulnerable, to hold ourselves accountable, repair harm, and move forward together in complete authenticity.

Please, grant us collective healing by showing us the leader we need and expect you to be Mayor Emma!

Now more than ever, we need leaders who will guide us to a place of healing and community care. Only you have the power to grant this healing that we so desperately need. I am still holding out hope. Tyeastia deserves it, our Black community deserves it, and our dear City deserves it. We are waiting for you!

Dr. Emma Wall Kouri, PhD

Ward 6

County of Chittenden
Suzanne Brown, Assistant Judge
Constance Ramsey, Assistant Judge



175 Main Street
Burlington, VT 05401
802-951-510

TO: Members of the Legislative Bodies of the Towns and Cities in Chittenden County

FROM: County Assistant Judges

DATE: November 19, 2024

RE: Pre-Budget Meeting

It is time to begin the process of preparing our proposed budget for the fiscal year ending January 31, 2026. We feel that you are an important part of this process. Should you have any questions or concerns, we would like to invite you to our Pre-Budget Meeting on Wednesday, December 18, 2024 at noon, at the Chittenden County Courthouse at 175 Main Street, Burlington, Vermont. As required by law, our annual budget meeting will be held in January 2024.

We are looking forward to seeing you on the 18th because your input is important to us. Please email Beth Royer, the Chittenden County Clerk, at chitcountyclerk@gmail.com for more information.

Suzanne Brown,
Assistant Judge

Constance C. Ramsey
Assistant Judge

November 27, 2024

VIA E-MAIL: jbrown@burlingtonvt.gov

Ms. Jessica Brown, Esq.
City Attorney
Office of City Attorney & Corporation Counsel
149 Church Street
Burlington, VT 05401

Re: *Resignation from the Burlington City Council*

Dear Jessica:

On November 27, 2024, Governor Phil Scott announced my appointment as a Superior Court Judge. As a result, I write to tender my resignation from the Burlington City Council, effective immediately.

It has been a tremendous privilege to represent the Burlington community on the Council. I wish the Mayor and her administration, the City Council, and all those who work in Burlington government the best going forward.

Sincerely,

/s/Timothy C. Doherty, Jr.

Timothy C. Doherty, Jr.

cc: Mayor Emma Mulvaney-Stanak
Mr. Benjamin Traverse, Esq., City Council President



Memo

Date: December 9, 2024

To: City Council

From: Julia Ursaki, PE, Public Works Engineer
Maddy Suender, Public Works Engineer

CC: Phillip Peterson, PE, Senior Transportation Planner
Chapin Spencer, Director of Public Works
Laura Wheelock, PE, City Engineer/Division Director – Technical Services

Subject: Shelburne Street and Home Ave Preferred Alternative Approval

Request:

We are respectfully requesting that the CC approve the following motion:

That the City Council approve the Shelburne Street and Home Avenue Intersection Scoping Study Project Advisory Committee's selection of Alternative 2A, which would implement an exclusive pedestrian phase at this intersection and would make additional short- and medium-term improvements, as described in the report.

This was approved and recommended to the City Council by the Transportation, Energy, and Utilities Committee on September 24, 2024.

Preferred Alternative Recommendation

The preferred alternative is to implement an exclusive pedestrian phase at the Shelburne/Home intersection along with other short- and medium- term improvements to the intersection. The preferred alternative prioritizes pedestrian and bicycle safety while maintaining acceptable levels of traffic congestion in the area. Traffic models analyzed by the project team show that this change in pedestrian phasing will not have an undue traffic impact to this corridor, with the average vehicle delay increasing from 32.6 seconds to 34.9 seconds. Vehicle queueing is also not expected to change significantly throughout the corridor with this change.

The additional short- and medium- term changes include:

- Removing and building new sidewalk segments to improve pedestrian circulation around the intersection
- Re-stripping Shelburne Street to add more lane storage for northbound left turns from Shelburne Street to Home Avenue
- Re-stripping the Home Avenue approach with an eastbound bike lane and westbound sharrows (complimenting a separate DPW initiative to add painted bike lanes on Home Avenue)
- Testing adjustments to the curb radii to shorten pedestrian crossings and reduce vehicle speeds (in collaboration with South Burlington)
- *For South Burlington*, closing two of the entrances to Walgreens and re-aligning Farrell Street

Please see figures 9 and 10 in the report for a full description of these recommendations.

In addition, the Chittenden County Regional Planning Commission (CCRPC) reviewed the signal timing and phasing throughout the Shelburne Street corridor in Burlington. With our additional capabilities from hardware installed this year, DPW will also implement signal coordination for the study intersection and the two nearby signals (Shelburne Street/Gateway Plaza and Shelburne Street/I-189 Ramp C) that operate very closely together.

Separately from this project but in coordination with it, DPW is pursuing adding striped bike lanes on Home Avenue between Shelburne Street and Pine Street. This project would also include building a ramp for bikes to get into the Shelburne Road Shopping Plaza (Market 32 plaza) from Home Avenue at the existing break in the fence.

Background
DPW pursued this project knowing that traffic signal equipment was recently upgraded at this intersection as part of the Class 1 paving project in 2023. This gives us more capabilities with the signal timing. On the other hand, DPW expects traffic patterns to change on this portion of Shelburne Street when the Champlain Parkway is fully open, so this project is only recommending short term changes to the intersection that DPW can implement quickly. DPW expects to pursue a more comprehensive study of this intersection that evaluates long-term options as part of a corridor study for Shelburne Street after the Champlain Parkway is open.

Purpose & Need

Burlington DPW collaborated with the CCRPC, the City of South Burlington, and our engineering consultant Stantec on this project. The two Shelburne Street approaches and Home Avenue are under Burlington's jurisdiction while the Farrell Street approach is under South Burlington's jurisdiction. DPW applied for planning funds during the CCRPC's Unified Planning Work Program (UPWP) in fiscal year 2024 to perform this study.

Purpose: The purpose of this project is to develop concepts to improve intersection safety and operations to meet the needs of pedestrians, cyclists, motorists, and transit users at the intersection of Shelburne Street, Home Avenue, and Farrell Street.

Need: Recognizing the importance of this intersection in the transportation system for the Cities of Burlington and South Burlington, the following needs for the project have been identified:

1. *There is a need to improve pedestrian safety in crosswalks:* This intersection is listed as one of the Top 20 priority intersections for safety upgrades in planBTV Walk Bike (2017). The key problem listed is turning motorists not yielding to pedestrians in crosswalks.
2. *There is a need to improve pedestrian connectivity through and around the intersection and bike connectivity between Home Avenue and Farrell Street:* Home Avenue is identified in planBTV Walk Bike (2017) as a significant walk-bike route in the southern part of the city, giving access from Shelburne Street to Pine Street and recreation areas like Oakledge Park. The intersection is also the western terminus of the South Burlington Recreation Path network. Public webmap feedback from the 2022 CCRPC Active Transportation Plan identified this intersection as an existing barrier to active transportation.
3. *There is a need to address existing congestion at the intersection during peak travel periods:* Intersection capacity analysis results indicate traffic backs up significantly on the Shelburne Street approaches, extending past the signalized intersection to the south and past the next two minor street approaches to the north with Bacon Street and Scarff Avenue.
4. *There is a need to mitigate factors that contribute to a high number of crashes:* This intersection is located within a High Crash Section between the I-189 off ramp and Hadley Road with 128 crashes during the 2012-2016 period. There was a fatal crash at this intersection in 2018.
5. *There is a need to enhance transit facilities:* The intersection is located adjacent to busy commercial centers and dense residential neighborhoods and is on a primary transit line connecting Burlington to South Burlington and Shelburne. Both northbound and southbound bus stops have limited bicycle parking and need improved pedestrian facilities connecting to the nearby destinations.

Public Engagement

DPW hosted two public meetings to discuss this project, which were advertised using physical posters put up around the project area, Front Porch Forum, and South Burlington's newsletter. Full meeting notes are available on the project website: <https://www.ccrpcvt.org/our-work/transportation/current-projects/scoping/shelburne-street-and-home-avenue-intersection-scoping-study/>

- Local Concerns Meeting (February 22, 2024): we heard input about vehicles not yielding to pedestrians in the crosswalk, high vehicle speeds, the desire to add bike facilities through the intersection, and drivers having difficulty turning left from the side streets.
- Alternatives Presentation Meeting (June 17, 2024): at the Alternatives presentation, we heard support for the exclusive pedestrian phase at this intersection. We also received input about adjustments to some of the short- and medium-term recommendations, like improving desire lines along the sidewalk paths, which were incorporated into the final document. In addition, there was mixed feedback regarding the addition of protected left turn phases for Home Avenue and Farrell Street; though this change would make it easier to turn off of those

streets, it has a major impact on traffic delay and queues for the entire Shelburne Street corridor. Ultimately the Project Advisory Committee and project team did not recommend adding protected left turn phases for the side streets due to the major traffic impacts.

Implementation Approach and Timeline

Burlington DPW will work with our traffic and right-of-way crews to install the exclusive pedestrian phase and short-term improvements in 2025. The exclusive pedestrian phase can be implemented with the equipment upgrades that were installed as part of the Class 1 paving on Shelburne Street in 2023. We also plan to add striped bike lanes on Home Avenue connecting Shelburne Street to Pine Street, which is already budgeted for in the Transportation budget. DPW will continue to monitor traffic conditions along the Shelburne Street corridor as changes occur with the opening on the Champlain Parkway (projected 2026).

The City of South Burlington plans to pilot the changes on Farrell Street in 2025 and, pending results of the pilot, implement the changes along with a paving project on Farrell Street in 2026.

By 2030 the medium-term construction improvements are anticipated to be complete. Grant funding will likely have to be obtained for some of the more substantial medium-term improvements such as replacement of the signal span wires with mast arms.

Attachments

1. Final Report

Motions

Actions for the City Council:

1. To approve the Shelburne Street and Home Avenue Intersection Scoping Study Project Advisory Committee's selection of Alternative 2A to implement an exclusive pedestrian phase at this intersection and to make the additional short- and medium-term improvements described in the report.



**SHELBURNE STREET, HOME AVENUE,
AND FARRELL STREET INTERSECTION
SCOPING STUDY**



September 20, 2024

Prepared for:
Chittenden County Regional Planning
Commission

Prepared by:
Stantec

Project Number:
179450773



110 West Canal Street, Suite 202

Winooski, VT 05404

T 802-660-4071

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www.ccrpcvt.org

The preparation of this report has been financed in part through grant[s] from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the State Planning and Research Program, Section 505 [or Metropolitan Planning Program, Section 104(f)] of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

Prepared by:

Stantec Consulting Services Inc.

193 Tilley Drive Suite 101

So. Burlington, VT 05403

(802) 864-0223

Under the direction of:

Chittenden County Regional Planning Commission



Table of Contents

1	EXECUTIVE SUMMARY	1
2	INTRODUCTION.....	1
3	PURPOSE AND NEED	2
4	EXISTING PLAN AND STUDY REVIEW	3
4.1	Moving Together: Transportation Plan for the City of Burlington (2011).....	3
4.2	Burlington Transportation Plan Street Design Guidelines.....	4
4.3	Burlington Walk Bike Master Plan (planBTV Walk Bike) (2017)	4
4.4	CCRPC Active Transportation Plan (2022).....	4
5	EXISTING CONDITIONS	5
5.1	Roadway Characteristics.....	5
5.2	Land Use and Zoning	7
5.3	Pedestrian and Bicycle Facilities	7
5.4	Transit Service.....	7
5.5	Traffic Volumes.....	8
5.6	Intersection Operations	11
5.7	Crash History	13
5.8	Natural & Cultural Resources	15
6	RECOMMENDED IMPROVEMENTS.....	16
7	SIGNAL PHASING ALTERNATIVES	26
7.1	Do Nothing.....	26
7.2	Alternative 1A: Leading Ped Interval (NTOR)	26
7.3	Alternative 1B: Leading Ped Interval (NTOR) & Protected EB/WB Left Turns	26
7.4	Alternative 2A: Exclusive Ped Interval (NTOR).....	27
7.5	Alternative 2B: Exclusive Ped Interval (NTOR) & Protected EB/WB Left Turns	27
7.6	Alternatives Evaluation	27
7.6.1	Safety Benefits	27
7.6.2	Pedestrian & Bicycle Connectivity.....	27
7.6.3	Traffic Operations Impacts	28
7.6.4	Transit Facilities.....	33
7.6.5	Right-of-Way Impacts	33
7.6.6	Environmental Impacts	33
7.6.7	Cultural Resource Impacts	34
7.6.8	Utility Impacts	34
7.6.9	Stormwater Impacts.....	34
7.6.10	Project Costs	34
7.6.11	Evaluation Matrix	35
8	STAKEHOLDER INPUT AND RECOMMENDATIONS.....	37
9	RECOMMENDED ALTERNATIVE.....	37



1 Executive Summary

The intersection of Shelburne Street (US Route 7), Home Avenue, and Farrell Street in the City of Burlington and bordering the City of South Burlington, has notable safety and mobility issues, especially for pedestrians and bicyclists. The Cities of Burlington and South Burlington, in partnership with the Chittenden County Regional Planning Commission (CCRPC), conducted an intersection scoping study to develop and evaluate alternatives to improve all modes of transportation and enhance the intersection to better serve as a gateway into Burlington. This study developed short and medium-term alternatives assuming that they will be implemented prior to the completion of construction of the Champlain Parkway segment that connects I-189 to Home Avenue.

This intersection scoping study followed the Vermont Agency of Transportation (VTrans) project definition process and built upon existing conditions of the area; public engagement from those who live, work, and travel through the area; as well as current and future land uses. The study evaluated how the intersection operates for various user groups (pedestrians, bicyclists, motorists, delivery and commercial vehicles, transit, and emergency response) with an inclusionary perspective, analyzing the accessibility and comfort of the intersection for people of all ages, abilities, and cultural backgrounds. The study established a Purpose and Need statement and developed a list of alternatives. Alternatives were evaluated by how well each addressed the Purpose and Need. Subsequently, a list of four alternatives were presented to the public. After receiving input and discussing alternatives with the project advisory committee and project team, including the CCRPC and the Cities of Burlington and South Burlington, a recommended alternative was selected.

The recommended alternative is Alternative 2A. This alternative includes a substantial list of individual improvements common to all alternatives, as well as exclusive pedestrian phasing with a blank out No Right Turn sign. Based on the analysis, this alternative is expected to improve pedestrian safety in crosswalks; improve pedestrian connectivity through and around the intersection and bike connectivity between Home Avenue and Farrell Street; address congestion at the intersection during peak travel periods; mitigate factors that contribute to a high number of crashes; and enhance transit facilities.

2 Introduction

The Cities of Burlington and South Burlington, in partnership with the Chittenden County Regional Planning Commission (CCRPC) conducted an intersection study of Shelburne Street, Home Avenue, and Farrell Street. Figure 1 shows the approximate study area highlighted in red. This intersection scoping study developed and evaluated alternatives to improve all modes of transportation and enhance the intersection to better serve as a gateway into Burlington; and worked with the Project Advisory Committee to recommend improvements to the City committees and ultimately the City Council. The advisory committee included representatives from AARP (formerly referred to as the American Association of Retired Persons), the City of Burlington Walk/Bike Committee, and Green Mountain Transit (GMT).



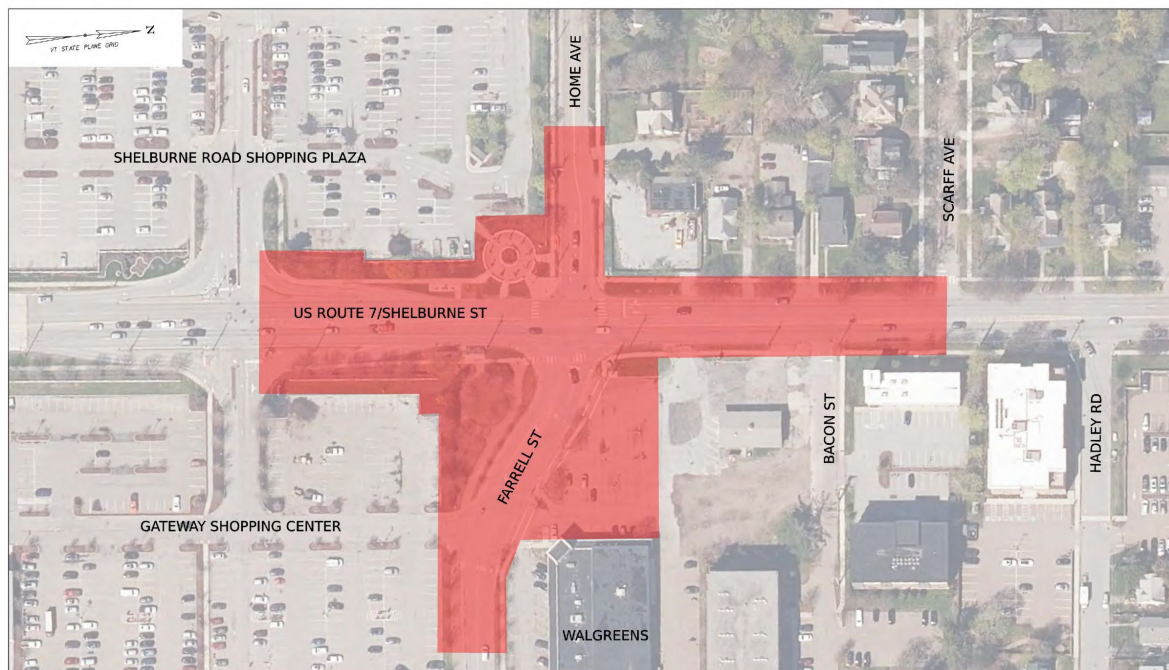


Figure 1 Project Area

The Shelburne Street/Home Avenue/Farrell Street intersection is one of the 20 priority intersections listed in the 2017 planBTV Walk Bike Master Plan. The intersection has notable safety and mobility issues, especially for pedestrians and bicyclists. The intersection is also located along a High Crash Location section of roadway.

3 Purpose and Need

The following statement was developed based on the existing conditions assessment, public input, and project advisory committee discussions.

Purpose: The purpose of this project is to develop concepts to improve intersection safety and operations to meet the needs of pedestrians, cyclists, motorists, and transit users at the intersection of Shelburne Street, Home Avenue, and Farrell Street.

Need: Recognizing the importance of this intersection in the transportation system for the Cities of Burlington and South Burlington, the following needs for the project have been identified:

1. *There is a need to improve pedestrian safety in crosswalks:* This intersection is listed as one of the Top 20 priority intersections for safety upgrades in planBTV Walk Bike (2017). The key problem listed is turning motorists not yielding to pedestrians in crosswalks.
2. *There is a need to improve pedestrian connectivity through and around the intersection and bike connectivity between Home Avenue and Farrell Street:* Home Avenue is identified in planBTV Walk Bike (2017) as a significant walk-bike route in the southern part of the city, giving access



from Shelburne Street to Pine Street and recreation areas like Oakledge Park. The intersection is also the western terminus of the South Burlington Recreation Path network. Public webmap feedback from the 2022 CCRPC Active Transportation Plan identified this intersection as an existing barrier to active transportation.

3. *There is a need to address existing congestion at the intersection during peak travel periods:* Intersection capacity analysis results indicate traffic backs up significantly on the Shelburne Street approaches, extending past the signalized intersection to the south and past the next two minor street approaches to the north with Bacon Street and Scarrf Avenue.
4. *There is a need to mitigate factors that contribute to a high number of crashes:* This intersection is located within a High Crash Section between the I-189 off ramp and Hadley Road with 128 crashes during the 2012-2016 period. There was a fatal crash at this intersection in 2018.
5. *There is a need to enhance transit facilities:* The intersection is located adjacent to busy commercial centers and dense residential neighborhoods and is on a primary transit line connecting Burlington to South Burlington and Shelburne. Both northbound and southbound bus stops have limited bicycle parking and need improved pedestrian facilities connecting to the nearby destinations.

4 Existing Plan and Study Review

Several studies and plans have been developed for this area that considered traffic and pedestrian concerns. The most recent studies were reviewed in the preparation of this scoping study and are listed below.

- Moving Together: Transportation Plan for the City of Burlington (2011)
- Burlington Transportation Plan Street Design Guidelines
- Burlington Walk Bike Master Plan (planBTV Walk Bike) (2017)
- CCRPC Active Transportation Plan (2022)

4.1 Moving Together: Transportation Plan for the City of Burlington (2011)

This plan is the transportation element of the Burlington Municipal Development Plan. The plan focuses on three parts: 1) a Strong and Healthy City; 2) Transportation Choices; and 3) Great Streets. Focusing on a Strong and Healthy City recognizes that transportation is foundational for the City's vitality. Focusing on Transportation Choices works to provide safe and comfortable facilities for all modes of transportation. Focusing on Great Streets is a major component of the plan and with the development of Street Design Guidelines.



4.2 Burlington Transportation Plan Street Design Guidelines

The Street Design Guidelines summarized here, developed as part of the Burlington Transportation Plan, describe the Complete Street designation and standards to incorporate for future improvements to Shelburne Street. These guidelines provide recommended design features to consider for each street type, based on its suitability for the specific location, and were considered in developing the alternatives for this scoping study. Due to the importance of this corridor for access to and within the City, the goal is to provide for all modes of travel as best as possible using the existing curb-to-curb widths.

Sidewalks are provided on both sides of the street, at a minimum width of five feet, and larger widths where greater pedestrian demand exists, like neighborhood centers or retail areas. Street furniture, like benches, kiosks, and bike racks, should be used mostly near neighborhood centers and higher volume transit stops, without encroaching on the minimum five-foot clear zone of the sidewalk. Transit shelters are important for protecting transit users from inclement weather and for promoting awareness of transit by increasing its visibility.

Crosswalks are provided at every intersection. High volume pedestrian crossings, like at retail zones, can be enhanced for greater visibility and traffic calming with high visibility markings or textured surface treatments. Curb return radii should ideally be 10 to 15 feet in high volume pedestrian areas to reduce crossing distances and slow turning traffic while still accommodating heavy vehicle movements.

4.3 Burlington Walk Bike Master Plan (planBTV Walk Bike) (2017)

This plan is about making streets safer for all users and making it enjoyable and viable to walk and bike around Burlington. In a survey of over 500 residents, Shelburne Street was one of the top three streets that didn't feel safe to walk or bike on. Focus groups of people who often walk for transportation listed Shelburne Street as a specific street that felt unsafe for walking. Shelburne Street and Home Avenue is listed as one of the Top 20 priority intersections for safety upgrades. The key problem listed was turning motorists not yielding to pedestrians in crosswalks. Ideas listed to consider include reducing speeds, reducing crossing distances, and advanced or exclusive pedestrian phases. Home Avenue is identified as a significant east-west bike route in the southern part of the city, giving access to recreation areas like Oakledge Park to Pine Street and Shelburne Street. The long-term plan is to redesign Home Avenue to make it safer and more comfortable to walk and bike. The City of Burlington plans to add bike lanes to Home Avenue in 2025.

4.4 CCRPC Active Transportation Plan (2022)

This Active Transportation Plan (ATP) update included Shelburne Street in the Highest Priority group of improvement projects for the countywide bicycle network. Analysis of public webmap feedback results, from more than 350 unique responses, identified the Shelburne Street and Home Avenue intersection as an existing barrier to active transportation. The Bicycle Facility Selection Guidance within the ATP suggests the best urban bicycle design choices according to daily vehicular volume and speed.



5 Existing Conditions

5.1 Roadway Characteristics

Shelburne Street / US Route 7 comprises the northbound and southbound approaches to the intersection. In the project area, it is designated as a Class 1 Town Highway, owned by VTrans and maintained by the City of Burlington. The roadway is classified as a principal arterial, with a curb-to-curb width of 50 FT, made up of four 10 FT through lanes and a designated 10 FT left-turn lane for the northbound and southbound approaches. The northbound left turn lane for turning from Shelburne Street onto Home Avenue has a storage length of approximately 50 FT (two car lengths). The southbound left turn lane for turning from Shelburne Street into the Gateway Plaza has a storage length of approximately 200 FT (eight car lengths). The existing roadway cross section is displayed in Figures 2 & 3. The posted speed limit is 25 mph (although City of Burlington Traffic Regulations has this section of Shelburne Street listed as 30 mph).

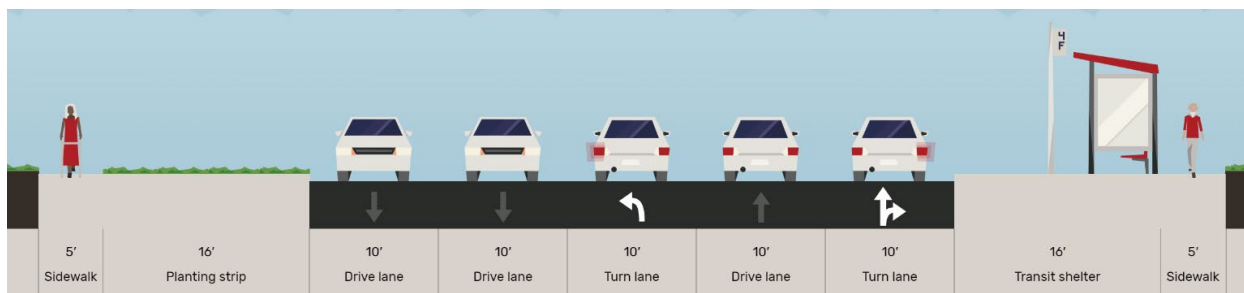


Figure 2: Shelburne Street Northbound Existing Typical Section

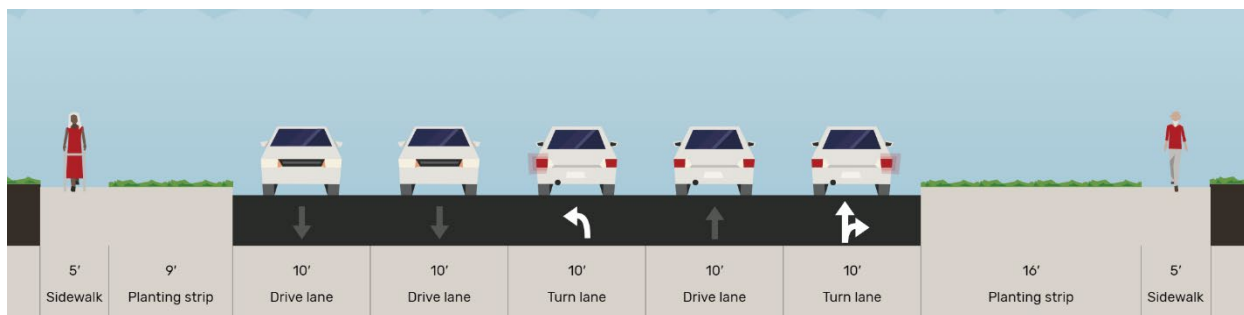


Figure 3: Shelburne Street Southbound Existing Typical Section

Home Avenue comprises the eastbound approach to the intersection. It is a local residential street that serves as a significant walk-bike route in the southern part of the City of Burlington, providing access from Shelburne Street to Pine Street and recreation areas like Oakledge Park. The street generally has a curb-to-curb width of approximately 30 FT with two lanes and a slightly raised, stamped median which varies from approximately three to four feet wide, ending approximately 300 FT before the stop bar. At the eastbound approach to the intersection, Home Avenue has a curb-to-curb width of 38 FT, made up of a



12 FT shared left and through lane, a 12 FT dedicated right turn lane, and a 14 FT receiving lane. The shared left and through lane has a storage length of approximately 75 FT (three car lengths). The existing roadway cross section is displayed in Figure 4. The posted speed limit is 25 mph.

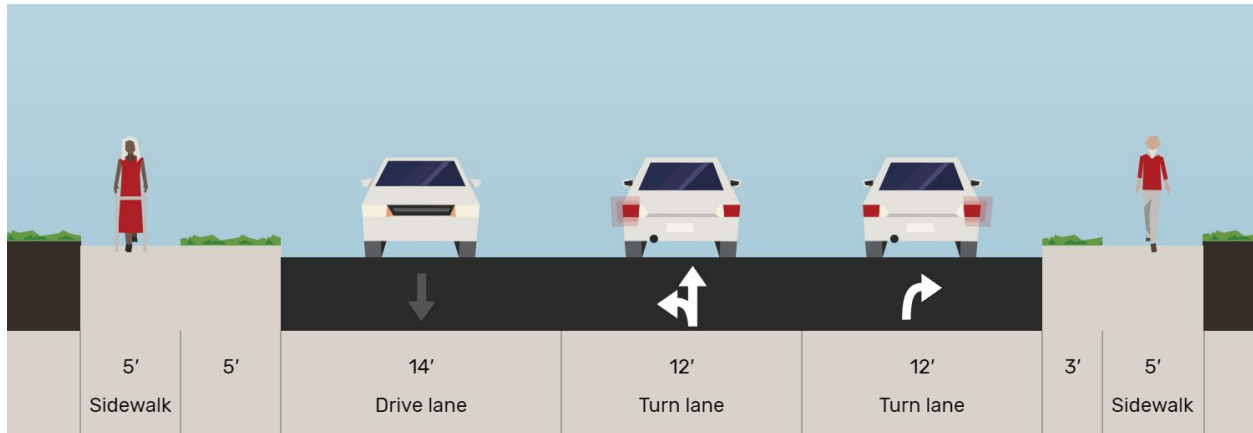


Figure 4: Home Avenue Eastbound Existing Typical Section

Farrell Street comprises the westbound approach to the intersection. It is a local street, owned by the City of South Burlington, providing access to Farrell Street Park, Spear Street, and the South Burlington shared use path network. Farrell Street has mixed uses including retail, multifamily residential, office, and light industrial. At the westbound approach to the intersection, the street has a curb-to-curb width of 48 FT, made up of a 12 FT shared right and through lane, a 12 FT dedicated left turn lane, a 12 FT receiving lane, and a 12 FT eastbound left turn lane to access the Walgreen's parking lot northeast of the intersection. The westbound approach lanes have storage lengths of approximately 150 FT (six car lengths). The eastbound left turn lane to access the Walgreen's parking lot has a storage length of approximately 75 FT (three car lengths). The existing roadway cross section is displayed in Figure 5. The posted speed limit is 25 mph.

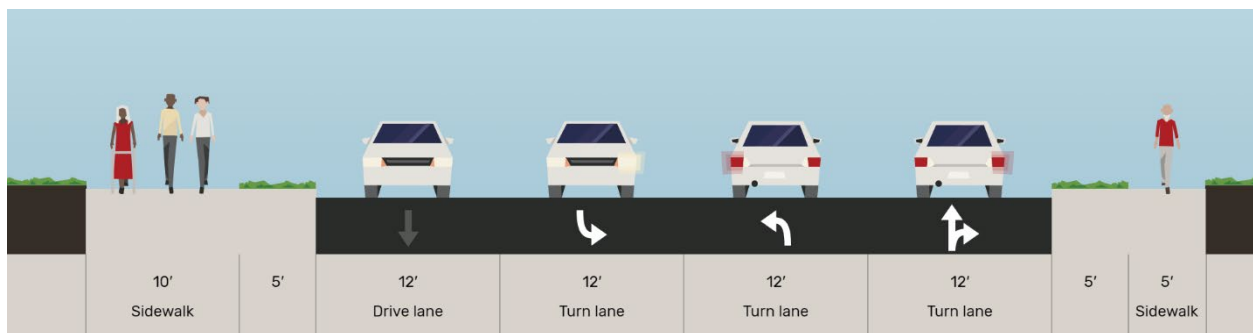


Figure 5: Farrell Street Westbound Existing Typical Section

The intersection is signalized with an older span wire traffic signal system. The City of Burlington upgraded the traffic signal controller and detection during the spring of 2024. Existing right-of-way is



generally from back of sidewalk to back of sidewalk for each approach: 99 FT for Shelburne Street, 57 FT for Home Avenue, and ranges from 60 FT to 95 FT for Farrell Street.

5.2 Land Use and Zoning

The Burlington parcel to the southwest of the intersection is zoned Neighborhood Activity Center and consists of a shopping center with retail stores and a restaurant. The Burlington parcels comprising the block to the northwest of the intersection are zoned Residential Corridor along Shelburne Street with Residential - Low Density making up the parcels on the rest of the block. These primarily include single family homes with a laundry business located on the northwesterly corner of the intersection. The South Burlington parcels to the northeast and southeast of the intersection are zoned Commercial 1 – Residential 15. The parcel to the southeast of the intersection consists of a shopping center with retail stores and restaurants. The parcel to the northeast of the intersection is a drug store, with a new building going up on the adjacent parcel to the north that will be mixed use with office/retail space on the first floor with residential units above. Zoning maps are presented in Appendix A.

5.3 Pedestrian and Bicycle Facilities

As displayed in Figure 2 through Figure 5, five foot sidewalks are provided along both sides of Shelburne Street and Home Avenue with varying separation distances from the roadway, including 9 to 16 FT for Shelburne Street and 3 to 5 FT for Home Avenue. Farrell Street has a five foot sidewalk along the northerly side, separated from the roadway by five feet, and a shared use path along the southerly side, also separated from the roadway by five feet. The shared use path is the western terminus of the South Burlington shared use path network. No bike lanes or shared lane markings (sharrows) are present on any of the intersection approaches.

5.4 Transit Service

There are two bus stops located at the intersection; a northbound stop located on the southeasterly side of the intersection and a southbound stop located on the southwesterly side of the intersection, displayed in Figure 6. These stops are served by Green Mountain Transit (GMT) and Tri Valley Transit (TVT).



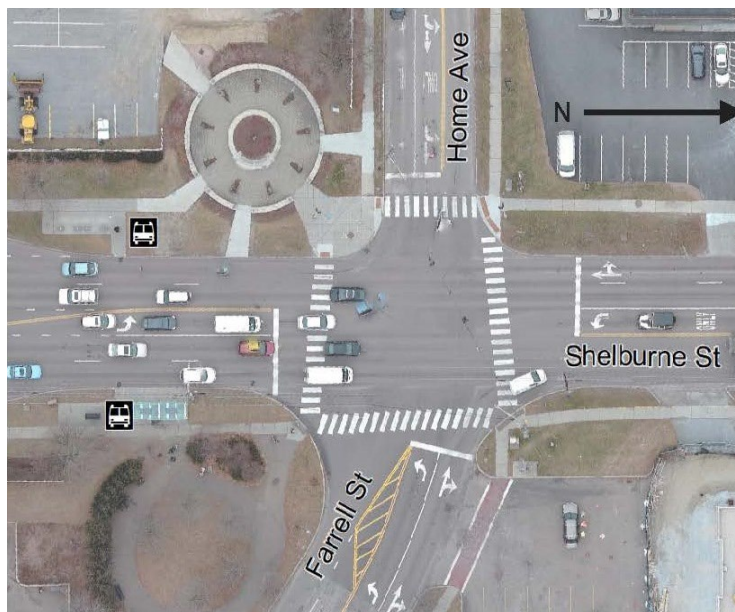


Figure 6: Bus Stop Locations

GMT serves four routes from this intersection (Routes 6, 46, and 86). Route 6, Shelburne Road, runs between the Burlington Downtown Transit Center and the Vermont Teddy Bear Factory in Shelburne Monday-Saturday, with stops at Market 32 on Sunday. Route 46, 116 Commuter, runs between the Burlington Downtown Transit Center and Hinesburg Monday-Friday. Route 86, Montpelier LINK Express, runs between the Burlington Downtown Transit Center and Montpelier Monday-Friday. Table 1 displays daily ridership data for GMT from 2023, showing 17 percent more riders are getting off the bus compared to those getting on the bus here.

Table 1: Daily GMT Ridership for Northbound and Southbound Stops Combined

	2023
Getting On the Bus	353
Getting Off the Bus	413

TVT serves two routes from this intersection: the 116 Commuter runs between Middlebury and Burlington Monday-Friday via VT Route 116 and the LINK runs between Middlebury and Burlington Monday-Saturday via US Route 7. Ridership data for TVT was not available.

5.5 Traffic Volumes

Traffic volume data including Annual Average Daily Traffic (AADT) and peak hour volumes for the study area were collected from VTrans and the CCRPC, respectively. AADT values collected by VTrans for



Shelburne Street, Home Avenue, and Farrell Street Intersection Scoping Study

2022 are displayed for the study area in Table 2. Traffic volumes are higher along US 7 south of the intersection.

Table 2: AADT Volumes

Location	2022
US 7 North of Intersection	24,635
US 7 South of Intersection	28,061

Existing weekday commuter peak hour traffic conditions for the study intersection were determined using the latest available data. Peak hour turning movement counts were collected for the study intersection by a third party for CCRPC in October 2023 and presented in Figures 7 & 8. The primary turning movements in the morning peak period are left turns from the northbound approach and right turns from the eastbound and westbound approaches. The evening peak period shows a similar pattern with the addition of left turns from the southbound approach. The highest number of pedestrians crossing the intersection occur at the crosswalk on the northbound approach for both the morning and evening peak periods. There were very few bicyclists observed through the intersection, and those that were, were primarily traveling east and west on the roadway.



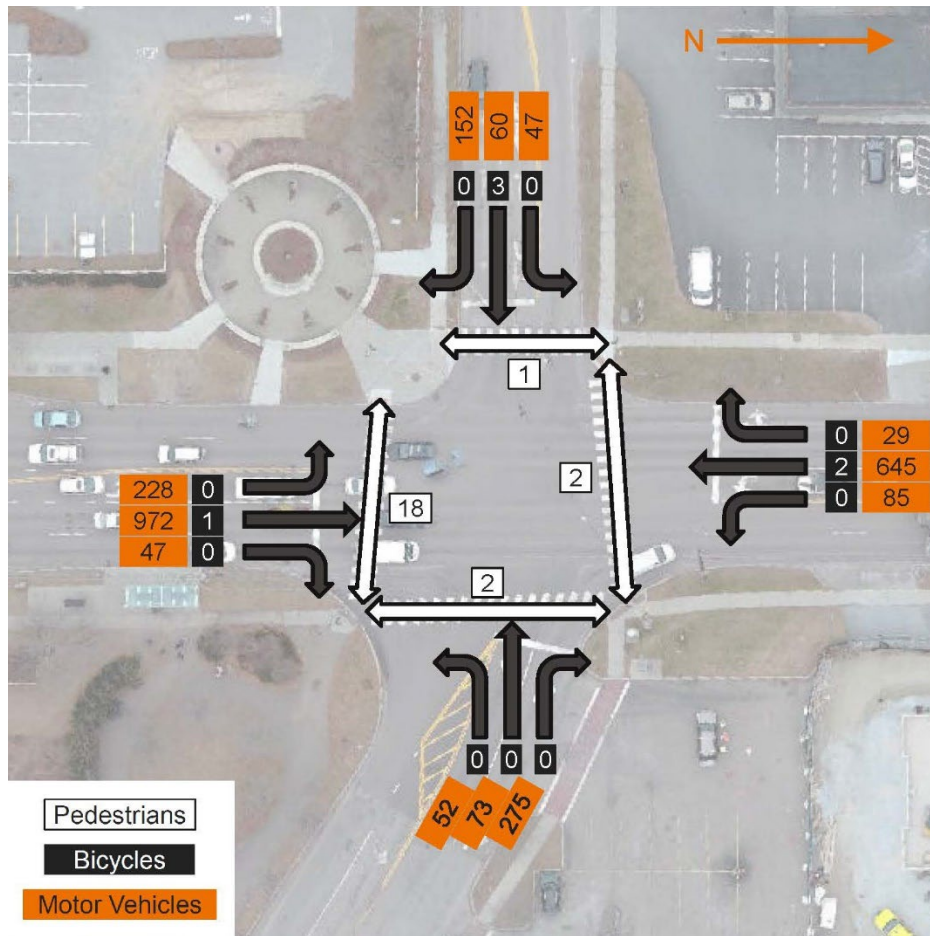


Figure 7: AM Peak Turning Movement Counts



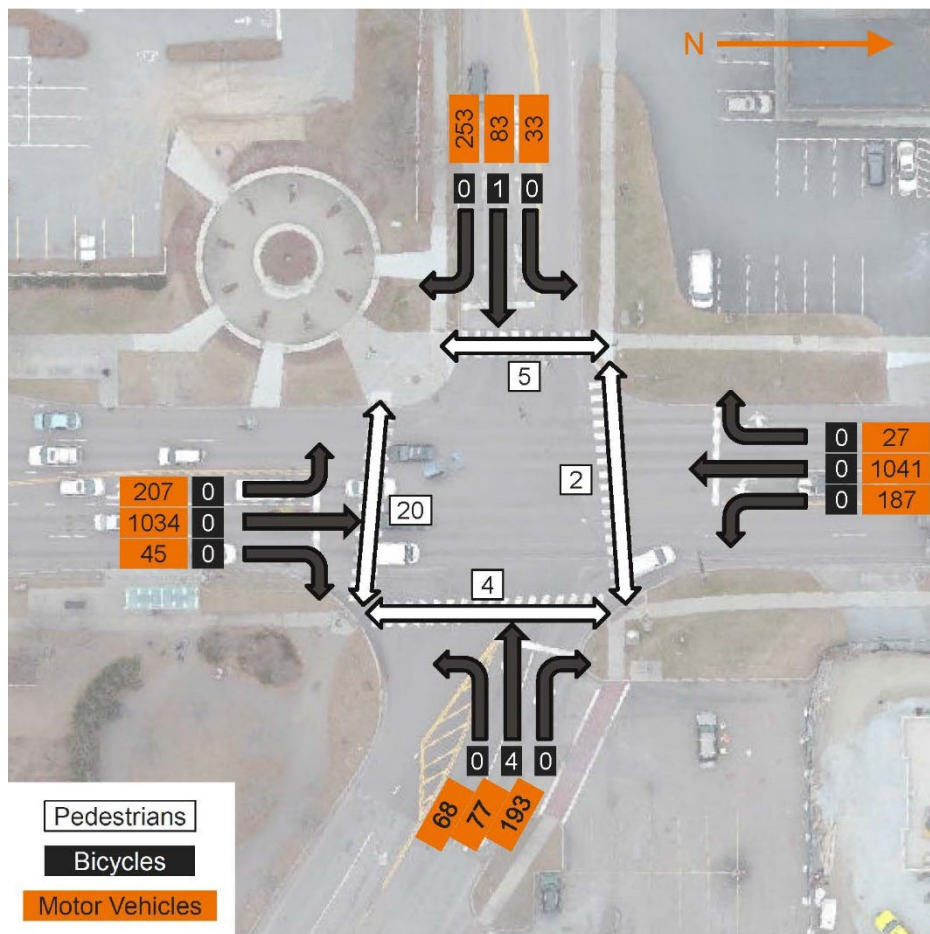


Figure 8: PM Peak Turning Movement Counts

5.6 Intersection Operations

Intersection operating level of service (LOS) was calculated based on existing traffic volumes, geometry, and traffic signal timing and phasing. The results of these calculations are presented in Table 4.

Level of service (LOS) is a term used to describe the quality of traffic flow at a roadway facility at a particular point in time. It is an aggregate measure of travel delay, travel speed, congestion, driver discomfort, convenience, and safety based on a comparison of intersection capacity to intersection demand. Operating LOS are reported on a scale of A to F, with A representing operating conditions with little or no delay to motorists, and F representing the operating conditions with long delays and traffic demands sometimes exceeding roadway capacity.

Intersection LOS is calculated in accordance with procedures defined in the *Highway Capacity Manual*, published by the Transportation Research Board. For unsignalized and signalized intersections, the operating LOS is based on travel delays. Delays can be measured in the field but generally are calculated as a function of the following: traffic volume; percentage of heavy vehicles in the traffic stream; type of



Shelburne Street, Home Avenue, and Farrell Street Intersection Scoping Study

traffic control; number of travel lanes and lane use; intersection approach grades; and pedestrian activity. Through this analysis, volume-to-capacity ratios can be calculated for individual movements or for the intersection as a whole. A volume-to-capacity ratio of 1.0 indicates that a movement or intersection is operating at its theoretical capacity. The specific delay criteria applied per the *Highway Capacity Manual* to determine operating LOS are summarized in Table 3.

Table 3: Intersection Levels of Service Criteria

Level of Service	Average Delay per Vehicle (Seconds)	
	Signalized Intersections	Unsignalized Intersections
A	≤10.0	≤10.0
B	10.1 to 20.0	10.1 to 15.0
C	20.1 to 35.0	15.1 to 25.0
D	35.1 to 55.0	25.1 to 35.0
E	55.1 to 80.0	35.1 to 50.0
F ¹	>80.0	>50.0

¹Level of Service F is also assigned if the volume-to-capacity ratio exceeds 1.0 for a specific movement or lane group. For approach-based and intersection assessments, LOS is defined solely by delay. (Source: *HCM 2010 Highway Capacity Manual*, Transportation Research Board, National Academy of Sciences, Washington, DC, 2010.)

The intersection peak hour operating levels of service were calculated using the Highway Capacity Manual methods as applied by the Synchro software package. Analysis results for existing conditions are reported in Table 4 for 2023 volumes.

Table 4: Existing Optimized Intersection Capacity Analysis Results

	Control	Condition	Peak Hour	2023			Queue Length 95 th (FT)
				LOS ¹	Delay ²	V/C ³	
Shelburne St / Home Ave	Signal	Overall	AM	C	27.8	0.77	258 NBT, 236 SBT
			PM	C	31.7	0.78	447 NBT, 362 SBT

¹LOS= Level of Service

²Delay = Average delay expressed in seconds per vehicle

³V/C = Volume-to-capacity ratio for overall intersection

The analysis results indicate that the intersection itself is operating at an acceptable level of service overall. The southbound left turn movement has the worst LOS in both the AM and PM peak periods with LOS E. The queue lengths at the intersection extend past the next intersection to the south with the Market 32 and Shaw's shopping plazas, and the next two minor intersections to the north, with Bacon Street and Scarff Avenue. These adjacent intersections were not a focus of this study, however, it can be reasonably expected that the queue lengths at the study intersection impact the performance of the adjacent intersections.



5.7 Crash History

Sources of crash data were reviewed, including the VTrans list of High Crash Locations (2012-2016) and the Vermont Public Crash Data Query Tool (2018-2023).

High Crash Location List (2012-2016)

VTrans maintains a listing of High Crash Locations (HCL) within the state. A 0.3-mile highway segment or intersection must have at least five crashes over a five-year period and the actual crash rate (number of crashes per million vehicles at an intersection or per million vehicle miles along a segment) must exceed a critical crash rate to be classified as an HCL. The critical crash rate is based on the average crash rate for similar highways. The most recent compilation of the crash data, “*VTrans High Crash Report: Sections and Intersections 2012-2016*” lists the 1500 FT section of US 7 that includes the intersection with Home Ave and Farrell St as an HCL section. As presented in Table 5, 29 injuries and no fatalities were included with the 128 crashes listed for this highway section, ranked 334 out of 800 HCL sections in the state. The intersection itself was not listed as an HCL intersection, as it did not meet both the criteria of having five or more crashes over a five-year period and having the actual crash rate be greater than the critical crash rate.

Table 5: High Crash Locations 2012-2016

Cross Streets	HCL No.	Mile Marker	AADT	Crashes	Fatalities	Injuries	Actual/ Critical Ratio	Severity Index
~685' north of Home Ave To I-189	334	0.174 - 0.474	26,025	128	0	29	1.462	\$39,320

Recent Five-Year Crash History (2018-2023)

The last five years of crash data (2018-2023) for the study area was also investigated by Stantec using the VTrans crash database. VTrans maintains records of reported crashes by milepost along State and Federal Aid highways in Vermont. The VTrans crash database also includes crashes reported by local agencies along local roads. Records can be queried using the VTrans Public Crash Data Query Tool. The summaries include the location (mile marker, address, or intersection), date, time of day, weather conditions, contributing circumstances, and severity for reported crashes.

Table 6 provides a summary of the crash data. Records for the project study area show 90 crashes at the subject intersection during these years. While VTrans has yet not produced a High Crash Location Report for the years including 2018-2023, the intersection would likely still qualify as an HCL based on these crash data. Rear-end crashes and sideswipe crashes make up a quarter of the crashes. Thirteen crashes were either angle or broadside. Most crashes were of unknown type. One fatality was reported and seven crashes resulted in personal injury. Only one crash was reported as occurring during snow or icy conditions. Most crash records did not include the weather. No crashes involved bicycles. One crash involved a pedestrian resulting in injury. Six crashes involved a heavy truck.



Table 6: Crash Data Summary

Year	Crashes 2018-2023
2018	23
2019	16
2020	15
2021	10
2022	13
2023	13
Total	90
Type	
Angle	7
Rear-end	11
Head-on	1
Single Vehicle	1
Sideswipe	10
Broadside; No Turns	6
Unknown/Other	54
Total	90
Severity	
Property Damage	82
Personal Injury	7
Fatality	1
Unknown/Other	0
Total	90
Weather	
Clear	25
Cloudy	5
Rain	4
Snow/Ice	1
Fog	0
Unknown	55
Total	90



5.8 Natural & Cultural Resources

Stantec used the Vermont Agency of Natural Resources (ANR) Natural Resources Atlas mapping program to evaluate known natural resources within the project area. That evaluation is summarized here and located in Appendix B with map figures.

Wetlands and Streams

According to the ANR Natural Resources Atlas, the project area does not include any mapped wetlands, streams, or flood hazard areas.

Rare, Threatened, and Endangered (RTE) Species

According to the ANR Natural Resources Atlas, there are no RTE species mapped in the project area. However, all of Vermont is considered critical habitat for the state and federally threatened northern long-eared bat. Trees and bridges provide potential habitat for this species. Work proposed for this project includes trimming shrubs, but not trees. The project will comply with the Federal Highway Administration (FHWA) Range-side Programmatic Informal Consultation for Indiana Bat and Northern Long-eared Bats.

Wildlife and Wildlife Habitat

According to the ANR Natural Resources Atlas, the project area does not include forested segments or critical habitat areas, deer wintering areas, or significant natural communities.

Agricultural Land

According to the ANR Natural Resources Atlas, there are both prime and statewide agricultural soils within the project area. However, the project area has all been previously developed.

Public Land and Designated Conservation Areas

According to the ANR Natural Resources Atlas, the project area does not include public recreation lands (Section 4(f)) or public land developed with Land and Water Conservation Funds (Section 6(f)).

Hazardous Materials

According to the ANR Natural Resources Atlas, the project area is within an urban soil background area. Any soils that are excavated must be reused on-site or transported to a designated disposal site. While no hazardous sites or hazardous waste generators are located within the project area, there are hazardous sites and hazardous waste generators adjacent to the project area.

The former Don Cobb's Quality Used Cars (No. 900491) at 521 Shelburne Street is considered a low priority site under a voluntary action for contamination discovered during underground storage tank (UST) removal. According to the VT Environmental Research Tool, the owner is conducting appropriate investigations to determine amount and area of site contamination.



The former Kaigle's Citgo (No. 921298) at 510 Shelburne Street is considered a medium priority site for contamination from subsurface petroleum and chlorinated solvent. The site has a corrective action plan in place and is currently under construction for a mixed-use four-story building with commercial and residential space. Corrective actions include targeted soil excavation and removal, engineered barriers, and building vapor mitigation/sub-slab depressurization (SSD) system. Once the exterior ground surfaces of the site have been redeveloped, three monitoring wells will be installed for groundwater monitoring.

The former Ben Franklin/Seaway Carwash (No. 20033073) at 518 Shelburne Street (Walgreen's currently occupies both 514 and 518 Farrell Street) is considered a medium priority site for petroleum contamination. Construction of the existing Walgreens store on site included soil removal and replacement of monitoring wells. In April 2024, the site entered into the BRELLA Program.

The Walgreens store (EPAID VTR000523837) at 514 Farrell Street is considered a hazardous waste generator.

Historic Resources Review & Archaeological Resources Assessment

A historic resources review (HRR) and archaeological resources assessment (ARA) were performed by the University of Vermont Consulting Archaeological Program (UVM CAP), located in Appendix B. The assessment included the review of historic properties and precontact archeological sensitivity. The HRR identified five significant historic house properties within the Area of Potential Effect (APE). These properties are located outside of the ROW and are not expected to be impacted. The project should consider the placement of any signs or signals that could significantly alter views of the buildings during the design phase. Project coordination with the Vermont Division of Historic Preservation is recommended. Neighborhood Park was identified as a Section 4(f) resource and adverse impacts to the park should be avoided. If Federal Highway Administration (FHWA) funds are utilized, coordination with VTrans/FHWA is recommended to determine any Section 4(f) coordination required. The ARA determined there are no archeologically sensitive sites in the APE. Based on the assessment, construction activities should stay within the extent of existing disturbance.

6 Recommended Improvements

The project team developed a range of improvements to address the project's purpose and need. Recommended improvements were broken down into short-term and medium-term improvements. Short-term improvements include those that can be implemented within one to three years. Medium-term improvements include those that can be implemented within three or more years. Long-term improvements were outside of the scope of this study, as they will be considered once the Champlain Parkway improvements have been in place long enough to evaluate changes in traffic volumes through the Shelburne Street corridor.

Recommended improvements are presented below with descriptions of each. This includes 27 improvements, divided into 13 short-term and 14 medium-term improvements. Short-term improvements are displayed on Figure 9, medium-term improvements are displayed on Figure 10. Both short-term and



medium-term improvements are displayed together on Figure 11. Numbering of improvements below corresponds to the numbers shown on Figures 9, 10, and 11.

Short-term Improvements (See Figure 9)

1. Close two entrances to Walgreens parking lot with planters. Rely on eastern entrance.

Closing two out of the three entrances closest to the intersection for this parking lot will provide better access management, preventing vehicles from stopping and turning into and out of the parking lot so close to the intersection, reducing the number of conflicts with motor vehicles and pedestrians, while providing a more continuous and comfortable pedestrian connection to the intersection.

Responsibility: South Burlington, CCRPC, Walgreens

2. Pilot curb radius adjustments.

Using quick-build materials to pilot a reduced curb radius for righthand turns onto Farrell Street while reducing the width of Farrell Street will allow this design change to be tried out before committing to a permanent change. Reducing the curb radius will force vehicles making this turn to slow down and will shorten the crosswalk for the Farrell Street approach. Narrowing Farrell Street and removing the left turn lane for the Walgreens parking lot will help to calm traffic.

Responsibility: South Burlington and Burlington

3. Trim & maintain landscaping.

Trimming and maintaining the landscaping hedges on the southeasterly corner of the intersection will provide better visibility and daylighting for pedestrians using the plaza, making it more comfortable and attractive.

Responsibility: South Burlington, O'Dell Public Utility District and Homeowner's Association

4. Add second cobra head to existing streetlight at southeasterly pedestrian plaza.

Adding a second cobra head style luminaire and bracket arm to the existing street light at the southeasterly pedestrian plaza will provide better lighting for the pedestrian plaza, making it more comfortable and attractive.

Responsibility: South Burlington

5. Add signage for bicyclists to advance on pedestrian signals.

Providing signage to communicate to cyclists that they may advance when the pedestrian signal is displayed will help cyclists to realize it is legal and acceptable to do so, providing them a protected interval for traveling through the intersection while no motor vehicles are advancing.



Responsibility: Burlington and South Burlington

6. Add static signs to all approaches: TURNING VEHICLES YIELD TO PEDS

Providing this signage will reinforce to motorists that they must yield to pedestrians in the crosswalk when making a turn.

Responsibility: Burlington

7. Add concrete landing pad for rear bus door.

Adding this concrete landing pad will expand the area for transit users to board and alight from the bus without having to deal with a muddy ground surface. GMT supports this improvement.

Responsibility: Burlington and GMT

8. Add sidewalk connection.

Providing this sidewalk segment will provide a more direct and easily accessible pedestrian route to the southwesterly corner of the intersection.

Responsibility: Burlington

9. Remove errant sidewalk segment.

Removing this segment of sidewalk that currently extends to the curb will prevent pedestrians from potentially stepping into traffic without a crosswalk in this location.

Responsibility: Burlington and Pomerleau

10. Add more bike racks.

Providing more bike racks at both of the transit stops will better support transit users who want to ride their bike to and from these stops.

Responsibility: Burlington and GMT

11. Revise Home Avenue lane widths.

Making the two approach lanes on Home Avenue to 10 FT widths and the receiving lane to a 12 FT width will help to calm traffic.

Responsibility: Burlington

12. Add bike lane on Home Ave to connect to planned bike lane; add static sign: BEGIN RIGHT TURN LANE/YIELD TO BIKES; Add sharrows for receiving lane.



Using the space freed up from revising the lane widths on Home Avenue to provide a bike lane that connects to the planned future bike lanes on Home Avenue will provide a designated space for bicyclists to advance to the stop bar. Providing sharrows for the receiving lane on Home Avenue will reinforce to motorists and bicyclists that it is acceptable for bikes to take the lane here and to share the roadway.

Alternatively, a bike lane could be provided for the receiving lane on Home Avenue with sharrows on the approach. This option should be considered during the design phase of the bike lane restriping project. The approach will also have the option of bicyclists using the sidewalk to get through the intersection, with the addition of a ramp onto the sidewalk further west of the intersection, as part of the current planned bike lane project on Home Avenue.

Responsibility: Burlington

13. Relocate stop bar and install bike box on Home Ave approach.

Moving the stop bar back and providing a bike box will give additional space for bicyclists who wish to get out in front of motorists during a red light, positioning themselves to cross the intersection more visibly.

Responsibility: Burlington

Medium-Term Improvements (See Figure 10)

14. Revise Farrell Street approach lane geometry. Add bike lanes to both sides of Farrell Street. Add bike ramp to shared use path.

Assuming the quick-build pilot project for reducing the curb radius and receiving lane width on Farrell Street goes well, permanent changes will be made. Narrowing the overall roadway width, removing the left turn lane for Walgreens, providing bike lanes on both sides and realigning the approach will calm traffic and provide more comfortable facilities for bicyclists. Providing a bike ramp to the shared use path will allow bicyclists quick access to the South Burlington shared use path network. This gives bicyclists an option to get out of the roadway if they choose.

Responsibility: South Burlington

15. Relocate stop bar and install bike box on Farrell Street approach.

Moving the stop bar back and providing a bike box will give additional space for bicyclists who wish to get out in front of motorists during a red light, positioning themselves to cross the intersection more visibly.

Responsibility: South Burlington

16. Add “crossbike” markings.



Adding crossbike markings through the intersection for east-west bicycle travel will help bicyclists navigate through the intersection and will reinforce to motorists that this intersection accommodates bicycle travel in the roadway.

Responsibility: Burlington

17. Revise curb radii to shorten pedestrian crossing distances.

Permanently revising curb radii will calm traffic, forcing motorists to make turns more slowly, while also shortening the crosswalks, reducing the exposure of pedestrians to motor vehicle traffic.

Responsibility: Burlington and South Burlington

18. Relocate stop bar to allow trucks to turn right from Farrell Street.

The reduced curb radius on the northeasterly corner of the intersection will force large trucks to encroach on the existing southbound travel lanes, particularly the southbound left turn lane. Pushing back the stop bar on the southbound approach will accommodate this truck turning movement.

Responsibility: Burlington and South Burlington

19. Realign crosswalks and ramp locations.

Making crosswalks perpendicular to the roadway, and revising the ramps accordingly, will shorten pedestrian crossing distances and reduce the exposure of pedestrians to motor vehicle traffic.

Responsibility: Burlington

20. Landscaping to guide pedestrians to directional crossing locations.

Adding a grass strip along the southwesterly corner of the intersection between the two crossing ramps will help to guide pedestrians to the appropriate ramps and help keep them further away from turning motor vehicles.

Responsibility: Burlington

21. Remove extra curb cuts at Walgreens. Replace with sidewalks and grass strip.

Pending results of the quick-build modifications, permanently closing two out of the three entrances closest to the intersection for this parking lot will provide better access management. This will reduce the number of conflicts with motor vehicles and pedestrians while providing a more continuous and comfortable pedestrian connection to the intersection.

Responsibility: South Burlington and Walgreens



22. Shorten southbound left-turn lane for Shaw's Plaza. Use space for extending northbound left turn lanes.

Right-sizing the southbound left-turn lane for Shaw's Plaza and extending the northbound left turn lane will better accommodate the ratio of motor vehicles making these turning movements. This will maintain sufficient operations at the Shaw's Plaza intersection while improving operations at the intersection with Home Avenue and Farrell Street.

Responsibility: Burlington and Acadia Realty (Owners of Shaw's Plaza)

23. Upgrade/relocate pedestrian signal equipment.

Upgrading pedestrian signal equipment will make the signals more accessible to people with disabilities. Relocating pedestrian pushbuttons to comply with the Manual on Uniform Traffic Control Devices (MUTCD) by placing them closer to the crossing locations will benefit all pedestrians, particularly those with mobility challenges.

Responsibility: Burlington

24. Replace spanwire traffic signal system with mast arms and mast arm poles.

Modernizing this traffic signal system will better support additional safety and efficiency measures. These include more flexibility in signal head configurations, signage, vehicle detection, and data collection to help optimize signal phasing and timing configurations. Signal head changes include: providing the ability to run northbound and southbound left turn lanes protected during peak hours and permitted, using flashing yellow arrows (FYAs) during off peak hours; and providing FYAs for the eastbound and westbound turn lanes. FYAs encourage motorists to yield to oncoming traffic and/or pedestrians in the crosswalk, regardless of pedestrian phasing.

Responsibility: Burlington

25. Add static signs to northbound, southbound, and westbound left turn lanes: LEFT TURN YIELD ON FLASHING ARROW

Adding these signs reinforce the need for motorists to yield to oncoming traffic and/or pedestrians in the crosswalk when FYAs are displayed.

Responsibility: Burlington

26. Add dynamic blank out signs to all approaches: NO RIGHT TURN

Displaying blank out signs with the symbol for NO RIGHT TURN (right turn arrow crossed out in a circle) during pedestrian phases will prevent motorists from making right turns on red. This will reduce motorists failing to yield to pedestrians in the crosswalk.

Responsibility: Burlington



27. Add sidewalk segment for desire line.

Providing a sidewalk segment from the northbound transit stop to the Shaw's plaza parking lot will provide a more direct route to the parking lot and accommodate the desire line shown by the development of an informal path.

Responsibility: Acadia Realty

None of these improvements are mutually exclusive. They can be implemented either together or in a phased approach.

The City of Burlington is also working on a project to add five-foot painted bike lanes on Home Avenue between Shelburne Street and Pine Street. It is anticipated that this will include a ramp onto the sidewalk for bicycles at the break in the fence into the Market 32 Plaza that is west of the project area. This will make it easier for bikes to get onto the sidewalk and use it to cross the intersection if they choose. The City is pursuing this project for the 2025 construction season.



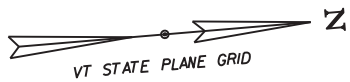


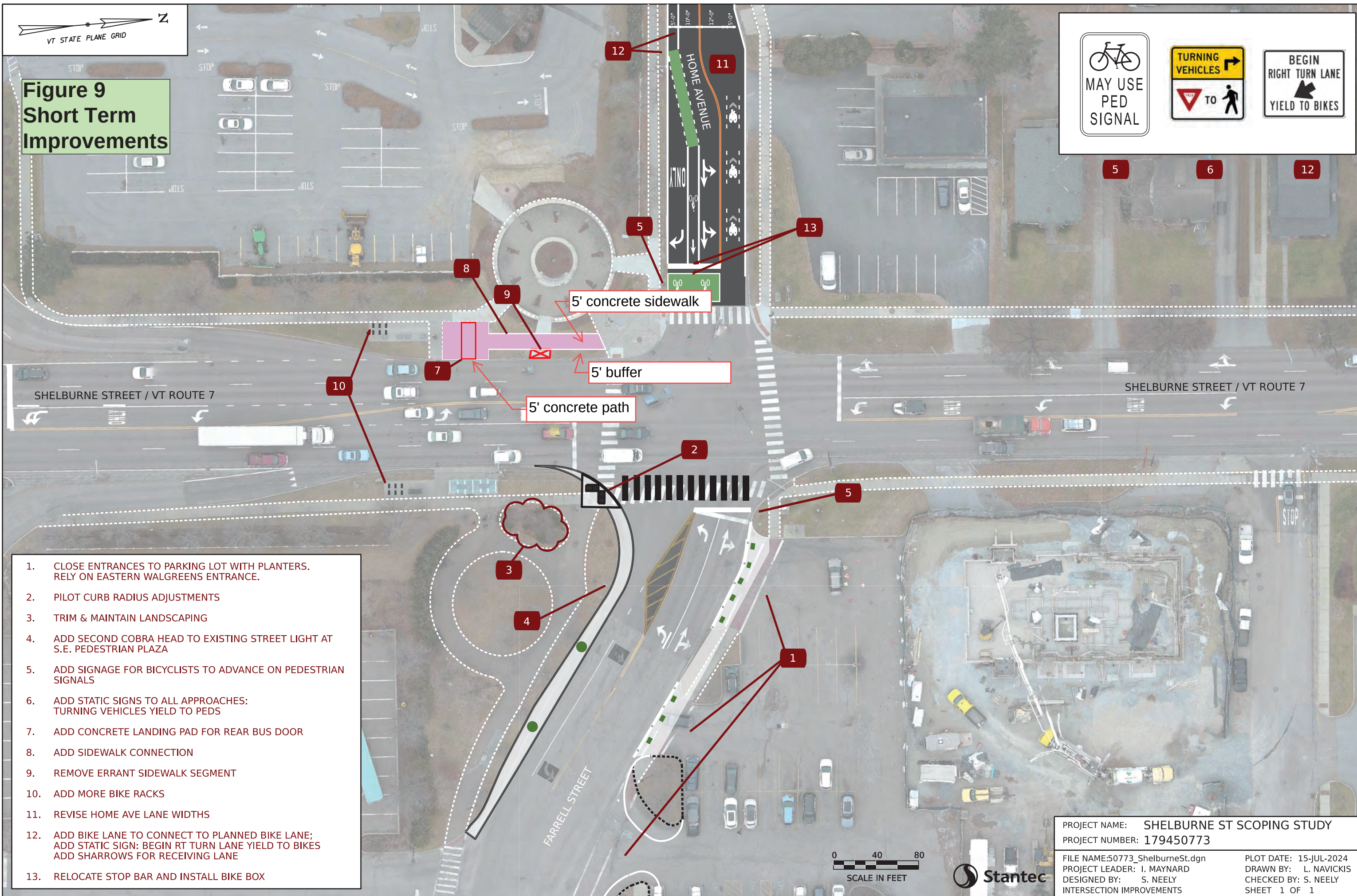
Figure 9
Short Term
Improvements



5

6

12



1. CLOSE ENTRANCES TO PARKING LOT WITH PLANTERS. RELY ON EASTERN WALGREENS ENTRANCE.
2. PILOT CURB RADIUS ADJUSTMENTS
3. TRIM & MAINTAIN LANDSCAPING
4. ADD SECOND COBRA HEAD TO EXISTING STREET LIGHT AT S.E. PEDESTRIAN PLAZA
5. ADD SIGNAGE FOR BICYCLISTS TO ADVANCE ON PEDESTRIAN SIGNALS
6. ADD STATIC SIGNS TO ALL APPROACHES: TURNING VEHICLES YIELD TO PEDS
7. ADD CONCRETE LANDING PAD FOR REAR BUS DOOR
8. ADD SIDEWALK CONNECTION
9. REMOVE ERRANT SIDEWALK SEGMENT
10. ADD MORE BIKE RACKS
11. REVISE HOME AVE LANE WIDTHS
12. ADD BIKE LANE TO CONNECT TO PLANNED BIKE LANE; ADD STATIC SIGN: BEGIN RT TURN LANE YIELD TO BIKES; ADD SHARROWS FOR RECEIVING LANE
13. RELOCATE STOP BAR AND INSTALL BIKE BOX

0 40 80
SCALE IN FEET

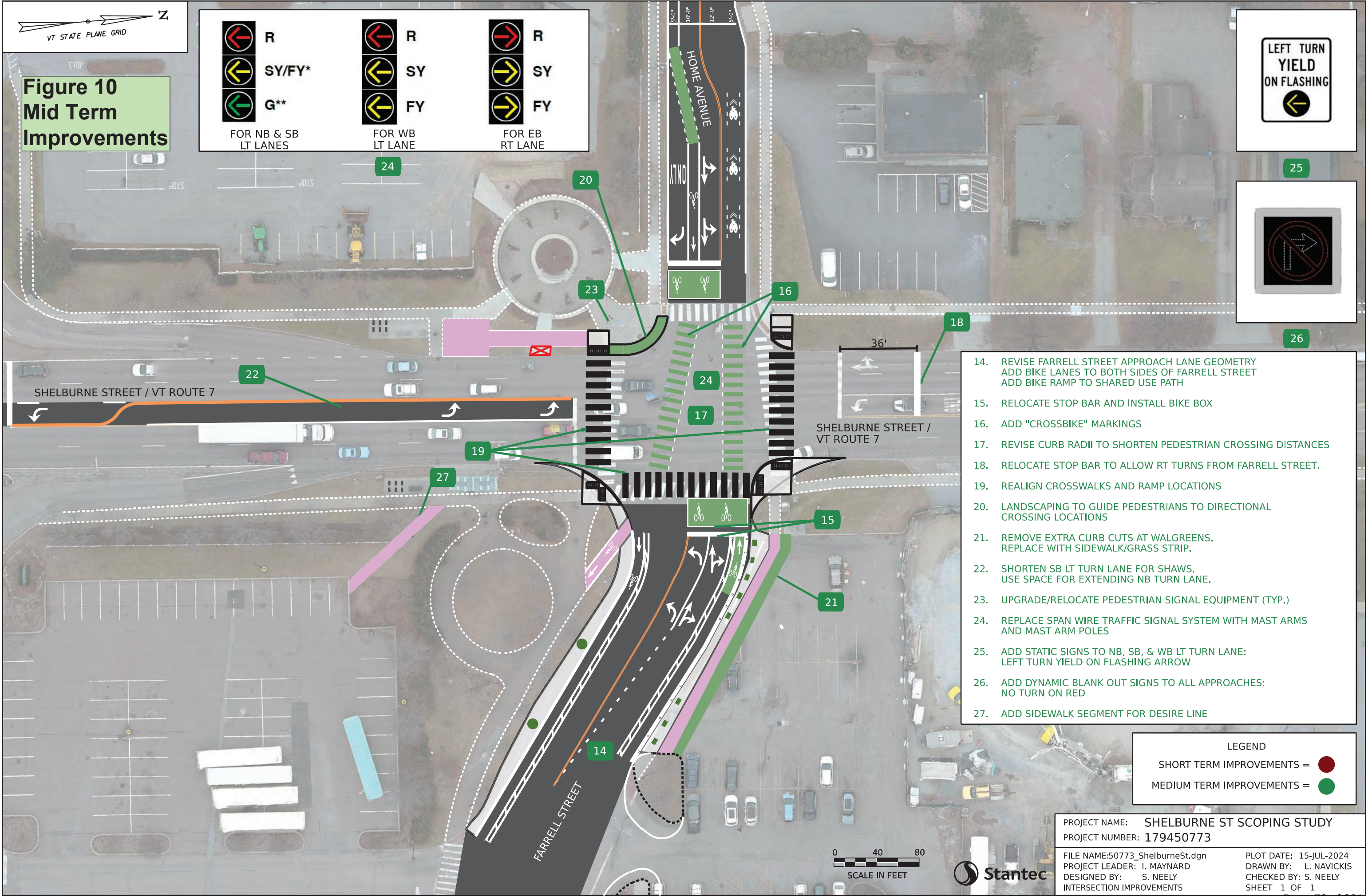


PROJECT NAME: SHELburne ST SCOPING STUDY

PROJECT NUMBER: 179450773

FILE NAME: 50773_ShelburneSt.dgn
PROJECT LEADER: I. MAYNARD
DESIGNED BY: S. NEELY
INTERSECTION IMPROVEMENTS

PLOT DATE: 15-JUL-2024
DRAWN BY: L. NAVICKIS
CHECKED BY: S. NEELY
SHEET 1 OF 1



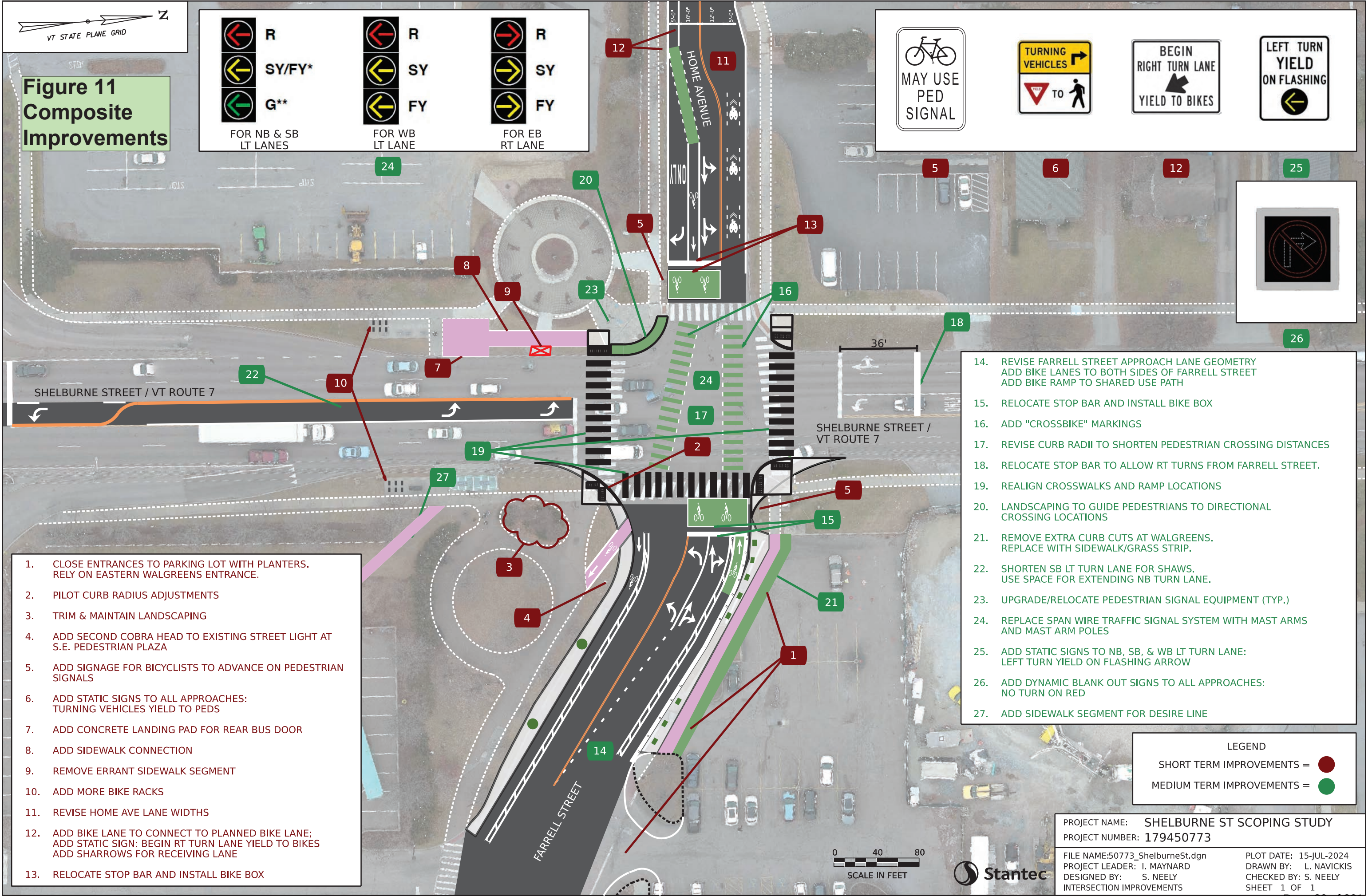


Figure 11
Composite
Improvements

 **R**
 **SY/FY***
 **G****
FOR NB & SB
LT LANES

 **R**
 **SY**
 **FY**
FOR WB
LT LANE

 **R**
 **SY**
 **FY**
FOR EB
RT LANE


MAY USE
PED
SIGNAL

TURNING
VEHICLES

TO


BEGIN
RIGHT TURN LANE

YIELD TO BIKES

LEFT TURN
YIELD
ON FLASHING




1. CLOSE ENTRANCES TO PARKING LOT WITH PLANTERS. RELY ON EASTERN WALGREENS ENTRANCE.
2. PILOT CURB RADIUS ADJUSTMENTS
3. TRIM & MAINTAIN LANDSCAPING
4. ADD SECOND COBRA HEAD TO EXISTING STREET LIGHT AT S.E. PEDESTRIAN PLAZA
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7. ADD CONCRETE LANDING PAD FOR REAR BUS DOOR
8. ADD SIDEWALK CONNECTION
9. REMOVE ERRANT SIDEWALK SEGMENT
10. ADD MORE BIKE RACKS
11. REVISE HOME AVE LANE WIDTHS
12. ADD BIKE LANE TO CONNECT TO PLANNED BIKE LANE; ADD STATIC SIGN: BEGIN RT TURN LANE YIELD TO BIKES ADD SHARROWS FOR RECEIVING LANE
13. RELOCATE STOP BAR AND INSTALL BIKE BOX

14. REVISE FARRELL STREET APPROACH LANE GEOMETRY
ADD BIKE LANES TO BOTH SIDES OF FARRELL STREET
ADD BIKE RAMP TO SHARED USE PATH
15. RELOCATE STOP BAR AND INSTALL BIKE BOX
16. ADD "CROSSBIKE" MARKINGS
17. REVISE CURB RADII TO SHORTEN PEDESTRIAN CROSSING DISTANCES
18. RELOCATE STOP BAR TO ALLOW RT TURNS FROM FARRELL STREET.
19. REALIGN CROSSWALKS AND RAMP LOCATIONS
20. LANDSCAPING TO GUIDE PEDESTRIANS TO DIRECTIONAL CROSSING LOCATIONS
21. REMOVE EXTRA CURB CUTS AT WALGREENS. REPLACE WITH SIDEWALK/GRASS STRIP.
22. SHORTEN SB LT TURN LANE FOR SHAWS. USE SPACE FOR EXTENDING NB TURN LANE.
23. UPGRADE/RELOCATE PEDESTRIAN SIGNAL EQUIPMENT (TYP.)
24. REPLACE SPAN WIRE TRAFFIC SIGNAL SYSTEM WITH MAST ARMS AND MAST ARM POLES
25. ADD STATIC SIGNS TO NB, SB, & WB LT TURN LANE: LEFT TURN YIELD ON FLASHING ARROW
26. ADD DYNAMIC BLANK OUT SIGNS TO ALL APPROACHES: NO TURN ON RED
27. ADD SIDEWALK SEGMENT FOR DESIRE LINE

LEGEND
SHORT TERM IMPROVEMENTS = 
MEDIUM TERM IMPROVEMENTS = 

PROJECT NAME: SHELburne ST SCOPING STUDY
PROJECT NUMBER: 179450773
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CHECKED BY: S. NEELY
SHEET 1 OF 1

7 Signal Phasing Alternatives

The project team developed four alternatives, each including the short-term and medium-term improvements described previously, differentiated according to the type of pedestrian signal phasing and whether eastbound and westbound approaches have protected left-turn phases.

Pedestrian signal phasing can be implemented with either a leading pedestrian interval (LPI) or an exclusive pedestrian phase. The first part of LPI phasing provides a six second head start for pedestrians and bicycles to advance while traffic signals are on red. The second part of LPI phasing provides a green light for through and turning motor vehicles; turning traffic yields to pedestrians in the crosswalk. Exclusive pedestrian phasing stops all motor vehicle traffic with red signal faces while pedestrians and cyclists have the right-of-way over motor vehicles on all approaches. Exclusive pedestrian phasing requires additional time within the traffic signal cycle than LPI and can result in reduced intersection capacity for motorists. Both LPI and exclusive pedestrian phasing alternatives would also include a No Right Turn (NTOR) symbol LED blank out sign to prevent right turns while the traffic light is red during the pedestrian phase, as displayed in improvement item 26 on Figures 10 and 11.

Providing protected left-turn phases for the eastbound and westbound approaches would further reduce the conflict of left turning vehicles not yielding to pedestrians in crosswalks. During protected left-turn phases for eastbound and westbound motorists, pedestrian signals are set to indicate DON'T WALK.

7.1 Do Nothing

For the Do Nothing Alternative, the existing transportation facilities in the project area remain as they exist today. This alternative has no construction costs and has no impacts on right-of-way, resources, or traffic. The No Action Alternative does not address the Purpose and Need.

7.2 Alternative 1A: Leading Ped Interval (NTOR)

This alternative includes all short-term and medium-term improvements and proposes implementing a leading pedestrian interval with a blank out No Right Turn sign.

7.3 Alternative 1B: Leading Ped Interval (NTOR) & Protected EB/WB Left Turns

This alternative includes all short-term and medium-term improvements and proposes implementing a leading pedestrian interval with a blank out No Right Turn sign and protected eastbound and westbound left turns.



7.4 Alternative 2A: Exclusive Ped Interval (NTOR)

This alternative includes all short-term and medium-term improvements and proposes implementing an exclusive pedestrian phase with a blank out No Right Turn sign.

7.5 Alternative 2B: Exclusive Ped Interval (NTOR) & Protected EB/WB Left Turns

This alternative includes all short-term and medium-term improvements and proposes implementing an exclusive pedestrian phase with a blank out No Right Turn sign and protected eastbound and westbound left turns.

7.6 Alternatives Evaluation

7.6.1 SAFETY BENEFITS

Safety for the traveling public is increased in each improvement alternative over the Do Nothing alternative, both in terms of pedestrian safety in crosswalks and in mitigating factors that contribute to a high number of crashes. Each improvement alternative reduces conflicts and increases awareness among drivers, cyclists, and pedestrians by:

- Consolidating parking lot driveways;
- Slowing turning vehicles;
- Encouraging cyclists to advance during pedestrian phases;
- Communicating to motorists that turning vehicles must yield to pedestrians;
- Adding bike lanes, sharrows, bike boxes, and crossbike markings;
- Communicating to motorists to yield to bikes on the Home Ave approach;
- Reducing pedestrian exposure to motor vehicle traffic by shortening pedestrian crossing distances;
- Upgrading and relocating pedestrian signal equipment;
- Restricting right turns during pedestrian phases;
- Implementing flashing yellow arrows (FYAs)

Alternatives 2A and 2B stop all motor vehicle movements during the exclusive pedestrian phase. Alternatives 1B and 2B provide protected left turns for the eastbound and westbound approaches, further reducing conflicts among left-turning motor vehicles from those approaches and pedestrians in the crosswalks, as well as motor vehicles moving through straight through the intersection.

7.6.2 PEDESTRIAN & BICYCLE CONNECTIVITY

Pedestrian and bicycle connectivity through and around the intersection are increased in each improvement alternative over the Do Nothing alternative. Each improvement alternative increases pedestrian and bicycle connectivity by:



- Closing two Walgreens parking lot driveways and providing a continuous pedestrian connection from the remaining driveway to the northeasterly corner of the intersection;
- Adding bike lanes, sharrows, bike boxes, and crossbike markings to better support bicycle movements through the intersection;
- Adding an on-ramp from the receiving lane on Farrell Street to the South Burlington Recreation Path;
- Upgrading and relocating pedestrian signal equipment;
- Shortening pedestrian crossing distances;
- Improving sidewalk ramps;
- Adding landscaping to guide pedestrians to directional crossing locations;
- Making the pedestrian plaza on the southeasterly corner of the intersection more comfortable and welcoming to pedestrians by trimming and maintaining landscaping and increasing street lighting;
- Providing a concrete landing pad for the rear bus door at the southbound bus stop;
- Providing a direct sidewalk connection to bypass the indirect pathway through the pedestrian plaza on the southwesterly corner of the intersection;
- Removing an errant sidewalk segment that leads to an unsafe crossing location on the southwesterly corner of the intersection;
- Adding more bike racks to better support bicycle travel to and from both bus stops;
- Providing a new sidewalk segment from the northbound bus stop to the shopping plaza parking lot

7.6.3 TRAFFIC OPERATIONS IMPACTS

Roadway and traffic conditions in the study area were projected to 2026 for short term improvements and 2030 for medium term improvements. Traffic volumes collected by CCRPC in 2023 were increased by 1.2 percent and 2.9 percent for short term and medium term improvements, respectively. These growth rates were obtained from the VTrans Continuous Traffic Counter Report (*The Red Book*), which compiles and analyzes traffic volume data collected by VTrans, based on 2023 traffic data. Existing peak hour factors were applied to the 2026 and 2030 volumes as well.

The traffic operations analysis conducted for existing traffic conditions were repeated for future conditions based on the traffic growth assumptions referenced above. Traffic operations analysis worksheets are presented in Appendix C. As shown in Table 7 below, new traffic growth will modestly increase overall intersection utilization (V/C) during both the AM and PM peak hours.

Table 7 compares extending the northbound left turn lane in the short term (2026) to the 2026 No Build option. Results indicate that extending the northbound left turn lane will maintain the same level of service (LOS) C and essentially the same overall average delay and V/C.

Table 7 also compares concurrent pedestrian phasing with a leading pedestrian interval (LPI) and blank out No Right Turn sign, against exclusive pedestrian phasing and blank out No Right Turn sign, with or without protected eastbound and westbound left turns. Results indicate that while exclusive pedestrian phasing has slightly more overall delay than LPI phasing, the amount of delay is acceptable and overall LOS C will be maintained in either scenario. Adding protected eastbound and westbound left turns to



either type of pedestrian phasing will increase delay and the intersection will drop to overall LOS D in the evening peak period. The signal timing can be programmed differently for AM peak, PM peak, and off peak travel periods.

Table 7: Existing and Future Intersection Capacity Analysis Results

		AM Peak Hour	PM Peak Hour
Existing (2023)			
Cycle Length (CL) = 90s	LOS¹	C	C
	Delay²	27.8	31.7
	V/C³	0.77	0.78
Future (2026) No Build			
CL = 90s	LOS¹	C	C
	Delay²	28.5	32.6
	V/C³	0.78	0.79
Future (2030) No Build			
CL = 90s	LOS¹	C	C
	Delay²	29.6	34.0
	V/C³	0.80	0.81
Future (2026) Extend NB Left Turn Lane			
CL = 90s	LOS¹	C	C
	Delay²	28.8	32.5
	V/C³	0.79	0.79
Future (2026) Concurrent Pedestrian Phasing with Leading Pedestrian Interval & NTOR			
CL = 90s	LOS¹	C	C
	Delay²	30.8	32.1
	V/C³	0.77	0.79
Future (2030) Leading Pedestrian Interval w/ Protected EB & WB Left Turns			
CL = 90s (AM)	LOS¹	C	D
CL = 115s (PM)	Delay²	34.6	37.8
	V/C³	0.73	0.77
Future (2026) Exclusive Pedestrian Phasing & NTOR			
CL = 85s (AM)	LOS¹	C	C
CL = 95s (PM)	Delay²	32.1	34.9
	V/C³	0.76	0.75
Future (2030) Exclusive Pedestrian Phasing w/ Protected EB & WB Left Turns			
CL = 115s (AM)	LOS¹	C	D
CL = 135s (PM)	Delay²	27.8	40.9
	V/C³	0.73	0.71

¹ LOS = Level of Service

² Delay = Average delay expressed in seconds per vehicle

³ Overall V/C = Volume-to-capacity ratio for overall intersection



Table 8 displays analysis results by approach, including 50th (average) and 95th percentile queues, for No Build (Do Nothing) scenarios and Table 9 displays capacity analysis results by approach, including 50th and 95th percentile queues, for concurrent pedestrian phasing with a leading pedestrian interval (LPI) and blank out No Right Turn sign, against exclusive pedestrian phasing and blank out No Right Turn sign, with or without protected eastbound and westbound left turns. Concurrent LPI pedestrian phasing results in similar queue lengths to the No Build condition. Exclusive pedestrian phasing results in longer queue lengths, but the northbound approach queue length, which most impacts the intersection immediately south, has an average of only two car lengths more than the No Build or LPI phasing. Under the worst conditions (95th percentile), exclusive pedestrian phasing will add an additional three car lengths compared to the No Build or LPI phasing. Adding protected eastbound and westbound left turns to either type of pedestrian phasing results in average northbound queue lengths that extend past the intersection immediately south. Under the worst conditions, adding protected eastbound and westbound left turns to the exclusive pedestrian phasing scenario will result in queue lengths that extend to the I-189 interchange. These extended queue lengths are a result of lengthening the cycle length to accommodate the protected eastbound and westbound left turns.



Table 8 –Weekday Peak Hour Intersection Capacity Analysis Results – No Build											
Approach	Direction/ turning movement	AM Peak					PM Peak				
		Delay ¹	LOS ²	v/c ³	Queue ⁴		Delay ¹	LOS ²	v/c ³	Queue ⁴	
					50 th	95 th				50 th	95 th
Existing (2023)											
Shelburne St	NB LT	15.2	B	0.55	91	51	23.5	C	0.69	79	#137
Shelburne St	NB T	22.7	C	0.85	235	#258	31.7	C	0.93	240	#447
Shelburne St	SB LT	69.6	E	0.79	53	#121	73.9	E	0.91	115	#243
Shelburne St	SB T	25.9	C	0.63	176	236	24.2	C	0.77	279	362
Home Ave	EB T	52.2	D	0.71	66	#141	37.9	D	0.49	62	119
Home Ave	EB RT	27.0	C	0.11	0	34	30.1	C	0.17	0	63
Farrell St	WB LT	28.7	C	0.20	26	59	32.8	C	0.29	35	74
Farrell St	WB T	35.9	D	0.58	91	196	36.8	D	0.52	79	164
OVERALL		27.8	C	0.77			31.7	C	0.78		
Future (2026) No Build											
Shelburne St	NB LT	15.5	B	0.56	92	55	24.4	C	0.70	81	#143
Shelburne St	NB T	23.6	C	0.86	238	#411	33.5	C	0.94	243	#456
Shelburne St	SB LT	72.7	E	0.81	54	#123	76.0	E	0.92	117	#247
Shelburne St	SB T	26.1	C	0.63	178	240	24.5	C	0.77	284	368
Home Ave	EB T	56.4	E	0.74	97	#147	38.3	D	0.50	64	121
Home Ave	EB RT	27.0	C	0.11	0	36	30.1	C	0.17	0	63
Farrell St	WB LT	28.7	C	0.21	26	59	33.0	C	0.30	35	75
Farrell St	WB T	36.3	D	0.59	95	199	37.0	D	0.53	81	167
OVERALL		28.5	C	0.78			32.6	C	0.79		
Future (2030) No Build											
Shelburne St	NB LT	15.7	B	0.56	90	70	25.4	C	0.72	82	#149
Shelburne St	NB T	24.5	C	0.88	248	#422	36.1	D	0.96	248	#469
Shelburne St	SB LT	76.2	E	0.82	55	#127	80.3	F	0.93	119	#252
Shelburne St	SB T	27.5	C	0.66	186	250	25.0	C	0.79	292	378
Home Ave	EB T	59.6	E	0.77	68	#150	39.8	D	0.53	65	124
Home Ave	EB RT	27.0	C	0.11	0	37	30.2	C	0.17	0	63
Farrell St	WB LT	28.8	C	0.21	27	60	33.2	C	0.31	36	76
Farrell St	WB T	36.7	D	0.60	98	204	37.3	D	0.54	83	171
OVERALL		29.6	C	0.80			34.0	C	0.81		

1. Delay in seconds per vehicle
2. Level of Service according to HCM
3. Volume to Capacity Ratio
4. Queue in feet per lane: 50th percentile and 95th percentile (25 feet per vehicle)

Queue shown is maximum after two cycles.
~ Volume exceeds capacity and is theoretically infinite.
95th percentile volume exceeds capacity, queue may be longer

Table 9 – Weekday Peak Hour Intersection Capacity Analysis Results – Signal Improvements											
Approach	Direction/ turning movement	AM Peak					PM Peak				
		Delay ¹	LOS ²	v/c ³	Queue ⁴		Delay ¹	LOS ²	v/c ³	Queue ⁴	
					50 th	95 th				50 th	95 th
Future (2026) Concurrent Phasing with Leading Pedestrian Interval & No Right Turn Blank Out Sign											
Shelburne St	NB LT	17.7	B	0.59	95	75	29.6	C	0.77	81	#154
Shelburne St	NB T	32.7	C	0.94	245	#446	33.3	C	0.94	243	#457
Shelburne St	SB LT	51.0	D	0.67	52	102	76.0	E	0.92	117	#247
Shelburne St	SB T	28.5	C	0.67	186	250	22.1	C	0.74	271	352
Home Ave	EB T	39.2	D	0.58	63	116	38.2	D	0.50	63	120
Home Ave	EB RT	25.5	C	0.11	0	41	30.8	C	0.22	9	75
Farrell St	WB LT	26.8	C	0.19	25	57	33.0	C	0.30	35	75
Farrell St	WB T	33.7	C	0.56	67	199	37.5	D	0.54	85	172
OVERALL		30.8	C	0.77	CL = 90s		32.1	C	0.79	CL = 90s	
Future (2030) Concurrent Pedestrian Phasing with LPI, NTOR Blank Out, and Protected Phases for EB & WB Left Turns											
Shelburne St	NB LT	16.6	B	0.42	49	53	41.6	D	0.72	109	#183
Shelburne St	NB T	45.8	D	1.00	256	#450	39.6	D	0.87	405	503
Shelburne St	SB LT	41.4	D	0.71	37	#87	52.3	D	0.95	102	#231
Shelburne St	SB T	28.1	C	0.67	185	247	30.9	C	0.79	379	468
Home Ave	EB T	30.1	C	0.40	64	112	43.1	D	0.46	87	151
Home Ave	EB RT	28.0	C	0.12	2	46	42.2	D	0.24	16	98
Farrell St	WB LT	21.5	C	0.17	24	52	33.9	C	0.29	43	84
Farrell St	WB T	23.7	C	0.29	38	103	39.6	D	0.47	110	202
OVERALL		34.6	C	0.73	CL = 90s		37.8	D	0.77	CL = 115s	
Future (2026) Exclusive Pedestrian Phasing (w/ NTOR Blank Out)											
Shelburne St	NB LT	31.5	C	0.73	78	#232	40.5	D	0.78	81	#221
Shelburne St	NB T	33.8	C	0.88	241	#484	39.2	D	0.91	299	#535
Shelburne St	SB LT	40.7	D	0.56	47	#148	45.7	D	0.72	112	#275
Shelburne St	SB T	20.7	C	0.56	122	262	24.5	C	0.76	232	#517
Home Ave	EB T	67.2	E	0.82	65	#150	44.9	D	0.57	69	130
Home Ave	EB RT	26.9	C	0.18	13	57	35.0	C	0.31	29	106
Farrell St	WB LT	28.0	C	0.21	25	58	36.2	D	0.32	38	80
Farrell St	WB T	39.1	D	0.68	113	#246	43.4	D	0.63	108	200
OVERALL		32.1	C	0.76	CL = 85s		34.9	C	0.75	CL = 95s	
Future (2030) Exclusive Pedestrian Phasing with Protected Phases for EB & WB Left Turns											
Shelburne St	NB LT	23.5	C	0.56	103	194	53.3	D	0.79	142	#287
Shelburne St	NB T	23.1	C	0.67	317	483	36.7	D	0.79	526	#711
Shelburne St	SB LT	20.8	C	0.43	38	81	51.3	D	0.79	137	#321
Shelburne St	SB T	20.0	C	0.48	194	288	32.7	C	0.76	495	#727
Home Ave	EB T	70.5	E	0.81	93	146	65.8	E	0.68	109	173
Home Ave	EB RT	40.4	D	0.11	0	45	54.8	D	0.37	37	128
Farrell St	WB LT	31.8	C	0.21	33	59	43.1	D	0.32	52	88
Farrell St	WB T	40.0	D	0.65	170	253	49.5	D	0.61	174	251
OVERALL		27.8	C	0.73	CL = 115s		40.9	D	0.71	CL = 135s	

1. Delay in seconds per vehicle
2. Level of Service according to HCM
3. Volume to Capacity Ratio
4. Queue in feet per lane: 50th percentile and 95th percentile (25 feet per vehicle)

Queue shown is maximum after two cycles.
~ Volume exceeds capacity and is theoretically infinite.
95th percentile volume exceeds capacity, queue may be longer

7.6.3.1 Corridor Traffic Analysis

The CCRPC performed a supplemental traffic analysis to evaluate the effects of congestion and coordination, due to an exclusive pedestrian phase in 2026 and adding protected left turn phases for the eastbound and westbound movements in 2030, with the two intersections to the south (Appendix D). Results for 2026 indicate that northbound and southbound queuing on Shelburne Street will not significantly change with the addition of an exclusive pedestrian phase (Alternative 2A). Eastbound and westbound queuing at the study intersection will increase for short durations during peak hours. Protected eastbound and westbound left turns in 2030 will result in unacceptable queue lengths (Alternatives 1B and 2B). The supplemental analysis also indicates that changing the lane configuration for the westbound approach to the study intersection could improve traffic operations. Due to the high volume of right turn movements, changing the current configuration of a designated left turn lane and a shared through and right turn lane to instead have a designated right turn lane and shared through and left turn lane should be evaluated. This potential improvement will be addressed during design.

7.6.4 TRANSIT FACILITIES

Transit facilities are enhanced in each improvement alternative over the Do Nothing alternative. Each improvement alternative enhances the existing transit facilities at the intersection by:

- Providing a concrete landing pad for the rear bus door at the southbound bus stop;
- Providing a direct sidewalk connection from the new concrete landing pad to the southwesterly corner of the intersection;
- Adding more bike racks to better support bicycle travel to and from both bus stops;
- Providing a new sidewalk segment from the northbound bus stop to the shopping plaza parking lot

The project team also discussed the possibility of establishing a Park and Ride facility using available parking at either shopping plaza. The owners of the Market 32 Plaza were not interested in pursuing this. Future coordination could happen with the owners of the Shaw's Plaza to understand their interest. This would improve access to the nearby transit stops and intercept vehicle traffic at a key gateway into Burlington.

7.6.5 RIGHT-OF-WAY IMPACTS

Temporary easements during construction would be needed for each of the improvement alternatives. Permanent impacts to right-of-way are not anticipated for any of the improvement alternatives. All improvements were developed to stay within the existing right-of-way.

7.6.6 ENVIRONMENTAL IMPACTS

Alternatives 1A and 1B are not expected to have significant environmental impacts. Transportation air quality modeling was not included in this study and the intersection is not located in an urban center or constrained by large adjacent buildings that would restrict emissions dispersion. However, Alternative 1B



is expected to moderately increase queue lengths due to the increased cycle length associated with adding protected eastbound and westbound left turn phases. That could lead to moderate increases in idling time and associated emissions contributing to local air pollution in the vicinity of the intersection. Alternative 2B is expected to substantially increase queue lengths due to the combination of providing an exclusive pedestrian phase and adding protected eastbound and westbound left turn phases, which could lead to an increase in idling time and associated emissions contributing to local air pollution in the vicinity of the intersection. No other environmental impacts are expected as a result of the improvement alternatives.

7.6.7 CULTURAL RESOURCE IMPACTS

No impacts to cultural resources are expected for any of the alternatives due to prior development in the study area. No historical or archeologically sensitive resources are anticipated, pending completion of the Archeological Resource Assessment (ARA) and Historic Resource Assessment (HRA).

7.6.8 UTILITY IMPACTS

Replacing the existing span wire traffic signal system with a new traffic signal system using mast arm poles and mast arms will require coordination with the individual utility owners during design and construction but are not expected to result in significant impacts.

7.6.9 STORMWATER IMPACTS

Drainage evaluation will be part of the design of any of the improvement alternatives. Modifying curb lines may require relocating existing drainage inlets and adding stormwater treatment. With sufficient evaluation and design, no adverse impacts to water quality will result from construction. Narrowing Farrell Street will reduce impervious surfaces.

7.6.10 PROJECT COSTS

The following table is a summary of the project costs for the proposed improvements. As shown in Table 10, costs are identical among the four alternatives. This is due to the differentiators of alternatives being signal phasing and timing, while all other recommended improvements are included in each of the alternatives. A breakdown of project improvement costs broken out by short term and medium term improvements is presented in Appendix E.



Table 10: Summary of Project Costs

Item	Do Nothing	Alt 1A: Leading Ped Interval (NTOR)	Alt 1B: Leading Ped Interval (NTOR) & Protected EB/WB Left Turns	Alt 2A: Exclusive Ped Interval (NTOR)	Alt 2B: Exclusive Ped Interval (NTOR) & Protected EB/WB Left Turns
Construction Costs	\$0	\$500,000	\$500,000	\$500,000	\$500,000
Design Engineering	\$0	\$100,000	\$100,000	\$100,000	\$100,000
Municipal Project Management	\$0	\$100,000	\$100,000	\$100,000	\$100,000
Construction Engineering	\$0	\$80,000	\$80,000	\$80,000	\$80,000
Total Project Costs	\$0	\$780,000	\$780,000	\$780,000	\$780,000

7.6.11 EVALUATION MATRIX

The following table provides an evaluation matrix summarizing the above information pertaining to project costs, how well each alternative meets the Purpose & Need, operations, safety, right-of-way, environmental, cultural resources, utilities, and stormwater.



Table 11: Evaluation Matrix

CRITERIA	No Build	Alt 1A: LPI (NTOR)	Alt 1B: LPI (NTOR) & Protected EB/WB Left Turns	Alt 2A: Exclusive Ped (NTOR)	Alt 2B: Excl. Ped (NTOR) & Protected EB/WB LT Turns
Construction Costs	\$0	\$500,000	\$500,000	\$500,000	\$500,000
Total Project Costs	\$0	\$780,000	\$780,000	\$780,000	\$780,000
Purpose and Need					
Ped safety in xwalks	No Change	Improved	Improved	Improved	Improved
Ped connectivity	No Change	Improved	Improved	Improved	Improved
EB/WB bike connection	No Change	Improved	Improved	Improved	Improved
Peak travel congestion	No Change	Improved	Unacceptable	Acceptable	Unacceptable
Mitigate crash factors	No Change	Yes	Yes	Yes	Yes
Transit facilities	No Change	Enhanced	Enhanced	Enhanced	Enhanced
Impacts					
Headstart for cyclists	No	Yes	Yes	Less Often	Less Often
Protect peds in xwalk	No Change	Better	Better	Best	Best
Pedestrian delay	No Change	No Change	Longer wait time	Longer wait time	Longer wait time
Traffic Operations	No Change	Improved	Extended Queues	EB/WB Queues	Extended Queues
Safety	No Change	Better for all modes	Better for all modes	Better for all modes	Better for all modes
Right-of-way	No Change	Temp easements	Temp easements	Temp easements	Temp easements
Environmental	No Change	No Impact	Increased idling	No Impact	Increased idling
Cultural Resource	No Change	No Impact	No Impact	No Impact	No Impact
Utilities	No Change	Utility coordination	Utility coordination	Utility coordination	Utility coordination
Stormwater	No Change	No Impact	No Impact	No Impact	No Impact



8 Stakeholder Input and Recommendations

On February 22, 2024, the project team held a Local Concerns Meeting at the City of Burlington Department of Public Works. The meeting was a hybrid format and included the ability for participants to join the meeting online. Public input was received in person, over video conference, and by email. Background information was presented, and the floor was opened to receive input and answer questions. Input is summarized here and provided in the relevant meeting notes and email records in Appendix F. Support was expressed for better pedestrian and bicycle facilities and traffic calming at the intersection. There was concern for fast vehicles, driver impatience, safety and comfort for all users.

On June 17, 2024, the project team held an Alternatives Presentation at the City of Burlington Department of Public Works. The meeting was a hybrid format and included the ability for participants to join online. Background information was reviewed, draft solutions and alternatives were presented, questions were addressed, and feedback was collected. Input is summarized in the relevant meeting notes in Appendix F.

Members of the project team met with adjacent landowners to receive their input, including the two shopping plazas south of the intersection and the Walgreens on the northeasterly corner of the intersection.

The project team met with the project advisory committee on three occasions to receive their input on existing conditions, possible solutions, and final alternatives. Input is summarized in Appendix F.

9 Recommended Alternative

Based on evaluation by the project team, including the City of Burlington, the City of South Burlington, and the CCRPC, with input from the public and the project advisory committee, the project team recommends Alternative 2A, exclusive pedestrian phasing with blank out No Right Turn sign, as the preferred alternative to meet the project Purpose and Need. Alternative 2A is preferred due to greater protection for pedestrians than Alternative 1A and Alternative 1B, and better capacity than Alternative 2B. This will include all short- and medium-term improvements. The project advisory committee voted unanimously to endorse Alternative 2A.

Once the City of Burlington public bodies endorse the recommended alternative, this draft report will be updated to incorporate the approved preferred alternative. Once the final report is accepted, funding will be pursued for detailed design and construction.



Board of Finance and City Council Submission ChecklistDepartment: Public Works Submitter: Julia Ursaki and Madeline SuenderTitle/Subject: Shelburne St and Home Ave Scoping Study

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	12/9/2024
☐	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	11/13/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	11/13/2024	Joe Magee
Board/Commission, if required	Yes	9/24/2024	TEUC
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	11/8/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	11/13/2024	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	Scoping Study Report
Draft Resolution or Motion?	Yes	Motions in Memo
If for submission to Council, are sponsors identified?	Yes	TEUC



**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

MEMORANDUM

To: Board of Finance / City Council
Fr: Chapin Spencer, Director
CC: Megan Moir, Division Director – Water Resources
Matt Dow, Wastewater Facilities Manager
Colby Delaire, President, AFSCME #1343
Damion Gilbert, Union Steward, AFSCME #1343
Lynn Reagan, Interim Human Resources Director
Re: **Wastewater Plant Operator Reclassification Grievance Agreement**

Date: December 9, 2024

REQUEST:

The Department of Public Works is requesting Council authorization to execute the attached agreement with AFSCME Local #1343 to resolve a grievance regarding the Wastewater Operators at Main Plant.

BACKGROUND:

The Wastewater Operators and Senior Wastewater Operator at Main Wastewater Plant submitted a request for reclassification on May 5, 2023 based on the operational complexities at Main Plant, such as the wet weather operation.

There were significant communications via email and in person noting that this reclassification was complicated for several reasons including that this same job description covered Wastewater Operators at North Plant and East Plant who were not having to manage wet weather operations and processes at those plants.

Both Management and the Union were exploring viable paths forward that addressed the concerns of the Main Plant Operators while considering the Operators at the other City wastewater plants.

Management moved to implement a solution after AFSCME leadership indicated an openness to tiering the Wastewater Operator position. The ultimate solution, agreed upon by both parties, was to create a new Wastewater Operator II position that strengthened wet weather process responsibilities and added additional certifications.

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The tiering of the Wastewater Operator position through the creation of the Wastewater Operator II position, and the reclassification of the Senior Wastewater Operator position to accommodate the new position, was approved by the City Council on June 24, 2024 – thirteen months after the original reclassification request was submitted.

AFSCME filed a grievance on July 22, 2024 requesting retroactive pay for the newly tiered positions dating back to the original reclassification request on May 5, 2023.

Both parties acknowledge the Main Plant Wastewater Operators had been doing some significant duties that were included in the new Wastewater Operator II position – prior to the creation and tiering of this new position.

The City recognizes that although the concept of tiering positions is not explicitly addressed in the collective bargaining agreement between the Parties (“CBA”), given that the tiered positions were achieved through what started as a reclassification request submitted by the Union pursuant to Article 9.2, and that eligible employees performed advanced levels of work within their original job descriptions during the review process, the City wishes to recognize and compensate the unique work performed during the 13 month review process by the Main Plant Wastewater Operators as compared to operators at the City’s other plants.

After a productive negotiation session on October 21, 2024, and a few subsequent communications, Management and the Union came to a tentative agreement on resolving the grievance. The terms of the proposed resolution are as follows:

- The City will pay to each of the three AFSCME Main Plant Wastewater Operators who were employed as of May 5, 2023 a lump sum payment of \$4,250 each and to the Senior Wastewater Plant Operator who was employed as of May 5, 2023 a lump sum payment of \$5,000. The total amount of lump sum payments made pursuant to this MOA shall not exceed \$17,750 in total.
- Such payments shall be the exclusive remedy for the Union’s grievance dated July 22, 2024 relating to retroactive pay for the 13 month position review period as referenced herein. The Union accepts these payments on behalf of eligible employees to fully resolve the grievance that is the subject of this MOA.
- The lump sum payments made pursuant to this Agreement will be added with eligible employees’ next regular paycheck cycle as soon as reasonably practical after execution of this MOA.
- The Union understands and agrees that issuance of such payments to these specific employees in no way obligates the City to issue future lump sum payments to other employees within the Union. The Parties agree that the circumstances leading to the need for these payments are unique to the workgroup and not to be construed as precedent.

The funds for these lump sum payments are within DPW’s FY’25 Main Wastewater Treatment Plant budget since there have been vacancies in the workgroup – and there were additional personnel moves budgeted for in the Wastewater Fund that have not yet happened in FY’25.

To avoid similar situations occurring again, DPW management will more quickly engage Human Resources in reviewing reclassification requests. While we sought in this case to explore other potential solutions with the Wastewater Plant Operators prior to advancing the reclassification

request given overall workforce interests, moving forward we will promptly send the request for HR review and proceed based on HR's determination.

I want to thank the affected DPW employees, the Union Stewards, Water Resources Management, Human Resources and the City Attorney's Office for working diligently and patiently to resolve this grievance.

Please feel free to reach out with any questions or clarifications.

REQUESTED MOTIONS:

Board of Finance:

- To approve and recommend City Council approve the attached "Memorandum of Agreement Between AFSCME Local #1343 and the City of Burlington Re: Grievance Regarding Main Plant Wastewater Operators and Retroactive Pay" authorizing the pay of \$17,750 in total wages to identified, eligible employees presently holding the positions of Wastewater Operator II and Senior Wastewater Operator and employed with the City as of May 5, 2023, and further authorize the Director of Public Works to execute said agreement on behalf of the City.

City Council:

- To approve and authorize the attached "Memorandum of Agreement Between AFSCME Local #1343 and the City of Burlington Re: Grievance Regarding Main Plant Wastewater Operators and Retroactive Pay", authorizing the pay of \$17,750 in total wages to identified, eligible employees presently holding the positions of Wastewater Operator II and Senior Wastewater Operator and employed with the City as of May 5, 2023, and further authorizing the Director of Public Works to execute said agreement on behalf of the City.

MEMORANDUM OF AGREEMENT BETWEEN
AFSCME LOCAL #1343 AND THE CITY OF BURLINGTON
RE: GRIEVANCE REGARDING MAIN PLANT WASTEWATER OPERATORS AND
RETROACTIVE PAY

This is an Agreement between the American Federation of State, County, and Municipal Employees, Local #1343 (“AFSCME” or “Union”) and the City of Burlington (“City”), acting by and through the Department of Public Works (“DPW” or “Department”), collectively “Parties”, meant to memorialize the Parties’ understanding and agreement with respect to the terms and conditions of settlement and resolution of AFSCME’s grievance regarding the reclassification request and retroactive pay for DPW Wastewater Operators at the City’s Main Wastewater Plant, and the City’s recognition of such employees’ work and contributions to the City while the request was being evaluated and processed.

WHEREAS Wastewater Operators and Senior Wastewater Operator at Main Wastewater Plant submitted a request for reclassification on May 5, 2023 based on the operational complexities at Main Plant, such as the wet weather operation; and

WHEREAS there were significant communications via email and in person noting that this reclassification was complicated for several reasons including that this same job description covered Wastewater Operators at North Plant and East Plant who were not having to manage wet weather operations / processes at those plants; and

WHEREAS both Parties were exploring viable paths forward that addressed the concerns of the Main Plant Operators while considering the Operators at the other City wastewater plants; and

WHEREAS Management moved quickly to implement a solution after AFSCME leadership indicated an openness to tiering the Wastewater Operator position; and

WHEREAS the ultimate solution, agreed upon by both Parties, was to create a new Wastewater Operator II position that strengthened wet weather process responsibilities and added additional certifications; and

WHEREAS the tiering of the Wastewater Operator position through the creation of the Wastewater Operator II position, and the reclassification of the Senior Wastewater Operator position to accommodate the new position, was approved by the City Council on June 24, 2024 – thirteen months after the original reclassification request was submitted; and

WHEREAS AFSCME filed a grievance on July 22, 2024 requesting retroactive pay for the newly tiered positions dating back to the original reclassification request on May 5, 2023; and

WHEREAS both Parties acknowledge the Main Plant Wastewater Operators had been doing some significant duties that were included in the new Wastewater Operator II position – prior to the creation and tiering of this new position; and

WHEREAS the City recognizes that although the concept of tiering positions is not explicitly addressed in the collective bargaining agreement between the Parties (“CBA”), given that the tiered positions were achieved through what started as a reclassification request submitted by the Union pursuant to Article 9.2, and that eligible employees performed advanced levels of work within their original job descriptions during the review process, the City wishes to recognize and compensate the unique work performed during the 13 month review process by the Main Plant Wastewater Operators as compared to operators at the City’s other plants; and

WHEREAS AFSCME wishes to accept such compensation on behalf of its affected members to wholly satisfy and resolve its grievance dated on or about July 22, 2024

NOW THEREFORE in recognition of the foregoing, the Parties agree as follows:

1. The Parties agree that the City shall pay to each of the three AFSCME Main Plant Wastewater Operators who were employed as of May 5, 2023 a lump sum payment of \$4,250 each and to the Senior Wastewater Plant Operator who was employed as of May 5, 2023 a lump sum payment of \$5,000. The total amount of lump sum payments made pursuant to this MOA shall not exceed \$17,750 in total.
2. Such payments shall be the exclusive remedy for the Union’s grievance dated July 22, 2024 relating to retroactive pay for the 13 month position review period as referenced herein. The Union accepts these payments on behalf of eligible employees to fully resolve the grievance that is the subject of this MOA. It further agrees that these payments are satisfactory to resolve any claim the Union may have with respect to backpay/retroactive wages for the time period inclusive of May 5, 2023 and June 24, 2024. By the City’s tendering of this payment, AFSCME agrees that the Grievance has been addressed and is fully satisfied and waives any further procedural or substantive due process with respect to the same.
3. The lump sum payments made pursuant to this Agreement shall be added with eligible employees’ next regular paycheck cycle as soon as reasonably practical after execution of this MOA. The lump sum payments shall be subject to all necessary taxes and withholdings as determined by the City. Such sums are understood to be a gross amount and the Union understands and agrees that actual amounts remitted to eligible employees will be on a net basis.
4. The Union agrees and understand that the lump sum payments contemplated herein for eligible employees is to the exclusion of all other bargaining unit members and only applies to the Wastewater Operator II and Senior Wastewater Operator positions at the

City's Main Plant. The Union further understands and agrees that issuance of such payments to these specific employees in no way obligates the City to issue future lump sum payments to other employees within the Union. The Parties agree that the circumstances leading to the need for these payments are unique to the workgroup and not to be construed as precedent.

5. 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 agree that this Memorandum of Agreement in no way alters the terms of conditions of the Collective Bargaining Agreement between the City and Union.

-signature page to follow-

Dated at Burlington, VT this ____ day of _____ 2024.

City of Burlington

American Federation of State, County, and
Municipal Employees, Local #1343

By: _____
Chapin Spencer, Director of Public
Works

By: _____
[Duly Authorized]

Board of Finance and City Council Submission ChecklistDepartment: DPW Submitter: Chapin SpencerTitle/Subject: Wastewater Operators Grievance Settlement

	Approval:	Meeting Date:
☐	Board of Finance	12/9/2024
☐	City Council	12/9/2024
☒	Concurrent	12/9/2024

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	11/14/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	11/14/2024	Joe Magee
Board/Commission, if required	No	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	11/13/2024	Hayley McClenahan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	11/13/2024	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	11/13/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	11/14/2024	Lynn Reagan
CIO, if an IT-related investment/purchase	No	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Memo
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Yes	MOA attached
Draft Resolution or Motion?	Yes	In Memo
If for submission to Council, are sponsors identified?	Yes	Board of Finance

MEMO

Date: December 9, 2024

To: Board of Finance and City Council

From: Cindi Wight, Director, Department of Parks, Recreation & Waterfront,

Re: Authorization to Accept Grant Funds from the Patrick Leahy Lake Champlain Basin program and acquire the 0 North Avenue property

I. Purpose

The Department of Parks, Recreation and Waterfront (BPRW) seeks approval to:

- Accept \$1,228,592 in grant funds from the Patrick Leahy Lake Champlain Basin Program (LCBP).
- Use the funds for:
 - 1) Acquiring the 0 North Ave property
 - 2) Conducting a three-year intensive stewardship of the land
 - 3) Providing educational opportunities for the Burlington School District
 - 4) Evaluating the feasibility of constructing a boardwalk and viewing platform, and proceeding if permitted by state wetland regulations
 - 5) Replacing the existing staircase if necessary
 - 6) Installing interpretive displays and a kiosk
 - 7) Gathering community input on proposed improvements.

II. Background

The 0 North Ave property, owned by the Larkin Family, is a high-priority acquisition for the City due to its unique environmental and recreational value. The parcel contains a Class 1 wetland and is contiguous with the city-owned Northshore Natural Area.

In the spring of 2024, LCBP launched a zero-match grant program with a pool of \$6,000,000. This was a timely opportunity to pursue the acquisition. To support the acquisition process, the City received \$6,000 from the Vermont Housing and Conservation Board for survey and appraisal expenses.

The Larkin property serves as a critical wildlife corridor connecting Lake Champlain to upland areas such as Derway Cover (managed by the Winooski Valley Park District). Currently access to the lake from the northern end of the property is restricted by fencing and “No Trespassing” signs limit public use.

Planned improvements include interpretive displays, a potential accessible boardwalk leading to a viewing platform and other measures to enhance public enjoyment and education while preserving the wetland’s integrity.

The City will partner with the Winooski Valley Park District, through the Wildways program to provide educational opportunities for students, assist with grant management and support



stewardship efforts along with our Conservation team. The acquisition has also received unanimous support from the PACC members at their July 10, 2024 meeting.

III. Land Restriction

Under the grant agreement, the land must be conserved in perpetuity to:

- Protect or enhance water quality and aquatic habitats
- Mitigate climate change impacts and improve climate resilience

IV. Current Tax Rate

The property currently generates \$6,498.76 annually in property taxes, including \$2,240.19 for the municipality. Upon acquisition, these revenues will cease as the property will become a City park.

Attached: Parcel map & support letter from John Larkin, LLC

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

To approve and recommend to the City Council that it approve and authorize:

1. Acceptance of \$1,228,592 in grant funds from Patrick Leahy Lake Champlain Basin Program in furtherance of acquisition, improvement, and maintenance of certain property located at 0 North Avenue; and
2. Execution of a grant agreement and all documents necessary to accept the funding by the Director of Parks, Recreation, and Waterfront , subject to the final review and approval of the City Attorney's Office and Chief Administrative Officer; and
3. Acquisition of the 0 North Ave property for a cost not to exceed \$80,000, with the understanding that the land will be conserved in perpetuity, including mayoral execution of a purchase and sale agreement and any other documents necessary to affect the transaction, subject to final review and approval of the City Attorney's Office.

City Council Motion:

To approve and authorize:

1. Acceptance of \$1,228,592 in grant funds from Patrick Leahy Lake Champlain Basin Program in furtherance of acquisition, improvement, and maintenance of certain property located at 0 North Avenue; and
2. Execution of a grant agreement and all documents necessary to accept the funding by the Director of Parks, Recreation, and Waterfront, subject to the final review and approval of the City Attorney's Office and Chief Administrative Officer; and
3. Acquisition of the 0 North Ave property for a cost not to exceed \$80,000, with the understanding that the land will be conserved in perpetuity, including mayoral execution of a purchase and sale agreement and any other documents necessary to affect the transaction, subject to final review and approval of the City Attorney's Office.



Vermont Parcel Program



2/26/2024, 9:27:41 PM

VT Parcels

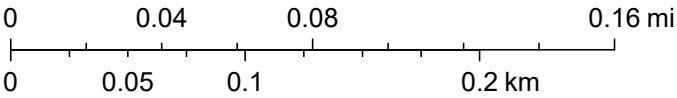
VCGI Color Imagery Service

Red: Band_1

Green: Band_2

Blue: Band_3

1:4,514



VCGI, Esri Community Maps Contributors, Chittenden County RPC, VCGI, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



LARKIN REALTY

Development • Hospitality • Real Estate

Dear Members of the City Council:

John Larkin, LLC is writing to express our intent to sell a 7-acre parcel of land along Lake Champlain to the City of Burlington for a price not exceeding \$80,000. We will secure an appraisal of the property and if our appraisal comes in over \$80,000, we will gift the difference through a bargain sale.

Our family has owned the land for nearly thirty years. The parcel is home to one of Vermont's few Class 1 wetlands, making its conservation and protection an important priority for us and the broader community.

It has been a privilege for our family to steward this unique land, and we firmly believe that transferring ownership to the City will best support the long-term conservation of its unique ecosystem. We are confident that the land will be preserved and protected through public ownership, ensuring that future generations can appreciate its natural beauty and ecological significance.

We are thrilled that the City has received a substantial grant that will allow for the acquisition of the property and the development of infrastructure, including a unique, accessible boardwalk through the wetland forest leading to views of Lake Champlain. We understand the City will spend the first two years of the grant providing intensive stewardship to ensure wetland protection before improving access.

We trust that this sale will fulfill our shared goal of preserving this land as a natural sanctuary along Lake Champlain, safeguarding it for generations.

Joseph Larkin

12/05/2024

Board of Finance and City Council Submission Checklist

Department: BPRW Submitter: Cindi Wight

Title/Subject: Lake Champlain Basin Program grant and acquisition

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	12/9/2024

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	12/2/2024	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	12/3/2024	Joe Magee
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	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	12/5/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	12/2/24	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Click or tap here to enter text.
Additional Materials, if necessary	No	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



OFFICE OF THE CLERK TREASURER

City of Burlington

City Hall, 149 Church Street, Burlington, VT 05401

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To: City Council
From: Chief Administrative Officer Katherine Schad
Date: December 5, 2024
Subject: Proceeding with \$20M Capital Bond Request for TMD 2025 and Delaying Capital-Related Charter Change until TMD 2026

On November 21, 2024 the Charter Change Committee reviewed a draft change involving amending the charter to increase the amount of annual capital borrowing the City can do for its general fund and electric department. The change also involved adding an annual capital borrowing amount for the water department, which does not currently have this.

After further consideration, the Administration has decided to withdraw that change from consideration, although we anticipate bringing it back next year. The charter change is one that will take a longer time frame to implement and the electric department, water department, and general fund are not depending on the funds from the change for at least three years so this change will not hamper capital investment. We realized that as the Council, and then voters, have much to consider on Town Meeting Day 2025, that it was prudent to delay this change for one year, giving the Administration more time to explain the rationale and nuances behind the important change to the community.

At this time, the only General Fund capital request that is coming before the City Council is one to place a \$20M General Obligation bond on the Town Meeting Day ballot. This money is to ensure that the City has access to the \$8-10M/year that it needs to pay for urgent capital assets and improvements. The current City Charter only allows for borrowing \$2M/year for general fund capital expenses as the amount has not been updated since 2013.

The Administration recommends a two-step process to ensure an affordable and transparent path forward to pay for the City's capital needs in a predictable and sustainable way. Specifically:

- Place a \$20M General Obligation bond on the Town Meeting Day 2025 ballot. This allows the City to add approximately \$6-7M/year to the annual \$2M of existing authorized capital borrowing. With only the existing \$2M of capital money for FY26, we cannot responsibly take care of our roads, fire trucks, buildings, and other general fund assets as the General Fund Capital Program currently does not have access to any other additional sources of revenue.
- For TMD 2026 we plan to ask for a Charter Change to allow the City to borrow up to \$10M/year (based on need) for general fund capital assets and improvements, which would be used once the \$20M bond money is exhausted. Further:
 - The Charter Change would specifically call for the annual borrowing to increase from \$2-5M in FY29 to align with an anticipated reduction in debt service, this is the

amount the city pays on its debt and is a portion of the property tax (reducing the effect on taxpayers)

- The Charter Change would then increase from \$5-10M in FY32 again to align with another anticipated reduction in the debt service portion of the property tax

Revenue Source	FY26	FY27	FY28	FY29	FY30	FY31	FY32
Annual CIP	\$2M	\$2M	\$2M	\$5M	\$5M	\$5M	\$10M
\$20M GO Bond	\$7M	\$6.5M	\$6.5M				
Total Revenue	\$9M	\$8.5M	\$8.5M	\$5M	\$5M	\$5M	\$10M

- The proposed 2026 Charter Change described above will likely also include:
 - Increasing BED's annual capital borrowing from \$3M/year to \$6M/year
 - Potentially adding the capacity for Water to borrow \$6M/year because this utility's capital needs are not currently captured in Charter

If you have any questions, please let us know.



To: Board of Finance
City Council
From: Kara Alnasrawi, Director, Business & Workforce Development
Samantha McGinnis, Assistant Director, Business & Workforce Development
CC: Mayor Mulvaney-Stanak
CAO Katherine Schad
Date: December 5, 2024

Re: Reassignment of lease for kiosk at the corner of Church St. & College St.

Background:

The City of Burlington owns the property located at 108 Church Street, known as the College Street Kiosk. This property is managed by the Church Street Marketplace Department. Following an RFP process run by the Church Street Marketplace Department in 2016, Leunig's Petit Bijou was selected to be the operator of the College Street Kiosk. In September of 2016, the City of Burlington, through its Church Street Marketplace Department, entered into an agreement with Panache of Paris, Inc. (dba Leunig's Petit Bijou) to lease the City-owned property located at the corner of College and Church Street for a term of three years, terminating on July 31, 2019. This lease included two three-year renewal options. The first executed in 2019 and ending July 31, 2023 and the second executed in 2023 and ending July 31, 2026.

Request for Change of Lessee:

The Church Street Marketplace Department was abruptly informed of the sale of Leunig's and the Petit Bijou business to Taste of France LLC. The new owner, Taste of France LLC, wishes to continue operations of Leunig's Petit Bijou from the Kiosk and take over the remainder of the lease.

Since the unexpected sale of the business, the City has been working with the City Attorney's office to execute the transfer of the College Street Kiosk lease agreement to the new business owner. In the interim, the City, so as to not disturb the business operations of the new Owner, granted the new Owner a time-limited license, in the term of 60-days, with the limited purpose of carrying on café business operations out of the Kiosk.

This new lease replicates the previous lease which was in its second and final renewal. The College Street Kiosk will need to be put out to an RFP process in early 2026 to identify an operator following the end of this lease agreement. The current operator is allowed to reapply but will not be given another renewal option per the original lease agreement.

Commission Approval:

On November 30, 2024, the Church Street Marketplace Commission unanimously approved the transfer of lease to the new owner.

Attachments:

Lease agreement

Motions:

The Church Street Marketplace Department respectfully requests that the Board of Finance and City Council approve the following motions:

Board of Finance:

To approve and recommend that the City Council authorize the Mayor to execute a lease agreement with a term concluding on July 31, 2026 with Taste of France, LLC for food and beverage operations in the College Street Kiosk, subject to final review and approval by the City Attorney's Office.

City Council:

To authorize the Mayor to execute a lease agreement with a term concluding on July 31, 2026 with Taste of France, LLC for food and beverage operations in the College Street Kiosk, subject to final review and approval by the City Attorney's Office.

Board of Finance and City Council Submission Checklist

Department: Business & Workforce Development Submitter: Kara Alnasrawi

Title/Subject: Transfer of Lease for College St. Kiosk to Taste of France, LLC

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	12/9/2024

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	12/2/2024	Kara Alnasrawi
Mayor's Office informed and approved memo	Yes	12/3/2024	Joe Magee
Board/Commission, if required	Yes	11/20/2024	Unanimous approval
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	12/3/2024	Hayley McClenahan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	12/3/2024	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	12/4/2024	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?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Yes	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?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	Board of Finance

**CITY OF BURLINGTON
LEASE AGREEMENT
WITH
TASTE OF FRANCE, LLC**

This Lease Agreement (“Lease”) is entered into by and between the City of Burlington, acting by and through the Church Street Marketplace Department (“City”), and Lessee, Taste of France, LLC, d/b/a Leunig’s Petit Bijou (“Lessee”), a Vermont corporation authorized to do business in the State of Vermont with a principal place of business at 115 Church Street, Burlington, VT 05401. The City and Lessee agree to the terms and conditions of this Lease.

1. EFFECTIVE DATE AND NOTICE OF NONLIABILITY

This Lease shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Lease before the Effective Date and unless otherwise agreed to in writing, shall have no obligations for performance or expenses incurred before the Effective Date or after the expiration or termination of this Lease.

2. RECITALS

- A. Authority.** Authority to enter into this Lease exists in the City Charter. 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 Lease.
- C. Purpose.** The City owns and operates a kiosk building located at 180 College Street in Burlington, Vermont. The City and Lessee wish to enter into an agreement leasing certain portions of the Marketplace’s premises to Lessee to further and carry out the purposes of the operation of the Petit Bijou coffee and food service. This Lease establishes the conditions and terms of Lessee’s use of the Leased Premises.
- D. References.** All references in this Lease to sections (whether spelled out or using the § symbol), subsections, exhibits, or other attachments, are references to sections subsections, exhibits, or other attachments contained herein or incorporated as part of this Lease, unless otherwise noted.

3. DEFINITIONS

- A. “Leased Premises”** means the City-owned building and ground space known and numbered as 180 College Street in Burlington, Vermont, which consists of approximately 126 square feet of building space. A description and map of the Leased Premises are included as Attachment A.
- B. “Effective Date”** means the date on which this Lease is approved and signed by the City, as shown on the signature page of this Lease.
- C. “Hazardous Substance”** means and includes, but shall not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment or work place and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities,

cancer, genetic mutation, physiological malfunctions, including malfunctions in reproduction or physical deformations in such organisms or their offspring, and all hazardous and toxic substances, wastes or materials, any pollutants or contaminants (including, without limitation, asbestos and raw materials which include hazardous constituents), or any other similar substances, or materials which are included under or regulated by any local, state or federal law, rule or regulation pertaining to environmental regulation, contamination, clean-up or disclosure, including, without limitation, CERCLA, and regulations adopted pursuant to such Acts, the Toxic Substances Control Act of 1976, as heretofore or currently in effect (“TSCA”) and the Resource Conservation and Recovery Act of 1976, as heretofore or currently in effect (“RCRA”).

- D. **“Lease”** means this Lease Agreement, its terms and conditions, attachments, and documents incorporated by reference under the terms of this Lease.
- E. **“Party”** means the City or Lessee and **“Parties”** means the City and Lessee.
- F. **“Termination Event”** means any event described in Section 16.B.i. (Termination by the City – Breach)

4. TERM AND RENEWAL TERM(S)

- A. **Initial Term.** This Lease and the Parties’ respective performance shall commence on the Effective Date and expire on July 31, 2026.
- B. **Prior Agreements.** The Parties acknowledge that the prior lease for the Leased Premises between the City and Panache of Paris, Inc., the former owner and operator of Leunig’s Petit Bijou, contained an option to renew through 2026. Because Lessee intends to carry on the same business operations the Parties agree to honor and apply that time period to this present Agreement between the Parties. Notwithstanding, the Parties agree that the Initial Term of this Agreement shall be the only available term under this Agreement without further written agreement of the Parties.

5. LEASE—USES AND PURPOSES

The City hereby leases to Lessee for its exclusive use the right to access and occupy the Leased Premises, subject to the terms of this Lease and the following conditions:

- A. **Use.** Unless otherwise approved in writing by the City, Lessee shall use and occupy the Leased Premises for its food and coffee service operations.
- B. **Upkeep and Utilities.** Lessee shall furnish to the Leased Premises and pay all charges for telephone service, sewage service, stormwater, trash and/or hazardous waste removal, janitorial service, water, electric power, heat, gas, air conditioning and other utilities of every kind.
- C. **Condition.** Lessee shall keep and maintain all parts of the Leased Premises—including related and associated appurtenances—in good condition, order and repair during the term of this Lease. Such actions include but are not limited to: painting, lighting, removal of ground side snow and garbage, landscaping, replacement of broken glass with glass the same size and quality of that broken, and utility services.
- D. **Sublease.** Lessee shall not sublease any portion of the Leased Premises without the express prior

written approval of the City

- E. Compliance with Law.** Lessee shall observe and comply with any and all present and future requirements of the constituted public authority and with all federal, state, or local statutes, ordinances, regulations, standards, conditions, and agreements applicable to Lessee for its use of the Leased Premises, including, but not limited to, ordinances, rules and regulations promulgated from time to time by or at the direction of the City for the administration of the Church Street Marketplace. Further, Lessee shall—at its own expense—submit to and comply with the requirements of all state and federal regulatory agencies or municipal boards having jurisdiction over the construction of any fixed improvements on the Leased Premises, including, but not limited to, any Environmental Board or Board of Health.
- F. ADA.** Lessee shall—at its own expense—comply with the standards for accessible design known as the Americans with Disabilities Act (“ADA”) Accessibility Guidelines in connection with any new construction or alteration of the Leased Premises. Lessee shall bear the burden of this obligation regardless of whether any such Agency or Board shall require that the City be the applicant of record.
- G. Waste and Nuisance.** Lessee shall not make any actionable waste or nuisance upon the Leased Premises and shall not do or permit to be done anything which may result in the creation, commission, or maintenance of any such waste or nuisance on said premises or the Church Street Marketplace. Lessee shall properly handle, remove, and dispose of any and all lubricants and/or hazardous waste and maintain the Leased Premises in a clean and safe condition.
- H. Improvements.** Should Lessee desire to make infrastructure and Lessee-specific modifications or improvements to the Leased Premises, Lessee shall obtain advanced written approval by the City. Lessee shall be solely responsible for all costs associated with improvements without reimbursement or further consideration from the City. All approved additions or improvements must comply with the standards for accessible design known as the Americans with Disabilities Act Accessibility Guidelines and shall, on expiration or termination of this Lease, belong to the City without compensation to Lessee.
- I. Supervision.** Lessee shall ensure that the management, maintenance, and operation of the Leased Premises shall at all times be under the supervision and direction of an active, qualified, competent representative of Lessee, and Lessee shall identify its representative, and any successor, in writing to the City.

6. MAINTENANCE AND CONDITIONS OF USE OF PREMISES

- A. LESSEE shall maintain the KIOSK in a manner which, in the sole discretion of the CITY, befits the appearance of the Church Street Marketplace. LESSEE is responsible for the maintenance of the inside and exterior of the KIOSK; the CITY is responsible for maintenance at ground level around the KIOSK and the sculpture in the upper portion of the KIOSK.
- B. If failure to perform maintenance in the manner deemed appropriate by the CITY shall continue for thirty (30) days after written notice thereof, the CITY may contract with others for maintenance of the KIOSK. In such event, LESSEE shall be responsible for all such costs.
- C. LESSEE shall repair any damage to the KIOSK
- D. caused by or arising from operation of its business. If LESSEE fails to make such repairs or replacements promptly, the CITY may, at its option, make such repairs or replacements, and LESSEE shall repay the cost(s) thereof. In case of damage by fire or other elements, or other causes beyond the control of LESSEE, such as to make the

KIOSK untenable or substantially unfit for use by LESSEE, if the cost of repair or reconstruction exceeds the extent of insurance proceeds, then LESSEE may terminate this Lease Agreement upon reasonable notice to the CITY. The CITY shall not be liable to LESSEE for losses due to theft, burglary, or other casualty, or for damages done by persons on the KIOSK.

- E. LESSEE shall be responsible for cleaning the KIOSK including but not limited to window washing. Window washing shall occur bi- weekly.
- F. LESSEE shall be responsible for all graffiti removal on the exterior of the KIOSK.
- G. LESSEE shall be responsible for all trash removal and will not use Church Street Marketplace litter receptacles for disposal.
- H. LESSEE shall recycle all appropriate materials.
- I.
- J. LESSEE understands and agrees that CCTA bus patrons may use the eastern-most portion of the KIOSK being that portion presently covered by an awning, and as shown in Attachment A. LESSEE understands and agrees that it will not block or interfere in any way with such use. The CITY understands and agrees that if seating in or about the entire KIOSK area for use by bus patrons or other members of the public is provided, such furniture shall not be more than four (4) feet in length.
- K. LESSEE understands and agrees that the Neon Art Sculpture in the upper portion of the KIOSK will not be touched, used, or interfered with in
- L. any manner.
- M. LESSEE will, within its control, maintain a barrier-free walkway 9 ft. or more in width along the northernmost and eastern portion of the KIOSK at all times; i.e. no inventory, stock, supplies, or signs, etc. will be allowed in such walkway.
- N. LESSEE at all times shall operate the business in an orderly manner. LESSEE shall not, with intent to cause public inconvenience or annoyance, engage in fighting or in violent, tumultuous behavior, make unreasonable noise, use abusive or obscene language, make an obscene gesture, obstruct vehicular or pedestrian traffic, or engage in any conduct which is proscribed by Chapter 19 of Title 13 of Vermont Statutes Annotated.

7. RENT

Lessee shall, in accordance with the provisions of this section, pay the City rent and other amounts due hereunder in the amounts and using the methods set forth below:

- A. Leased Space Rent.** Lessee shall pay the City rent for access and use of the Leased Premises at a rate of one-thousand six-hundred two dollars (\$1,602.00) per month, which represents approximately \$12.71 per square foot per month for the 126 square feet of first floor rental space at 180 College Street.
- B. Time for Payment.** Lessee shall make the rental payment due under this §6 on or before the first day of each calendar month during the term of this Lease. Payment shall be made to:

Church Street Marketplace Office, 131 Church Street, Suite 209, Burlington, Vermont 05401.
- C. Electronic Payment.** The City shall have the right, on not less than thirty (30) days prior written notice to Lessee (the "Electronic Payment Notice"), to require Lessee to make subsequent payments of monthly rent, any additional back rent, and other monies due pursuant to the terms of this Lease by means of electronic funds transfer determined by the City in its sole and absolute discretion (the "Electronic Payment"). The Electronic Payment Notice shall set forth the proper bank ABA number,

account number and designation of the account to which such Electronic Payment shall be made. Lessee shall promptly notify the City in writing of any additional information that will be required to establish and maintain Electronic Payment from Lessee's bank or financial institution. The City shall have the right, after at least ten (10) days prior written notice to Lessee, to change the name of the depository for receipt of any Electronic Payment and to discontinue payment of any sum by Electronic Payment."

- D. Late Payment.** Any required payment which has not been paid when due shall incur interest at the rate of 1.5% per month, in addition to a 5% penalty. Any amounts owed with penalty thereon for a period in excess of one year shall be increased by additional eighteen (18%) applied annually to the total amount owed.

8. CITY OBLIGATIONS

- A. Access.** The City shall ensure reasonable ingress and egress to and from the Leased Premises.
- B. Snow Removal.** The City shall provide for snow removal from access roads.
- C. Water discharge.** The City will ensure that there is an even surface on the northern side of the KIOSK so that water does not run into the KIOSK from adjacent areas.

9. ENTRY OF LEASED PREMISES

The City and its authorized officers, employees, agents, contractors, sub-contractors and other representatives shall have the right to enter upon the Leased Premises for the following purposes:

- A. Inspection.** To inspect the Leased Premises at reasonable intervals during regular business hours (or at any time in case of emergency) to determine whether Lessee has complied and is complying with the terms and conditions of this Lease. Lessee shall provide the Director of the Church Street Marketplace with serviceable keys to the Kiosk permit the exercise of the City's rights hereunder; or
- B. Facilities.** To perform essential maintenance, repair, relocation or removal of existing underground or overhead wires, pipes, drains, cables and conduits now located on or across the Leased Premises, and to construct, maintain, repair, relocate and remove such facilities in the future if necessary to carry out the master plan of development of the City provided, however, that said work shall in no event disrupt or unduly interfere with the operations of Lessee. Nothing herein shall be construed to impose upon the City any obligations to construct or maintain or to make repairs, replacements, alterations or additions, or shall create any liability for any failure to do so. Lessee is and shall be in exclusive possession of the Leased Premises and the City shall not, in any event, be liable for any damage to the premises or any property of Lessee or any other persons located in or thereupon, other than to repair or remedy such damage as may be occasioned by negligence of the City, its employees or agents.

10. TAXES AND ASSESSMENTS

- A. Direct Tax.** Lessee shall pay directly to the taxing authority any and all personal property inventory taxes or assessments which may be assessed against the Leased Premises and its contents during the term hereof or any renewal term.

Lessee shall be responsible for paying all applicable property taxes for the Kiosk during the term of this Lease Agreement. For the entire term of this lease agreement, all the appropriate fiscal year property taxes for the KIOSK, as listed on the Property Tax Payment Schedule set by the City Council and located at 149 Church Street, shall be paid by Lessee to the CITY when a bill for said taxes is presented.

B. Common Area Fees

Lessee shall be responsible for paying all applicable common area fees to the City. The computation for common area fees shall include all elements applied by the Church Street Marketplace Commission in the setting of Common Area fees for Marketplace properties on Church Street. For the term of this Lease Agreement the appropriate fiscal year common area fee for the Lease Premises that is set forth on the common area fee payment schedule set by the City Charter shall be due and payable by Lessee the CITY.

C. Common Area Fee Formula Negotiation

In the event that the formula used to determine the common area fees for Church Street property owners for any fiscal year during the term of this Lease Agreement is changed such that a simple mathematical calculation of the amounts due CITY from Lessee for the rights granted hereby cannot be made, the parties agree to negotiate the amounts owed CITY for such year or years which amount(s) shall not be less than the amount(s) paid for the preceding fiscal year.

11. INSURANCE

Lessee shall provide insurance in accordance with Attachment B hereto.

12. INDEMNIFICATION & LIABILITY

A. Indemnification. *Lessee shall indemnify, defend, and hold harmless the City, its officers, agents and employees, including the City of Burlington Church Street Marketplace Commission their successors and assigns, individually or collectively, from and against all liability and any claims, suits, expenses, losses, judgments, proceedings, damages, expenses, demands, suits, costs (including costs of defense, reasonable attorney fees, and reasonable professional fees incurred in defense or incurred in enforcement of this indemnity), and causes of action, including but not limited to, claims arising out of or in connection to the following:*

- 1. This Lease;*
- 2. The Leased Premises;*
- 3. Actions on the Leased Premises;*
- 4. Lessee's possession, use, occupation, or control of the Leased Premises ;*
- 5. Actions or omissions of the Lessee, its agents, employees, licensees, visitors, or contractors;*
- 6. Breach or default of this Lease by Lessee, its agents, employees, licensees, or contractors.*

Lessee shall give prompt and timely notice to the City (and copying the Burlington City Attorney's Office) of any claim made or suit instituted which, in any way, directly or indirectly, contingently or otherwise, affects or may affect the City, the Leased Premises, or the Church Street Marketplace

Lessee shall reimburse the City for costs associated with violations issued by state and federal regulatory authorities resulting from Lessee's misconduct, incompetence, or negligence as determined by the City.

- B. Liability.** *The City shall not be liable to the Lessee, any assignees claiming by, through, or under Lessee, any subtenants claiming, by, through, or under Lessee, and any of their respective agents, contractors, employees, and invitees, for any injury to or death of any person or persons or the damage to or theft, destruction, loss, or loss of use of any property or inconvenience (collectively and individually a "loss") caused by casualty, theft, fire, third parties, repair, or failure to repair, or alteration of any part of this building, or any other cause, unless due to the negligence or willful misconduct of any indemnified party, in whole or in part.*

13. HAZARDOUS WASTES

- A. Disposal.** Lessee shall properly handle, remove, and dispose of any and all lubricants, grease, and/or hazardous waste and shall maintain the Leased Premises in a clean and safe condition.
- B. Hold Harmless.** Without any limitation to Lessee's indemnification and defense obligations hereunder, Lessee shall indemnify, defend, and hold harmless the City, its officers, and employees from and against all loss, cost and expense (including, without limitation, attorney fees) of whatever nature suffered or incurred by the City on account of the existence, release, or discharge of Hazardous Substances on or from the Leased Premises including, without limitation, any claims, costs, losses, liabilities, and expenses arising from the violation (or claimed violation) of any environmental laws or the institution of any action by any party against the City or the Leased Premises based upon nuisance, negligence or other tort theory alleging liability due to the improper generation, storage, disposal, removal, transportation or treatment of Hazardous Substances or the imposition of a lien on any part of the Leased Premises under the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. Section 9601, et seq., as amended ("CERCLA"), or any other laws pursuant to which a lien may be imposed due to the existence of Hazardous Substances. Lessee further unconditionally, absolutely, and irrevocably guarantees the payment of any fees and expenses incurred by the City in enforcing or seeking enforcement of the liability of Lessee under this indemnification.

14. WARRANTIES AND REPRESENTATIONS

- A. Regarding the Leased Premises.** The City represents that it is the owner of the Leased Premises or the authorized representative or agent of said owner. During the terms of this Lease, the City represents and warrants that the Lessee may have, hold, and enjoy peaceful and uninterrupted possession of the Leased Premises and rights herein leased and granted, subject to performance by Lessee of its obligations herein.
- B. Regarding Legal Authority.** Lessee warrants that it possesses the legal authority to enter into this Lease and that it has taken all actions required by its procedures, by-laws, and/or applicable laws to exercise that authority, and to lawfully authorize its undersigned signatory to execute this Lease and

to bind Lessee to its terms. The person signing and executing this Lease on behalf of Lessee hereby represents, warrants, and, guarantees that they have full authorization to do so. If requested by the City, Lessee shall provide the City with proof of Lessee's authority to enter into this Lease within 15 days of receiving such a request.

15. CASUALTY

If the Leased Premises are damaged by fire, flood, or another casualty, either Party may terminate this Lease within 30 days of the date the terminating Party becomes aware of such occurrence if, in the opinion of the terminating Party, the Leased Premises have been so damaged as to render them wholly or partially untenable or unfit for the Lessee's purposes. If so elected, the terminating Party shall give the other Party written notice to the City and termination shall be effective 30 days from the date of mailing of the notice of termination.

If the Parties elect not to terminate this Lease, the City shall reasonably estimate the time, restoration work, and commencement date that the City reasonably anticipates is required for the performance of restoration work. Lessee's obligation to pay rent shall equitably and proportionately abate with respect to the damaged portion of the Leased Premises from the date of damage until restoration is sufficiently complete to enable Lessee to recommence its use and occupancy of the Leased Premises for the purposes set forth in this Lease.

16. TITLE TO IMPROVEMENTS

Upon the expiration or termination of this Lease, all permanently fixed improvements made upon the Leased Premises by Lessee shall become a part of the realty and remain on the Leased Premises as the property of the City. Lessee shall not be entitled to compensation of any kind for such improvements nor shall the City be required to provide Lessee with any consideration of any kind for such improvements.

17. TERMINATION

In addition to the termination rights granted in other sections of this Lease, the Parties may terminate this Lease in accordance with this §16.

A. Breach. The failure of either Party to perform any of its material obligations hereunder in whole or in part or in a timely or satisfactory manner constitutes a breach.

B. Termination by the City.

(i) Breach. The City may terminate this Lease, if Lessee fails to perform any of its material obligations hereunder in whole or in part or in a timely or satisfactory manner, including, but not limited to, the following conditions:

- a. Past Due.** If Lessee fails to pay required rental charges or money payments more than thirty (30) days after a due date.
- b. Abandonment.** If Lessee or any approved sub-lessee voluntarily abandons or discontinues the conduct and operation of its service at the Kiosk for a continuous period of sixty (60) days.

c. **Bankruptcy.** The institution of proceedings under any bankruptcy, insolvency, reorganization or similar law, by or against Lessee, or the appointment of a receiver or similar officer for Lessee or any of its property, which is not vacated or fully stayed within twenty (20) days after the institution or occurrence thereof, shall constitute a breach.

d. **Public safety.** If terminating the lease is reasonably necessary to preserve public safety or to prevent an immediate public crisis.

(ii) **Notice and Cure Period.** In the event of a breach, notice of such shall be given in writing by the aggrieved Party to the other Party. If such breach is not cured within 30 days of receipt of written notice, or if a cure cannot be completed within thirty (30) days, or if a cure of the breach has not begun within 30 days and pursued with due diligence, the non-breaching Party may terminate this Lease by sending a notice of termination, which shall be effective thirty (30) days after the notice of termination is sent. Notwithstanding anything to the contrary herein, the City, in its sole discretion, need not provide advance notice or a cure period and may immediately terminate this Lease in whole or in part if reasonably necessary to preserve public safety or to prevent an immediate public crisis.

(iii) **Repeated Breaches.** If the same Termination Event has occurred on four separate occasions during any rolling 12-month period (having been duly remedied or waived on each occasion), a cure period for remedying the next occurrence of such Termination Event occurring within the relevant 12-month rolling period will only be available if City so permits in its sole discretion.

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

C. **Termination by Lessee.** Lessee may terminate this Lease upon thirty (30) days' advance written notice to the City under the following conditions:

(i) **Injunction.** The issuance by any court of competent jurisdiction of an injunction, order, or decree preventing or restraining the use by Lessee of all or any substantial part of the Leased Premises or preventing or restraining the use of the Kiosk for usual Church Street Marketplace purposes in its entirety, or the use of any part thereof which may be used by Lessee and which is necessary for Lessee's operations on the Kiosk which remains in force, unvacated or unstayed for a period of at least sixty (60) days.

D. **Damage to Improvements.** Either Party may terminate this Lease upon providing thirty (30) days' written notice to the other Party if the fixed improvements upon the Leased Premises are so totally destroyed or so extensively damaged that it would be impracticable or uneconomical to restore the same to their previous condition.

18. CONDITION ON TERMINATION

At the termination or expiration of this Lease, Lessee shall surrender and deliver the Leased Premises in as substantially good order and condition as exists at the inception hereof; excepting, however, loss

by fire, inevitable accident, act of God, and ordinary wear and tear.

19. LIENS

Lessee shall cause to be removed any and all mechanic's or materialman's liens of any nature arising out of or because of any construction performed by Lessee upon the Leased Premises or arising out of or because of the performance of any work or labor upon or the furnishing of any materials for use at the Leased Premises, by or at the direction of Lessee within a reasonable time not to exceed six (6) months from the completion of any such construction.

20. HOLDING OVER

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

21. FORCE MAJEURE

Neither Party shall be deemed to have breached this Lease if it is prevented from performing any of its obligations hereunder by reason of acts of God, acts of the public enemy, acts of superior governmental authority, weather conditions, riots, rebellion, sabotage, or any other circumstances for which it is not responsible or which is not under its control, and the Party experiencing force majeure gives written notice to the other party identifying the nature of such force majeure, and when it began. The Party experiencing force majeure shall take immediate action to attempt to remove such causes of force majeure as may occur from time to time and its operations under this Lease shall be resumed immediately after such cause has been removed, provided that neither Party shall be required to settle any labor dispute except upon terms that the Party deems acceptable. The suspension of any obligations under this section shall not cause the term of this Lease to be extended and shall not affect any rights accrued under this Lease prior to the occurrence of the force majeure. The Party giving notice of the force majeure shall also give notice of its cessation.

22. PUBLIC EMERGENCIES

Lessee must comply with all local, state, federal orders, directives, regulations, guidance, advisories during public emergencies. Public emergencies include, but are not limited to, national, state and local security emergencies; public health emergencies and pandemics; evacuations; chemical spills; shelter-in-place alerts; severe weather advisories; boil water advisories; and roadway interruptions. A Lessee's failure to comply with any local, state, federal orders, directives, regulations, guidance, or advisories during a public emergency shall constitute a breach of the Lease pursuant to Section 17 (Termination). The City shall have sole discretion in determining if Lessee is compliant with the above. If a public emergency is declared, the City will not be responsible for any expenses or losses incurred as a result of any public emergency.

23. DISPUTE RESOLUTION

The Parties shall make their designation representative available to meet within a reasonable time to discuss issues relating to the Lease or the Leased Premises. Each Party shall take such actions as reasonably necessary to address any issues within a reasonable time.

Either Party may enforce this Lease and/or seek appropriate remedies in Chittenden Superior Court under the laws of the State of Vermont.

24. NOTICES AND REPRESENTATIVES

Each individual identified below is the principal representative of the designating Party. All notices required to be given hereunder shall be hand delivered with receipt required or sent by certified or registered mail to such Party's principal representative at the address set forth below. In addition to, but not in lieu of a hard-copy notice, notice also may be sent by e-mail to the e-mail addresses, if any, set forth below. Either Party may from time to time designate by written notice substitute addresses or persons to whom such notices shall be sent. Unless otherwise provided herein, all notices shall be effective upon receipt.

For the City: Kara Alnasrawi
131 Church Street, Suite 209 Burlington, VT 05401
802.238.1910

Kara@burlingtonvt.gov

For Lessee: Amy Bernhardt
115 Church Street, Burlington, VT 05401
events@leunigsbistro.com

25. GENERAL CIVIL RIGHTS PROVISIONS

Lessee agrees to comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance. If the Lessee transfers its obligation to another, the transferee is obligated in the same manner as the Lessee.

This provision obligates the Lessee for the period during which the property is owned, used, or possessed by the Lessee. This provision is in addition to that required by Title VI of the Civil Rights Act of 1964.

26. COMPLIANCE WITH NONDISCRIMINATION REQUIREMENTS

During the performance of this Lease, the Lessee, for itself, its assignees, and successors in interest, agrees as follows:

1. **Compliance with Regulations:** The Lessee will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Lessee, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Lessee will not participate directly or indirectly in the discrimination prohibited by the

Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21.

3. **Solicitations for Subcontracts, including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the Lessee for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Lessee of the contractor's obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.

27. FEDERAL CIVIL RIGHTS PROVISION

No person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of property and facilities made available or leased to Lessee; the construction of any improvements on, over, or under said property and facilities; or the furnishing of services thereon. Lessee shall comply with the Nondiscrimination Acts and Authorities as set out below and as they may be amended from time to time.

A. The Lessee shall maintain and operate such facilities and services in compliance with all requirements imposed by the Nondiscrimination Acts and Authorities such that no person on the grounds of race, color, or national origin, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. In all solicitations, either by competitive bidding, or negotiation made by Lessee for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier shall be notified by Lessee of Lessee's obligations under this Agreement and the Nondiscrimination Acts and Authorities.

C. In the event of breach of any of the above non-discrimination covenants, the City shall have the right to terminate the Agreement and re-enter and repossess the underlying property and facilities and hold the same as if the Agreement had never been made or issued.

D. During the performance of this Lease, Lessee, for itself, its assignees, and successors in interest (hereinafter referred to as the "Lessee") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination in Federally-assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

- Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability); and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended (42 USC § 6101 *et seq.*) (prohibits discrimination on the basis of age);
 - i. The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
 - ii. Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 USC §§ 12131 – 12189) as implemented by U.S. Department of Transportation regulations at 49 CFR parts 37 and 38;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
 - iii. Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 USC 1681 *et seq.*).

28. LIVABLE WAGE

The City has in effect a livable wage ordinance. This livable wage ordinance is applicable to service contracts with the City (as opposed to the purchasing of goods) where the total amount of the contract or contracts with the same person or entity exceeds \$15,000 for any twelve-month period.

Lessee shall comply with the livable wage ordinance to the extent that it is a covered employer under the ordinance and the ordinance is otherwise applicable. Lessee shall also require any contractors or

agents performing work at the Leased Premises to comply with the livable wage ordinance.

29. MORTGAGES

At the option of the City, this Lease shall be subordinate to any mortgage or other security interest by the City which from time to time may encumber all or part of Leased Premises so long as the City's lender shall agree in writing in a form reasonably acceptable to Lessee that such lender will not disturb Lessee's possession and rights under Lease so long as Lessee remains in compliance with Lease.

30. ESTOPPEL CERTIFICATE

Each Party shall—within thirty (30) business days after request by the other Party—execute and deliver to the requesting Party, or the party designated by the requesting Party, a statement certifying: (i) that Lease is unmodified and in full force and effect (or, if there have been modifications, stating the modifications, and that the modified Lease is in full force and effect); (ii) whether, to the responding Party's knowledge, either Party is in default in performance of any of its obligations under Lease, and, if so, specifying each default; and (iii) any other information reasonably requested concerning Lease.

31. BROKER COMMISSIONS

The City shall have no obligation to pay any real estate commissions to any agents or brokers claiming by or through Lessee, and without prejudice to Lessee's general indemnification and defense obligation hereunder, Lessee agrees to indemnify and hold harmless the City for all claims or demands of any other real estate agent or broker claiming by, through, or under Lessee. This indemnification shall also include payment of costs and attorney fees incurred by the City in defense of a claim for such real estate commissions or fees.

32. GENERAL PROVISIONS

- A. Assignment.** Lessee shall not assign this Lease or sublet any part of the Leased Premises without the expressed written consent of the City.
- B. Binding Effect.** All provisions of this Lease, including the benefits and burdens, shall extend to and be binding upon the Parties' respective heirs, legal representatives, successors, and assigns.
- C. Captions.** The captions and headings in this Lease are for convenience of reference only and shall not be used to interpret, define, or limit its provisions.
- D. Counterparts.** This Lease may be executed in multiple identical counterparts, all of which shall constitute one agreement.
- E. Entire Understanding.** This Lease represents the complete integration of all understandings between the Parties and all prior representations and understandings—oral or written—are merged herein. Prior or contemporaneous additions, deletions, or other changes hereto shall not have any force or effect whatsoever, unless embodied herein. By and through execution of this Lease, the prior temporary license agreement executed between the Parties as of Fall 2024 is extinguished and supplanted hereby.

- F. Extinguishment and Replacement.** This Lease extinguishes and replaces any prior leases between the Parties related to the Leased Premises upon the Effective Date hereof.
- G. Modification.** Modifications of this Lease shall not be effective unless agreed to in writing by both Parties in a formal written amendment to this Lease, properly executed and approved by both Parties.
- H. Interpretation.** The language in all parts of this Lease shall in all cases be construed simply according to its fair meaning and not strictly construed against the City. This Lease shall be construed and performance thereof shall be determined in accordance with the laws of the State of Vermont.
- I. Severability.** Provided this Lease can be executed and performance of the obligations of the Parties accomplished within its intent, the provisions hereof are severable, and any provision that is declared invalid or becomes inoperable for any reason shall not affect the validity of any other provision hereof.
- J. Survival of Certain Lease Terms.** Notwithstanding anything herein to the contrary, provisions of this Lease requiring continued performance, compliance, or effect after expiration or termination shall survive such expiration or termination and shall be enforceable by the City if Lessee fails to perform or comply as required.
- K. Third Party Beneficiaries.** Enforcement of this Lease and all rights and obligations hereunder are reserved solely to the Parties, and not to any third party. Any services or benefits which third parties receive as a result of this Lease are incidental to the Lease and do not create any rights for such third parties.
- L. Waiver.** No acceptance by the City of rentals, fees, charges or other payments in whole or in part, for any period or periods after a default of any of the terms, covenants, and conditions hereof, to be performed, kept or observed by Lessee, shall be deemed a waiver of any right on the part of the City to terminate this Lease. A waiver by the City of any breach of a term, provision, or requirement of this Lease or any right or remedy hereunder, whether explicitly or by lack of enforcement, shall not be construed or deemed as a waiver of any subsequent breach of such term, provision or requirement, or of any other term, provision, or requirement.
- M. Public Records.** All records submitted to the City, whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act. The determination of how those records must be handled is solely within the purview of the City. All records considered to be trade secrets, as that term is defined by subsection 317(c)(9) of the Vermont Public Records Act, shall be identified by Lessee, as shall all other records considered to be exempt under the Act. It is not sufficient to merely state generally that a document or record is proprietary, a trade secret, or otherwise exempt. Particular records, pages, or sections that are believed to be exempt must be specifically identified as such and must be separated from other records with a convincing explanation and rationale sufficient to justify each exemption from release consistent with Section 317 of Title 1 of the Vermont Statutes Annotated.
- N. Illegal Substance.** Lessee, Lessee's employees, and Lessee's patrons are prohibited from possessing, using, transporting, cultivating, selling, growing, or donating any substance prohibited under local, state, or federal law, including but not limited to marijuana.

- O. Attorneys' Fees.** In case of any dispute arising from this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs.
- P. Municipal Rights.** Nothing herein shall be deemed a waiver of Landlord's regulatory authority as a city.
- Q. Rules:** The Rules and Regulations in Attachment C are incorporated herein by this reference as though fully set forth.

33. ATTACHMENTS

The following attachments are adopted, made part of, and incorporated by reference into this Agreement:

- A. Attachment A:** Leased Premises Description and Map
- B. Attachment B:** Insurance Requirements
- C. Attachment C:** Certificate of Insurance

— *Signature Pages to Follow* —

34. SIGNATURE PAGE 1.

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

The Parties hereto have executed this Lease Agreement

LESSEE

TASTE OF FRANCE, LLC

115 Church Street, Burlington, VT 05401

By: _____

Name: Amy Bernhardt

Title: Owner

Date: _____

State of Vermont, County of _____. This record was acknowledged before me on _____ (date) by _____ (authorized signatory's name).

Signature of Notary Public: _____

Stamp or certificate number: _____

Title of office: _____

My commission expires: _____

35. SIGNATURE PAGE 2.

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.

The Parties hereto have executed this Lease Agreement

**City of Burlington
149 Church Street, Burlington, Vermont 05401**

By: _____

Name: Mayor Emma Mulvaney-Stanak

Title: Mayor of the City of Burlington, Vermont

Date: _____

State of Vermont, County of _____. This record was acknowledged before me on _____ (date) by _____ (authorized signatory's name).

Signature of Notary Public: _____

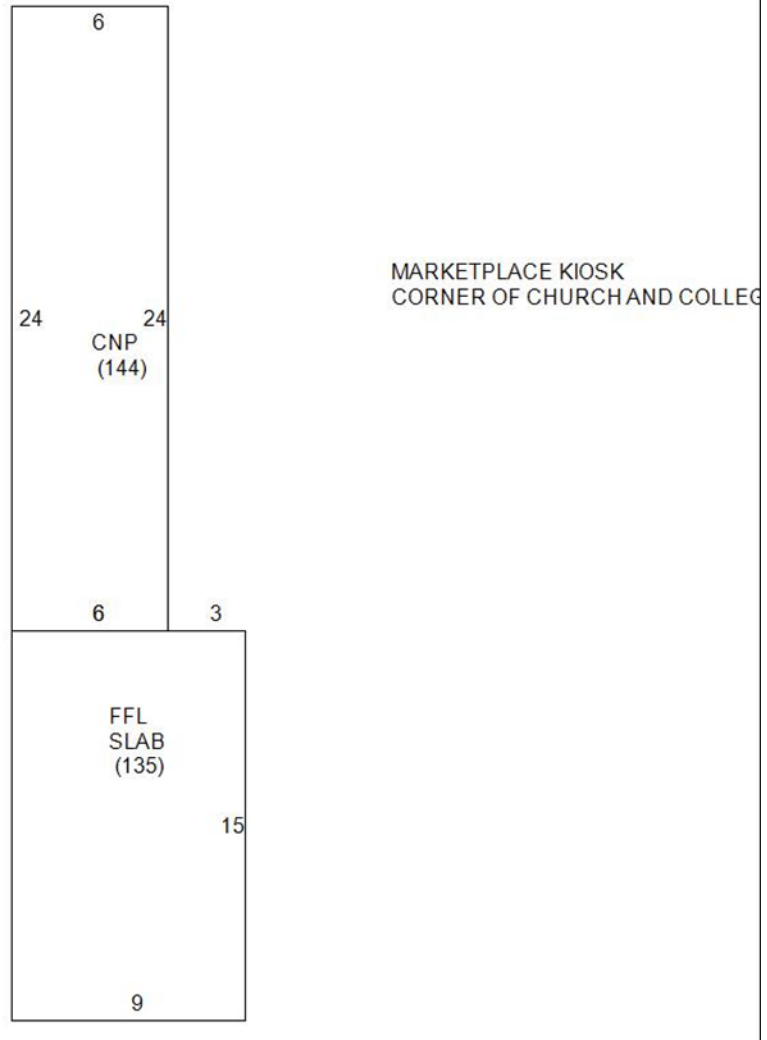
Stamp or certificate number: _____

Title of office: _____

My commission expires: _____

ATTACHMENT A

Leased Premises Description[s] and Map[s]



ATTACHMENT B

INSURANCE REQUIREMENTS

As used in this form, “Contractor” shall mean the lessee/tenant. Insurance shall be maintained throughout the term, and the lessee/tenant shall provide certificates of insurance and endorsements reasonably acceptable to the City prior to the Effective Date of the lease and annually during the term. These requirements shall also be satisfied by any subtenant authorized by the City and by any contractors, subcontractors, consultants, or subconsultants doing work of any kind or nature in the premises that could create liability for the City of any kind or nature.

The Contractor shall obtain the following insurance coverage from an insurance company registered and licensed to do business in the State of Vermont and having an A.M. Best insurance rating of at least A-, financial size category VII or greater (www.ambest.com). The certificate of insurance coverage shall be documented on forms acceptable to the City. Compliance with minimum limits and coverage, evidenced by a certificate of insurance showing policies and carriers that are acceptable to the City, must be received prior to the Effective Date of the Contract. If this Contract extends to more than one year, evidence of continuing coverage must be submitted to the City on an annual basis. Copies of any insurance policies may be required.

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

No warranty is made that the coverage and limits listed herein are adequate to cover and protect the interests of the Contractor for the Contractor’s operations. These are solely minimums that have been developed and must be met to protect the interests of the City.

A. Commercial General Liability: With respect to all operations performed by the Contractor, subcontractors, agents or workers, it is the Contractor’s responsibility to ensure that commercial general liability insurance coverage, covering bodily injury and property damage, on an occurrence form, provides all major divisions of coverage including, but not limited to:

1. Premises Operations
2. Independent Contractors’ Protective
3. Products and Completed Operations
4. Personal Injury Liability
5. Medical Expenses

Coverage limits shall not be less than:

1. General Aggregate \$2,000,000

2. Products-Completed/Operations \$2,000,000
3. Personal & Advertising Injury \$1,000,000
4. Each Occurrence \$1,000,000
5. Damage to Rented Premises \$ 250,000
6. Med. Expense (Any one person) \$ 5,000

B. Workers' Compensation/Employer Liability: With respect to all operations performed, the Contractor shall carry workers' compensation insurance in accordance with the laws of the State of Vermont and ensure that all subcontractors carry the same workers' compensation insurance for all work performed by them under this contract. Minimum limits for Employer's Liability:

1. Bodily Injury by Accident: \$500,000 each accident
2. Bodily Injury by Disease: \$500,000 policy limit, \$500,000 each employee

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

C. Automobile Liability: The Contractor shall carry commercial automobile liability insurance covering all motor vehicles, including owned, non-owned and hired, used in connection with the Contract. Each policy shall provide coverage with a limit not less than: \$1,000,000 - Combined Single Limit for each occurrence.

3. Umbrella/Excess Liability is excess above Commercial General Liability, Automobile Liability, and Workers' Compensation/Employer Liability.

All policies shall be endorsed to provide the City thirty (30) days' notice of cancellation. Each policy (except workers compensation/employers' liability) shall be endorsed to name the City and its officers, employees, agents, successors, and assigns as additional insureds on a primary, non-contributory basis. Each policy shall be endorsed to waive subrogation against the City.

ATTACHMENT C
Certificate of Insurance

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE, provides notice of Tenant's interest in the leased premises and of the existence of the lease. In accordance with 27 V.S.A. § 341, the lease entered into by the parties is described as follows:

1. Names of the parties.

- A. Landlord's Name: The City of Burlington, Vermont
- B. Tenant's Name: Taste of France, LLC

2. Statement of the rights of a party to extend or renew the lease. Upon mutual agreement of the Parties, this lease may be extended for a one (1) year renewal term. The renewal term shall automatically commence upon the expiration of the initial term under the same terms contained herein, except that either Party may decline the extension by providing 60 days written notice to the other Party.

3. Parties' addresses set forth in the lease.

- A. Landlord's Address: Burlington City Hall, 149 Church Street, Burlington, Vermont, 05401.
- B. Tenant's Address: 115 Church Street, Burlington, VT 05401

4. Date of the execution of the lease. [Date]

5. Term of the lease, the date of commencement, and the date of termination.

- A. Term of the lease: 18-months
- B. Date of commencement: [Date]
- C. Date of termination: July 31, 2026

6. Description of the real property as set forth in the lease. The City-owned building and ground space known and numbered as 180 Church St, Burlington, Vermont, which consists of approximately 126 square feet of building space ("Leased Premises").

7. Statement of the rights of a party to purchase the real property or exercise a right of first refusal with respect thereto. Tenant has *no* rights to purchase the real property. Tenant has *no* rights to exercise a right of first refusal with respect thereto.

8. Statement of any restrictions on assignment of the lease. Tenant shall not assign the lease or sublet any part of the Leased Premises without the expressed written consent of the City.

9. The location of an original lease.

Business & Workforce Development
131 Church Street, Suite 209
Burlington, VT 05401

IN WITNESS WHEREOF, the parties have executed or have caused this instrument to be executed by their proper officers duly authorized to do so.

THE CITY OF BURLINGTON

By: _____
Name: Mayor Emma Mulvaney-Stanak
Title: Mayor of the City of Burlington, Vermont
Address: 149 Church St, Burlington, VT 05401

State of Vermont, County of Chittenden. This record was acknowledged before me on _____
(date) by Miro Weinberger as the Mayor of the City of Burlington, Vermont.

Signature of Notary Public: _____
Stamp or certificate number: _____
Title of office: _____
My commission expires: _____

TASTE OF FRANCE, LLC

By: _____
Name: Amy Bernhardt
Title: Owner
Address: 115 Church Street, Burlington VT 05401

State of Vermont, County of _____. This record was acknowledged before me on _____
_____ (date) by _____ (authorized signatory's name).

Signature of Notary Public: _____
Stamp or certificate number: _____
Title of office: _____
My commission expires: _____

Local Health Office Annual Report: 2024

Burlington Local Health Office | 128 Lakeside Avenue, Burlington, VT 05401
802-863-7323 | AHS.VDHBurlington@Vermont.gov

Twelve Local Health Offices around the state are your community connection with the Vermont Department of Health. **The Burlington Local Office provides essential services and resources to towns in Chittenden County.** Some highlights of our work in 2024 are below. For more information, visit HealthVermont.gov/local/Burlington



Improve Family and Child Health

The Burlington Local Health Office served 2,900 pregnant people, new parents, and young children participating in the WIC program. Through the Farm to Family Program, WIC staff helped participants access over \$17,000 in fruits and vegetables. WIC provides families with healthy foods, nutrition education, breast/chest feeding support, and referrals to health care providers and community resources. We are actively working to improve access to WIC services with telephone and video appointments. Learn more at www.healthvermont.gov/wic.



Protect Community Health and Safety

The Burlington Local Health Office remains committed to advancing equity, protecting against disease and injury, and preparing for health emergencies. We hosted 35 vaccination clinics and 1 pop-up dental clinic, delivering essential oral healthcare and education to 68 community members. Our office also supported residents affected by summer flooding by distributing 90 drinking water testing kits, 53 warm weather kits, and by sharing information on staying safe before, during, and after extreme weather events.



Create Resilient Communities

Health is affected by more than just healthcare. Transportation, housing, education, food access, social connections, and economic opportunity all play critical roles in shaping health outcomes. Throughout the year, our office has collaborated with municipalities, schools, worksites, healthcare providers, and other community organizations to evaluate the health and equity needs of our community. Together, we help craft local solutions that build healthier, more resilient, and thriving communities for everyone.



Lori Olberg

From: noreply@civicplus.com
Sent: Friday, November 29, 2024 12:01 PM
To: Lori Olberg
Subject: Online Form Submittal: Contact Us

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

Contact Us

Use this form to contact various staff, administrators and officials of the City of Burlington.
Voice concerns, make comments, let your voice be heard. For a complete list of city departments and phone numbers, please see the [City Staff Directory](#).

First Name: JJ
Last Name: Redington
Email Address: jjredington54@gmail.com
Subject: Tony Redington Roundabout Dedication
Category: City Council
Message: Hello!

My Father, Tony Redington lived his last years as a Burlington resident and was passionate for the safety of all Burlingtonians. You would not find a better advocate for the walking/biking/public transportation individuals. One of his top passions for safety was pushing for communities to use roundabouts as an alternative to stoplights/signalized intersections. He was instrumental in having the first modern roundabout installed in the US Northeast (Keck Circle, Montpelier). In fact I'm sure my Dad's expertise was used in most, if not all roundabouts that were installed in Vermont and other communities such as Keene NH where he was born and raised. I saw that the Shelburne Street roundabout is named "The Redington Roundabout" when I performed a Google search about my Father when thinking of him on Thanksgiving. I believe this name is unofficial, but I think he is more than worthy of having a Roundabout named and dedicated to him.

Feel free to reach out to me via my email. Thank you for your consideration.

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

Email not displaying correctly? [View it in your browser.](#)

**March 4, 2025
Annual City Election**

March 4th, 2025 Annual City Election

Date	Event	Statutory Authority	
Wednesday, December 4th, 2024	First day to warn first public hearing on proposed Charter Amendments in 2 public places, in clerk's office, & 2 public places in each ward	17 V.S.A. 2641(a) 17 V.S.A. 2645(a)(3),(6) 17 V.S.A. 2642	Not earlier than 40 days prior to 1st Public Hearing
Monday, December 9th, 2024	Last practical date for City Council to propose Charter Changes (existing City Council meeting)	Practical consideration given City Council meeting schedule & posting copy of changes requirements in 17 V.S.A. 2645(a)(2), (3)(B)	
Monday, December 9th, 2024	Last practical day to file petition for Charter Change Ballot Question signed by 5% of voters with City Clerk	Practical consideration given Charter Change Hearing Warning Rquirements in 17 V.S.A. 2645(a)(2)	
Tuesday, December 10th, 2024	Deadline for Clerk to return defective Charter Change petitions	17 V.S.A. 2642(a)(3)(B)	within 24 hours of receipt
Wednesday, December 11th, 2024	Deadline for petitioners to file supplementary petitions for Charter Change Ballot Question	17 V.S.A. 2642(a)(3)(B)	within 48 hours after petition returned by clerk
Saturday, December 14th, 2024	Last day to warn first public hearing on proposed Charter Amendments in 2 public places, in clerk's office, & 2 public places in each ward	17 V.S.A. 2641(a) 17 V.S.A. 2645 (a)(3),(6) 17 V.S.A. 2642	Not later than 30 days prior to 1st Public Hearing
Wednesday, December 18th, 2024	First day to warn second public hearing if held for proposed Charter Amendments by posting in 2 public places, in clerk's office, & 2 public places in each ward	17 V.S.A. 2641(a) 17 V.S.A. 2645(a)(3),(6) 17 V.S.A. 2642	Not earlier than 40 days prior to 2nd Public Hearing
Saturday, December 28th, 2024	Last day to warn second public hearing on proposed Charter Amendments by posting in 2 public places, in clerk's office, & 2 public places in each ward	17 V.S.A. 2641(a) 17 V.S.A. 2645 (a)(3),(6) 17 V.S.A. 2642	Not later than 30 days prior to 2nd Public Hearing

**March 4, 2025
Annual City Election**

Friday, January 3rd, 2025	Official copy of proposed Charter Amendments filed with the City Clerk & open for public inspection	17 V.S.A. 2645(a)(2)	at least 10 days prior to 1st Public Hearing
Monday, January 13th, 2025	City Council Designation of Paper to Publish Warning in annual resolution as paper of publication	17 V.S.A. 2641(b)	Annual designation of paper of general circulation to publish in
Monday, January 8th, 2025	Last day to publish warning of 1st and 2nd Charter Change Public Hearings, in newspaper designated in annual resolution as paper of publication	17 V.S.A. 3641(b)	at least 5 days before 1st hearing
Monday, January 13th, 2025	City Council Designation of Paper to Publish Warning in annual resolution as paper of publication	17 V.S.A. 2641(b)	Annual designation of paper of general circulation to publish in
Monday, January 13th, 2025	First Public Hearing on proposed Charter Amendments (existing City Council meeting)	City Council Schedule; 17 V.S. at least 30 days prior to election	
Thursday, January 16th, 2025	Last day to file petition for non-Charter Change ballot question signed by 5% of voters with City Clerk	17 V.S.A. 2642(a)(3)(A)	not less than 47 days prior to election
Friday, January 17th, 2025	Deadline for Clerk to return defective petitions (non-charter)	17 V.S.A. 2642(a)(3)(B)	within 24 hours of receipt
Monday, January 20th, 2025	Deadline for petitioners to file supplementary petitions (non-charter)	17 V.S.A. 2642(a)(3)(B)	within 48 hours after petition returned by clerk
Thursday, January 23rd, 2025	First day to post warning & notice of elections in same places as public hearing warnings were posted	17 V.S.A. 2641(a)	not more than 40 days prior to election
Thursday, January 23rd, 2025	Last day for BCA/ City Council polling place designation	17 V.S.A. 2501(a)	at least 40 days prior to election
Thursday, January 23rd, 2025	Last day for BRV to divide checklist into wards/district	17 V.S.A. 2501(a)	at least 40 days prior to election
Monday, January 27th, 2025	Second Public Hearing on proposed Charter changes	City Council Schedule; 17 V.S.	If charter change is proposed by petition, the 2nd public hearing must be held no later than 10 days after the first public hearing
Monday, January 27th, 2025	Deadline for filing nominating petitions, consent forms, and	17 V.S.A. 2681 (a)(1)(A),(a)(2), 6th Monday prior to election	

March 4, 2025
Annual City Election

5:00 p.m.	endorsement forms for Councilors, Ward Officers, School Board, Mayor		
Monday, January 27th, 2025	Last practical date for revisions to proposed Charter Amendments by City Council	Practical consideration	
Monday, January 27th, 2025	Last practical date for City Council to approve non-Charter ballot questions (existing City Council meeting)	Practical consideration	
Tuesday, January 28th, 2024	Non-conforming petitions returned by Clerk	17 V.S.A. 2681(e)	within 24 hrs of receipt
Wednesday, January 29th, 2025 5:00 p.m.	Deadline to submit supplemental petitions (if necessary)	17 V.S.A. 2681(e)	Wed. after filing deadline 5:00 p.m.
Wednesday, January 29th, 2025 5:00 p.m.	Deadline for withdrawing consent to be on the ballot	17 V.S.A. 2681(d)	Wed. after filing deadline 5:00 p.m.
Sunday, February 2nd, 2025	Last day to post election Warning & Notice	17 V.S.A. 2641(a)	not less than 30 days prior to election
Sunday, February 2nd, 2025	Voter Registration Checklist Posted	17 V.S.A. 2141	at least 30 days prior to election
Sunday, February 2nd, 2025	Last day to post election warnings & notice & checklist	17 V.S.A. 2641(a)	not less than 30 days before election
Wednesday, February 12th, 2025	Last date to receive Local Ballots	17 V.S.A. 2681a(a)	at least 20 days prior to election
Wednesday, February 12th, 2025	Last day to post copy of revised charter changes based upon comments at Public Hearings in all places hearing notices were posted	17 V.S.A. 2645(a)(4)(A)	no less than 20 days before election
Wednesday, February 12th, 2025	1st Publication of Bond Vote Warning Notice in Paper	24 V.S.A. 1756	3 consecutive weeks on the same day of the week with the last publication being not last than 5 or more than 10 days before the election and in five public places 2 week
Friday, February 14th, 2025	Last day to post warning of public informational meeting on any public questions in 2 public places in the City & in the clerk's office	17 V.S.A. 2680(h)(1)	at least 10 days prior to Public Informational meeting

**March 4, 2025
Annual City Election**

Tuesday, February 18th, 2025	Last day to post Bond Vote Warning in five places in the City	24 V.S.A. 1756	at least two weeks prior to the election
Wednesday, February 19th, 2025	2nd Publication of Bond Vote Warning Notice in Paper	24 V.S.A. 1756	3 consecutive weeks on the same day of the week with the last publication being not last than 5 or more than 10 days before the election
Saturday, February 22nd, 2025	Last day to post sample ballots for City Election in clerk's office & 2 public places in wards	17 V.S.A. 2522(a)	at least 10 days prior to election
Saturday, February 22nd, 2025	Last day to Test Ballots and Voting Machines	17 V.S.A. 2493(b)	at least 10 days prior to election
Monday, February 24th, 2025	Practical day to hold Public Informational Meeting on non-Charter Ballot questions (exsiting City Council meeting)	17 V.S.A. 2680(h)(2)(A)	within 10 days of election
Wednesay, February 26th, 2025	3rd Publication of Bond Vote Warning Notice in Paper Paper of General Circulation (7 Days or BFP)	24 V.S.A. 1756	3 consecutive weeks on the same day of the week with the last publication being not less than 5 or more than 10 days before the election
Thursday, February 27th, 2025	Last day to publish Warning and Notice of City Election in local paper of general circulation (7 Days or BFP)	17 V.S.A. 2641(b)	at least 5 days prior to election
Friday, February 28th, 2025	Last day to request that an Absentee Ballot be mailed to voter	Practical Consideration	
Monday, March 3rd, 2025	Last day to request and vote by absentee ballot Clerk's Office to Close at 1:00pm Ballot Boxes to Close at 4:30pm	17 V.S.A. 2531(a)(1)(A)	
Tuesday, March 4th 7:00 a.m. to 7:00 p.m.	Election Day - Polls Open	17 V.S.A. 2561, 2640	
Friday, March 14th, 2025	Deadline to submit Charter Change materials to the Secretary of State's Office	17 V.S.A. 2645 (b)(2)	Within 10 days of Election
Saturday, May 3rd, 2025	Deadline to submit Voter Participation	17 V.S.A. 2593	Within 60 days of Election



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

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TO: City Council

FROM: Lori Olberg, Licensing, Voting and Records Coordinator

DATE: April 18, 2024

RE: Regular Schedule of Meetings of the Board of Finance and City Council through April 2025

2024 dates:

Board of Finance: Monday, September 30; City Council: Monday, October 7

Board of Finance: Monday, October 21; City Council: Monday, October 28

Board of Finance: Monday, November 4; City Council: Tuesday, November 12

Board of Finance: Monday, November 18; City Council: Monday, November 18

Board of Finance: Monday, December 9; City Council: Monday, December 9

Board of Finance: Monday, December 16; City Council: Monday, December 16

2025 dates:

Board of Finance: Monday, January 13; City Council: Monday, January 13

- First Public Hearing on Proposed Charter Changes

Board of Finance: Monday, January 27; City Council: Monday, January 27

- Second Public Hearing on Proposed Charter Changes and final action on any March 2025 ballot questions

Board of Finance: Monday, February 10; City Council: Monday, February 10

Board of Finance: Tuesday, February 18; City Council: Tuesday, February 18

Board of Finance: Monday, March 10; City Council: Monday, March 10

Board of Finance: Monday, March 24; City Council: Monday, March 24

City Council Organization Meeting Day: Monday, April 7

Board of Finance: Monday, April 14; City Council: Monday, April 14

Board of Finance: Monday, April 28; City Council: Monday, April 28

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 7, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Lori Olberg
Keaton Knowles
Mary Danko

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:09 PM.

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

- **Add to the consent agenda item 6.22 ONE Graffiti-to-Mural Project Proposal (building at the Elmwood-Intervale intersection) – Ward Two City Councilor Gene Bergman;**
- **Remove from the Deliberative Agenda item 7.1 Resolution: Assuring Our Police Department Has A Modern Facility That Assures The Health And Wellbeing Of Employees, Meets The Expectations Of The Public And Provides Dignity, Security, And Privacy For Perpetrators And Victims (Councilors Traverse, Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon);**

- **Remove from the Deliberative Agenda item 7.3 Proposed Ordinance Amending Burlington Code of Ordinances Chapter 21, Article VI (Livable Wages) to streamline administration to facilitate monitoring and enforcement – C/T (per Mayor Mulvaney-Stanak).**

VOTING: unanimous; motion carries.

2. COMMUNICATION: DARREN SPRINGER, GENERAL MANAGER, BED, RE: BED COMMERCIAL NEGOTIATION (VERBAL) **EXPECTED EXECUTIVE SESSION 6:00 PM – 6:25 PM**

2.1. Communication: Darren Springer, General Manager, BED, re: BED Commercial Negotiation (verbal) **expected executive session**
City Attorney Brown said that the discussion will be about commercial real estate negotiations between BED and private parties and that the City would be at a substantial disadvantage in negotiations and would risk disclosing confidential information if this was held in public session.

MOTION by Councilor Doherty, SECOND by Councilor Broderick, that the Council find that premature general public knowledge of commercial real estate negotiations between the Burlington Electric Department and private parties would clearly place the City at a substantial disadvantage in the negotiations because the City risks disclosing confidential information in public.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor McKnight, that based on the finding of substantial disadvantage, the Council enter into executive session under the provisions of 1 V.S.A. 313(a)(1)(A) and 1 V.S.A. 313(a)(2) to include legal counsel, the City Council, the Mayor and her staff, the Chief Administrative Officer and/or her departmental designees, and BED General Manager Springer.

VOTING: unanimous; motion carries.

3. PUBLIC FORUM (CITY AFFAIRS ONLY): TIME CERTAIN: 6:30 PM

3.1. Verbal Comments
Forum opened at 6:37 PM.

COMMENTS:

Burlington residents (in person):

- Colin Palmer spoke about the past year of violence and the death toll in Palestine. He also spoke about the deaths in the south due to Hurricane Helene, as well as racist behavior by the Council and City.
- Grace Ahmed spoke about anti-Semitism in Burlington's schools and that she has had to pull her children out of school as a result. She also spoke about the treatment of Tyeastia Green, and encouraged the City to go into mediation with her to make things right.
- Ferene Paris spoke about uplifting and centering Black women. She spoke about actions taken by the City against Tyeastia Green and the REIB department in 2022. She said that it is intentional that these things are not being talked about.
- Kiah Morris said she does not feel safe watching the only Black woman on City Council repeatedly be silenced and censured by white leadership on the Council, not does she feel safe when the City Council votes down a resolution pertaining to a ceasefire in Gaza. She said she does not feel safe when the REIB department is defunded, and the Police Department is slated for expansion. She said she does not feel safe when former director Tyeastia Green is defamed by the City.

- Todd Deluca spoke about potentially unsafe living conditions at 300 Lake Street and asked the City to look into it.
- Romeo van Hermann expressed support for the deliberative agenda item around a modern police facility. He said that a facility must meet the expectations of public safety and offer a safe space to conduct the work of law enforcement.
- Tyler Pastorak spoke about how devastating it is that this progressive administration built trust with Black women during its campaign and is now turning its back on them. He said that the current public safety approach is not prioritizing those most subjected to harm and danger, but is prioritizing the wealthy and business-owners, and treating the most vulnerable as the threat itself.
- Faried said that the City staffed for two years after promising residents of Sears Lane some basic necessities like running toilets and garbage disposal. He said that instead, volunteers went into the encampment to clean it up and begin constructing mini homes, as well as attempt to turn the unsanctioned encampment into a sanctioned one. He said that they had neared completion of the first mini home when the police showed up and dismantled it. He noted that former director Green was the only City department head who stood with the Sears Lane residents.
- Jane McDougal expressed concern about the police station proposal and asked whether the City will build a new one or modify the old one. She said that there isn't enough space to modify it.

Burlington residents (via Zoom):

- Sharon Bushor spoke to the agenda item related to the police facility, saying that every employee is entitled to a safe and good work environment. She expressed concern about cost for renovations for the police facility, especially given that the fire station on Memorial Block will need to be relocated. She said that both public safety facilities need to be taken into account in these discussions.

Non-Burlington residents (in person):

- Opeyemi Parham spoke about the institutional racism she has experienced in her medical career and the similarities to what is happening to former director Tyeastia Green. She said that mediation is always better than attorneys and lawyers.
- Shawn Morrissey spoke about how former director Green continues to be harmed by the silence and inaction of this administration. He said that the City has the power to repair the many harms against Tyeastia and to protect Black people in this community, but that the continued actions are nothing more than anti-Blackness and hate.
- Alexis Kelly said that the City should consider mediation with former director Tyeastia Green.
- Reverend Karen Johnston spoke about how she has felt very welcomed into the community, but said that this is unfortunately due to her whiteness. She said that what is happening to former director Green is bad and she urged the Council to seek mediation.
- Sister Sankofa said that racial equity, inclusion, and belonging work is still ongoing, despite being moved to temporary funding in the City. She said that citizens will not allow the City of Burlington to go back to business as usual and will stand in solidarity with former director Tyeastia Green.
- Kathleen Voight Walsh noted that the challenges that BIPOC women experience shorten their lives and that white lives are not shortened this way. She said that white people do not need to be afraid and that it is time to listen to the Black women and vulnerable people in the community. She said that there is a lot to learn from these people, who have suffered for generations and continue to suffer because white people are afraid.
- Lydia Diamond spoke in support of former director Tyeastia Green. She said that Black women don't want to fight, but want to be respected. She said former director Green should receive reparations for her treatment.

Forum closed at 7:14 PM.

4. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

4.1 Verbal Reports

Mayor Mulvaney-Stanak began by noting that with the hurricanes hitting the South, mutual aid has been sent from the City's Fire, Police, and Electric departments to the communities impacted by the storms. She provided a brief staffing update, noting that the City is in the final round of the hiring process for its planning director, and should be wrapping up in the next several weeks. She also noted that the City Attorney's Office is working to hire another assistant city attorney to fully staff the office. She further noted that there is a temporary special assistant position on overdose prevention centers, to help the City successfully open the overdose prevention center. She said that all 18 department heads have finished goal-setting for this year, including reviewing core expectations of every department head, ensuring that their goals meet the Mayor's three primary goals on community safety, housing, and climate, as well as the values of equity and inclusion, affordability, good governance, and robust community engagement.

Mayor Mulvaney-Stanak then spoke about a number of public safety items. She spoke about the police facility agenda item, noting that it fits into the larger conversation about redevelopment of the Memorial Block and that the City has been engaged with developers around advancing a more flexible, comprehensive strategy around the City's facility needs. She then spoke about the unsheltered crisis and the failure of the State to address the known growing numbers of households being exited from the motel program. She said the City has very few options to help these people, and she urged the Council to sign onto a letter urging the governor to reverse this decision to end the motel program, and that this letter also articulates the disproportionate impact this emergency has had on the City of Burlington. She noted the convening of a late-night public safety task force to determine what the City's public safety needs are at night, such as late-night mental health resources. She spoke about the Burlington Youth Collaborative and its efforts to identify programming that will help prevent the involvement of youth in street violence.

Mayor Mulvaney-Stanak then spoke about several budget and finance items. She noted that at the end of August the City held a budget summit, to address how the City will handle its budget planning differently starting with the FY26 budget. She noted the roll-out of the City's budget dashboard, which is available to the public, and she encouraged people to review it on the City's website. She said that at that summit they also discussed equitable and participatory budgeting practices, with the hope that the community will be engaged in future to help set financial priorities and needs. She spoke about a modern gov initiative, informed in part by the operational efficiency study conducted this past year, to help right-size the government and determine what services to prioritize. She noted that there will be a labor management advisory committee to help map out the phases of this work, in order to ensure that employees feel engaged in the process.

Mayor Mulvaney-Stanak then spoke about the Racial Equity, Inclusion, and Belonging Office. She said that when she became Mayor, she worked with staff in this office to look into the Department's work over the last five years, the unfinished items from the 2020 resolutions, understanding the best and most impactful actions can be done as a City government, and how to move the work forward in a way that is sustainable. She noted that the REIB positions are funded by the General Fund and are not reliant on one-time funding. She noted that there will be a report on how the City has used empowerment funds and reinvested dollars, as well as an outstanding report from the reparations task force. She emphasized that equity work must go beyond the REIB department and needs to be a full commitment from every leader and department head in the City. She shared examples of equity work in City departments.

Mayor Mulvaney-Stanak ended by speaking about the City's legislative agenda and priorities for the next legislative session. She said that it has been reviewed by the State delegation and that she plans to bring it forward to the Council at its October 28th meeting. She said that she would like these priorities to be affirmed or approved so that they can have them in place for whoever is elected to represent Burlington, as well as hire a lobbyist to make sure that the City's interests in Montpelier are well-positioned.

5. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

5.1 Verbal Reports

Councilor Grant strongly recommended that Burlington residents watch the July 18, 2024 Public Safety Committee meeting, to watch the recruitment presentation from the Police Department's team, as well as a presentation from the Fire Department on two upcoming initiatives called Prevent and CityLink. She said that the last Public Safety Committee meeting occurred on September 19 and included a detailed update from Fire Chief LaChance on needed repairs at the central fire station, fleet repair issues, data on response to possible and actual overdoses, and a detailed plan for recruiting lateral transfers within the Fire Department. She also spoke about the monthly report-out from Police Chief Murad. She noted that the next Public Safety Committee meeting is scheduled for October 17. She noted that it will include discussion on a program the Fire Department is launching called Burlington Community Connect. She finally noted that she attended the UVM Community Coalition Meeting, which is a group of employees of UVM, UVM students and representatives from their Student Government Association, and community residents from Wards 1 and 8. She said that she suggested that UVM hold a community safety forum for students, because students rarely attend forums held in Contois Auditorium.

Councilor Bergman spoke about a CATMA conference being held in South Burlington next week, which will include workshops and presentations on Transportation Demand Management, the public transit funding crisis, and a legislative panel. He also noted that the Renewable Energy Vermont Conference will be held two days after that in the same location, which has a major focus on workforce development and thermal energy networks. He also spoke about an item on the consent agenda around a graffiti-to-mural project in the Old North End.

Councilor Shannon spoke about a letter received from the Burlington Police Officers' Association regarding recruiting for the Police Department. He said that the letter was written by an officer who worked at the Police Academy and interviewed recruits about potentially applying in Burlington and why they were or were not considering it after graduating. He said that recruits were reluctant to apply to work at BPD due to lack of support from politicians and the community and that surrounding communities have a proven track record of support from town managers and community members. She said the letter goes on to propose solutions, including fixing the optics that officers are not supported among politicians.

City Council President Traverse provided brief context for the removal of agenda item 7.1 regarding the police facility. He said the intention behind the resolution was threefold—to ensure that review of a new public safety facility isn't limited to the lens of the Memorial Block pre-development agreement, but to look at the needs for both the fire and police stations, to ensure that the Council has a seat at the table in these discussions, and to ensure a commitment to hearing further updates at the Council with regards to progress in this area. He noted that the Mayor has committed to coming back before the Council by the end of the year to provide an update on the ongoing process.

6. CONSENT AGENDA

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

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

6.3 Communication: C/T, re: July 15, 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 October 28, 2024 Regular City Council Meeting.

6.4 Communication: C/T, re: July 15, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.5 Communication: C/T, re: July 15, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.6 Communication: C/T, re: August 12, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.7 Communication: C/T, re: August 12, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.8 Communication: C/T, re: August 12, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.9 Communication: C/T, re: August 15, 2024 First Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.10 Communication: C/T, re: August 22, 2024 Second Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.11 Communication: C/T, re: August 22, 2024 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.12 Communication: C/T, re: September 9, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.13 Communication: C/T, re: September 9, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.14 Communication: C/T, re: September 9, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.15 Communication: C/T, re: September 23, 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 October 28, 2024 Regular City Council Meeting.

6.16 Communication: C/T, re: September 23, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.17 Communication: C/T, re: September 23, 2024 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.18 Communication: Ashton MacKenzie, re: Adopt Neighborhood Code Without New Restriction On Building Height - waive the communication and place it on file.

6.19 Creation of two (2) new positions - Library/HR - approve the 1. Creation of Library Patron Specialist Lead, a Regular, Full-time (40 hours), non-exempt, AFCSME, Grade 15 position in the Fletcher Free Library; and 2. Creation of Library Patron Specialist, a Regular, Part-time (28 hours), non-exempt, AFCSME, Grade 14, position in the Fletcher Free Library.

6.20 FIO Documents - for information only.

6.21 Resolution: Appointment of Acting Ward Eight Ward Clerk And Acting Inspectors Of Election For Wards Three And Eight For November 5th, 2024 General Election And Special City Election (Councilor Traverse) - waive the reading and adopt the resolution.

6.22 ONE Graffiti-to-Mural Project Proposal (building at the Elmwood-Intervale intersection) - Ward Two City Councilor Gene Bergman - This request is for \$5,500 from the City Council's Initiative Fund to cover the cost of the Clark Derbes's leadership of the community paint day and Muralist Hom Phadham mural.

MOTION by Councilor Litwin, SECOND by Councilor Bergman, to approve the consent agenda as amended and take the actions indicated for items 6.1-6.22.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1 Resolution: Assuring Our Police Department Has A Modern Facility That Assures The Health And Wellbeing Of Employees, Meets The Expectations Of The Public And Provides Dignity, Security, And Privacy For Perpetrators And Victims (Councilors Traverse, Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon) ****AGENDA ITEM REMOVED****
No discussion.

7.2 Creation of a Library Outreach Specialist Position and approval for a contract with Howard Center, Inc. – Library
Director Danko began by noting that the Library is open to everyone and is a cornerstone of democracy, and as such, library staff strive to have a welcoming environment. She noted that the Library is one of three places downtown to offer public bathrooms, including City Hall and City Hall Park. She noted that the Library has certain rules of behavior and that breaking them entails trespassing. She noted that the Library must be in balance and must be welcoming to everyone. She noted that one of the rules in ordinance is that the Library is a substance-free institution and that individuals cannot have drugs or drug paraphernalia on them in the library or they will be trespassed. She noted that the Library is now working hard on collaborating with various city departments, and is looking to collaborate with the Howard Center on the initiative and item on tonight's agenda.

Director Danko noted that the idea of bringing an outreach specialist into the library has been implemented by other municipalities successfully, including San Francisco, Chicago, Vancouver, Denver, Georgetown, and Hoboken. She said that the bulk of this position's work would be to ensure that warm hand-offs to other agencies and services is occurring for individuals who need them. She said that this would also be a resource for the whole community. She said that because this is through the Howard Center, the position would have support from the Howard Center through supervision and peer support. She noted that this will be funded for the first year partly by the Mayor's Office and partly through a private donor through the Friends of the Fletcher Free Library.

Councilor Litwin said he is hopeful that the City is moving toward an overdose prevention center operating in the City, and asked if the library envisions an off-ramp or transition of this position to a different space. He also noted that many of the examples cited that provide these services have library budgets that far exceed those of Burlington. He asked whether this position is sustainable for a City as small as Burlington. Director Danko replied that they have seen this implemented in smaller systems as well as larger ones, and that in the larger ones, this service is going out to the smaller branch libraries as well. She said that this is a one-year pilot program and that they are trying to keep an open mind during the pilot. Councilor Litwin said he would be looking for ways to support the City's institutions while also being fiscally prudent.

Councilor Doherty spoke about an experience he had at the library while an individual was going through a crisis and was given support by library staff and security in a compassionate, kind, and effective way. He noted that this type of action is not one that is considered traditional for library staff. He asked what the expectations would be of this outreach specialist on a day-to-day basis. Director Danko spoke about the nuanced situations that occur at the library on a daily basis. She noted that when someone is having a crisis, it could be related to a mental health issue, an addiction issue, or another type of issue. She said that she hopes that the person in this position is better trained and equipped than the library staff to determine the drivers of that erratic behavior and provide assistance more quickly and effectively.

Councilor Broderick expressed support for this position. He asked whether this position would be a Howard Center employee or a City employee. Director Danko replied that the City would be contracting with the Howard Center to have an employee embedded at the library.

Councilor Broderick asked what kind of support the Howard Center would be offering this position. Director Danko replied that the position would be in the library for 37.5 hours per week and that they will have supervision from the Howard Center as well as support from the library team.

Councilor McKnight asked how this role will improve the library experience for lifelong learners. Director Danko said that the library is a microcosm of the community and the way that they approach the sadness that they see in the library is something that everyone can work through together. She said that she hopes this position will be another front-line employee to help manage the different situations that arise in the library on a day-to-day basis.

Councilor Neubieser expressed support for this position and for the library's efforts.

Councilor Bergman expressed support for this item and also said that he hopes it is not just a one-year pilot. He noted that the issues that are being dealt with are deep-seated, complex, and long-term.

Councilor Carpenter noted for the public that the library is reorganizing security services and bringing them in-house.

Councilor Litwin asked about evaluation plans and metrics to determine how the pilot fared, over the course of the year. Director Danko replied that they have a draft set of metrics based on their conversation with the Hoboken library staff.

MOTION by Councilor Broderick, SECOND by Councilor Barlow, to approve and authorize Mary Danko, Director of the Fletcher Free Library, to execute a contract and any related documents needed to carry out said contract with Howard Center, Inc., for a 12 month contract of Library Outreach Specialist services for the Fletcher Free Library for \$103,210.08 for which the City will be responsible for \$78,210.08 and with \$25,000 being supplied by the Friends of the Fletcher Free Library and to execute the contract and any related documents needed to carry out said contract, upon final review and approval of the City Attorney's Office and to effect 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. Councilor Litwin made a friendly amendment to also require that Director Danko establish metrics by which the position will be evaluated and report back to the City Council on those metrics and the outcomes of the evaluation of this position prior to the end of the first contract term.

VOTING: unanimous; motion carries.

7.3 Proposed Ordinance Amending Burlington Code of Ordinances Chapter 21, Article VI (Livable Wages) to streamline administration to facilitate monitoring and enforcement – C/T **AGENDA ITEM REMOVED**
No discussion.

8. COMMITTEE REPORTS

8.1. Verbal reports

Councilor Barlow said the Transportation, Energy, and Utilities Committee will meet on October 22 at 5:30 PM to discuss the building emission reduction ordinance resolution, including hearing additional feedback from key stakeholders and discussing next steps.

Councilor Bergman said the Charter Change Committee will soon have a proposal that will likely come back to the City Council related to redistricting and not requiring a charter change in addition to voter approval for it. He said that the committee is also waiting for an item from

the Community Development and Neighborhood Revitalization (CDNR) Committee on rent hike notice. He said the committee is also intending to do research into Councilor compensation.

Councilor Grant noted that the Racial Equity, Inclusion, and Belonging Committee will meet on October 15 to discuss the work being done by the reparations task force, as well as hosting community forums on the vision and mission redesign of the Department. She said those will occur on October 9 at 5:00 PM, October 19 at 3:00 PM, and October 24 at 5:00 PM. She also noted that the Public Safety Committee will next meet on October 17. She said they will work to address some of the concerns raised in the letter from BPOA. She said the City and Police Department needs a strategic plan to highlight the support that officers receive from City leadership and the community. She said she would like to see more participation from the Police Department itself. She suggested that others on the Council also submit commendations to highlight meaningful positive experiences with the Police Department. She also suggested that the Police Department develop and implement a strategic social media plan.

Councilor Neubieser noted that the CDNR Committee will meet on October 16 at 6:30 PM to discuss a resolution to require notice for rent hikes.

Councilor Carpenter spoke about the Human Resources Committee using 360 evaluations to implement those.

Councilor Shannon noted that the Ordinance Committee voted out the graffiti ordinance and included a request that the Administration work on a plan for enforcement. She said that they are also working on the condo ordinance, the trespass ordinance, and the emergency shelter ordinance. She noted that they are still planning on working on the dog task force report and Neighborhood Code work, but that they have had to prioritize other items this year so far.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

None.

10. ADJOURNMENT

10.1 Motion to Adjourn

The meeting adjourned at 8:48 PM.

RScty: AACoonrad

**BURLINGTON BOARD OF CIVIL AUTHORITY
CITY HALL , CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 7, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

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

1. CALL TO ORDER and AGENDA

City Council President Traverse called the meeting to order at 8:33 PM.

1.1 Motion to amend/adopt agenda

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 Resolution: Appointment of Assistant Election Officials for November 5th, 2024 General Election And Special City Election (Councilor Traverse) – waive the reading and adopt the resolution.

MOTION by Councilor Bergman, SECOND by Councilor 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 was adjourned without objection at 8:34 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 28, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Jessica Brown
Erik Ramakrishnan
Katherine Schad
Lori Olberg
Michael LaChance
Charles Dillard
Sarah Morgan
Chapin Spencer
Corey Mims

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 McKnight, to amend and adopt the agenda as follows:

- **Add to the consent agenda item 8.37: Resolution: March 4, 2025 Annual City Meeting—Charter Change Re: City Council Authority To Regulate Rental Notifications And Notification Periods (CDNR, Charter Change);**
- **Add to the deliberative agenda item 9.11: Ordinance: POLICE Composition of Independent Panel (Ordinance Committee).**

- **Remove from the deliberative agenda item 9.11 (per City Council President Traverse).**

VOTING: unanimous; motion carries.

2. EXECUTIVE SESSION

2.1. Potential Litigation – City Attorney’s Office

City Attorney Brown said the matter for discussion involves potential or pending litigation involving the City.

MOTION by Councilor McKnight, SECOND by Councilor Carpenter, 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.

VOTING: unanimous; motion carries.

MOTION by Councilor McKnight, SECOND by Councilor Carpenter, that based upon that finding, the Council and City Attorney go into executive session to receive confidential attorney-client communications, 1 V.S.A. §313(a)(1)(F), in a pending civil litigation matter, 1 V.S.A. §(313)(a)(1)(E), to include the City Attorney’s Office, Mayor, Mayor’s staff, and Chief Administrative Officer Schad.

VOTING: unanimous; motion carries.

The City Council entered into executive session at 6:11 PM.

The City Council exited executive session at 6:40 PM.

3. PUBLIC FORUM: TIME CERTAIN: 6:20 PM

3.1. Verbal Comments

Forum opened at 6:40 PM.

COMMENTS:

Burlington residents (in person):

- Troy Headrick spoke to the pending discussion regarding Tyeastia Green’s severance request. He said that her request for severance is appropriate and said that the anger surrounding this issue is valid and a natural response, given the complexity of the issue. He spoke about how quickly Black women are subjected to unfair scrutiny and are often dismissed when they speak up. He said the Council should lead by example, with accountability, fairness, and equity.
- Todd Deluca spoke about the graffiti ordinance, saying it won’t do much to reduce the amount of graffiti in the City. He said that the ordinance covers every ordinance violation in the City and that using public nuisance as a hate speech enhancement is an unprecedented approach. He spoke about the ACLU’s letter to the Ordinance Committee, which urges the City to reconsider the proposed changes, saying that they are likely unconstitutional.
- Jacob Davis spoke about the Neighborhood Code, saying that the character of a neighborhood is not defined by how many or how few buildings are in the neighborhood, but by the people within the neighborhood. He said that more housing will lead to better outcomes for everyone.

- Celia Byrd spoke as the Chair of the Burlington Board of Health in support of the proposed resolution 9.9, related to the evaluation and improvement of syringe exchange programs, syringe litter, and the environmental impact of syringe disposal. She said this addresses an important aspect of the substance use disorder issue within the community. She noted that while this is a good step, much more can be done, and welcomed the opportunity to continue working on improving strategies.
- Jak Tiano spoke about the Neighborhood Code amendments, saying that he is encouraged that they have taken another small step in the right direction, after this round of more intense scrutiny, especially regarding the expansion of dimensions regarding secondary structures. He said that he hopes this leads to more affordability in the City for current and future residents.
- Max Tracy expressed disappointment about the continued issues around Tyeastia Green and the lack of justice taking place. He said that additional actions have been taken that have caused further harm. He noted that Black femmes have met with the administration and have given as clear steps as possible to take to address this and start to make it right. He also expressed disappointment about the ongoing conversation of the status of the REIB Office going forward, saying that there needs to be a real commitment to racial justice in the City moving forward. He urged the City to fund the department and make it a chartered department.
- Ferene Paris said the City needs to reflect on the question of whether Black lives still matter for this City, noting the continued scrutiny around Tyeastia Green's tenure with the City and the question of funding for the REIB department moving forward.
- Christopher Aaron Felker spoke against agenda item 9.10 (the graffiti ordinance), speaking about how it has evolved to touch every City ordinance. He spoke about the origin of the ordinance, which was a sticker campaign last year regarding a matter of community concern. He noted that the City has continued to suppress or discourage this type of speech, which is deeply troubling. He said that no one is born in the wrong body.
- Jane McDougal said the Police Department needs better representation and said that this would help with recruitment.

Burlington residents (via Zoom):

- Sharon Bushor spoke about items 9.8 and 9.7. She said that the livable wage ordinance is much better than the original version, as it includes the Joint Fiscal Office as a reference point to set the livable wage. She expressed concern about the criteria used to adjust the health care benefit that is either subtracted or added to a livable wage, saying those references might not be vetted. She also expressed concern with the criteria being used for contracts, which is set at the same level as the livable wage. She also spoke about the procurement policy updates, saying that she thinks a tracking device on the consent agenda for the Board of Finance and public's awareness is needed for transparency.
- Evan Gould spoke in support of the Neighborhood Code amendments. He spoke about the rental notice amendment and item 9.9. He spoke in support of exploring alternative options, especially as the City moves toward safe injection sites, toward improved waste disposal.
- Emma Kouri spoke in support of Tyeastia Green and resolving the issues so that she can move on with her life. She also said that she is dismayed at the new Administration taking deeply harmful steps in terms of reinventing the REIB Office. She asked whether the City cares about Black lives. She said the rewritten mission of the REIB Office completely strips away its soul and meaning.

Forum closed at 7:10 PM.

4. WORK SESSION ON OPERATIONAL EFFICIENCY STUDY AND MODERN GOVERNANCE INITIATIVE – EMMA MULVANEY-STANAK AND KATHERINE SCHAD

4.1 Work Session on Operational Efficiency Study and Modern Governance Initiative – Emma Mulvaney-Stanak and Katherine Schad
Chief Administrative Officer Schad began by speaking about the history of the Operational Efficiency Study for City government. She said that it originated as a potential tool to close the budget gap, noting that when it was originally pursued it was estimated that it could save about \$3 million. She noted that an RFP was issued late last year, with the study taking place in the spring, and a draft report received in the

summer of 2024, with a final report received in September. She said that after sharing this with employees and the unions and incorporating their feedback, they are also asking for the City Council's review and feedback. She noted that this study was of 7 General Fund departments, and that other departmental studies have also been conducted, including the CNA report of the Police Department, a Fire Department staffing study, a Citywide user fee study, and a CEDO capacity needs assessment.

Chief Administrative Officer Schad said that the crux of the problem in the City is that the City's General Fund revenues over the last ten years have grown by 4.6% and that its expenditures have grown by 5.09%, which is not sustainable. She said that in 2017 there was a \$5 million surplus, and that in FY26 the City is estimating an initial gap of somewhere between \$8 million and \$12 million. She spoke about a conceptual timeline for this process, saying that it is multi-year and multi-pronged, with three phases over the next several years. She noted that Phase One items are those most likely to affect the FY26 budget, including clarifying and integrating the work of the REIB department, transitioning out the recycling program and licensed childcare services, and centralizing functions such as event planning and accounting, and increasing parking fees.

Chief Administrative Officer Schad then spoke about the recommendations within the Operational Efficiency Study (OES). She noted \$3.1 in overall recommended savings, with \$1.7 million recommended from holding positions vacant for a year or eliminating them entirely. She said that due to receipt of the report in September, the City was unable to use this information and decided to freeze 18 positions without that input. She said that most of the positions that were recommended for holding vacant have been filled, and that residents were not consulted about OES recommendations or which positions to hold vacant due to the Mayoral transition in the spring. She noted that about \$350,000 in salaries could be saved under various scenarios. She spoke about additional savings of about \$381,000 that could be realized through consolidating or merging departments or functions, largely through job elimination or reducing grades for some positions. She noted that some consolidations will be considered, but that the City will need more accurate cost savings estimates first. She noted that this group of recommendations will take time and will be part of a multi-year process. She noted \$710,000 in savings related to other ideas, such as outsourcing recycling and hiring a purchase coordinator, but that the City thinks the savings may be less than the consultant estimated. She noted that there is also a group of items that were already counted or that the City is not considering. She said that one recommendation was around increasing cost recovery for BCA, but that this was already implemented a result of the user fee study in the FY25 budget. She noted that one recommendation around eliminating the park ranger program is not being considered by the City, and that a recommendation around outsourcing custodial services is also not being considered by the City. She noted that out of the \$3.1 million in savings found by the consultant, the City has determined that it will implement \$350,000 of those recommendations.

Chief Administrative Officer Schad then spoke about ongoing work around the ModernGov Initiative. She noted that the goal is to be clear around what services are essential for the City to provide, what is sustainable in terms of available resources, and how the City can provide those services most efficiently. She noted that all General Fund departments will be involved, and that no decisions have been made about what a new structure will look like, and noted that the City is at the beginning of a multi-year process that will seek input from the community.

Chief Administrative Officer Schad spoke about early considerations. She noted that many City departments create management challenges, inefficiencies, and duplication of services and expertise across departments, that a modern government requires a nimbler term to respond to constituents' needs, and that the City added a number of services and positions with one-time federal funding during the pandemic, and that it needs to have a community conversation about what priorities are and what it can continue to afford in a sustainable way. She said that for example, the City's FY22 budget included \$4.5 million of ongoing costs that were funded with one-time federal grants. She said that to maintain these expenses alone, the City would need to increase property taxes by 10% to fund them with municipal dollars alone. She said that the City is trying to increase non-property tax revenue sources, including raising user fees and PILOT. She said that the City is engaging

with employees and unions on this, including fielding surveys to employees. She said that the main feedback from the survey is the need for better communication, a desire for greater efficiency but concerns about the impact on quality, that there is support for modernization with some reservations, and that the City needs to be inclusive in decision-making in this area.

Chief Administrative Officer Schad spoke about the decision-making process. She said that the City will continue conversations with employees, the community, and the City Council, and will consult with unions and follow collective bargaining agreements through implementation of the initiative. She said that different decisions will require different approvals, noting that any elimination of positions or changes to operational services will be proposed by the Mayor and approved by the City Council, and that any charter changes that arise from proposed organizational changes will need to be approved by the City Council, voters, and state legislature.

Chief Administrative Officer Schad spoke about next steps. She said that these include more communication around the topic, convening a labor and management advisory group from the unions, seeking feedback from the community, and developing more refined cost estimates.

Mayor Mulvaney-Stanak then opened the floor up for discussion. She asked the Council what they would like to explore as the City works to modernize government. She asked what the Council's top priorities are as the process is begun. She asked what questions Councilors still have about the EOS or the ModernGov initiative.

Councilor Litwin asked about the timeline for any changes that require charter changes. He asked about the comment regarding a more nimble government and if that means through fewer personnel. He asked whether an audit is needed of the \$2.9 million of \$4.5 million that was slated for continuing through a sustainable funding source but that the funding source was never secured. Mayor Mulvaney-Stanak replied that any charter changes would occur in the Phase Two changes. She said that in terms of a nimbler government, 18 departments is too many departments in a City to be managed. She said that any merging of departments and elimination of positions will be guided by clear community feedback on its priorities and what the community considers essential services. Chief Administrative Officer Schad said that in terms of the FY22 one-time funding and lack of sustainable funding sources, she has more information and could share it with Councilors.

Councilor Barlow noted the projected budget gap for FY26, and said that it seems like the City does not have the luxury of time in working to close this. He asked whether the proposed timelines are aggressive enough, given this wide gap. He said the City needs to be aggressive about realizing as much cost savings as it can.

Councilor Broderick expressed severe opposition to outsourcing and privatizing recycling services. He asked about how the study calculated that it would realize savings from this without impacting the cost for residents. He expressed concerns about having more traffic on the road from these private companies, as well as concerns around negative impacts on labor.

Councilor Kane asked about the privatization of recycling services. He said that the report reads as an attempt to use taxpayer money to buy support for unpopular and unsound austerity and privatization efforts. He said he does not see where the evidence is for realized savings from these proposed efficiencies. He said these wouldn't ultimately save money for individuals, since they will still bear the cost of recycling, but from another source. He noted efforts in 2020 to improve trash collection, which remain incomplete, and said that those should have also been included in these considerations. He noted that estimates in 2020 for consolidated trash collection pegged savings at \$2 to \$3 million per year. He requested that the Administration start from scratch with the ModernGov initiative, without taking the OES recommendations into consideration. He said that the City saves money by providing public services like water, electricity, and recycling, and that any profit results in taxpayer relief. Mayor Mulvaney-Stanak replied that the only privatization she is recommending is for recycling, and noted that she is recommending that those employee positions be repurposed for other jobs in the Department of Public Works that have been difficult to

recruit for, not be eliminated entirely. She said the City doesn't currently have the resources or capital for trash consolidation. She asked Councilors to be thoughtful about how it characterizes these recommendations, and to be collaborative in this effort to close the budget gap, given that it will be extremely challenging to raise the revenue at this time to maintain the services it is offering.

Councilor McKnight noted that the consultants may have missed what makes Burlington special and missed taking into consideration Burlington's values when it issued its recommendations. She said that they also missed the concept that Burlington City Arts and the Parks Department are also valuable public goods. She said these two departments are crucial in addressing public safety challenges, as they help get people out and enjoying City spaces, which makes the City safer. She asked how the Administration is thinking about the vision for the City's values. She agreed that 18 departments is too many, and asked whether it would be possible to see scenarios where the City has 10 departments, and what those would be, for example. She also asked how the City came up with the ultimate \$350,000 recommended in savings, as well as the list of items the FY22 one-time funding paid for. Chief Administrative Officer Schad replied that she can supply the list of the FY22 items, and said she could provide more detail on how the City went from the \$1.7 million in savings to \$350,000.

Councilor Grant said she has been focused on PILOT funds for a long time. She said the City needs to have an honest conversation about PILOT funds and when they were last studied and increased. She noted that 50% of the land in Burlington is not taxed or taxable, even though they benefit from public utilities and infrastructure. She said it would be good to have a strategy to examine PILOT fees. She spoke about the importance of the urban park ranger position.

Councilor Shannon asked about the intention of the ModernGov concept. She expressed disappointment in the OES report and the ultimate findings, though she agreed with the Mayor's approach of not taking this report at face value and using it more as a starting point. She agreed that 18 departments is too many to manage, but that the mergers suggested in the OES report don't make sense. She said the City should take the report and use it more as a first step. She said the City needs to preserve and grow its revenue, and that some of the suggestions in the report seem contrary to this. She said that raising fees doesn't necessarily raise revenues, given that there is a point of diminishing returns. She also said that there needs to be an equity component to increasing fees. Mayor Mulvaney-Stanak replied that the ModernGov concept is across the City, not just the 7 General Fund departments focused on in the OES, and said that it is a more big-picture exercise. She said that it will use the OES as a starting point. She agreed about the park ranger position's importance. She spoke about the first phase of the ModernGov initiative and how it will look at and potentially reorganize community safety, such as that position, Burlington CARES, and the new social worker at the library, for example. She also added that for this fiscal year, the City is looking at ensuring consistency around equity measures for how fees are being charged. Chief Administrative Officer Schad noted that at the November 18 Board of Finance meeting there will be a budget-to-actuals report-out, and will include more information in its verbal report.

Councilor Carpenter said she would love to see a proposal for a smaller, more modern government. She also said the City needs to be honest and realize that an \$8 million in cost reduction is going to be painful any way that it is looked at. She concurred with Councilor Grant about reviewing the PILOT fees, but acknowledged that this is also somewhat a matter of State law and that it should also get onto the City's legislative agenda for this upcoming biennium.

Councilor Neubieser said that one of Burlington's strengths is that it tends to rely on its own capacity and resources to get things done rather than outsource it to consultants, noting that this OES may have been not the most efficient or effective use of funding, given the end product. He expressed support for the amount of engagement in the unions that has been undertaken in this conversation so far. He expressed caution about privatization. He expressed support for revisiting PILOT funds and realistically maximizing that revenue generation, as well as more progressive revenue generation. He said that the Council also needs to re-evaluate its own role in modern government moving forward.

5. LEGISLATIVE PRIORITIES WORK SESSION – EMMA MULVANEY-STANAK

5.1 Legislative Priorities Work Session – Emma Mulvaney-Stanak

Mayor Mulvaney-Stanak said that the Administration has put together a draft list of legislative priorities for the City, with input from department heads, in terms of state policy changes or statute changes. She said that she would like feedback on this draft list from the Council, and in November, a vote affirming these priorities and working with the new legislative delegation on them. She said that the priorities are organized by her own major priorities of community safety, affordable housing, and climate. She noted subcategories related to good governance practices, affordability, and equity. She noted that they also include some charter changes that are already in the queue, such as the police oversight question on the current ballot, discussion around gun policy, and just-cause eviction. She said that other charter changes for the future include more affordable local tax policy. She said that in terms of community safety, she noted the gun policy, a call to expend funds more urgently around expanding residential treatment for mental health and substance use disorder, more resources for acute mental health needs in Burlington, and expending already-allocated funds to the judiciary to ensure that the backlog in cases is resolved. She said that in terms of housing, she noted a call for more effective and predictable statewide policy on general assistance emergency shelter, just cause evictions, and notification of rental increases. She also spoke about priorities around structural policy changes to make building affordable housing more feasible. She spoke about climate priorities, including more funding for Green Mountain Transit, and more state funding for water, stormwater, and wastewater infrastructure upgrades. She spoke about affordability items, including health care reform and addressing rising health care costs. She spoke about charter changes related to modernizing the City to meeting its financial needs, including the borrowing limit for capital and general obligation bonds, as well as looking at the public safety tax language in the charter. She spoke about equity items, including the mayoral/community oversight of the police, growing language access and engaging the State as a partner to address language access needs, and funding for at-risk youth.

Councilor Bergman said the City needs to include getting State funding for more affordable housing. He said that it will be important to have the State implement more rigorous building code requirements for more climate-friendly energy standards.

Councilor Barlow said that any response to affordable or emergency housing needs to be regional, and the City should stress this to the State.

Councilor Neubieser expressed support for more transparency in City government and processes, and said that this communication between the Administration, Council, and State delegation is a good best practice.

Councilor McKnight suggested prioritizing the top issues on this list. She said that her top priorities are addressing the homelessness crisis and regionalizing the response to it, funding for the justice system and particularly asking for resources to go to the counties with the largest backlogs (such as Chittenden County), and a proposed new addition of seeing stricter bail standards and better monitoring of conditions for release for violent crimes and repeat offenders.

Councilor Grant noted that when the Council asks for court resources to be allocated, it needs to be careful about how backlogs are defined. She noted that Chittenden County has the most cases, but not the highest percentages of backlogs. She said that the City needs to also be careful about how it defines repeat offenders. She spoke about attending a state public safety meeting, but said that Burlington's problems are being characterized as being specific to Burlington, but that they are also issues that are being experienced by other cities and municipalities in the state. She also spoke about delays in the release of the state's opioid settlement funds, saying that they need to be distributed in a timely manner.

Councilor Kane raised an issue around equitability around the City's tax assessment system. He also spoke about an initiative related to pursuing a state rental registry system. He spoke about innovative models in other cities about tackling homelessness, though noted that some may be pricey.

Council Litwin said that municipalities are not able to look into rent control and rent stabilization in the State and said that Chittenden County should push for this.

City Council President Traverse spoke in support of adding tools for prosecutors and judges in terms of addressing certain increased criminal activity in the community. He also said the City should be monitoring what not to do on certain items, such as walking back certain reforms to the state's education financing methodology. He said the legislature should also encourage looking into project-related TIF financing.

6. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

6.1 Verbal Reports

Mayor Mulvaney-Stanak began by noting that the City has offered an Assistant City Attorney position to Emmett Wood, and that they will bring this to the Council for approval in November. She noted that the City has posted a position for the Overdose Prevention Center implementation process. She noted a new customer service position posted for recruitment within the Police Department. She finally noted that the City has almost concluded its hiring process for the new Planning Director, and hopes to provide a further update to the Council within the next several weeks. She noted that the next community safety forum is November 7, 2024 from 5:30 – 7:00 PM at the Fletcher Free Library. She noted that City Hall Park has been added to the City's community hot spot focus. She spoke about ongoing work in exploration of a unified public safety building. She spoke about recent police recruitment activities, including recent activities with a talent marketing campaign and a social media campaign. She spoke about the annual awards ceremony for recognizing current officers, and encouraged Councilors to attend and show appreciation and support. She spoke about housing, noting that the State is establishing an emergency shelter in Williston, and spoke about meeting with the Governor to discuss the City's burden in supporting unsheltered individuals. She noted that the Aviation Director will report back to the Council regarding the F-35 issue in November. She spoke about goals for each department head in FY25. She noted the opening of an urgent care mental health clinic today (October 28), which is the start of providing one more tool in terms of mental health resources. She also noted that she will be meeting with the Governor and his team on Wednesday.

7. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

7.1 Verbal Reports

Councilor Grant noted that the City's most recent Public Safety Committee meeting was last week, noting a report-out from the Fire Department on recent incidents. She noted that 60% of incidents were related to EMS. She also spoke about a discussion with the Police Department around traffic enforcement information and community engagement.

Councilor Broderick spoke about the ordinance around energy benchmarking encouraging Councilors to attend the next Transportation, Energy, and Utilities Committee meeting if they have questions.

Councilor McKnight noted that anti-trans comments and statements are not welcome at Council meetings. She also spoke about an excerpt from a recent King Street Center newsletter, which spoke about the broken social contract in terms of public safety in downtown Burlington.

She spoke about having more accountability for the adults in Burlington who cause harm, in order to set a better example for the City's youth.

Council Litwin spoke about the resolution on the consent agenda on rental rate increase notifications, which will help the City be more nimble to rental market realities.

8. CONSENT AGENDA

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

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

8.3 Communication: C/T, re: July 15, 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 October 7, 2024 Regular City Council Meeting.

8.4 Communication: C/T, re: July 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 October 7, 2024 Regular City Council Meeting.

8.5 Communication: C/T, re: July 15, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.6 Communication: C/T, re: August 12, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.7 Communication: C/T, re: August 12, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.8 Communication: C/T, re: August 12, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.9 Communication: C/T, re: August 15, 2024 First Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.10 Communication: C/T, re: August 22, 2024 Second Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting..

8.11 Communication: C/T, re: August 22, 2024 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.12 Communication: C/T, re: September 9, 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 October 7, 2024 Regular City Council Meeting.

8.13 Communication: C/T, re: September 9, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.14 Communication: C/T, re: September 9, 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 October 7, 2024 Regular City Council Meeting.

8.15 Communication: C/T, re: September 23, 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 October 7, 2024 Regular City Council Meeting.

8.16 Communication: C/T, re: September 23, 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 October 7, 2024 Regular City Council Meeting.

8.17 Communication: C/T, re: September 23, 2024 Local Cannabis Control Commission Meeting Minutes, Draft – waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.18 Communication: Max Tracy, re: Justice for Tyeastia – waive the reading and place the communication on file.

8.19 An open letter in support of Tyeastia Green by Emma Kouri – waive the reading and place the communication on file.

8.20 On safety: an open letter to Burlington City Council from Emma Kouri – waive the reading and place the communication on file.

8.21 Open Letter in support of Tyeastia Green from Christine Longmore Hughes – waive the reading and place the communication on file.

8.22 An open letter in support of Tyeastia Green from Kathleen Kemp – waive the reading and place the communication on file.

8.23 Communication: Sheryl Green, re: Continuing to support Tyeastia Green - waive the reading and place the communication on file.

8.24 Communication: Troy Headrick, re: In Continued Support of Tyeastia Green - waive the reading and place the communication on file.

8.25 Communication: Kate Vetter, Communications Director, King Street Center, re: King Street Center Fall Newsletter - waive the reading and place the communication on file.

8.26 BED Customer Information System contract – BED - approve and authorize the General Manager of BED to execute with SpryPoint a Master Services Agreement to purchase a SaaS subscription and receive associated implementation, support, and maintenance services for a customer information system, customer portal, and mobile workforce management system at fixed, not-to-exceed prices, subject to review and approval of the City Attorney's Office and subject to appropriations for each relevant fiscal year.

8.27 VT Center for Crime Victim Services "Victims of Crimes Act" (VOCA) grant (Grant #02160-VOCA23-4009608 – CJC - approve the acceptance of Grant # 02160-VOCA23-4009608-2025 in the amount of \$140,164 for FY25 and to authorize CEDO Director Pine or his designee to sign the grant acceptance and to take such further actions and execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby, subject to review and approval by the City Attorney's Office, including acceptance of any additional amounts that may become available during the same fiscal year from the same source that do not require a local match or place new conditions on the City.

8.28 Ethan Alley Parkway Traffic Calming Grant Project Commitments Form – DPW - 1. To approve and authorize the Director of Public Works to execute the Project Commitments Form from the Vermont Agency of Transportation for Ethan Allen Parkway Traffic Calming, obligating the City to commit a local match of \$117,273 which includes a 10% contingency for a total project budget of \$192,273 in furtherance of accepting a reimbursable grant amount up to \$75,000, and to take such further actions and execute such further instruments as may be necessary or convenient to implement the project within existing project appropriations, subject to review and approval by the City Attorney's Office; and 2. To approve necessary amendments to the Ethan Allen Parkway Project Budget by adjusting the accounts substantially as described herein and in the attached draft budget amendment form, and further to authorize the Chief Administrative or designee to effect all necessary transfer of funds in furtherance of such amendments.

8.29 Annual Report – Vehicle for Hire Licensing Board – waive the reading, accept the report and place it on file.

8.30 Downtown Tax Increment Financing District Audit – Authorization for Final Transactions – C/T - 1. To approve authorize the Chief Administrative Officer to take all necessary steps to ensure the reimbursement of both the City's 711 and Downtown TIF Funds in the total amount of \$506,395 from remaining FY2024 Operating Budget portion of the City's Assigned Fund Balance; and 2. To approve and authorize the Chief Administrative Officer to take all necessary steps to ensure the reimbursement of the City's Downtown TIF Fund in the total amount of \$106,388 from the City's 711 Fund; and 3. To approve and authorize the Chief Administrative Officer to take all necessary steps to ensure the reimbursement of the City's Traffic Fund in the total amount of \$134,653 from the City's Downtown TIF Fund.

8.31 Special Event Outdoor Entertainment Permit Application (November 15 – December 22): Burlington City Arts & Burlington Workforce Development, BTV Winter Market, City Hall Park – approve the special event outdoor entertainment permit application (November 15 – December 22) for Burlington City Arts & Burlington Workforce Development, BTV Winter Market, City Hall Park.

8.32 Approval of Assignment and Assumption of Ground Lease for Burlington Harbor Marina – City Attorney's Office – authorize the Mayor to execute the Assignment and Assumption Agreement on behalf of the City of Burlington, as landlord, by which TS-Grove PT Marinas BM, LLC will assume Burlington Harbor Marina, LLC's obligations under its Ground Lease with the City dated October 27, 2017, as amended, and to take such further actions and execute such other instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transaction contemplated hereby.

8.33 Creation of one (1) new position, the Police Receptionist (Police Department) – BPD/HR - approve the creation of a “Police Receptionist,” a Regular, Full-time, Non-exempt, AFCSME, Grade 13 position within the Burlington Police Department.

8.34 Approval to Execute the Nissan Corporate Resolution – C/T – approve and authorize the CAO, or designee to execute the Nissan Corporate Resolution.

8.35 FIO Documents – for information only.

8.36 Ordinance: Energy Benchmarking Of Space Heating In Certain Commercial Properties BCO Chapter 8. Art. VII (TEUC) – waive the first reading, suspend the rule on sending this to Ordinance Committee, and schedule for a second reading before the City Council on December 9, 2024.

8.37 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: City Council Authority To Regulate Rental Notifications And Notification Periods (CDNR, Charter Change) – referral to the Charter Change Committee.

MOTION by Councilor Litwin SECOND by Councilor Grant, to approve the consent agenda as amended and take the actions indicated for items 8.1-8.37.

VOTING: unanimous; motion carries.

9. DELIBERATIVE AGENDA

9.1 Tobacco License and Tobacco Substitute Endorsement License Applications (2024-2025): Stewart’s Shops Corp, dba Jolley #526, 1555 North Avenue

MOTION by Councilor Grant, SECOND by Councilor Broderick, to approve the 2024-2025 Tobacco License and Tobacco Substitute Endorsement License Applications for Stewart’s Shop Corp, dba Jolley #526, 1555 North Avenue.

VOTING: unanimous; motion carries.

9.2 Public Information Hearing re: November 5th, 2024 Special City Election Public Ballot Questions
City Council President Traverse opened the public hearing.
There was no public comment.

City Council President Traverse closed the public hearing.

9.3 Discussion re: Burlington Fire Department Lateral Recruitment Program – Fire
Chief LaChance spoke about the Fire Department’s lateral recruitment program, noting that its intention is to address declining entry-level firefighter recruitment levels. He said that this is intended to recruit individuals who have at least one year of firefighting experience in another municipality, which focuses on individuals who already have certain certifications and trainings. He noted that the City will still require a one-year probationary period, but said that this hiring still gives credit for years of pay toward the promotional ladder.

Councilor Grant asked about the Fire Department’s recruitment budget, and Chief LaChance replied that it is \$3,000. Councilor Grant noted that the Fire Department’s social media campaign in terms of recruitment has been extremely successful, and that it is a model that has been underutilized by other parts of the City.

Councilor Litwin asked about any relevant exit data around the difficulty in hiring first responders and other personnel at the Fire Department. Chief LaChance said that it has typically been harder to hire for police jobs than Fire Department jobs, noting further that the Fire Department has not historically had a recruitment budget, but that it does speak to the lack of filling these positions.

Councilor Neubieser expressed support for the Fire Department's recruitment efforts.

9.4 Public Hearing Regarding ZA-24-04: Neighborhood Code-2A, Part 2
City Council President Traverse opened the public hearing.

Sharon Bushor said she was hoping for a more robust discussion on the implementation of changes for secondary structures, noting that there was no change except for the increased dimensions from 900 to 1,100 square feet, which was recommended by her to the Planning Commission. She expressed disappointment that there is no incentive bonus to stimulate affordable housing.

City Council President Traverse closed the public hearing.

9.5 Ordinance: COMPREHENSIVE DEVELOPMENT ORDINANCE ZA-24-04 Neighborhood Code 2A, Part 1: Technical Corrections & Secondary Structures (Office of City Planning, Planning Commission, Ordinance Committee)

MOTION by Councilor Carpenter, SECOND by Councilor Broderick, to waive the second reading of the amended ordinance and adopt the amended ordinance.

DISCUSSION:

- Councilor Carpenter spoke about the importance of increasing housing in the City.
- Councilor Shannon expressed disappointment about this item, saying that the Ordinance Committee's work on this item is not reflected in this.
- Councilor Broderick asked about the effective date of this and how it would affect any recently submitted applications, and Interim Planning Director Dillard replied that no recently submitted applications would be affected by the changes in these amendments, and that it would apply to applications submitted going forward. He also noted a commitment from staff to report back to the Council with an update on the implementation of the Neighborhood Code, which would document how many applications Permitting & Inspections has received and how many have successfully been approved.
- Councilor McKnight asked how many applications has been received in the past six months that pertain to primary structures and Neighborhood Code. Planner Morgan replied that there have been thirteen applications spread out across Burlington, and Interim Planning Director Dillard noted that they had planned to see about ten units per year in the form of primary and secondary structures related to this change, noting that there has been some pent-up demand.
- Councilor Carpenter asked for a status update on Planned Unit Development (PUD) amendments, and Interim Director Dillard replied that the Planning Commission has met three times on this item.

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

9.6 Champlain Parkway Cooperative Agreement Amendment No. 9 – DPW

Director Spencer noted that the City has reached substantial completion of the initial construction contract of the Champlain Parkway, and that this item is to seek approval for the remaining phases of the project.

Public Works Engineer Mims said that this cooperative agreement is the City's significant funding source for the project, with 98% of it being reimbursable with a 2% local match. He noted that the 2% match represents about \$340,000 on a total of \$17,000,000.

MOTION by Councilor Barlow, SECOND by Councilor Carpenter, to authorize the Director of Public Works, or his designee, to execute Amendment No. 9 to the Cooperative Agreement for the Champlain Parkway Project for continued project construction by increasing the maximum limiting amount by \$17,000,000 and the local match obligation by \$340,000, for a total authorized maximum limiting amount of \$82,000,000, including a total local match obligation of \$1,640,000, subject to the prior review and approval of the City Attorney's Office.

DISCUSSION:

- Councilor Bergman said that though he is generally supportive of projects like this, he cannot support this due to lack of movement on the Railyard Enterprise Project and the impacts on the King/Maple Neighborhood.
- Councilor Shannon agreed with Councilor Bergman about this project in particular, but noted that seeing the project to completion is the only real option on the table tonight.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – absent, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (10 ayes, 1 nay, 1 absent); motion carries.

9.7 Resolution: Adoption of a Policy on Procurement, Property Disposition,. And Approval Authority for Public Contracts and Related Financial Transactions (Board of Finance)

Chief Administrative Officer Schad noted that the City Attorney's Office conducted a rewrite of this policy, and noted pertinent substantive changes. These include changes and refinements to sole source procurement processes, thresholds for approvals at various levels, advertising requirements for procurements, and mechanisms for awarding on-call contracts.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to waive the reading and approve the resolution adopting the proposed Policy on Procurement, Property Disposition, and Approval Authority for Public Contracts and Related Financial Transactions.

VOTING: unanimous; motion carries.

9.8 Ordinance: Technical Amendments to Article VI of Chapter 21 of the Burlington Code of Ordinances, Commencing at Section 21-80, Livable Wages, to Streamline Enforcement and Other Processes (Councilor Traverse)

Assistant City Attorney Ramakrishnan noted that the City currently does not have compliance monitors for a living wage ordinance and noted that finding them has proven difficult. He said that previous compliance monitors had some suggestions for streamlining compliance monitoring processes, and that this item puts those suggestions into practice.

MOTION by Councilor McKnight, SECOND by Councilor Carpenter, to waive the reading of the proposed ordinance amending Chapter 21, Article VI of the Burlington Code of Ordinances (Livable Wages), to approve the first reading of the ordinance, to suspend the rule on referring this item to the Ordinance Committee, and refer this item to the Board of Finance to review and report it back to the City Council prior to the end of November 2024.

VOTING: unanimous; motion carries.

9.9 Resolution: Evaluation And Improvement Of Syringe Exchange Programs Syringe Litter, And The Environmental Impact Of Syringe Disposal In Burlington (Councilors Litwin, Barlow, Brown McKnight, Shannon, Traverse, Carpenter, Grant, Kane, Doherty)

MOTION by Councilor Litwin, SECOND by Councilor Grant, to waive the reading and adopt the resolution as amended.

DISCUSSION:

- Councilor Litwin said that this resolution seeks to achieve centralization of much of the good work that has been implemented in different places to address issues related to syringe litter and inappropriately discarded syringes. He spoke about this as an attempt to address public health and environmental issues related to syringe disposal.

VOTING: unanimous; motion carries.

9.10 Ordinance: Ordinance Amending B.C.O Sec. 1-9 & 21-29 Re: defacement of property and ordinance violations targeting individuals on the bases of protected classifications

MOTION by Councilor Shannon, SECOND by Councilor McKnight, to waive the reading of the proposed ordinance amending B.C.O. § 1-9 & 21-29 (Re: defacement of property and ordinance violations targeting individuals on the bases of protected classifications), and to approve the first reading, and to schedule for a second reading on November 12, 2024.

DISCUSSION:

- Councilor Shannon said that this modifies two sections of the City's ordinance, saying that this also protects individuals targeted by the violation that would suffer monetary damages and the ability to cover attorneys' fees. She also noted the ACLU's objections to these proposed amendments, which was reviewed by the City Attorney's Office. She noted that the part of the ordinance that pertains to graffiti that was amended was to allow for an electronic means of reporting violations, as well as a request to the Administration that they come up with an enforcement plan.
- Councilor Litwin asked who is defining the "intent to intimidate and harass" criteria noted in the proposed ordinance, given that it could be open to interpretation. Assistant City Attorney Ramakrishnan replied that it is up to the courts to decide this.
- Councilor McKnight asked about the Mayor's Office's plans for enforcement of this proposed ordinance amendment. Mayor Mulvaney-Stanak replied that her office needs to work on next steps related to this ordinance.
- Councilor Neubieser expressed concern about creating another online platform for reporting issues, instead of using See Click Fix.
- Councilor Grant said that the City needs to manage its expectations of enforcement of anything at this juncture, given the shortage of staff in the City in an enforcement capacity. Assistant City Attorney Ramakrishnan replied that the offense would be civil and not ticketed by a police officer, and that enforcement would be through civil action.

VOTING: unanimous; motion carries.

9.11 Ordinance: POLICE Composition of Independent Panel (Ordinance Committee)
No discussion – this item was removed from the agenda.

10. COMMITTEE REPORTS

10.1. Verbal reports
None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.1. Verbal reports
None.

12. ADJOURNMENT

12.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 10:31 PM.

RScty: AACoonradt

**BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 28, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Erin Jacobsen
Jessica Brown
Erik Ramakrishnan
Katherine Schad
Lori Olberg

1. AGENDA

City Council President Traverse called the meeting to order at 9:34 PM.

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

VOTING: unanimous; motion carries.

2. DELIBERATIVE AGENDA

2.1 First and Third Class Liquor License Applications (2024-2025): Sodexo Operations, LLC, dba Champlain College, 163 South Willard Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 First and Third Class Liquor License Applications for Sodexo Operations, LLC, dba Champlain College, 163 South Willard Street with all standard conditions.

VOTING: unanimous; motion carries.

2.2 First and Third Class Liquor License Applications (2024-2025): Sodexo Operations, LLC, dba UVM, 590 Main Street

MOTION by Commissioner Shannon, SECOND by Commissioner Carpenter, to approve the 2024-2025 First and Third Class Liquor License Applications for Sodexo Operations, LLC, dba UVM, 590 Main Street with all standard conditions.

VOTING: unanimous; motion carries.

2.3 Second Class Store Liquor License Applications (2024-2025): Stewart's Shops Corp, dba Jolley #526, 1555 North Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Litwin, to approve the 2024-2025 Second Class Store Liquor License Application for Stewart's Shops Corp, dba Jolley #526, 1555 North Avenue with all standard conditions.

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 9:36 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 12, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow (at 7:46 PM)
Gene Bergman (Zoom)
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser (Zoom)
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Erik Ramakrishnan
Kim Sturtevant
Hayley McClenahan
Lori Olberg
Keaton Knowles
Chapin Spencer
Megan Moir
Martin Lee
Matt Dow
Jenny Oster
Bill Ward

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 Carpenter, to amend and adopt the agenda as follows:

- **Add to the consent agenda item 6.9 Communication: Amy Leigh Malinowski, re: In Continued Support of Tyeastia Green;**
- **Add to the consent agenda item 6.10 Communication: Stephen Chisa, re: In Continued Support of Tyeastia Green;**
- **Remove from the deliberative agenda item 7.7 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: Public Safety Tax Rate (Councilor Bergman)(per City Council President Traverse).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:05 PM

2.1. Verbal Comments

Forum opened at 6:05 PM.

COMMENTS:

Burlington residents (in person):

- Bradley Grimard spoke about personal experience with car thefts in his neighborhood and expressed concern about public safety in the City, especially for vulnerable residents. He urged the City to do something to protect residents and ensure their safety.
- Suzanne Sugar spoke about the resolution relating to the charter change for the public safety tax. She noted that in March, voters approved a measure to add funding for public safety to the Fire and Police Departments, but that the solutions being proposed are non-directional, non-concrete, and don't seem to be occurring, calling it a bait and switch for the community.
- David Maher expressed support for efforts to reduce the number of discarded syringes littering public spaces in the City. He said the City's needle exchange program should require users to return used syringes in order to get new ones.
- Mike Selick expressed concern about the City Council's decision to study the efficacy of syringe service programs, noting that these types of programs have existed for decades and have already been studied and shown to reduce harm and litter in a cost-effective manner.
- Mike Conroy spoke about agenda item 7.7 and general public safety. He said that before the City undertakes budgeting exercises to reorganize various departments, it needs to hire 20 more police officers to address capacity issues that lead to declining public safety.
- Selene Colburn expressed concern about the resolution passed that directed the Board of Health to investigate the issue of syringe litter and the effectiveness of syringe service programs, saying the effectiveness of syringe service programs has been studied and determined to be successful for years.
- Robert Bristow-Johnson spoke about item 7.6 on the agenda, related to redistricting. He said that the next time the City is redistricted, it needs to pay better attention to the proposed map for the State's legislative districts to ensure consistency.
- Sandy Baird spoke with concern about the stickering ordinance before the Council, saying she is a free speech absolutist and that she is concerned that this ordinance is a violation of First Amendment guarantees for freedom of speech and will open the City up to lawsuits. She also spoke about the police oversight resolution, saying she supports supervision and oversight of the Police Department by the Police Commission.
- Todd Deluca spoke about his interactions with one specific unhoused woman over the last week, and said he hopes the City can help address public safety issues and issues around unhoused individuals, because he is worried for these individuals' safety in addition to the safety of housed residents.

Burlington residents (via Zoom):

- Ashley Adams said it is disheartening that the City continues to operate the largest single source of climate pollution in the State (the McNeil Plant), saying that putting the Burlington Electric Department in charge of climate policy is a conflict of interest. She said that the City's net zero energy roadmap does not count carbon emissions from burning wood at the McNeil Plant, nor does it count flights

at the airport. She said that greenhouse gases need to be reduced from all sources. She asked that climate policy be placed in the hands of a different City department.

- Sharon Bushor spoke about the livable wage ordinance and expressed support for it. She also spoke about potential significant rate increases that will be presented later tonight as the result of some potential water and wastewater infrastructure upgrades, and she expressed concern about the impact of this on taxpayers.

Non-Burlington residents (in person):

- Cora Honigford spoke in support of syringe service programs, overdose prevention centers, and other evidence-based mitigation efforts around substance use. She said that syringe service programs are evidence-based and do not need to be studied further. She said that everyone deserves to live in a safe community, regardless of housing status.
- Elizabeth Deutsch spoke in support of needle exchange programs, and said it is ludicrous to study the efficacy of a program that has shown decades of positive, evidence-based outcomes. She said the number of people who would be harmed by the cessation of these programs is astronomical, and that eliminating such programs would be punitive and regressive.

Forum closed at 6:36 PM.

3. BURLINGTON WATER RESOURCES CAPITAL PLANNING PROPOSED MARCH 2025 BOND REQUESTS WORK SESSION

3.1 Burlington Water Resources Capital Planning Proposed March 2025 Bond Requests Work Session

Director Spencer began by noting that a number of the City's water and wastewater systems are at risk of failure and need significant upgrades, given that it has been 30 years since the last comprehensive investment in the City's wastewater plants. He said that the City also needs to shore up its investments in its systems to reliably serve Vermont's only Level 1 trauma center (the University of Vermont Medical Center) and the hill neighborhoods at higher elevations. He noted that the ask in total is for approximately \$200 million across bonds for these investments.

Division Director Moir began by speaking about the water bond work that was completed related to the 2016 \$8.34 million bond, as well as the work completed with the \$30 million Clean Water Resiliency Bond. They noted that over 9.29 miles of water mains were relined or replaced, a significant number of miles of sewer and storm mains were replaced, and green stormwater infrastructure was built, which all has resulted in higher scores for the systems' risk scores.

Division Director Moir then spoke about why more investment is needed. They said that the goal is to provide reliable and sustainable drinking water and waste/stormwater infrastructure to the current and future Burlington, by replacing aged infrastructure and ensuring that there is sufficient capacity for housing and other growth the City is looking to create, as well as improving resiliency in the face of climate change and addressing safety and code upgrades to protect and retain workers for the City. They also spoke about how investments and upgrades will protect the lake by preventing beach closures and reducing phosphorus discharges from Burlington to the lake. They highlighted several phased infrastructure projects for wastewater infrastructure improvements, water projects, and stormwater projects.

They then provided high-level cost estimates for the potential projects and investments in question, as well as estimated impacts for rate-payers. They noted that they are requesting \$21 million in bonding for drinking water, \$204 million for wastewater, and \$14 million for stormwater bonding. They highlighted the urgency of the request, noting that the likelihood of failure for certain critical assets has become too high to guarantee sustainable and reliable services, given that assets are 30 years old and the typical useful life for them is 20 years. They also noted that new wastewater treatment permits require implementation of additional phosphorus reductions by 2030, and that the

next burst in housing growth for later this decade will require additional capacity in the City's systems. They further noted that preliminary engineering is now substantially complete for most projects, which took four years to do. They said that over a five-year time period, this would mean a 113% rate increase for rate payers, and then spoke about potential ways to help mitigate the impact of that rate increase on customers' bills (such as working with the State's Revolving Loan Fund to finance more of the projects, evaluating the feasibility of WIFIA, pursuing grant funding, and restructuring rates to a tiered system). They also spoke about ways to enhance the City's affordability programs.

Division Director Moir then spoke about the project and outreach schedule for these asks. They said that the division has conducted outreach to the Commission and to the Transportation, Energy, and Utilities Committee (TEUC) and created a webpage, and will continue to communicate with these bodies through the remainder of the fall. They said that they anticipate returning to the Council in January for approval to put the bond vote language on the March 2025 ballot. They said they will continue to conduct outreach and community engagement on the proposed investments at NPAs, public meetings, through a social media campaign, and through information postcards.

Division Director Moir then posed a number of questions to the Council for consideration and input prior to moving ahead. They asked if the City should include bond capacity for the Siphon Replacement project, or assume that FEMA will shoulder those costs. They asked if there is support for the East Plant Consolidation Alternative. They asked if affordability programs should be focused on residential users, and whether the TEUC is the appropriate forum to discuss these programs. They asked if the bond vote request should be reduced in anticipation of the charter change that could authorize the annual General Obligation borrowing amount to increase to \$6 million for water, wastewater, and stormwater (even though this change isn't guaranteed to be approved).

Councilor Litwin said that TEUC could be a good forum for these discussions, but so could CDNR and potentially REIB. They also asked the Mayor to include this issue in the City's legislative priorities, to ensure that the State helps support the City in these obligations. Director Spencer said that they are flexible in which committees they can go to, and that they are engaged with the state's congressional delegation to try and secure more federal funding. Councilor Litwin emphasized that taxpayers are overburdened, and expressed concern that this bond vote may not go through, and said securing more state and federal support is tantamount to the success of this.

Councilor McKnight asked how these requests got so high and why the City didn't upgrade some of its infrastructure ten years ago, when systems were at the end of their useful lives. She also asked whether Vermont could partner with New York State, to jointly work on phosphorus reductions in Lake Champlain. She further asked about a more staged approach to help bring costs down, given that her top concern is about affordability. Division Director Moir noted that New York State has its own requirements for phosphorus reduction in the Lake. They said there could be a staged approach and postpone work on the North plant, but said that the North End is anticipated to experience growth, which will mean more capacity needed. Director Spencer said that in terms of why significant upgrades were postponed, he arrived in the City in this role during a period of no rate increases and low capital investment and has been in a catch-up, defensive position ever since, though it is now trying to be more proactive.

Councilor Shannon said it is reasonable to approach the state for help with this, given the state's goals for housing growth, and that these upgrades are crucial for that growth. She noted that certain water and wastewater users are already shouldering a higher level of rates (specifically the breweries) and asked if they have been outreached on these potential impacts. Division Director Moir acknowledged that it is a delicate balance to structure rates in an equitable and fair way between residential and commercial users.

Councilor Neubieser asked for materials to communicate with constituents about affordability and clear potential rate impacts. He said that he is very focused on affordability for residents in the City. He expressed support for seeking commitments from the state to help pay for these

investments. He also noted that they should consider having larger institutions pay more. Division Director Moir said they can put together a calculator for communicating about costs more specifically.

Councilor Grant said that taxpayers are experiencing extraordinary pressures currently, and said that the City needs to be reaching out to all levels of government to receive support for this. She spoke about how deferred maintenance is a problem across the state. She asked for more details on the plan to engage the state's federal delegation for this. She also said that rates for large users should be scrutinized and potentially increased.

Councilor Carpenter said the City should be looking at large users, especially those who don't pay taxes. She also said it would be helpful to see estimated costs for municipalities that don't have municipal water and sewer systems. She noted that the state has directed growth in municipalities with municipal water/sewer systems, which makes sense, but said that the state and other neighboring communities should help contribute to some of these costs, and that Burlington can't bear the burden alone.

Councilor Kane asked why there are three plants in the first place, and Division Director Moir replied that they suspect that they are located where they are because this is where the discharge is and how gravity influenced the flow. Councilor Kane asked how much lower the bonding amount would get if the City's charter change to increase its General Obligation bonding amount is successful, and Division Director Moir replied that they can get back to the Council with a calculation, but said that it ultimately wouldn't reduce rates, given that bonding is bonding.

City Council President Traverse said that some of the reasons for needing these replacements are due to state mandates, so the City should be asking more serious questions of state lawmakers in terms of the support that they can provide. He asked several questions about the rough comparison calculations to other recent upgrades at other municipalities. He also asked for comparisons with other similarly-sized municipalities in other states. He said that this potential rate increase needs to be placed in the context of other high-priority, expensive initiatives, as well as potential state tax increases, and a tight budget for FY26.

4. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

4.1 Verbal Reports

Mayor Mulvaney-Stanak began by speaking about the latest public safety forum that was held last week, which centered around themes of violence and anti-violence strategies, and youth who are involved in troubling behaviors in the City. She spoke about attendance at the forum and the organizations that were present. She noted that the next public forum in January will focus on substance use. She spoke about deferred maintenance at public safety facilities in the City, and said they have begun exploring a merged public safety facility. She spoke about an update on the unsheltered population in the City, and the City will be removing the sanitation services placed at various spaces in the City for the winter. She spoke about an estimated 350 individuals who need a low barrier shelter, and that she anticipates 90 beds coming online for the winter. She spoke about actions at the state level with the opening of a facility in Williston, but said that these resources aren't good enough to address the acute needs of the City. She spoke about meeting with the governor on October 30th, at which they talked about the housing crisis, substance use, youth and violence, and recruitment issues for first responders. She noted that they are working to convey to the state that the City is shouldering a high burden in terms of addressing the unhoused crisis. Mayor Mulvaney-Stanak then spoke about the Modern Gov Initiative, and said that the City is looking at other cities that have similar issues and have merged their departments to make government more efficient (specifically Albuquerque, New Mexico). She spoke about being more aggressive about affordability and

efficiency when building the FY26 budget. She said that her team will be presenting a multi-year strategy to catch up with significant deferred maintenance in the City. She said she is also working to launch a work group on tax fairness for the municipal portion of the tax bill.

5. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

5.1 Verbal Reports

Councilor Shannon spoke about the Mayor's last forum on community safety, noting that one resident noted that many of the City's youth can't access after-school programs due to lack of transportation, and suggested that residents could volunteer to offer rides to the City's youth to get them where they need to go to participate in various programs. She noted that another resident also stressed the importance of having mentors for youth. She said she would also like more clarity on the level of tolerance the City has for open drug use. She also thanked the Mayor for her recent letter on social media apologizing for a mistake she made, saying that this letter has helped restore trust and loyalty.

Councilor Grant agreed with Councilor Shannon's statements. She said the public forum conversation was very sobering, and agreed that the need for mentors and to help with literacy, as well as increasing cultural competency and understanding family dynamics in Burlington is extremely important. She noted that the City's Police Department continues to not have a street crimes unit, hence why so much of the open drug use is not being penalized. She spoke about the importance of harm reduction, which will help reduce crime in the City. She spoke about continuing to focus on flexibility and support for the City's public safety task force, using the example of the urban park rangers.

Councilor Litwin spoke about the syringe program, saying that he doesn't doubt the efficacy of the program, but said that it needs to be looked at with fresh eyes, due to the sheer number of discarded needles in the City's public spaces. He said that this is a public safety issue, not a beautification issue. He encouraged residents to attend Board of Health meetings to help them with the resolution related to syringe exchange programs. He also requested more information on EMS calls at encampments.

6. CONSENT AGENDA

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

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

6.3 B.E.D.'s Property/Boiler and Machinery (B&M) 2024-2025 Insurance Renewal – BED - authorize the General Manager of the Burlington Electric Department or their designee, to execute the Property, Boiler & Machinery insurance coverage renewal contract with AIG/ZURICH/STARR TECH/AEGIS for the policy period 11/20/2024 through 11/20/2025 with a not to exceed premium of \$715,989, as outlined in this memo, subject to review and approval of the City Attorney's Office and the CAO.

6.4 Lease of Space at Old North End Community Center, 20 Allen Street – BPRW - Approve and authorize the leasing of certain space, as identified in the attached lease agreement, in the Old North End Community Center, as further detailed in Exhibit B for an initial one-year term, with the option to renew for five additional and subsequent one-year terms, from Champlain Housing Trust on the terms provided in and substantially in conformance with the attached lease including an annual rent amount of \$138,168 subject to a year over year increase not to exceed 3% per year, for a total authorized expenditure not to exceed \$893,727, subject to City Council annual budgetary appropriation, and to authorize the Director of Parks, Recreation and Waterfront to execute the lease and any related documents needed to carry out the lease agreement, subject to the review of the City Attorney's Office.

6.5 Replies to Councilor feedback on 9/23/24 SECOND Work Session – CEDO – waive the reading and place the communication on file.

6.6 Communication: Emma Wall Kouri, PhD, Ward 6, re: On Tyeastia Green, REIB, and Safety in Burlington: an open letter – waive the reading and place the communication on file.

6.7 BCA Reorganization – BCA/HR - approve and authorize the: Elimination of the Administrative Assistant Position; Reclassification and retitling of the Member and Donor Relations Coordinator, a Regular, Full-time, Non-exempt ASFCME Grade 13 to Development and Administrative Coordinator, a Regular, Fulltime, Non-exempt, AFSCME Grade 15; Reclassification and retitling of the Marketing and Sponsorship Support Specialist, a Regular, Fulltime, Non-exempt, ASFCME Grade 15 position reporting to the Development Director and Communications Director to an Assistant Development Director, a Regular, Full-time, ASFCME Grade 17 position reporting to the Development Director; Reclassification of the Youth & Family Program Coordinator, a Regular, Full-time, Non-exempt ASFCME Grade 15 to a Regular, Full-time, Non-exempt ASFCME Grade 16; Reclassification and retitling of the Program Coordinator, a Regular, Full-time, Non-exempt, ASFCME Grade 15 to Adult Programs Coordinator a Regular, Full-time, Non-exempt, ASFCME Grade 16; Reclassification and retitling of the Clay and Print Studio Manager, a Regular, Full-time, Nonexempt, ASFCME Grade 15 to Clay Studio Coordinator, a Regular, Full-time, Non-exempt, ASFCME Grade 16; Reclassification and retitling of the Artist Coordinator, a Regular, Full-time, Non- exempt, ASFCME Grade 14 to Art Services Coordinator a Regular, Full-time, Non- exempt, AFSCME Grade 15; Reclassification and retitling of the Art Director, a Regular, Full-time, Exempt Non-union Grade 16 to Design Director, a Regular, Full-time, Non-exempt, Non-union Grade 17; Reclassification of the Education Director, a Regular, Full-time, Exempt Non-union Grade 18 to a Regular, Full-time, Non-exempt, Non-union Grade 20.

6.8 FIO Documents – for information only.

6.9 Communication: Amy Leigh Malinowski, re: In Continued Support of Tyeastia Green – waive the reading and place the communication on file.

6.10 Communication: Stephen Chisa, re: In Continued Support of Tyeastia Green – waive the reading and place the communication on file.

MOTION by Councilor Doherty, SECOND by Councilor Shannon to approve the consent agenda as amended and take the actions indicated for items 6.1-6.10.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1 Assistant City Attorney Appointment

Mayor Mulvaney-Stanak introduced the candidate she is proposing to appoint to an Assistant City Attorney position within the City Attorney's Office. She spoke about Emmett Wood's background, education, and qualifications, also noting that the candidate would begin in January, if appointed.

MOTION by Councilor Doherty, SECOND by Councilor Grant, to approve the appointment of Emmett Wood, Esq. as Assistant City Attorney.

VOTING: unanimous; motion carries.

7.2 Resolution: Declaration Of November As Family Caregiver Month For Burlington (Councilor Carpenter)

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

DISCUSSION:

- **Councilor Carpenter said this resolution was brought forth by the City's Council on Aging. She acknowledged the work of families who are caregivers for their members and thanked them for their support and work.**

VOTING: unanimous; motion carries.

7.3 Ordinance: Technical Amendments to Article VI of Chapter 21 of the Burlington Code of Ordinances, Commencing at Section 21-80, Livable Wages, to Streamline Enforcement and Other Processes (Councilor Traverse)

Assistant City Attorney Ramakrishnan began by noting that the goal of these technical amendments is to streamline the enforcement of the Livable Wage Ordinance, given that the City's compliance monitors retired earlier this year and that recruitment for those vacancies has been difficult. He said that this would streamline the ordinance and bring enforcement in-house. He said that compliance monitoring would be done through the submission of a short-form certified payroll record from vendors when they submit invoices, and by aligning the ordinance to the Davis-Bacon Act, which is a federal law that requires payment of a prevailing wage that is generally higher than what the City's livable wage requires. He noted that the Davis-Bacon Act alignment would only be for contracts for heavy construction and highway projects (which are most of the City's projects). He noted that the proposal also loosens the requirements for City Council approval of any rulemaking conducting under the Chief Administrative Officer's authority.

MOTION by Councilor Barlow, SECOND by Councilor Grant, to waive the second reading of the proposed Ordinance Amending Livable Wage Ordinance, B.C.O., Ch. 21, Art. VI, and approve the reading.

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

7.4 Ordinance: Ordinance Amending B.C.O. Sections 1-9 & 21-29 Re: defacement of property and ordinance violations targeting individuals on the bases of protected classifications (Ordinance Committee)

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to waive the reading of the proposed ordinance amending B.C.O. § 1-9 & 21-29 (Re: defacement of property and ordinance violations targeting individuals on the bases of protected classifications), and to adopt the second reading of the ordinance.

DISCUSSION:

- Councilor Shannon said that when this was sent to the Ordinance Committee, Councilors made clear that they wanted further protections against hate speech as well as better enforcement of the City's ordinances on property defacement and graffiti. She said that these amendments include an enhancement to enforcement when any ordinance violation is against a protected group of individuals, as well as allowing for a private right of action. She noted that this went through a lengthy review by the ACLU, to ensure that the City is not running afoul of First Amendment rights.
- Assistant City Attorney Ramakrishnan spoke to the ACLU's letter. He noted that one of their concerns was that these proposed amendments were motivated by a particular set of circumstances (the stickering campaign in the New North End last year). He said that the committee then broadened this to any type of ordinance violation that might be motivated by hateful motives. He noted that the City looked into how it can enhance violations related to protected classes of people, and that they added a private right of action clause into the amendments. He noted a concern from the ACLU about nuisance law, and that in response to this, the City changed the ordinance in the process to address that comment.
- Councilor Doherty said he has serious concerns about the private right of action provision and the potential that it could drag the City into protracted and expensive litigation and that he is not comfortable voting in favor of this without further review.
- Councilor McKnight said the City isn't enforcing the laws that it has related to graffiti and defacement anyway, and requested that this item be postponed until there is more discussion around enforcement of the ordinance that is already on the books.

MOTION by Councilor McKnight, SECOND by Councilor Doherty, to postpone this item until the City Council's December 9, 2024 meeting.

DISCUSSION:

- Councilor Bergman said the ordinance as presented allows for enforcement in the online reporting system, and said it does not make sense to postpone this item for this reason.
- Councilor Barlow expressed support for this postponement, given that concerns around the private right of action need to be addressed, in addition to enhancing enforcement.
- Councilor Grant said that given what's happening downtown, graffiti is not at the top of her list of concerns for the City in the realm of public safety. She said there is also substantial blight downtown, such as the current state of the Memorial Auditorium building, the old YMCA building, and the old Bove's building. She said that it does not make sense to postpone this.
- Councilor Neubieser said he does not support postponement, given the other priorities in front of the Council at this juncture, though he is open to further discussion. He also noted that the City proactively reached out to the ACLU in a proactive way.
- Councilor Litwin said the decision should come down to prudence and that he does not see the harm in continuing to reflect on the threat of litigation. He said he would be interested in hearing both sides of the argument and make decisions after hearing a balanced perspective. He said he opposes the defacement of all property.
- Mayor Mulvaney-Stanak said that the Council should think hard if it delays action on this. She said that the private right of action component allows people to find a solution to a problem the City has been unable to address until now. She said that the City will never be 100% sure that there will never be litigation, but that this is not the time to take any potential tools off the table. She urged the Council not to delay this action any longer.
- Councilor Shannon said they asked the Mayor's office for an enforcement plan, which they received 2 hours before this meeting and would like time to review. She said that this ordinance is much broader than a graffiti and defacement ordinance, and said that the Council should take the time it needs to get this right. She said she would like the ACLU to have the opportunity to weigh in on this version of the ordinance amendments, which they could do prior to the December 9th meeting.
- Councilor McKnight said that if the City doesn't have the right enforcement policy, it will not make progress on addressing hate and bias. She said she would like to force a discussion on the topic of graffiti, which has not been a priority in the City, but is so important for the community.

VOTING ON POSTPONEMENT (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 – aye, Councilor Shannon – aye, City Council President Traverse – aye (8 ayes, 4 nays); motion carries.

7.5 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: City Council Authority To Regulate Rental Notifications And Notification Periods (CDNR, Charter Change Committee)

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

DISCUSSION:

- Councilor Litwin said that this would give the voters the opportunity to weigh in on the question of whether or not the determination of rental notice periods should be a conversation that could be had locally (through the Ordinance

Committee), rather than through arduous charter changes. He said that this resolution is not on the details of any such action, but just whether the City can be able to explore a more locally tailored approach.

- Councilor Neubieser said that this resolution would increase good governance and support local control, especially given the seriousness of the housing crisis in the City.
- Councilor Barlow said he would like to see these notice requirements align with neighboring communities, saying it could potentially dissuade people from investing in property in Burlington.
- Councilor Broderick said this resolution could help renters navigate the difficult housing market.
- Councilor Grant said she doesn't trust the legislature with this issue, given that most state legislators are property owners.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, 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 (12 ayes); motion carries.

7.6 March 4, 2025 Annual City Meeting – Proposed Charter Change Regarding Redistricting By City Council (Charter Change Committee)
Councilor Bergman noted some technical errors in the proposed charter change, necessitating referral back to the Charter Change Committee prior to coming to the Council for consideration. He said that the strikeouts did not successfully ensure that existing districts and wards remain in place until new ones are put there. He said that this could be a quick and easy change.

MOTION by Councilor Bergman, SECOND by Councilor Doherty, to postpone this item until the November 18, 2024 City Council meeting.

VOTING: unanimous; motion carries.

7.7 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: Public Safety Tax Rate (Councilor Bergman) **AGENDA ITEM REMOVED**
No discussion.

7.8 March 4, 2025 Annual City Meeting – Charter Change Re: City Council Authority To Pledge Credit Of The City (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Kane, to waive the reading and refer the proposed Charter amendment re City Council Authority to Pledge Credit of the City to the Charter Change Committee for report back no later than in time for the City Council's December 9, 2024 meeting.

DISCUSSION:

- Councilor Kane said that this would raise the City's bonding capacity from \$2 million to \$5 million starting in 2028 and then to \$10 million in 2031, would raise Burlington Electric Department's bonding capacity from \$3 million to \$6 million, and create \$6 million in bonding capacity for the Department of Public Works. He said this would save the City money in the long run as it would allow the City to work through its deferred maintenance and then be more proactive in its capital investments.
- Councilor Barlow said he is supportive of this, but expressed concern about the fivefold increase in bonding capacity for the City that is being requested. He asked if this has been discussed with the School District, given that they also have a \$2 million bonding authority. He also asked how this would affect the City's debt policy. He asked what the City's

current debt load is, and how much overlap there is with the School District. He also asked if this change would be instead of the General Obligation bond request, or if it is in addition to that. Mayor Mulvaney-Stanak replied that if this is successful, it would not go out at the same time as the GO bond, but would be sequenced. She noted that this hasn't been updated since 2014. She said that they would also do this in such a way that debt is retired before more debt is incurred.

- Councilor Carpenter asked what criteria would be used to determine what is appropriate under this type of bond for the City. Assistant City Attorney Ramakrishnan replied that it needs to be for capital improvements. Mayor Mulvaney-Stanak added that the Capital Committee has been refining the criteria that could be used for this bonding capacity.

VOTING: unanimous; motion carries.

7.9 Ordinance: VACANT BUILDINGS BCO Chapter 8, Art. III (Councilor Traverse)

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

DISCUSSION:

- Councilor McKnight said that this would increase the fees for the vacant buildings in the community that are currently a blight and an eyesore. She said that negligent landlords must be steeply penalized for the harm they are causing the community. She said this change would have no impact on most people who rent out their properties.
- Councilor Broderick expressed support for this item. He asked how the City defines properties that are used on a seasonal basis. Assistant City Attorney Sturtevant replied that they are designated in the Assessor's Office as seasonal.
- Councilor Litwin noted that one constituent said that this does not go far enough, and he encouraged members of the public to be engaged in the process in the Ordinance Committee.
- Councilor Grant said the penalties are not high enough, given the number of vacant buildings and the crime that occurs there. Councilor McKnight agreed, and said it will be explored in the Ordinance Committee.

VOTING: unanimous; motion carries.

8. COMMITTEE REPORTS

8.1. Verbal reports

Councilor Shannon said the Ordinance Committee has several ordinances that will be coming back to the City Council soon, including the condo ordinance and the emergency shelter ordinance. She also noted that the Committee is working on the Dog Task Force report and next steps.

Councilor Grant said the Public Safety Committee is meeting next Wednesday at 5:30. She spoke about the lack of recruitment strategy within the Police Department, as well as a plan to address the Police Department's online reputation. She also said the Union needs to address relationship improvements within the community.

Councilor Bergman said that there is a Charter Change Committee meeting on November 21st, and that it will be a quite active meeting, given the number of charter changes requiring work.

Councilor Barlow said there will be a second reading of the benchmarking ordinance at the November 18 meeting.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

City Council President Traverse honored the City's veterans and thanked them for their work and sacrifices.

10. ADJOURNMENT

10.1 Motion to Adjourn

Without objection, the meeting adjourned at 9:57 PM.

RScty: AACoonrad

**BURLINGTON LOCAL CANNABIS CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 12, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Jessica Brown
Erik Ramakrishnan
Katherine Schad
Lori Olberg
Keaton Knowles

1. AGENDA

City Council President Traverse called the meeting to order at 8:15 PM.

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

VOTING: unanimous; motion carries.

2. 2024 CANNABIS APPLICATIONS

2.1 Green Haven Herbals LLC, d/b/a Artisan Vapor, 16-18 Pearl Street

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to approve and authorize the transmission of local approval of the following local cannabis control license application to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local license: Green Haven Herbals LLC, d/b/a Artisan Vapors, 16-18 Pearl Street.

VOTING: unanimous; motion carries.

2.2 Cannaciello, LLC, d/b/a Cannaciello, 276 North Avenue

Commissioner MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to approve and authorize the transmission of local approval of the following local cannabis control license application to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local license: Cannaciello, LLC, d/b/a Cannaciello, 276 North Avenue.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (11 ayes, 1 nay); motion carries.

2.3 Herbmont Inc., d/b/a Herbmont, 191 Bank Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve and authorize the transmission of local approval of the following local cannabis control license application to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local license: Herbmont Inc. d/b/a Herbmont, 191 Bank Street.

DISCUSSION:

- **Commissioner Shannon noted the proliferation of these types of businesses in the City and further noted that the State has not given much authority to municipalities to regulate these. She said that the City should look at its general authority, in the absence of broader State-level oversight. She said that this is an important topic to bring to the City's legislative delegation.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (11 ayes, 1 nay); motion carries.

3. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 8:37 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 18, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (via Zoom, then in person)
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
Katherine Schad
Lori Olberg
Keaton Knowles
Jessica Brown
Kim Sturtevant
Chapin Spencer
Bob Klinefelter
Michael LaCroix
Carolyn Cota
Josh Olund
Steve Spear
Kara Alnasrawi
Laura Wheelock
Maddie Suender
Charles Dillard
Nic Longo
Larry Lackey
Jeff Bartley
Marie Friedman
Alex Cohen

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:27 PM.

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

- **Add to the consent agenda item 7.14 Communication: Michael Monte, Chief Executive Officer, Champlain Housing Trust, re: Conversion of Rentals to Homeownership (per Councilor Bergman);**
- **Add to the consent agenda item 7.15 Communication: Andy Simon and Liz Blum, Members, Jewish Voice for Peace VT/NH, re: communication on the consent agenda;**
- **Add to the consent agenda item 7.16 Communication: Kelly Devine, Executive Director, BBA, re: proposed closure of the Main Street and South Winooski Avenue intersection;**
- **Add to the consent agenda item 7.17 Communication: Erhard Mahnke, re: proposed changes to the City's Condominium Conversation Ordinance;**
- **Add to the consent agenda item 7.18 Communication: Solveig Overby, Ward 2 resident, re: Agenda Item 1: Roundabout for Colchester/Barrett/Riverside intersection – safest, most functional, least expensive;**
- **Note proposed amendments to Deliberative Agenda Item 8.7: Ordinance: Chapter 18 Housing Article V. Regulation of Conversion Of Rental Housing To Condominiums Or Cooperatives (Ordinance Committee)(per Councilor Bergman);**
- **Note proposed amendments to 8.7 (per Councilor Grant);**
- **Add to the Deliberative Agenda item 8.11 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: Ban On Firearms In Any Establishment With A Liquor License (Councilor Bergman).**
- **Remove from the Deliberative Agenda Item 8.7: Ordinance: Chapter 18 Housing Article V. Regulation of Conversion Of Rental Housing To Condominiums Or Cooperatives.**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:05 PM

2.1. Verbal Comments

Forum opened at 6:29 PM.

COMMENTS:

Burlington residents (in person):

- Ryan Nick spoke about the impact of closing the intersection of Main Street and South Winooski Avenue during the holiday season. He said that many businesses are putting stock in having a successful holiday season and that it is the most important part of the year for many restaurants and retailers. He said that it has been a challenging year for the downtown area, given the reputation it has for not being conducive to business or welcoming for visitors. He said the mitigation strategies will do little to alleviate the real and perceived problems that will be the result of closing this intersection, and he urged the City to work with its contractors to keep the intersection open until December 26.
- Evan Gould expressed support for the appointment of Charles Dillard as the City's Planning Director. He also spoke about the death of a local resident last week who was killed while cycling on Shelburne Road. He noted that this was the third death at that intersection in the last five years and the fourth on Shelburne Road. He said that there is a similar design in the Colchester intersection, where

speeds have been found to often exceed the posted speed limit. He said the raised intersection and other traffic calming measures are not appropriate for this intersection and he urged the City to find other alternatives to ensure that these intersections are safer.

- Tenzin Chophel also spoke about the death of the cyclist on Shelburne Road and urged Councilors to walk or bike to work instead of driving, so that they experience some empathy. He spoke about the Winooski Bridge project, saying it should focus more on pedestrian and bicycle safety rather than being so car-centric. He said he and others want to feel safe cycling around the City.
- Jonathan Weber urged the Council to make Shelburne Road safer for everyone. He noted that many of the deaths that occur on Shelburne Road are deaths of Burlingtonians. He spoke about the lack of bicycle infrastructure on Shelburne Road. He said that Burlington's City Council has a powerful voice in the area, and urged the Council to take immediate steps to make Shelburne Road safer, as well as engage with the Chittenden County Regional Planning Commission (CCRPC) and VTtrans on future steps to make these corridors safer for all transportation modalities. He said that an added car lane on Colchester Avenue is unnecessary.
- Isabelle Fearn spoke about the death of the cyclist on Shelburne Road last week, saying that this is a public safety issue and that the City needs to improve safety for cyclists. She also spoke about the condo conversion ordinance, noting that a City with a 1% vacancy rate should not be making it easier to turn apartments into condominiums and reducing the number of rentals in the City. She also noted that this ordinance would remove the condo fee that is used to help create affordable housing in Burlington.
- Jason Stuffle spoke about the design of the City for people who are not in a vehicle. He said that the wider a road is, the faster vehicles will go, and the people who are not in those vehicles suffer more. He urged the City to lower the speed by making its roads narrower. He spoke about the Winooski Bridge project's proposal to widen Colchester Avenue and add another lane, which is counterintuitive to the safety of the people that live near and use that bridge when not in a vehicle. He urged them to not add an additional lane.
- Brett Yates spoke about the dangerous road conditions on Shelburne Road for cyclists. He spoke about a stretch of the road between the roundabout and the crosswalk at Prospect Parkway that is completely unusable for anyone outside of a car, and that this stretch includes a number of businesses, housing, and several bus stops.
- Gabriel Nelson spoke about living in Burlington without a car, and said that the City is designing in a way to prioritize cars above all other modes of transportation, which is dangerous and unsustainable. He said he and others want to live in a City where it is safe for people to conveniently live and get around without a car. He said he also is not supportive of the ordinance that seeks to further criminalize homelessness in the community.
- Erhard Mahnke spoke about the proposed changes to the City's condominium conversion ordinance, even though it has been pulled from tonight's agenda. He urged the Council not to support the proposed ordinance as passed by the Ordinance Committee to send it back for further work, noting that he helped draft the original condo ordinance to help preserve 336 units of subsidized housing in the City to prevent the displacement of hundreds of low-income seniors, working families, and people with disabilities. He said that displacement today continues to occur unchecked, given rapidly rising rents and the redevelopment of existing multi-family properties.
- Amy Wright spoke against the proposed changes to the condo conversion ordinance, saying that this was created to prevent displacement. She said that the proposal to cut the notice period in half would be a big step backward for the City in terms of its commitment to being a livable City for all. She said that this ordinance doesn't do anything to create permanent affordability, which is what the City needs.
- Adam Moran spoke about the lack of solid bicycle infrastructure in the City, saying that he has lived and commuted on Shelburne Road for the last six months and that he has never felt so unsafe in transit. He emphasized that paint is not infrastructure and that more solid infrastructure or barriers should be considered to prevent cars from striking bicycles. He said it is also a better long-term strategy to invest in non-automotive transport, given the impacts of climate change. He also spoke about serious speeding issues on Riverside Avenue and expressed concern about widening Colchester Avenue.
- Amy Malinowski spoke about becoming a year-round cyclist and non-car-owner in the City. She spoke about the vehicular violence epidemic and that the World Health Organization has reported that U.S. traffic fatalities are 50% higher than in other Western

countries, and further noted that low-income or marginalized individuals are more likely to experience episodes of traffic violence. She noted that when not in a protected bike lane, drivers encroach on female-perceived cyclists 3.8 times more. She urged community leaders to make Shelburne Road safe for all.

- Griffin DeMateo spoke as a cyclist, saying that Burlington's commitment to pedestrian and cyclist safety is lackluster and deadly, and that the collective inaction to create public infrastructure for pedestrians and cyclist-centered cities is posing a threat to those who have chosen to live lives independent of automobiles. He spoke about his experience being verbally harassed, threatened, and treated with lack of respect for safety by cars during his commute over the Winooski Bridge to Essex Junction on a daily basis. He expressed concern with the new design for the Winooski Bridge that would include wider car lanes and no bike lanes.
- Dan Castrigano expressed frustration with the lack of action regarding safe infrastructure for pedestrians and cyclists, noting that victims of traffic violence tend to be more low-income, unhoused, or people of color. He said that he bikes everywhere with his three-year-old and wants it to be safe for him to do so. He asked why the car lanes are being widened at the Winooski Bridge, when the evidence shows that that will increase car speeds.
- Andre Clark expressed concern that the Mayor is proposing to remove the public health resources at the three encampment locations by December 1, 2024, with the justification that the potential for snow will limit access to service these locations. He asked how a public health response can be seasonal in nature when the issue of homelessness is not a seasonal phenomenon. He said that there are over 350 people who are living unsheltered in the City and that it is unconscionable to remove access to basic resources for them.
- Clayton Dykstra spoke about the transportation infrastructure in the City, saying that the country has a long history of putting profits over people which has resulted in a car-centric society. He spoke about the amount of public input and feedback the City has received and that despite, this action by public officials has been extremely slow. He urged the City to educate themselves on better alternatives to make the City safer for everyone.
- Nolan Rogers spoke about the vacant property ordinance and associated fees, saying that the City needs to make sure that people can't weasel their way out of not paying these fees, especially if they own lots that are vacant, abandoned, or in disrepair, given the lack of housing in the City. He also said the City should look at how it assesses property taxes and perhaps focus more on land than on the infrastructure on the land, to encourage people to build on undeveloped land and encourage housing.
- John George Wheeler urged the Council to reconsider the timing of the closure of the South Winooski/Main Street intersection, saying as a downtown business-owner that businesses in the downtown have been greatly impacted by the intersection closures that have occurred in the last year during construction. He said that this is the worst time of the year to close that gateway intersection.
- Max Schindler said that cycling lanes enhance the downtown shopping experience and that pedestrianized places like Church Street allow people to shop, gather, and eat. He said that a fiscally conservative argument can be made for bicycling safety and that this should be a bi-partisan issue. He urged the City to support more non-car infrastructure, safer crosswalks, and reconsidering the 11-foot-wide lane proposal for the Winooski Bridge. He said that so much of this is tied to ensuring that Burlington remains a livable City where people want to live, shop, and interact with each other as a community.
- Jak Tiano expressed support and congratulations to Charles Dillard for his appointment as the City Planner. He also spoke about how the City is not making progress on its stated goals within the Walk Bike Plan and that this is a failure of its transportation policy. He noted that all of the non-single occupancy vehicle mode shares are declining and that cycling has remained static in terms of its proportion of transit, and that car usage has increased.
- Stephen Chisah spoke about living in Burlington and not owning a car, and advocated for better infrastructure to protect pedestrians and cyclists in the City. He called on the City to take immediate steps to change the configuration of its section of Shelburne Road, which is dangerous. He urged the City to also ask VTrans and the CCRPC to form a task force to conduct long-term corridor planning and to identify interim safety measures. He said that road equity should also be applied to other areas, such as the Winooski Bridge project. He also urged the Council not to change the condo conversion ordinance, and also asked for reparations for Tyeastia Green.

Burlington residents (via Zoom):

- Catarina Campbell spoke about Tyeastia Green, saying that because she was a threat to the entrenched systems of white supremacy in the community, she has been subject to character defamation, public trauma, and intentional mobbing. She said that she should not be criminalized for events that occurred outside of her tenure with the City. She said that Ms. Green should be provided tangible reparations and that the community cannot heal until this is resolved.
- Emma Kouri expressed support for Tyeastia Green and the City's responsibility to end the suffering it has caused her. She said the community cannot believe anything any City officials say about safety or concern for Black lives until the City repairs the harm it has done and pays reparations to Ms. Green.
- Kyle Clauss spoke about the condo conversion ordinance proposal, saying that the changes would reduce the number of rental units in the City and would make the acute rental housing shortage even worse. He said that this represents more displacement and dispossession of the City's working class to make room for six-figure earners who can readily afford the median condominium prices and down payments in Chittenden County. He said that if Councilors are concerned with the houseless population in the City, they should reject this proposal, which would ultimately add to that population. He asked who this proposal is for, given that two-thirds of this City's residents are renters.
- Sharon Bushor noted an inconsistency in the emergency shelters ordinance, saying that the language says that they won't be placed in R-L and R-M areas, and yet in Ward 1, some of the neighborhoods are zoned institutional and that what is going to be allowed is inconsistent. She additionally spoke about downtown businesses and the need for more security, saying that it is necessary. She said that the City should consider looking at the unassigned fund balance for more funds to pay for security services.
- Larry Lewack asked why there is a proposed change to the condo conversion ordinance, given the lack of available rental units in the City, saying that this proposal represents an attack on the interests of renters. He said that most Burlington renters would not be able to afford to buy their rental as a condominium if it were offered to them. He also noted that if the condo conversion fee is eliminated, it would reduce revenue to the City's Affordable Housing Trust Fund.
- Pike Porter spoke about the City's resolution to seek an alternative mission for the VTANG several months ago. He noted that VTANG refused to provide radar data for the noise maps, and that those maps are not based on data. He encouraged Councilors to look at those maps with that perspective. He disputed the claim that some of the Airport's improvements come at no cost to the surrounding communities, given that communities are paying for these costs every day through public health impacts.

Non-Burlington residents/business-owners (in person):

- Marc Sherman spoke as the owner of Outdoor Gear Exchange, noting the City's work to mitigate and resolve issues that are impacting cities and towns all across the State, and voiced his support for item 8.10 to authorize expanded downtown security services, and said that anything that can be done to make Burlington safer and appear safer to customers and staff is greatly appreciated. He also urged the City to delay the closure of the Main Street/South Winooski Avenue intersection until after the end of the holiday shopping season, saying that this season is critical for businesses in the downtown area. He said that postponing the sewer construction work would only result in a minor, several-week delay.
- Jason Levinthal spoke as the owner of JSkis and noted that they do about 30% of their annual sales in November and December. He said that being informed of this closure three weeks prior to its occurrence is less than ideal, and compared it to informing someone that their salary would be cut by 30% in three weeks. He said that postponing the closure of the intersection for several weeks would not make a difference in a three-year project but will make a huge difference for businesses in the downtown area.
- Breanna Swetman said the City needs better bicycle infrastructure in the City and said that she feels unsafe whenever she cycles around the City. She said the City needs better infrastructure than paint and that the Winooski Bridge project's features to widen lanes should be reconsidered.

Non-Burlington residents (via Zoom):

- Keren Sita spoke about the housing crisis in the City, saying that the City is chaotic and it is every individual's right to live in peace. She said the City needs to start listening to Black women.
- Kelly Devine said the closure of the Main Street/South Winooski Avenue intersection will be devastating for many businesses. She noted that when national chains close a downtown location, it is a relatively low-risk change for them, but that many local businesses don't have that option and have their hearts and assets and livelihoods on the line when they are faced with this decision. She noted that sales are down and that businesses were hoping for a holiday turnaround. She noted that this massive construction project is also financed by tax increment financing and that the increment is dependent on a vital downtown and risks not being able to pay for itself if it damages downtown's vitality. She also expressed support for item 8.10 and an increased police presence downtown.
- Melissa Desautel spoke as the owner of several Church Street businesses, urging the City to pause the planned closure of Main Street/South Winooski for the holiday season. She noted that her businesses are down 37% year-to-date.

Forum closed at 7:41 PM.

3. WORK SESSION REGARDING BURLINGTON – WINOOSKI BRIDGE PROJECT AND COLCHESTER/BARRETT/RIVERSIDE BASE TECHNICAL CONCEPT – DPW

3.1 Work Session Regarding Burlington – Winooski Bridge Project and Colchester/Barrett/Riverside Base Technical Change – DPW

Director Spencer began by noting that the City co-owns the 100-year-old bridge with the City of Winooski and said that the cities have the opportunity to pay for 5% of the bridge and 0% of the intersection improvement costs and that they are seeking the Council's input on the base technical concept proposal and the approach toward developing contract documents, which will need to be finalized soon. He said that this item will provide an update on the two scoping studies and design for this project and will continue the dialogue and engagement between staff and the Council.

Josh Olund, a consultant and project manager with HNTB, presented an update that covered a project recap and updates, an overview of the base technical concept, RFP considerations, and outlined next steps for the project. He provided an overview of the schedule for the project, which outlined the next steps around soliciting construction contractors in 2025, the beginning of construction contracting in 2026 and actual construction in 2028 after final design, and construction completion in late 2029 and site restoration in 2030. He spoke about the main components of the project itself, which include a component related to the intersection on the Burlington side of the Winooski Bridge and then a component related to the bridge itself. He spoke about the two alternatives being considered for the project currently, which include an on-alignment option and a shifted-alignment option for the intersection and bridge. He outlined the alignment, number of lanes detoured, detour duration, construction duration, and potential for an under bridge path in Burlington for each option. He spoke briefly about traffic during construction, specifically around travel times between UVM Medical Center and downtown Winooski during the summer months, and compared these between current conditions, with a full bridge closure, and with southbound bridge lane closures only. He provided a number of renderings of what the shifted-alignment option could look like for the intersection and bridge. He spoke about construction progression, noting that it will eventually require shutting down the south-bound side of the bridge for four to six months to complete the upstream portion of its construction. He noted that the project would cost a total of \$70-\$80 million for the bridge, \$8-\$9 million for the intersection, and has also received a federal RAISE grant worth approximately \$24.8 million. He also noted that the bridge has a range of splits for cost-sharing, which are 80/20/5 federal/state/each city, respectively. Carolyn Cota of VTrans noted that the RAISE grant funds must be obligated by September 30, 2026 and that Winooski voters have approved a \$4.6 million bond for their share of the project and that the Winooski City Council approved the base technical concept for this project at their October 21, 2024 meeting. She stressed that if the State loses RAISE grant funding for this project, it likely will not be able to complete this project for a long time. Mr. Olund then spoke about planning for RFPs related to construction for the project and various features of an RFP that could be prescription versus flexible. He then spoke about next

steps, which include a public open house on December 22, 2024, developing RFQs and RFPs, and continued coordination for rights-of-way, environmental commitments, and utility relocations.

Councilor Litwin spoke specifically about Mill Street and the proposal that anyone exiting Mill Street must only turn right, which would require them, if they want to go back to Burlington, to cross the bridge, go through the Winooski Roundabout, and go back over the bridge to go anywhere in the Burlington community. He asked what considerations were given to this, and expressed concern that travelers will use the Mill Street alleyway as a cut-through to connect to the already-disorganized section of Barrett and Grove Streets, which is dangerous for both pedestrians and cars. Michael LaCroix of VTrans replied that restricting any movement is not a first choice, but that a left turn out of Mill Street would pose a safety challenge and capacity issues during peak traffic hours. Councilor Litwin asked why that intersection could not be signalized like it is today. Mr. LaCroix noted that this project is not a vehicular capacity improvement project, but is meant to improve and add time for pedestrian crossings.

Councilor Bergman said he supports the design build, the curved bridge, the shared bike/pedestrian path across the bridge that is separate from car traffic, the shoulders, and the shorter crosswalks. He also spoke about answers to questions he'd posed a number of months ago, and requested that those be made public. He asked for more information about the speeds that cars will drive across the bridge, saying that he still thinks that signage and potentially smaller speed bumps could mitigate excess speeds. He asked for the rationale of adding an additional lane down Colchester Avenue, and also asked why the middle two travel lanes across the bridge can't be narrowed to 10.5 feet each.

Councilor Doherty expressed concern about the businesses and residents in the Mill Street community and asked for further justification for the right-hand-only turn proposal.

Councilor McKnight expressed concern that the curved feature of the bridge would be in the flexible feature of the RFP. She said she is unwilling to support this as currently proposed due to the Mill Street issue that Councilor Litwin raised as well as issues raised by members of the public about pedestrian and bicycle safety and speed concerns, noting that she rides her bicycle with her two children on a regular basis. She noted that the proposal has a number of plans for mitigating traffic but not for disincentivizing cars or managing vehicular congestion by cutting down on car use. She said the City needs a plan for reducing car volume and traffic in the City. She said that large, multi-million dollar projects can't be thought of in a silo from the big picture of overall transportation in the City. She also said she is not clear about the rationale for including an additional lane on Colchester Avenue and said she would support narrower lanes leading up to the bridge.

Councilor Neubieser said he generally supports narrow lanes where possible and said he would like to better understand the entry and exit points for bike infrastructure and said he is also generally supportive of separated bike infrastructure overall. He said he would like to understand current state for shared bike/pedestrian infrastructure versus future state. He said it is important for the Council to support this project, given the RAISE grant.

Councilor Kane began by noting that the speed limit downtown was reduced to 20 miles per hour and that engineering dictates how fast cars drive. He asked why alternative #3 was ultimately rejected despite scoring the highest on pedestrian safety, crashes, and managing peak congestion. He noted the overwhelming opposition to widening lanes in this project. He said he would also like more information on the funding required to get the project going.

Councilor Carpenter asked why signalization for Mill Street is not feasible.

Councilor Grant noted that she commutes over the Winooski Bridge every weekday, and spoke about issues with trucks straddling lanes, as well as lack of turn signal use for people coming down the roundabout from the Winooski side. She said that widening the lanes will increase car speeds, and said that this proposal seems to try to accommodate the increased traffic volume being seen throughout the City and county. She said that traffic is going to back up regardless at certain peak times. She expressed concern about the Mill Street issue.

Mr. LaCroix said that the 2023 roundabout numbers requested by Councilor Bergman are available on the VTrans website. He spoke about why alternative #3 (the roundabout) proposal was eliminated, noting that a roundabout didn't seem appropriate for the site and project purpose. He said that in order to accommodate some of the enhanced pedestrian phasing in the project, the Colchester Avenue lanes needed to be widened to maintain capacity. He noted that with the shifted alignment proposal, essentially every movement needs to make a turn at the intersection, which would help alleviate speeding concerns. He said that introducing a second signal at Mill Street would degrade capacity and is in direct conflict with the need to simplify that intersection. He said that they are open to more discussion on whether the Mill Street left-turn limits should be for peak hour or all hours.

City Council President Traverse asked what issues it would present if the Burlington City Council approved a different base technical concept than the one approved by the Winooski City Council. He also asked if there are timelines the City needs to be cognizant of around federal funding, given the impending administration change at the federal level.

4. WORK SESSION RE: GREAT STREETS MAIN STREET: PROJECT UPDATES AND MITIGATION

4.1 Work Session Re: Great Streets Main Street: Project Update and Mitigation

Director Spencer began by speaking about how the 150-year-old Ravine Sewer is a liability for the City and that by bypassing it through this project, it will increase the amount of development that can occur downtown and will increase the resiliency of the downtown. He said that unfortunately, what was anticipated to be a 5-month sewer project has turned into a 12-month sewer project and that they had anticipated a certain amount of winter work. He said the project is slated for completion in November 2026 and said that the City team has worked extensively with Main Street stakeholders as part of its public outreach around the project. He said that the contractor needs to continue working through the holiday season to complete the bypass work within the 12-month window. He spoke about more extensive impact mitigation efforts for businesses, including making sure that more of Main and Winooski parking lots are available during the holiday season, using more uniformed traffic officers during holiday busy periods, ensuring that Main Street and St. Paul Street is open during the holiday period to offset the closure at Main and Winooski. He spoke about subsidized parking in the Courthouse Plaza, promotional efforts with Business and Workforce Development, and other measures.

City Engineer Wheelock spoke briefly about the overall construction schedule. She noted that the Ravine Sewer work is currently at Main and Church and is continuing up Main Street. She said that in addition to this, they are conducting other infrastructure improvements, such as upgrading the 1860s water main that feeds the City as well as the connections to individual properties at the cost of the project, and replacing all sewer laterals at the cost of the project. She noted that both of these would normally be costs borne by property-owners. She spoke about the Main Street work around stormwater infrastructure, which includes construction of stormwater tanks near Pine Street and St. Paul Street to help control and manage flows to the wastewater plants. She said that as this work proceeds east along Main Street, more parking opportunities become more available. She pointed out that if they paused the Main/Winooski work, the construction contractor would return to work on the Pine Street or St. Paul Street intersection, which would also impact businesses downtown.

Business and Workforce Development Director Alnasrawi spoke about some of the marketing work that her team has done to encourage shoppers to come downtown during construction. She said that they have conducted print, digital, and social media campaigns to advertise

for businesses, and have placed sandwich boards at intersections with individual business names on them. She said they have also worked with businesses to accommodate DoorDash delivery pickup for the businesses that are dependent on them.

Councilor Doherty implored DPW to keep the Main/Winooski intersection open for the holiday season. Councilor McKnight concurred with this, and expressed concern that this is coming to the Council three weeks before it is slated to go into effect. She said that S.D. Ireland also presents itself as a community member when it bids for Burlington contracts and now it needs to step up and show that it is a community member and help their fellow businesses by coming up with creative solutions.

Councilor Neubieser said he understands the concerns of business owners around any negative impacts for the holiday season, and he said that it also sounds like there are significant mitigation impacts underway. He also noted that commercial property-owners recently got a massive tax break from the City. He also asked if construction is going to be blocking specific businesses or whether construction is negatively impacting businesses in general.

Councilor Grant asked what other areas of the City the contractor could be working on that are already ripped up, if they were directed to pause work at Main/Winooski for the holiday season. She asked if there are other creative solutions, such as using UVM lots on the weekend and hiring a trolley to take people downtown.

Councilor Shannon said that the proposed closure of Winooski and Main during the holiday season is not going to work for the community. She also noted that commercial properties pay 120% of their market value and property taxes and do so on an income basis, so that when they make less income, they pay fewer taxes. She also noted that the City made a commitment to relying on gross receipts taxes for revenue, and said that any failure of this will fall back on property taxpayers. She spoke about the difficulty of navigating downtown and said there needs to be a plan for consistent flow and closures.

Councilor Litwin echoed Councilor Shannon's points about bridging part of the City's funding gap for FY25 with increased gross receipts tax.

Director Spencer began by noting that in order to make this project work within the City's budget, they did not restrict the means and methods of bidding as they related to how the ravine sewer work would be completed. He said that this will be a very difficult conversation with the contractor and may involve further evaluation about risk tolerance, and said he would bring any further updates back to the Council. City Engineer Wheelock added that businesses and property-owners typically receive outreach three weeks ahead of public receiving the information, and acknowledged that three weeks may not be enough time. She noted that the sidewalks have remained open in the interest of promoting the walking and biking community, though it is not the best seasonal option, and noted that there are relevant parking options nearby.

5. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

5.1 Verbal Reports

Mayor Mulvaney-Stanak began by noting that the Administration will be meeting with the elected state legislative delegation next week and will also meet with Winooski colleagues for a joint legislative meeting in December. She noted that the City has hired a lobbyist for legislative affairs after receiving bids from an RFP posted earlier in the autumn. She noted that the Administration will also continue regional conversations with CCRPC, CHT, and South Burlington to talk about continued work on regional approaches to the unsheltered. She spoke about a public forum in December to discuss 2025 Town Meeting items.

6. CITY COUNCIL - GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

6.1 Verbal Reports

Councilor Grant congratulated the Fire Department for their continued innovation around improving the overall community safety system with the launch of the Prevent Initiative, which offers medically assisted treatment to people who choose not to be transported to the hospital after an overdose. She noted that the next Public Safety Committee meeting is this Thursday, and will discuss bail and conditions of release and enforcement of those.

Councilor Broderick noted that all rental unit rooms must be capable of being heated to 65 degrees Fahrenheit during winter. He said that if renters are experiencing issues with this and their landlords are not addressing them, they can reach out to the Permitting & Inspections Department and submit an anonymous tip and potential violations of the City's minimum housing standards.

7. CONSENT AGENDA

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

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

7.3 Underground Utility Review Committee, re: Findings – waive the reading, accept the communication, and place it on file.

7.4 Position Updates – BED/HR – approve the following: • Update the minimum of the pay range for the Director of Generation Operations, a Regular, Full-time, Exempt, Non-Union, Grade M30 position, from (\$122,335.62-\$189,728.45) to (\$138,501.77-\$189,728.45); • Update the minimum of the pay range for the Director of Generation Engineering & Maintenance, a Regular, Full-time, Exempt, Non-Union, Grade M30 position, from (\$122,335.62-\$189,728.45) to (\$138,501.77- \$189,728.45); • Convert the existing Supervisor of Plant Maintenance, a Regular, Full-time, Exempt, Non-Union, Grade NS7 (\$73,082.26 -\$119,805.30) position, to a Working Crew Leader Generation Maintenance position, a Regular, Full-time, Non-Exempt, Union, Grade F22 (\$68,681.97-\$112,593.55) position. The Working Crew Leader Generation Maintenance position will report to the Director of Generation Engineering & Maintenance; •Update the tiering levels, titles, classifications, and job descriptions for the Electrician Production , a Regular, Full-time, Non-Exempt, Union position, to: Electrician Lead Worker Generation, Grade F20 (\$64,916.80-\$106,421.12); Electrician I – Generation, Grade 13 (\$61,280.34-\$100,459.4240); Electrician II – Generation, Grade 11 (\$55,282.66-\$90,627.26); and Electrician III – Generation, Grade 9 (\$52,440.54-\$85,499.23); • Update the tiering levels, titles, classifications, and job descriptions for the Engineering Production Technician, a Regular, Full-time, Non-Exempt, Union position, to: Generation Technician I, Grade F20 (\$64,916.80-\$106,421.12); Generation Technician II, Grade 13 (\$61,280.34-\$100,459.42); and Generation Technician III, Grade 10 (\$53,423.34-\$87,579.23); • Update the tiering levels, titles, classifications, and job descriptions for the Power Production Technician, a Regular, Full-time, Non-Exempt, Union position, to: Hydro Generation Technician I, Grade F20 (\$64,916.80-\$106,421.12); Hydro Generation Technician II, Grade 13 (\$61,280.34-\$100,459.42); and Hydro Generation Technician III, Grade 10 (\$53,423.34-\$87,579.23); • Update the tiering levels, titles, classifications, and job descriptions for the Mechanic 1st Class, a Regular, Full-time, Non-Exempt, Union position, to: Mechanic I, Grade 12 (\$58,719.65-\$96,261.78); Mechanic II, Grade 11 (\$55,282.66-\$90,627.26); and Mechanic III, Grade 9 (\$52,440.54-\$85,499.23); • Create tiered job descriptions for the Generation Generalist, a Regular, Full- time, Non-Exempt, Union position, to allow employees to progress from Generation Generalist II, Grade 5 (\$46,196.59-\$75,732.18) to Generation Generalist I, Grade 7 (\$48,546.58-\$79,584.54); • Convert the existing Sr. Innovation Project Specialist/Customer Care Representative, a Regular, Full-Time, Non-Exempt, Union, Grade 9 or 11 (depending on tiered level) position, to a Resource Planner position, a Regular, Full-time, Non-Exempt or Exempt (depending on tiered level), Union, Grade 8, A4, or A6 (depending on tiered level) position reporting to the Director of Policy & Planning.

7.5 FY2024 Byrne JAG Grant Application Notification – CJC – waive the reading, accept the communication, and place it on file.

7.6 City Hall Boiler Replacement – BPRW - approve and authorize the execution of a contract with Vermont Mechanical Inc., for a price not to exceed \$105,998, to provide services related to the replacement of boilers in City Hall, plus a project contingency of \$5,300 (for a total authorized project expenditure including contingency not to exceed \$111,298), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract, any related documents needed to carry out the project, and any contract amendments necessary to utilize the project contingency, subject to review by the City Attorney's Office.

7.7 Authorization to Accept Grant Funds for Oakledge Universally Accessible Playground Project – BPRW - authorize the acceptance of grant funds in the amount of \$724,979 from the State of Vermont Land and Water Conservation Fund for the Oakledge Universally Accessible Playground Project and authorize the Director of Parks, Recreation and Waterfront to execute the grant agreement and to take such further actions and execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby, subject to the final review and approval of the City Attorney's Office.

7.8 Declaration of Elected Candidates Special City Election November 5th, 2024 – C/T - waive the reading, accept the communication, and place it on file.

7.9 Declaration of Election Results Question on the Ballot Special City Election – November 5th, 2024 – C/T – waive the reading, accept the communication, and place it on file.

7.10 Communication: Kevin Garrison, Police Commission Member, re: Stepping down – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation thanking Kevin Garrison for his time served as a member of the Police Commission.

7.11 Burlington's Construction and Weatherization Workforce Training Program under Rebuilding American Infrastructure with Sustainability and Equity (RAISE) – Business and Workforce Development – authorize the Director of Business & Workforce Development to execute a three-year contract and any other related documents necessary to carry out the agreement with ReSOURCE in an amount up to \$995,704.00 for the workforce development training of Burlington's Construction and Weatherization Training Program, subject to the review and approval of the City Attorney.

7.12 FIO Documents – for information only.

7.13 : Authorization to Accept U.S. Department of Housing And Urban Development Lead Hazard Control And Healthy Homes Grant – CEDO – waive the reading and adopt the resolution.

7.14 Communication: Michael Monte, Chief Executive Officer, Champlain Housing Trust, re: Conversion of Rentals to Homeownership - waive the reading and place the communication on file.

7.15 15 Communication: Andy Simon and Liz Blum, Members, Jewish Voice for Peace VT/NH, re: communication on the consent agenda - waive the reading and place the communication on file.

7.16 Communication: Kelly Devine, Executive Director, BBA, re: proposed closure of the Main Street and South Winooski Avenue intersection - waive the reading and place the communication on file.

7.17 Communication: Erhard Mahnke, re: proposed changes to the City's Condominium Conversation Ordinance - waive the reading and place the communication on file.

7.18 Communication: Solveig Overby, Ward 2 resident, re: Agenda Item 1: Roundabout for Colchester/Barrett/Riverside intersection – safest, most functional, least expensive – waive the reading and place the communication on file.

MOTION by Councilor Litwin, SECOND by Councilor Carpenter, to approve the consent agenda as amended and take the actions indicated for items 7.1-7.18.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Tobacco License Application and Tobacco Substitutement Endorsement License Application (2024-2025): CSC Quick Stop, 1563 North Avenue

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Tobacco License Application and Tobacco Substitutement Endorsement License Application for CSC Quick Stop, 1563 North Avenue.

VOTING: unanimous; motion carries.

8.2 Planning Director Appointment – Mayor

Mayor Mulvaney-Stanak spoke about Interim Director Dillard’s work as the chief planner as well as serving as the interim planning director and his exemplary qualifications for an appointment as the planning director.

MOTION by Councilor Doherty, SECOND by Councilor Bergman, to confirm the appointment of Charles Dillard to the position of the Director of the Office of City Planning.

VOTING: unanimous; motion carries.

8.3 BTV Presentation on Noise Compatibility Program Updates

Aviation Director Longo provided the Council with an update on the Airport’s Noise Compatibility Program. He began by noting that any funding from the Federal Aviation Administration (FAA) for noise mitigation requires airports to have a Noise Compatibility Program. He said that BTV’s program consists of acquiring properties, offering residential sound insulation, sales assistance, and purchase assurance. He noted that acquisition/demolition are only now being offered for properties in the 75 DNL or greater area. Director of Planning Lackey provided an update on the Residential Sound Insulation Program, of which there are five phases, and they are currently including about fifty homes for sound insulation per phase. Director Longo also noted that they have worked on HVAC systems at the Champlain Elementary School, installed three noise monitors in the community, and that no property has wanted purchase assurance or sales assistance to date. He then spoke about the Airport’s Noise Exposure Map, which was recently updated. He noted that the number of dwelling units that are potentially eligible within the 65 or greater DNL contour maps has decreased about 10% from the Airport’s prior Noise Exposure Map.

Councilor Neubieser asked how residents can access sound mitigation funding, and Director Longo replied that the only eligible funding is within the noise contour areas outlined in the exposure map.

Councilor Barlow asked how a change in VTANG’s mission would impact this noise mitigation funding. Director Longo replied that any change would require NEPA action and would require a significant timeframe (of about a year) related to changing the type of operation.

Councilor Litwin asked how DNL is calculated and asked for a more detailed calculation of DNL by hour. Director Longo replied that DNL is the only allowable method by the FAA for noise contour maps, and noted that the methodology and algorithm are publicly available.

Councilor Bergman said that having an understanding of the context of previous noise maps would be helpful, as would a more simplified version of the map at a future Council meeting.

8.4 Mayor and BTV Update on Resolution Re: F35 Congressional Delegation Request

Mayor Mulvaney-Stanak and Aviation Director Longo provided an update on a City Council resolution from August of this year, which contained resolved clauses assigned to the Administration for a report-back, specifically an update on a meeting that was held between the Administration and VTANG on September 24, 2024.

Director Longo reminded the Council that the resolution required the Administration to meet with VTANG to discuss collaborative noise mitigation efforts, VTANG's contributions to the Airport's capital infrastructure, and how this resolution could impact VTANG's future operations at the Airport. He spoke about collaborative noise mitigation efforts through the previously-mentioned Noise Exposure Map exercise, as well as noise mitigation efforts from VTANG around flight path changes to the F-35s, operational changes to reduce noise in the community, including changes to how planes take off, but acknowledged that these changes take time to get approval for implementation. He noted another noise mitigation effort around supplemental Department of Defense funding that could increase the Airport's funding for its Sound Insulation Program. He then spoke about VTANG's contribution to the Airport's capital infrastructure, which includes aircraft rescue and firefighting equipment and building infrastructure at no cost to the Airport or community. He said that having this funding reduces the Airport's operating costs by about \$4 million annually and gives the Airport a competitive advantage with airline partners by reducing airline rates and charges. He also spoke about other projects through which VTANG has contributed to the Airport's capital infrastructure, which include apron and runway rehabilitation projects, and an MOU around reducing greenhouse gas emissions and mitigating aircraft noise.

Mayor Mulvaney-Stanak then spoke about how this resolution may impact VTANG's future operation at BTV. She noted that since the passage of this resolution in August, both Winooski and South Burlington have passed similar resolutions, which has helped to create a more regional statement on this issue that a mission change should be considered. She said that when she met with VTANG leadership on September 24, they said that the resolution would not have an immediate impact on the operations of VTANG because a mission change is determined at the federal level by the Secretary of the Air Force or a higher authority within the Department of Defense. She noted that they explored additional questions about a possible mission change, given that other bases across the country have gone through mission changes or replacements, such as what a mission change could be, how it could impact jobs, how it could impact VTANG's ability to contribute to disaster relief efforts, and how it could impact fire services contributions. She said that they also explored questions around the positive impacts of a mission change.

MOTION by Councilor Bergman, SECOND by Councilor Grant, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries.

Councilor Barlow asked about other investments the Airport receives that it may not if it didn't have a military base. He also said that there needs to be a more concrete definition of "harmful" as it relates to the resolution. Councilor Bergman pointed out that there are thousands of houses on the noise exposure map that are being insulated at a rate of 50 per year, which will take the next 47 years to complete, and this isn't occurring because nobody's being harmed by the noise from the F-35s. He pointed out that these maps do a good job of concretely quantifying the harm. Mayor Mulvaney-Stanak noted that the Administration has tried to be careful about the presentation and reference to the harmful noise definition, which is also in the underlying resolution.

Councilor Grant said that many constituents have emailed, called, and come to public forum and have given very detailed accounts of the effects of this noise on community members.

Councilor Litwin noted that he had been in communication with someone in a leadership level at a base in Georgia about a suggestion to receive text-based alerts when F-35 flights were going to go off, and asked if someone in the Administration could follow up on this.

8.5 City's Top 5 Legislative Priorities

Mayor Mulvaney-Stanak noted that these top five priorities are the result of outreach to department heads, the City's legislative delegation, the City Council, and constituents, as well as a compilation of legislative items that will be monitored during the legislative session. These priorities include addressing Vermont's housing emergency, providing more resources for acute mental health and substance use needs, properly funding the judicial and pre-trial monitoring systems, appropriating state funding for critical water infrastructure, and gun reform.

MOTION by Councilor Shannon, SECOND by Councilor Grant, to endorse the top five legislative priorities as outlined the memo as the City's top five legislative priorities.

DISCUSSION:

- **Councilor Shannon proposed a friendly amendment to the language in priority #4, to include "explore flexible options for Burlington's TIF districts and/or other financing options to help the City improve needed water infrastructure to allow more housing development to occur within the City."**
- **Councilor McKnight said that this is a great foundation to push for these priorities in the next legislative session.**
- **Councilor Carpenter said it will be important to find creative ways to fund infrastructure, as that will be critical to building more housing.**
- **Councilor Grant said that she agrees with these priorities, but would add a sixth on climate, especially given the change at the federal level.**
- **Councilor Broderick agreed with Councilor Grant regarding climate as a priority. He also said that in terms of infrastructure, the City should also specifically emphasize public transportation infrastructure, public utilities, and capital projects.**
- **Councilor Bergman said that it will be important to monitor the City's mass transit system as a priority, given the public comment heard today. He said that robust state funding for permanently affordable rental housing and shared equity homeownership are also laudable priorities to support.**
- **Councilor Litwin said that if the City wants to build more housing, he would suggest keeping laser-focused on the water infrastructure priority (to a comment made by Councilor Broderick).**
- **Councilor Neubieser said the only realistic path forward is for the legislature and Governor to ensure that the wealthiest Vermonters are paying their fair share in order to increase revenue for the State. He said that the City knows how to do what it has set out to do, but it needs the funding from the State level to do so.**

VOTING: unanimous; motion carries.

8.6 Resolution: March 4, 2025 Annual City Meeting – Proposed Charter Change Regarding Redistricting By City Council (Councilor Bergman)

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

DISCUSSION:

- **Councilor Bergman said this was before the Council last week but that there were some technical errors that needed to be resolved prior to approval, which were caught and rectified. He said that this takes the City's electoral districts out of the charter and allow the Council to propose them to the voters and then adopt them after that. He said that they are presenting this to the NPAs as well and then moving toward getting it put on the ballot.**

VOTING: unanimous; motion carries.

8.7 Ordinance: Ch. 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Ordinance Committee) ****AGENDA ITEM REMOVED****

No discussion – agenda item removed.

8.8 Ordinance: ZA-24-03 Emergency Shelters

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to waive the reading and set for public hearing.

DISCUSSION:

- Councilor Shannon said that this came forward as a result of changes in the legislature regarding the definition of “emergency shelter” and that these changes align with that definition, as well as add a definition of “occupancy agreement” that is consistent with legislative intent. She also noted changes to the use table to allow emergency shelters in places they were not allowed before (institutional), disallowing them in some places where they had previously been allowed (residential low and residential medium), and allowing them where they had previously been conditional use (residential mixed and residential high).
- Councilor Bergman said that he would still like to look at having emergency shelters in some of the lower density residential zones, as there are shelters that would be appropriate and helpful to be in those zones.
- Councilor Carpenter said there can be a path forward for shelters in lower density areas, as long as there is an acknowledgement that they will also need services. She said that the City should not be permitting a shelter without support services and should not be permitting a shelter without 24-hour services.

VOTING: unanimous; motion carries.

8.9 Ordinance: CH. 21 Offenses and Misc. Provisions Article I, In General, Sec. 21-45 – 21-49 Trespass (Ordinance Committee)

MOTION by Councilor Shannon, SECOND by Councilor McKnight, second reading, waive the reading and adopt the ordinance as amended by the Ordinance Committee and adopt the associated resolution regarding privacy trespass policy.

DISCUSSION:

- Councilor Shannon noted that now, in addition to law enforcement and property owner or tenant, the following can now communicate a trespass order: community service officers, community support liaisons, urban park rangers, park patrol, the City’s contracted security services, or any other City official authorized to enforce the City’s ordinances. She said that it also adds graffiti and defacement of property as well as public urination or defecation in City Hall Park as a ticketable offense, as well as add them (and retail theft) to the list of prohibited activities on Church Street Marketplace, which may result in a no-trespass order. She said this also requires the development of a policy around how trespass notices will be given and who can deliver them and how.
- Councilor Neubieser said it is important to be realistic with expectations of how this would decrease these types of activities.
- Councilor Grant agreed with some of these updates, though she is deeply troubled about the inclusion of urination and defecation in the ordinance, given that the City simply does not have enough public bathrooms. She said that there is a cruelty here that does not sit well with her. She said that this would fine people who don’t have the money to pay the fines and that beyond that, there is no mechanism to enforce this. She said she does not believe in giving the public unrealistic expectations around enforcement.

MOTION by Councilor Grant, SECOND by Councilor Broderick, to postpone this item until a date certain of December 9, 2024 to further examine questions around realistic enforcement of this ordinance.

DISCUSSION (on motion to postpone):

- Mayor Mulvaney-Stanak expressed support for postponement, as the community advisors around public safety have been working to map the public restrooms, propose ways to fill the gaps that exist, and come up with a plan for how to maintain those facilities, which ties into the changes in this ordinance.

VOTING: 5-7; motion fails (Councilors Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon, Traverse dissenting).

MOTION TO AMEND by Councilor Broderick, SECOND by Councilor Grant, to remove lines 230 and 337.

DISCUSSION OF AMENDMENT:

- Councilor Broderick said that public urination and defecation are acts that generally arise from systemic issues such as homelessness, poverty, and lack of access to public restrooms. He said that until clean, safe, accessible restrooms are available, he does not support punitive measures.
- Councilor Grant said that inferring to the public that these are enforceable offenses when they are not is misleading, saying that it is ineffective.
- Councilor Barlow said that there are a number of ordinances that are on the books that aren't consistently enforced, but that this is a tool that could be in the City's toolbox to deter people from urinating and defecating in City Hall Park and on the Church Street Marketplace.
- Councilor Shannon said that there is a public facility in City Hall Park and that City Hall's bathrooms are available to the Church Street Marketplace during business hours. She said that though these are not enough, they are at least existing facilities. She said that urinating and defecating in City Hall Park and the Church Street Marketplace should never be tolerated, as it is a health hazard.
- Councilor Litwin said these are two very specific, heavily-used spaces, and that a line needs to be drawn somewhere.
- Councilor Bergman said he is sympathetic to the problem of people having nowhere to go, but he does not support this amendment. He said that there is an appeals process for these fines where they can be waived in circumstances where there is no other place to go, though it requires an individual to know about and be able to navigate the appeals processes.
- Councilor McKnight said that ordinances are enforced by City staff and she trusts those staff not to be cruel when enforcing them. She also expressed dismay that this amendment is being supported by several Councilors and the Mayor and asked where the boundary is in terms of clear behavior.
- Councilor Neubieser said there is an indignity to this conversation that is deeply frustrating to him.
- Councilor Grant said she is disturbed by the number of people in the City who have been put in the position where they feel that they have to publicly relieve themselves. She said this is happening everywhere, not just on the Church Street Marketplace and City Hall Park, and that it is extremely important to be truthful to the public regarding their current expectations.

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

DISCUSSION (CONT'D):

- Councilor Carpenter noted that this is a trespass order, which are progressive in nature and are meant to deal with repeat offensive behavior over a period of time.
- Councilor Litwin noted that the City just passed a speed limit ordinance that only one officer is ticketing for, during overtime shifts, and from a Governor's program, so he pushed back on the reluctance of having ordinances on the books that are unenforceable.

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

8.10 Memorandum Authorizing Expanded Downtown Security Services

MOTION by Councilor Barlow, SECOND by Councilor McKnight, to approve and authorize the Chief Administrative Officer to make a FY25 budget adjustment that transfers up to \$60,0000 to the CSM from the BPD FY25 budget and to authorize the Director of Business & Workforce Development to enter into a contract between the CSM and BPOA for security services to be provided under the terms and conditions set forth in this memorandum.

DISCUSSION:

- Councilor Barlow spoke about how retail theft and public safety concerns are impacting sales for businesses downtown. He said that additional patrols can help curb crime and antisocial behavior, and will give shoppers an added sense of security. He noted that BPOA are supportive of this additional opportunity. He noted that if the Administration would like to explore other sources of funding, there are no restrictions from this proposal on doing so. He said that if there are difficulties filling shifts with Burlington police officers, he would be open to exploring other ways to augment the security situation, such as with sheriffs and officers from other agencies.
- Councilor Bergman asked that the City Attorney's Office take a look at the agreement from last year if it had been used as a template, and Mayor Mulvaney-Stanak replied that City Attorney Brown's office will conduct a full legal review of last year's agreement. She also noted that there is not much headroom in the Police Department's budget, and asked for Councilor support to help secure other private funding mechanisms.
- Councilor Grant noted that she had had concerns with last year's legal agreement, as Council was not given the opportunity to review the contract itself between the City and BPOA. She said that she is relieved that the agreement from last year will go under full legal review, as it put the City's officers and residents at risk. She said she will support this year's agreement if the Council is able to review the contract prior to its execution.
- Councilor Grant made a friendly amendment to add to the end of the motion ", subject to review and approval of the City Attorney's Office and delivery of any executed contract to the City Council for review."
- Councilor Doherty questioned the necessity of this amendment, given that all contracts are subject to review by the City Attorney's Office prior to being executed.
- Councilor Grant said that this agreement was never posted publicly last year, and said that this is why this amendment is being made.
- Councilor Kane noted concerns with BPOA's bandwidth already, saying that this resolution would stretch them even more thinly.
- Councilor Neubieser asked about what this resolution would do in terms of adding public dollars to BPOA, which would essentially be a private entity in this relationship. City Council President Traverse *passed the gavel to Councilor*

Shannon and responded that there is a historic precedent of the BPOA contracting with the City to provide additional security services, and that there is language in the collective bargaining agreement that the City is among the parties that may itself contract with the BPOA. Councilor Neubieser asked why police officers can't just do this through overtime, and City Council President Traverse responded that the City is already running hot on its overtime budget, and that this would put increased funding into overtime rates to incentivize officers to participate in this additional holiday-related security activity.

- Councilor Grant said that the City runs into trouble where it tries to define what is already in the job duties of police officers (patrolling the downtown area during regular times) as a special event, which it isn't.
- Councilor McKnight noted that the sheriff's department is booked solid and not able to participate in this, and that the previous contracts with state police and private contractors weren't satisfactory, hence why this would lean on the BPOA.

VOTING: 11-1; motion carries (Councilor Kane dissenting).

8.11 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: Ban On Firearms In Any Establishment With A Liquor License (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Doherty, to waive the reading of the version referenced on CivicClerk, suspend the rules to not refer to Charter Change Committee, and adopt the resolution.

DISCUSSION:

- Councilor Bergman noted that in September, the Council passed a gun resolution that asked for the General Assembly to adopt the City's charter change. He said that they have received communication back from representatives who have suggested that this be put on the ballot for a vote, which is what this does. He said that guns and alcohol do not mix and that this should be put in front of the voters.

VOTING: unanimous; motion carries.

9. COMMITTEE REPORTS

9.1. Verbal reports
None.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports
None.

11. ADJOURNMENT

11.1 Motion to Adjourn

The meeting adjourned without objection at 12:30 AM.

RScty: AACoonrad

**BURLINGTON BOARD OF CIVIL AUTHORITY
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 18, 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
Joe Magee
Jessica Brown
Katherine Schad
Lori Olberg

1. AGENDA

City Council President Traverse called the meeting to order at 9:15 PM.

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 Resolution: Ratification Of Appointment Of Assistant Election Officials Re: November 5th, 2024 General Election And Special City Election (Councilor Traverse) – waive the reading and adopt the resolution.

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

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 9:16 PM.

**BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 18, 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
Joe Magee
Jessica Brown
Katherine Schad
Lori Olberg

1. AGENDA

City Council President Traverse called the meeting to order at 9:17 PM.

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 2024-2025 First Class Liquor License Renewal: Café Dim Sum, 95 St. Paul Street – approve the 2024-2025 First Class Liquor License Renewal for Café Dim Sum, 95 St. Paul Street 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. DELIBERATIVE AGENDA

3.1 Second Class Liquor License Application (2024-2025): CSC Quick Stop, 1563 North Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Second Class Liquor License Application for CSC Quick Stop, 1563 North Avenue with all standard conditions.

VOTING: unanimous; motion carries.

4. ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 9:19 PM.

**BURLINGTON LOCAL CANNABIS CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 18, 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
Joe Magee
Jessica Brown
Katherine Schad
Lori Olberg

1. AGENDA

City Council President Traverse called the meeting to order at 9:16 PM.

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 2024 Cannabis Renewal: Stash Farm, LLC, 217 Starr Farm Road - approve and authorize the transmission of local approval of the following local cannabis control license application to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local license: Stash Farm, LLC, 217 Starr Farm Road.

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. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 9:17 PM.

Lori Olberg

FOR INFORMATION ONLY

From: VLCT Weekly Legislative Report <info@vlct.org>
Sent: Friday, November 15, 2024 11:55 AM
To: Lori Olberg
Subject: Fall Advocacy Update

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

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



The VLCT advocacy team is ready and raring to go for the 2025-2026 legislative biennium. In the Fall Advocacy Update, you'll find more information about

- VLCT's new policy priorities for the upcoming session
- Recent calls for action by members for the state to respond to homelessness
- Resources for Act 47 & Act 181 implementation to realize new home construction in your community. [Read more.](#)

Fall Advocacy Update

Meet Your Advocacy Team

Josh Hanford, Director of Intergovernmental Affairs, and Samantha Sheehan, Municipal Policy and Advocacy Specialist, represent municipal interests at the state and federal levels. During every legislative session, they follow issues that develop (or don't) into bills and acts, looking out for and asserting the concerns of local government wherever appropriate. Josh and Samantha also keep VLCT members apprised of this "sausage making" process throughout the legislative session.



Join Us December 16 @ 1 PM

Join Josh Hanford, Samantha Sheehan, and your interested counterparts to discuss the issues the Vermont General Assembly is likely to – or you think should – take on in this new biennium.

[Register.](#)

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

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Lori Olberg

FOR IMMEDIATE RELEASE

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Monday, November 18, 2024 9:41 AM
Subject: FPR Press Release: Debris Burning Ban Continues in Southern Four Counties

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

PRESS RELEASE

For Immediate Release - November 18, 2024

Contact:

Kathy Decker, Forest Protection Program Manager
Department of Forests, Parks, and Recreation | Agency of Natural Resources
kathy.decker@vermont.gov, 802-473-0007

Debris Burning Ban Continues in Southern Four Counties

No Burning Permits Shall Be Issued in Bennington, Rutland, Windham, and Windsor Counties

Montpelier, VT – The ban on debris burning extended on November 11 by the Vermont Department of Forests, Parks, and Recreation (FPR) for Bennington, Rutland, Windham, and Windsor Counties has been extended for an additional week. Persistent dry conditions in the southern portion of the state, high winds, an abundance of fuel, and regional drought have further elevated the risk for wildfires. This ban will end on November 25, 2024, at 3:00 PM.

There has been no significant rainfall in the state and as of November 12, 77% of Vermont is experiencing drought conditions according to the [US Drought Monitor](#). This is an increase of 13% since last week. A small area of southern Vermont is experiencing severe drought.

FOR OFFICIAL USE ONLY

Lori Olberg

From: Act250.Essex@vermont.gov
Sent: Monday, November 18, 2024 4:22 PM
To: efarrell@farrellpropertiesvt.com; ben@farrellpropertiesvt.com;
Act250.Legal@vermont.gov; Act250.Agenda@vermont.gov; Benjamin Traverse; Andrew
Montroll; permitting@ccrpcvt.org; Act250.Essex@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; Kevin.Anderson@vermont.gov
Subject: JO 4-434 Jurisdictional Opinion -- Cambrian Rise - Building H
Attachments: JO 4-434.pdf

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

Hello,

Please see attached Jurisdictional Opinion for JO 4-434.

The file of record can be found on the public database: <https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=JO%204-434>

Thank you,

Adriene Katz | NRB Technician
Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452
(802) 879-5670
<https://act250.vermont.gov>

Emails and other written or recorded information produced or acquired in the course of public agency business are public records and may be subject to public examination under Vermont's Public Records Act.

Lori Olberg

From: VLCT Weekly Legislative Report <info@vlct.org>
Sent: Tuesday, November 19, 2024 8:32 AM
To: Lori Olberg
Subject: Reminder: Fall Advocacy Update

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The VLCT advocacy team is ready and raring to go for the 2025-2026 legislative biennium. In the Fall Advocacy Update, you'll find more information about

- VLCT's new policy priorities for the upcoming session
- Recent calls for action by members for the state to respond to homelessness
- Resources for Act 47 & Act 181 implementation to realize new home construction in your community. [Read more.](#)

Fall Advocacy Update

Meet Your Advocacy Team

Josh Hanford, Director of Intergovernmental Affairs, and Samantha Sheehan, Municipal Policy and Advocacy Specialist, represent municipal interests at the state and federal levels. During every legislative session, they follow issues that develop (or don't) into bills and acts, looking out for and asserting the concerns of local government wherever appropriate. Josh and Samantha also keep VLCT members apprised of this "sausage making" process throughout the legislative session.



Join Us December 16 @ 1 PM

Join Josh Hanford, Samantha Sheehan, and your interested counterparts to discuss the issues the Vermont General Assembly is likely to – or you think should – take on in this new biennium.

[Register.](#)

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

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Lori Olberg

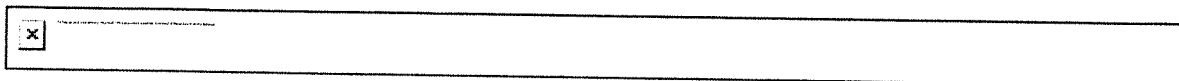
FOR THE BOARD ONLY

From: VLCT News <info@vlct.org>
Sent: Tuesday, November 19, 2024 3:16 PM
To: Lori Olberg
Subject: Tax Abatement Resources, Tax Sale Training, Advocacy Chats Return, and more!

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

For more information
contact the City Clerk's Office

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



Advocacy and Operations Survey in Email from Ted Brady

If you received the request earlier today, please respond by Fri 12/6. Your municipality's answers are crucial for informing our work in the legislature and creating especially relevant programs for you in 2025.

Have You Read Our Fall Advocacy Update Yet?

See how 2024 election results, legislative summer work, and new staff at VLCT are setting the stage for work at the State House in 2025.

Tax Abatement FAQs

Log in to find new entries on this webpage as a result of the well attended 11/13 training.

Congratulations to Trisha Clark!

Trisha Clark, the lynchpin of the PACIF Claims team, was presented with NLC's Stutz award last month for her 25 years of service to VLCT. (Trisha is holding her award plaque in the group photo.)

Board of Abatement Training Available On Demand 11/20

A recording and the materials from the recent Board of Abatement Roles and Responsibilities training will be available on 11/20 at our online store.

VLCT's Latest Annual Report

This brand-new document includes a summary of VLCT's audited financials for the most recent completed calendar year, 2023.

Employees Could Get Great Rates on New Optional Insurances

Interested in offering employee-paid additional life, accident, and critical illness insurance? Enroll by Fri 11/22 to help make any of these options possible through VLCT.

The Latest VLCT News

November Legal Lunch Hour

Wed 11/20, 12 PM – 1 PM

Bring your lunch and your questions for a live, interactive Q&A with VLCT's Municipal Assistance Center attorneys – especially if you are interested in budget legal requirements and basic principles.

Tax Sale Law Update

Wed 12/11, 10 AM – 11:30 AM

Learn how to comply with the 2024 changes to Vermont law with new requirements for selling property for nonpayment of taxes.

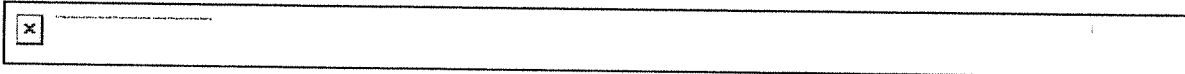
Lori Olberg

FOR THE CITY OF BURLINGTON

From: VLCT Journal <info@vlct.org>
Sent: Thursday, November 21, 2024 7:01 AM
To: Lori Olberg
Subject: Holiday Displays, Town Meeting Prep, New MOS Team, Trust Rates & Credits for 2025, and more

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November is a month of transition. Elections usher in change, daylight hours get shorter, cold weather and snow begin to arrive, and we prepare for winter and what's to come. In this issue of the *VLCT Journal* we offer updated guidance on holiday displays, share resources for Town Meeting, and direct you to new staff and assistance through the Municipal Operations Support team.

Follow our Facebook page for more news, updates, and announcements: facebook.com/VTLLeague.



New! Municipal Operations Support

In response to needs you expressed in VLCT's member survey and through conversations with us, VLCT sought and was awarded funding to help you with three critical areas: government finance, operations, and management and administration. Strengthen your capacity.

ICYMI: FEATURED NEWS

Fall Advocacy Update

Read about election results and other legislative topics as we prepare for the 2025 session.

Unemployment Insurance Rates Reduced
Bills arriving at the end of the month will have, on average, a 12% rate reduction for 2025.

VLCT's Thanksgiving Office Hours

The VLCT office will be closed 11/28 and 11/29 in observance of the Thanksgiving holiday.

Charlotte's Net-Zero Town Garage

Financed through a pilot project that offers low interest rates for climate-friendly buildings.

Open Meeting Law On Demand

Learn the basics of the law including updates made via Act 133 in 2024. This training is free.

EPL Referral Program is Here to Help

Find out why members love PACIF's Employment Practices Liability Referral Program.

[Visit the News Feed](#)



VLCT's 2023 Annual Report

Lori Olberg

FOR THE ATTENTION ONLY

From: VLCT Journal <info@vlct.org>
Sent: Monday, November 25, 2024 3:03 PM
To: Lori Olberg
Subject: Reminder: Holiday Displays, Town Meeting Prep, New MOS Team, Trust Rates & Credits for 2025, and more

For more information, please
contact the City Clerk's Office

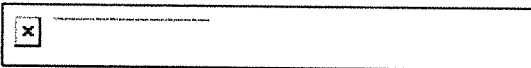
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[Visit the News Feed](#)



VLCT's 2023 Annual Report

Lori Olberg

From: VLCT Events & Training <info@vlct.org>
Sent: Tuesday, November 26, 2024 7:30 AM
To: Lori Olberg
Subject: Reminder: Tax Sale Law Update

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

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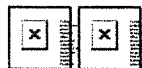
One method of collecting delinquent taxes from taxpayers who will not pay them voluntarily is to commence a tax sale process where the property may ultimately be sold if taxes and fees are not paid. **Act 106 of the 2024 legislative session made significant changes in state law currently governing tax sales.**

In this webinar, David W. Rugh, Esq. will review the most significant changes to the tax sale law requirements and provide some best practices for navigating the process. VLCT staff will review our Delinquent Tax Collection Manual.

Register

**Wednesday, December 11
10 AM to 11:30 AM**

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



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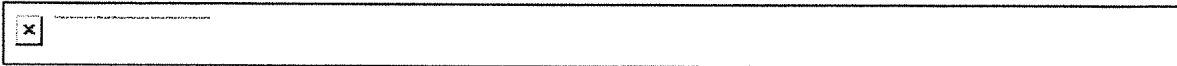


Lori Olberg

From: VLCT Advocacy News <info@vlct.org>
Sent: Monday, December 2, 2024 7:35 AM
To: Lori Olberg
Subject: Advocacy Chat: Preview of 2025

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Preview of 2025

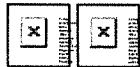
Tune in Monday, December 16 at 1 PM to anticipate what's in store for the 2025 legislative session. First, meet Samantha Sheehan, VLCT's new Municipal Policy and Advocacy Specialist. Then learn from Josh Hanford, VLCT's Director of Intergovernmental Relations, and Samantha about the progress that has been made since June on the issues that matter most to local government. Also hear what your municipal colleagues from around the state have to say about the hot topics and share your concerns for the legislature.

Register for the December 16 Preview

Join us for additional chats on the following dates.

Upcoming Chats

- Monday, January 27, 2025
- Monday, February 10, 2025
- Monday, February 24, 2025
- Monday, March 10, 2025
- Monday, March 24, 2025
- Monday, April 7, 2025
- Monday, April 21, 2025
- Monday, May 5, 2025



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Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Monday, December 2, 2024 5:20 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

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

*For more information, please
contact the City Clerk's Office*

You are receiving this message because you have been signed up to receive email notifications via the Vermont Agency of Natural Resources' Environmental Notice Bulletin (ENB). These notifications are intended to inform you of environmental activities relevant to your town or organization based on location or activity type.

Below are current activities for which you have been signed up to receive notifications. To view the details of these activities please [visit the ENB](#). When one or more activities that match your specific criteria is posted to ENB, you will receive a single email notification compiling the information. If you have been signed up to receive updates step-by-step throughout the review process for these activities the updates will appear in the second half of the email.

To modify the subscription, please contact the staff person listed on the individual activity page or the ENB Administrator at anr.enbadministrator@vermont.gov.

Regards,
ENB Support
Vermont Agency of Natural Resources

New Activities

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Status
Approval to Sell Bottled Water in Vermont	VT0021813 - Niagara Bottling, LLC-Ponchatoula, LA	21813-24.0	NIAGARA BOTTLING LLC	Statewide	Final Decision Reached - Appeal Period
Approval to Sell Bottled Water in Vermont	VT0021814 - Niagara Bottling, LLC - Delano, CA	21814-24.0	NIAGARA BOTTLING LLC	Statewide	Final Decision Reached - Appeal Period
Approval to Sell Bottled Water in Vermont	VT0021817 - SAI WATER & TECHNOLOGY SOLUTIONS LLC	21817-24.0	SAI WATER & TECHNOLOGY SOLUTIONS LLC	Statewide	Final Decision Reached - Appeal Period

Changes to Activities I'm Following

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Most Recent Update	Date	Status
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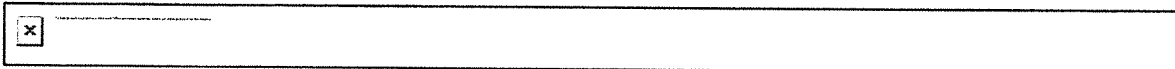
Lori Olberg

FOR OFFICIAL USE ONLY

From: VLCT Events & Training <info@vlct.org>
Sent: Wednesday, December 4, 2024 7:35 AM
To: Lori Olberg
Subject: Tax Sale Law Update

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[View as Webpage](#)



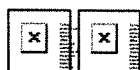
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VLCT: \$48**



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Resolution Relating to

HONORING BARBARA NOLFI

RESOLUTION_____

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

CITY OF BURLINGTON

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

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

That WHEREAS, Barbara Nolfi, who served our city as a Progressive Ward 3 city councilor for eight years and a Parks and Recreation commissioner for 12 years, died this past fall at the age of 82 after living a full and meaningful life of love and service; and

WHEREAS, for all of her adult life Barbara was a dedicated advocate for women’s rights, healthcare and community well-being for all, with a focus on the value of collective living—even in the face of all of the challenges that entails; and

WHEREAS, Barbara was a builder of community, especially as a founder of and active participant in many organizations that have helped thousands of people in northwestern Vermont: City Market/Onion River Food Co-op, the Community Health Centers of Burlington, the Burlington Women’s Health Center, the Burlington Cohousing East Village, and the Charlotte Family Health Center; and

WHEREAS, Barbara’s commitment to women’s health was reflected in her being a trained home birth midwife and a physician’s assistant, assisting with the birth of over 100 children over a seven year period, and also serving as a nurse on the pediatrics ward of the Mary Fletcher Hospital (now part of UVMMC) and a traveling physician’s assistant for Planned Parenthood of Vermont in addition to her work at the Charlotte Family Health Center and the People’s Free Clinic (Burlington), the precursor to the Community Health Centers of Burlington; and

WHEREAS, Barbara’s lifelong commitment to collective living and community building was embodied and bookended by two acts of creation:

1. Her participation in the 1970 formation of a commune in Franklin, VT, part of the Free Vermont collective of communes in 1970s that helped create the Vermont we know today; and
2. Her participation 20 years later in 1990 in the Cohousing movement when she and others began the work to create the Burlington Cohousing East Village, which opened in 2007 and where she lived until the end of her life; and

WHEREAS, Barbara’s life also reflected a deep connection to nature as she swam, camped, and hiked, appreciating the birds and fish of Vermont’s forests and lakes and always looking toward the moon;

26 NOW, THEREFORE, BE IT RESOLVED that the City of Burlington recognizes and celebrates
27 Barbara Nolfi’s lifelong contributions and her dedication to this city and in improving the lives of countless
28 residents, leaving a profound legacy that will live on for her family, our community, and beyond for years to
29 come.

30

31 GB/Resolutions 2024/*Honoring Barbara Nolfi*

32 12/5/24

Resolution Relating to

HONORING BARBARA NOLFI

RESOLUTION 7.1
Sponsor(s): Councilor Bergman
Introduced: 12/09/24
Referred to:
Action: adopted
Date: 12/09/24
Signed by Mayor: 12/16/24

CITY OF BURLINGTON

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

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

That WHEREAS, Barbara Nolfi, who served our city as a Progressive Ward 3 city councilor for eight years and a Parks and Recreation commissioner for 12 years, died this past fall at the age of 82 after living a full and meaningful life of love and service; and

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2. Her participation 20 years later in 1990 in the Cohousing movement when she and others began the work to create the Burlington Cohousing East Village, which opened in 2007 and where she lived until the end of her life; and

WHEREAS, Barbara’s life also reflected a deep connection to nature as she swam, camped, and hiked, appreciating the birds and fish of Vermont’s forests and lakes and always looking toward the moon;

* * * * *

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

* * * * *

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28 residents, leaving a profound legacy that will live on for her family, our community, and beyond for years to
29 come.

30

31 GB/Resolutions 2024/*Honoring Barbara Nolfi*

32 12/5/24

* * * * *

DISTRIBUTION:

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

Don Schramm

* * * * *

ORIGINAL

RESOLUTION RELATING TO

Honoring Barbara Nolfi.....

.....

.....

Adopted by the City Council

December 9, 2024.....

[Signature]

Clerk

Approved..... Dec 18, 2024.....

[Signature] Mayor

Vol. Page

Attest:
[Signature]
Lori Olberg
Licensing and Records Coordinator

Resolution Relating to

AUTHORIZATION FOR \$18,330,720 AMENDED STEP III LOAN FROM VERMONT CLEAN WATER STATE REVOLVING FUND AND FOR CONSTRUCTION CONTRACT WITH PC CONSTRUCTION FOR UP TO \$15,540,800 FOR HEADWORKS IMPROVEMENTS (STAGE 0) AT THE CITY’S THREE WASTEWATER PLANTS

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:

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- That WHEREAS, on November 6, 2018, 92% of voters in Burlington voted to approve borrowing up to \$29,958,000 for the City’s Clean Water Resiliency Plan (CWRP) for the purpose of paying for capital additions and improvements to the City’s wastewater and stormwater systems, including (i) capital improvements to the City’s wastewater treatment plants including disinfection system and treatment upgrades and improvements, (ii) capital improvements to the City’s wastewater and stormwater collection system, (iii) combined sewer runoff and overflow mitigation (iv) stormwater outfall repair (v) stormwater treatment (vi) planning studies for future capital and programmatic improvements and (vii) implementation of asset management software for improvement maintenance tracking; and
- WHEREAS, the City has determined the need to replace, rehabilitate and modernize critical infrastructure at the three wastewater treatment plants; and
- WHEREAS, the first phase of this comprehensive infrastructure project is focused on the at-risk portions of the headworks infrastructure at the three wastewater treatment plant to ensure proper influent wastewater screening at the treatment plants and is referred to as Stage 0 –Wastewater Headworks Upgrades (the “Project”); and
- WHEREAS, planning, design and construction of this Project was identified as part of the CWRP; and
- WHEREAS, City Charter Section 64b provides that, upon receipt of voter approval, the City may issue bonds or notes for the purpose of financing improvements to any revenue producing facility, and pledge the revenues from such facilities to secure payment of such bonds or notes; and
- WHEREAS, the City Council adopted a Wastewater System Revenue General Bond Resolution (the “General Bond Resolution”), authorizing such borrowing on December 6, 1990, which General Bond Resolution was amended and restated as of December 9, 2013; and
- WHEREAS, the General Bond Resolution provides for a pledge of the Net Revenues (as defined in the General Bond Resolution) of the City’s wastewater system for all bonds and notes and obligations incurred under such General Bond Resolution; and
- WHEREAS, in order to reduce transaction costs and save the rate payers money, representatives of the

Resolution Relating to

AUTHORIZATION FOR \$18,330,720 AMENDED STEP III LOAN FROM VERMONT
CLEAN WATER STATE REVOLVING FUND AND FOR CONSTRUCTION CONTRACT
WITH PC CONSTRUCTION FOR UP TO \$15,540,800 FOR HEADWORKS
IMPROVEMENTS (STAGE 0) AT THE CITY'S THREE WASTEWATER PLANTS

26 City have approached the Vermont Bond Bank (the “Bond Bank”) to undertake the loan and repayment
27 without the need to issue bonds under the General Bond Resolution, but with the same pledge and covenants
28 to secure the repayment of the loan with a pledge of net revenues from the wastewater system on a basis
29 similar to the covenants and pledgee of revenues under the General Bond Resolution; and

30 WHEREAS, the Bond Bank has indicated its willingness to provide the loan in such a basis, with a
31 direct pledge of such net revenues and covenants to maintain and operate the wastewater system in a prudent
32 manner; and

33 WHEREAS, the State of Vermont Clean Water State Revolving Fund (SRF) provides loans for
34 planning (Step I), final design (Step II) and construction (Step III) of municipal wastewater and stormwater
35 projects; and

36 WHEREAS, Step III Construction Loan amounts are inclusive of all SRF eligible costs incurred as part
37 of the project, including Step I (Planning), Step II (Design) and Step III (Construction); and

38 WHEREAS, the standard Clean Water State Revolving Loan Fund terms for projects of this
39 completing construction (Step III) are 20 years of repayment starting one year after completion of construction
40 with a 2% administrative fee; and

41 WHEREAS, the City Council has previously authorized a Step I loan in a principal amount not to
42 exceed \$470,000 and a Step II loan in a principal amount not to exceed \$1,095,700 pursuant to resolutions
43 adopted on May 13, 2019 and September 13, 2021; and

44 WHEREAS, pursuant to such authorizations, the City entered into a Step II loan (RF 1-247-2.0) on or
45 about August 14, 2023 in the total principal amount of \$1,458,500, consisting of \$463,000 for the purpose of
46 financing planning and preliminary design of infrastructure improvements as authorized by the resolutions
47 adopted on May 13, 2019 and \$995,500 for the purpose of financing the preparation of final design
48 engineering studies or facilities plans as authorized by the resolutions adopted on September 13, 2021; and

49 WHEREAS, pursuant to resolutions adopted on June 24, 2024 (the “Prior Resolution”), the City
50 Council authorized (a) a Step III loan (RF1-247-3.0) in the total amount not to exceed \$12,886,920, which
51 Step III loan included (i) previously incurred planning and designing costs in the amount of \$1,458,500, (ii)
52 additional construction engineering in the amount of \$1,081,420, and (iii) an initial construction estimate in
53 the amount of \$10,347,000 including contingency, direct equipment purchases and legal/administration fees
54 and (b) entry by the City into an amended Design Engineering Services Agreement with Wright Pierce for an
55 amount not to exceed \$2,077,120, subject to approval by the City Attorney’s Office; and

Resolution Relating to

AUTHORIZATION FOR \$18,330,720 AMENDED STEP III LOAN FROM VERMONT
CLEAN WATER STATE REVOLVING FUND AND FOR CONSTRUCTION CONTRACT
WITH PC CONSTRUCTION FOR UP TO \$15,540,800 FOR HEADWORKS
IMPROVEMENTS (STAGE 0) AT THE CITY'S THREE WASTEWATER PLANTS

56 WHEREAS, the construction bid received from PC Construction on October 24, 2024 for the
57 construction costs of the Project is \$15,540,800, including contingency, resulting in a total construction cost of
58 \$15,790,800; and

59 WHEREAS, as a result, the total construction costs are \$5,443,800 higher than the previous
60 construction cost estimate of \$10,347,000; and

61 WHEREAS, the total amount of the Step III construction loan required for the Project is now
62 \$18,330,720, reflecting the increased total construction cost of \$15,790,800; and

63 WHEREAS, the City Council desires to modify the authorization for the Step III loan in the Prior
64 Resolution to reflect such increase and to authorize the entry into a construction contract with PC
65 Construction;

66 NOW, THEREFORE, BE IT RESOLVED that the City Council wishes to modify the authorization in
67 the Prior Resolution to increase the principal amount of the loan authorized thereunder from an amount not to
68 exceed \$12,886,920 to an amount not to exceed \$18,330,720 (the "Loan"); and

69 BE IT FURTHER RESOLVED that the City Council authorizes the Director of Public Works, or his
70 designee, to complete and/or amend the Construction Loan Application for Revolving Loan Funds under 24
71 V.S.A. Chapter 120 and to apply to the Bond Bank to increase the total principal amount of the Loan in
72 accordance with these resolutions, subject to final review and approval by the Chief Administrative Officer,
73 Director of Finance, and City Attorney's Office; and

74 BE IT FURTHER RESOLVED that the repayment of such Loan may be evidenced by the issuance of
75 one or more bonds under the General Bond Resolution, or as a subordinate bond or note issued to the Bond
76 Bank, in each such case payable from a pledge of the net revenues of the wastewater system and as the
77 Authorized Officers (as defined herein) determine to be in the City's best interests; and

78 BE IT FURTHER RESOLVED that the City Council authorizes the Director of Public Works to
79 negotiate and execute a construction contract with PC Construction for an amount not to exceed \$14,128,000,
80 with authorization for contingency funding of an additional \$1,412,800.00, subject to approval by the City
81 Attorney's Office; and

82 BE IT FURTHER RESOLVED that except as set forth in these resolutions, the Prior Resolution shall
83 remain unmodified, including the authorization of the entry by the City into an amended Design Engineering
84 Services Agreement with Wright Pierce; and

Resolution Relating to

AUTHORIZATION FOR \$18,330,720 AMENDED STEP III LOAN FROM VERMONT
CLEAN WATER STATE REVOLVING FUND AND FOR CONSTRUCTION CONTRACT
WITH PC CONSTRUCTION FOR UP TO \$15,540,800 FOR HEADWORKS
IMPROVEMENTS (STAGE 0) AT THE CITY'S THREE WASTEWATER PLANTS

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor, Chief Administrative Officer, Director of Finance, and Assistant Director of Finance (the "Authorized Officers"), individually or collectively, to execute and deliver: (i) a loan agreement with the Bond Bank to evidence the Loan and the repayment thereof, including covenants with respect to the operation of the wastewater system; (ii) a bond or bonds, or promissory note or notes in the principal amount of the Loan; (iii) such documents and instruments as the Bond Bank may request in connection with the Loan, in such form and with such terms as they deem necessary and in the City's best interest; and (iv) such other documents and instruments necessary or convenient in connection with the Loan, all subject to the prior review and approval of the City Attorney's Office; and

BE IT FURTHER RESOLVED that the City Council designates the following City staff member as an alternate authorized representatives of the Project with authority to execute administrative or reimbursement documents, and other ancillary documents other than the loan application or loan agreements: Department of Public Works Water Resources Division Director, Megan Moir.

TM/KK/Resolutions 2024/Authorization For \$18,330,720 Amended Step Iii Loan From Vermont Clean Water State Revolving Fund And For Construction Contract With Pc Construction For Up To \$15,540,800 For Headworks Improvements (Stage 0) At The City's Three Wastewater Plants
12/4/24



MEMORANDUM

TO: Board of Finance / City Council

FROM: Martin Lee, PE DPW Water Resources Engineering Manager
Megan Moir, Division Director Water Resources

CC: Chapin Spencer, DPW Director

DATE: December 9, 2024 Board of Finance and City Council

RE: Wastewater Treatment Facility Headworks Improvements – Step III Loan
Amendment and Construction Contract

REQUEST

The Department of Public Works (“DPW”) and its Water Resources Division seeks authorization, through the attached resolution, to apply for a Clean Water State Revolving Fund (“CWSRF”) amended loan amount of \$18,330,720.00 for the Wastewater Treatment Facility Headworks Improvements Project (Comprehensive Wastewater Upgrade – Stage 0), to execute a contract with PC Construction in the amount up to \$14,128,000.00 with authorization for contingency funding of an additional \$1,412,800.00 for the construction of these improvements and to designate the Mayor and appropriate City staff to execute associated documents.

INTRODUCTION:

This Introduction section of the memo is an updated version of the same section that was presented in the City Council memo for the Wastewater Treatment Facility Headworks Improvements Project on June 24, 2024, where the Council authorized a State Revolving Fund Step II loan for the project and a contract amendment with design consultant Wright Pierce:

<https://burlingtonvt.portal.civicclerk.com/event/7005/files/attachment/5035>

This amended request is being submitted for approval due to the construction bid coming in at a higher price than the engineer’s original estimate (see Construction Contractor Procurement).

The \$30 million Clean Water Resiliency Plan (“CWRP”) bond vote was approved in November 2018. The CWRP provided a roadmap to upgrade and modernize our wastewater and stormwater systems. DPW Water Resources has been actively working on implementing the CWRP since receiving 92% voter approval, and this project brings us very close to fully drawing down that 2018 bonding authority.

After tackling smaller upgrades of the systems that failed in the summer of 2018 (disinfection systems and the computerized controls system at Main Plant), Water Resources engineering staff and engineering consultant Wright Pierce have been undergoing preliminary engineering planning for a comprehensive upgrade of the City's 3 wastewater treatment plants (WWTPs). The WWTPs have not been overhauled in 30+ years and multiple systems are nearing their failure point. Additionally, State and Federal regulations require that additional treatment be added to further remove phosphorus. Lastly, the growth in housing now anticipated to occur within the City in the coming decade necessitates expansions to several treatment components.

The comprehensive upgrade is a significant project and there are not sufficient remaining funds in the CWRP authorization to fully fund the entire needed upgrade. As such, the project has been split up into multiple stages – Stage 0, 1, 2, and 3. This amended request is focused on the construction phase of Stage 0 – which advances critical headworks improvements at all 3 wastewater plants in Burlington. The headworks of a wastewater plant consists of the first line of wastewater treatment. This headworks improvement project includes the replacement of large mechanical screens that continuously remove solids from the influent wastewater as well as grit removal equipment. This equipment is in a harsh environment and is well past the useful life for equipment that was installed in the early 1990s. This equipment is important to help protect downstream equipment and processes at the wastewater plants. This Stage 0 work can be completed as a standalone project and not be impacted by the future stages needed to comprehensively overhaul the City's three wastewater plants. Since the future of the East Plant is planned to include conversion into a pump station conversion, only the minimum amount of headworks improvements will be completed as part of this project. The work at East Plant includes just the installation of a new screen (no grit removal upgrade) which ensures the plant will have a functional screen in the years prior to a potential pump station conversion, and then the screen will serve to protect the pump station equipment once the conversion occurs.

Authorization of this amended borrowing will bring the City even closer to having fully used the \$30M CWRP authorization than previously reported in June.

Total CWRP Authorization	\$29,958,000
Total Authorization obligated (loans authorized* –does not include June request)	\$8,297,909
This request (full Step III loan amount)	\$18,330,720
Remaining CWRP authorization after this loan (with \$200K RF 1-247 subsidy applied)	\$3,529,371

*Includes restoration of bonding authorization by approved loan subsidies on other projects and approved pollution control grants

The estimated remaining authorization calculation above includes the \$100,000 planning and \$100,000 design subsidy that has already been awarded to the earlier phases of the Stage 0 project. It does not include the potential \$750,000 of construction subsidy that

may be applied to the Stage 0 construction loan, as further explained below.

The remaining CWRP bond funding will be prioritized among other projects including but not limited to: repairs to a highly eroded outfall off of Manhattan Drive and combined sewer overflow reduction strategies in the Pine Street corridor (which now includes the possibility of collaborating with a large South End development to remove existing sewage flow from the system that is prone to overflows).

With the 2018 CWRP bond funds nearing completion, Water Resources is concurrently planning a major future bond request for improvements that are needed to ensure the future success of Burlington's water resources infrastructure. Public engagement is underway to help the community understand what infrastructure improvements will be part of any new bond requests. More information on this upcoming bond authorization request can be found here: <https://burlingtonvt.gov/2025waterbonds>.

CONSTRUCTION CONTRACTOR PROCUREMENT:

An Invitation for Bid was drafted, approved by the Attorney's Office, posted on the City RFP website, the State construction website, and the Wright Pierce bidding website. We received the following bid:

Contractor	Base Bid
PC Construction	\$13,439,000.00

There are a few reasons why this bid is higher than the final engineer's estimate (\$9,700,000.00)¹ in the attached Award Recommendation. Demand for wastewater work is fairly high, and contractors are being selective about projects they choose. This is a challenging project, and we heard from one potential bidder that there was concern with working around Burlington's large wet weather box culverts.

Burlington made an effort to appeal to more bidders by extending the bid period and by removing the requirement for a mandatory site visit. If we were to rebid the project, there is a high risk associated with the amount of time added to the project, the amount of money associated with rebidding and the uncertainty associated with getting bids.

PC Construction provided a responsive and responsible bid. PC Construction is a national construction company that is based locally. Both the City and engineers at Wright Pierce reviewed PC Construction and we are comfortable working with them on this large project. An award recommendation was developed per State guidelines (Attached).

There were multiple bid alternate additions that were included in the Bid:

- Add SLD-1 and SLD-2 Seal Replacement \$39,000.00 (included in award recommendation) for the replacement of wastewater channel gate seals.
- Add Automated Grit Removal System \$36,000.00 (included in award

¹ The engineers estimate used in the June 2024 request (\$10,347,000) was a preliminary construction estimate with contingency, but was updated prior to bidding.

- recommendation) for the addition of more automation to the grit removal system.
- Add replacement of East mechanical screen \$614,000.00 (included in award recommendation) for the addition of a new influent wastewater screen at the east wastewater plant
- Add replacement of East grit removal system and Headworks Building \$1,677,000.00 (NOT included in award recommendation because this work is not needed if the City's upcoming wastewater bond vote passes)

It is staff's recommendation to award a contract to PC Construction for a value of \$14,128,000.00 as well as to authorize contingency funding of an additional \$1,412,800.00 (10%) for a total of \$15,540,800.00.

PROJECT COST AND LOAN AMENDMENT SUMMARY:

Water quality and rate affordability guide every decision we make. Therefore, we are advancing work through loans from the Clean Water State Revolving Fund ("CWSRF"). The CWSRF carries specific requirements during procurement, design, and construction phases of projects. While this adds some time on the front end, the advantages over a publicly offered bond include a lower borrowing cost (2% administration fee), potential access to subsidy and pollution control grants, repayment periods that can extend beyond 20 years where appropriate for longer life infrastructure, and a delayed repayment period (1 year from the completion of construction), which gives us some flexibility in budgeting for debt service. These benefits result in mitigated rate increases for our residents and customers.

To date, SRF projects have received \$2.03M in planning and design subsidies and \$1.014M in pollution control grants. Additionally, we have received \$4.5M in ARPA funds for several of our SRF projects. The Stage 0 project is eligible for up to \$750K in construction subsidy under the current intended use plan.

The following summary table outlines the costs that comprise the total CWSRF Amended Loan amounts for which we are seeking approval. Step III Construction Loans roll up all of the costs incurred on a project, including previous Step I (Planning) or Step II (Final Design) loans. DPW engineering project management time is eligible for loan reimbursement. We plan on leveraging this opportunity in select circumstances and for this project we only tracked DPW engineering during preliminary engineering phase work. We have estimated not-to-exceed (NTE) values for our loan applications to ensure there is contingency to make reasonable scope of work adjustments during the final review of the scope by the State and during the bid process.

Stage 0 – Wastewater Treatment Plant Upgrades: Headworks Improvements

Item	Estimated Costs	Loan Type
Step I and II eligible costs already approved (including force account)	\$1,458,500	Step III Loan Construction Costs which includes all Step

Step III: Wright Pierce Construction Engineering already approved	\$1,081,420	I and Step II eligible costs and Step III costs (TOTAL NTE \$18,330,720.00)**
Step III: Construction Cost with contingency*	\$15,540,800	
Step III: direct equipment purchases, and legal/admin fees	\$250,000	

*Seeking approval for the construction contract plus contingency from City Council

**Seeking approval from City Council to amend the NTE SRF loan from \$12,886,920 to \$18,330,720.00

The next step in advancing the project is obtaining approval from the Board of Finance and City Council to pursue the various steps in applying for and executing the associated SRF Loan. No debt will be incurred until the loans are executed by the Mayor and Chief Administrative Officer.

The annual debt service, which starts the fiscal year (FY27) after the completion of construction (Spring 2026), is estimated to be \$774,667 a year, not including the potential construction subsidy. This debt service will require an additional approximate \$0.82/100 cubic feet² rate increase no later than FY27. Fortunately, after FY2028, debt service from Loan RF103-2 (\$108,519) and RF 1-069-3 (\$111,782) will retire and help free up ratepayer funds that can be applied towards this and future debt service. The largest of our existing debt service, 2014 Series 1 & 2 (\$1.028M annually currently, but trending down each year) does not retire until our last payment (\$749,574) in 2034. While the debt service required for the comprehensive treatment plant upgrade is anticipated to be substantial, any debt service retirement does help ease the burden on ratepayers.

ATTACHMENTS:

- Attachment A: Award Recommendation
- Attachment B: Resolution

MOTIONS:

The Department of Public Works' Water Resources Division respectfully requests that the Board of Finance and City Council approve the following motions:

Board of Finance Actions:

1. "To approve and recommend that the City Council adopt the attached resolution authorizing a Step III \$18,330,720.00 amended loan from the Vermont Clean Water State Revolving Fund and a \$14,128,000.00 contract with PC Construction with authorization for contingency funding of an additional \$1,412,800.00 for the construction of these improvements for the Stage 0 upgrade of the City's three wastewater treatment plants as more specifically set forth in the attached resolution."

² This calculation is the approximate volumetric rate increase that would be needed for only this debt service, assuming the revenue was generated entire from the volumetric portion and there was no change in customer usage from FY25. The principal amount used to generate this debt service calculation included the \$200,000 of Planning and Design Loan forgiveness amounts but not the \$750,000 of anticipated construction loan forgiveness.

City Council Actions:

2. "To adopt the attached resolution authorizing a Step III \$18,330,720.00 amended loan from the Vermont Clean Water State Revolving Fund and a \$14,128,000.00 contract with PC Construction with authorization for contingency funding of an additional \$1,412,800.00 for the construction of these improvements for the Stage 0 upgrade of the City's three wastewater treatment plants as more specifically set forth in the attached resolution."

Thank you for your consideration of this request.

Board of Finance and City Council Submission Checklist

Department: DPW-Water Resources Submitter: Martin Lee
Wastewater Treatment Facility Headworks Improvements – Step III Loan
Title/Subject: Amendment and Construction Contract

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	12/9/2024

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	12/3/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	12/4/2024	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	12/3/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	12/3/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	12/3/2024	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	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.

Resolution Relating to

AUTHORIZATION FOR \$18,330,720 AMENDED STEP III LOAN FROM VERMONT CLEAN WATER STATE REVOLVING FUND AND FOR CONSTRUCTION CONTRACT WITH PC CONSTRUCTION FOR UP TO \$15,540,800 FOR HEADWORKS IMPROVEMENTS (STAGE 0) AT THE CITY'S THREE WASTEWATER PLANTS

RESOLUTION 7.2

Sponsor(s): Bd. of Finance

Introduced: 12/09/24

Referred to:

Action: adopted

Date: 12/09/24

Signed by Mayor: 12/13/24

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, on November 6, 2018, 92% of voters in Burlington voted to approve borrowing up to
2 \$29,958,000 for the City's Clean Water Resiliency Plan (CWRP) for the purpose of paying for capital
3 additions and improvements to the City's wastewater and stormwater systems, including (i) capital
4 improvements to the City's wastewater treatment plants including disinfection system and treatment upgrades
5 and improvements, (ii) capital improvements to the City's wastewater and stormwater collection system, (iii)
6 combined sewer runoff and overflow mitigation (iv) stormwater outfall repair (v) stormwater treatment (vi)
7 planning studies for future capital and programmatic improvements and (vii) implementation of asset
8 management software for improvement maintenance tracking; and

9 WHEREAS, the City has determined the need to replace, rehabilitate and modernize critical
10 infrastructure at the three wastewater treatment plants; and

11 WHEREAS, the first phase of this comprehensive infrastructure project is focused on the at-risk
12 portions of the headworks infrastructure at the three wastewater treatment plant to ensure proper influent
13 wastewater screening at the treatment plants and is referred to as Stage 0 –Wastewater Headworks Upgrades
14 (the "Project"); and

15 WHEREAS, planning, design and construction of this Project was identified as part of the CWRP; and

16 WHEREAS, City Charter Section 64b provides that, upon receipt of voter approval, the City may issue
17 bonds or notes for the purpose of financing improvements to any revenue producing facility, and pledge the
18 revenues from such facilities to secure payment of such bonds or notes; and

19 WHEREAS, the City Council adopted a Wastewater System Revenue General Bond Resolution (the
20 "General Bond Resolution"), authorizing such borrowing on December 6, 1990, which General Bond
21 Resolution was amended and restated as of December 9, 2013; and

22 WHEREAS, the General Bond Resolution provides for a pledge of the Net Revenues (as defined in the
23 General Bond Resolution) of the City's wastewater system for all bonds and notes and obligations incurred
24 under such General Bond Resolution; and

25 WHEREAS, in order to reduce transaction costs and save the rate payers money, representatives of the

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

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

..... Clerk

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

..... Mayor

Attest:

Vol. Page

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Resolution Relating to

AUTHORIZATION FOR \$18,330,720 AMENDED STEP III LOAN FROM VERMONT CLEAN WATER STATE REVOLVING FUND AND FOR CONSTRUCTION CONTRACT WITH PC CONSTRUCTION FOR UP TO \$15,540,800 FOR HEADWORKS IMPROVEMENTS (STAGE 0) AT THE CITY'S THREE WASTEWATER PLANTS

City have approached the Vermont Bond Bank (the "Bond Bank") to undertake the loan and repayment without the need to issue bonds under the General Bond Resolution, but with the same pledge and covenants to secure the repayment of the loan with a pledge of net revenues from the wastewater system on a basis similar to the covenants and pledgee of revenues under the General Bond Resolution; and

WHEREAS, the Bond Bank has indicated its willingness to provide the loan in such a basis, with a direct pledge of such net revenues and covenants to maintain and operate the wastewater system in a prudent manner; and

WHEREAS, the State of Vermont Clean Water State Revolving Fund (SRF) provides loans for planning (Step I), final design (Step II) and construction (Step III) of municipal wastewater and stormwater projects; and

WHEREAS, Step III Construction Loan amounts are inclusive of all SRF eligible costs incurred as part of the project, including Step I (Planning), Step II (Design) and Step III (Construction); and

WHEREAS, the standard Clean Water State Revolving Loan Fund terms for projects of this completing construction (Step III) are 20 years of repayment starting one year after completion of construction with a 2% administrative fee; and

WHEREAS, the City Council has previously authorized a Step I loan in a principal amount not to exceed \$470,000 and a Step II loan in a principal amount not to exceed \$1,095,700 pursuant to resolutions adopted on May 13, 2019 and September 13, 2021; and

WHEREAS, pursuant to such authorizations, the City entered into a Step II loan (RF 1-247-2.0) on or about August 14, 2023 in the total principal amount of \$1,458,500, consisting of \$463,000 for the purpose of financing planning and preliminary design of infrastructure improvements as authorized by the resolutions adopted on May 13, 2019 and \$995,500 for the purpose of financing the preparation of final design engineering studies or facilities plans as authorized by the resolutions adopted on September 13, 2021; and

WHEREAS, pursuant to resolutions adopted on June 24, 2024 (the "Prior Resolution"), the City Council authorized (a) a Step III loan (RF1-247-3.0) in the total amount not to exceed \$12,886,920, which Step III loan included (i) previously incurred planning and designing costs in the amount of \$1,458,500, (ii) additional construction engineering in the amount of \$1,081,420, and (iii) an initial construction estimate in the amount of \$10,347,000 including contingency, direct equipment purchases and legal/administration fees and (b) entry by the City into an amended Design Engineering Services Agreement with Wright Pierce for an amount not to exceed \$2,077,120, subject to approval by the City Attorney's Office; and

* * * * *

DISTRIBUTION:

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Adopted by the City Council

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

..... Mayor

Vol. Page

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Resolution Relating to

AUTHORIZATION FOR \$18,330,720 AMENDED STEP III LOAN FROM VERMONT
CLEAN WATER STATE REVOLVING FUND AND FOR CONSTRUCTION CONTRACT
WITH PC CONSTRUCTION FOR UP TO \$15,540,800 FOR HEADWORKS
IMPROVEMENTS (STAGE 0) AT THE CITY'S THREE WASTEWATER PLANTS

WHEREAS, the construction bid received from PC Construction on October 24, 2024 for the construction costs of the Project is \$15,540,800, including contingency, resulting in a total construction cost of \$15,790,800; and

WHEREAS, as a result, the total construction costs are \$5,443,800 higher than the previous construction cost estimate of \$10,347,000; and

WHEREAS, the total amount of the Step III construction loan required for the Project is now \$18,330,720, reflecting the increased total construction cost of \$15,790,800; and

WHEREAS, the City Council desires to modify the authorization for the Step III loan in the Prior Resolution to reflect such increase and to authorize the entry into a construction contract with PC Construction;

NOW, THEREFORE, BE IT RESOLVED that the City Council wishes to modify the authorization in the Prior Resolution to increase the principal amount of the loan authorized thereunder from an amount not to exceed \$12,886,920 to an amount not to exceed \$18,330,720 (the "Loan"); and

BE IT FURTHER RESOLVED that the City Council authorizes the Director of Public Works, or his designee, to complete and/or amend the Construction Loan Application for Revolving Loan Funds under 24 V.S.A. Chapter 120 and to apply to the Bond Bank to increase the total principal amount of the Loan in accordance with these resolutions, subject to final review and approval by the Chief Administrative Officer, Director of Finance, and City Attorney's Office; and

BE IT FURTHER RESOLVED that the repayment of such Loan may be evidenced by the issuance of one or more bonds under the General Bond Resolution, or as a subordinate bond or note issued to the Bond Bank, in each such case payable from a pledge of the net revenues of the wastewater system and as the Authorized Officers (as defined herein) determine to be in the City's best interests; and

BE IT FURTHER RESOLVED that the City Council authorizes the Director of Public Works to negotiate and execute a construction contract with PC Construction for an amount not to exceed \$14,128,000, with authorization for contingency funding of an additional \$1,412,800.00, subject to approval by the City Attorney's Office; and

BE IT FURTHER RESOLVED that except as set forth in these resolutions, the Prior Resolution shall remain unmodified, including the authorization of the entry by the City into an amended Design Engineering Services Agreement with Wright Pierce; and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

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

..... Clerk

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

..... Mayor

Vol. Page

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Resolution Relating to

AUTHORIZATION FOR \$18,330,720 AMENDED STEP III LOAN FROM VERMONT
CLEAN WATER STATE REVOLVING FUND AND FOR CONSTRUCTION CONTRACT
WITH PC CONSTRUCTION FOR UP TO \$15,540,800 FOR HEADWORKS
IMPROVEMENTS (STAGE 0) AT THE CITY'S THREE WASTEWATER PLANTS

85 BE IT FURTHER RESOLVED that the City Council authorizes the Mayor, Chief Administrative
86 Officer, Director of Finance, and Assistant Director of Finance (the "Authorized Officers"), individually or
87 collectively, to execute and deliver: (i) a loan agreement with the Bond Bank to evidence the Loan and the
88 repayment thereof, including covenants with respect to the operation of the wastewater system; (ii) a bond or
89 bonds, or promissory note or notes in the principal amount of the Loan; (iii) such documents and instruments as
90 the Bond Bank may request in connection with the Loan, in such form and with such terms as they deem
91 necessary and in the City's best interest; and (iv) such other documents and instruments necessary or convenient
92 in connection with the Loan, all subject to the prior review and approval of the City Attorney's Office; and

93 BE IT FURTHER RESOLVED that the City Council designates the following City staff member as an
94 alternate authorized representatives of the Project with authority to execute administrative or reimbursement
95 documents, and other ancillary documents other than the loan application or loan agreements: Department of Public
96 Works Water Resources Division Director, Megan Moir.

97

98 TM/KK/Resolutions 2024/Authorization For \$18,330,720 Amended Step Iii Loan From Vermont Clean Water State Revolving Fund And For
99 Construction Contract With Pc Construction For Up To \$15,540,800 For Headworks Improvements (Stage 0) At The City's Three Wastewater
100 Plants
101 12/4/24

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DISTRIBUTION:

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

Megan Moir, DPW Water Resources
Martin Lee, DPW Water Resources
Laurie Lavallee, DPW Water Resources

ORIGINAL

RESOLUTION RELATING TO

Authorization For \$18,330,720 Amended Step III Loan From Vermont Clean Water State
Revolving Fund And For Construction Contract With PC Construction For Up To
\$15,540,800 For Headworks Improvements (Stage 0) At The City's Three Wastewater
Plants

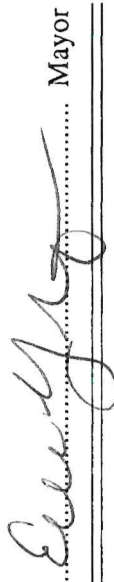
Adopted by the City Council

December 9, 2024



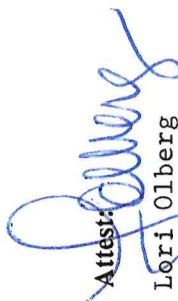
Clerk

Approved December 13, 2024



Mayor

Vol. Page



Lori Olberg
Licensing and Records Coordinator

* * * * *



MEMORANDUM

To: Burlington Board of Finance and City Council

From: Darren Springer, General Manager
Emily Stebbins-Wheelock, CFO and Manager of Strategy & Innovation

Date: December 9, 2024

Subject: BED U.S. Department of Transportation Charging & Fueling Infrastructure grant

Burlington Electric Department (BED) respectfully requests that the Board of Finance and City Council approve BED's acceptance of a U.S. Department of Transportation Federal Highway Administration Charging & Fueling Infrastructure grant in the amount of \$4,890,821 to support the installation of 200 new public EV charging ports in Burlington. The grant, with matching funds from BED's revenue bond, will fund installation of 153 Level 2 and 47 Level 3 fast chargers at approximately 85 publicly accessible sites over the next 5 to 6 years. The project will expand by six times BED's existing public charging network, encourage EV adoption, and promote accessibility of EVs, including in federal Justice 40 locations that will serve high numbers of renters, low-income residents, and New Americans, Refugees, and Black, Indigenous, and People of Color. BED was the only Vermont recipient of federal grant funds in this latest funding announcement. The grant requires a net 20% cost share from BED over the performance period. The FY25 portion of the BED cost share has been considered and included in BED's FY25 budget.

As part of the project, BED is committed to engaging the community in selecting sites for the new public chargers and will partner with various community organizations to conduct community outreach and solicit community feedback. BED has already received over 80 suggested sites from the public as a result of its EV charger location survey.

The grant agreements are being finalized and will undergo review by the City Attorney's Office prior to signature. Please do not hesitate to contact us with any questions.

Burlington Electric Department
585 Pine Street Burlington, VT 05401
burlingtonelectric.com
Phone 802.658.0300

Motions:

Board of Finance

To approve and recommend the City Council 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 the grant agreement for a U.S. Department of Transportation Federal Highway Administration Charging & Fueling Infrastructure award.

City Council

To 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 the grant agreement for a U.S. Department of Transportation Federal Highway Administration Charging & Fueling Infrastructure award.

Board of Finance and City Council Submission Checklist

Department: BED Submitter: Darren Springer

Title/Subject: BED U.S. Department of Transportation Charging & Fueling Infrastructure grant

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	12/9/2024

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	12/2/2024	Darren Springer
Mayor's Office informed and approved memo	Yes	12/2/2024	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	NA	Approval subject to final review by City Attorney's Office, Kim Sturtevant
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	12/2/2024	Kim Sturtevant
CAO has reviewed budget, financing, and memo	Yes	12/2/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Contract will be reviewed by City Attorney's Office
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Motions included in memo
If for submission to Council, are sponsors identified?	Yes	Board of Finance

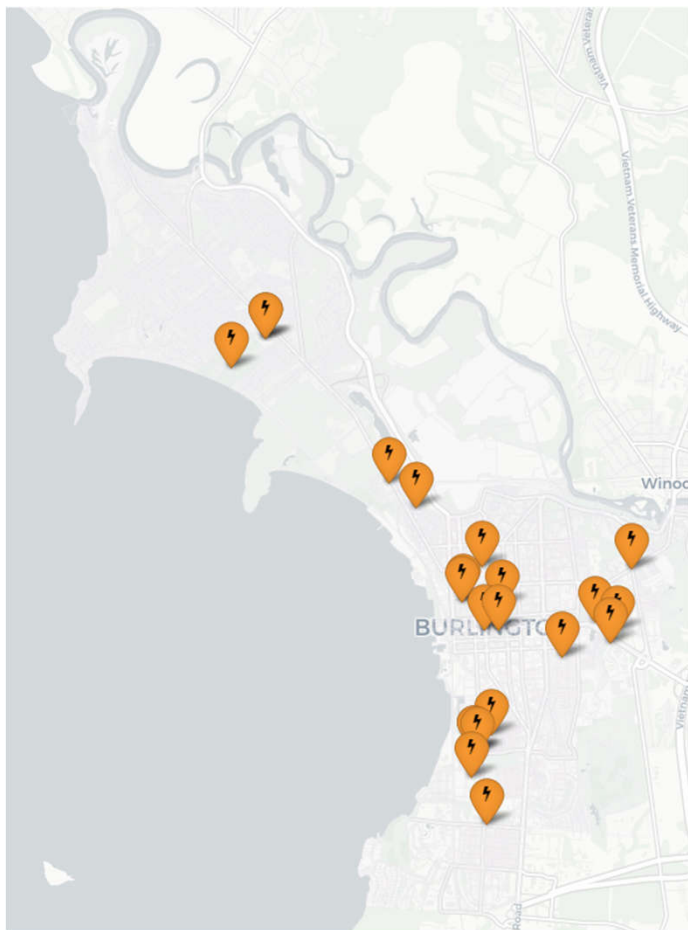


BED Charging & Fueling Infrastructure Grant

Burlington Board of Finance & City Council
December 9, 2024



Burlington's Current Public EV Charging Infrastructure



Publicly owned by BED:

- Level 2: 23 stations / 39 ports
- DCFC: 1 station / 1 port
- Activated 2013-present

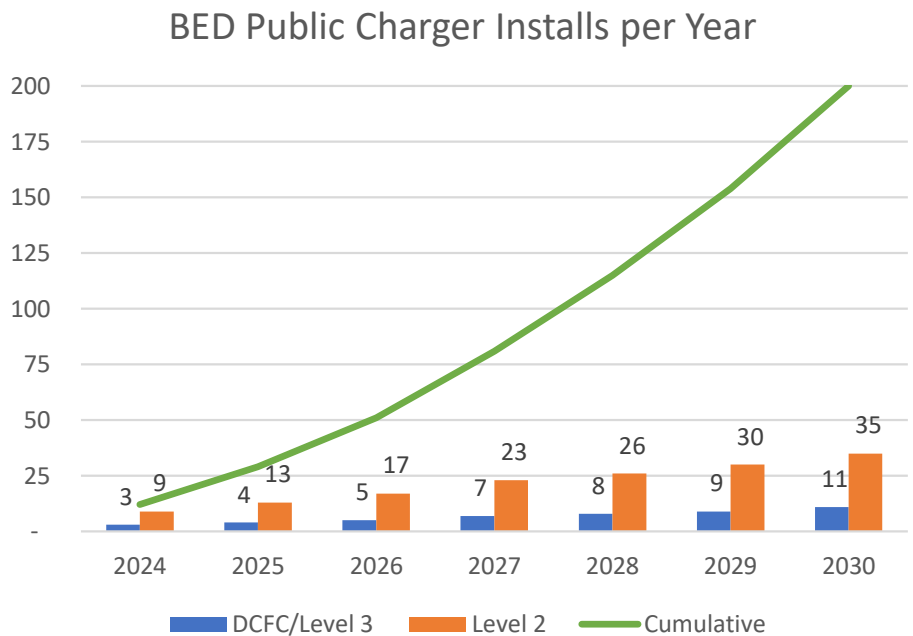
Privately owned:

- Level 2: 13 stations / 28 ports
- DCFC: 1 station / 1 port
- Activated 2019-present



Federal DoT Charging & Fueling Infrastructure Grant

- Applied in June 2023; selected for award Aug 27, 2024 as part of Round 1b
- Funding for BED's EV charging plan through 2030
 - 153 Level 2s
 - 47 DCFCs
- Funding breakdown
 - \$4.89M federal funding
 - 20% BED net cost share (revenue bond-funded)





Key CFI Grant Requirements

- NEPA review
- Compliance with NEVI standards, 23 CFR Part 680
- Federal procurement guidelines
- Equity and engagement in site selection:
 - Equity analysis required
 - Detailed outreach plan to be developed
 - 40% of benefits should flow to disadvantaged communities
 - Webform for community input on charger locations – 145 submissions to-date



Next Steps

- City Council acceptance of award
- Grant agreement negotiation/execution with DOT/Federal Highway Administration
- NEPA review – obligate 100% of funds
- Review proposed sites
- Conduct equity analysis and community outreach
- Final site selection
- Procure and install chargers over next 7 years

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: _____
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

ENERGY BENCHMARKING OF SPACE HEATING IN
CERTAIN COMMERCIAL PROPERTIES

First reading: _____
Referred to: _____
Rules suspended and placed in all
Stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

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

That Chapter 8, Buildings and Building Constructions, Article VII, Energy Benchmarking, of the Code of Ordinances of the City of Burlington be amendment and hereby read as follows:

ARTICLE VII. ENERGY BENCHMARKING

8-105 Purpose and Authority.

(a) Purpose. It is in the public interest and in the interest of public health and safety to achieve a high degree of conservation of energy and reduce emissions of greenhouse gases by requiring buildings to meet specified energy efficiency performance standards and maximum allowable heat loss standards.

(b) Authority. All provisions in this article relating to thermal energy systems are adopted pursuant to the authority and powers granted by in accordance with section 48(66) of the City Charter and its provisions on the regulation of thermal energy systems in residential and commercial buildings for the purpose of reducing greenhouse gas emissions throughout the City. The provisions in this article are further adopted pursuant to the authority and powers granted by the Vermont Legislature in 24 V.S.A. § 3101 (Chapter 83. Building Inspectors and Regulation of Building; Bylaws and ordinances; penalties), as reasonably necessary to improve the health, safety, and welfare of the public from fuel leaks and explosions, and from air pollution, including that which is causing climate change and thereby threatens the City and its inhabitants.

8-106 Definitions.

(a) "Energy Benchmarking" shall mean the use of Energy Star Portfolio Manager, or an equivalent analytical tool or process if approved by Department of Permitting and Inspections (DPI), by which a building can measure and report accurately on its energy use for all space heating used on-site.

(b) "Covered Building" shall mean for the purpose of the requirements outlined in Section 8-107, a commercial property that is metered or sub-metered for thermal loads and which has space conditioned square footage of between 10,000 square feet and 49,999 square feet, excluding residential properties and all properties subject to the requirements of Chapter 18, Article 3, Division 67.

(c) "Building Without Direct Metering" shall mean for the purpose of the requirements outlined in Section 8-107, a commercial property which has space conditions square footage of between 10,000 square

feet and 49,999 square feet, excluding residential properties and all properties subject to the requirements of Chapter 18, Article 3, Division 67, which is part of a campus, institution or centrally-connected thermal system of a major higher education or health care institution within the city's Institutional District as that term is defined in the Comprehensive Development Ordinance, that includes multiple buildings, and which lacks metering or sub-metering of thermal energy loads. On a campus in which buildings are part of a centrally-connected thermal system, only those buildings in that system that are not metered shall be considered 'a building that is not directly metered and those buildings with direct metering shall be subject to the requirements of this article

(c) "Space Conditioning Energy Use" shall mean the amount of British Thermal Units (BTU) per space conditioned square foot a Covered Building uses to provide space heating over a one year period.

8-107 Energy Benchmarking Requirements.

(a) Covered Buildings Requirements. All property owners of Covered Buildings shall, no earlier than January 1, 2025 the effective date of this ordinance and no later than April 1, 2025 three months thereafter, begin Energy Benchmarking of their property. Such Energy Benchmarking shall continue for no less than one full year from the date the property started Energy Benchmarking, and the monthly and annual data shall be made available to DPI no later than May 15, 2026. Beginning January 1, 2027, this benchmarking and reporting requirement shall continue for each subsequent 12 month (1 year) period until rescinded by amendment to this ordinance. The data may inform future compliance obligations with a Building Emissions Reduction Ordinance (BERO) that the City is considering adopting. To the extent necessary to effectuate the Energy Benchmarking, individually-metered tenant organizations or businesses in a Covered Building shall provide appropriate energy use data and information to the property owner, or in the alternative directly to DPI, for their space heating use.

~~(b) Buildings Using Common Space Heating. Covered Buildings that are connected with other buildings through common space heating sources, such as multiple buildings served by an institutional heating source without individual building meters, will work with DPI to disaggregate space heating data for the Covered Building(s) to the extent possible, or may utilize technologies that allow for individual building data to be discerned from the common heating source. In the alternative if none of these methodologies or processes is available, DPI may work with the Covered Building to allocate an appropriate share of the common space heating source to the Covered Building, with support from Burlington Electric Department (BED) for technical assistance in such applications.~~

(b) Buildings Without Direct Metering. Buildings Without Direct Metering are not subject to the Energy Benchmarking process, but may be required to conduct individual energy efficiency assessments with a building efficiency professional, submit those assessments to DPI, and make specific cost-effective efficiency improvements based on those assessments as part of compliance with a future BERO.

(c) Energy Benchmarking Compliance. DPI shall administer the Energy Benchmarking requirements, and non-compliance either due to failure to begin the process of Energy Benchmarking by the date provided or failure to provide data to DPI under subsection (a) by a Covered Building is subject to a civil penalty of up to five hundred dollars (\$500.00) per violation. Each day the violation continues shall constitute a separate and distinct offense. DPI may grant a delay in the requirements of Energy Benchmarking under subsection

(a) by up to 6 months if a Covered Building faces unique circumstances and an undue burden in seeking to comply.

(d) Covered Buildings shall not be constructed after the effective date of this ordinance that cannot measure the thermal usage of the building, by metering or other effective alternative measure. Institutions with buildings without direct metering shall provide an inventory of those buildings to the Department of Permitting and Inspections and the Burlington Electric Department within six (6) months of the effective date of this ordinance, with such inventory to include the location of the building, the square footage of the building, the general usage(s) of the building, and a description of the centrally-connected thermal system of which it is a part.

8-108 Effective Date and Reporting Requirement.

~~(a) The provisions of this Article shall take effect on January 1, 2025.~~

The Department of Permitting and Inspections shall maintain records on the data submitted by Covered Buildings to support future compliance with a Building Emission Reduction Ordinance if one is enacted.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: _____
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

ENERGY BENCHMARKING OF SPACE HEATING IN
CERTAIN COMMERCIAL PROPERTIES

First reading: _____
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Stages of passage: _____
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Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

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

That Chapter 8, Buildings and Building Constructions, Article VII, Energy Benchmarking, of the Code of Ordinances of the City of Burlington be amendment and hereby read as follows:

ARTICLE VII. ENERGY BENCHMARKING

8-105 Purpose and Authority.

(a) Purpose. It is in the public interest and in the interest of public health and safety to achieve a high degree of conservation of energy and reduce emissions of greenhouse gases by requiring buildings to meet specified energy efficiency performance standards and maximum allowable heat loss standards.

(b) Authority. All provisions in this article relating to thermal energy systems are adopted pursuant to the authority and powers granted by in accordance with section 48(66) of the City Charter and its provisions on the regulation of thermal energy systems in residential and commercial buildings for the purpose of reducing greenhouse gas emissions throughout the City. The provisions in this article are further adopted pursuant to the authority and powers granted by the Vermont Legislature in 24 V.S.A. § 3101 (Chapter 83. Building Inspectors and Regulation of Building; Bylaws and ordinances; penalties), as reasonably necessary to improve the health, safety, and welfare of the public from fuel leaks and explosions, and from air pollution, including that which is causing climate change and thereby threatens the City and its inhabitants.

8-106 Definitions.

(a) "Energy Benchmarking" shall mean the use of Energy Star Portfolio Manager, or an equivalent analytical tool or process if approved by Department of Permitting and Inspections (DPI), by which a building can measure and report accurately on its energy use for all space heating used on-site.

(b) "Covered Building" shall mean for the purpose of the requirements outlined in Section 8-107, a commercial property that is metered or sub-metered for thermal loads and which has space conditioned square footage of between 10,000 square feet and 49,999 square feet, excluding residential properties and all properties subject to the requirements of Chapter 18, Article 3, Division 6.

(c) "Building Without Direct Metering" shall mean for the purpose of the requirements outlined in Section 8-107, a commercial property which has space conditions square footage of between 10,000 square

feet and 49,999 square feet, excluding residential properties and all properties subject to the requirements of Chapter 18, Article 3, Division 6, which is part of a campus, institution or centrally-connected thermal system that includes multiple buildings, and which lacks metering or sub-metering of thermal energy loads.

(c) “Space Conditioning Energy Use” shall mean the amount of British Thermal Units (BTU) per space conditioned square foot a Covered Building uses to provide space heating over a one year period.

8-107 Energy Benchmarking Requirements.

(a) Covered Buildings Requirements. All property owners of Covered Buildings shall, no earlier than January 1, 2025 and no later than April 1, 2025, begin Energy Benchmarking of their property. Such Energy Benchmarking shall continue for no less than one full year from the date the property started Energy Benchmarking, and the monthly and annual data shall be made available to DPI no later than May 15, 2026. The data may inform future compliance obligations with a Building Emissions Reduction Ordinance (BERO) that the City is considering adopting. To the extent necessary to effectuate the Energy Benchmarking, individually-metered tenant organizations or businesses in a Covered Building shall provide appropriate energy use data and information to the property owner, or in the alternative directly to DPI, for their space heating use.

~~(b) Buildings Using Common Space Heating. Covered Buildings that are connected with other buildings through common space heating sources, such as multiple buildings served by an institutional heating source without individual building meters, will work with DPI to disaggregate space heating data for the Covered Building(s) to the extent possible, or may utilize technologies that allow for individual building data to be discerned from the common heating source. In the alternative if none of these methodologies or processes is available, DPI may work with the Covered Building to allocate an appropriate share of the common space heating source to the Covered Building, with support from Burlington Electric Department (BED) for technical assistance in such applications.~~

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8-108 Effective Date and Reporting Requirement.

(a) The provisions of this Article shall take effect on January 1, 2025.

77 (b) The Department of Permitting and Inspections shall maintain records on the data submitted by
78 Covered Buildings to support future compliance with a Building Emission Reduction Ordinance if
79 one is enacted.
80
81
82

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

ORDINANCE _____

Sponsor: TEUC

Public Hearing Dates: _____

First reading: _____

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Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

ENERGY BENCHMARKING OF SPACE HEATING IN
CERTAIN COMMERCIAL PROPERTIES
BCO Chapter 8, Art. VII

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

That Chapter 8, Buildings and Building Constructions, of the Code of Ordinances of the City of Burlington be and is hereby amended by the addition of Article VII, Energy Benchmarking, to read as follows:

ARTICLE VII. ENERGY BENCHMARKING

8-105 Purpose and Authority.

(a) Purpose. It is in the public interest and in the interest of public health and safety to achieve a high degree of conservation of energy and reduce emissions of greenhouse gases by requiring buildings to meet specified energy efficiency performance standards and maximum allowable heat loss standards.

(b) Authority. All provisions in this article relating to thermal energy systems are adopted pursuant to the authority and powers granted by in accordance with section 48(66) of the City Charter and its provisions on the regulation of thermal energy systems in residential and commercial buildings for the purpose of reducing greenhouse gas emissions throughout the City. The provisions in this article are further adopted pursuant to the authority and powers granted by the Vermont Legislature in 24 V.S.A. § 3101 (Chapter 83. Building Inspectors and Regulation of Building; Bylaws and ordinances; penalties), as reasonably necessary to improve the health, safety, and welfare of the public from fuel leaks and explosions, and from air pollution, including that which is causing climate change and thereby threatens the City and its inhabitants.

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8-108 Effective Date and Reporting Requirement.

(a) The provisions of this Article shall take effect on January 1, 2025.

(b) The Department of Permitting and Inspections shall maintain records on the data submitted by Covered Buildings to support future compliance with a Building Emission Reduction Ordinance if one is enacted.

* Material stricken out deleted.

** Material underlined added.

DS/ks/Ordinances 2024/Energy Benchmarking of Space Heating in Certain Commercial Properties
BCO Ch. 8, Art. VII
10/24/2024



Burlington Fire Department

136 South Winooski Avenue
Burlington, Vermont 05401-8378

(802) 864-4554 • (802) 658-2700 (TTY)

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



To: Burlington City Council
From: Michael LaChance – Fire Chief
Date: December 03, 2024
Re: BFD Staffing Study Recommendations

Burlington Fire Department Staffing Study and Recommendations

The City of Burlington issued a Request for Proposal (RFP) in early 2023 for a staffing study to address critical challenges, including retention and high levels of overtime within the Burlington Fire Department (BFD). The study was conducted between July and November 2023; the final report was received in February 2024. This initiative stemmed from negotiations between the City of Burlington and the Burlington Firefighters Association and was formalized as a Memorandum of Understanding. (attached) After receiving multiple submissions, MissionCIT was contracted to conduct the study, review department data, engage with line personnel and command staff through focus groups, and interview city staff.

The following updates and recommendations highlight progress and strategies derived from the study's findings. Although the recommendations are not inclusive of all study findings, they provide a good starting point for meeting the study's goals.

1. Overtime Reduction

Current Challenges:

Historically, high overtime rates, driven by high attrition rates, long-term leave, and increased workload, have significantly strained the department's budget and personnel. Maintaining the required minimum daily staffing of 22 personnel—amid leaves, retirements, and resignations—has been a persistent challenge. Recruitment has become a challenge for all emergency services. The number of applicants has dwindled, and for the first time, the fire department, on multiple occasions, has been unable to fill entry-level recruit schools. This allows for employee vacancies to be extended and felt amongst the staff. The fire department is the only department with minimum staffing requirements.

Recommendations and Progress:

- **Overfill Positions**
 - Increase staffing from 95 to 98 personnel, per MissionCIT's recommendation of six overstaff positions. This recommendation includes the three positions added during the last union contract.
 - Overfill staffing will offset average attrition rates and maintain adequate staffing levels, reducing overtime dependency.
 - **Lateral Hiring Process (in process):**
 - This process works to recruit qualified career firefighters and give them a competitive starting salary commensurate with their training and experience level. This strategy reduced onboarding time through a streamlined recruit training process, allowing new hires to meet minimum staffing requirements more quickly. The department implemented a lateral hiring process to attract pre-qualified and pre-certified firefighter/EMTs. Lateral hiring details are attached.
-

2. Service Delivery Efficiencies and Workload Reductions

Current State:

The fire service has taken on an increased workload based on community needs and service capacities. Service delivery must evolve to incorporate new efficiencies that reduce operational strain, optimize resource allocation, and prioritize employee safety.

Recommendations and Progress:

- **Priority-Type Dispatching (In Progress):**
 - Movement toward priority-type dispatching has begun, with single-unit responses now being dispatched for overdose calls based on caller information and call severity. This deployment type can be expanded if we employ an Emergency Medical Dispatchers (EMD) model.
 - EMDs use their training and protocols to determine the nature and severity of the emergency.
 - EMDs dispatch the right type and number of emergency personnel, such as police, fire, or ambulance.
 - EMDs guide callers on how to perform life-saving measures, such as CPR or first aid.
- **Centralized Fire/EMS Dispatch Operations (In Progress):**
 - Explore reassigning fire/EMS dispatch operations under the BFD's budget and personnel framework.
 - Consider integrating this function into the design of a new public safety facility, replacing the previous Gateway Block

redevelopment plan to accommodate advanced dispatch capabilities.

- **Community Response Team (CRT) Expansion (In Progress):**
 - Staff CRT with permanent employees and extend services beyond the pilot period.
 - Maintain minimal response models for low-severity calls, such as overdoses, while expanding response types through priority-type dispatching.
 - Increase public engagement, education, and prevention activities to foster community trust and reduce emergency response needs.
 - Allow for a more agile response model for new programs like the PREVENT program. The new initiative allows us to offer treatment past Naloxone for Opioid Use Disorder.

3. Safe Staffing Levels

Current Challenges:

Staffing suppression units to a safe operational level was identified as a primary goal of the study. Due to budgetary and infrastructure constraints, achieving NFPA 1710 standards for four-person staffing in engine and truck companies remains a long-term goal. Any movement closer to the national standard would benefit the fire department's response capabilities and employee efficiency and safety.

Recommendations and Progress:

- **Three-Person Staffing Progressive Goal:**
 - Increase minimum staffing to ensure all two-person companies are staffed with at least three personnel. This staffing model allows for officer supervision of a crew on a scene. It also allows a dedicated pump operator for the first due unit on a fire scene and a more effective crew to conduct fire-building search and rescue operations for our ladder companies.
- **SAFER Grant Application:**
 - This grant allows federal funding to cover the cost of bringing response units closer to NFPA recommendations. The department applied for FY26 funding to allow staffing to bring all suppression units to a minimum of three people. The SAFER Grant pays for three years of staffing costs, allowing municipalities the latitude to develop funding strategies to continue the new staffing level. Unfortunately, the department's application for the FY25 SAFER grant was not successful.
 - Alternative funding strategies are being explored to achieve staffing objectives and ensure progress toward safe staffing goals. We will continue to apply for SAFER grants in the future.
- **Regular Reviews and Ultimate Goal:**
 - Continue aligning staffing levels with evolving NFPA and OSHA standards, moving toward compliance with NFPA 1710 recommendations.

NFPA 1710 recommended staffing levels would require infrastructure upgrades.

4. Administrative and Support Staffing

Current Challenges:

The fire department has limited administrative support. We currently have only one administrative assistant for the entire department. This one position has limited capacity to support administrative duties covering the central offices, Fire Marshal's Office (FMO), Training Division, and EMS Division. These divisions are left with minimal support, which limits fieldwork capacity and operational efficiency.

Recommendations and Progress:

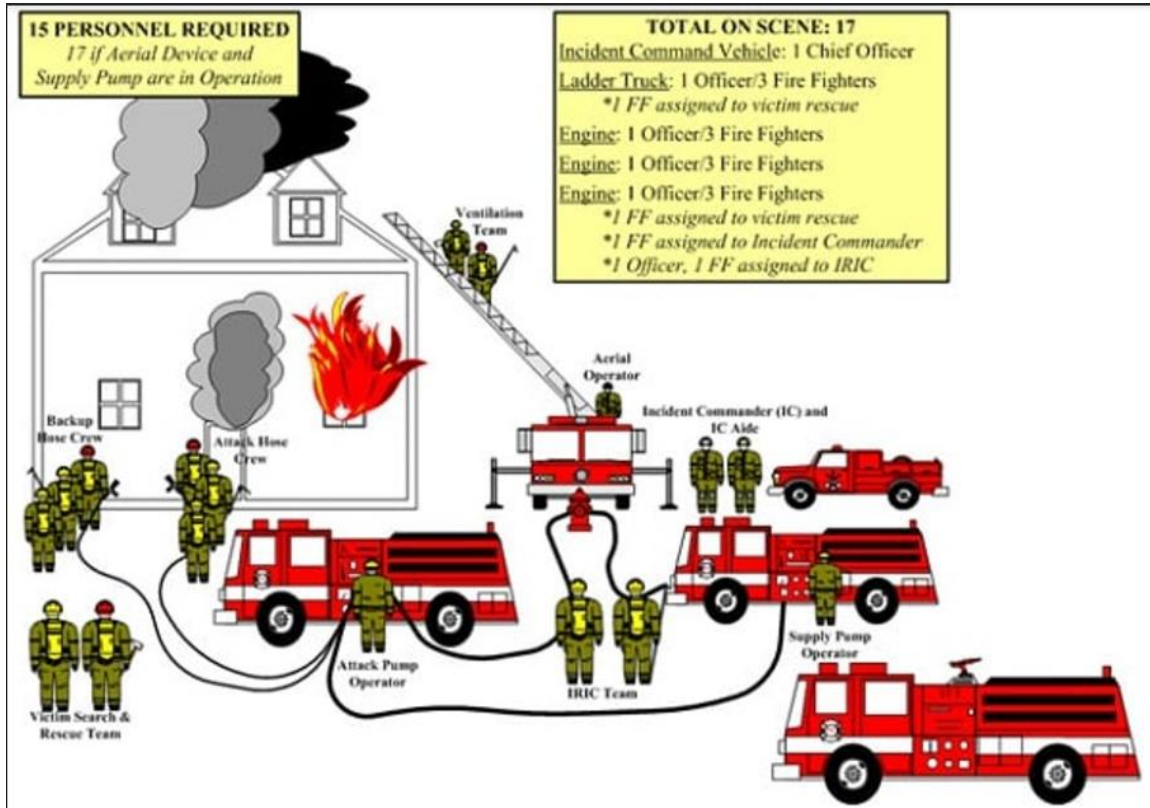
- **Administrative Support:**
 - Hire an administrative assistant to support reporting and records management covering the Fire Marshal's office, Training Division, and EMS Division, freeing management staff of administrative duties, enhancing project efficiencies, and increasing revenue recovery opportunities.

4. Conclusion

Through completed initiatives, such as the lateral hiring process, ongoing progress in dispatch strategies, and workload efficiencies, the Burlington Fire Department continues to enhance its service delivery and operational sustainability. Although the FY25 SAFER grant application was unsuccessful, the department remains committed to pursuing alternative funding such as SAFER and long-term planning for safe staffing and infrastructure improvements, including developing a new public safety facility.

Ongoing evaluation and alignment with national standards will ensure continued progress toward safety and service excellence.

Needed first alarm response to a fire in a single-family home



Attachments (4)

- NFPA 1710 fact sheet (2 pgs.)
- Memorandum of Understanding Staffing Study
- Lateral hiring details
- MissionCIT staffing study final (104 pgs.)

NFPA Standard 1710

Organization and Deployment of Fire Suppression Operations, EMS and Special Operations in Career Fire Departments

History and Purpose

- The 1710 Standard was originally released in 2001. Following, there have been three revisions (2004, 2010, 2016) with the most recent released in September 2016.
- The standard is applicable to substantially all CAREER fire departments and provides the MINIMUM requirements for resource deployment for fire suppression, EMS and Special Operations while also addressing fire fighter occupational health and safety.
- The 1710 Standard addresses structure fire in three hazard levels. These included low hazard (residential single-family dwellings), medium hazard (three story garden apartments or strip malls), and high hazard structures (high-rise buildings).
- The Standard addresses fire suppression, EMS, Aircraft Rescue and Firefighting, Marine Rescue and Firefighting, Wildland Firefighting, and Mutual and Auto Aid.

Fire Suppression and Special Operations Provisions

- "Company" is defined as:
 - Group of members under direct supervision
 - Trained and equipped to perform assigned tasks
 - Organized and identified as engine, ladder, rescue, squad or multi-functional companies
 - Group of members who arrive at scene and operate with one apparatus
- EXCEPTION to company arriving on one apparatus:
 - Multiple apparatuses are assigned, dispatched and arrive together
 - Continuously operate together
 - Managed by a single officer

- An Initial Alarm is personnel, equipment and resources originally dispatched upon notification of a structure fire.

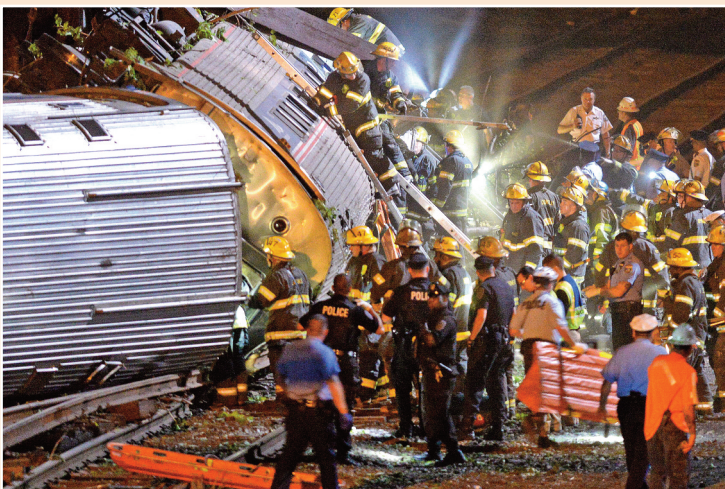
■ Performance Objectives

- Alarm Answering Time
 - 15 sec 95%
 - 40 sec 99%
- Alarm Processing Time
 - 64 sec 90%
 - 106 sec 95%
- Turnout Time =
 - 60 sec EMS
 - 80 sec Fire
- First Engine Arrive on Scene Time
 - 240 sec (4 min)
- Initial Full Alarm (Low and Medium Hazard) Time
 - 480 sec (8 min)
- Initial Full Alarm – High Hazard/ High-Rise Time
 - 610 sec (10 min 10 sec)



- Fire departments shall set forth criteria for various types of incidents to which they are required/expected to respond. These types of incidents should include but not be limited to the following:

- Natural disaster
- Acts of terrorism
- WMD
- Large-scale mass casualty



■ Given expected firefighting conditions, the number of on-duty members shall be determined through task analysis considering the following criteria:

- Life hazard protected population
- Safe and effective performance
- Potential property loss
- Hazard levels of properties
- Fireground tactics employed

■ Company Staffing (Crew Size)

- Engine = minimum 4 on duty
 - High volume/geographic restrictions = 5 minimum on duty
 - Tactical hazards dense urban area = 6 minimum on duty
- Truck = minimum 4 on duty
 - High volume/geographic restrictions = 5 minimum on duty
 - Tactical hazards dense urban area = 6 minimum on duty

■ Initial Alarm Deployment (*number of fire fighters including officers)

- Low hazard = 15 Fire fighters
- Medium hazard = 28 Fire fighters
- High hazard = 43 Fire fighters

EMS Provisions

■ The fire department shall clearly document its role, responsibilities, functions and objectives for the delivery of EMS. EMS operations shall be organized to ensure the fire department's capability and includes members, equipment and resources to deploy the initial arriving company and additional alarm assignments.

■ EMS Treatment Levels include:

- First Responder
- Basic Life Support (BLS)
- Advanced Life Support (ALS)

■ MINIMUM EMS Provision = First responder/AED

■ Authority-Having Jurisdiction (AHJ) should determine if Fire Department provides BLS, ALS services, and/or transport. Patient treatment associated with each level of EMS should be determined by the AHJ based on requirements and licensing within each state/province.

■ On-duty EMS units shall be staffed with the minimum members necessary for emergency medical care relative to the level of EMS provided by the fire department.

■ Personnel deployed to ALS emergency responses shall include:

- A minimum of two members trained at the emergency medical technician–paramedic level
- AND two members trained at the BLS level arriving on scene within the established travel time.

■ All fire departments with ALS services shall have a named **medical director** with the responsibility to oversee and ensure quality medical care in accordance with state or provincial laws or regulations and must have a mechanism for immediate communication with EMS supervision and medical oversight.



MEMORANDUM OF UNDERSTANDING – STAFFING

The City agrees to increase the total authorized employees by three additional firefighters. The City agrees to hire these three additional firefighters effective with the next recruitment academy.

The City agrees to retain the services of a Consultant to help assess proper staffing levels for the Burlington Fire Department. The attached language will be used in the RFP. The City, the Union and the Fire Commission will work collaboratively to oversee the work of the Consultant.

When the work of the Consultant is complete, the parties will meet to discuss the recommendations of the Consultant. If the Consultant recommends any changes, the parties will bargain over making any changes to the contract based on the recommendations of the Consultant.

21680614.2

Lateral only

Length of Service Requirement: Minimum 1-year career experience

Pay Range: \$58514-\$81842, depending on experience and EMT certification level. Credit for up to 7 years of career firefighter experience for step level.

Promotional Length of Service Credit: Credit for previous career firefighter experience at a 2:1 ratio, up to 4 years of credit at the Chief's discretion.

SFF Eligibility: Employee must have completed 2 years with BFD and completed the SFF Program. The employee must have completed at least 18 months of employment with BFD to participate in the SFF Program.

Lieutenant Eligibility: Employee must have completed 3 years with BFD and obtained the rank of SFF with BFD before November 1 of the year the examination is taken.

Seniority: Accruals and seniority based on date of hire.

Lateral & Entry Level Details

Bonuses:

Annual Education Bonus - \$400-\$1200 once in the Union (Per CBA)

Annual Uniform Cleaning - \$300 once in the Union. (Per CBA)

Leave:

13 paid holidays (However, per CBA and in line with current rules for probationary employees)

112 hours of vacation time

Current Employees:

- Employees not at rank would be eligible for the proposed increases for current union members.
- Offer banded length of service credit for those who met the criteria for lateral hire.
 - Prior Experience (1-4 years) = 1 year credit toward step and promotional eligibility
 - Prior Experience 5+ years = 2 years credit toward step and promotional eligibility
- Effective Date: Effective once the position is approved and advertised.



Burlington Fire Department Staffing Study

January 2024



Table of Contents

Executive Summary.....	1
The Number of Personnel Staffing Fire Apparatus.....	1
Impacts of an Increased Workload on the Department and its Personnel.....	2
The Vacancies Occurring within the Department and their Hiring and Training Processes	2
Introduction	2
Project Scope	3
Project Objectives	3
The Community.....	4
Graph 1.1 Burlington City Population	4
Figure 1.1 Map of the Current Land Use in the City	6
Table 1.1 2022 Chittenden County Multi-Jurisdictional All-Hazards Mitigation Plan – October 2022 .	7
Table 1.2 2022 Chittenden County Multi-Jurisdictional All-Hazards Mitigation Plan – October 2022 .	8
Community Growth	8
Community Risk Assessment	9
Table 1.3 Burlington Fire Department High and Maximum Risk Buildings by District	11
Figure 1.2 Burlington Fire Department High Risk and Maximum Risk Building Locations Within the City Core – Districts 1, 3, and 5	11
City Social Issues/Impacts	12
The Fire Department.....	13
Figure1.3 Fire Department Organizational Structure.....	14
Table 1.4 Fire Station Characteristics	15
Fire Department Workload	16
Graph 1.2 Burlington Fire Department Calls for Service 2016-2023.....	17
Graph 1.3 Responses by Call Type 2019-2022	17
Graph 1.4 2022 Incident Count by Hour	18
Figure 1.4 Unit Workload Measures	19
Graph 1.5 Workload Annual Unit Responses	19
Graph 1.6 Overdose Totals	21
Graph 1.7 Annual FD EMS Responses to No Address Populations	21
Dispatch System	23
Mutual Aid Resources	24
Table 1.5 Mutual Aid Resources.....	25



Burlington Fire Department – Staffing Study

Fire Department Turnover	26
Internal Member Survey	27
Training	27
Communications	28
Environment	28
Leadership and Direction	28
Safety	28
Stations and Equipment	28
Fire Department Staffing/Hiring Processes	29
Table 1.6 Burlington Fire Department Hiring Process	31
Overtime	33
Graph 1.8 Burlington Fire Department Overtime Staffing Costs 2018-2023	33
Table 1.7 Staffing Deficits 2019-1023	34
Graph 1.9 Burlington Fire Department Leave Costs 2018 -2023	35
Graph 1.10 Burlington Fire Department Leave Costs 2018 – 2024	36
Overfill vs. Overtime	36
Personnel Assignment and Rotations	37
Fire Department Deployment	39
Figure 1.5 Burlington Fire Department 4-Minute Drive Areas	39
Figure 1.6 Burlington Fire Department 4-Minute Drive Areas from Ambulance Locations	40
Table 1.8 Deployment Response Matrix	41
BFD Community Response Unit Pilot Program – CARES Program	42
Table 1.9 Community Response Unit – Pilot Program (October 16 through January 7, 2024)	43
Table 1.10 Weekly Unit Workloads	43
Fire Station Consolidation Study	45
Figure 1.6 Burlington Fire Department – 2018 Station Locations and Response Times	45
Table 1.11 Burlington Fire Department Expected Response Times by Scenario	46
Figure 1.7 (NFPA) 1710 Standard Four-Minute Travel Time from Each Station	47
Fire Department Staffing	49
Table 1.12 NFPA 1710 – Recommended Staffing for First Alarm Structural Assignment Capability ...	50
Table 1.13 Task Efficiency by Crew Size	51
Fire Department Standard of Cover - Critical Tasking to Meet the Risks	53
Table 1.14 Burlington Fire Department Risk Level by Service Type Provided Table	53



Burlington Fire Department – Staffing Study

Table 1.15 Burlington Fire Department Low Risk-EMS	54
Table 1.16. Burlington Fire Department Moderate Risk-EMS	54
Table 1.17 Burlington Fire Department High Risk-EMS.....	55
Table 1.18 Burlington Fire Department Maximum Risk-EMS.....	55
Table 1.19 Burlington Fire Department Low Risk-Fire Suppression	56
Table 1.20 Burlington Fire Department Moderate Risk-Fire Suppression.....	56
Table 1.21 Burlington Fire Department High Risk-Fire Suppression	57
Table 1.22 Burlington Fire Department Maximum Risk-Fire Suppression	58
Benchmark Times.....	58
Table 1.23 Burlington Fire Department 90 th Percentile Time Compliance 2018 - 2022.....	60
Table 1.24 Reliability Factors.....	61
Table 1.25 Ambulance Service Coverage	61
Staffing Factor	63
Operational Staffing Recommendations	64
Administrative/Support Staffing	65
Financial Impacts	66
Table 1.26 Operational Staffing Improvements	66
Table 1.27 Administrative Positions Recommended.....	67
Grant Funding	67
Benchmark Information	68
Table 1.28 Benchmark Summary of Respondent Responses	68
Graph 1.11 Benchmark 2022 Unit Responses.....	69
Graph 1.12 Benchmark Calls Per 1,000 Population	70
Graph 1.13 Benchmark Square Miles Coverage Per Fire Station	70
Graph 1.14 Benchmark Firefighters Per 1,000 Population.....	71
Graph 1.15 Benchmark Engine Company Staffing	71
Graph 1.16 Benchmark Ladder Company Staffing	72
Graph 1.17 Benchmark Operational Costs Per Capita	72
Graph 1.18 Benchmark 2022 Overtime Expenditures Per Operational Position	73
Graph 1.19 Benchmark 2022 Overtime Expenditures vs. Budgeted Overtime.....	73
Table 1.29 Benchmark Turnover Rate	74
Figure 1.8 Benchmark Personnel Work Schedule	74
Graph 1.20 Benchmark Reasons Personnel Are Leaving.....	75



Burlington Fire Department – Staffing Study

Graph 1.21 Benchmark Actions to Attract Personnel	75
Graph 1.22 Benchmark Actions to Retain	76
Graph 1.23 Benchmark Drivers/Uses of Overtime.....	76
Strengths, Weaknesses, Opportunities, and Challenges Sessions	77
Table 1.30 Most Frequently Mentioned SWOC Items.....	78
Conclusion.....	78
Appendix A SWOC Session Results.....	79
Appendix B Benchmark Department Information	81
Appendix C Member Survey Results.....	90



Burlington Fire Department – Staffing Study

Executive Summary

MissionCIT conducted an in-depth review of the current staffing within the Burlington Fire Department. During the review, it became clear that there were three distinct areas that needed attention regarding the department staffing. The three main areas of analysis included the following.

1. The number of personnel staffing fire apparatus
2. Impacts of an increased workload on the department and its personnel
3. The vacancies occurring within the department and their hiring and training processes

MissionCIT personnel collected and reviewed department data, conducted focus group sessions with line personnel and command staff members, and interviewed city staff to assist in the assessment and determination of the issues regarding staffing within BFD.

The Number of Personnel Staffing Fire Apparatus

The Burlington Fire Department staffs some of their fire apparatus with three personnel, and some with two personnel. This staffing configuration does not meet the requirements of NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*, nor does it meet the needs of the fire risks within the city. NFPA 1710 is a national consensus standard developed to provide recommendations regarding fire department deployment. It is not legally binding, although would most likely be referenced in any legal proceedings as an industry standard. The city's population is concentrated in older, dense, wood frame structures, with little separation. The University of Vermont also has a tremendous student and staff population impact on the city and the risks. The risks and delays with inadequate apparatus staffing were clearly demonstrated in the National Institute of Standards and Technology (NIST) fireground evolution study detailed later in the report.

MissionCIT, recognizing the cost of adding additional staff, has provided recommendations and costs for the city to staff all apparatus with a minimum of three personnel to provide a baseline level of protection, as well as an option to staff apparatus with four personnel to meet NFPA 1710. The city and department should develop a phase in plan to increase staffing over time and within financial capabilities. The department is also recommended to apply for a Federal SAFER grant to help pay to add staffing to the department.

The type of incidents that BFD is responding to today are also different than in years past. As such, the department initiated a pilot program to provide resources to respond to those incidents which require mental health/social program services. The initial results of this program are promising and should be continued by the department as a means to provide the right resources to those patients as well as to increase the availability of fire apparatus for fire and other emergency incidents.



Burlington Fire Department – Staffing Study

Impacts of an Increased Workload on the Department and its Personnel

As a result of several government policy decisions and the increase in the number of homeless and drug addicted individuals, the fire department has experienced a significant increase in its calls for service. This increase has impacted the mental health and morale of the members in the department. Personnel do not feel that they are making a difference in delivery of services to those population groups needing mental health and social program resources. The increase in the workload, combined with the COVID pandemic saw an increased amount of mandatory overtime adding to the burnout of personnel. From these issues, and others, the department experienced higher than normal turnover over the last few years. The reasons for the turnover are not unique to Burlington, but are being seen across the national fire service. However, the department and the City will need to look to address the issues facing the personnel. The pilot program, already mentioned, can be a significant asset to helping with some of these issues. In addition, providing adequate resources for the department's Wellness Committee can further help to reduce the level of stress for members from these issues. The department may not realistically be able to reduce its turnover to past times, as the causes and reasons are as varied as members of the department, but they do mirror national trends in the fire service.

The Vacancies Occurring within the Department and their Hiring and Training Processes

Though BFD is seeing a consistent trend of vacancies within the department, one of the areas that most impacts its use of overtime is the hiring and training process for the department. The department can experience anywhere from a 6-8 months' time period where they are paying overtime to backfill vacant positions while new personnel are being hired and in recruit training, costing salaries as well. This never-ending cycle adds to the staffing issues, and mostly the use of overtime within the department. Process improvements are needed to reduce the amount of time that vacancies either go unfilled or personnel are in training and not available for assignment in a fire station.

In addition to these three main areas of staffing impacts, MissionCIT has also provided recommendations that can increase the response of mutual aid/automatic aid resources from other jurisdictions, improve the efficiency of fire apparatus response to EMS incidents through utilizing an Emergency Medical Dispatch system and improve the morale of members through improved station living conditions.

All of the recommendations should be taken into consideration to impact on the positive improvements to staffing and consistent staffing within the department.

Introduction

MissionCIT was contracted to provide a staffing study for the City of Burlington, Vermont Fire Department. The department has experienced an increase in the number and type of calls that they respond to. This has impacted their ability to handle these requests and provide fire



Burlington Fire Department – Staffing Study

protection services as well. In addition, due to various factors, the amount of overtime expended by the department has increased significantly over the last few years. From the RFP and after meeting with the Fire Chief, a revised scope and objectives for this study included the following.

Project Scope

To determine the staffing needs for the Burlington Fire Department to operate safely and identify the internal areas of improvement for maintaining a healthy work environment and a reasonable overtime budget.

Project Objectives

- Survey members of the organization to determine the current level of satisfaction
- Survey and hold focus group meetings with members of the organization to determine areas of dissatisfaction and improvement
- Identify improvements in the staffing of fire stations within the current overtime process
- Identify the optimal unit/station staffing levels for the fire department
- Identify the correct staffing factor to maintain the level of staffing within the fire department
- Identify best practices and staffing levels from benchmark departments to maintain overtime costs and improve retention
- Determine the trends of employee exits from the organization
- Review the current overtime process for process improvements

MissionCIT staff spent three days onsite in the city with fire department command staff and line personnel in mid-September. In addition, numerous reports and data were reviewed in the preparation of this report.

MissionCIT staff would like to sincerely thank the following city leaders and city staff for their assistance on this project. Particularly, MissionCIT would like to thank Chief Michael LaChance for his leadership and hospitality during our visit.

Mayor Miro Weinberger
Ms. Katherine Schad – Chief Administrative Officer
Ms. Kerin Durfee – Human Resources Director
Ms. Linda Sheehey – Fire Commission
Ms. Monica Chapman – Fire Commission
Mr. Kevin McLaughlin – Fire Commission

Fire Chief Michael LaChance
Deputy Fire Chief Derek Libby
Deputy Fire Chief Stephen Petit
Ms. Meghan Sweeney
Battalion Chief Troy Ruggles
Battalion Chief Marsha McCombie
Fire Marshal Matthew Stone



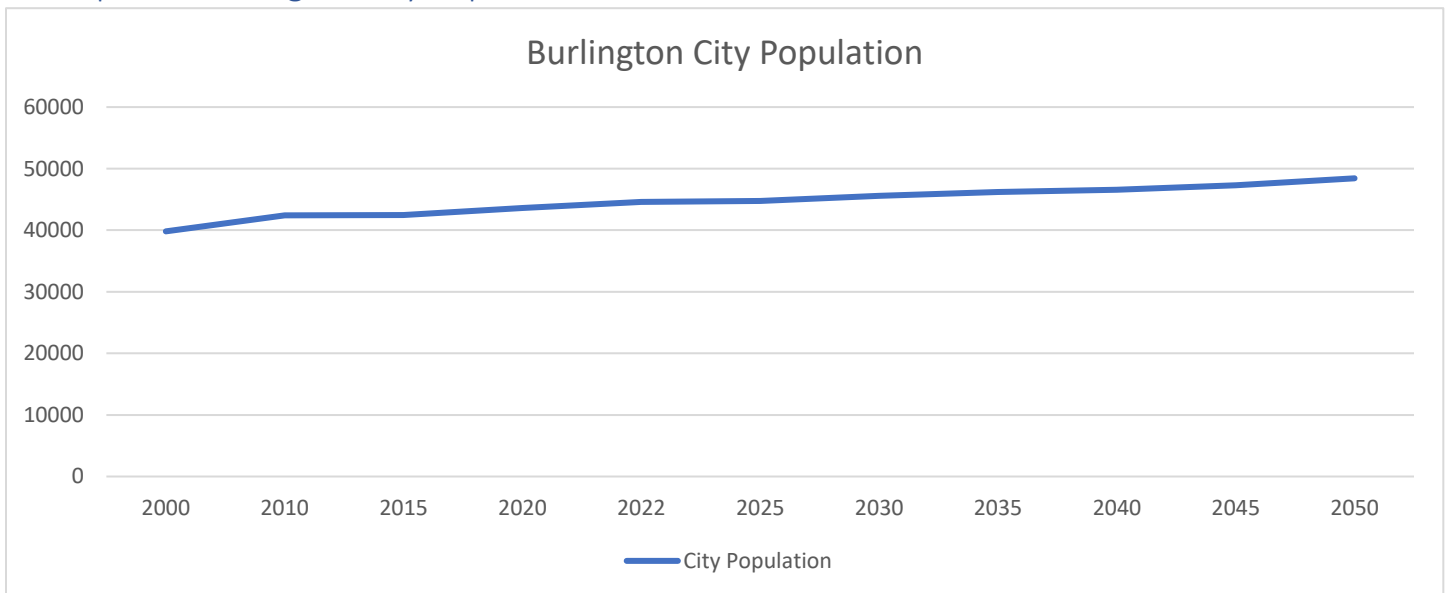
The Community

Burlington is the largest city within Vermont. As of July 1, 2022, the population was estimated to be 44,595, which is down slightly from the July 2020 census estimate of 44,743. The city is 10.3 square miles in size for a density of 4,329.6 people per square mile. The current racial makeup of the population is 85.6% White, 4.6% Asian and 4.36% Black. The median age of the population is 27.2 years. The city has an overall poverty rate of 23.77%, but it is 52.14% in the black population and 38.72% in the Asian population. The population of the city by age groupings includes those under the age of 18 (12%), those age 18-64 (77%) and those over age 65 (12%). Those persons under the age of 65 with a disability is 9.7%.

Within the City is the University of Vermont and the University of Vermont Medical Center. As of 2023, there were approximately 14,320 students and 4,125 faculty and staff that are on the campus at any time of the day or night. Champlain College with an enrollment of 3,100+ also is located within the city. The population figures do not take into account the number of citizens who travel into the city during the daytime business hours for work.

The population of the city has been steadily increasing and is continued to increase in the future.

Graph 1.1 Burlington City Population



Source: Economic and Policy Resources, Inc.

There are 18,282 housing units in the city, with 870 vacant housing units. Of the housing units, 38.3% are owner occupied while 61.7% are renter occupied. The homeless population in the city is estimated to be approximately 250 individuals. Vermont currently ranks as the state with the second highest homeless population per capita in the United States. The construction in the city is a mix of older, early 20th century, masonry and wood frame residential and commercial



Burlington Fire Department – Staffing Study

occupancies. The residential construction is dense in some parts of the city and consists of between 1-3 stories in height and ranges from 1,200 to over 6,000 square feet in size. The downtown area is a typical urban area of multi-story commercial and residential properties. The tallest building in the city is 11 stories in height. Buildings on the University of Vermont campus also include a mix of older structures, and new, large classroom and office buildings.



Residential Areas of City

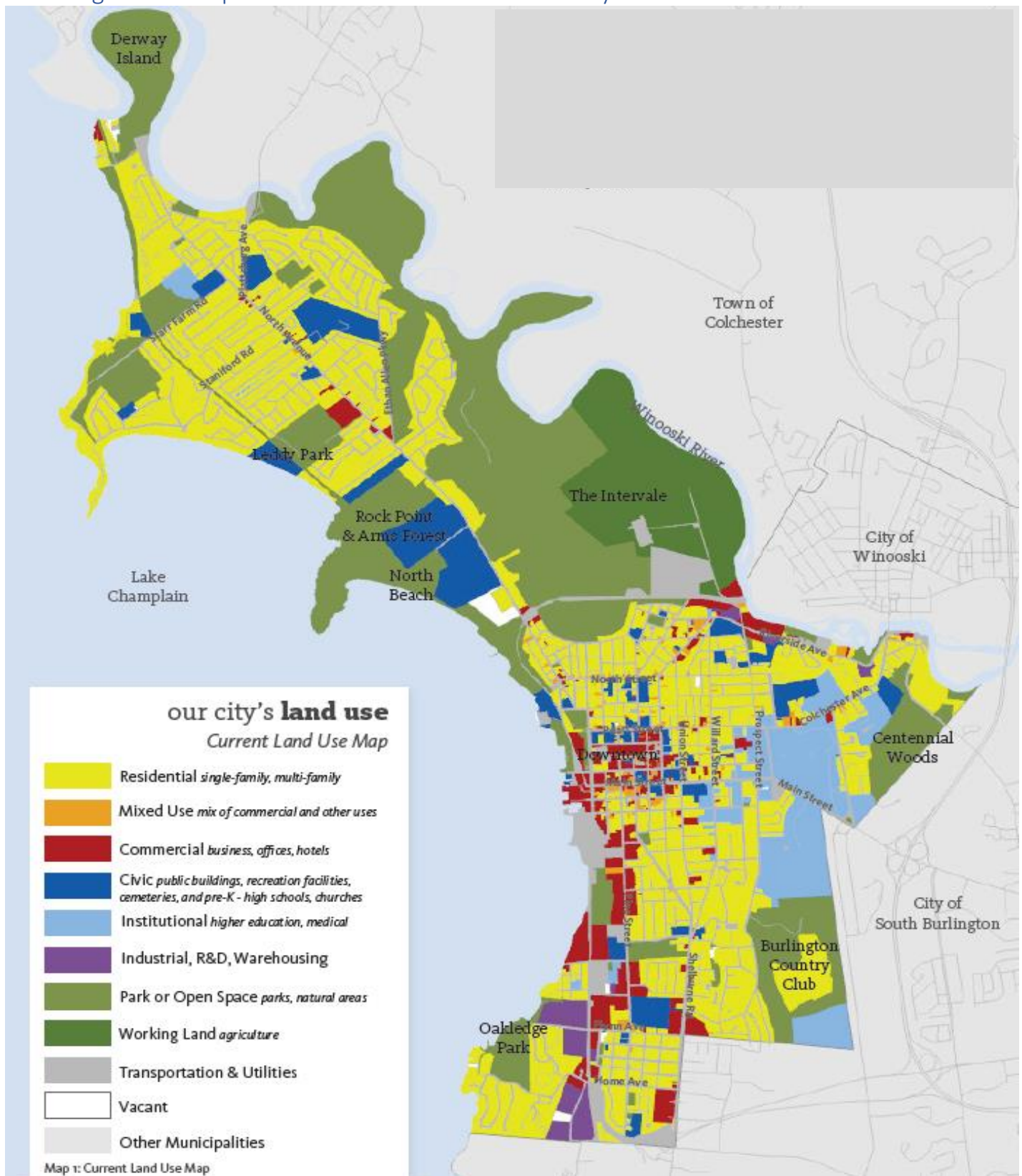


Downtown areas of City



Burlington Fire Department – Staffing Study

Figure 1.1 Map of the Current Land Use in the City



Source: 2019 City of Burlington Comprehensive Plan



Burlington Fire Department – Staffing Study

The City of Burlington's population at the poverty level is more than twice that of the state level. The city's population is also approximately 36% younger than that of the state, primarily due to the college student population. The owner occupancy rate is also lower than the state of Vermont. With the greying of the US population, those residents over age 65 in Burlington will increase. This population group, along with the population group with mental health and drug challenges will continue to utilize fire and EMS resources at a higher rate than other population age groups and demographics.

The Chittenden County hazard mitigation plan analyzes and prioritizes the main hazards existing within the county for the different jurisdictions. Aside from the normal weather-related incidents as potential hazards, **the City of Burlington has a high hazard for multiple structure fires**. This is unique within the county and highlights the risks with the construction and density that exists within the city. This hazard, projected to be a frequent occurrence, is the highest hazard that exists in Burlington outside of winter related events and hazardous materials incidents.

Table 1.1 2022 Chittenden County Multi-Jurisdictional All-Hazards Mitigation Plan – October 2022

Jurisdiction	CCRPC	Bolton	Buels Gore	Burlington	Charlotte	Colchester	Essex	Essex Junction	Hinesburg	Huntington	Jericho	Milton	Richmond	St. George	Shelburne	South Burlington	Underhill	Westford	Williston	Winooski
Invasive Species	M	M	L	L	M	M	M	L	M	L	L	L	L	L	L	L	L	L	L	L
Severe Rainstorm	H	H	M	H	M	M	M	M	H	M	M	H	L	H	H	H	H	M	H	H
Severe Winter Storm	H	H	H	H	H	H	H	H	H	H	H	H	H	H	M	M	H	H	H	H
Wildfire	L	M	L	L	L	L	L	L	L	L	L	L	L	M	M	L	M	L	L	L
Technological Hazards																				
Hazardous Materials	M	L	L	H	L	L	M	M	L	L	L	M	L	L	M	M	L	L	H	M
Major Transportation Incident	M	M	M	M	M	M	M	M	L	L	L	M	H	L	M	M	L	L	M	M
Multi-Structural Fire	M	L	L	H	M	L	M	M	M	M	L	M	L	M	M	M	M	L	M	M
Natural Gas Service Loss	L	L	L	L	L	L	L	L	L	M	L	L	L	L	M	L	L	L	L	L
Other Fuel Service Loss	L	L	L	L	L	L	L	L	L	L	L	L	M	L	L	L	L	L	L	L
Power Service Loss	M	H	L	L	M	M	M	M	M	M	M	M	M	H	L	L	H	L	L	H
Sewer Service Loss	M	L	L	L	L	M	L	L	L	L	L	L	L	L	L	M	L	L	M	M
Telecommunications Failure	L	M	L	L	M	L	M	M	M	M	M	L	L	L	M	L	L	M	M	L
Water Pollution (algal bloom, etc.)	H	L	L	M	M	L	M	M	L	L	L	L	L	L	M	M	L	L	L	L
Water Supply Loss	M	L	L	L	L	L	M	M	L	L	L	L	L	M	M	M	M	L	L	L



Table 1.2 2022 Chittenden County Multi-Jurisdictional All-Hazards Mitigation Plan – October 2022

A hazard with a **LOW-RISK** rating is expected to have little to no impact on the jurisdiction. The hazard poses minimal health and safety consequences to the state's residents and is expected to cause little to no property damage. The occurrence of a hazard with a **LOW-RISK** rating is rare; however, due to other factors such as geographic location it is still possible for such a hazard to occur and cause even significant damage based upon the magnitude of the event.

Moderate

A hazard with a **MODERATE RISK** rating is expected to have a moderate impact on the jurisdiction. The hazard poses minor health and safety consequences with minor injuries expected and few to no fatalities. It may cause some property to be damaged or destroyed. A **MODERATE RISK** hazard is likely at least once within the next 25 years.

High

A hazard with a **HIGH-RISK** rating is expected to significantly impact upon the jurisdiction. The hazard poses high health and safety consequences with numerous injuries and fatalities possible. The hazard may cause even some property to be damaged or destroyed. A hazard with a **HIGH-RISK** rating is expected to occur at least once within a 12-month period but may occur multiple times within a year.

Community Growth

There is a significant portion of the city that is not able to be developed or includes development that does not pay property taxes, thus limiting the revenues to the city to provide services. The city is predominantly built out, but there are some open areas and there is re-development of existing areas where new residential and commercial construction has been built or is coming. Some of these current developments and future areas include;

Fire District 1

- City Place – 385 units in five years (110 units within the year) Retail on first floor of three buildings.
- Other single building apartments- 235 units in five years (80 units within the year)

Fire District 2

- Cambrian Rise – 660 units in five years (260 units within the year)

Fire District 3

- 40 units- timeline unknown

Fire District 4

- Rezoning of 1 acre lots to increase density. Timeline unknown. Potential for 100 units

Fire District 5

- Pine St. in south end- 750 units in 7 years. Approval given by City
- Commercial expansion of Rhino foods. Current 55,000 ft² to 110,000 sq²
- Expansion of Chittenden County Transit Authority to replace the bus fleet with all electric fleet



Burlington Fire Department – Staffing Study

- Higher Ground Entertainment venue- 500 or more-person capacity- timeline unknown

It has been indicated that the new developments will be a mix of mostly residential, with some commercial occupancies on the lower floors. The residential occupancies will include space for low income and elderly population groups. These two groups typically have a disproportionate amount of use of public safety services.



Examples of new construction in City

This growth will impact and increase the number of responses by the fire department, for both fire and medical calls. The development at Cambrian Rise, although only in the initial stages with a couple of buildings finished, has increased the number of responses of the BFD by approximately 180 per year. All of this residential development will provide over 2,000 new units over the next 5-7 years. A conservative estimate is that this will increase the number of fire and EMS responses by BFD by between 400-600 calls per year.

Community Risk Assessment

Evaluating emergency services requires not only an understanding of the capabilities of a community to provide service, but also a firm understanding of the community itself. It is important to properly size the organization to the needs in the community. There is no “one size fits all” solution to this problem. At the most simplistic level, emergency services exist to eliminate or alleviate risks to life, property, and the environment within a community. Incidents that occur involving any of these three things can have negative impacts ranging from mild to severe for the community. In 2017, the Burlington Fire Department realized there was a need to evaluate closely the risks in the Burlington community when it developed its first ever Community Risk Assessment - Standards of Cover (CRA-SOC) document. The main purpose of taking on such a project was to identify the risks and match resources and personnel to adequately address those risks. The BFD states in the report that,

“Historically, the fire department has not utilized an educated system of differential responses; the information gathered from these fire risk assessments will now allow the department to deploy



Burlington Fire Department – Staffing Study

the appropriate kind and quantity of resources to match the risk that is quantitatively known.”

(Burlington Fire Department draft 2017 SOC, pg., 95.)

The document that was developed out of the 2017 study is impressive and is very comprehensive. It does the following:

1. *Provides detailed information about the community which includes demographics, topography, history, and future growth expectations.* This helps to tie recommendations into the features of the built and natural environment of the city.
2. *Includes input from the Burlington community that was derived from the department’s community driven strategic plan from 2016.* This provides direction as to what services the community feels are most important from the fire department.
3. *Provides detailed information about emergency service response capabilities.* This sets the benchmark as to status of the current (2017) fire department response system.
4. *Defines the risks found in the Burlington community using a scientific process that can be repeated to update the data at regular intervals.* This defines where the risks are currently and allows for planning for future risks utilizing the same techniques and criteria.
5. *Categorizes the risks by severity and determines the necessary tasks and personnel to control the risks safely and efficiently.* This step, also known as “critical tasking,” helps both city and fire department administrators make sure adequate personnel, equipment, and resources are available to address the risks in the city. Critical tasking evaluates each task required on an incident scene and then identifies the number of trained personnel, equipment, and other resources that may be needed to handle that task. Referencing national standards and industry best practices assist with the determinations within critical tasking.
6. *Establishes benchmark times for responders to arrive on the scene of emergencies based on the type of risk.* This provides a measurable criterion for the response. Aiding the public quickly when an emergency occurs is critical to save lives, reduce property loss, and reduce harm to the environment. Arriving and handling emergencies quickly also increases responder safety. The longer a structure burns, the weaker it becomes, which leads to a greater potential for collapse and firefighter injuries.

(Source: NIST. (April 2010). *Report on Residential Fireground Field Experiments.*)

The hazard and threat assessments were conducted in two parts. The first part surveyed the buildings in the city to provide a hazard score. For this portion of the survey, the fire department considered using components from FEMA’s *Multi Hazard and Risk Assessment* as well as NFPA 1600: “*Standard on Emergency/Disaster Management and Business Continuity/Continuity of Operations Programs*” to determine the scores. Ultimately, it was decided that the assessment methods in these programs did not meet all the needs of the Burlington community and the department created and implemented its own program based closely on a successful program already in use in Winter Park, FL.



Burlington Fire Department – Staffing Study

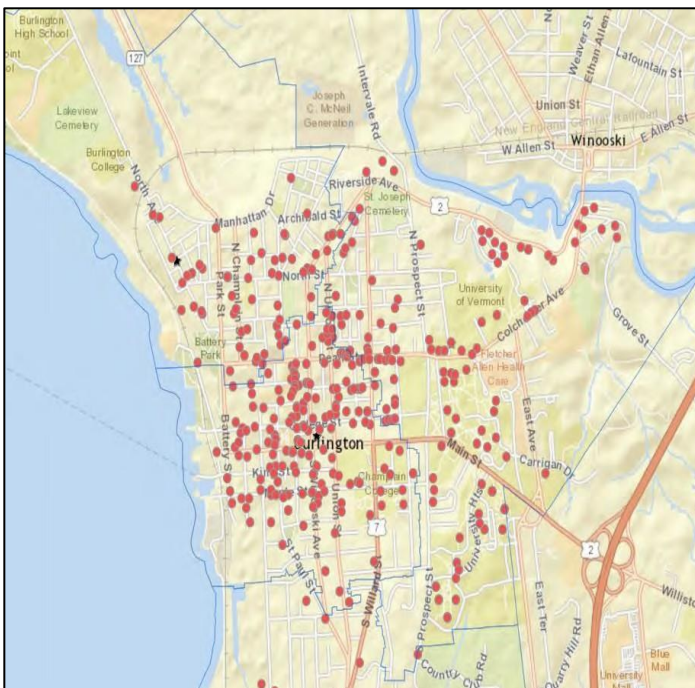
The Burlington program uses company level personnel to assess the buildings in the district. Personnel utilize a set format, known as the “Fire Risk Assessment Form” to maintain consistency. The assessment considers life hazards, community impacts, hazardous impacts, water supplies for firefighting, the use or uses found in the building, the building’s construction type, the number of stories in the building, the square footage of the building, any exposure buildings, and any fire detection or suppression systems present. Each of the following areas is scored and the building is assigned an overall risk score. By plotting the locations of high and maximum risk buildings within the city, the department could then determine where the risks were greatest. The following chart and maps show the results.

Table 1.3 Burlington Fire Department High and Maximum Risk Buildings by District

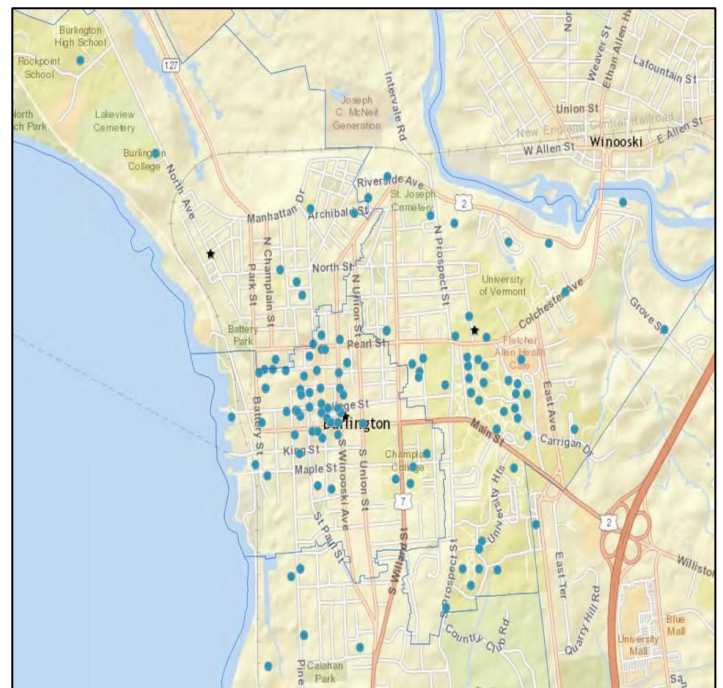
District	High Risk		Maximum Risk	
	Quantity	% of Total High Risk	Quantity	% of Total Maximum Risk
1	144	34.3%	48	33.8%
2	63	15%	11	7.7%
3	163	38.8%	59	41.6%
4	13	3.1%	11	7.7%
5	37	8.8%	13	9.2%
Total	420	100%	142	100%

Source: 2017 Burlington Fire Department Community Risk Assessment and Standards of Cover, p. 125

Figure 1.2 Burlington Fire Department High Risk and Maximum Risk Building Locations Within the City Core – Districts 1, 3, and 5



High Risk Buildings



Maximum Risk Buildings

(Source: 2017 Burlington Fire Department Community Risk Assessment and Standards of Cover, p. 294)



Burlington Fire Department – Staffing Study

The findings from the company level building assessments indicated that District 1 and District 3 contained the majority of the high and maximum risk buildings within the city. District 3 (protected by a 2-person engine company) has a greater number within both risk classifications, while District 1 has a greater density of high and maximum risk buildings. The initial assessment covered over 1,400 buildings and was conducted over an (11) week period in 2017. Discussions with fire department administrators indicated that a full reassessment has not been performed since that time. There have been some new structures added since that time. To address this, the Fire Marshal's office provides a risk assessment score for all new construction so buildings with risks are not overlooked. The majority of new buildings meeting the high risk and maximum risk criteria have been constructed in the city core (Districts 1, 3, and 5).

City Social Issues/Impacts

There have been several significant issues which have impacted the workload of the fire department over the last few years. These issues have included societal issues, policy decisions and those related to COVID. Some of these impacts are also negatively affecting other city services and social service agencies. The issues have included, in no particular order;

1. **Reduction in mental health treatment/addiction resources.** Burlington, like other localities in the United States, has seen a reduction in the available resources for the treatment of people with mental health issues or drug addiction. Whether these reductions have been in staff personnel or actual facilities, they have impacted the availability of treatment for those populations needing help. This has increased the number of people who are not able to receive appropriate care or who can find suitable housing. Thus, there has been an increase in this population group that is living on the streets in cities like Burlington. They do not have health care available to them, or housing. Thus, they rely on emergency medical services for all their needs, medical or mental.
2. **Government Policy Decisions.** Whether at the local or state level, there have been recent policy decisions which have impacted the workload of the fire department. These decisions have included the reluctance to prosecute some people for minor criminal offenses and providing resources to those with addiction, mental health or homelessness to perpetuate their issues. Prior to these decisions, the police department would respond, with or without the fire department, to minor offenses and remove those individuals to jail or an appropriate social service location. Now that this does not occur, those who are struggling remain on the street and become frequent repeat callers and users of the fire department's services. If they are transported to a medical facility, they are released after a short period of time and return to those areas within the city where drug, alcohol and mental health struggles continue to influence them. Another policy decision which has impacted the workload on the fire department has been the decision to provide those struggling with drug addiction with the apparatus to continue their actions, such as needles, clean water and Narcan. These decisions



Burlington Fire Department – Staffing Study

facilitate the actions which create a never-ending stream of patients and 911 calls to the dispatch center. In addition, free tents are provided to those who are homeless which reinforces them to remain homeless in the affected areas.

3. **Reduction of Police Department Resources.** Through policy decisions, the number of on-duty law enforcement resources in the city have been reduced. As indicated in the Burlington Police Department Priority Response Plan of June 2022, prior to the reduction of the Police Department resources, they staffed with 8 patrol officers, plus two supervisory officers during the daytime and evening hours. During the midnight shift, they had 5 patrol officers. Now, their staffing configuration is only 4 officers during the daytime and evening, with one supervisory officer, and with only 2 patrol officers and one supervisory officer during the midnight shift. Prior to this decline, patrol officers would routinely respond to most all incidents that the fire department responded to regarding potential drug, alcohol, behavioral or violence calls to provide back-up and assistance. That does not happen anymore. The police department has significantly downgraded the number of call types that they will respond to. In their most recent priority response plan, they only respond to 30 Priority 1 call types and just over 26% of their call types only have a response by a Community Service Officer or online reporting. In fact, they show that response to calls for drugs, drug sales or drug possession is a Low Priority which will be cause for delays or not even a response by a uniformed officer. In addition, calls that the fire department is now regularly called upon to respond to such as someone sleeping on a bench, or the ground, or someone intoxicated would have been handled before completely by the police department without any notification or response of fire department resources.
4. **COVID.** The COVID epidemic caused a significant workload on the fire department and all medical facilities. Patients were sicker, more contagious and contacted 911 more frequently to respond to their needs. In turn, the fire department and the emergency services system had fewer workers to respond to treat those in need due to the epidemic striking them as well. This has subsided over time, but there have been multiple, weaker waves of the epidemic to cause spikes in responses. This continues still today.

All of these issues have decreased the response by the police or social service resources to an ever-growing population in the city, that does not receive the upstream care and lifestyle assistance they need. As a result, resources are provided to allow them to continue their lifestyle and remain in a cyclical world of response by the fire department, some level of treatment and then a return to their world on the streets.

The Fire Department

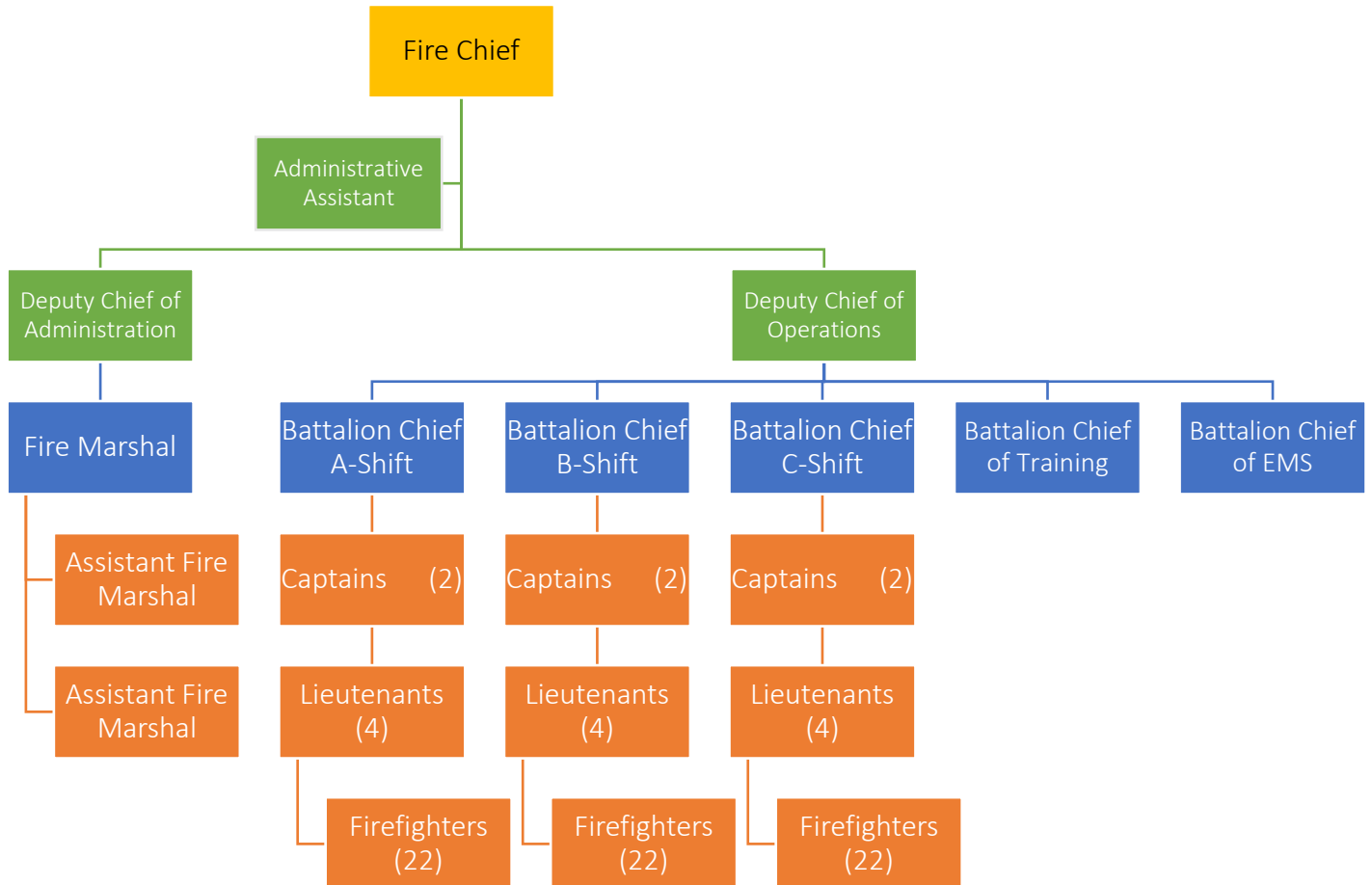
The Burlington Fire Department is a fully paid department that has been in existence since 1895 when the city transitioned from volunteer fire companies to a paid system operating out of four fire stations. The department has a long and rich tradition of service and the members embrace



Burlington Fire Department – Staffing Study

that tradition with a passion. Currently, the department operates out of five fire stations with a total of 96 employees across several divisions. The organizational structure of the fire department is depicted below.

Figure1.3 Fire Department Organizational Structure





Burlington Fire Department – Staffing Study

The staffing within the fire stations includes the following.

Table 1.4 Fire Station Characteristics

Station	Age of Station	Apparatus in Station	Minimum Number of People Staffing Apparatus on a Daily Basis
1	97 years	Engine 1 Tower 1 Ambulance 1 Rescue 1 Battalion 1	3 2 2 Cross Staffed 1
2	43 years	Ladder 2 Ambulance 2 Engine 6	3 2 Reserve – Not Staffed
3	128 years	Engine 3	2
4	32 years	Ladder 4 Ambulance 4	3 2
5	32 years	Engine 5 Ambulance 5	2 Reserve – Not Staffed
			Total Minimum Staffing per shift - 22

Each shift in the department, when fully staffed, contains 29 personnel. Per their collective bargaining agreement (CBA), a minimum of 22 personnel is required for staffing on each shift. Three personnel are allowed off due to vacation leave while the remaining four slots are used for sick leave, training, etc. If there are additional people available on the shift due to low leave usage, then Tower 1, Engine 3 or Engine 5 are staffed with 3. This was indicated by the chief to probably only occur about 10 times in a year. At stations 2 and 4, the department utilizes quint apparatus for the first response fire suppression unit.





Burlington Fire Department – Staffing Study

As is shown in the staffing chart above, the fire station facilities within the city are older. Typically, fire stations are constructed to have a functional lifespan of 50 years. Two of the five stations have exceeded that dramatically, while the remaining three stations are within 7 and 18 years respectfully from reaching that typical end-of-life period. The age of the fire stations and the living conditions within them have an impact on the workforce and their morale. This was evident in some of the comments about the stations and the living conditions in the internal member survey outlined later in this report.



Recommendations

1. The City of Burlington and the BFD need to develop a funded, long term, capital facilities improvement plan for BFD stations. The plan should include modernization, health and safety upgrades, and improved living conditions for the members. Strong consideration should also be given to consolidation of at least two of the stations from the prior study report conducted. More will be provided later in this report.

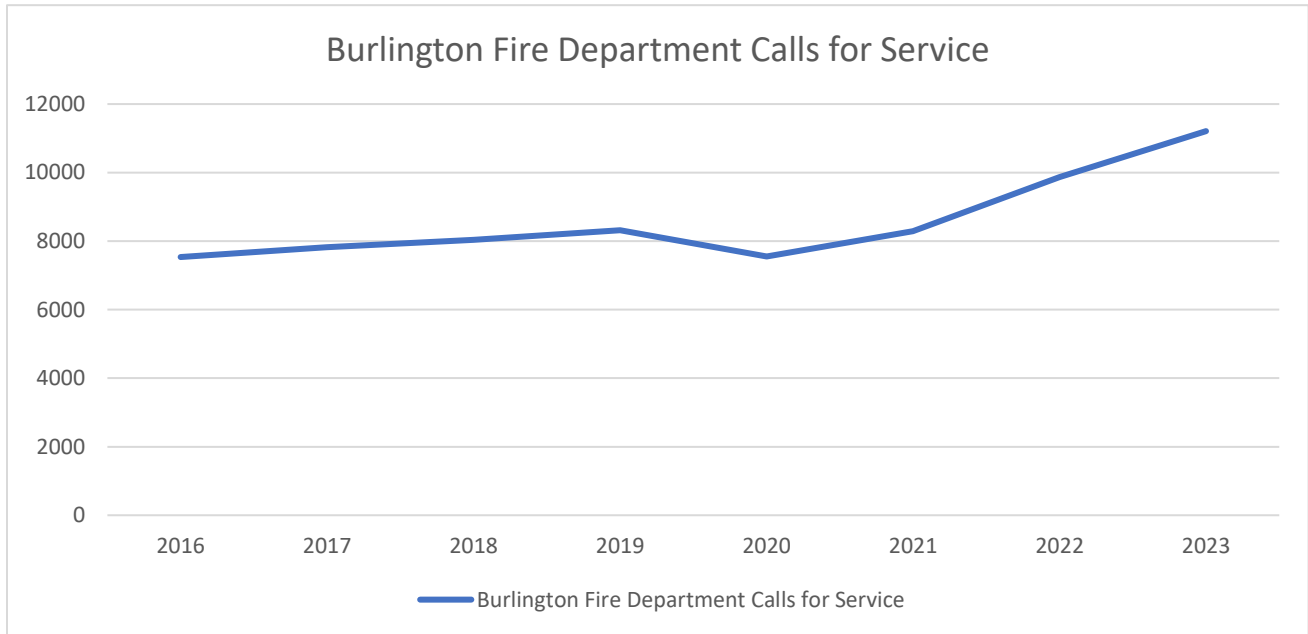
Fire Department Workload

The department has seen a steady increase in calls for service over the last few years. This increase in calls has been primarily related to COVID, the changes of the social structure in the city and policy decisions that have been made in government.

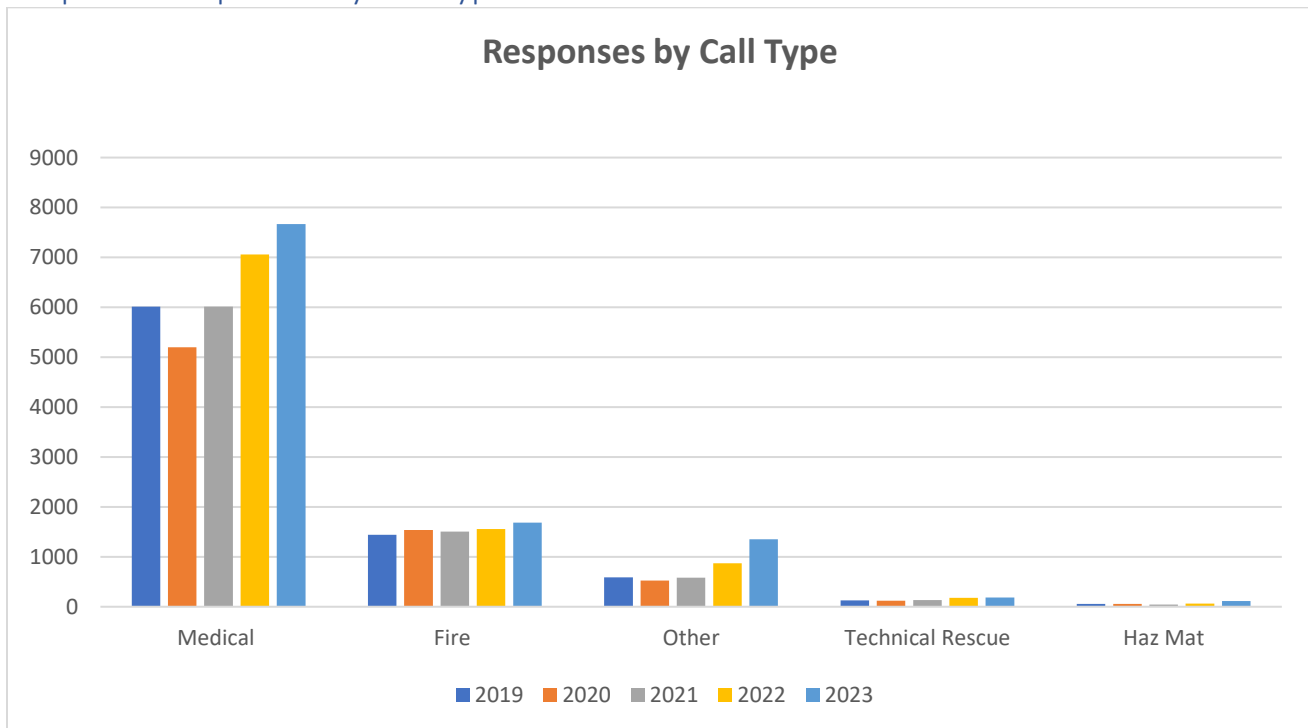


Burlington Fire Department – Staffing Study

Graph 1.2 Burlington Fire Department Calls for Service 2016-2023



Graph 1.3 Responses by Call Type 2019-2022



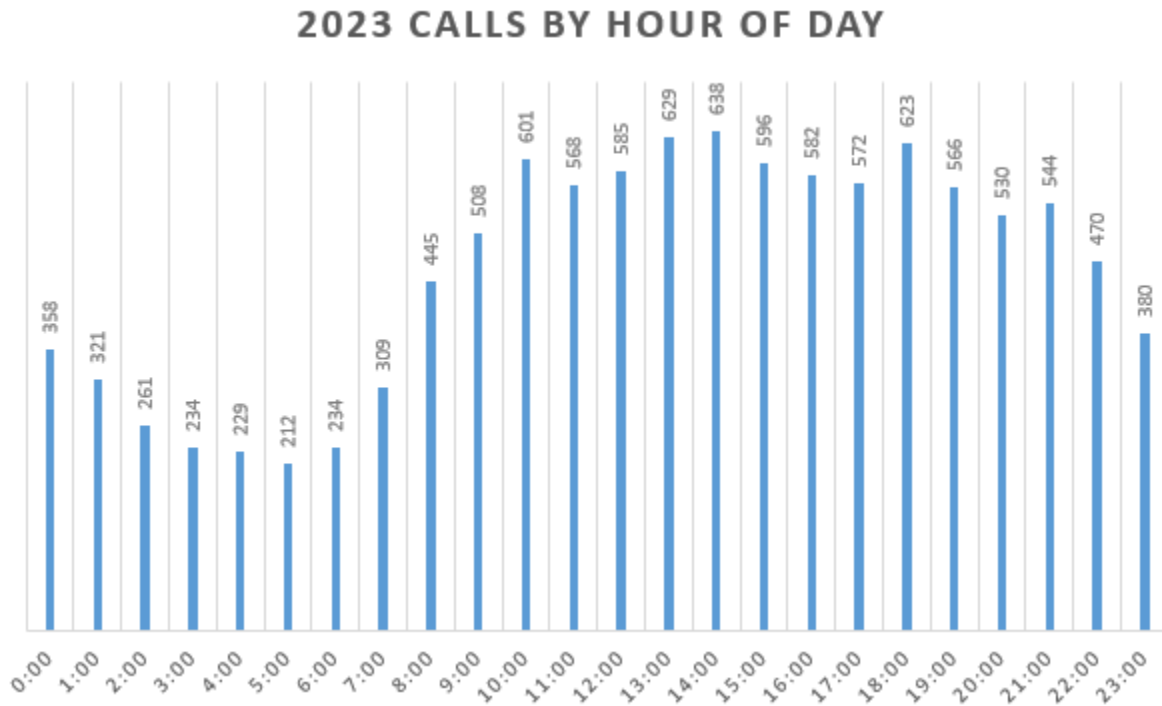
The department has experienced an almost 2,500 call increase (+48%) since 2020 in EMS calls. EMS calls account for approximately 70% of the BFD calls for service. BFD has remained steady in their fire and other call types from 2019 to 2023.



Burlington Fire Department – Staffing Study

As expected, the volume of calls increases dramatically as daylight begins and people are up and moving about, either to work, or in the community. The chart below shows the distribution of all incidents in 2023. Calls then begin to reduce after people get home and are getting ready and going to sleep.

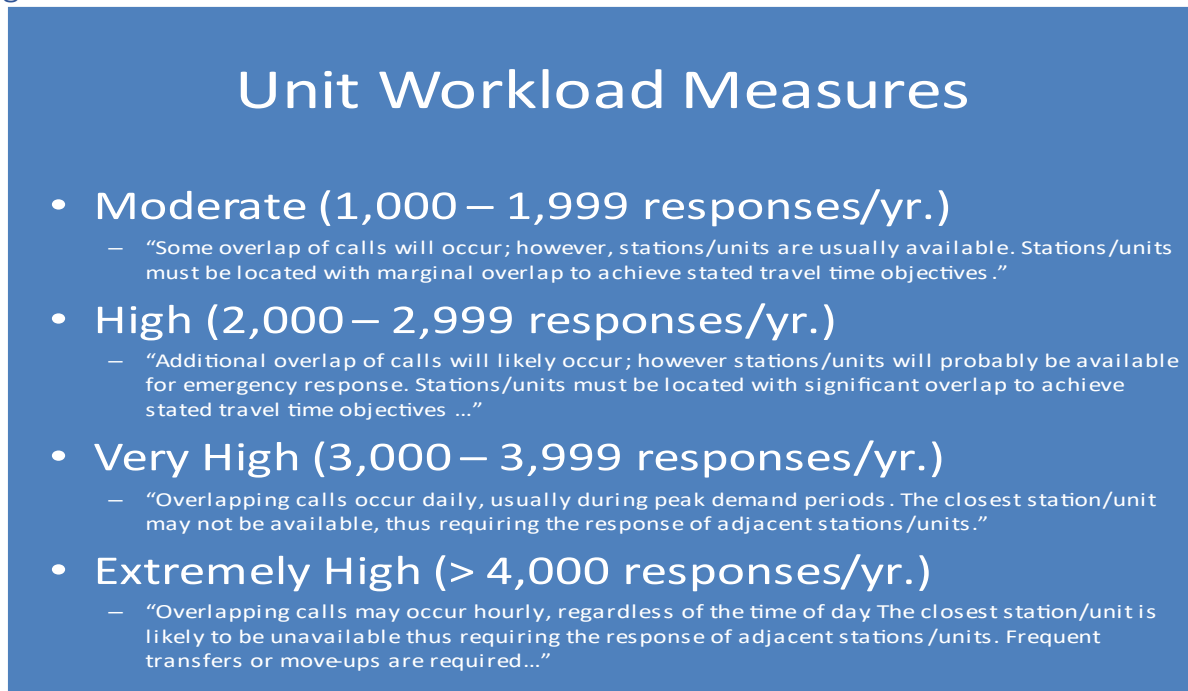
Graph 1.4 2022 Incident Count by Hour



The total number of calls for service does not clearly show how busy each of the response units are in the city. In looking at the responses for each unit in the department, a clearer picture of how busy the department comes to light. To provide some relative explanation of the workload to unit availability, the information below was published by another consulting group several years ago. It is still accurate and can be used today. Though the numbers for the response of units from Burlington Fire are in the high to very high category, as shown in the additional chart below, during our site visit there, there were many times where multiple calls for service occurred and units were moving throughout the city to try and handle them. There are daily or weekly occurrences where for some of the time, the call load would be in the extremely high category.



Figure 1.4 Unit Workload Measures



Source – TriData Corporation (October 2007)

Graph 1.5 Workload Annual Unit Responses





Burlington Fire Department – Staffing Study

The chart shows the workload of the fire department apparatus over the last 6 years. Engine 1 is now approaching the Extremely High workload threshold. Three out of the nine response units (33%) exceed the Very High workload category. Four of the remaining response units (44%) are at or over the High workload thresholds. This means that they may be out of service for responses as much as they are in-service.

All response units, except Ladder 4, exceeded their call volumes in 2023 over 2022. The busiest apparatus in 2023 had the following response increases;

- Engine 1 – 982 additional responses over 2022 – 35%
- Ambulance 1 – 665 additional responses over 2022 – 23%
- Ambulance 2 – 633 additional responses over 2022 - 25%

Ambulance 4, which was not even in service until 2020, is now responding to over 2,000 calls for service a year.

In addition to the normal daily workload experienced by BFD, the number of additional alarm incidents (2nd alarm or greater) have remained consistent over the years.

2020 – 4 incidents	2022 – 4 incidents
2021 – 1 incident	2023YTD – 2 incidents

Greater alarm incidents present even higher risks for firefighting personnel, the public and to the community infrastructure with potential significant loss. Though infrequent, they must still be a consideration in the planning, training and staffing within BFD. With the normal, daily call volume, from EMS incidents, reaching such high levels, fire apparatus may not be as available to respond to those fire incidents where there is an actual fire. Delays and the inadequate staffing on some BFD apparatus can allow fire incidents to gain greater headway and result in greater damage than in prior years.

Looking closer into the increase of calls within the department, the fire chief provided data during our site visit regarding their responses for the first 4 months of each year from 2016 through 2023.

- Total increase in responses from 2016 to 2023 **35%**
- Total increase in all EMS incidents from 2016 to 2023 **49.57%**

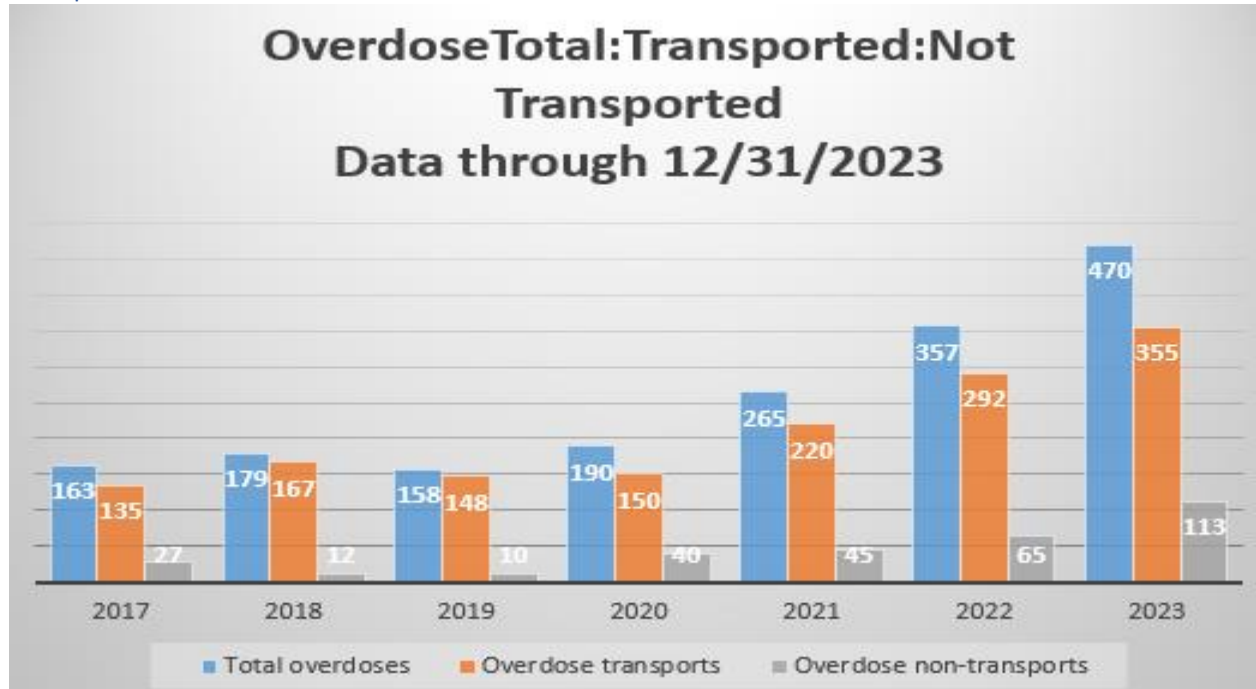
The spike in EMS responses has had the most impact on the department. In particular, the number of responses to overdose patients and the number of responses to homeless/transient patients have increased dramatically in the last few years. This is clear from the next two graphs provided by the department.



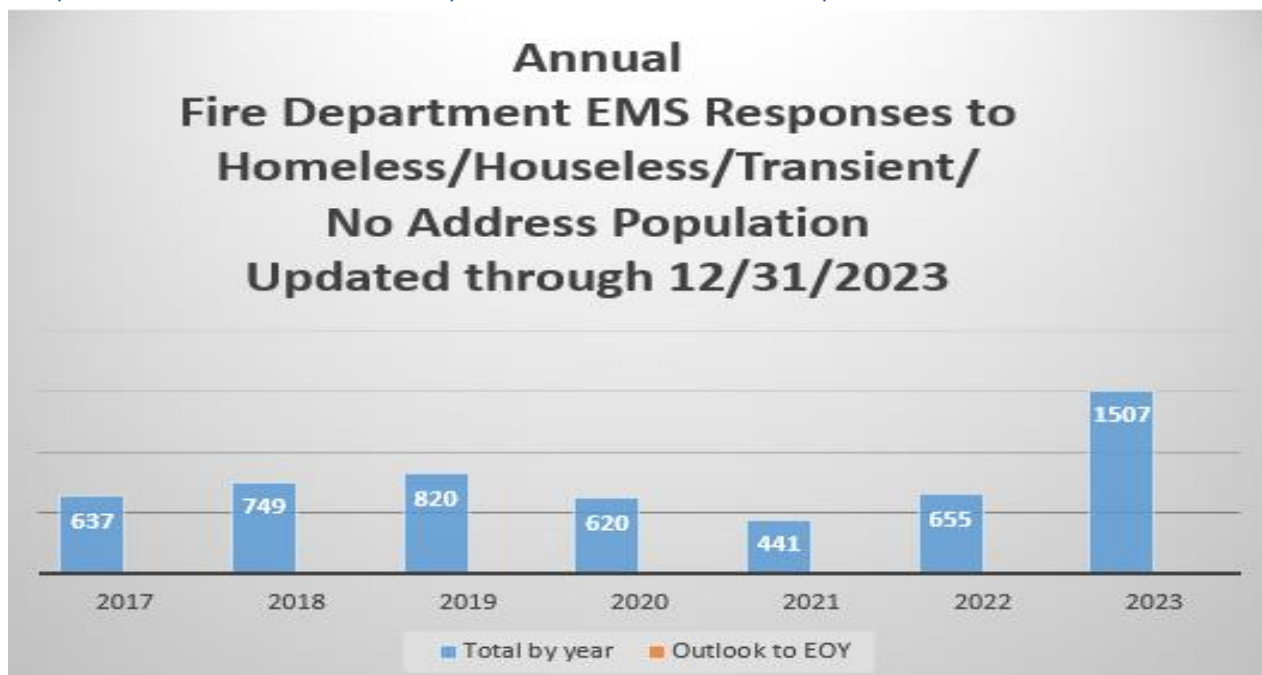
Burlington Fire Department – Staffing Study

BFD has experienced a 197% increase in overdose calls in the last 5 years and an 84% increase in EMS calls where the patient is homeless or transient. These types of patients typically also require resources outside of the fire department to assist them in their addiction and living situation. These patients are seen, most of the time, as repeat users of the EMS system who BFD may respond to multiple times a day, with no real success at long term outcomes.

Graph 1.6 Overdose Totals



Graph 1.7 Annual FD EMS Responses to No Address Populations





Burlington Fire Department – Staffing Study

The significant workload within BFD has other impacts beyond just the workload on the fire crews during their shifts. The other impacts involve department training and employee mental health.

Currently, the department conducts in-service training with their crews during the week. In-service training is critical to firefighters in order for them to remain proficient with their fire and medical skills. This is even more so a priority with the number of new personnel hired over the last few years. The line personnel communicated to MissionCIT that roughly 40% of the line personnel have less than 5 years of experience with the department. Having time, each shift, for crews to work together on fire and medical skills and develop a routine for new personnel ensures that on actual incidents, the risk of providing less than optimal service is reduced.

The training chief indicated that multi-unit skills training is typically planned for Monday, Wednesday and Friday of each week. The sessions are split into a morning session and an afternoon session so that all of the fire companies can be rotated through the training. Those units assigned to the training are quasi-out of service, but available, to respond to calls if the workload increases and depletes the remaining fire/EMS apparatus not in the training. The training chief, as did the line personnel, expressed concern that, due to call loads, they are with more frequency not getting able to finish the skills training due to the interruptions from calls and the need for those units to be dispatched. This disruption from calls dilutes the quality of the training sessions, and keeps the crews from getting the necessary practice time and crew development time needed to improve their on-scene abilities. This is critically important when the training involves learning new skills.

One additional important item that was mentioned by the station personnel and the training chief was the fact that the department has no way to conduct live-fire burn training within the city. There are currently no facilities to conduct live-fire training on an annual basis to continue with the development and improvement of skills. The only live fire training personnel receive is during their recruit training. Even during this time, the recruits have to go to the state training facility, located about 90 minutes away, to receive live-fire burns.

The lack of a live-burn fire training facility and the consistency of members receiving the minimum number of firefighting training hours each month were two of the larger point detractors from the most recent Insurance Service Organization (ISO) rating for the department. Improvements in these areas could allow the department to move closer to a potential Class 1 ISO department rating.

It was stated that the department used to hire two overtime slots during the skills training days to staff one of the ambulances, to free up those personnel and lessen the chances of the units training from being called away. This practice was eliminated due to COVID and with the amount of overtime used, has not been reinstituted.



Burlington Fire Department – Staffing Study

The other impact that workload has on the members is the mental and physical fatigue that occurs. Over time, on each shift, the ability of the personnel to be as mentally alert or focused on the tasks at hand diminish. If severe enough, this can cause accidents or injuries to the member, or inferior services provided to those needing care. Long term, this can impact the member's mental well-being and lead to job burnout, stress and potentially the member leaving the organization.

An additional impact of the fire/EMS workload is the wear and tear on fire/EMS apparatus. The apparatus is consistently starting, moving, and braking, causing the motor, transmission, brakes, etc. to receive wear and tear. Doing that for short, quick and explosive periods of time is different than say an over the road truck where the motor speed is consistent for long periods, with little brake use. The department is working to regularly replace worn apparatus, but due to delays in supply chains, there are delays in when new apparatus will be arriving. The department will have a new ambulance arriving in April 2024, followed by a ladder truck in March 2024 and two engines in Spring and Fall of 2024. This should keep the fleet condition and availability at a high level without having to worry about out of service apparatus.

Recommendations

1. If possible, BFD should reconsider providing daytime overfill positions during those training sessions each week to ensure that crews have the uninterrupted time to complete the skills training. At a minimum, this practice should continue when there is some type of priority safety skill or new skill training class delivered to the members.
2. The department and the city should seek out property and work towards the design and construction of a live-fire training facility for the BFD members.
3. BFD should continue with a regular replacement process for its fire/EMS fleet to ensure low maintenance costs and unit availability in the future. Planning and funding of such apparatus should take into consideration the delays in the manufacturing process and supply shortages, which at present time, can amount to a three-year delivery process for new units.

Dispatch System

The current public safety dispatch center falls within the responsibility of the Police Department. They have assigned fire and law enforcement dispatch personnel. As in most dispatch centers, they have had significant turnover in the center over the last year or so. The fire department has even hired back fire personnel to staff the fire console at times over the last year.

With the turnover in staffing within the dispatch center, the level of experience and training of the dispatch personnel to effectively manage a firefighter Mayday situation is low. In our SWOC sessions with line personnel, all indicated a very low confidence level in the ability of the



Burlington Fire Department – Staffing Study

dispatch center to be able to effectively manage the communications and coordination needed during a firefighter rescue situation.

The department also indicated that they respond fire apparatus with each ambulance on all EMS incidents. The reason given for this is that the dispatch center does not have the capabilities to prioritize and segment EMS calls and provide an appropriate response. These increases and the dispatch protocols can impact the availability of fire apparatus to respond to subsequent incidents, particularly fire calls, and increases the wear and tear on apparatus, but most importantly, the increases dramatically impact the members of the department and their mental and physical well-being.

Currently, there is no Emergency Medical Dispatch (EMD) system in place within the dispatch center. EMD is a system where EMS calls, once received in the dispatch center, are prioritized through a set of questions and parameters regarding the patient's condition. The call priorities dictate the level of EMS response and the apparatus assigned to the incident. Having an EMD in place within the dispatch center would allow for the dispatchers to determine the EMS call priority and have pre-determined apparatus response configurations in the Computer Aided Dispatch (CAD). As a result, fire apparatus should only be dispatched to the most significant, personnel intensive EMS incidents, such as cardiac calls, motor vehicle accidents, trauma, etc.

Recommendations

1. The city dispatch center should purchase, train staff and install an Emergency Medical Dispatch system to prioritize EMS calls and dispatch more appropriate resources. An estimate for purchasing one of the national EMD systems, including training and software installation would be approximately \$30,000 – \$40,000.
2. Fire assigned dispatch personnel should receive appropriate practical training in order to be able to manage a firefighter Mayday situation.
3. Because of the specialized nature of fire/EMS dispatch procedures, the city should give consideration of re-assigning the fire/EMS dispatch operations and associated personnel to the fire department.
4. Due to the large investment in personnel and technology for emergency communications centers today, MissionCIT recommends that the idea of working towards a regional emergency communications center be re-considered and action taken towards a long-term solution. This would allow multiple jurisdictions to share in the costs of the personnel and technology.

Mutual Aid Resources

Burlington has three other main departments that provide mutual aid assistance to them in times when they are busy or have a large incident. Burlington does not have any automatic aid agreements with the departments, only mutual aid based on need or request. The three departments are South Burlington, Winooski and Colchester. BFD staff indicated that the mutual aid resources work well together when on scene together.



Burlington Fire Department – Staffing Study

South Burlington will routinely respond with an ambulance into Burlington if needed due to EMS call loads. Burlington will reciprocate the same to South Burlington. One concern with the mutual aid responses from Winooski and Colchester is that their nighttime and weekend responses utilize volunteer or on-call personnel so there is no guaranteed minimum level of response into Burlington.

Burlington does have mutual aid agreements and receive aid from several other departments as indicated on their response matrix. The other departments include the National Air Guard FD, Shelburne FD, Williston FD, Essex Junction FD and several others on responses of a 3rd alarm or greater.

The Training Chief communicated to MissionCIT that no joint training between the mutual aid departments has occurred. He indicated that if it did, it would have to be held in Burlington so as not to take city fire resources out of the area.

Table 1.5 Mutual Aid Resources

Department	Number of Stations	Staffed Apparatus	Mutual Aid Response Into the City
South Burlington*	2	1 Engine @ 3 1 Quint @ 3 1 Ambulance @ 2 <i>Moving to staff a 2nd ambulance</i>	2 nd Alarm – Engine to BFD Station 1
Winooski	1	3 FT (Monday – Friday 6-6) Paid on Call duty crews on Weekends On call response nighttime	3 rd Alarm – Tower to BFD Station 1
Colchester	1	4 FT (Monday-Friday 8-4) Volunteer Response after hours	2 nd Alarm – Quint to BFD Station 4 3 rd Alarm – Quint to Fire, Additional Engine to BFD Station 4 4 th Alarm – Additional Engine to Station 4

* South Burlington most recently began sharing the CAD system within Burlington dispatch

Recommendations

1. Based on the existing staffing within Burlington Fire Department and the availability of outside, local resources, Burlington should look to establish an automatic aid resource sharing response with the closest neighboring jurisdictions for structure fire incidents or other high-risk responses. This would reduce the time for requesting aid and increase the number of personnel automatically responding to incidents within the city on first alarm assignments.



Burlington Fire Department – Staffing Study

2. BFD should look to develop regular, joint training between the mutual aid departments. This would help to ensure greater functionality when working together on scene and help to improve the level of safety with operating crews.

Fire Department Turnover

One of the concerns of the City of Burlington and the Fire Chief is the amount of turnover within the department over the last few years. Turnover within the fire service today can be for many reasons. It can be related to internal issues and concerns such as the department leadership, internal morale, salary and workload. However, with the diversity of members joining the fire service today and the issues that families face, members may leave a department for many other reasons such as, moving to another area for quality of life, their spouse has a better job opportunity somewhere else, they are no longer interested in being in the fire service or they have another, more lucrative job opportunity.

Over the last 5 years, the Burlington Fire Department has had 44 members leave the department. At first glance, that may seem like a lot in a department of only 95 members. In taking a closer look at the numbers, the following were reasons for people leaving the department.

• Members retired	8 people	18%
• Resigned but stayed in fire service	8 people	18%
• Resigned to leave fire service	9 people	20%
• Resigned, for personal reasons	8 people	18%
• Disability Retirements	<u>5 people</u>	<u>11%</u>
Sub-Total	38 people	86% (due to rounding)
• Resigned due to BFD not being a good fit	2 people	
• Terminated or likely to have been terminated	2 people	
• Resigned due to not being in agreement with job requirement	1 person	
• Resigned – Unknown reason	1 person	

The amount of turnover within the BFD over the last 5 years appears to reflect the normal trend within the fire service today, with no highlighted or abnormal reasons for departures.

In a recent national, “State of the Industry Survey 2023”, by FireRescue1 magazine, over 2,200 fire personnel responded to questions about the concerns and stress that they face today. A summary of the results included the following.

- 94% have experienced staffing challenges in the last 3 years within their department
- 64% rank their work-related stress as a 7 or higher out of 10



Burlington Fire Department – Staffing Study

- 46% have considered leaving their current department
- 42% are considering leaving the fire service altogether

As of a conversation with the fire chief on November 13th, the department is again at four position vacancies, with three personnel on long term disability. The reasons for the four most recent vacancies include; a retirement, two who resigned for other reasons and one recruit who did not complete training. Turnover and vacancies within today's fire service should be assumed to be a normal part of managing an organization today by a fire chief. Proactive steps can be taken to lessen the impact of continual vacancies. More information about that is included in other sections ahead.

Internal Member Survey

As part of the review by MissionCIT, an internal organizational online assessment survey was sent to all of the members of the department. Forty-four members responded to the survey for a return rate of 50% of eligible personnel. At the time of the survey, there were 7 personnel in recruit training that were not sent the survey. The full survey results are included in [Appendix C](#).

The survey results provided a good cross-section of members along the lines of experience and position within the department. Regarding years of experience, the breakdown included the following.

31.8%	0-5 years
20.5%	6-10 years
18.2%	11-15 years
13.6%	16-20 years
15.9%	21-25 years

Regarding position in the organization;

56.8%	Line firefighter
27.3%	Company Officer
9.1%	Command Staff
6.8%	Support Personnel

The survey asked questions across the areas of Training and Development, Organizational Communications, the Work Environment, Safety, Organizational Leadership and Facilities and Equipment. The results closely mirror those of the nationwide survey mentioned earlier.

Training

Overall, personnel feel that they receive good training and are prepared for their positions. The percentage of those who said (Agree or Strongly Agree) that the training adequately prepares



Burlington Fire Department – Staffing Study

them or that they receive quality training was 73% and 95% respectfully. Sixty three percent felt that department personnel were adequately trained for their positions.

Communications

The members of BFD were mixed on the communications within the organization. Over half, 59%, felt that they were well informed (Agree or Strongly Agree) about activities in the department. Sixty one percent (61%) felt listened to as a member of the organization. The lower scored areas included those questions regarding members feeling that their concerns are responded to (45%) or that there is an open flow of communications in the department (48%).

Environment

Comments about the internal environment were also mixed from the responses. Seventy nine percent (79%) felt that the department provided them with the resources that they needed for their jobs and 91% felt that they had a clear understanding of their job responsibilities. However, only 38% felt that morale in the department is good at this time. It was interesting to note that for this question, another 38% gave a neutral response of neither agreeing or disagreeing with the question.

Leadership and Direction

Regarding the leadership and direction of the department, the number of members who felt confident in the direction of the organization and those that trusted the current department leadership were 57% and 63% respectfully.

Safety

Most of the questions in this section dealt with staffing. As expected, these received greater negative responses.

- The current staffing model is adequate for my safety 57% Disagree or Strongly Disagree
- Staffing allows for appropriate on scene resources 59% Disagree or Strongly Disagree
- We are consistently short staffed 59% Agree or Strongly Agree

Overall, 70% responded as Agree or Strongly Agree to the question of I feel safe at work.

Stations and Equipment

The responses to the questions about facilities and equipment within the department were mixed. Those that felt the department provided them with adequate and well-maintained equipment (Agree and Strongly Agree) was 70%, while the number who felt that they were provided adequate stations and facilities was 50% in the negative (Disagree or Strongly Disagree).



Burlington Fire Department – Staffing Study

In addition, 52.3% of the survey respondents indicated that they had thought about leaving the department in the last year. In responding further to the question, twenty-three (23) members gave greater details. The biggest reasons for their response included the following.

- | | |
|--|-------|
| - Burnout/mental stress | 69.6% |
| - Poor organizational culture | 47.8% |
| - Salary and benefits | 34.8% |
| - Poor work/life balance | 34.8% |
| - Opportunities outside the fire service | 34.8% |

Excessive call loads and excessive mandatory overtime were indicated in 26.1% of the reasons.

Recommendations

1. The Fire Chief should have scheduled open sessions with stations and shifts in order to hear of concerns and issues in the department. This will allow him to better understand and work towards solutions to address the concerns.
2. The Fire Chief and Deputy Chief of Operations should work to develop a more positive organizational culture through the shift Battalion Chiefs, down through the company officers. This can be done through reinforcement of organizational values, position expectations and holding all members accountable.
3. The department Wellness Committee should remain active and receive adequate funding to provide critical physical fitness, wellness, nutrition and mental health resources and assistance to members. The committee should actively work to market its programs and initiatives to all personnel so that they understand the resources available to them.

Fire Department Staffing/Hiring Processes

Within public safety agencies, the length and extent of the hiring and recruit training process can impact the ability of departments to fill vacancies effectively and efficiently, impacting their budgets through the use of overtime. Vacancies that occur within public safety agencies are unlike those within regular business or government operations. Public Safety agencies operate on a 24/7, 365-day basis. Adequately staffed fire and EMS apparatus must always be available to respond to calls for service. In normal business or government operations, if a vacancy occurs, most of the time that employee's office light remains out, their desk is empty and someone else may assume some of their more important job duties. The fire service does not have the luxury or the ability to shut down response apparatus when they have vacancies. Calls for service are constant and continuous.

Within BFD, the number of personnel assigned to field operations is at a minimum level. That is, when vacancies occur, for whatever reason, it impacts on the ability of the department to staff its fire and EMS apparatus and can cause the increased use of overtime. The department, when at full staffing, has 29 personnel assigned to each shift, with a minimum of 22 required to



Burlington Fire Department – Staffing Study

staff emergency apparatus. Of the 7-position difference between the allocated and minimum staffing, three of the positions are reserved for vacation leave positions, four if the Battalion Chief takes vacation, while the remaining positions are used to cover for sick leave, training leave or may include vacant positions. Due to some of the turnover experienced by BFD over the last few years, it was not unlikely that they were experiencing 1-3 vacancies, per shift, due to people who left. On top of the normal vacation, sick and other leave usage, this would cause an increase in the amount of overtime used to keep shifts at the minimum staffing level. In addition, with the initiation of COVID in 2020, personnel experienced a greater exposure level to the virus and when sick or exposed to it on incidents, they were required to be off from work for 10 days. This alone can create more vacancy issues that would require additional overtime for minimum staffing.

The two main processes that impact on the ability of a department to fill vacancies, and to reduce its overtime, are its testing/hiring process and the recruit training process. Once a vacancy within the department occurs and until a fully trained recruit is in position to work a shift, the department will typically have to use overtime to provide for effective coverage. Unfortunately, the costs with this are increased in that overtime is paid to fill the vacant position, but the new person is also getting their salary without being able to provide service until graduation from training.

Within the City of Burlington and the fire department, the time from a vacancy occurring until a full trained recruit is in position on fire apparatus to respond to calls can be up to 8 months, or possibly longer. Currently, the hiring process in the city has four main steps, which include the following.

- Job Posting – Positions are typically posted for 1-2 months
- Interviews – Conducted by City and Department staff
- Decision making
- Onboarding – Conducting background checks, entry physicals, uniform fitting, etc.

All total, this process usually takes 2-3 months from job posting to start date. After a new hire is onboard, they must then go through recruit training. For BFD, this process lasts five months. Only then is a firefighter assigned to the station to fill a vacancy that has occurred.



Burlington Fire Department – Staffing Study

Table 1.6 Burlington Fire Department Hiring Process

Burlington Fire Department Hiring Process									
Vacancy Occurs		Vacant Positions filled with Shift Personnel or Overtime Backfills							
City/FD Hiring Process		Between 1-3 Months							
Recruit Training					5 Months				
Overtime for Filling Vacancy		Up to 8 Months							

As of November 13, 2023, the department had graduated its most recent recruit class and had been at full strength for a very short period. However, they recently lost four members through retirement or resignation with three additional personnel on long term disability for an 8% vacancy rate within the field operations. The fire chief indicated that they would not be advertising for filling vacancies until January 2024 and probably would not have new hires in the fire stations for these vacancies until October 2024, over 11 months away.

With these current vacancies, BFD is approximately two personnel short on each shift. This impacts on their ability to staff fire and EMS apparatus without having to use overtime or mandatory overtime. In addition, when the vacancies are filled, again, there is the use of salary funds for the positions, but overtime to backfill the vacancies until the next recruit class graduates. The department is in an apparent cycle of vacancies, high overtime, short stability, vacancies and high overtime unless greater stability can be brought to the staffing process.

In discussion with City HR staff and Fire Department leaders, they indicated that they also don't have any formal process for projecting upcoming vacancies in the department, particularly through retirements. Having knowledge of upcoming vacancies can assist the department and city plan better for filling the vacancies and reducing the amount of time vacancies exist, which can increase the amount of overtime used to backfill positions.

As part of the City's budget process, they assess each department an attrition amount based on a percentage of that department's budget and with the assumption that they will have attrition through the budget year and not require their full salary funding. For BFD for FY24, the department is assessed an attrition amount of \$125,000, which is deducted from their budget. As previously mentioned, staffing for fire/EMS services is not like normal local government staffing. In normal departments within local government, when a position is vacant, there may be other personnel who assume some of the duties of the vacant position, or some duties will be delayed until the position is filled. This works well for having those departments assessed an



Burlington Fire Department – Staffing Study

attrition amount since they are not paying that position out of their budget. However, in emergency services, 24/7 service is required and constant. In BFD, when vacancies in fire stations occur, there must be the other personnel allocated to fill those vacancies. In the case of BFD, which is minimally staffed, this usually is accomplished through the use of overtime. So, in the instance of the attrition assessment, BFD is actually potentially incurring triple the costs for a vacancy. The department ends up paying the salary for the replacement, the overtime for backfilling the vacancy until a recruit is trained, and assessed the attrition amount.

Some fire departments hire additional firefighters for each shift in an overfill capacity. These firefighters are used to backfill vacant positions as they occur to keep staffing up and to reduce the use of overtime to backfill vacant positions until new hires can be placed in the stations. The city recently hired three additional firefighters to use in an overfill capacity to help keep vacancies filled and has used this concept in the past. However, with the current turnover and vacancies experienced by the department, there is a need for more than three overfill positions.

Recommendations

1. The fire department should annually solicit from its members information about potential upcoming retirements. The department would make it known that this information does not commit the member to leaving, but is for planning purposes only. This will allow the department to better plan for hiring processes and to ensure the existence of valid hiring lists to reduce the amount of time positions are vacant.
2. The fire department should increase the use of overfill positions to a minimum of six additional firefighter positions (two per shift) to backfill for vacancies. These positions must be consistently filled as like all other vacancies. The costs for staffing and using these positions will be less than the associated overtime for backfilling when unexpected vacancies occur. The additional costs for adding three additional overfill positions would be \$272,937 in the first year.
3. The department should work to always maintain an active hiring list for firefighters. This would help reduce the delay in getting vacancies filled.
4. The fire department should be exempt from the budgetary attrition assessment in its budget for potential vacancies due to the nature of 24/7 service delivery and the length of time until vacancies are filled and personnel trained.
5. The city and fire department should develop a comprehensive recruitment campaign to include social media, exhibits, and presentations in order to gain the best and brightest candidates. The information presented should include and be realistic regarding the majority of calls being for EMS and the responses to the socially disadvantaged members of the community.
6. The fire department should consider a trial hiring program where they recruit and hire only pre-qualified, pre-certified firefighters. They could then conduct an abbreviated recruit training program of approximately one month, vs. the current five-month program. This would allow the department to have personnel trained and able to be placed in fire stations quicker. This would reduce the amount of overtime used.



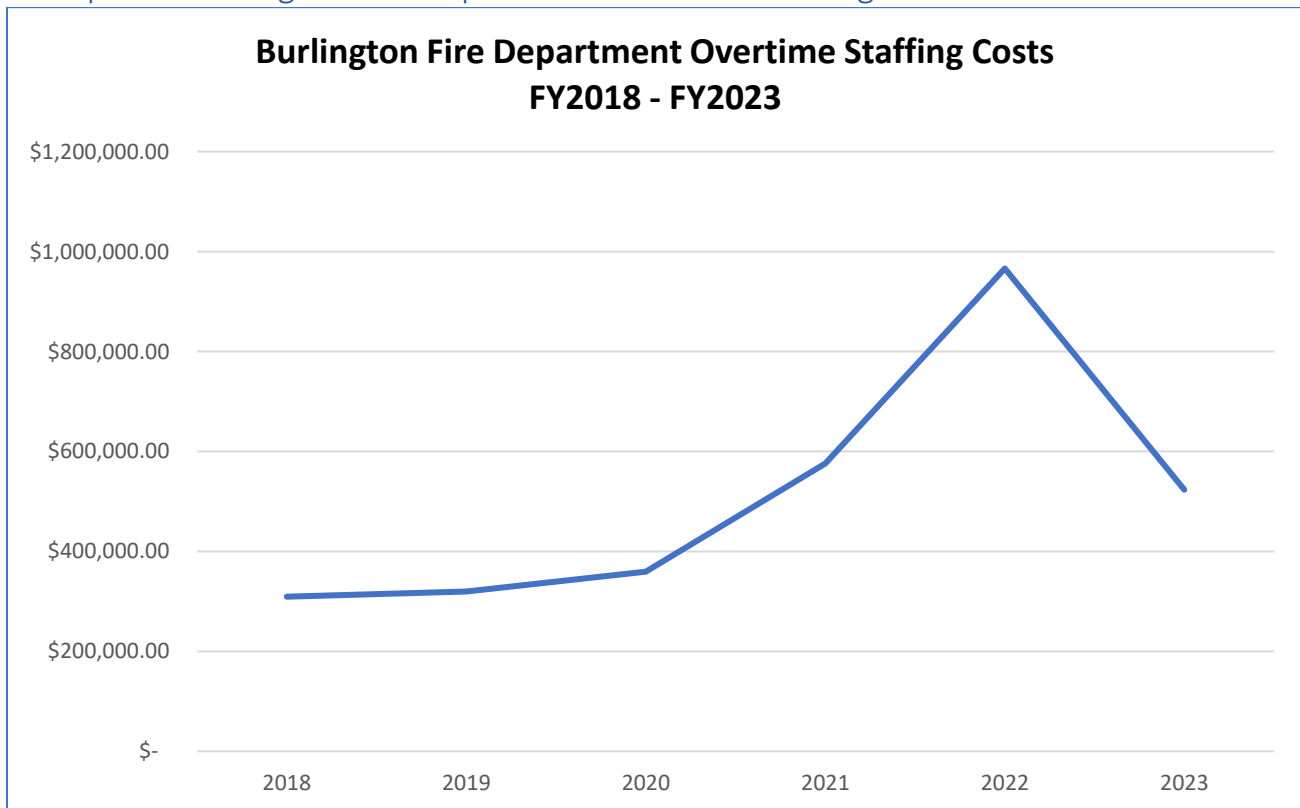
Overtime

The usage of overtime within the department was one of several focal points to be addressed by MissionCIT. Discussions with the fire department’s leadership, the mayor, and city staff during the site visit indicated this area needed to be reviewed. To evaluate overtime usage, numerous budget line items and pay codes were analyzed. Data was received from the fire department as well as the city’s finance department. Budget figures from fiscal year 2018 through fiscal year 2023 were used in this analysis. There are multiple overtime categories used by the city and BFD. Some are related to the contractual agreement with the union, such as holiday pay, and the minimum staffing level of 22 per shift. Other impacts include the FLSA hours paid that exceed the 53-hour work week threshold, etc. Most all overtime categories are not controllable by BFD executive staff.

It was determined early in the analysis that two line-items accounted for the majority of the overtime costs within the department.

1. 101-15-040.5200_106 O/T Staffing Mandatory
2. 101-15-040.5200_106 Staffing @1.5 FKA Manning

Graph 1.8 Burlington Fire Department Overtime Staffing Costs 2018-2023



The fiscal year in the City of Burlington begins on July 1 of one year and ends June 30 of the following year. The data indicates that overtime staffing costs began to increase in FY2020 and peaked in FY2022. Discussions with fire department leadership indicated there was not any one



Burlington Fire Department – Staffing Study

significant event that could be identified to have led to the increase outside of the COVID-19 pandemic. It is true that the pandemic played a large role in the increase of overtime; however, there are other issues that must be considered as well.

Addition of a 3rd Ambulance

The data indicates an additional 9 positions were approved for the department in the FY2022 budget to staff a much needed third ambulance unit. This was an almost 11% increase in the size of the department and as such, it can be expected that costs, especially payroll costs, would increase accordingly.

The new ambulance, denoted as Ambulance 4, went into service on July 1, 2021. The department hired 9 personnel to staff Ambulance 4 and expand the EMS service level to the community. The additional firefighters were hired September 9, 2021, and went onto shift in December 2021, after recruit training. Therefore, the new ambulance was staffed by the current staff of the department for approximately six months awaiting the new firefighters. At the time, the department was budgeted for 92 positions but only had 83 of those positions filled until the new firefighters were hired in September. The use of overtime was relied upon, along with regular on duty staff, to assist with staffing Ambulance 4. This had an impact on the overall overtime budget and likely contributed most heavily to the significant increase in the overtime budget for FY2022.

Difficulty Maintaining Full Staffing

Data indicates that over the past five years the department has had difficulty maintaining full staffing (all allotted positions filled). This is not unlike many emergency services agencies across the country and has become a national problem. It is important to maintain full staffing as the staffing allotment is used to cover those times when there is use of leave, injuries, training, etc. Whenever there is a large deficit in personnel, there will be a higher-than-normal use of overtime.

Table 1.7 Staffing Deficits 2019-1023

Fiscal Year	Allotted Staffing	Actual Staffing	Overage/Deficit
2019	83	82	-1
2020	83	82	-1
2021	92	83	-9
2022	92	87	-5
2023	95	90	-5

The data indicates that the department is working on reducing its staffing deficit. Although, it remains relatively high at 5 positions and indicates there will be a continued need for the use of overtime to maintain current service levels.

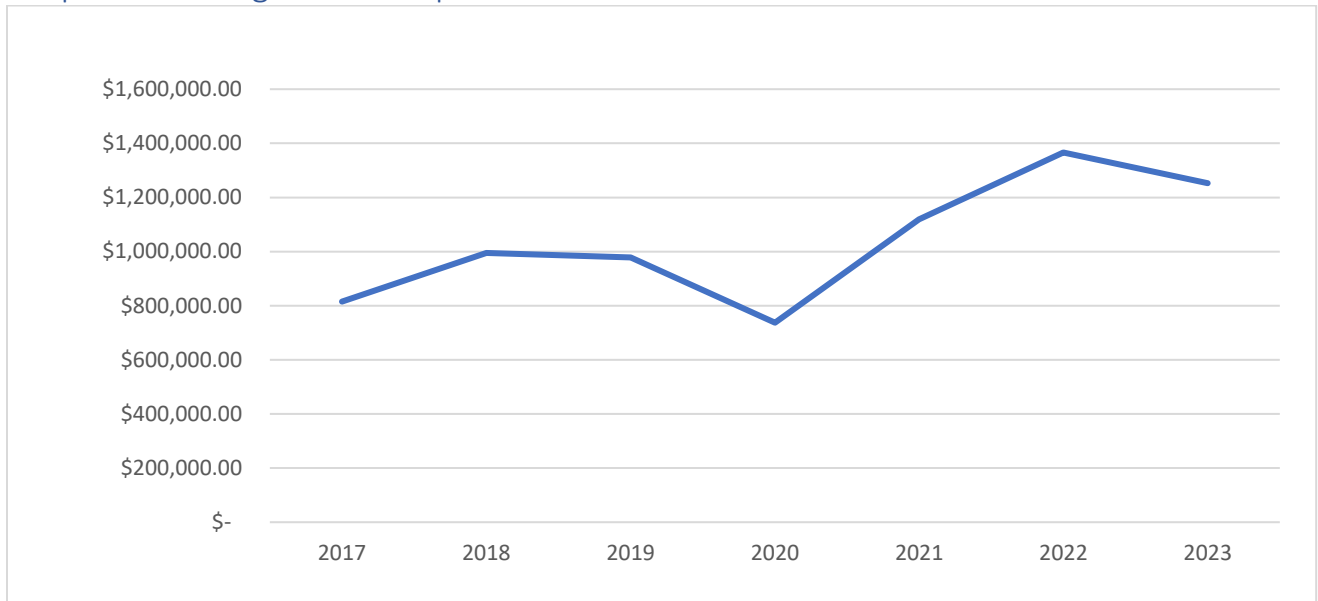


Burlington Fire Department – Staffing Study

COVID-19 Pandemic Delayed Effects

At the onset of the pandemic, most organizations feared the cost impacts to come, both monetarily and on the impact to personnel. The data indicates the department saw a significant drop in leave (all leave types combined) use in FY20 at the height of the pandemic. With the lockdown of the country, personnel did not use personal leave such as vacation and holiday time. Rather, personnel saved the time to use once the country opened back up. This is indicated in the following chart. Leave usage increased significantly throughout FY21 and peaked in FY22. Increased use of leave in the department translates to increased overtime costs to backfill open positions.

Graph 1.9 Burlington Fire Department Leave Costs 2018 -2023



Upon the completion of the analysis, it is apparent that no single item or overtime category is the cause of the total increase in overtime that spiked in FY2022. However, the addition of the 3rd ambulance, which was needed to better serve the citizens, probably played the biggest role. The unit ran almost six months before the staff appropriated for it were hired, trained, and placed online. The effects and aftereffects of the COVID-19 pandemic and the continual problem of reaching and maintaining full staffing by the department also contributed to the increases.

Fortunately, the data shows a downward trend in the use of overtime for FY23. FY24 data was available from July 1, 2023, through October 31, 2023. Projected values for FY24 were calculated and charted. Based upon the projected values, overtime for FY24 is very close to that from FY23. The hiring of three additional employees in FY23 should also positively impact the overtime usage.



Burlington Fire Department – Staffing Study

Graph 1.10 Burlington Fire Department Leave Costs 2018 – 2024



Overfill vs. Overtime

As outlined above, the BFD, through attrition, injury, and the other types of leave, is having difficulty in maintaining full staffing at any given time. Add to this the nearly 6 months required to train and certify new firefighter/EMT's through the state of Vermont and the problem is compounded. Currently, BFD runs a minimum of one recruit training class per year and only hires for the positions it has open. Unfortunately, by the time the hiring process is completed, and the new recruits are hired and trained, additional openings have been created. One of the strategies commonly employed to combat this is to "overfill" based upon the known attrition rate trend for the organization. In the case of the BFD the attrition rate trend over the last three years is approximately six (6) employees per year.

Although there is a certain percentage of the year where the staffing number is greater than the budgeted number of positions, as attrition occurs, the staffing number typically falls to the budgeted number. The result is a reduction in the use of overtime as budgeted positions remain filled with the overfill positions taking care of the attrition. Since overtime use is reduced, there is significantly less mandatory overtime which translates to less firefighter burnout and generally better morale.

However, there is a cost to hiring overfill personnel. The projected costs to hire three (3) new positions for overfill in the Burlington Fire Department, in addition to the three positions most recently added, would be \$272,937.



Burlington Fire Department – Staffing Study

The cost of mandatory overtime for FY2023 was approximately \$524,000 and the projected mandatory overtime for FY2024 is \$529,000. Both figures are significantly greater than the amount required to staff for overfill. This indicates that overfill may be a good solution to lowering the BFD overtime while providing greater staffing for the department.

There are other factors to consider when considering the use of overfill personnel. The staffing is based on trend data and may not hold true. The attrition rate will need to be closely monitored and adjustments to hiring made to keep up with the latest trend.

Recommendations

1. Maintaining as close to full staffing is critical to reduction of overtime. Hiring positions before a known vacancy occurs will help to reduce the use of overtime to keep positions filled.
2. Before standing up a new, or additional field unit, hiring of those positions should be done ahead of time so that personnel are onboarded, and trained before they are needed. This will eliminate the use of overtime to staff the new unit.
3. Additional overfill staffing positions should be considered as outlined above and in the prior staffing section of the report.

Personnel Assignment and Rotations

Once a firefighter completes the recruit training process, they are assigned to fire apparatus in the fire stations for the remainder of their first year. During that time, they gain fire and EMS experience under a tenured company officer. They learn to drive and operate the fire apparatus during the recruit academy training program and during the balance of their probationary year, they work on gaining repetitions on driver/operator skills and numerous other fire and EMS related tasks. After their first year, they are assigned to an ambulance. They remain on an ambulance until they gain enough seniority to utilize the station bid process within the CBA to move to a piece of fire apparatus. Depending on the number, frequency and location of vacancies on fire apparatus, the new firefighter may remain assigned to an ambulance for upwards of 4 to 6 years. Currently there are three people assigned to each ambulance which provides for members to rotate off the ambulance for a time period, yet they are still assigned to the ambulance. However, once they are able to move to a piece of fire apparatus, they can remain assigned to fire apparatus until they leave the department, unless they apply to go back to the ambulances or to an assignment such as the Fire Marshals Office.

During the SWOC sessions held with the field personnel and in a portion of the written comments from the internal survey, there were some negative feelings about the station/unit assignment process within the department as written in the station bid process of the collective bargaining agreement (CBA). Some new firefighters feel abused by the call load from being assigned solely to the ambulances during their first 4 to 6 years without the ability to have a break. There were even comments that having three people assigned to the ambulance is not meeting the intention of rotation of personnel off of the ambulance for breaks as members not



Burlington Fire Department – Staffing Study

assigned to the ambulance for that shift are sometimes moved to another station to be put on their ambulance.

Assigning personnel to the busiest units, ambulances, for extended periods of time, without the hope of relief, can be a contributing factor to members leaving the organization, or getting burned out very early in their careers. During our SWOC session with the personnel, MissionCIT asked if the company officer has the ability to move personnel off of ambulances to fire apparatus if they are showing signs of burnout or stress during a busy shift. They all indicated that they had that ability, but most also indicated that it is rarely done, for various reasons.

Recommendations

1. The assignment of three personnel to the ambulances per shift, and how the additional personnel are actually used and moved around during a shift, should be re-evaluated to improve the ability for members to receive breaks from being on the ambulance.
2. As much as possible, Burlington Fire should consider working with the union to develop a more equitable station bid process, or unit rotation process that does not keep new members assigned to the ambulances for such a long period of time.
3. The department should create a unit rotation Standard Operating Guideline (SOG), putting in writing, the ability of company officers to rotate personnel off of ambulances during tours where there is significant workload or a significant trigger incident occurs.



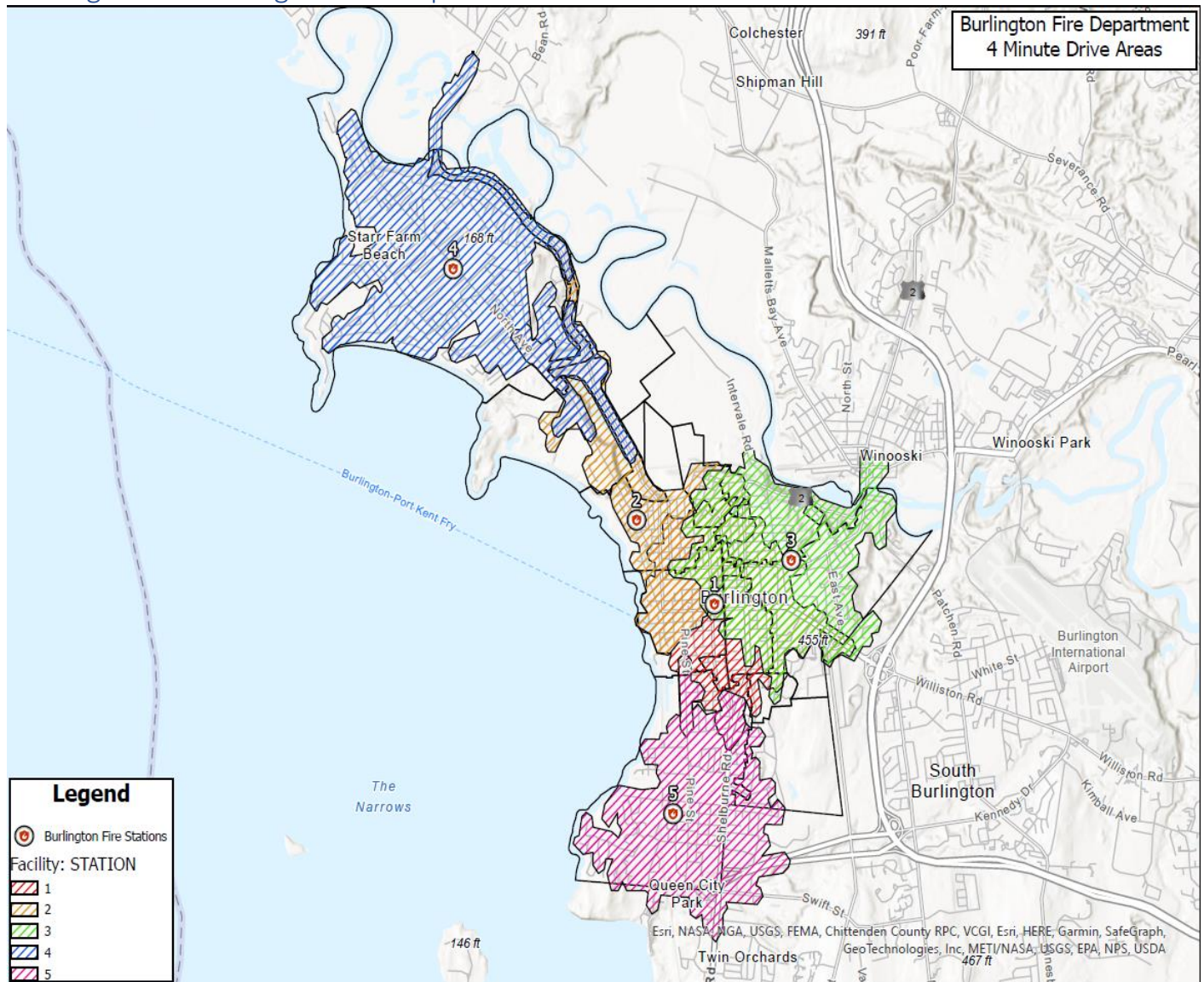
Burlington Fire Department – Staffing Study

Fire Department Deployment

Burlington Fire Department operates and deploys their resources much like any other fire department in the United States. Their responses are based on the type of incident and the available resources to send. However, their deployment has to consider the fact that not all of their fire apparatus has a minimum staffing of 3. Engine 3, Engine 5 and Tower 1 are all staffed with two persons.

A map of the current four-minute travel time coverage, per NFPA 1710 recommendations, from the five stations shows the following.

Figure 1.5 Burlington Fire Department 4-Minute Drive Areas



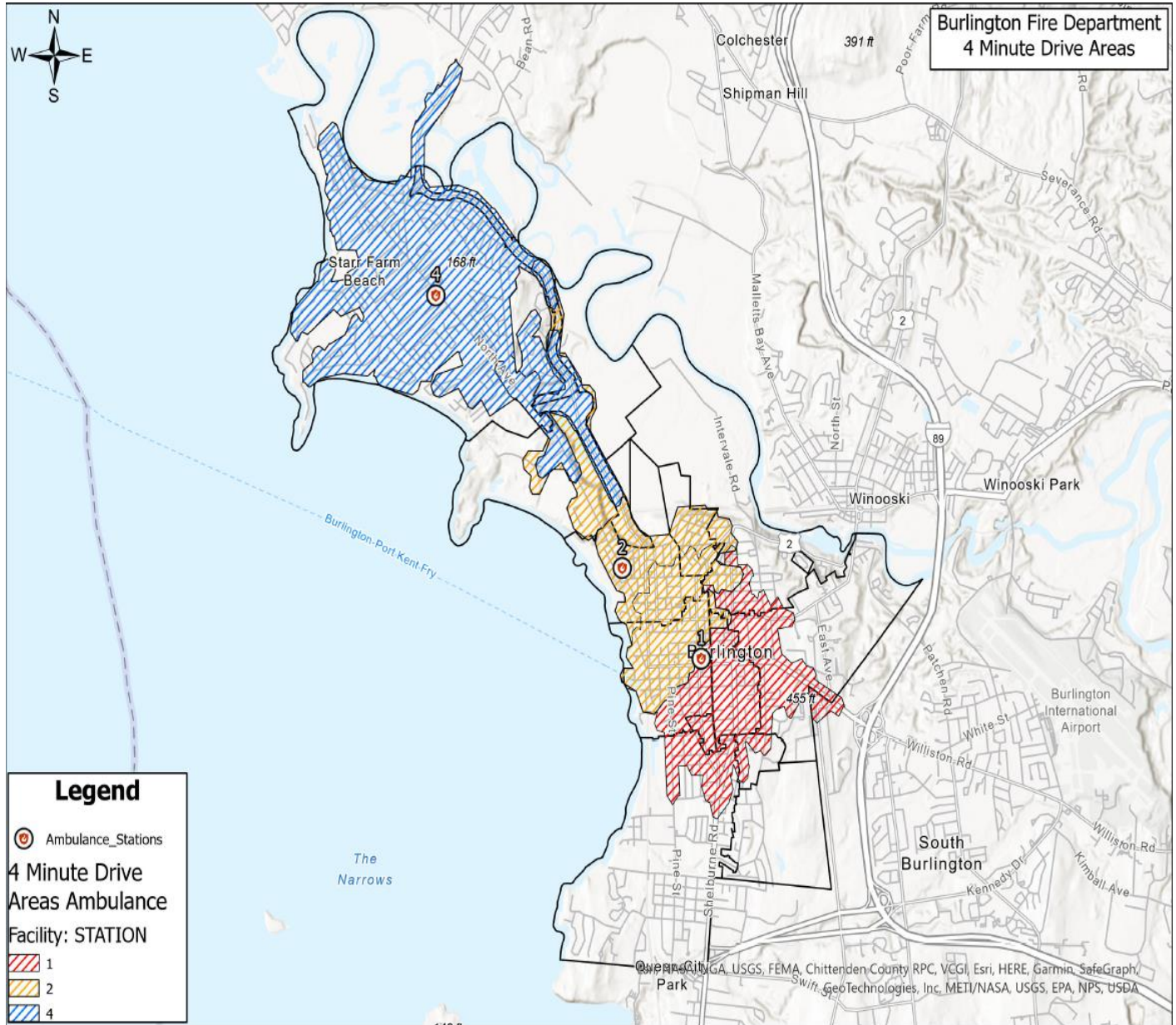
The coverage within the four-minute travel time within the city is good and expected with the closeness between the existing stations.



Burlington Fire Department – Staffing Study

A map of a four-minute travel time from just the ambulance locations shows the following.

Figure 1.6 Burlington Fire Department 4-Minute Drive Areas from Ambulance Locations



Again, with just the ambulance locations mapped, there is good coverage, except for the area within Station 5. However, with a tiered fire apparatus response from Station 5, there should be no service gaps.



Burlington Fire Department – Staffing Study

A summary of their current deployment response matrix includes the following.

Table 1.8 Deployment Response Matrix

Incident Type	First Alarm Response
Outside Fires • Beach fire • Mulch fire • Campfire • Backyard fire	Two Engines (5-6 people)
Fire, Smoke, Carbon Monoxide Detector Activations	Three Engines, One Tower, One Ambulance and Battalion Chief (12-14 people)
Vehicle Fires	Two Engines (5-6 people)
Structure Fires	Three Engines, One Tower, Two Ambulances and Battalion Chief (14-16 people) *Working Fires – Receive an additional two Engines (5-6 people)
Medical Incident	One Engine and One Ambulance (4-5 people)
High Risk EMS Incident (cardiac arrests)	Two Engines and One Ambulance (7 people)
Hazardous Materials Incident	Level 1 – One Engine (2-3 people) Level 2 or 3 – Three Engines, One Tower, One Ambulance, and Battalion Chief (14-16 people)
Technical Rescue	Two Engines, or Two Engines and a Ladder Truck, One Ambulance and Battalion Chief (8-11 people)

Once on scene, if additional resources are required, the incident commander will request them from remaining BFD resources. For structure fires, this means calling for a second alarm. A second alarm or greater in Burlington brings in mutual aid resources from several other jurisdictions described earlier in the study, as at that point, there would be no additional fire apparatus available within the BFD. With a second alarm incident, a recall of BFD members who are located within 30 minutes is also made to staff reserve and other fire apparatus in the city. However, with the number of members who are now living further outside of the immediate area, and with limited availability during certain parts of the day, the number of personnel who respond back off-duty is not consistent, taking more time and has been getting less and less response numbers over the years. The command staff estimated that only about 6-8 people return to the department on a second alarm.

With the increase in EMS incidents, particularly in the downtown area, fire/EMS resources may be constantly moving around the area, in and out of each other's districts to cover the response to simultaneous calls. BFD may be responding additional units to such incidents due to their staffing configuration, or due to the call type and the need for additional personnel for safety reasons. Some of this may be due to the lower number of calls with a police response.

As a flip side to the fire/EMS response to incidents, law enforcement has changed their approach to responses. More incidents have been re-prioritized to lower priority responses or involve incidents in which only online reports are taken. In addition, on some call types, only a



Burlington Fire Department – Staffing Study

Community Service Officer (CSO) responds, as opposed to a uniformed law officer. Some of this may be due to the limited staffing within the police department or due to the desire to not have uniformed officers responding to incidents of a mental crisis nature so as to limit the degree of hostility that may erupt. Currently, BPD's staffing during its shifts, with uniformed law personnel, is approximately 50% of what it had been prior.

Recommendations

1. BFD should consider modifying its response matrix for fire alarm, detector activation and high-risk EMS incident responses to reduce the impacts and load on its personnel.
2. If staffing is improved on fire apparatus to at least three personnel, the response matrix for vehicle fires and outside fires should also be modified and reduced to one unit.
3. BFD should continue to work with BPD to ensure a uniformed law enforcement officer responds to those incidents that potentially create hazards and safety concerns for fire/EMS personnel.

BFD Community Response Unit Pilot Program – CARES Program

During the site visit by MissionCIT, BFD communicated to us that they had recently proposed to the mayor the initiation of a pilot unit to provide alternative response resources to opioid and unresponsive patient incidents. The department had seen increases in its overdose responses each month, averaging 13 in 2019 increasing to 41 per month in 2023, **a monthly increase of 215%.**

The unit would be staffed with two BFD personnel on overtime. They would work daytime hours during the week. They would respond to overdose and unresponsive patient calls as a way to reduce the workload on the traditional fire/EMS apparatus. The overall costs were projected to be \$366,912 annually. If once on scene, they determined there was a need for additional fire/EMS resources, they could request them. They would be able to provide initial care, Narcan or respiratory support as needed. When not responding to calls, the crew on the unit would work to connect with those in the community where the high volume of these types of calls occurred. The crew would be able to provide those members with resource information or help to connect them to resources to assist them with their addiction or substance issues.

The pilot proposal was approved by the mayor's office and city council, and began providing services on October 16th. The department was allocated \$182,598 to implement this trial program for six months. The pilot used an existing support vehicle from BFD and outfitted the vehicle with equipment for approximately \$8,250. The first 30 days of data indicate the following impacts from the program.



Burlington Fire Department – Staffing Study

Table 1.9 Community Response Unit – Pilot Program (October 16 through January 7, 2024)

Staffed Hours	Dispatched Responses	Outreach Contacts	Referrals to Outreach Partners	Wound Care Items Distributed	Narcan Kits distributed
680 Hours	130	855	21	1,494	121

Table 1.10 Weekly Unit Workloads

Pre-Pilot (July 31 – October 15, 2023) 11 Weeks

Post-Pilot (October 16 – December 31, 2023) 11 Weeks

	Total Weekly Incidents	Ambulance 1	Ambulance 2	Ambulance 4	Engine 1	Ladder 2	Engine 3	Ladder 4	Engine 5	Tower 1 Rescue 1
Pre-Pilot	249	84.5	70	40.7	94	48.4	53.4	32.1	27.9	54.1
Post-Pilot	205	58.7	55.5	40.1	62.6	44.1	52.1	31.4	18.5	40.2
Difference	↓17.7%	↓30.5%	↓20.7%	↓1.5%	↓33.4%	↓8.9%	↓2.4%	↓2.2%	↓33.7%	↓25.7%

At first glance, from the pre and post pilot implementation data, it appears to be making a difference in the workloads for those units most typically affected (around the city center). Engine 1, Ambulance 1, Ambulance 2, Engine 5 and Tower 1 all experienced decreases in workload, beyond the lower volume of calls during the period, after the implementation of the pilot program. Continuation of the pilot program should be continued to gather additional data.

In addition to the BFD alternative response unit, the city had been moving towards implementing a similar crisis team response unit, known as CARES. This project had been in process since 2022 with the BPD as the lead agency for the program. The city had received a three-year grant award to operate this program. This pilot was planning on staffing its unit with a nurse and a licensed clinical social worker. BPD was planning on hiring or contracting for the staffing of the unit and staffing two teams of 2 personnel each and operating from 8 am to 8 pm, 6 days a week. The units would be operating vans that would be capable of transporting ambulatory patients if needed to resource facilities. While onsite, MissionCIT staff met with the CARES program coordinator. She indicated that the goal was to ramp up this program by the end of 2023 and they were working on the dispatch protocols, a memorandum of understanding with the hospital for the nursing personnel and would be creating an advisory committee. A goal of the CARES pilot will also be to work to pro-actively connect with community members in the areas of most need to be able to connect them with needed mental health and substance abuse resources.



Burlington Fire Department – Staffing Study

Recommendations

1. The city should continue to fund the BFD Community Response Unit pilot program beyond the six-month time period as it is making positive impacts on the disadvantaged community and it is allowing for a workload reduction in the response of fire/EMS apparatus to overdose, unresponsive and other calls from that population group.
2. The city should consider transferring oversight responsibility and funding of the CARES Program to the fire department due to the fire department having a greater vested interest in the initiation and success of the program, and due to having a greater connection to EMS and health care delivery, of which the fire department already has contacts and resources to assist in this area.



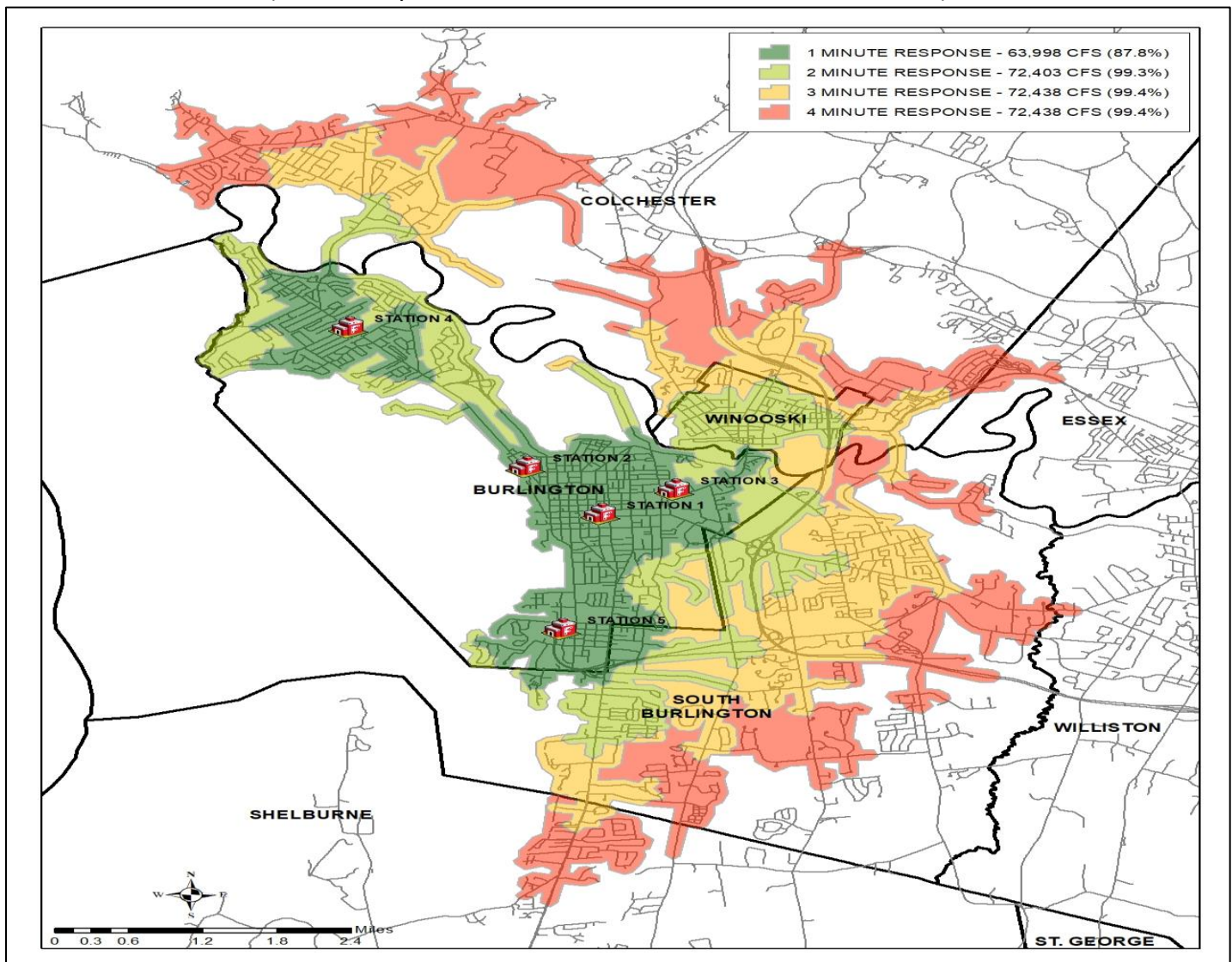
Burlington Fire Department – Staffing Study

Fire Station Consolidation Study

In June of 2018, the City of Burlington was presented with the findings of a Fire Station Location Study prepared by the Carlson Group Consultants for Dore and Whittier Architects. According to the report from the consultant, the initial analysis consisted of the following;

1. Review documents provided by the City and Fire Department, including previous analyses related to station location, and the standards of cover document
2. Evaluate various response time impacts from relocating fire stations in the city, and developing recommended scenarios
3. Calculate the relative cost comparison for operating “legacy” fire stations versus modern fire stations

Figure 1.6 Burlington Fire Department – 2018 Station Locations and Response Times
(Present Day 2023 Station Locations are the Same as in 2018)



(Source: Fire Station Location Study for the City of Burlington, Vermont, June 29, 2018, pg. A-10)



Burlington Fire Department – Staffing Study

The consultant utilized a scientific method and GIS to plot the current locations of the stations as well as projected drive times for each station to calls within its first due area of responsibility. The consultant also considered several factors when completing the study such as;

1. Discussions with City staff and Fire Department leadership
2. Historical response times for each station
3. Call densities for each station
4. Terrain within the city
5. UVM campus and its impact to response
6. Railroad tracks and crossings that may impact responses
7. Proximity to Lake Champlain and the layout of the city
8. Pre-determined “new” station locations within the city

The consultant analyzed the 2018 deployment model along with four additional deployment models to include combining or eliminating stations.

Table 1.11 Burlington Fire Department Expected Response Times by Scenario

Scenario	Location(s) of Fire Stations	Calculated : Expected Response Time	Rank
0	Current System (for Comparison)	0.75 Mins	2
1	Close Stations 1 and 5 4-Station Model Build a Single Station: Fire Headquarters Find Single Optimal Location: @ 230 St. Paul	0.77 Mins	3
2	Close Stations 1, 3 and 5 4-Station Model Build a Single Station: Fire Headquarters Use Pre-Selected Location: @ 345 Pine	0.80 Mins	4
3	Close Stations 1 and 5 4-Station Model Build Two New Stations: Headquarters and Sub-Station Find Two Optimal Locations: @ 101 College and 476 South Prospect	0.66 Mins	1
4	Close Stations 1 and 5 4-Station Model Build a Single Station: Fire Headquarters Use Pre-Selected Location: @ 65 Shelburne	0.85 Mins	5

(Source: Fire Station Location Study for the City of Burlington, Vermont, June 29, 2018, Carlson Group Consultants, pg. A-7)

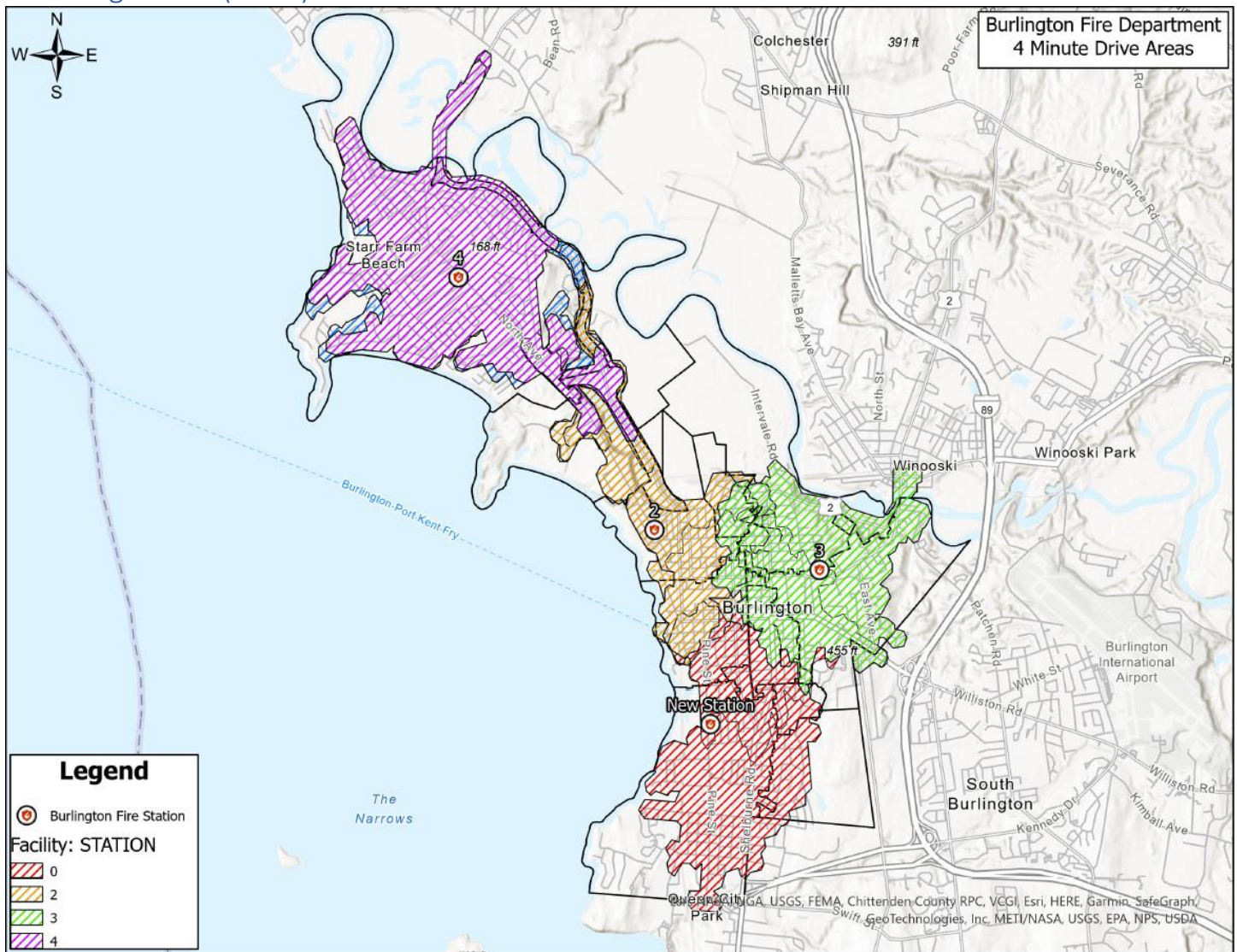


Burlington Fire Department – Staffing Study

The analysis indicates there is very little difference between the response drive time of the current deployment model and any of the studied scenarios. In each of the scenarios, the BFD can still place a unit on scene in less than a minute drive time which is superior.

If the department moved to a four-station distribution, the National Fire Protection Association (NFPA) 1710 standard four-minute travel time from each station would show the following.

Figure 1.7 (NFPA) 1710 Standard Four-Minute Travel Time from Each Station



With a four-station deployment, from the prior consolidation report recommendations, BFD would still meet a four-minute travel time, per NFPA 1710 to almost all locations within the city.

While on the site visit in September, the department's leadership indicated it would be in favor of shifting from the current 5-station deployment model to a 4-station deployment



Burlington Fire Department – Staffing Study

model. The four scenarios studied by the Carlson Group, in the 2018 study, all consider a four-station deployment model. The 2018 report lists several reasons to switch to a four-station model such as:

“Overall reduction in operating stations would reduce operating costs.

Shifting to a 4-station model would enable re-deployment of personnel to ensure that all front-line fire response units would be staffed with a minimum of three personnel (1 officer and 2 firefighters).

The City of Burlington and the way it is laid out along Lake Champlain and the Winooski River, and how narrow it is relatively speaking to how long it is, would suggest that a 4-station model would provide for sufficient overlapping coverage (so that concurrent calls can be handled in roughly the same part of the City).”¹

¹Fire Station Location Study for the City of Burlington, Vermont, June 29, 2018, Carlson Group Consultants, pg. A-6

All of these reasons are very valid and have the support of MissionCIT. However; switching to a 4-station model, and reallocating personnel from the closed fifth station to other units does not alleviate the need for additional staffing, to meet NFPA standards, in the Burlington Fire Department as discussed later in this report.

It should also be considered that the two oldest fire stations in Burlington are Station 1 and Station 3. Both stations show signs of significant mechanical and maintenance issues. In addition, these stations do not have adequate size to support the functions of modern fire station facilities.

Recommendations

1. BFD and the city should work towards the consolidation of Fire Stations 1 and 5 in order to reduce the number of fire stations in the city per the prior fire station study. This would reduce the number of stations requiring maintenance and upgrades, help to increase staffing to three person units at all locations and cause minimal impacts to fire/EMS response.
2. Should the city and BFD move towards a four-station model, the staffing on the apparatus at the new Station 1 should be four on both fire apparatus stationed there, Engine 1 and Tower 1. This would be necessary due to the units responding to greater number of incidents, covering more territory and if responding down into the old Station 5 area, moving away from their closest assistance and being required to operate at an incident alone for a longer period of time.
3. BFD and the city should also strongly consider the replacement of Fire Station 3 with a larger and more modern structure. It is almost 130 years old, over twice the lifespan of a normal fire station facility. The amount of space and quality of facilities are significantly lacking for firefighting personnel.



Fire Department Staffing

Firefighting remains one of the most dangerous occupations in the country. It is a task-oriented, labor-intensive team operation requiring continual training, physical stamina, and an understanding of buildings and fire behavior.

The effectiveness of structural firefighting operations requires the timely arrival of enough qualified personnel and their ability to rapidly coordinate and manage operations based upon the situation at hand. The National Fire Protection Association (NFPA) is a national, consensus standards organization that develops best practice standards for fire service organizations in the United States. The standards that they develop are not legally binding, unless adopted by a jurisdiction, but would most likely be referenced in legal cases regarding safety and operational issues of fire departments.

The concept of “safe staffing” for structural firefighting has developed nationally over the last thirty years. Much of this development has been the result of significant incidents across the country which often have killed firefighters and civilians. Through the formal reviews of these incidents, common themes have emerged, and the following NFPA standards have been promulgated to guide safe fire department response:

- NFPA 1500, *Standard on Fire Department Occupational Safety, Health, and Wellness Program*, Section A.8.5.1.1 recommends that “a minimum acceptable fire company staffing level should be 4 members responding on or arriving with each engine and each ladder responding to any type of fire.”
- NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*, describes the tasks the initial response assignment should be able to complete, using a 2,000 square foot, wood frame dwelling, without a basement or exposures. While it does not define the composition of the initial alarm assignment, it does require:
 - a. 4-person staffing on all engines, ladders, rescue squads, or other specialty vehicles (excludes command-type vehicles and EMS units)
 - b. Arrival of the first engine company, staffed with 4 personnel, within 240 seconds or less of driving time, ninety percent of the time
 - c. Arrival of the second engine, ladder, rescue squad, quint, or other specialty vehicle (excludes command-type vehicles and EMS units), staffed with 4 personnel, within 360 seconds, ninety percent of the time
 - d. Arrival of the total first alarm assignment in 480 seconds, ninety percent of the time
 - e. A minimum of 17 members (16 if no ladder is dispatched), to include 4 members to perform as a rescue intervention team (RIT)



Burlington Fire Department – Staffing Study

Life Safety regulations and standards are also in place to govern safe operations at a structure fire:

- The Occupational Safety and Health Administration (OSHA) has developed regulations for operating in a hazardous atmosphere (Immediately Dangerous to Life and Health, or IDLH). OSHA 1910.134 (g)(4) requires at least 2 members to enter IDLH atmosphere (such as a structure fire) and remain in contact with each other through visual, audible, or physical means, and that at least two members remain outside (Initial Rapid Intervention Crew, IRIC) to monitor the inside crew as well as conditions and be available for immediate rescue should the situation warrant. This is commonly known as the “2 in 2 out” regulation.
- Similarly, NFPA 1500, Sections 8.6.4, 8.6.5, 8.6.6, and 8.6.7, cover crew management requirements during an emergency incident. These provisions require teams of at least 2 personnel, who must be in visual, audible, or physical means when operating in hazardous areas. Further, there must be two members on the outside to act as an initial rescue team, subject to immediate deployment.
- NFPA 1710 requires upgrade of the Initial Rapid Intervention Crew (IRIC) to a Rapid Intervention Crew (RIC), consisting of 4 members, in full personal protective equipment (PPE) when the incident escalates to present significant risk to firefighters.

Given that these staffing demands within the NFPA standards are based upon structure fires, for safety reasons, it would also be practical for other hazard prone responses (highway events, rescue emergencies, hazardous materials incidents, etc.).

The following chart details the major tasks required by an effective firefighting force;

Table 1.12 NFPA 1710 – Recommended Staffing for First Alarm Structural Assignment Capability

Task	Single Family Dwelling (2000 sq. ft.)	Apartment (1200 sq. ft. apartment in a 3-story building)	Open- Air Strip Shopping Center (13,000 sq. ft. to 196,000 sq. ft.)
Incident Command	1	2	2
Establishing a water supply	1	2	2
Fire flow application with hose lines	4	6	6
Support for hose lines	2	3	3
Search and rescue team	2	4	4
Ventilation and raising ladders	2	4	4
Aerial ladder operator (If needed)	1	1	1
Rapid Intervention Crew	4	4	4
Initial Medical Care		2	2
Total Effective Response Force Needed	16-17 personnel	27-28 personnel	27-28 personnel



Burlington Fire Department – Staffing Study

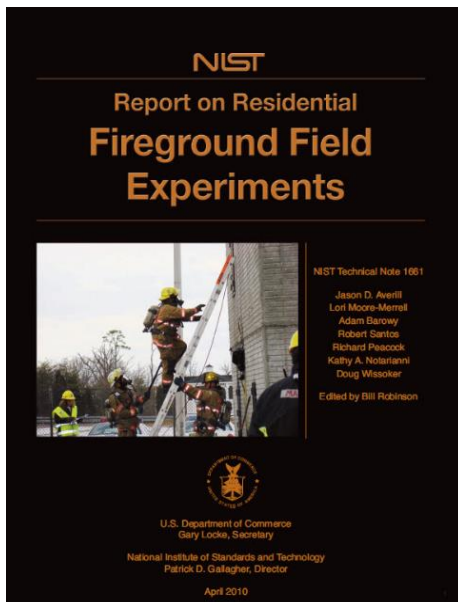
Source- NFPA 1710 “Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments”

With fewer firefighters and delayed arrival of supplemental response, these tasks will require more time to complete. The more time required, the longer a building will burn, resulting in increased risk to firefighters and trapped civilians.

In addition to national consensus standards from the NFPA, there has also been extensive research conducted as to the effects of unit staffing on firefighting tasks. In 2010, the National Institute of Standards and Technology (NIST) conducted 22 simulated firefighting tasks with varying crew sizes from two person staffed fire apparatus to four person staffed fire apparatus. The simulated firefighting tasks involved a 2,000 square foot residential fire training building furnished to resemble a single-family dwelling. Multiple timed exercises were conducted to gather information. The response apparatus used were three engine companies, 1 ladder company and a battalion chief with an aide. For the two-person staffing, the total response was 10 people. For the four-person staffing, the total response was 18 people.

The study results are summarized below.

Table 1.13 Task Efficiency by Crew Size



Task	2 Person Crews	3 Person Crews	4 Person Crews	Total Improvement Between Crew Sizes
Deliver Water on Fire	10:16	9:15	8:41	• 16% faster for 4 over 2 • 6% faster for 4 over 3
Search and Rescue	12:16	9:10	8:47	• 30% faster for 4 over 2 • 5% faster for 4 over 3
Overall Task Completion	22:16	20:30	15:44	• 30% faster for 4 over 2 • 25% faster for 4 over 3

As part of the study, NIST also monitored firefighter heart rates for the various crew sizes. Cardiac issues among firefighters under work stress is a major contributor to firefighter fatalities. With the smaller crew sizes, the cardiac stress on the firefighters was greater than for the three or four person crews.

NIST also conducted task studies for high rise fire incidents and EMS calls. In the high-rise scenarios, the tasks were simulated in a 30,000 square foot, 13 story office building. There were 14 critical tasks measured. Two-person staffing was not used in this study. Three-, four- and five-person staffing was used. **Overall, the three person crews took 12 minutes longer to**



Burlington Fire Department – Staffing Study

complete the required tasks over a four-person crew. In the EMS study, NIST simulated a cardiac arrest and a trauma incident. In the cardiac arrest scenario, they obtained the following results;

- Four-person crew completed all tasks in 5:36, while the 2-person crew completed them in 6:59 for a **23% time increase** over the 4-person crew. The three-person crew completed them in 6:09 or **8% faster** than the 2-person crew.

For the trauma incident, the four-person crew completed all tasks in 10:23, while the three-person crew completed them in 12:06 (**18% higher**) and the two-person crew completed them in 13:46 (**31.5% higher**).

As shown above, staffing on fire apparatus can have a direct effect on the ability to accomplish critical tasks on an incident, whether it is a small residential fire, a high-rise incident or a medical response.

The level of staffing and the amount of overtime can also have an effect on the situations that can cause a firefighter or crew to find themselves in a mayday situation. A mayday situation is one in which a firefighter or crew become trapped, disoriented, or overcome by the fire conditions.

In a study conducted in May of 2020, by Retired Chief Don Abbott, he examined multiple mayday situations that had occurred over a 13-week period and found the following as reasons for the maydays and possible contributing factors;

1. *Lack of control over excessive overtime, relaxing the rules because of current civil, COVID or related situations and conditions. They had one incident 19 days ago, where a firefighter had a MAYDAY during his 71st straight hour of being on duty.*
2. *They have had several MAYDAYS (39%) where the crews were working shorthanded.*

More Statistics:

1. *There has been a 35% increase in MAYDAYS during the last 13 weeks.*
2. *81% occur between 2100 hours and 0600 hours.*
3. *77% occurred during overtime shifts, 43% were working a 24 hour + hr. shift*
4. *Average runs prior to MAYDAY (24-hour period) 16 runs/or standby on protest rallies, low 9 runs/high 26 in 24 hours)*
5. *37% of the MAYDAY victims reported working short a crew member*
6. *15% reported they didn't remember the dispatch information (address, reason for the run)*
7. *37% reported using more air than normal*
8. *THE NUMBER ONE reason for their MAYDAY was becoming lost or separated from the hose line*



Burlington Fire Department – Staffing Study

9. 43% reported difficulty sleeping during their overtime shift
10. Overtime ranged from working (36%) 48 hours/ (23%) 60 hrs./ (17%) 72 hrs. straight

Source: Firefighter Close Calls Website

Fire Department Standard of Cover- Critical Tasking to Meet the Risks

Upon completion of the community risk assessment, discussed earlier in the document, the BFD focused on developing response guidelines for each of the services it provides. There are four primary service areas the BFD provides to its citizens. Those services are:

1. Emergency medical services (EMS)
2. Fire suppression services
3. Technical rescue services
4. Specialty services (hazardous materials).

For each of these services, the department classified response types and guidelines to correlate to four levels based on the call type and subsequently the resources required to address the specific risk: low risk, moderate risk, high risk, maximum risk. The table below provides the risk levels determined by the BFD as well as examples of the call types at that risk level for each of the four service areas.

Table 1.14 Burlington Fire Department Risk Level by Service Type Provided Table

Service Type	Risk Level	Example Call Type
EMS	Low	Basic Life Support (BLS) Call
	Moderate	2-3 BLS Patients 1 Advanced Life Support (ALS) Patient Unresponsive/Overdose
	High	Cardiac Arrest 2-3 ALS Patients
	Maximum	Mass Casualty Incident
Fire Suppression	Low	Auto Fire Outside Fire Dumpster Fire
	Moderate	Single Family Dwelling Fire
	High	Medium Sized Apartment Building Fire
	Maximum	Large Commercial Building Fire High-Rise Residential Building Fire



Burlington Fire Department – Staffing Study

Technical Rescue	Low	Elevator Rescue
	Moderate	Vehicle Extrication/Rescue
	High	Class IV and Class V Rope Rescues
	Maximum	Structural Collapse
Specialty (Haz. Mat.)	Low	Minor Fuel Spill
	Moderate	Technician Level HM Incident
	High	Vermont HM Response Team
	Maximum	Vermont HM Response Team

(source: 2017 Community Risk Assessment and Standards of Cover Document)

For each of the service types above, the BFD considered national standards, regulations, historical response trends, and industry best practices to determine how to address each level of risk. As the risk level increases, the need for additional responders and equipment also increases. There is a technique the fire service utilizes to develop the level of response based on the risk, called critical tasking. In critical tasking, a call is broken down into all the tasks that are required to successfully address the risk from the call.

Table 1.15 Burlington Fire Department Low Risk-EMS

Burlington Fire Department: Low Risk – EMS (BLS Call)	
Critical Task	Minimum Personnel
Patient attendant	1
Ambulance Driver	1
Total	2

(source: 2017 Community Risk Assessment and Standards of Cover Document, p. 113)

The chart above is an example of a simple basic life support call. The BFD has determined that two (2) personnel are sufficient to address the risks presented by such a call. As the risk increases, the requirements for the response also increases as indicated in the next chart.

Table 1.16. Burlington Fire Department Moderate Risk-EMS

Burlington Fire Department: Moderate Risk – EMS (2-3 BLS patients, single patient ALS, unresponsive/overdose call)	
Critical Task	Minimum Personnel
Incident command	1
Primary patient attendant - paramedic	1
Ambulance driver	1
Secondary attendant(s)	2
Total	5 (1 of which should be a paramedic)



Burlington Fire Department – Staffing Study

(source: 2017 Community Risk Assessment and Standards of Cover Document, p. 113)

The risk level increased due to the number of patients (2-3 BLS) or the severity of one (1 Advanced Life Support (ALS)) patients needing care. The increase in the risk calls for an increase in personnel and resources needed to properly handle the emergency. Since ambulances in the BFD are staffed with two personnel, an additional one to two other fire or EMS units will be needed to respond to provide the service level required. The BFD has placed unresponsive/overdose calls into the moderate category just recently. Previously these calls were considered low risk calls. However, due to a lower level of police response, the fire department is seeing an increased risk to its personnel on these calls and has increased the response level. The next two tables indicate the critical tasking for the remaining EMS risk levels.

Table 1.17 Burlington Fire Department High Risk-EMS

Burlington Fire Department: High Risk – EMS (Cardiac Arrest, 2-3 ALS patients)	
Critical Task	Minimum Personnel
Incident Command	1
Primary attendant - paramedic	1
Secondary attendant (airway) – paramedic	1
Secondary patient attendant - CPR	2
Ambulance driver	1
Total	6 (2 of which should be paramedics)

(source: 2017 Community Risk Assessment and Standards of Cover Document, p. 114)

Although the number of personnel responding only increased by one from the moderate risk response, the tasking is calling for two (2) paramedics. Based on BFD ambulance staffing, there are not always paramedics on the unit. As in the moderate risk response, at a minimum there will need to be two (2) units for these types of calls. Additional units may need to be called to supplement the response to meet the task needs.

Table 1.18 Burlington Fire Department Maximum Risk-EMS

Burlington Fire Department: Maximum Risk – EMS Active Shooter/Mass Casualty Incident (MCI) – assuming 6 patients (2 red & 4 yellow)	
Critical Task	Minimum Personnel
Incident Command	1
Rescue Task Force	4
Triage Officer	1
Transport Crew (on site)	4
Transport Officer	1
Treatment	5
Transport (to hospital)	8
Staging Officer	1
Public Information Officer	1
Total	26



Burlington Fire Department – Staffing Study

(source: 2017 Community Risk Assessment and Standards of Cover Document, p. 115)

The tasking for a maximum risk call is greater than the daily staffing for the BFD. Fortunately, these types of calls have a very low chance of occurrence. However, when they do occur, they tax the entire emergency response system and relationships with local mutual aid agencies are critical to not only handling the emergency at hand, but to provide support for the other fire and medical calls that undoubtedly will continue to come in.

The BFD conducted critical tasking for the remaining three service types as well. The charts below are indicative of the staffing required for each of the risks for fire service type calls. Again, as risk increases, so does the staffing and apparatus requirements. The critical tasking charts for technical rescue and special hazards-hazardous materials are also contained as a component of this report. However, they are contained in Appendix D at the end of the report.

Table 1.19 Burlington Fire Department Low Risk-Fire Suppression

Burlington Fire Department: Low Risk – Fire Suppression (Auto fire, outside fire, dumpster fire)	
Critical Task	Minimum Personnel
Command	1
Pump Operator	1
Nozzle Firefighter	1
Back-up Firefighter/Water Supply	1
Total	4

(source: 2017 Community Risk Assessment and Standards of Cover Document, p. 115)

The staffing required for low-risk calls is greater than some of the unit staffing in the BFD. As with EMS calls, this means the responders either handle the call with only two personnel, which may not necessarily be safe, or respond with an additional unit to handle all the tasks that are required.

Table 1.20 Burlington Fire Department Moderate Risk-Fire Suppression

Burlington Fire Department: Moderate Risk – Fire Suppression (single family dwelling)	
Critical Task	Minimum Personnel
Command	1
Safety	1
Initial Engine – Pump Operator	1
Initial Attack Line	2
Ventilation	1
Search	3
Rapid Intervention	2
Back-up Engine – pump operator	1
Back-up Line	2
Aerial Operator/Ventilation	1
Ambulance*	2
Total	15/17*



Burlington Fire Department – Staffing Study

(source: 2017 Community Risk Assessment and Standards of Cover Document, p. 116)

The risk to citizens and firefighters is increased, therefore, the staffing requirements are increased to perform the critical tasks that are required. Fifteen people are needed at a minimum to address a moderate risk in the BFD. Seventeen are needed if there are fire victims and treatment and transport to the hospital is required. These numbers are comparable to other fire departments across the nation and meet the requirements of national standards.

Table 1.21 Burlington Fire Department High Risk-Fire Suppression

Burlington Fire Department: High Risk – Fire Suppression (Medium sized apartment building)	
Critical Task	Minimum Personnel
Incident Command	1
Safety	1
Division Supervisor	1
Initial Engine – pump operator	1
Initial Attack Line	2
Primary Water Supply/Support	1
Ventilation	2
Search	4
Rapid Intervention	2
Rapid Intervention/Ladders	2
Back Up Engine – pump operator	1
Back Up Line	2
Secondary Water Supply/Support	1
Aerial Operator	1
Ladders	2
Exposure Protection	2
Ambulance*	2
Total	26/28*

(source: 2017 Community Risk Assessment and Standards of Cover Document, p. 117)

The data from the 2017 CRA-SOC indicates approximately 40% of the city's structures are either high risk (420 structures) or maximum risk (142 structures). Private residences are not assessed or included in this total.

The result of the critical staffing study indicates the number of personnel required (26 to 28 firefighters) to successfully handle fires in high-risk properties exceeds the daily minimum staffing (22 firefighters) of the BFD. This means there must be a reliance on call-back staffing and mutual aid partners to address such an incident and provide coverage for other emergencies in the city that may occur at the same time. The speed at which call back personnel and mutual aid partners can arrive will have a significant determination on the successful management of the incident.



Burlington Fire Department – Staffing Study

The staffing and resource requirements for maximum risk buildings are even greater than those found at the high-risk level. Additional firefighters and resources are required to address the increase in hazards due to the size and processes of large commercial structures and the additional floors and potential victims found in residential high-rises. The critical tasking analysis places the required staffing level at 30 – 34 firefighters to address a fire in a maximum risk level building. As at the maximum-risk level, the required number of firefighters exceeds the daily BFD minimum staffing. This will require the assistance of call back personnel and mutual aid from neighboring communities.

Table 1.22 Burlington Fire Department Maximum Risk-Fire Suppression

Maximum Risk – Fire Suppression (Large commercial building, residential high-rise)	
Critical Task	Minimum Personnel
Incident Command	1
Aide	1
Safety	1
Division Supervisor – fire floor	1
Division Supervisor – floor above	1
Initial Pump Operator	1
Initial Attack Line	3
Initial Water Supply/Support	1
Ventilation	2
Search – fire floor	4
Search – floor above	2
Rapid Intervention	4
Back Up Engine – pump operator	1
Back Up Line	2
Secondary Water Supply/Support	1
Aerial Operator	1
Hand-line to floor above	3
Ambulance*	4
Total	30/34*

(source: 2017 Community Risk Assessment and Standards of Cover Document, p. 118)

Benchmark Times

The community risk assessment and critical tasking tables identify the types and levels of risk as well as the resources required to combat the risks. However, there is one more aspect to consider for responders and that is the aspect of time. Benchmark times are established in emergency services to provide a standard by which an organization measures its ability to respond in a timely and efficient manner. Benchmark times are essentially goals which the organization attempts to meet. Benchmark performance should be analyzed on a regular basis



Burlington Fire Department – Staffing Study

for compliance with the established times. When benchmarks are not being met, the organization should investigate as to the reasons the times are not being met and make corrections as necessary to achieve the times. When benchmarks are being met consistently, the organization should consider lowering the benchmark times. Doing so creates new goals and helps the organization remain forward focused to improve and increase efficiency and avoid stagnation.

As a component of the 2017 Community Risk Assessment-Standard Of Cover, the BFD established benchmark times for each service type by risk level. Each service type and risk level received two (2) benchmark times:

1. Time required for the first due company to arrive on scene.
2. Time required for an effective response force (ERF) to arrive on the scene.

It should be noted that benchmark times are reported at the 90th percentile. Statistical analysis is used to evaluate the response times of the organization over a set period of performance, typically monthly. The 90th percentile time indicates that amount of time, in minutes and seconds, it takes the organization to arrive to 90% of its calls for service. Benchmarks are recorded as performance statements and published for the entire organization to see and work toward. The following is an example of one of the performance statements taken from the 2017 Burlington Fire Department CRA – SOC. The statement is for the fire suppression incident type at the moderate risk level and serves as a good example:

“Fire Suppression – Moderate Risk

Example: single family dwelling fire, small apartment building fire

Benchmark Performance Statement:

For 90% of all moderate risk fire suppression responses, the first due suppression unit shall arrive within 5 minutes 20 seconds (5:20), total response time. The first due suppression unit shall be capable of establishing command, conducting a size-up, and either initiating a defensive attack until “two-in, two-out” can be met or initiating rescue efforts when a known rescue exists.

For 90% of all moderate risk fires, the balance of the ERF of 15 shall arrive within 9 minutes 20 seconds (9:20), total response time, and be capable of establishing an uninterrupted water supply, deploying a back-up line, conducting search operations, providing ventilation, and establishing a RIC.”

Similar statements were created for all four service types and risk levels. The acronym “ERF” stands for effective response force and indicates the minimum number of personnel required to perform the tasks indicated in the critical tasking tables. It was noted by MissionCIT while on site that the benchmark times and performance statements have not been updated since they were initially established in the 2017 CRA-SOC. However, the department is tracking progress



Burlington Fire Department – Staffing Study

towards compliance with the benchmark times in the statements. The table below indicates the department's compliance for fire and EMS responses during the time period 2018 – 2022. There are not enough responses for technical rescue and specialty responses to be statistically significant.

Table 1.23 Burlington Fire Department 90th Percentile Time Compliance 2018 - 2022

Benchmark Identifier	Benchmark Time	Overall 2018-2022	2018	2019	2020	2021	2022
Medical Turnout Time	60 seconds	185 seconds	233 seconds	185 seconds	187 seconds	179 seconds	176 seconds
Medical Travel Time	240 seconds	396 seconds	393 seconds	410 seconds	419 seconds	437 seconds	344 seconds
Medical Total Time	300 seconds	511 seconds	507 seconds	518 seconds	540 seconds	548 seconds	458 seconds
Ambulance Travel Time	480 seconds	387 seconds	387 seconds	411 seconds	416 seconds	416 seconds	323 seconds
Ambulance Total Time	540 seconds	505 seconds	505 seconds	521 seconds	541 seconds	533 seconds	435 seconds
Fire Turnout Time	80 seconds	187 seconds	290 seconds	202 seconds	184 seconds	179 seconds	167 seconds
Fire Travel Time	240 seconds	374 seconds	350 seconds	372 seconds	360 seconds	399 seconds	373 seconds
Fire Total Time	320 seconds	503 seconds	508 seconds	512 seconds	487 seconds	523 seconds	483 seconds

(source: BFD Data from Chief Petit, 10/7/2023)

The data above does not take into consideration call processing times from the dispatching authority as this was not reported to MissionCIT. There was discussion during the site visit with the leadership team of the fire department regarding dispatch and the sharing of resources between the fire department and police department to maintain staffing. Without call processing times, the picture of response is not complete, and the benchmarks above only



Burlington Fire Department – Staffing Study

apply to the response from the time BFD personnel receive the call in their stations. Assuming the times provided to MissionCIT are accurate, then the true response time is actually longer than those posted above. This should be considered when evaluating the total picture of the response time.

Analysis of the data above indicates that BFD is missing its benchmarks consistently throughout the period surveyed. This is concerning since call volumes have also been increasing over the same timeframe. As units become busier, the chance for queuing becomes more likely. Queuing is a term used in emergency services to indicate when there are not enough response units available to handle the call volume without an extended response. There are measurement tools utilized to determine the percentage of time a unit is available to respond first due for calls in its district. This is known as a reliability factor. Data from the department's 2017 CRA – SOC indicate the ambulances are the busiest units and have the lowest first due reliability factors at around 75%. When reliability factors reach this point, queuing is probable. However, it should be noted that Ambulance 2's reliability factor would increase to approximately 85% if UVM Rescue's responses were taken into account.

Current 2023 data was not available for reliability factors. However, with the increase in call volume since the initial data was published, it can be assumed that reliability factors for all BFD units have dropped accordingly and should be re-evaluated.

Table 1.24 Reliability Factors

Unit	1 st Due Availability (All Calls)	1 st Due Availability (Medical)
E1	84%	83%
E2	88%	88%
E3	88%	86%
E4	92%	93%
E5	88%	86%
Station 1		91%
Ambulance 1		75%
Ambulance 2		75%

(source 2017 Burlington Fire Department Community Risk Assessment and Standards of Coverage)

Table 1.25 Ambulance Service Coverage

Ambulance Service Coverage			
Ambulance Response Area	1 st Due Unit Reliability	1 st Due Area Reliability	1 st Due Availability
Ambulance 1	95%	95.3%	75%
Ambulance 2	91.6%	89.3%	75%

(source 2017 Burlington Fire Department Community Risk Assessment and Standards of Coverage)

As units become busier, personnel spend more time responding to calls. This in turn increases



Burlington Fire Department – Staffing Study

workload on the entire system including the employees. A factor known as Unit Hour Utilization (UHU) can be calculated to determine the amount of time each unit is spending in the response mode or “working”. The UHU’s for the ambulances was already at 25% in the 2017 CRA – SOC. As the call volume increases, it is likely this percentage can also increase. When units approach 40% UHU it is good practice to consider ways to reduce the workload on the unit. This is even more important when working the 48/96 schedule where a 40% UHU would equate to almost 20 hours spent on responses.

The 2017 Burlington Fire Department Community Risk Assessment and Standards of Cover provides good information as to the state of the department as well as its future needs required to continue to provide high quality emergency services. The fire department assessed a sample of structures in the city, including all exempt, commercial, industrial and residential buildings greater than 5 units. The risk assessment identifies that almost one half of the community’s buildings, that were assessed, meet the criteria as either high or maximum risk requiring an initial response that is greater than the on-duty daily minimum staffing for the department. Although calls that involve high and maximum risk buildings are low occurrence situations, they will tax the response system to its breaking point rapidly with a higher potential for loss of life. Many of these structures are classified in the high or maximum category not only because of their size but also because of their use as residential facilities, some with physically, emotionally, and socioeconomically challenged individuals. Studies from agencies such as the National Fire Protection Association (NFPA) and the United States Fire Administration (USFA) indicate there is a higher potential for loss of property and life in these types of settings. This is especially true when fires occur within the socioeconomically challenged areas of a community. The addition of more housing for those who are so challenged will have further impacts on the fire department and its response. The current and increasing homeless population in the city is already having an impact especially on the emergency medical services’ portion of the department’s overall response.

The critical tasking tables contained in the report are based on national standards, but are also tailored to the Burlington community. The required staffing numbers provided in the tables only provides the minimum number of personnel required to address the issues at the various risk levels. The tables also assume the tasks will be coordinated and performed close to the order as planned in the analysis. However, BFD’s staffing is not consistent unit to unit. Some units respond with three members while others respond with only two. This means there may be tasks that will have to wait for additional staffing to assemble on scene which leads to delays in the fire attack and higher risk to occupants, firefighters, property, and the environment. The tables also do not take into consideration additional personnel needed to replenish working crews for rehabilitation (REHAB) and coverage in the city when all BFD stations are involved in the incident.

The newly formed pilot response unit which is dispatched to unresponsive/unconscious



Burlington Fire Department – Staffing Study

patients is a step in the right direction and should help in reducing the UHU of the ambulances while increasing the ambulances' reliability factors. Updating the CRA – SOC is due and will provide a better understanding of the current situation in the city and the department.

Staffing Factor

In developing the total staffing needed for the Burlington Fire Department, a determination must also be made regarding the impact of vacation, sick and other leave hours on the availability of personnel for each shift. Having three personnel assigned to a fire suppression unit will not mean that all three people are available to staff the unit at all times. Those personnel get sick, go on vacations, get called to jury duty, etc. Therefore, **a staffing factor should be used to determine the number of personnel needed to maintain the positions on fire/EMS apparatus each day.**

The human resources department provided information that, over the last five years, each assigned field person with BFD has averaged 555 hours of leave each year. This leave usage is part of the calculation in order to determine the number of personnel needed to maintain the department minimum staffing.

Determining Department Staffing Factor

A	Number of Days in a Year - 365	
B	Number of Hours in a Day - 24	
C	Number of Hours in a Year (A X B) - 8,760	
D	Number of Shifts - 3	
E	Number of Hours of Scheduled Work per Employee per Year (C / D) - 2,920	
F	Less: Average Number of Hours per employee of Leave Consumed for the Last Year - 555	
G	Number of Productive Hours per Employee per Year (E – F) – 2,365	
H	Staffing Factor (E / G) – 1.23	
I	Number of Employees Needed per Position for 24/7 Staffing (H X D)	3.69 or (4)

From the calculations above, it will take 4 employees of the BFD to maintain 1 person on duty, 24/7, when considering the three-shift system. Therefore, in order for maintain the minimum of 22 personnel on duty, 24/7 for the field operations, per the CBA, the department should have 88 personnel assigned to operations. Per the department's budget, the department has 87 personnel assigned to operations for coverage for leave usage, or one less than needed to meet the staffing factor.

Unfortunately, the actual number of assigned personnel for each shift does not take into account the vacancies that seem to be always present in the operations division due to vacancies from turnover, retirements, etc. From May 2017 through September 2023, the department only averaged 74 personnel, actually filling positions, during this time. This is 14



Burlington Fire Department – Staffing Study

positions less (4+ per shift) than the minimum of 88 required from the calculations above, and 13 positions from the actual assigned number of 87 personnel.

Recommendations

1. The Burlington Fire Department should maintain the total number of personnel on each shift, considering the staffing factor, in order to maintain minimum staffing levels. This should be done through an aggressive hiring and training process and the city should consider hiring additional overfill positions in order to maintain these levels.

Operational Staffing Recommendations

The staffing levels on fire and EMS apparatus are critical to the effective and efficient delivery of services to the public. Safe staffing is also important to the health and safety of the firefighters and officers who provide these services and who are increasingly being asked to respond to more and more incidents, involving social service situations. MissionCIT has reviewed the BFD response data, the risks that exist within the city and the current national standards regarding fire apparatus staffing. We make the following recommendations regarding the staffing needs for BFD.

Taking into account the costs of the additional personnel and that the fiscal condition of the city may be stressed, we are presenting other staffing options for consideration. These other staffing options will help the department, but can do so at lower costs. All of the options should certainly be phased in over time to allow for adjustments to the budget and spreading out the costs over time. Grant funding, detailed below, should definitely be a consideration for funding future additional positions.

All recommendations below assume BFD is at full staffing, with all operations positions filled.

Recommendations

1. The ultimate goal for the city and BFD should be to move towards four-person staffing on all fire apparatus, and two personnel on all EMS apparatus in order to meet NFPA 1710 standards. This would require a minimum of 31 personnel per shift. Taking into consideration the staffing factor, a total of 124 personnel would be needed to maintain 31 on duty positions each day. This is an increase of 37 positions needed within BFD.

Optional Recommendations

2. At a minimum, the department should immediately work to move to three-person staffing on all fire apparatus, and two personnel on all EMS apparatus. This would require a minimum of 25 personnel per shift. Taking into account the staffing factor, a total of 100 personnel would be needed to maintain 25 on duty positions each day. This is an increase of 13 positions needed within BFD.



Burlington Fire Department – Staffing Study

3. The department could consider hiring two additional personnel per shift, 8 total (taking into account the staffing factor), for staffing a peak ambulance at Station 1. A fourth ambulance could be staffed with these personnel during the peak call times of 0800-1800 hours. After 1800 hours, these two personnel could then be assigned to two fire units to bring them up to 3-person staffing.
4. With any additional personnel increases within Operations, BFD will need to increase the number of personnel vacation slots per shift to accommodate the increase in personnel accruing vacation leave.

Options two and three could be done together, so that 13 positions were hired, but during the daytime, 2 would be assigned to a peak ambulance to cover workloads, then moved to fire apparatus.

Administrative/Support Staffing

In addition to the staffing on fire/EMS apparatus, MissionCIT also looked at the administrative/support staffing of the department. Ensuring that there are enough personnel to provide the administrative, logistical and service support to those in field operations can be just as important as the actual number of members riding on apparatus.

From prior studies done by the Center for Public Safety Excellence, they have found that the percentage of administrative support positions for fire departments typically ranges from 7-20% of the total number of personnel in the department. In Burlington, their administrative support number is 8%, excluding the fire chief's position. This is on the low end of the expected range.

From the benchmark fire department surveys conducted, the ratio of personnel assigned to the fire marshal's office, per population protected, varied from 1:12k population protected to 1:23k population protected. In Burlington, the ratio is 1:15k population protected.

The number of training personnel, per operational personnel, from the benchmark fire department surveys conducted ranged from 1:53 operational personnel to 1:110 operational personnel. In Burlington, the ratio is 1:87 operational personnel.

The department also recently hired an EMS Battalion Chief to manage the department's EMS program. Being that approximately 70% of the department's responses and needs revolve around EMS, there is a need for additional support for this section of the department.

From the interviews with the various section heads of the department, there were identified needs for additional personnel to assist with the support functions of the department. These positions can help to improve the operations of the department, the quality of training that is provided to the field personnel and ultimately, they can help to improve services to the community. These additional positions include the following.



Burlington Fire Department – Staffing Study

Recommendations

1. An administrative assistant for the Fire Marshal's Office. This position is needed to facilitate the writing of reports and code recommendation letters to contractors that currently the fire marshals have to take time for. This position could be shared with other administrative staff for administrative support to the Fire Training Officer, or EMS Chief.
2. A minimum of one drill instructor/logistics Lieutenant for the Training Division. This position can assist in providing the weekly multi-company training, currently being done by the Training Chief and provide the logistical support to prepare training sites and to move equipment to facilitate the morning/afternoon training sessions. An alternative use for this position could be to coordinate the recruit training schools that almost always are in session for the department.
3. A Lieutenant's position is needed within the EMS Division to provide department training on EMS topics, provide logistics support to the EMS Chief and to develop and implement an EMS Quality Assurance/Quality Improvement review process. Currently, there is no structure in place to review EMS care by FD personnel on incidents and to provide remedial or new skills training to personnel. This position could also provide supervision and direction to the City CARES Unit or the BFD alternative response unit.

Financial Impacts

With the addition of new personnel from the recommendations of MissionCIT, there are associated costs. Below, are the estimated costs for the first year of new hires for the various options. They are based on a starting salary, including benefits at 35%, of \$78,993.90 per firefighter position.

Table 1.26 Operational Staffing Improvements

Option	Number of Needed Positions	Total Salary and Benefit Costs	Onboarding Equipment Costs for New Employees*	Total Costs
Four Person Staffing	37	\$2,922,774	\$11,985 per new position	\$3,366,219
Three Person Staffing	13	\$1,026,920	\$11,985 per new position	\$1,182,725
Peak Ambulance	8	\$631,951	\$11,985 per new position	\$727,831

*Additional equipment costs for the second year of new position hires are \$4,300, per employee



Burlington Fire Department – Staffing Study

Table 1.27 Administrative Positions Recommended

Position	Number Needed	Salary and Benefit Costs	Onboarding Equipment Costs for New Employees	Total Costs
Lieutenant – Training Division	1	\$140,000	\$11,985	\$151,985
Lieutenant – EMS Division	1	\$140,000	\$11,985	\$151,985
Administrative Assistant	1	\$67,103		\$67,103

Recommendations

1. The City of Burlington should strongly consider raising the public safety tax rate in order to fund any additional positions for BFD.

Grant Funding

There is a federal grant program available to BFD to assist with the hiring of career personnel. This program is administered through the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA). The program is the Staffing for Adequate Fire and Emergency Response (SAFER) Program. This grant program opens for a set period each year to accept applications and then close while applications are reviewed and awards made. The information on the grant program comes from the most recent FY22 Notice of Funding Opportunities (NOFO) for the program. Any new information or changes to this program should be announced early in 2024.

In the SAFER grant program, typically, priority is given to those departments who do not currently meet national NFPA standards regarding staffing. In this program, recipient departments are awarded funds to hire and pay full time personnel for a three-year period at no cost share by the department. Funds can also be provided to pay for the initial personal protective equipment and training of these personnel.

Recommendations

1. BFD should strongly consider submitting an application to the SAFER program for the upcoming grant cycle, when open, to improve their staffing on fire apparatus. Receiving funds for the hiring of additional career personnel, at no cost to BFD, for three years can provide immediate assistance to service delivery and the financial needs of the city. MissionCIT can provide assistance with the grant writing for these programs if needed.



Burlington Fire Department – Staffing Study

Benchmark Information

Using benchmark data from other fire departments can be an alternate way to assess the performance or operations of an organization and in the case of this study, how Burlington compares to other like sized departments regarding its apparatus staffing and overtime budget. As part of this project, MissionCIT, LLC conducted a basic benchmark survey with six other fire departments identified by the Burlington Command Staff as being similar. Of the six departments surveyed, three responded, for a 50% return rate. A summary of each fire department who responded to the survey is below.

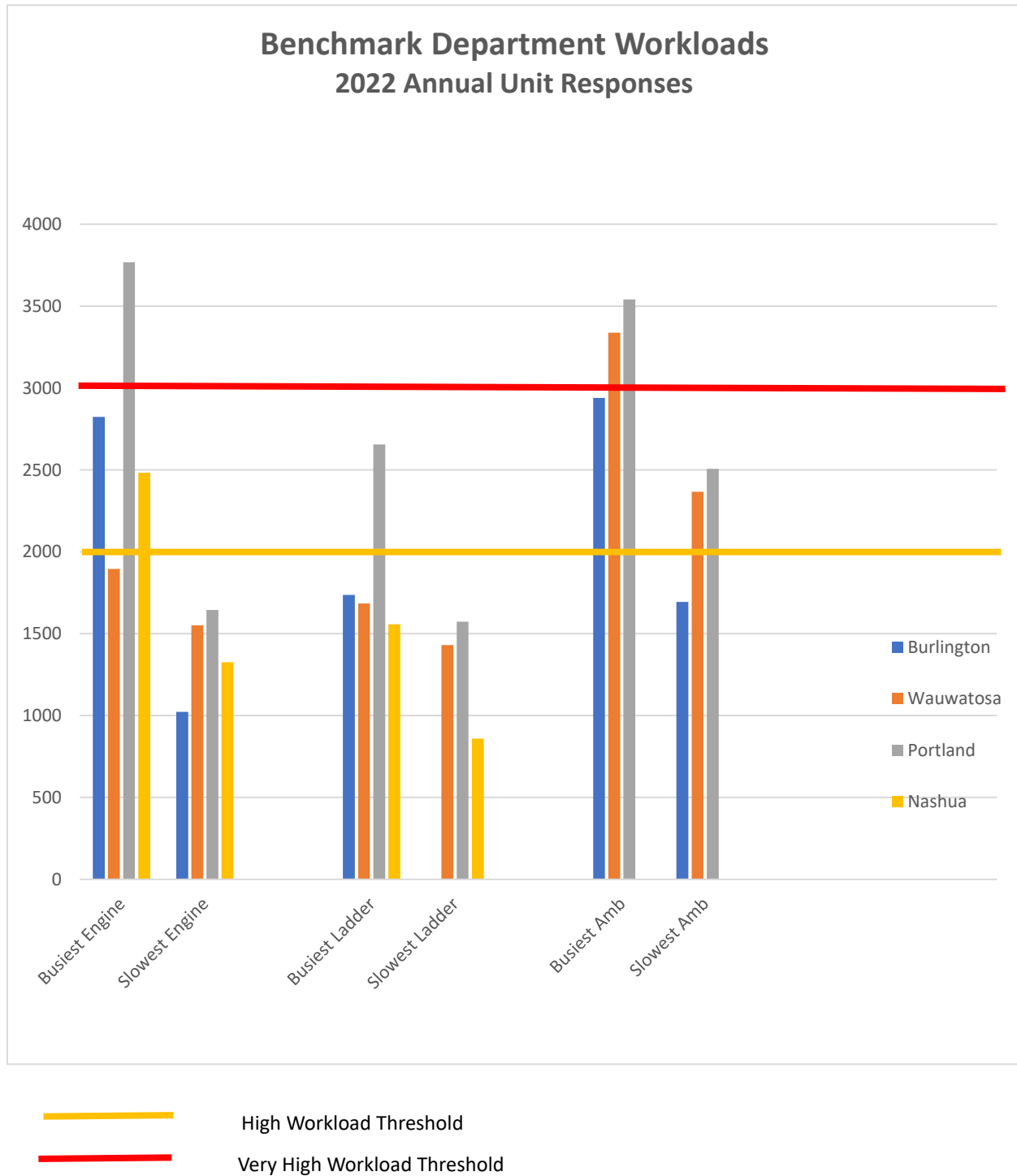
Table 1.28 Benchmark Summary of Respondent Responses

Department Characteristics	Burlington	Wauwatosa, WI	Portland, ME	Nashua, NH
Coverage area In square miles	10.3	13.2	69	32
Population Protected	44,595	47,289	70,000	91,623
Number of Fire Stations	5	3	10	6
Number of Square Miles Per Fire Station	2.1	4.4	6.9	5.3
Total Operational Staffing	87	96	221	161
Number of Engine Co.	5* (Two of these operate as Quints)	3	4	6
Engine Co. Staffing	2-3	4	3-4	4
Number of Ladder Co.	1	2	4	3
Ladder Co. Staffing	2	4	3	4
Number of Ambulances	3	2	5	N/A
Total Calls per Year 2022	9,864	9,023	18,490	53,702
Busiest Engine Company	2,824	1,896	3,768	2,482
Slowest Engine Company	1,022	1,551	1,645	1,326
Busiest Ladder Company	1,736	1,684	2,656	1,558
Slowest Ladder Company	N/A	1,430	1,574	859
Busiest Ambulance	2,939	3,338	3,541	N/A
Slowest Ambulance	1,694	2,367	2,506	N/A

In total responses for 2022, among the benchmark departments, Burlington had the second busiest engine, second busiest ladder and third busiest ambulance. This comparison is against departments with greater populations than Burlington, some as much as 57% higher in population than Burlington.



Graph 1.11 Benchmark 2022 Unit Responses

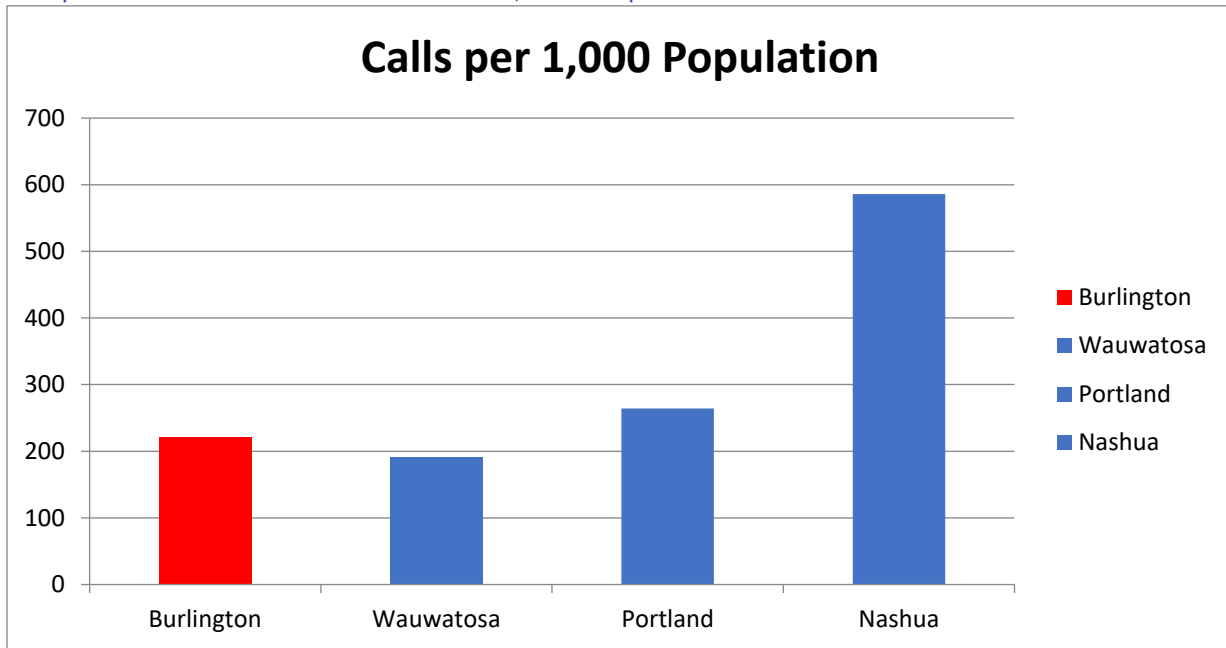




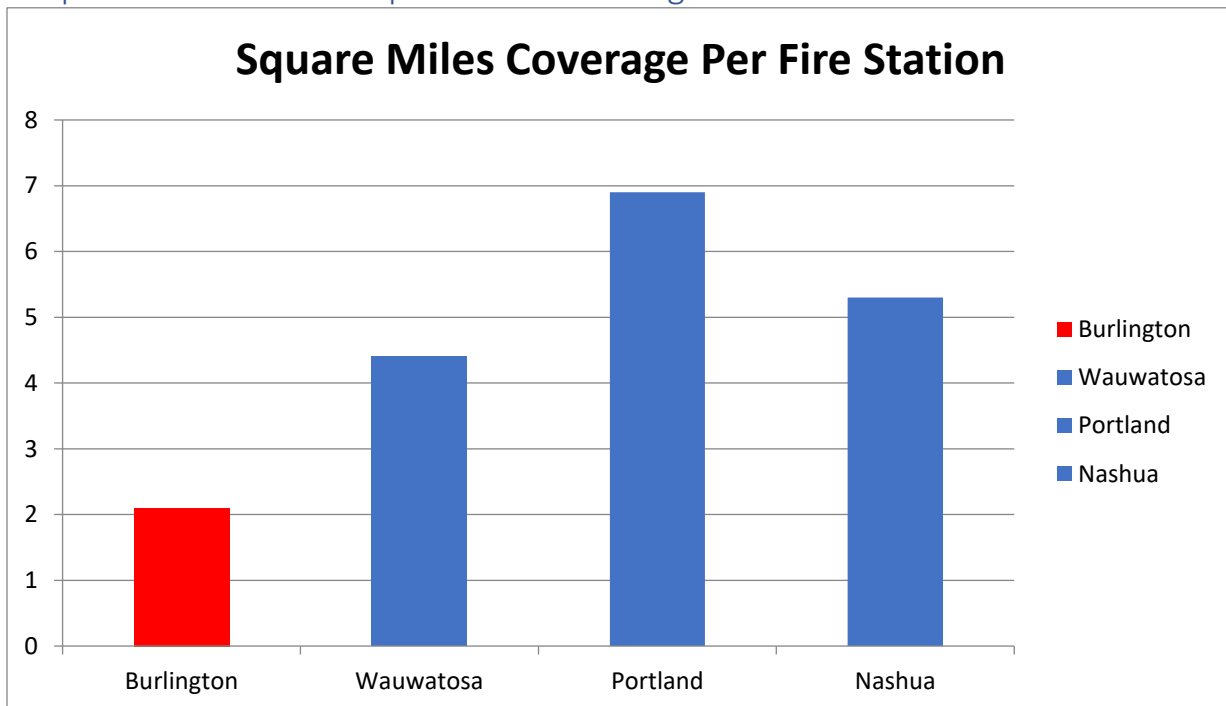
Burlington Fire Department – Staffing Study

Additional display of benchmark comparison data shows the following.

Graph 1.12 Benchmark Calls Per 1,000 Population



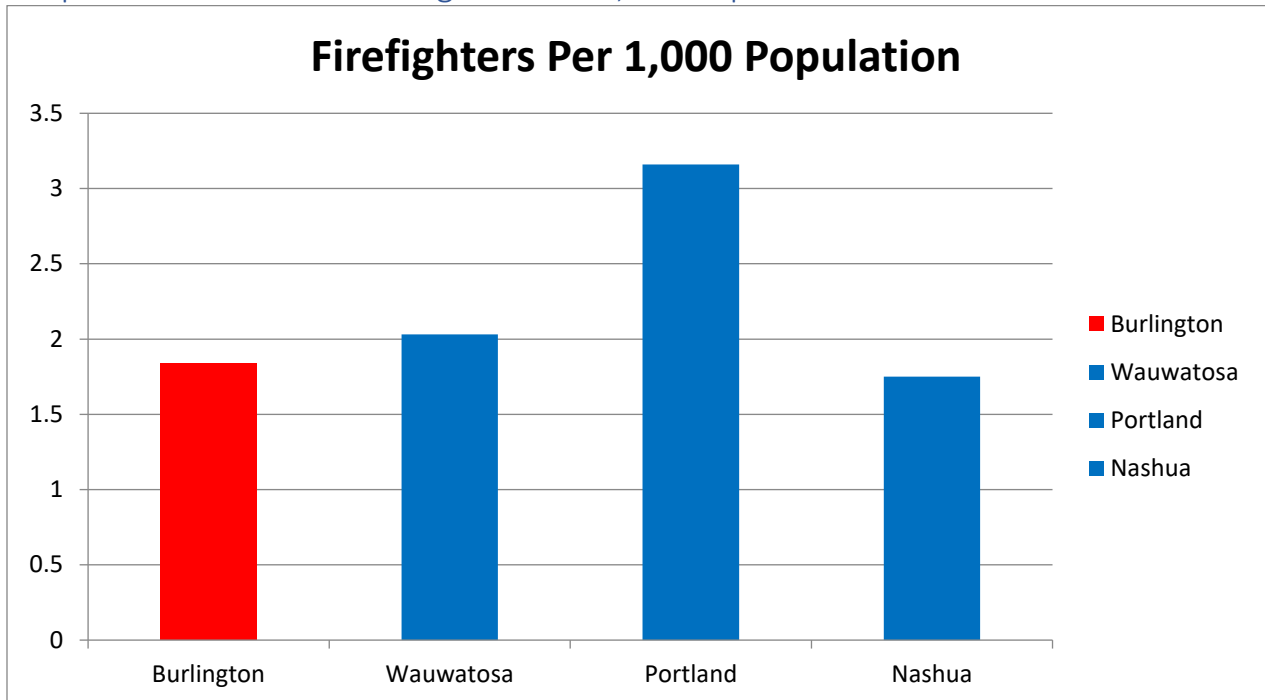
Graph 1.13 Benchmark Square Miles Coverage Per Fire Station



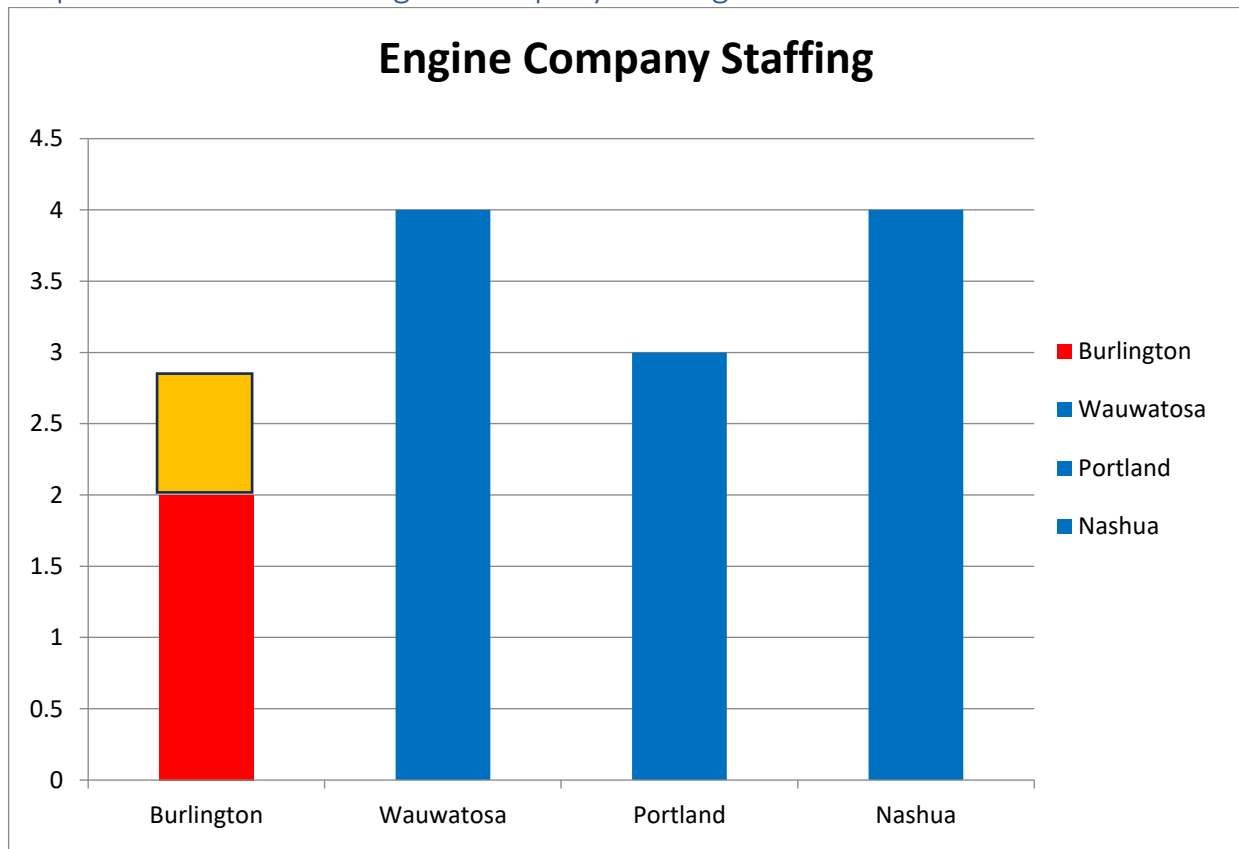


Burlington Fire Department – Staffing Study

Graph 1.14 Benchmark Firefighters Per 1,000 Population



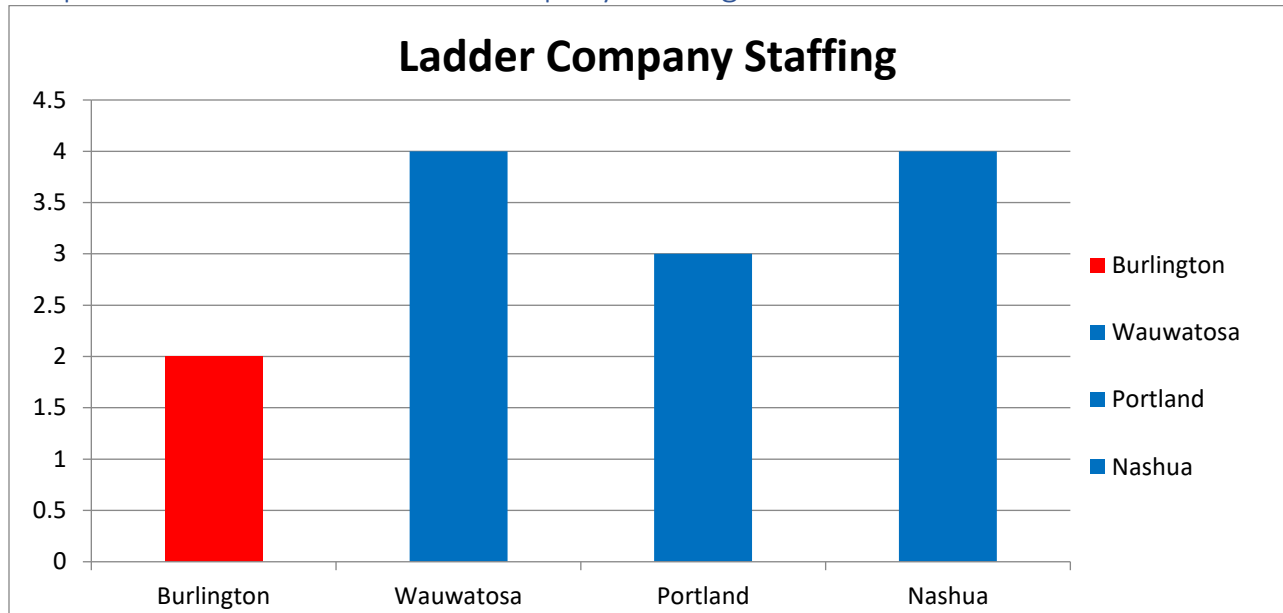
Graph 1.15 Benchmark Engine Company Staffing



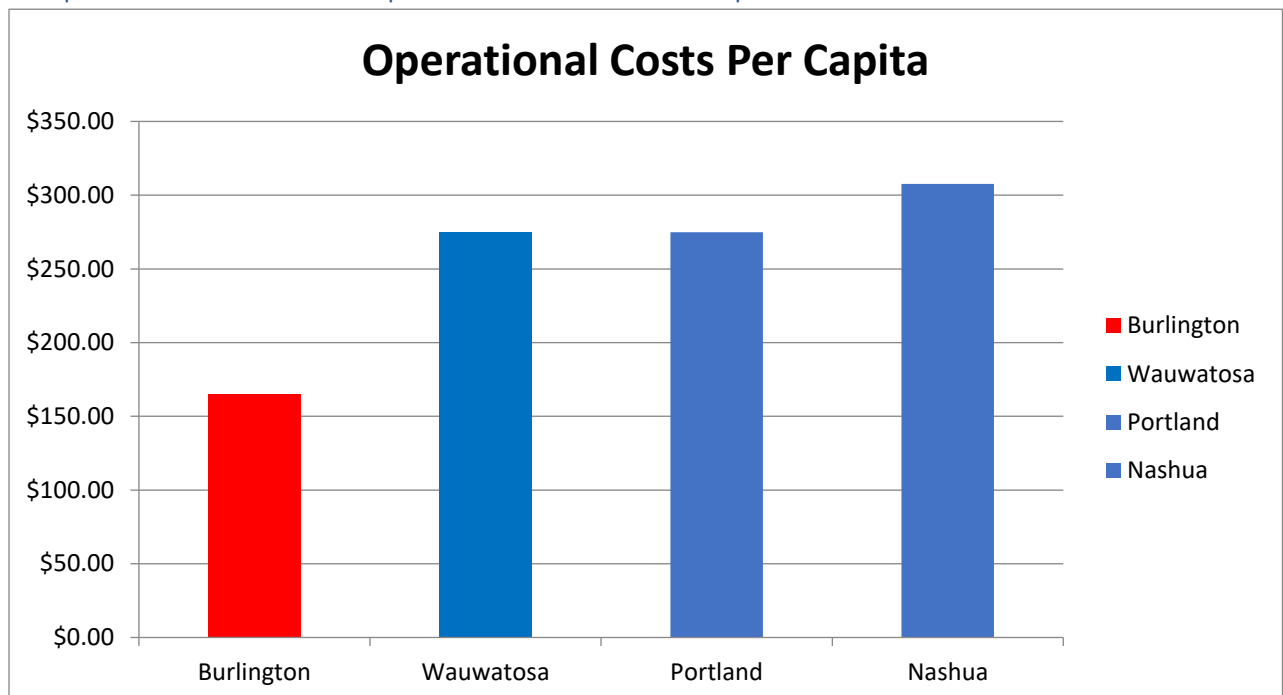


Burlington Fire Department – Staffing Study

Graph 1.16 Benchmark Ladder Company Staffing



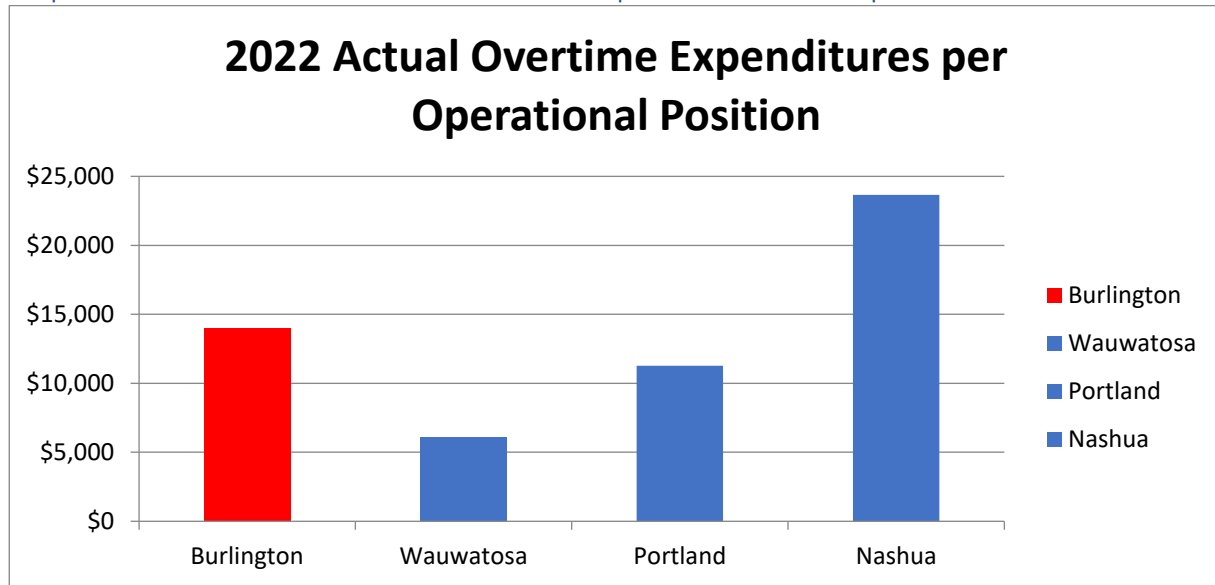
Graph 1.17 Benchmark Operational Costs Per Capita



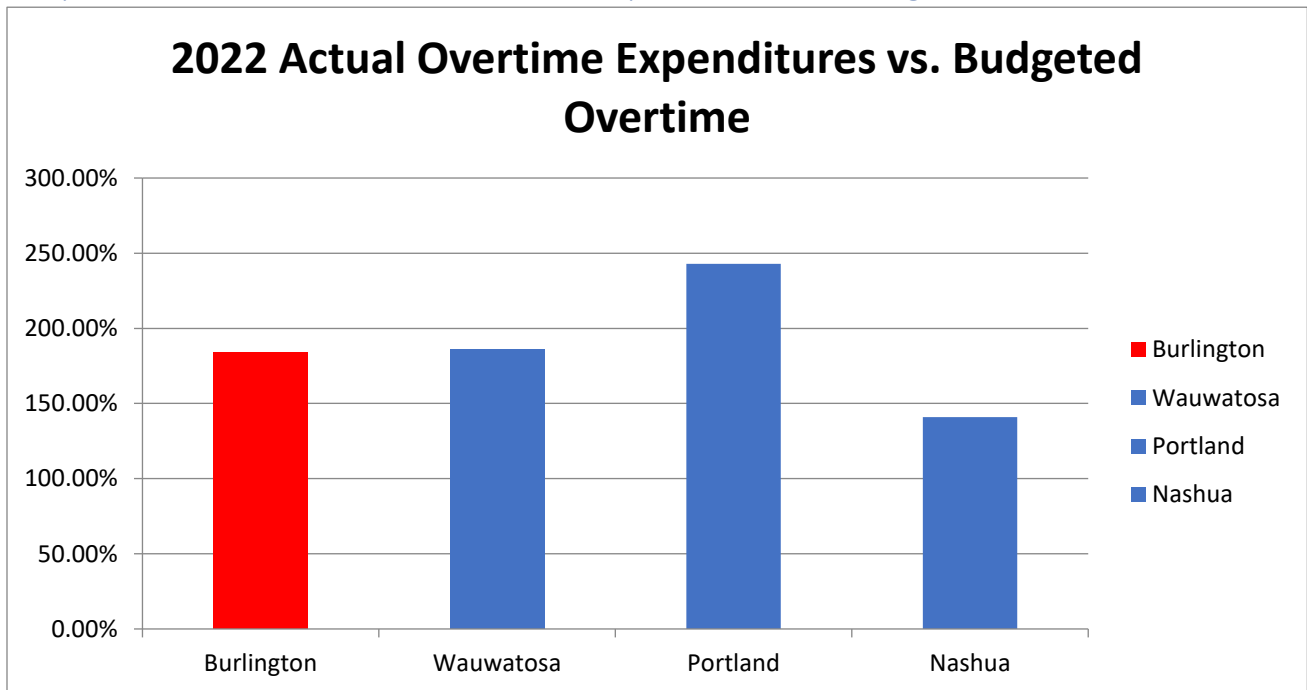


Burlington Fire Department – Staffing Study

Graph 1.18 Benchmark 2022 Overtime Expenditures Per Operational Position



Graph 1.19 Benchmark 2022 Overtime Expenditures vs. Budgeted Overtime





Burlington Fire Department – Staffing Study

An additional summary of graphs from the benchmark data compared to that of Burlington Fire Department are below. The benchmark departments have as many varied reasons for personnel leaving the department as does Burlington. The average annual turnover of personnel in the benchmark departments, compared to Burlington, over the last three years were the following.

Table 1.29 Benchmark Turnover Rate

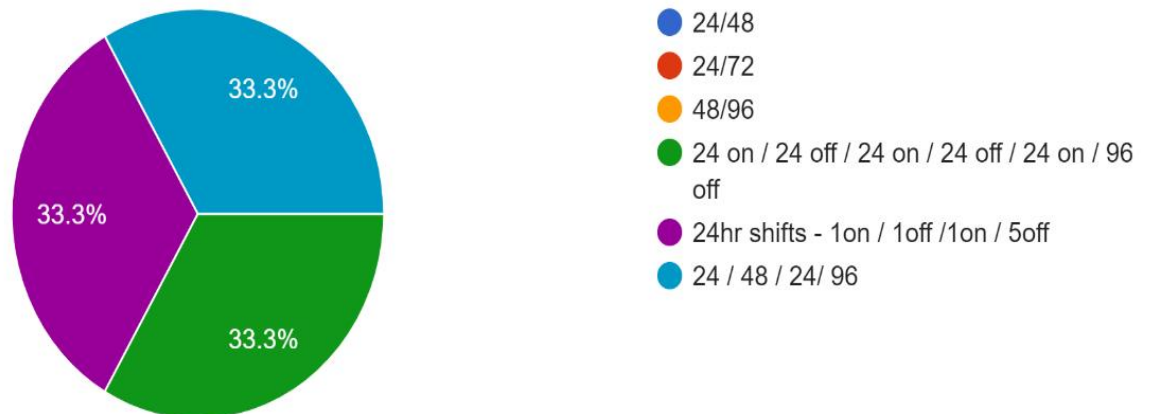
Department	Annual Turnover Average over Last 3 Years	Turnover Rate compared to Number of Operational Personnel
Burlington	9	10%
Wauwatosa	2	2%
Portland	7-9	4%
Nashua	10-15	9%

In addition, all have seen increases in their overtime usage over the last few years and have taken steps to improve the retention of existing personnel and attract new members to their departments. The full survey results are included in [Appendix B](#) of the report.

Figure 1.8 Benchmark Personnel Work Schedule

What is your organization's personnel work schedule?

3 responses

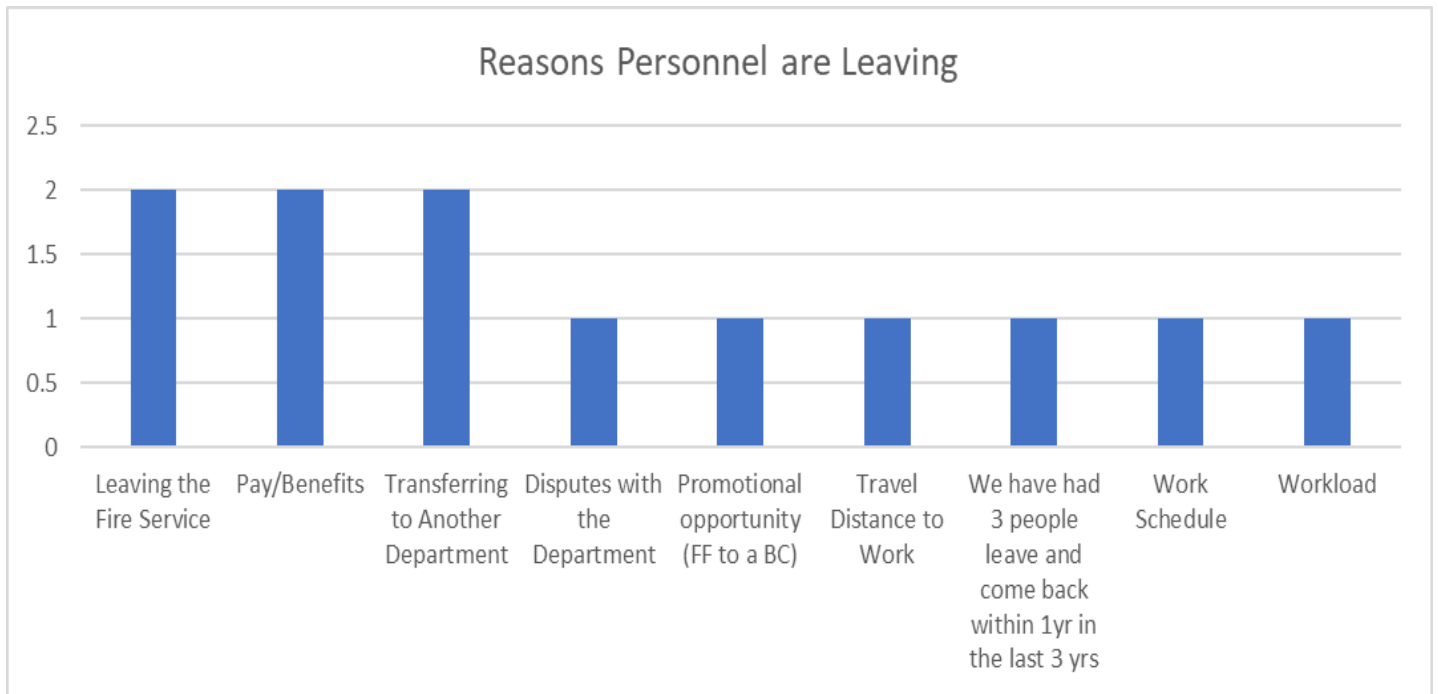




Burlington Fire Department – Staffing Study

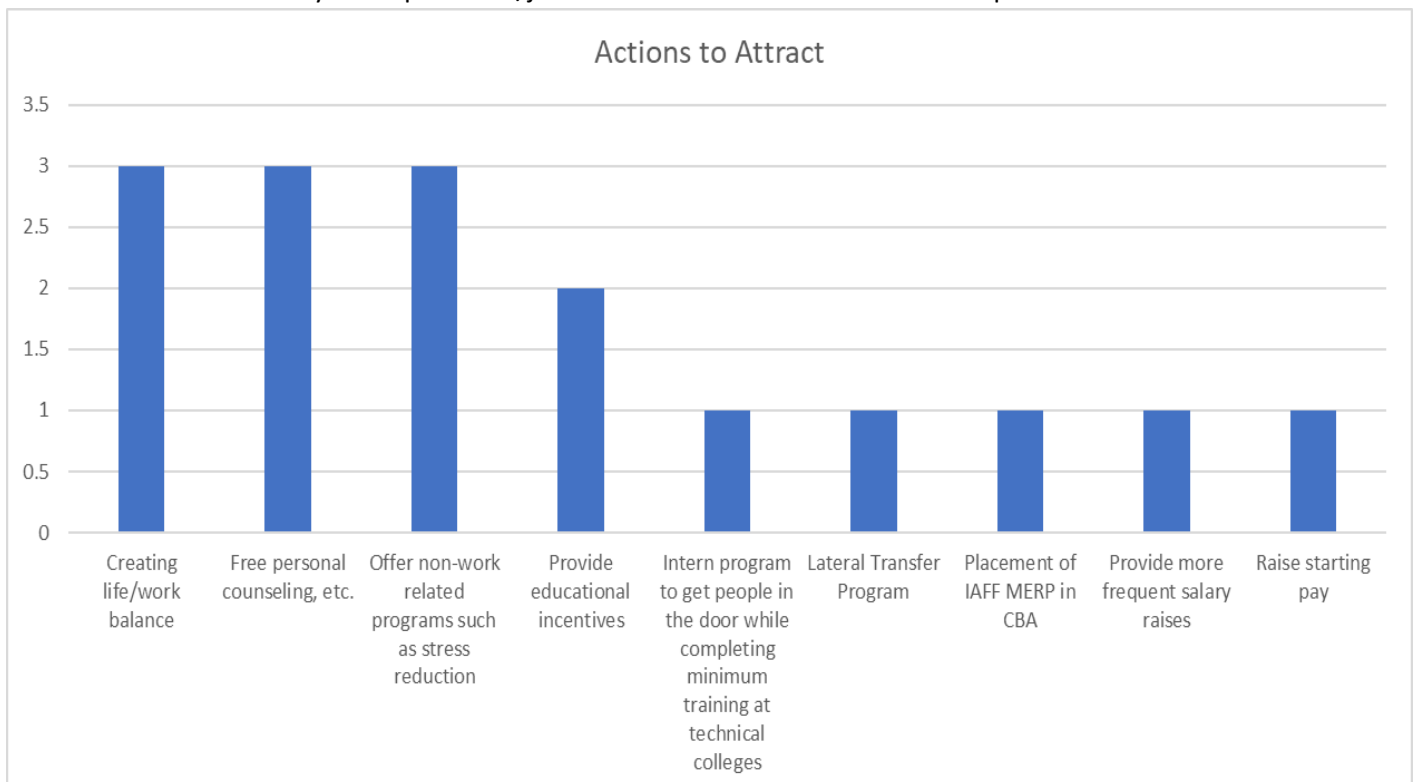
Graph 1.20 Benchmark Reasons Personnel Are Leaving

What are the most prevalent reasons for personnel leaving your organization over the last 3 years?



Graph 1.21 Benchmark Actions to Attract Personnel

What actions has your department/jurisdiction taken to better attract new personnel?

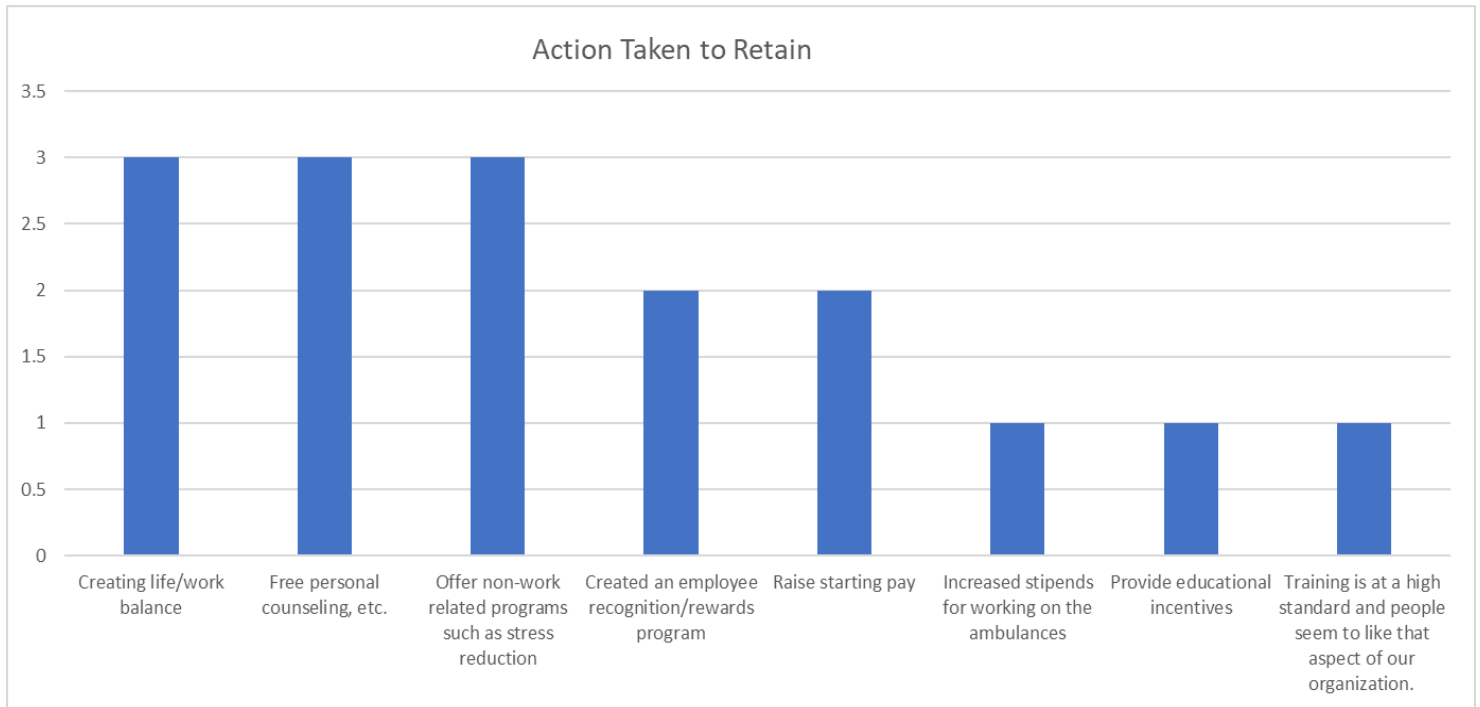




Burlington Fire Department – Staffing Study

Graph 1.22 Benchmark Actions to Retain

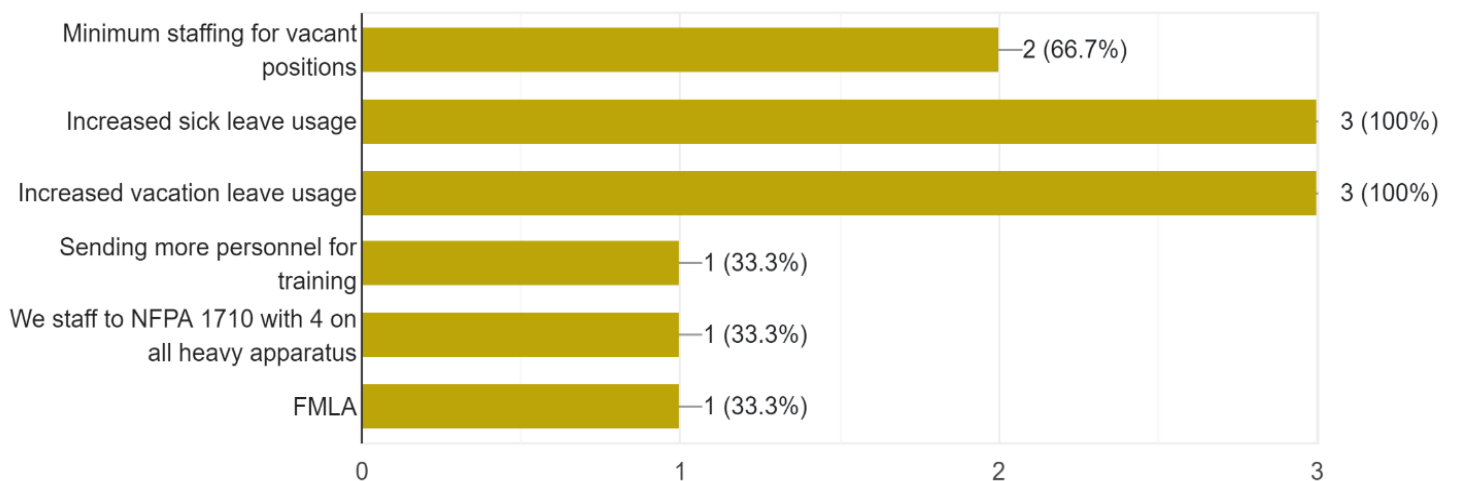
What actions has your department/jurisdiction taken to better retain existing personnel better?



Graph 1.23 Benchmark Drivers/Uses of Overtime

What have been the primary drivers/uses for overtime in your department? (Please check all that apply.)

3 responses





Strengths, Weaknesses, Opportunities, and Challenges Sessions

While onsite, MissionCIT also conducted two, in-person, sessions with field personnel to gain their perspective within the organization of the Strengths, Weaknesses, Opportunities and Challenges (SWOC) faced by the department. The total attendance at these two sessions was 44, out of a possible 86 personnel for a 51% attendance rate.

The members of the department are proud of the department and the services that they provide. They feel that the department has great people and provides a quick response with good equipment. Internally, the condition of the fire stations due to their age and configurations make living conditions less than desirable, when they are on duty. Personal space may be limited, bathrooms may be outdated and the stations may have a significant list of mechanical or structural issues that need addressing.

However, they have seen a tremendous shift in the type and frequency of calls over the last few years. As a result of the increased and varying call types, they do not feel as effective in providing a response that actually helps people. They respond to the same people, day after day, who do not have the means or resources available to them to improve their situations. The fire department's response is a temporary fix to assist them, render Narcan, or ensure their safety, without a more positive and long-lasting end result. In turn, BFD members are subjected to more threatening and unsafe scene conditions due to these patients with less police resources available to provide the necessary support.

Another area of concern for members is the lack of experience of the operational personnel. Due to turnover, they provided estimates to MissionCIT that approximately 40% of the field personnel have five years or less of experience. This can present a high risk to personnel when responding to significant or complex fire or medical incidents that do not occur frequently, and have risks not normally seen by the personnel. A lack of experience in how to handle and mitigate such incidents poses greater risk to those responding.

Members are optimistic that improvements in the department can be made with improvements to staffing and in the greater utilization of outside mutual aid department resources. Personnel are highly anticipating the implementation and success of the City's CARES Team or the BFD pilot Community Response Unit as a way to address some of the workload and social issues that they are facing.

The entire information collected from these sessions is shown in [Appendix A](#) of the report. The major or most frequently mentioned items within each area from the sessions included the following.



Table 1.30 Most Frequently Mentioned SWOC Items

Strengths	Weaknesses
• People within the department • Rapid response times • Training program • Good equipment and apparatus	• Condition of Stations • Call volumes • Amount of mandatory overtime • Lack of experience in department due to number of new personnel • Relationship with the City
Opportunities	Challenges
• Adding additional staffing • Improve relations with external partners for mutual aid and automatic aid • The creation of the CARES Team • Using the talent of members in the department	• Increasing unsafe situations on calls due to violent patients and unsafe scenes • The increase in call demand • The change in services provided – Not what they signed up for • Now responding to the calls that PD used to, but no longer does • Relationship with the City and the City Direction

Conclusion

MissionCIT was impressed with the members and leadership of the Burlington Fire Department. The department has several significant challenges in its operations and staffing. Some can be overcome with a small investment in process improvements, while others need funding to increase staffing. Working towards all improvements, through a methodical plan, should show positive results in the morale of the members in the department and in the delivery of services to the citizens.



Appendix A SWOC Session Results

Strengths	Weaknesses
Show up and get the job done Rapid Response Time Training – Internal Advanced level of EMS services Updated/Good Equipment Promote health and wellness Peer support group – Internal / Union Union Have a minimum staffing level Luck – Based on lack of staffing - Fire and EMS Potential in younger employees Taxpayers supportive with equipment - SCBA, Apparatus, ambulances Training Regimen Transmission of experience - Sr. members to junior – Culture shift - Junior to senior Opportunities of outside training Recruit academy improvements Technology advancements Relationship between FD line employees and PD line employees	Stations – run down Funding – Operational Less experienced department Mandatory Overtime Adequate apparatus staffing - Minimum staffing needs to increase - Have time off, but can't take it Discrepancies between call volumes at stations - UHU discrepancies Officer/Leadership development Promotion processes beyond Sr. FF - No qualifying processes in place Communications between labor and management Burnout - Calls PD used to do Training – External No live fire Lack of experience Staffing Training budget – External Geographic location - Members not living in city - Recall time is excessive Pay Relationship and disconnect between Mayor's office and Council Scene safety issues – Post de-fund the police PD calls transitioned to FD after defund - Welfare checks, etc. Climate of the city government - Hands off Dispatch center issues - Relay of information between PD and FD at dispatch Relationship between Police Chief and Fire Chief Trucks going out of service Too much mandatory overtime Scene safety post defund Image of FD with lack of PD – FD is taken as PD more often
Opportunities	Challenges
- Catch up with stations, staffing and dispatch	- Political environment in the city - Situational awareness on calls - Potential for unsafe scenes



Burlington Fire Department – Staffing Study

- Station 5 – Additional 2 people to staff ambulance during peak times - Work with other agencies to address changing call types - FD involvement with CARES Team – Greater - More paid firefighters in the region - Regionalize? - Auto Aid? - Mutual Aid? - Regional fire academy - Impact fees - Potential in numerous new employees - Command staff listens and fights for us - Expand EMS staff - Create career path - Obtain adequate staffing - Talented people here to move department forward - Improving relationships with mutual aid partners	- Social service programs not meshing - No in-patient treatment facilities - Criminal justice system - No prosecution - Operational policy change for Public Safety - Community awareness – When to call - FD resources don't meet demand - Scheduling 48/96 - Home and family life - Rotating crews to equalize workload - Call response increases and response to non-traditional fire service call types due to slack created by defund and city policy - Scene safety issues - FD members mistaken as police - FD performing duties that were once PD duties - Potential for more turnover due to younger employees' job satisfaction - Locating applicants that meet the job standards - City image and what's going on in the city - Priority of infrastructure/station repairs, replacements, upgrades vs. other public projects - Finding adequate live burn facilities and times - Station 5 location and extended arrival times of 2nd, 3rd due, etc. - Not FF's but Public Service - EMS is majority of job - Not helping people – Not making a difference - Workload and no advocacy for newest members - CAD not populating run reports - Third member of ambulance is rotating to other ambulances the majority of the time (4-6 years on ambulance) - Only fires ambulance respond – Structure fires - City direction (leadership) is concerning to members – Will lead to more EMS and "No Need" social responses - Consider a community paramedicine type unit for advanced providers to practice skills - EMS only option - 24/72 workweek - City doesn't know what we do
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Burlington Fire Department – Staffing Study

Appendix B Benchmark Department Information

🏠 Highest and lowest in group

💎 Group Average

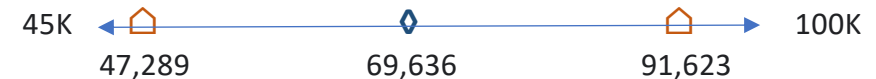
What is your service area in square miles?



If your service area is different for fire and EMS, please specify each.

Service area for fire and EMS are the same for two out of three respondents. One respondent did not provide an answer.

What is the **total population** served by your organization?



What is the **total population served during the day** by your organization?



What is the **total population served at night** by your organization?



What **services** does your organization provide?

(Please check all that apply.)

- 3 (100%) Fire
- 2 (66.7%) Non-Transport EMS
- 2 (66.7%) Transport EMS
- 2 (66.7%) Haz Mat
- 2 (66.7%) Technical Rescue
- 3 (100%) Fire Prevention
- 3 (100%) Fire Investigation
- 1 (33.3%) Community Risk Reduction



Burlington Fire Department – Staffing Study

3 (100%) Emergency Management
1 (33.3%) Marine Division Airport ARFF Firefighting

How many **fire stations** are there in your organization?



How many of your **fire stations are staffed** in your organization?



What is the total number of **full-time** operational fire/EMS personnel in your organization?



What is the total number of **part-time** operational fire/EMS personnel in your organization?

All respondents indicated "0" for this item.

What is the total number of **administrative/support personnel** in your organization?



What is the total number of personnel in the **Fire Marshal's Office**?



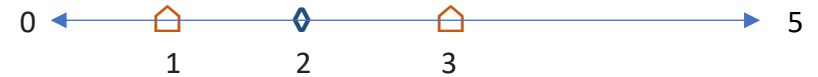
What is the number of **annual fire inspections** completed by staff?





Burlington Fire Department – Staffing Study

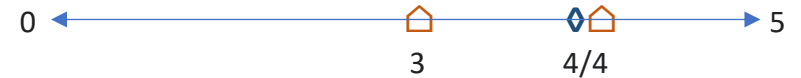
What is the number of personnel in the **Training Division**?



Please indicate the **number of engine companies** in your organization.



What is the normal unit staffing for **engines**?



Please indicate the **number of ladder companies** in your organization.



What is the normal unit staffing for **ladders**?



Please indicate the **number of ambulances** in your organization.



How many ambulances are staffed at **BLS**?

All respondents indicated "0" for this item.

How many ambulances are staffed at **ALS**?





Burlington Fire Department – Staffing Study

What is your total daily minimum staffing level **per shift**?



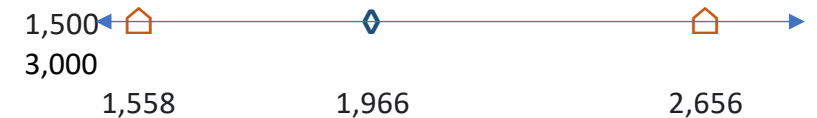
What were the responses for the **busiest engine in 2022**?



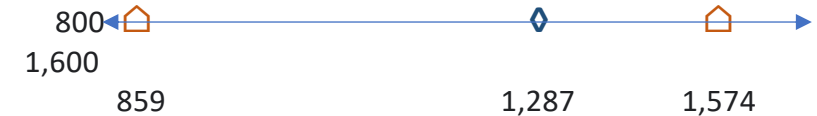
What were the responses for the **slowest engine in 2022**?



What were the responses for the **busiest ladder in 2022**?



What were the responses for the **slowest ladder in 2022**?



What were the responses for the **busiest ambulance in 2022**?



What were the responses for the **slowest ambulance in 2022**?



What is the normal unit staffing for **ladders**?





Burlington Fire Department – Staffing Study

What is your organization's **fire response time** goals/standards?

R1- 90 seconds daytime/120 seconds nighttime
R2- Between 4:00-6:00 minutes
R3- Compliant with NFPA 1710 Standards

What is your organization's **EMS response time** goals/standards?

R1- 90 seconds daytime/120 seconds nighttime
R2- Between 4:00-6:00 minutes
R3- Compliant with NFPA 1710 Standards

What is your organization's **effective response force** goals/standards?

R1- 21 people in 13 minutes and 24 seconds
R2- No response
R3- To be compliant with NFPA Standards for High, Medium, and Low level occupancies.

In 2022, what were the **total number of calls** for your organization?



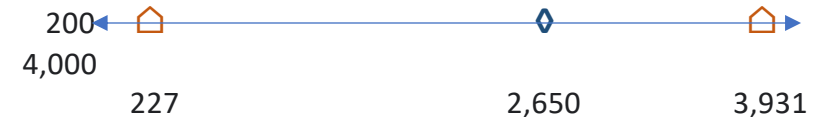
In 2022, how many of your organization's calls were **structure fires**?



In 2022, how many of your organization's calls were **EMS calls**?



In 2022, how many of your organization's calls were **other/outside calls**?





Burlington Fire Department – Staffing Study

What is your organization's personnel work schedule?

3 responses



What is the **starting firefighter salary**?

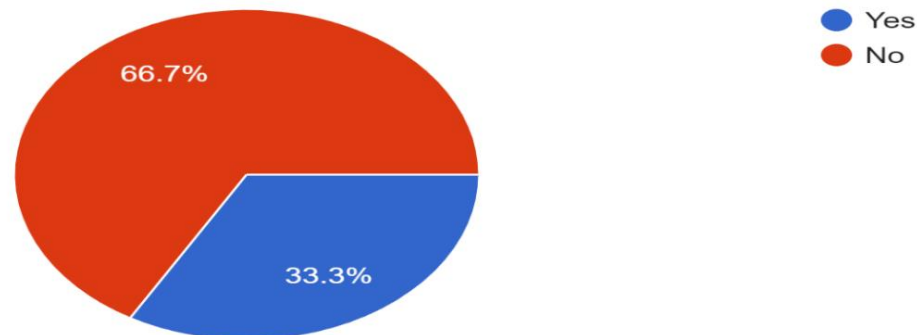
R1- \$53,184.04

R2- \$20.00/hour

R3- \$58,301.00 on probation

Do you provide a hiring bonus?

3 responses





Burlington Fire Department – Staffing Study

If you provide a hiring bonus, please describe.

No responses were provided for this item.

What is the **average operations personnel turnover rate** for the last three years?

R1- Besides retirement, 2 have left for other departments.
R2- We average 7-9 employees retirement per year
R3- Approximately 10-15 per year

What are the most **prevalent reasons for personnel leaving** your organization over the last three years.

(Please check all that apply.)

2 (66.7%) Pay/Benefits
1 (33.3%) Travel distance to work
1 (33.3%) Work schedule
1 (33.3%) Workload
1 (33.3%) Disputes with the department
2 (66.7%) Transferring to another department
2 (66.7%) Leaving the fire service
1 (33.3%) Promotion opportunity (FF to BC)
1 (33.3%) We have had 3 people leave and come back within 1yr in the last 3 yrs
1 (33.3%) All of the above have been reasons given upon separation form service.

What actions has your department/jurisdiction taken to better **attract new personnel?**

(Please check all that apply.)

1 (33.3%) Raise starting pay
1 (33.3%) Provide more frequent salary raises
2 (66.7%) Provide educational incentives
0 (0%) Change the work schedule
3 (100%) Offer non-work related programs such as stress reduction, creating life/work balance, free personal counseling, etc.
1 (33.3%) Intern program to get people in the door while completing minimum training at technical colleges
1 (33.3%) Lateral Transfer Program
1 (33.3%) Placement of IAFF MERP in CBA



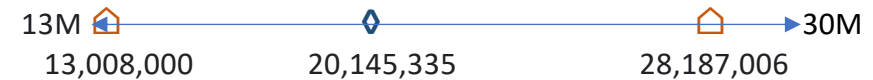
Burlington Fire Department – Staffing Study

What actions has your department/jurisdiction taken to better **retain** existing personnel?

(Please check all that apply.)

- 2 (66.7%) Raise starting pay
- 0 (0%) Provide more frequent salary raises
- 1 (33.3%) Provide educational incentives
- 0 (0%) Change the work schedule
- 3 (100%) Offer non-work related programs such as stress reduction, creating life/work balance, free personal counseling, etc.
- 0 (0%) Offer more family-oriented, off-duty activities
- 2 (66.7%) Created an employee recognition/rewards program

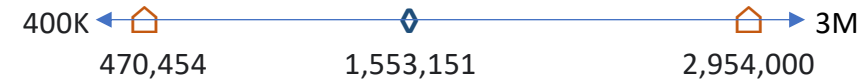
What is your total **Operational Budget** for FY 2023?



What is your total **Capital Budget** for FY 2023?

- R1- \$1,255,000
- R2- It varies year to year between \$500,000 to \$2,000,000
- R3- \$1,126,100/plus CERF

What was your budgeted **Overtime** amount for FY 2023?



What was your budgeted **Overtime** amount for FY 2022?



What was your budgeted **Overtime** amount for FY 2021?





Burlington Fire Department – Staffing Study

What was your actual **Overtime** amount for FY 2023?



What was your actual **Overtime** amount for FY 2022?

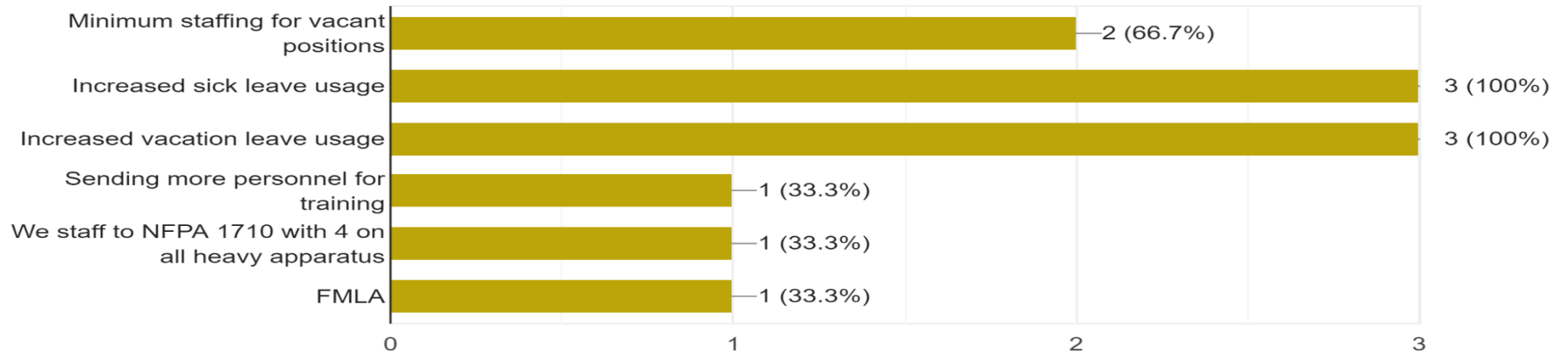


What was your actual **Overtime** amount for FY 2021?



What have been the primary drivers/uses for overtime in your department? (Please check all that apply.)

3 responses

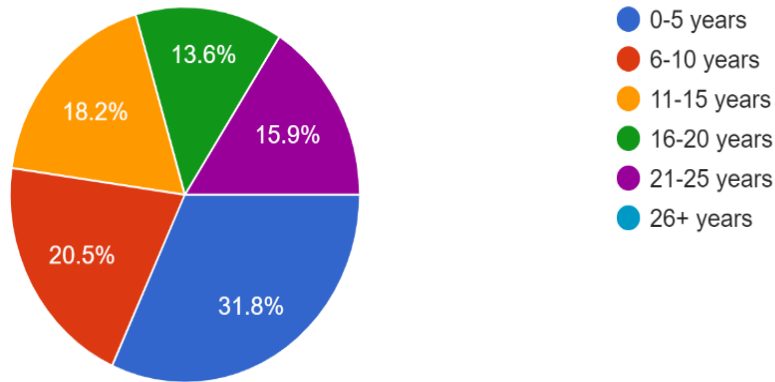




Appendix C Member Survey Results

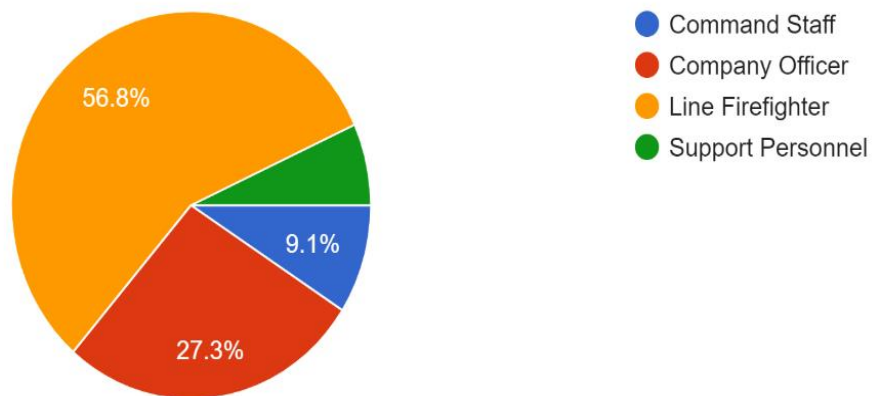
Please select the range that best describes your total number of years of experience with the fire department.

44 responses



Which one of the following best describes your current position?

44 responses



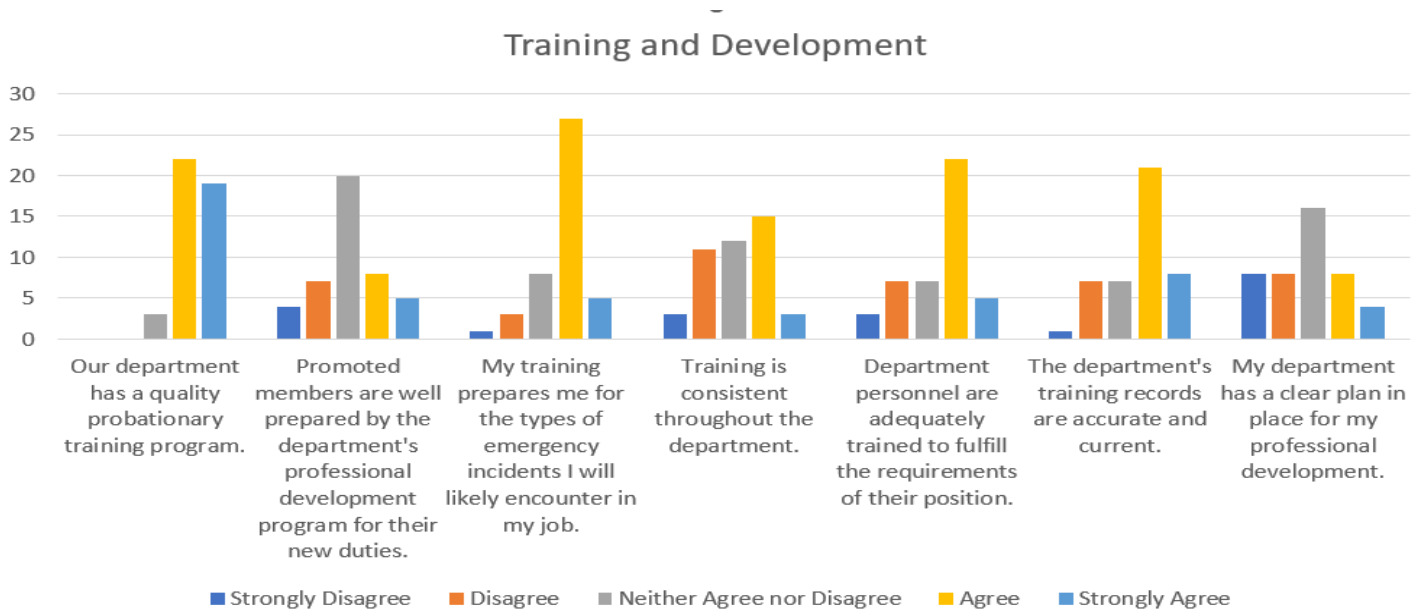


Burlington Fire Department – Staffing Study

Please describe your level of agreement with the following statements related to your department's Training and Professional Development Program:

1=Strongly Disagree

5=Strongly Agree



Please describe your level of agreement with the following statements related to your department's level of Communication:

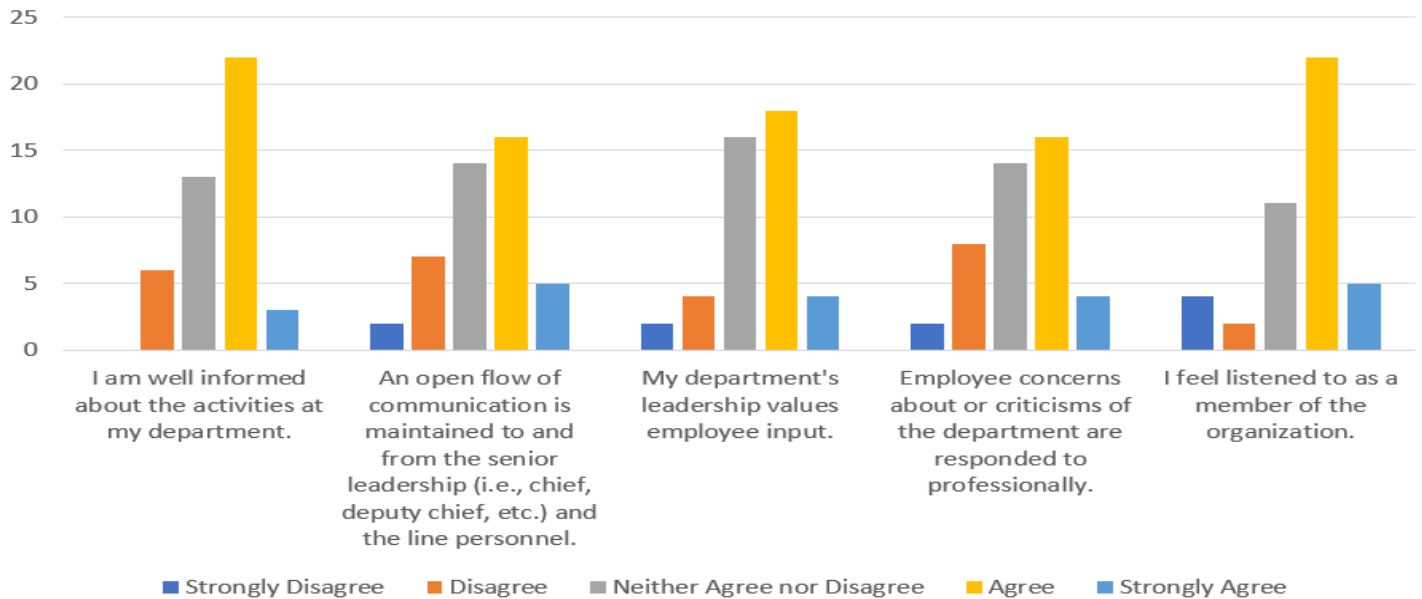
1=Strongly Disagree

5=Strongly Agree



Burlington Fire Department – Staffing Study

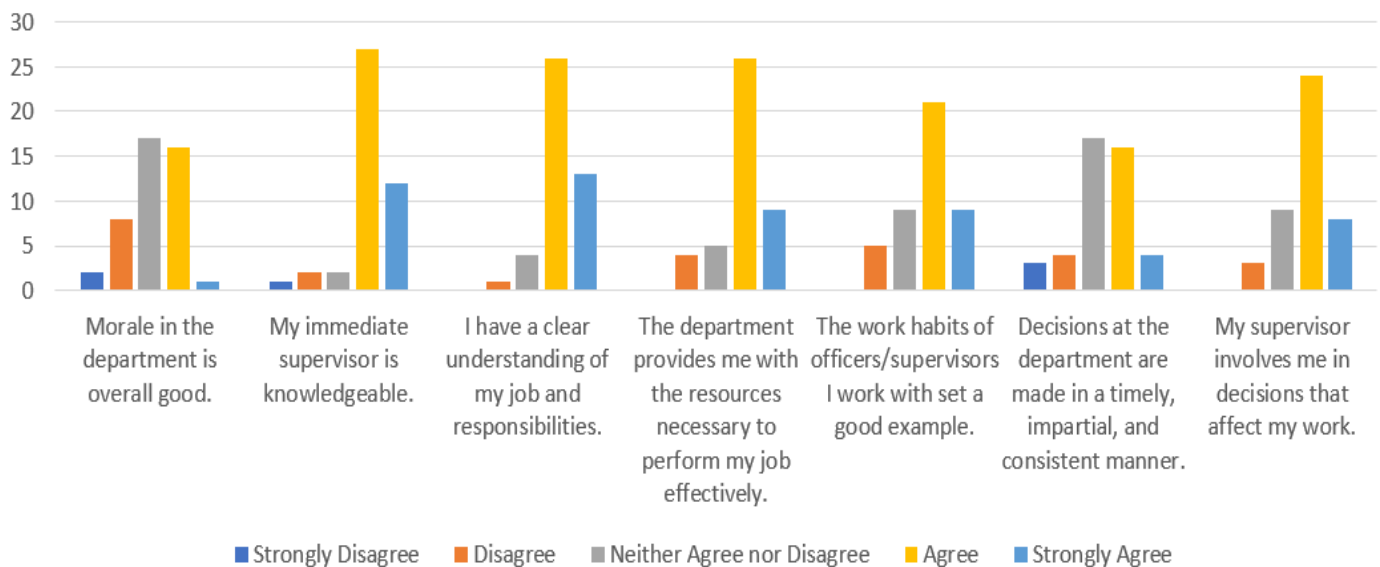
Communication



Please describe your level of agreement with the following statements related to your department's Work Environment:

1=Strongly Disagree
5=Strongly Agree

Work Environment



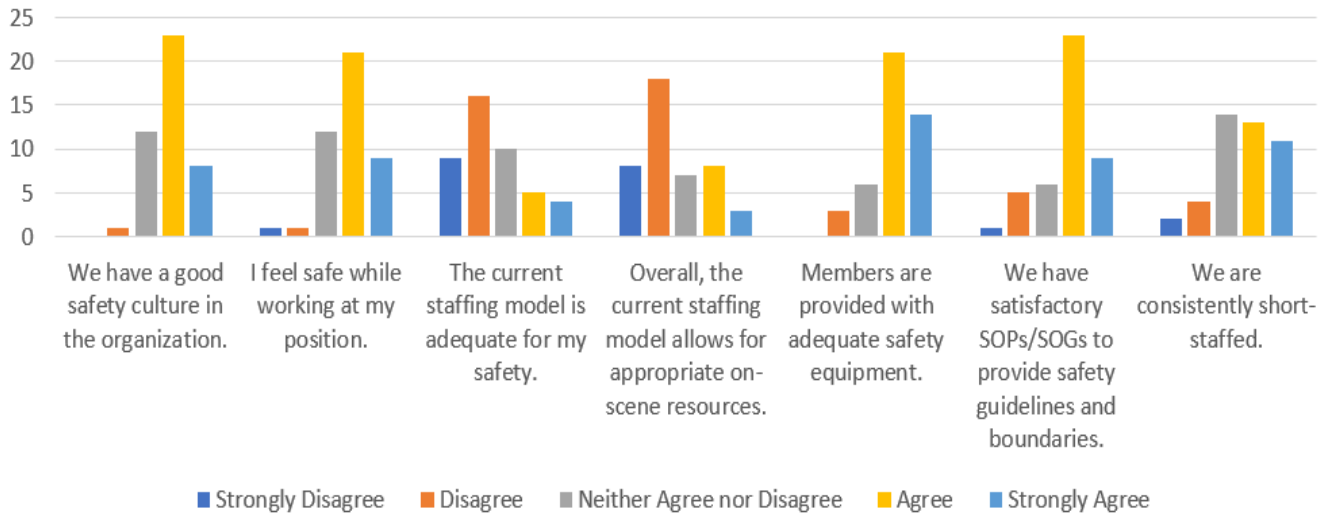
Please describe your level of agreement with the following statements related to your department's approach to Safety:

1=Strongly Disagree
5=Strongly Agree

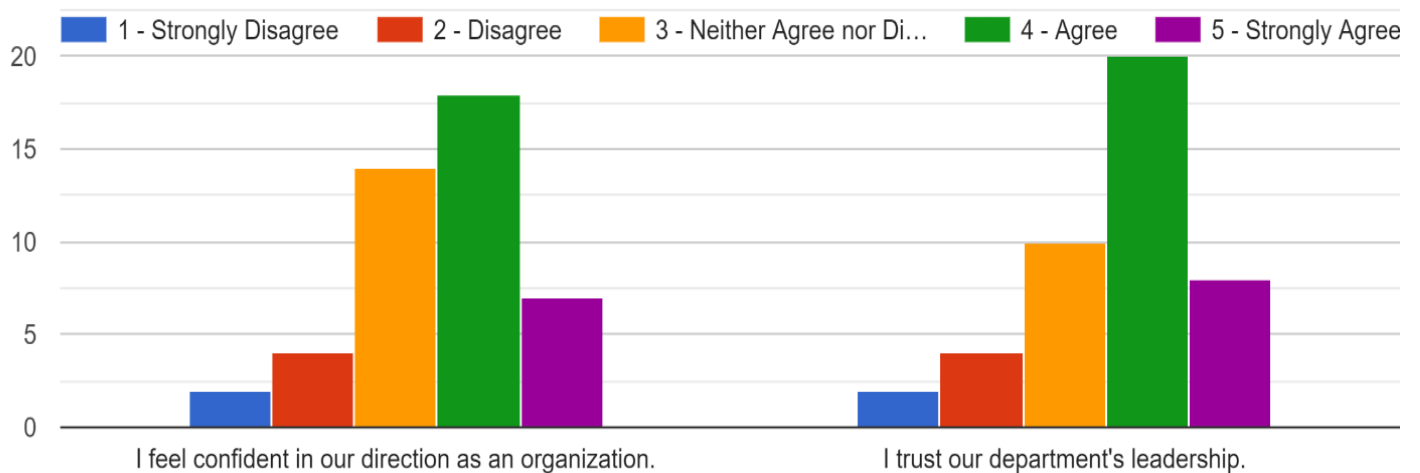


Burlington Fire Department – Staffing Study

Safety



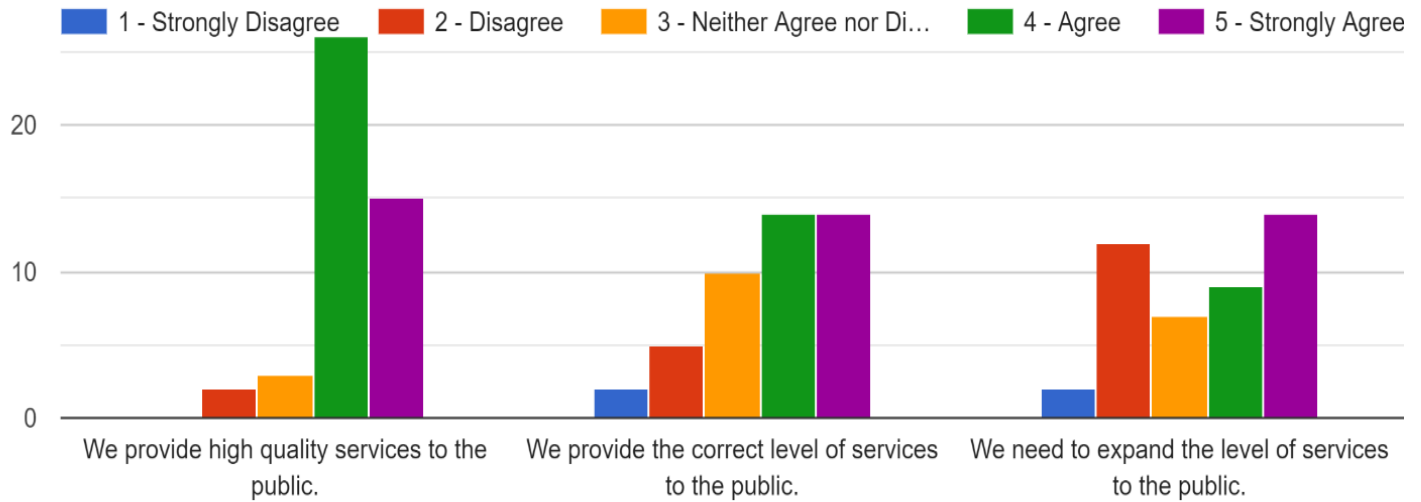
Please describe your level of agreement with the following statements related to your department's Leadership/Direction: 1=Strongly Disagree 5=Strongly Agree



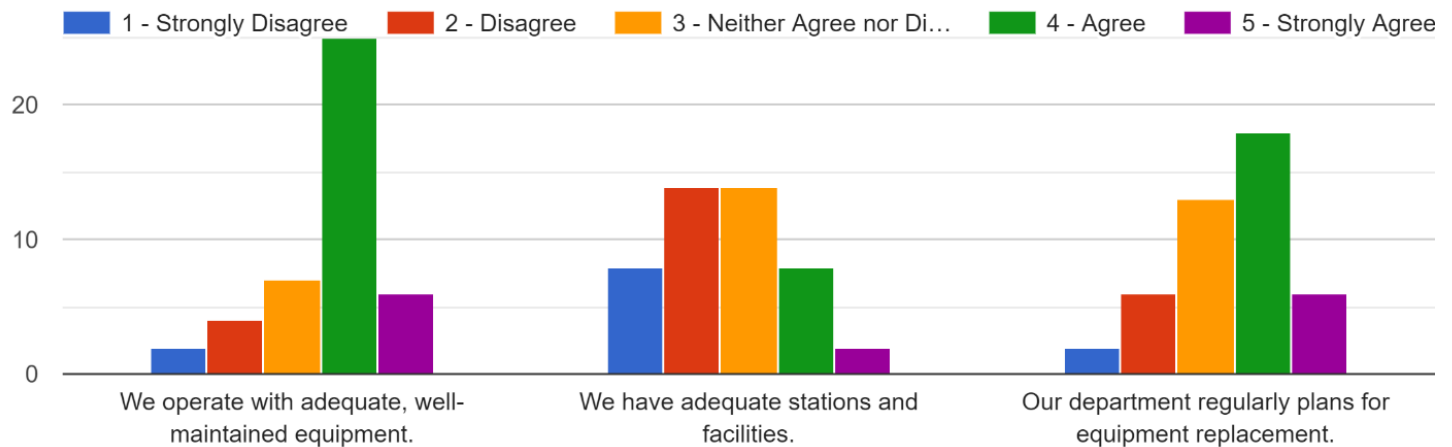


Burlington Fire Department – Staffing Study

Please describe your level of agreement with the following statements related to your department's Service Delivery: 1=Strongly Disagree 5=Strongly Agree



Please describe your level of agreement with the following statements related to your department's Equipment/Facilities: 1=Strongly Disagree 5=Strongly Agree

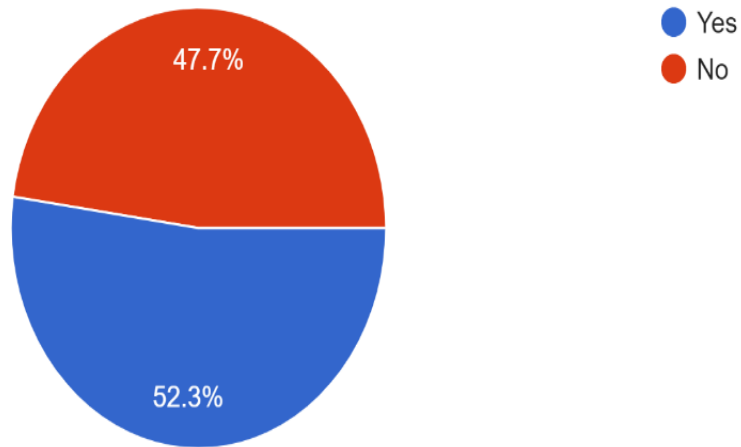




Burlington Fire Department – Staffing Study

Over the last year, I have thought about leaving the department:

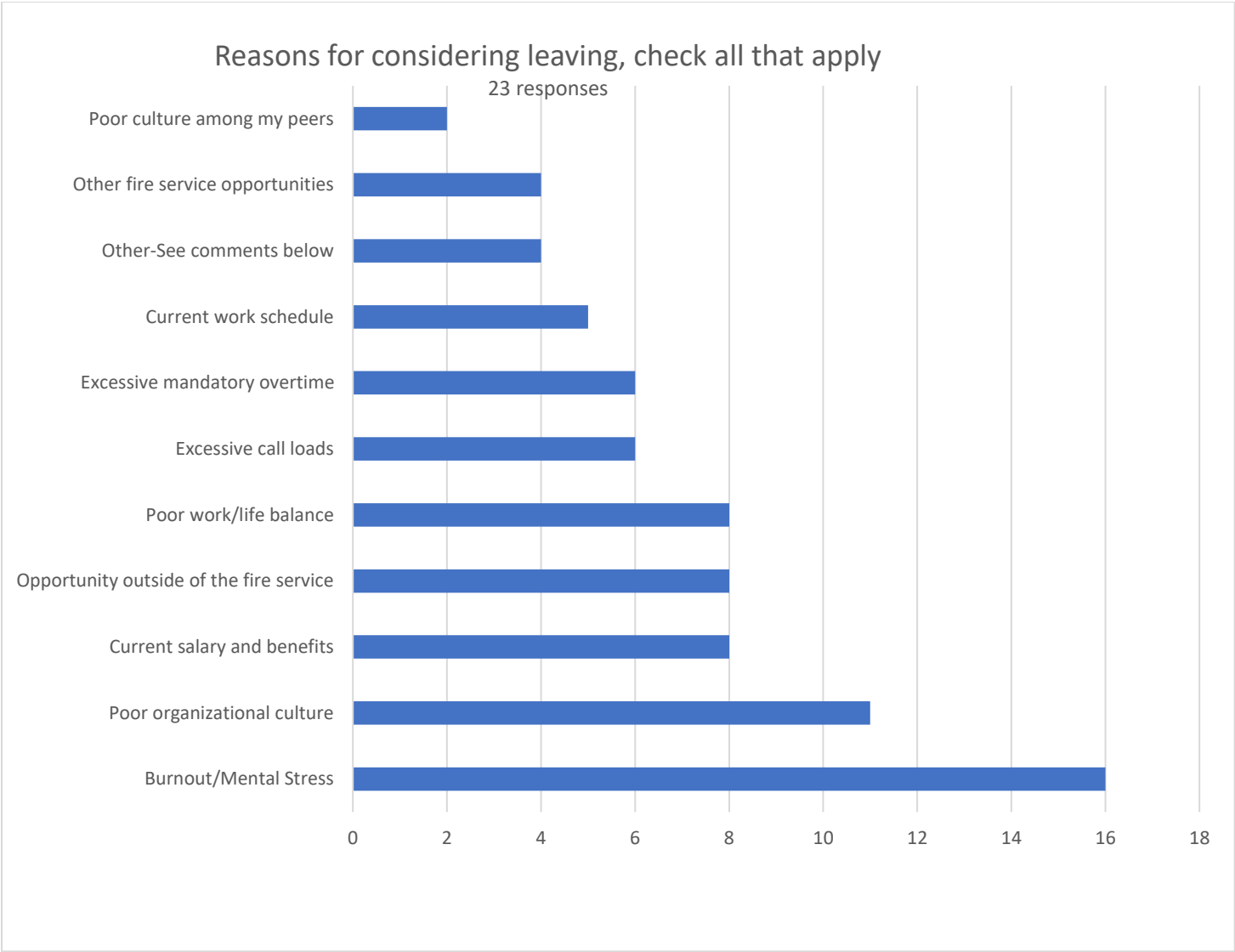
44 responses



If you responded yes above, what were your reasons for considering this?
(Check as many as applicable.)



Burlington Fire Department – Staffing Study

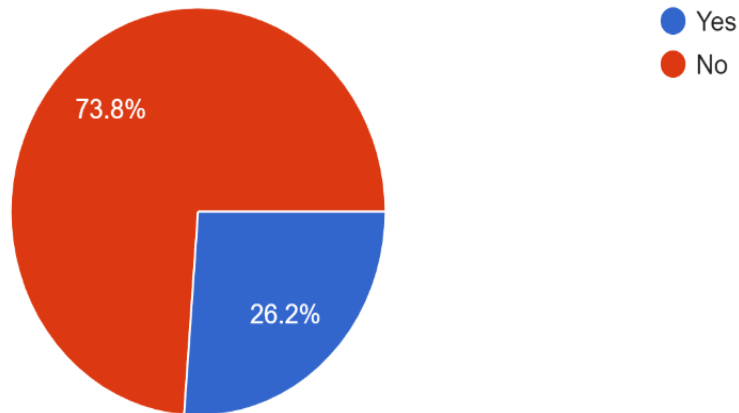




Burlington Fire Department – Staffing Study

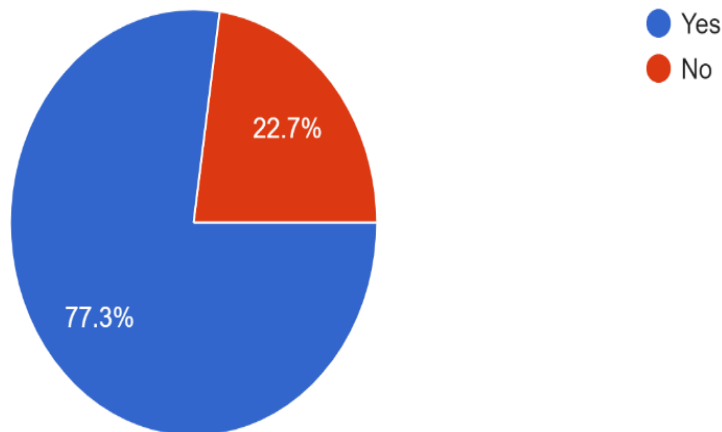
Have you considered or utilized sick leave due to the abovementioned issues?

42 responses



Does the vacation leave procedure in the department allow you to utilize your accrued vacation time to attend to personal and family needs?

44 responses





Burlington Fire Department – Staffing Study

What should the department consider doing to create a positive and engaging atmosphere, improve morale, and encourage retention?
(Check as many as applicable.)

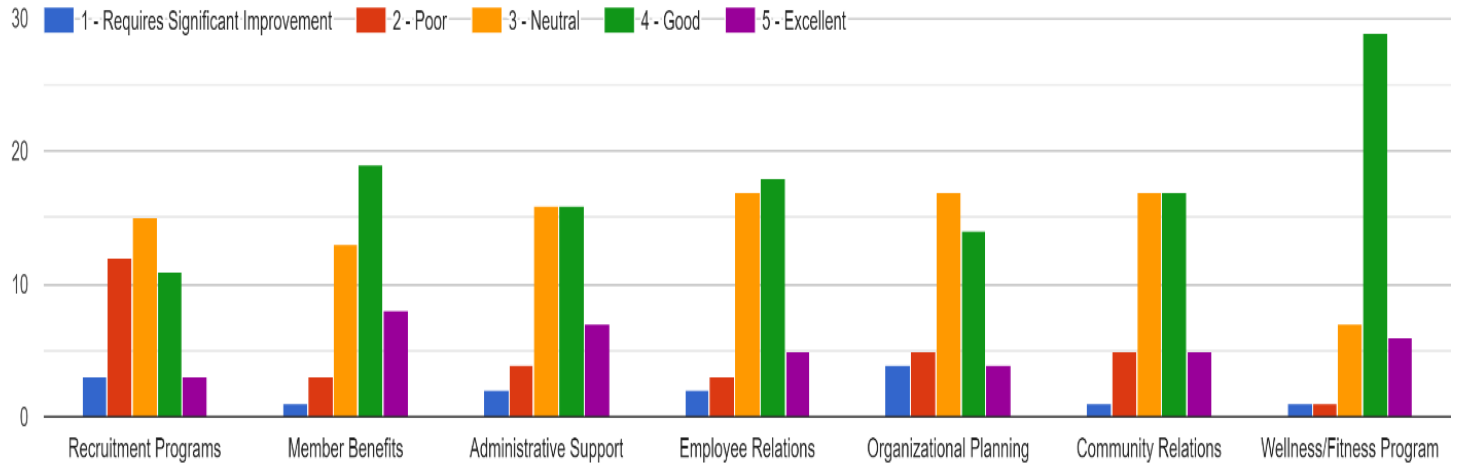
43 reponses





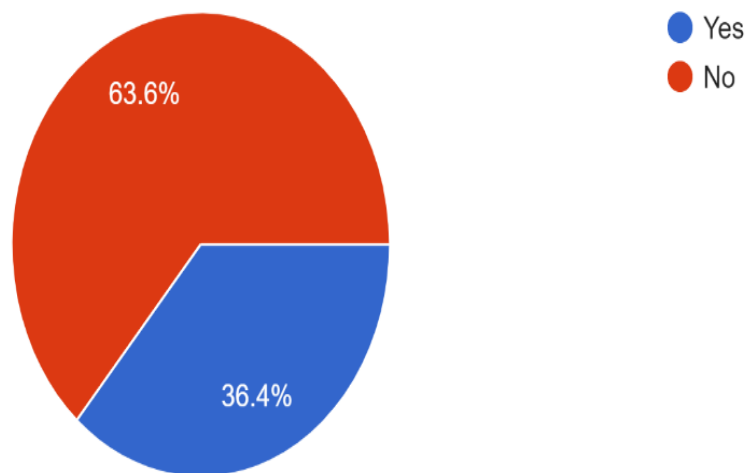
Burlington Fire Department – Staffing Study

Please rate your appraisal of the following features of your department: 1=Requires Significant Improvement 5=Excellent



Will current department facilities allow for fire department expansion of staffing or services?

44 responses



Board of Finance and City Council Submission ChecklistDepartment: Fire Submitter: Chief LaChanceTitle/Subject: Fire department staffing study documents for work session

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	12/9/2024
☐	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	12/5/2024	LaChance
Mayor's Office informed and approved memo	Yes	12/5/2024	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	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -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	Includes final staffing study
Draft Resolution or Motion?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



Burlington Fire Department Staffing Study Review

Recommendations for Safety and Efficiency

Presented by Michael LaChance, Fire Chief

December 09, 2024

This presentation outlines recommendations to enhance the Burlington Fire Department's staffing, align more closely with national standards, and improve our service to the community.



Background and Study Overview

Why the Study?

During our last round of contract negotiations, we identified retention challenges and high overtime costs. An MOU was created between the city and the BFFA to study proper staffing levels for the Burlington Fire Department.

Study Details

MissionCIT conducted the study from July to November 2023. It reviewed department data, engaged with line personnel, command staff members, the fire commission and city staff.

The focus was on operational staffing and service delivery optimization.



Current Staffing Statistics

22

Current Minimum Staffing

Personnel required per shift.

2-3

Apparatus Staffing

Current firefighters per vehicle, based on minimum staffing level

22

Number of weeks to train a new employee with limited fire service experience.

1

Current number of administrative assistants in the Fire Dept.

This does not allow for admin support to the Fire Marshal's office, the Training Division or EMS Division.



NFPA 1710 Standards

Four-Person Staffing Recommendation

NFPA 1710 recommends four firefighters on engine and ladder companies.

Improved Fireground Efficiency

Compliance leads to more effective fire suppression and rescue operations.

Burlington's Interim Goal

Over time, we aim to staff all apparatus with at least three firefighters.

Enhanced Safety

Proper staffing ensures better protection for firefighters and the public.



Proposed Solution

1

Progressively Increase Minimum Staffing

Work toward having at least three firefighters on all suppression units.

2

Reduce Overtime Dependency

Proper staffing will decrease reliance on overtime shifts. Allow for 3 overstaff positions to cover attrition rates and extended leave requirements.

3

Apply for SAFER Grant

Seek funding in FY26 to offset the initial costs of staffing increases.

4

Implement Phased Approach

Gradually increase staffing to approach NFPA 1710 standards, starting with the companies in the highest risk areas.

BURLINGTON FIRE

NOW HIRING LATERALS!



WHY BURLINGTON FIRE?

- \$63,744 - \$84,911 starting salary with yearly step increases and bonuses
- Credit towards promotion for years of service as a career Firefighter/EMT
- Ability to join Burlington Firefighters Association - IAFF Local 3044 after successful completion of 1 year probationary period
- Competitive pension program, health and dental insurance
- 48/96 schedule with 2 weeks paid vacation, increasing with years of service
- Additional 14 holidays (24 hours of time off or monetary compensation) per year
- 5 Firehouses with a total of ~11,000 calls for service in 2023



WHY BURLINGTON VERMONT?

- Largest city in Vermont with a population of ~45,000
- 6 miles of Lake Champlain frontage
- Many great restaurants, breweries and cafés
- Over 1.5 million visitors per year
- #10 "2023 Happiest Cities in America" (WalletHub)
- #3 "Best Public Square" - Church Street (USA Today)
- "25 Best College Towns and Cities" (Travel + Leisure)



SCAN FOR MORE
INFORMATION
AND TO APPLY

APPLICATION PERIOD OPEN UNTIL 12/31/2024

Progress to Date Based on Other Study Recommendations

1

Lateral Hiring

Implemented to attract experienced firefighters from other departments. This reduces recruit school timeline and allows new employees to count toward minimum staffing more quickly.

2

Improved Recruitment

Enhanced strategies to attract and retain quality firefighters including social media.

3

Alternative Funding

Exploring various sources to support staffing initiatives. SAFER grant allows for 36 months of funding for new employees for department moving toward NFPA 1710 compliance.

4

Priority Dispatching

Optimizing resource allocation for more efficient emergency response. Emergency Medical Dispatch (EMD) capability is key to greater response efficiency. This is a long term goal and should be associated with the new public safety facility.



Budgetary Considerations

Cost of Inaction

Continued high overtime expenses and increased risk of staff burnout and injury.

Investment Needed

Support for projected costs for achieving three-person staffing on all suppression units.

Long-Term Savings

Reduced overtime and liability costs through proper staffing levels.

Grant Opportunities

Potential SAFER grant to offset initial staffing increase costs.

Supporting Infrastructure



Station Modernization

Upgrade facilities to accommodate expanded staffing and improve response times.



Equipment Updates

Invest in state-of-the-art firefighting gear and tools.



Apparatus Replacement

Implement regular replacement cycles for fire trucks and equipment based on use.



Technology Integration

Enhance dispatch and communication systems for improved operational efficiency.



Closing and Next Steps

1 Approve Funding

Support budget allocation for phased staffing increases, training, and equipment.

2 Support Grant Applications

Endorse SAFER grant and other funding opportunities.

3 Review Progress

Schedule quarterly updates on staffing improvement initiatives.

4 Commit to Excellence

Pledge support for Burlington's fire and EMS service.

Contact: Michael LaChance, Fire Chief

Email: mlachance@burlingtonvt.gov



CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

Ordinance Amending B.C.O. §§ 1-9 & 21-29 Re: defacement of property and ordinance violations targeting individuals on the bases of protected classifications

ORDINANCE _____

Sponsor: Ordinance Committee
Public Hearing Dates: _____

First reading: October 28, 2024 ____
Referred to: _____

Rules suspended and placed in all stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

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

1 That Chapter 1 of the Code of Ordinances of the City of Burlington be and hereby is amended by amending
2 Sec. 9, thereof to read as follows:

3 Paragraphs (a) to (d), as written.

4 (e) *Public nuisances.* Any property within the city found to be maintained in violation of any
5 provisions of this code or which in any other way endangers the health, safety and welfare of the residents of
6 the city, and any violation of any provision of this code that interferes with a public right, including air,
7 noise, or water pollution, the emissions of noxious odors, or damage to public property in violation of section
8 21-29, is hereby declared to be a public nuisance and may be ordered abated in any manner provided by law.

9 ~~(f) *Private right of action.* As authorized by section 54 of the City's Charter, any member of the~~
10 ~~public who suffers damages arising from any violation of any provision of this code is hereby authorized to~~
11 ~~bring a private right of action to recover such damages. In case of anything declared by this code to be a~~
12 ~~civil or criminal offense done maliciously and with the intent to intimidate or harass another person because~~
13 ~~of, or in any manner reasonably related to, associated with, or directed toward, the person's race, color,~~
14 ~~religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, mental, physical,~~
15 ~~or sensory disability, service in the U.S. Armed Forces or the National Guard, or association with or support~~
16 ~~for individuals based on any of the foregoing classifications, such violation shall be presumed to cause the~~
17 ~~person against whom the violation was directed damages in the amount of \$100.00 or any greater amount~~
18 ~~subject to proof. As used in this paragraph, the term "person" may refer to a specific person or more~~
19 ~~generally to any person within a classification of persons who the individual committing the offense intended~~
20 ~~to intimidate or harass. A prevailing plaintiff shall be entitled to reasonable attorneys' fees and costs. The~~
21 ~~defendant shall be entitled to recover reasonable attorneys' fees and costs if the court finds that the action~~
22 ~~was wholly without merit and brought with a bad faith intent to cause unwarranted annoyance.~~

~~embarrassment, oppression, or expense. The remedies authorized hereby are cumulative of any other remedy available at law or in equity.~~

Charter reference, as written.

State law reference—Authority of municipality to define public nuisance and to provide for penalty for violation of any ordinance, 24 V.S.A. § 2291 (14) and (15).

And further that Chapter 21, Article I of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sec. 29, thereof to read as follows:

Paragraphs (a) to (d), as written.

(e) To encourage and facilitate enforcement, the city shall maintain and advertise an electronic mail address or similar electronic means by which members of the public may provide photographs, video footage, or other information to the police department about violations of this section and the identities of responsible parties. Such system shall entail direct electronic communication with the police department and not the posting of information online and readily available to the public.

* Material stricken out deleted.

** Material underlined added.

er/Ordinances 2024/Amending BCO 1-9 & 21-29 re defacement et al.
October 28, 2024

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

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12 civil or criminal offense done maliciously and with the intent to intimidate or harass another person because
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14 religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, mental, physical,
15 or sensory disability, service in the U.S. Armed Forces or the National Guard, or association with or support
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