



City Council Meeting

Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Please click the link below to join the webinar:

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Webinar ID: 930 0630 7851

****CCTV link: https://www.youtube.com/playlist?list=PLljLFn4BZd2PwCge7lNoKug676jIf_iUA ****

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

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******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	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 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. Executive Sessions (30 mins.)

Subject	2.1. Communication: City Attorney Jessica Brown and Assistant City Attorney, Director of Litigation, Kim Sturtevant, re: Litigation Update
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	2. Executive Sessions (30 mins.)
Department	City Attorney
Type	Action Procedural
Recommended Action	Motion 1: Move that the Council find that premature general public knowledge of legal advice and information concerning the details of probable and pending litigation to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage; Motion 2: Based upon that finding, move that the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in pending or probable civil litigation matters, 1 VSA §313(a)(1)(E).
Subject	2.2. Executive Session Regarding Police Chief's Report
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	2. Executive Sessions (30 mins.)
Department	Police Department
Type	Action Procedural
Recommended Action	Based on the finding of substantial disadvantage, that the committee enter into executive session under the provisions of 1 V.S.A. 313(a)(1)(B), to include legal counsel, the City Council, the Mayor and her staff, the Chief Administrative Officer and/or her departmental designees.

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

Subject	3.1. Verbal reports
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Mayor - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 10 mins.)
Department	Council and Board
Type	Information

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

Subject	4.1. Verbal reports
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	4. 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

5. Public Forum: Time Certain: 6:30 pm **See above for signup instructions**

Subject	5.1. Verbal Comments
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Public Forum: Time Certain: 6:30 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

6. Work Session Regarding Impact Fee Program: Draft Recommendations - C/T (30 mins.)

Subject	6.1. Work Session Regarding Impact Fee Program: Draft Recommendations - C/T
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Work Session Regarding Impact Fee Program: Draft Recommendations - C/T (30 mins.)
Department	Clerk/Treasurer's Office
Type	Information Discussion Presentation

7. Work Session Regarding UVMML Land Use MOU (30 mins.)

Subject	7.1. Work Session Regarding UVMML Land Use MOU
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Work Session Regarding UVMML Land Use MOU (30 mins.)
Department	City Attorney
Type	Information Discussion

8. Consent Agenda

Subject	8.1. Motion to adopt the consent agenda and take the actions indicated
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Consent Agenda

Department	Council and Board
Type	Action (Consent) Procedural
Recommended Action	Motion to adopt the consent agenda and take the actions indicated
Subject	8.2. Accountability List - C/T
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. 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	8.3. Approval of Parking Fees - BPRW
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	to approve the 2025 Parking Fees as recommended by the Parks, Recreation & Waterfront Commission, during its December 10, 2024 meeting, as detailed in the rate table herein
Subject	8.4. Authorization to Accept Grant Award from Vermont Department of Public Safety for Emergency Response Unit Tactical Body Armor Vests - Police
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Consent Agenda
Department	Police Department
Type	Action (Consent)
Recommended Action	to approve and authorize Chief of Police for the BPD to accept the grant award of \$104,019.14 from Vermont Department of Public Safety and execute all necessary documents thereto upon final review and approval of the Chief Administrative Officer and the City Attorney's Office
Subject	8.5. Distribution and Collection System Improvements - Contractor Budget Amendment - DPW - Water Resources

Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent)
Recommended Action	City Council Actions: 1. To authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$211,066.00, for a total Distribution and Collections System contract value with Inliner not to exceed \$8,347,199.13 provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer. 2. To authorize the Chief Administrative Officer to execute any budget amendments necessary to implement the budgetary actions outlined in this memo.
Subject	8.6. Green Up Day May 4, 2024 Update
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	8.7. Communication: Sam Pratt, re: Unfortunate End
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	8.8. Communication: Please Save The Roxy, re: Please save the Roxy Cinema. Purchase the theater and reopen it?
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	8.9. FIO Documents
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	for information only
Subject	8.10. Resolution: Selection Of Newspapers For Publication of 2025 Election Warnings And Notices (Councilor Traverse)
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	8.11. Resolution: Designation Of Ward 6 Polling Place (Councilors Shannon, McKnight)
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution

9. First Public Hearing On Proposed Charter Change Amendments For March 4, 2025 Annual City Election

Subject	9.1. First Public Hearing On Proposed Charter Change Amendments For March 4, 2025 Annual City Election
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	9. First Public Hearing On Proposed Charter Change Amendments For March 4, 2025 Annual City Election
Department	Clerk/Treasurer's Office
Type	Action Public Hearing
Recommended Action	open Public Hearing close Public Hearing

10. Deliberative Agenda

Subject	10.1. Resolution: Congratulating The University Of Vermont Men's Soccer Team For Their 2024 NCAA Division 1 National Championship And Proclaiming January 26, 2025 A Day In Their Honor (City Council)
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	10.2. Town Meeting TV FY24 Update and FY25 Municipality's FY26 Budget Request (20 mins.)
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Information
Recommended Action	Town Meeting TV requests an annual municipal contribution in the amount as follows: • A municipal contribution in the amount of \$29,172 for general Town Meeting TV operations • \$17,530 to Town Meeting TV for production support of ongoing hybrid meeting coverage of 6 Neighborhood Planning Assemblies per month. This represents less than half of the actual cost of services. • \$42,000 to CCTV Productions for additional Burlington municipal meeting coverage
Subject	10.3. Police Chief's Report (40 mins.)
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Deliberative Agenda

Department	Police Department
Type	Information Discussion Report
Recommended Action	
Subject	10.4. Resolution: City Council Commitment To Rebuilding And Reconciling With The Burlington Police Department (Councilors Shannon, McKnight, Litwin, Barlow, Traverse, Carpenter)(30 mins.)
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	10.5. Water Resources Bond Request Update - DPW - Water Resources (20 mins.)
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Deliberative Agenda
Department	Public Works Department - Water Resources
Type	Information Discussion Communication
Subject	10.6. Resolution: Authorization For Interfund Loan For Department Of Public Works (Board of Finance)(20 mins.)
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Deliberative Agenda
Department	Public Works Department
Type	Action Resolution
Recommended Action	Updated Motion Language: City Council To approve and: ☐ Waive the reading and adopt the resolution regarding a \$520,000 interfund loan from the Patrick Leahy Burlington International Airport to finance the purchase and fit up of 201

Flynn Avenue, subject to the review and approval of the City Attorney's Office,
☐ Authorize a FY25 budget amendment to utilize fund balance from Water (Fund 460) in an amount not to exceed \$140,000, and to use fund balance from Stormwater (Fund 245) in an amount not to exceed \$94,000 for the purchase and fit up of 201 Flynn Avenue, and
☐ Authorize the Mayor, Chief Administrative Officer, and DPW Director to take such further actions and to execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby.

Original Motion Language:
waive the reading and adopt the resolution

Subject	10.7. Presentation Regarding FY26 General Fund Budget Update - C/T (20 mins.)
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Information Discussion Presentation

11. Committee Reports

Subject	11.1. Verbal reports
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	11. Committee Reports
Department	Council and Board
Type	Information

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

Subject	12.1. Verbal reports
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	12. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

13. Adjournment

Subject	13.1. Motion to adjourn
Meeting	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	13. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

14. Informational and Non-Discrimination Statements

Subject	14.1. 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	January 13, 2025 - Regular City Council Meeting - Monday, January 13, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	14. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information



MEMORANDUM

Date: January 13, 2025
To: Burlington City Council
From: Sarah Russell, Special Asst. to End Homelessness
Re: Homelessness Initiatives Updates

This memo serves to update City Council regarding the status of the City of Burlington's response to homelessness and extreme cold weather shelter (ECWS) operation.

The State of Vermont, Agency of Human Services (AHS) defines the need for extreme cold weather using the main factor of the -20 degrees (with or without windchill) as the threshold. While the City of Burlington opened and operated an ECWS under these criteria in February 2023, due to the large number of vulnerable people who are unable to access shelter options, believes this threshold is no longer sufficient to avoid exposure death. Therefore, the City has developed its own criteria for ECWS operation. The City's Emergency Management Director will recommend opening an ECWS based on two sets of factors--weather-related and capacity-related. These factors are as follows:

- The National Weather Service (NWS) issues a regional Wind Chill Warning or Advisory which includes
 - Forecasted temperatures (with wind chill) are at or below -10°F for four or more consecutive hours; or
 - Heavy snow forecasted 12+ inches over 24 hours; or
 - Freezing rain in excess of ¼ inch.

Once the above weather-related criteria have been met, the Mayor's Office will determine the need for shelter based on additional local factors related to capacity:

- Assessment of regional shelter capacity
- Assessment of regional and statewide warming shelter capacity
- Seasonal Adverse Weather Conditions for the General Assistance Emergency Housing Program (GA-EHP), as dictated by the legislature and State of Vermont Administration
- Assessment of regional and statewide motel capacity (in relation to the GA-EHP)
- Ability to ensure safe staffing ratios, based on expected capacity/use
- Access to sufficient State funding for operation activities

AHS has reviewed and accepted the City's updated factors, and will provide full funding for ECWS operation under the above circumstances. The City and Champlain Valley Office of Economic Opportunity (CVOEO) will work in partnership on any future operation for the remainder of the 2025 Winter season, with CVOEO being the fiscal agent for AHS funding.

On the evenings of December 21st and 22nd the City and CVOEO opened using the above criteria utilizing staff from CVOEO, Community Health Center, the City of Burlington, Howard Center, and Champlain

Housing Trust. On the first night of operation, approximately 50 guests presented at the Miller Community Center, requiring overnight shelter accommodations. On the second night of operation, this number increased to approximately 80 guests, for a total of 130 bed-nights over two days. Due to our partnership with community providers, the shelter was fully staffed with safe ratios and two security guards; meals, supplies, etc. were provided onsite. There were no incidents requiring emergency response to the Miller Center.

Moving forward the City will continue to work in partnership with CVOEO to operate the ECWS as needed, based on the above criteria. We hope to also provide medical services and will work with UVMHN, Community Health Center, and Burlington Fire Department (and others) to support access to healthcare onsite.

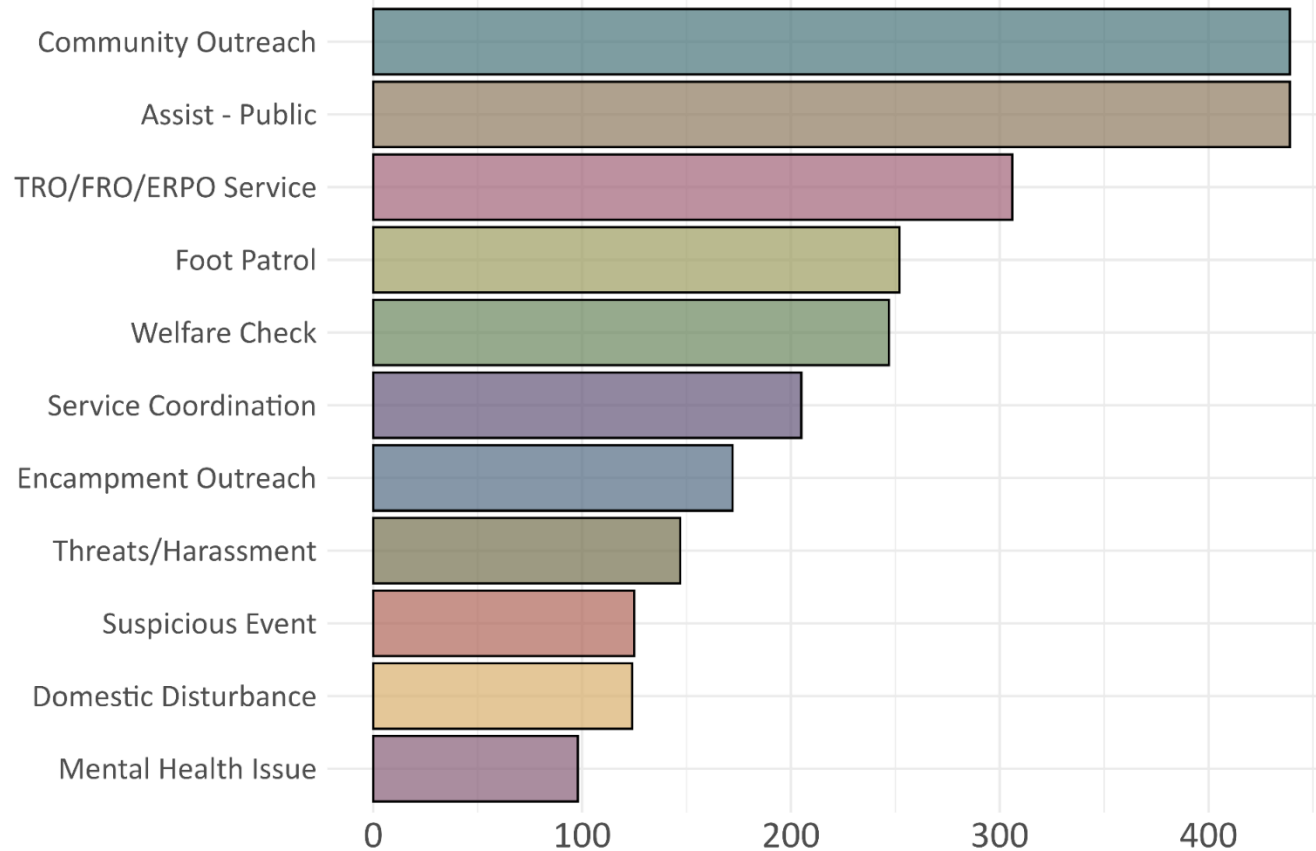
Providing emergency cold-weather shelter is a life-saving measure which the City has very limited capacity to support. We will continue to push at the state level for expanded seasonal shelter capacity, and we are grateful to our community partners who consistently step up to help meet the urgent needs of our community.

Crisis, Advocacy, Intervention Program(CAIP) Data

Call Types - CAIP

CAIP Incidents

Most frequent incident types, 2024



Data through 12/9/2024

A member of CAIP (CSL, CARES, or Victim Advocate) has responded in some way to **3,058** incidents so far in 2024. The Victim Services Specialist is also a member of CAIP. However, their position does not report into the Valcour system.

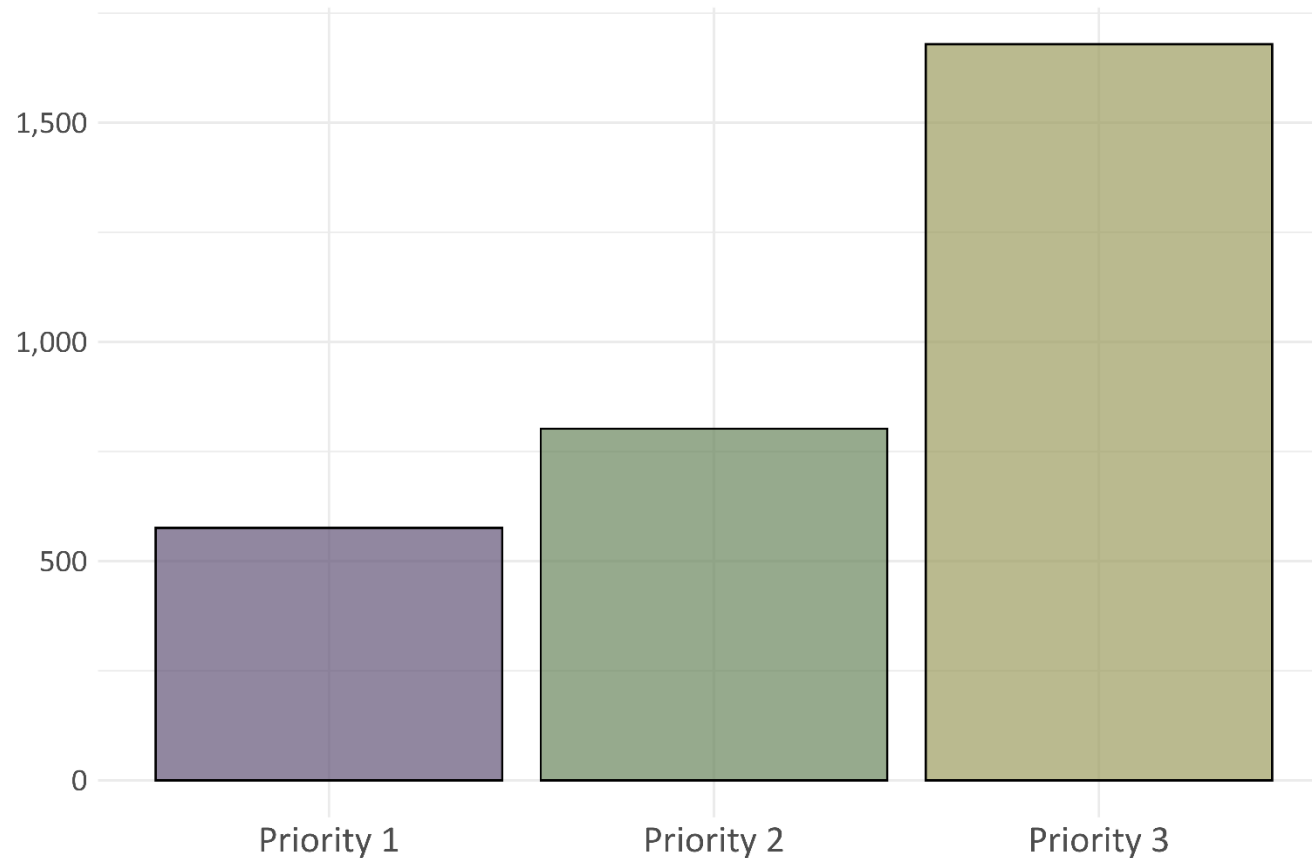
Other points:

- ✓ 2,949 referrals were made to the Victim Services Specialist this year
- ✓ Mental Health Issue is triaged so members of CAIP are responding primarily when HowardCenter's Street Outreach is unavailable.

CSL = Community Support Liaison
CARES = Crisis, Assessment, Response, Engagement Services
CAIP = Crisis, Advocacy, Intervention Programs

Call Types by Priority - CAIP

CAIP Incidents
2024



Data through 12/9/2024

19% of all responses were Priority 1 incidents, while 26% were Priority 2. The bulk of their responses, at 55%, were Priority 3.

However, it should be noted that by far the most frequent Priority 1 CAIP response is **TRO/FRO/ERPO Service**. When removing all those TRO Service incidents, the numbers are:

10% Priority 1, 29% Priority 2, 61% Priority 3

✓ For Comparison:

CSOs response percentages

4% Priority 1

5% Priority 2

91% Priority 3

Sworn officer's response percentages

13% were Priority 1

46% were Priority 2

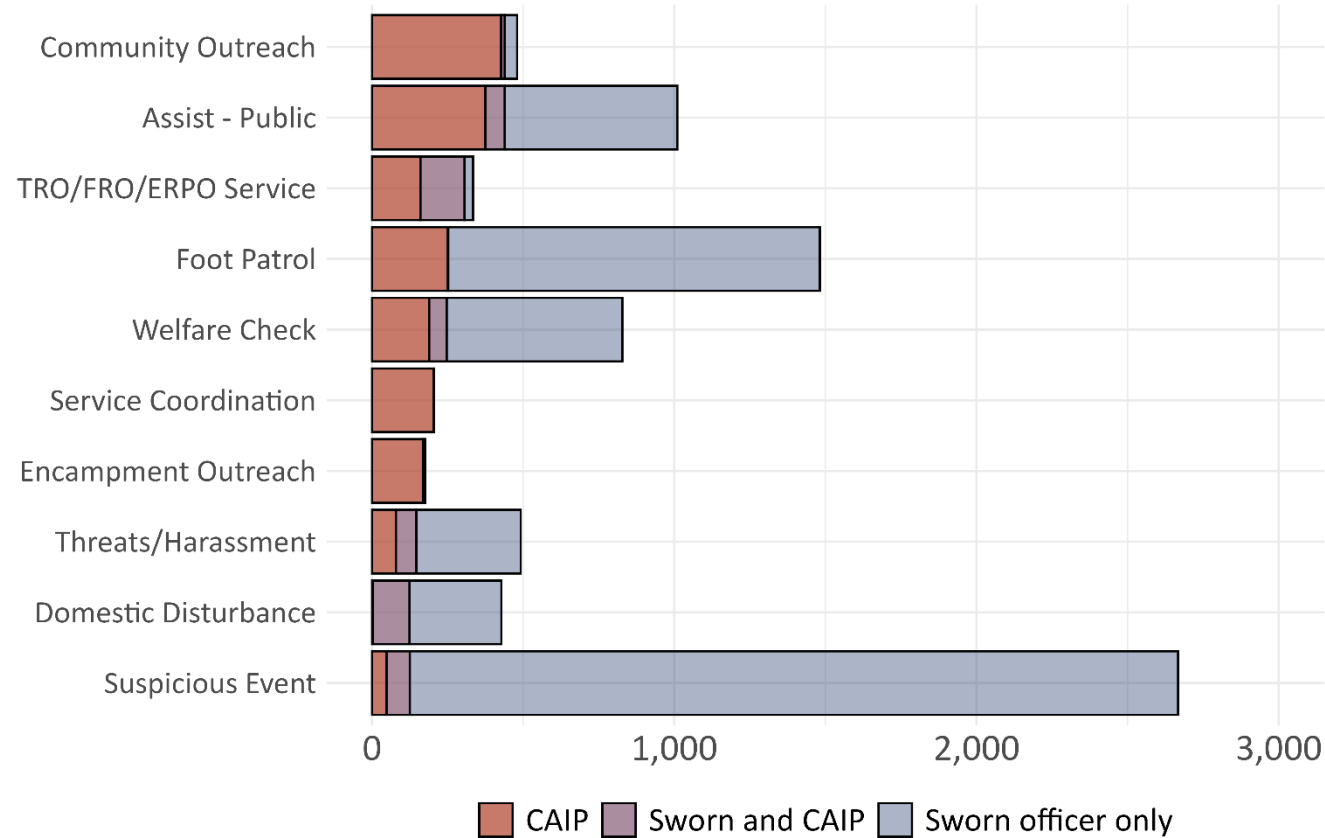
41% were Priority 3

CSO = Community Service Officer
CAIP = Crisis, Advocacy, Intervention Programs
TRO = Temporary Relief of Abuse Order
FRO = Final Relief of Abuse Order
ERPO = Extreme Risk Protection Order

CAIP / Sworn Response

Sworn and CAIP Response

Most frequent CAIP response types, 2024



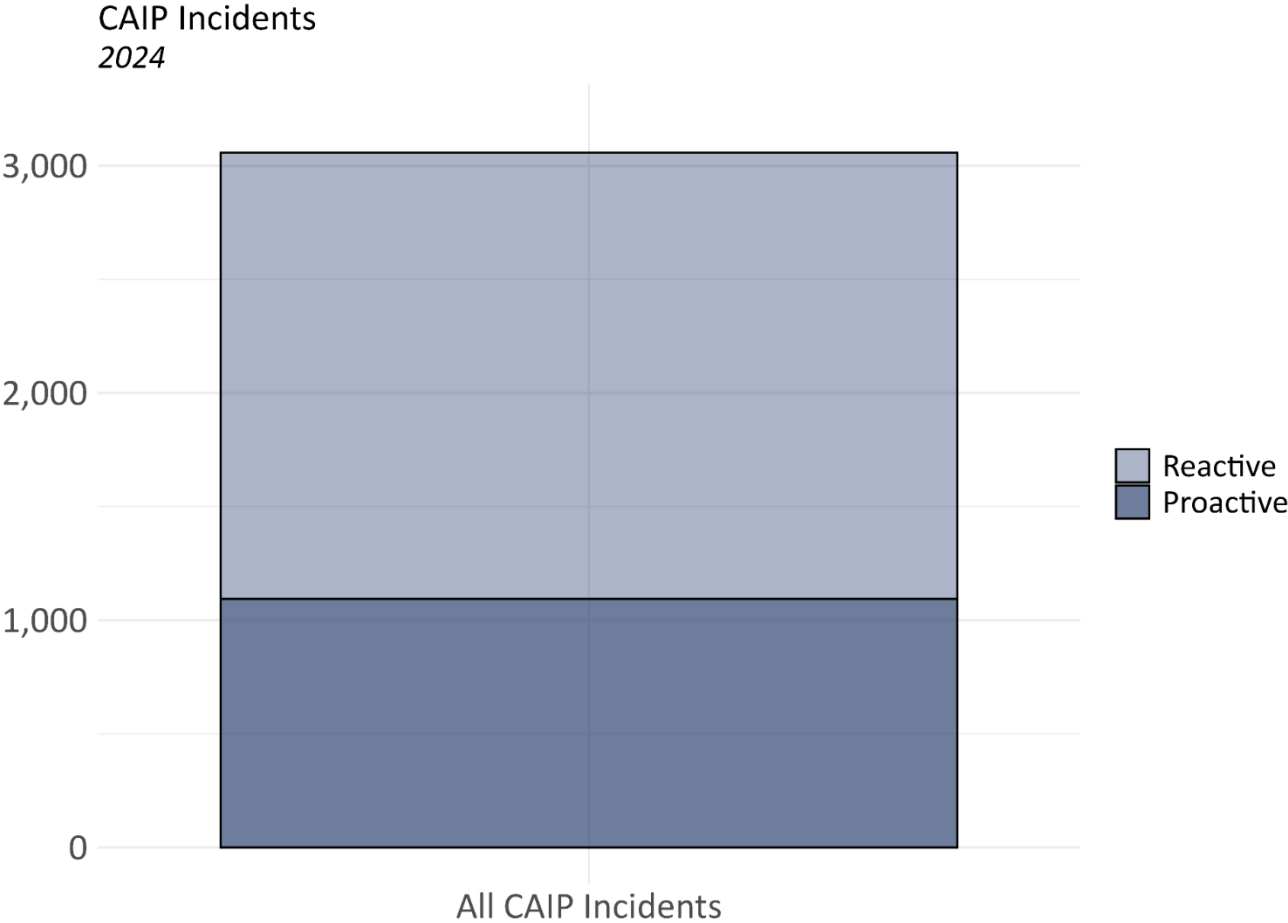
CAIP handles a large portion of a handful of these call types. The red bars are incidents responded to only by members of CAIP; the purple bars had both a Sworn Officer and CAIP response, while the light blue bars just had a sworn response.

- ✓ Of the **3,058** total incidents CAIP is linked to in 2024:
 - 2,072 are CAIP only (68%)
 - 860 are CAIP + Sworn Officer (28%)
 - 93 are CAIP + CSO/Street Outreach (3%)
- ✓ 33 are CAIP + Sworn Officer + CSO/Street Outreach (1%)

CSO = Community Service Officer
CAIP = Crisis, Advocacy, Intervention Programs

Data through 12/9/2024

Call Types – Proactive and Reactive



Data through 12/9/2024

Of the **3,058** incidents in 2024, 36% were ‘proactive’ incident call types. This is when a member of CAIP proactively creates an incident. The remaining 64% of their time is considered ‘reactive’. This consists of all other call types within the priority response plan. Reactive calls are triaged through the Officer in Charge.

Service Coordination, Community Outreach, Encampment Outreach and Foot Patrols are all examples of proactive call types.

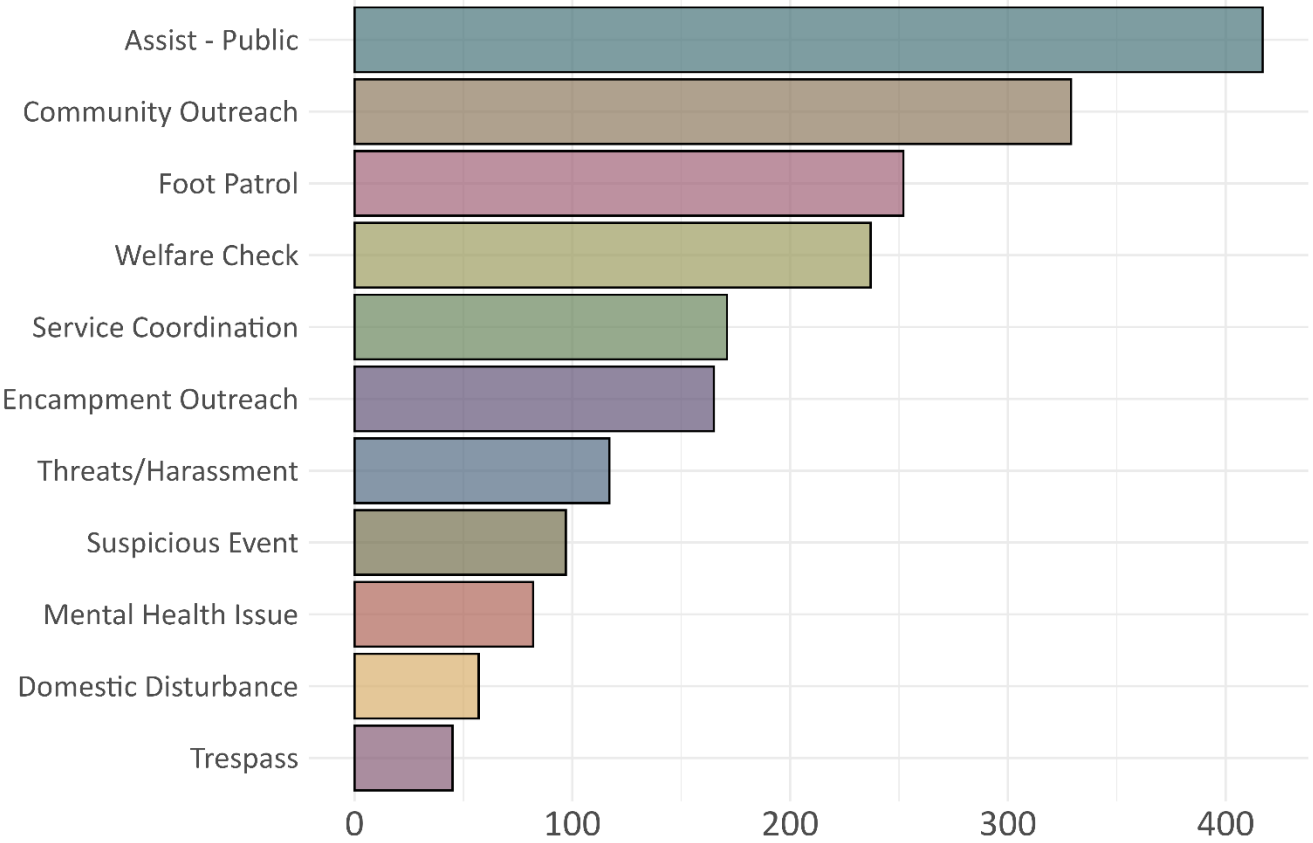
✓ *As a point of comparison:*
32% of incidents responded to by CSOs were proactive call types, while 17% of incidents responded to by Sworn Officers were proactive call types.

CAIP = Crisis, Advocacy, Intervention Programs
CSO = Community Service Officer

Call Types - CSLs

CSL Incidents

Most frequent incident types, 2024



Data through 12/9/2024

Community Support Liaisons (CSLs) are a team of seven, including the supervisor. They work seven days a week, outside of typical business hours. The service they provide is broad in scope and flexible in nature.

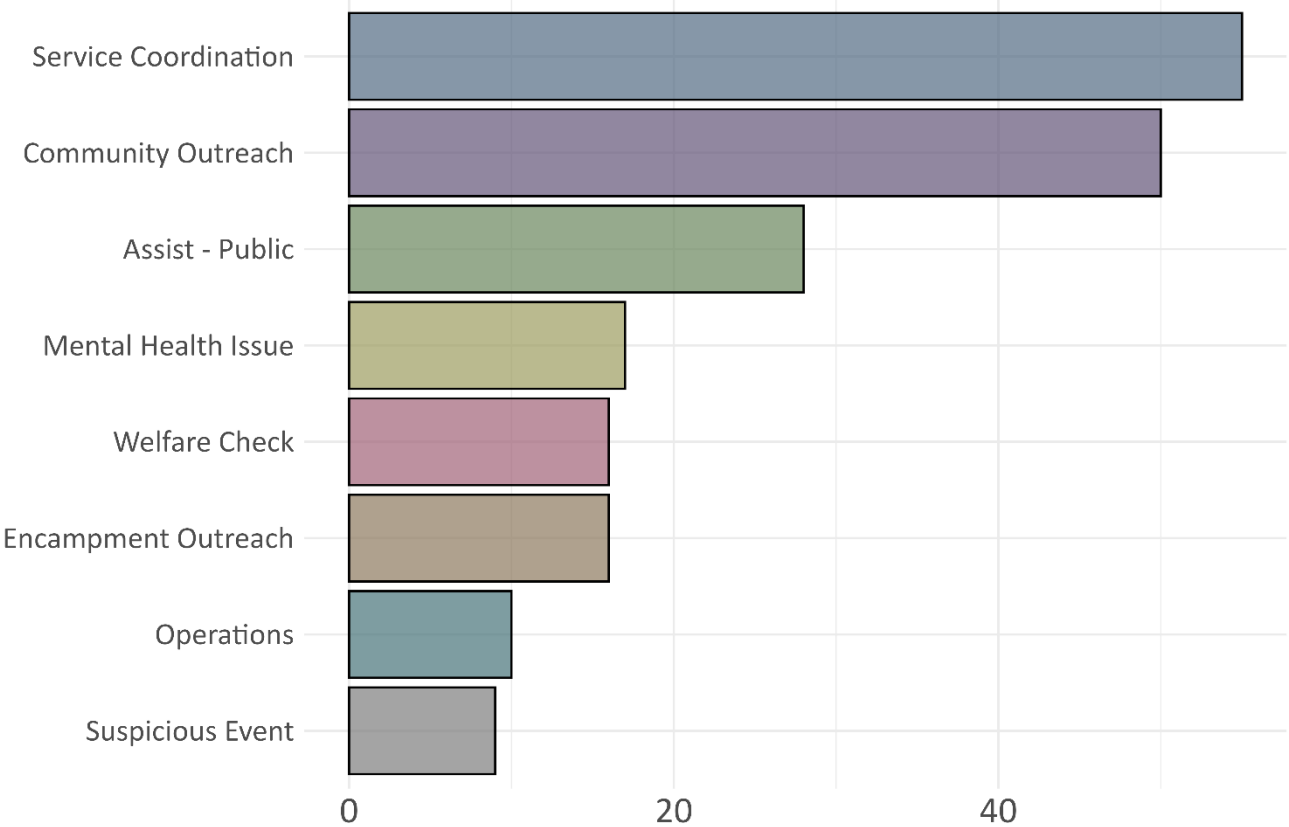
CSLs make up 69% of CAIP responses. They have been tied to **165** Priority 1 calls (7% of all calls they are tied to this year).

- ✓ The breakdown of priority one call types:
 - Domestic Disturbances (57)
 - Untimely Deaths (17)
 - Assault – Simple (11)
 - TRO/FRO/ERPO Services (11)
 - Domestic Assault – Felony (11)

CAIP = Crisis, Advocacy, Intervention Programs
TRO = Temporary Relief of Abuse Order
FRO = Final Relief of Abuse Order
ERPO = Extreme Risk Protection Order

Call Types - CARES

CARES Incidents
Most frequent incident types, 2024



Data through 12/9/2024

CARES is currently a two-person team, allotted for three, including the supervisor. They work five days a week, outside typical business hours. The scope is broad, mainly focusing on mental health and substance use.

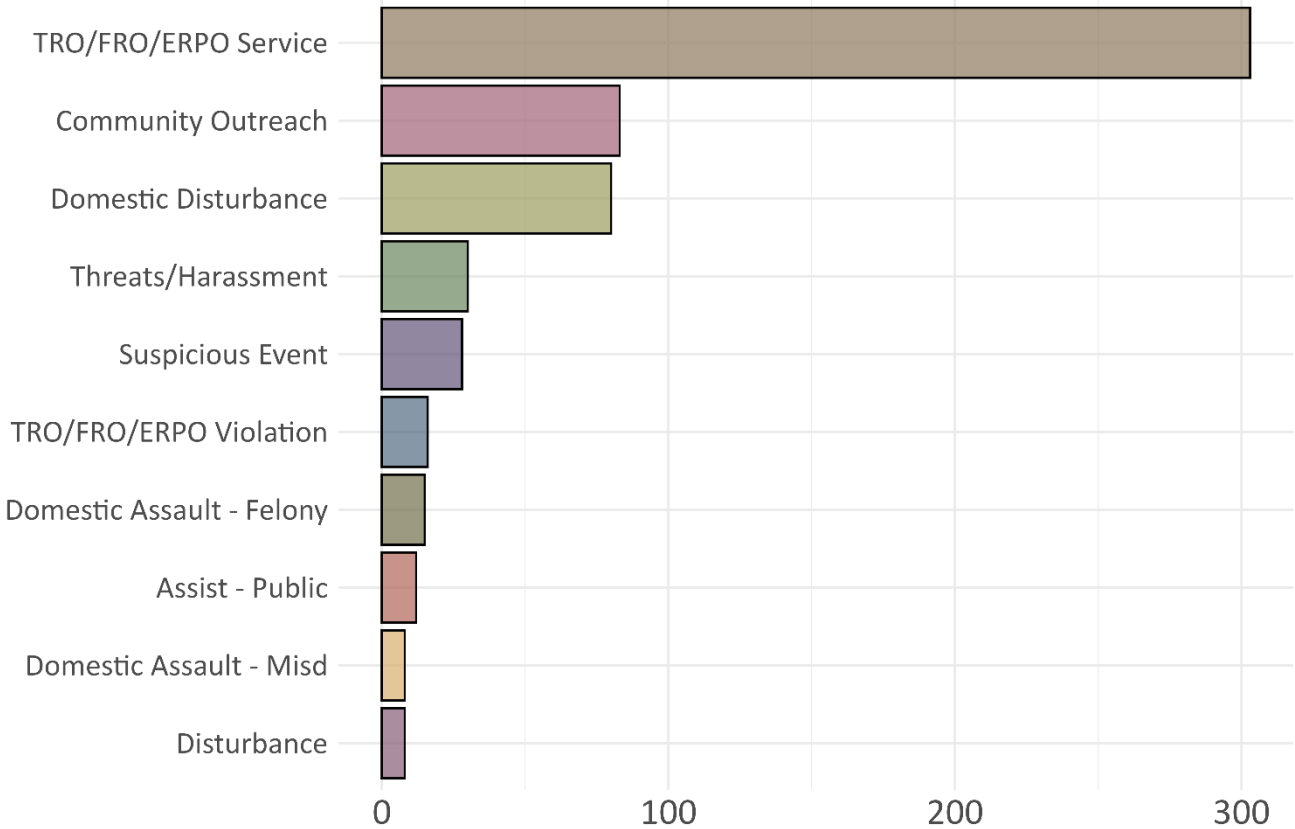
The final piece to this program is the community paramedicine position which is still in the works.

- ✓ The breakdown of priority one call types:
 - Domestic Disturbances (2)
 - Untimely Deaths (3)
 - TRO/FRO/ERPO Services (1)

CARES = Crisis, Assessment, Response, Engagement Services
TRO = Temporary Relief of Abuse Order
FRO = Final Relief of Abuse Order
ERPO = Extreme Risk Protection Order

Call Types – Victim Advocate

Victim Advocate Incidents
Most frequent incident types, 2024



Data through 12/9/2024

The Domestic Violence (DV) Victim Advocate handles follow-up with domestic violence-related victims, referring them to community, state, and in-house resources. She assists with the Family and Civil Court protection order process.

The DV Victim Advocate has been tied to 443 Priority One incidents in 2024 (68% of all the call types they have been tied to).

- ✓ The most frequent types were:
 - TRO/FRO/ERPO Services (303)
 - Domestic Disturbances (80)
 - TRO/FRP/ERPO Violations (16)
 - Domestic Assault – Felony (15)
 - Domestic Assault – Misdemeanor (8)

TRO = Temporary Relief of Abuse Order
FRO = Final Relief of Abuse Order
ERPO = Extreme Risk Protection Order

Service Coordination

In 2024, there were **239** Service Coordination cards created with at least one CSL or CAIP response.

Service Coordination incidents are used as a way to track time spent providing case management related services. All engagements are logged under the same 'incident', as a way to avoid unnecessarily growing someone's public record. So, unlike most other incident types, one incident doesn't necessarily equal just one event.

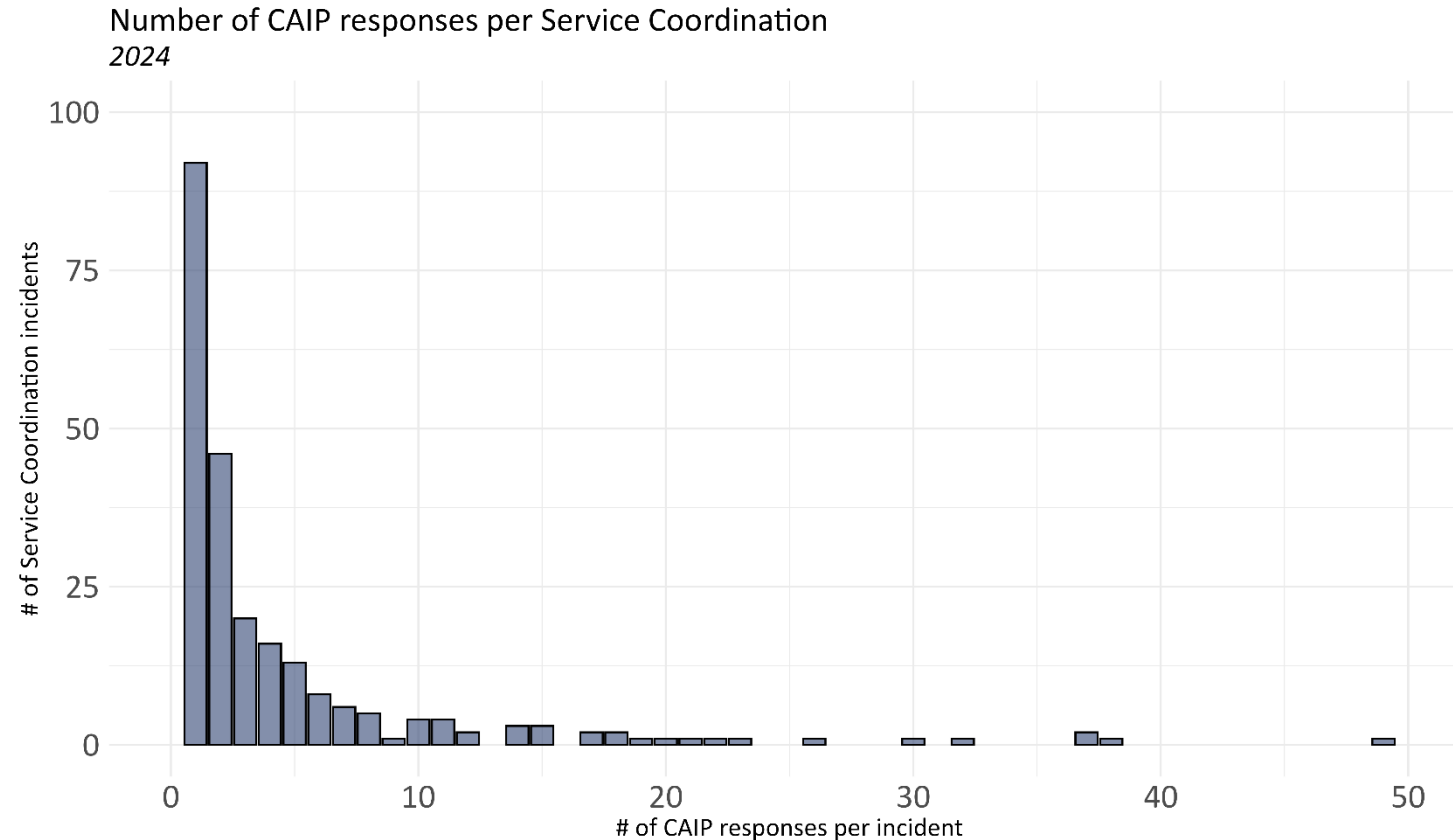
✓ Other points:

The average number of responses per card is **4.7**.

The median number of responses per card is **2**.

There were 250 distinct people over the 239 incidents.

CAIP = Crisis, Advocacy, Intervention Programs
CSL = Community Support Liaison



Data through 12/9/2024

Service Coordination

Service coordination is one on one time spent working with a client, out in the community. We do not limit the amount of time spent with each client.

Time spent per event	Count	Percentage
0 - 30 minutes	340	30%
31 - 60 minutes	277	24%
61 - 90 minutes	211	19%
91 - 120 minutes	143	13%
121+ minutes	160	14%

The average time spent on a single Service Coordination event in 2024 is **1 hour and 25 minutes**.

The median time spent is **49 minutes**.

A CSL or CARES team member spent an average of **13.7 hours** per month on Service Coordination in 2024 (median 12 hours).

CSL/CARES Team's current caseload:

- 61 people
- 38 people unhoused.
- 23 people sheltered.

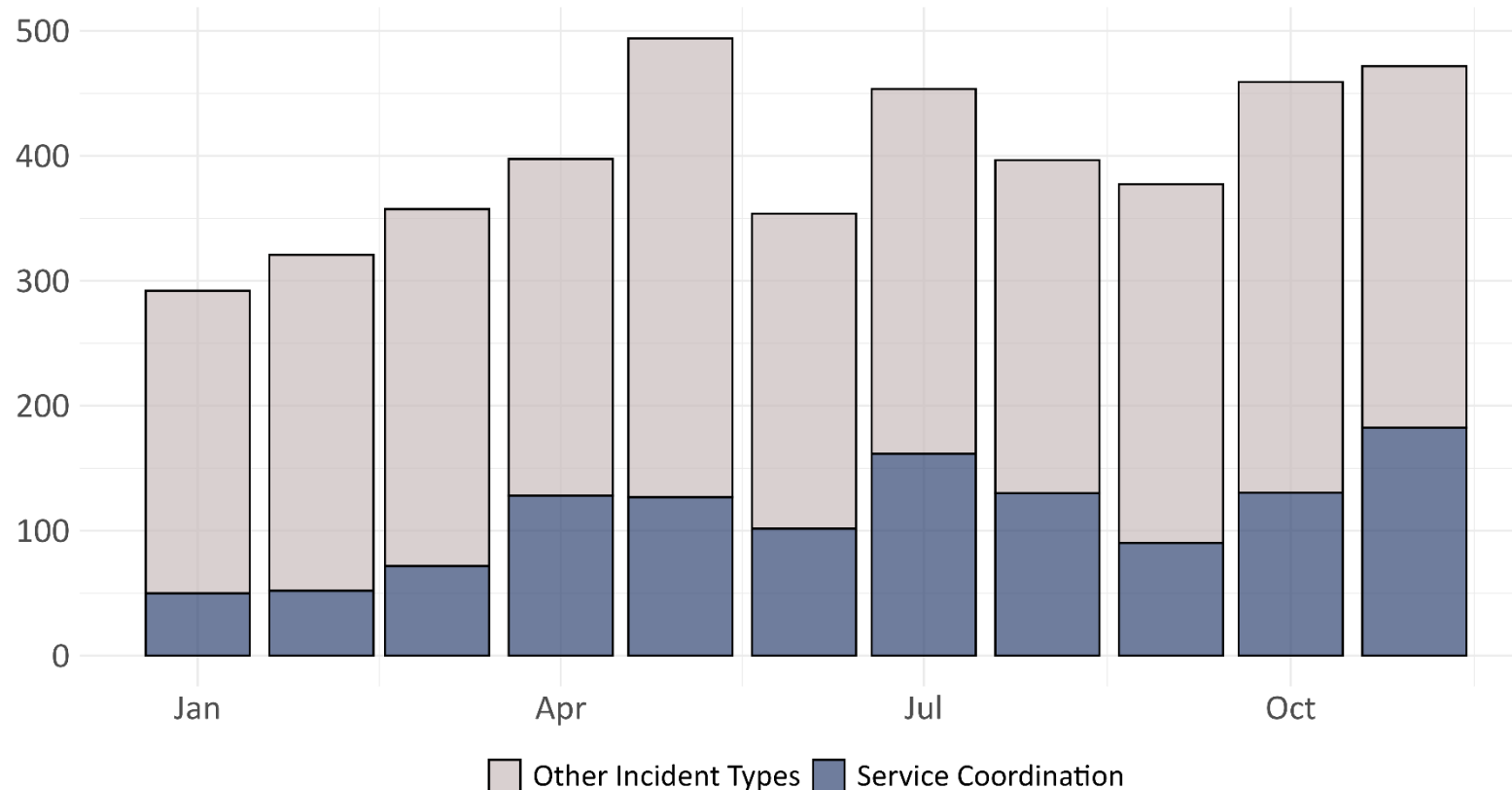
Total time logged per card	Count	Percentage
Less than 1 hour	78	33%
1 - 2 hours	59	25%
2 - 3 hours	17	7%
3 - 5 hours	22	9%
5 - 10 hours	25	10%
More than 10 hours	38	16%

The average time logged by all CSLs and CARES staff on a Service Coordination card in 2024 is **7 hours**.

The median time logged is **1.7 hours**.

Service Coordination

Hours Logged on Service Coordination
CSL and CARES teams, 2024



Data through 11/30/24

Gender	Count	Percent
Female - F	133	53%
Male - M	100	40%
Transgender - T	2	1%
Non-Binary/Other - X	1	0.4%
(missing data)	14	6%

Race	Count	Percent
White - W	180	72%
Black or African American - B	24	10%
Asian - A	20	8%
Unknown - U	6	2%
Other - U	2	1%
American Indian or Alaska Native - I	1	0.4%
Native Hawaiian or Other Pacific Islander - P	1	0.4%
(missing data)	16	6%

Age Group	Count	Percent
Younger than 18	12	5%
18 - 29	38	15%
30 - 39	70	28%
40 - 49	62	25%
50 - 59	30	12%
60+	38	15%

Youngest: 3
Oldest: 89
Mean Age: 42
Median Age: 40

IMPACT FEE PROGRAM: DRAFT RECOMMENDATIONS

City of Burlington, VT
January 13, 2025



Economic & Planning Systems, Inc.
The Economics of Land Use

730 17th Street, Suite 630 ■ Denver, CO 80202
303.623.3557 ■ www.epsys.com

AGENDA

- Definitions and background
 - What are impact fees?
 - Legal framework
 - Current fee program
- Study process
 - Fee calculation overview
 - CIP project screening
- Findings and recommendations
- Proposed Ordinance Changes (City staff)
- Discussion

DEFINITIONS AND BACKGROUND

IMPACT FEES

- Charges on new development to defray capital costs directly related to new development
- “Growth pays its way” policy
- Spend on:
 - Improvements needed to serve growth
 - Maintain level of service as city grows
 - Projects with community-wide benefit (not just one development)
- Cannot not be spent on:
 - Maintenance, operations, existing deficiencies
 - Project-specific impacts
 - Paying for same improvement twice (double charging)
- First Adopted by the City in the 1990’s
- Impact fees supplement the City’s other capital funding sources

LEGAL FRAMEWORK

- Exactions
 - Requirement to provide a public benefit for a land use approval
 - Exactions are a type of taking
- Constitutional Law
 - US Supreme Court decisions on development exactions guide impact fee practices
 - Essential Nexus: directly related to the project
 - Rough Proportionality: roughly proportional to the impact of the project
 - “Nolan and Dolan Test”
- 24 VSA Ch. 131
 - Enables impact fees in Vermont
 - Must have a capital project list and fee study
 - Must spend fee revenue within 6 years on eligible projects
 - Supreme Court decisions supersede State Law

CONDITIONS NEEDED FOR IMPACT FEES

- Growing community
 - Enough growth to create demand for services and capital facilities
 - More often suburban/exurban communities
 - “Greenfield” development
- Clearly defined capital project needs
 - Steady, predictable growth drives capital needs
 - New and expanded bike lanes, sidewalks, & roads
 - New public safety facilities, new parks, new equipment
- Infill communities are less suited to impact fees
 - Can serve new development with existing infrastructure
 - Efficient growth pattern
 - Less infrastructure demand

IMPACT FEES: TWO TYPES

- Buy-In Impact Fees:
 - Typical for water and sewer enterprise funds
 - Allows a utility to charge a new connection/unit to “buy-in” to the system value/equity that has been paid for by ratepayers
 - Can only be used to fund replacement/renewal portions of capital projects
 - Calculated based on the value of fixed assets, less any remaining debt service (which is part of rates that the new customer will pay), divided by the capacity of the system
- Capital Expansion Impact Fees
 - Can be used in situations where additional infrastructure capital investments are needed to support growth in the City
 - Allows the municipality to charge a new customer for their proportional cost of the additional infrastructure
 - Can only be used to fund capacity expansion portions of capital projects

CURRENT IMPACT FEES – AS ADOPTED IN THE 1990’S

- Affordable and senior housing are exempt
- Fees are charged per 1,000 sq. ft.
- Larger homes pay more than smaller homes

Department	Residential	Industrial	Offices & Other	Retail
\$ per 1,000 sq. ft. - in 2023 dollars				
Traffic (DPW)	\$224	\$299	\$771	\$839
Fire	253	224	227	227
Police	51	400	400	400
Parks	848	481	478	478
Library	525	0	0	0
Schools	1,095	0	0	0
Total	\$2,996	\$1,404	\$1,876	\$1,944

Source: City of Burlington

FEE REVENUE HISTORY

- \$350,000/year in fee revenue total
- \$30,000–\$80,000 across individual fee categories
- Not enough for significant capital projects

Fee Category	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2014-2024	
												Total	Ann. Avg.
Traffic	\$15,956	\$108,317	\$35,287	\$75,599	\$156,560	\$148,181	\$165,906	\$69,141	\$4,395	\$48,086	\$26,121	\$853,549	\$77,595
Fire	\$10,149	\$47,704	\$17,378	\$43,529	\$55,319	\$63,569	\$79,193	\$10,136	\$1,226	\$17,234	\$27,520	\$372,957	\$33,905
Police	\$6,208	\$51,538	\$20,587	\$70,348	\$37,936	\$59,331	\$96,775	\$16,245	\$2,247	\$24,085	\$7,002	\$392,301	\$35,664
Parks	\$31,089	\$124,353	\$48,848	\$124,957	\$137,357	\$168,670	\$190,026	\$20,941	\$3,087	\$42,564	\$92,582	\$984,474	\$89,498
Library	\$19,536	\$42,080	\$15,947	\$31,978	\$69,664	\$68,156	\$72,544	\$5,832	\$3,038	\$13,968	\$57,502	\$400,245	\$36,386
School	\$40,778	\$87,838	\$42,990	\$156,750	\$69,358	\$122,835	\$201,786	\$17,685	\$6,343	\$24,792	\$118,119	\$889,275	\$80,843
Total	\$123,716	\$461,830	\$181,037	\$503,161	\$526,195	\$630,742	\$806,231	\$139,979	\$20,336	\$170,728	\$328,846	\$3,892,800	\$353,891

Source: City of Burlington

STUDY PROCESS

PROJECT TEAM

- EPS

- Parks & Rec
- General facilities (incl. Fire)
- General fleet
- Staff lead: Ashley Parker, Charles Dillard

- RSG

- Transportation and multimodal (capacity to increase moving people)
- Staff lead: Ashley Parker, Charles Dillard

- Raftelis

- Water and Sewer Buy-In Impact Fees
- Staff lead: Megan Moir

WORK PROCESS

- Draft nexus study calculations
 - Inventory City's capital assets and current replacement costs
 - Calculate potential new impact fees with current fee categories
- Department interviews: capital projects
 - Identify capital expansion projects
 - Found that most capital projects are for maintenance and upgrades
- Reorganized fee categories
 - Combined fee categories to give more flexibility to spend funds
 - Revised nexus study and fee calculations

DECISION CRITERIA

1. If we collect impact fees, can we spend them on eligible projects?
 - a) Is there a nexus to growth/development?
 - b) Do projects add capacity to provide services?
2. Will we need other funding to close the gap?
 - a) Do we need other money to “unlock” the impact fees?
 - b) Can we spend impact fees within 6 years?
3. Will impact fees generate enough money to be worthwhile?

WORK PROCESS: WATER AND SEWER

- Buy-in impact fee
- Calculate the value of water and sewer fixed assets
- Exclude debt service principal remaining on any of those fixed assets (because users will be charged that in their rates)
- Divide the net fixed asset value (value less remaining debt principal) by the capacity the system currently supports
 - In wastewater, used 80% of the total permitted capacity (6.8 MG)
 - In water, used the “functional” capacity of the water treatment plant, i.e. the maximum sustained water production rate (5 MG)
- Generate a buy-in impact fee per gallon/day of allocation request
 - Wastewater: \$7.87/gallon
 - Water: \$11.58/gallon
 - Allocation requests are based on use of Vermont Water and Wastewater design tables

RECOMMENDATIONS

PROPOSED CHANGES TO IMPACT FEE PROGRAM

- Eliminate several fee categories
 - Weak nexus with growth
- Replace with
 - Water and sewer impact fees
 - Transportation/multimodal improvements fee
- With the proposed changes, residential impact fees would increase \$1,000–\$3,000 per residential unit

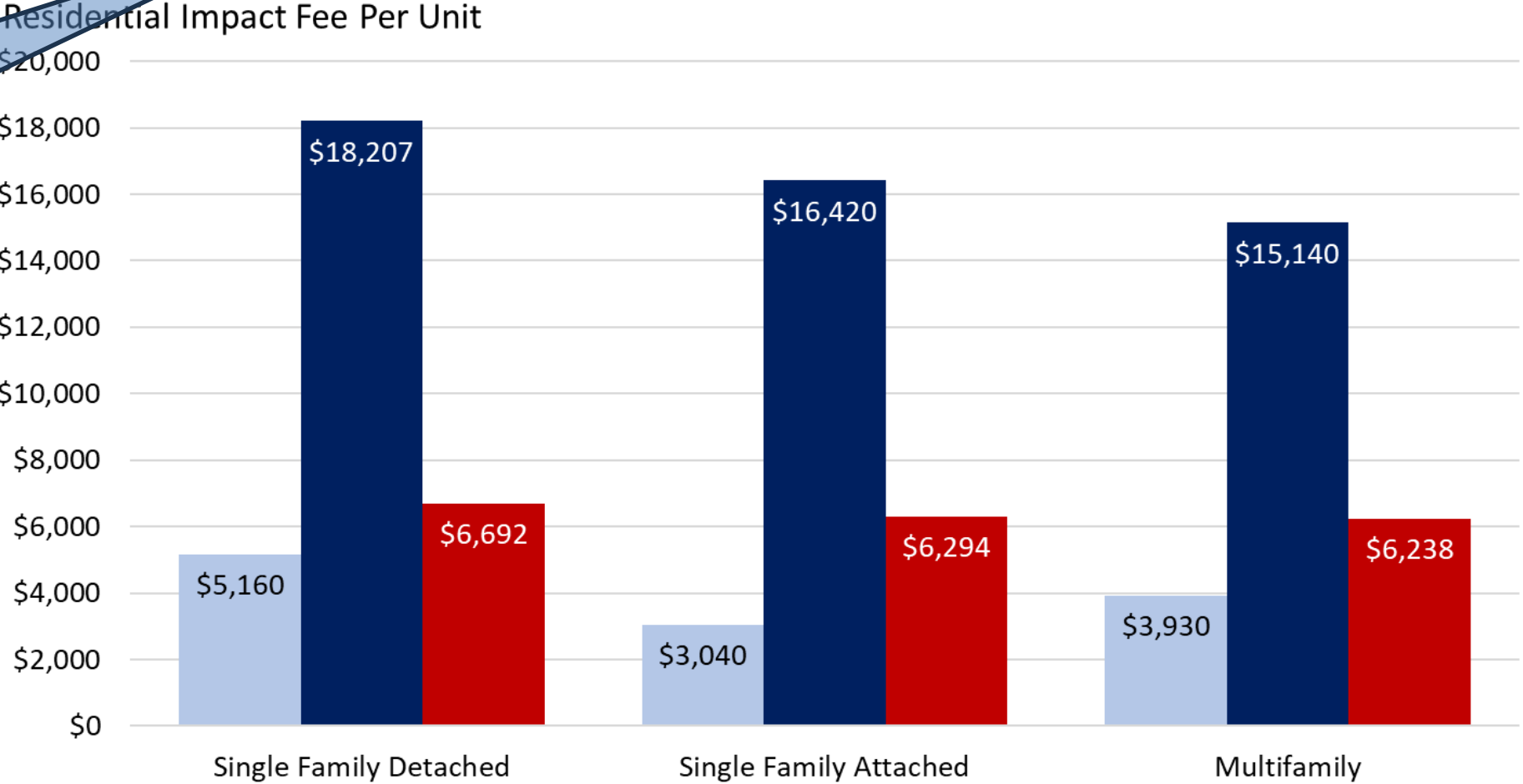
Fee Category	Current	Fee Study	Proposed
Transportation/Multimodal	✓	✓	✓
Parks & Rec	✓	✓	
School	✓		
Library	✓		
Police	✓		
Fire	✓		
General Facilities		✓	
General Fleet		✓	
Water		✓	✓
Sewer		✓	✓

Source: Economic & Planning Systems

RESIDENTIAL IMPACT FEES

■ Current ■ Updated ■ Proposed (water, sewer, transportation)

Updated
asset
values/
costs =
large
increase



RATIONALE

- Continue collecting impact fees, but focus on:
 - Essential infrastructure
 - Large capital costs
 - Best nexus with new development
- Shift the “fee stack” to transportation, water, and sewer
 - Continue collecting revenue, but in different fee categories
- Moderate fee increases
 - Fees increase ~\$1,500–\$3,200 per unit on residential
 - But, not as much as if the current fee structure is maintained
- Water and sewer buy-in impact fees recoup the equity paid by current users from new customers who haven’t been paying rates
 - Adopt incremental buy in fee component for capacity expansion related portions of capital projects
 - Revenue will offset future debt service for all rate payers

PROPOSED ORDINANCE CHANGES

ORDINANCE CHANGES: NEXT STEPS



Summary of Staff Recommendations for Implementation (see Slide 29 for more details):

- Update the Administrative Regulations to include the complete set of impact fee regulations & the newly adopted fee amounts.
- Repeal the Ordinance Code reference and amend the Comprehensive Development Ordinance reference to authorize the Administrative Regulations.
- Determine what role the Department of Permitting & Inspections will play in fee collection.
- May need to include impact fee legislation in either or both the Comprehensive Development Ordinance and Ordinance Code, with appropriate cross-references.
- Update regulations to clarify which inflation measure to apply.
- Review existing waivers and consider eliminating some.
- Consider fee credits for offsite construction other than streets/sidewalks and water infrastructure essential to the development of the project.
- Consider Inclusionary Zoning changes alongside proposed Impact Fee Changes.

DISCUSSION

SUPPLEMENTAL INFORMATION

DETAILED FEE COMPARISON: CURRENT VS. PROPOSED

Impact Fee	School	Traffic	Parks & Rec.	General Facilities	General Fleet	Library	Police	Fire	Sewer	Water	Total	% Change from Current
Residential Fee Per Unit												
Updated Fee												
Single Family Detached	\$0.00	\$870.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,652.70	\$4,168.80	\$6,692.45	29.7%
Single Family Attached	\$0.00	\$472.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,652.70	\$4,168.80	\$6,294.04	107.0%
Multifamily	\$0.00	\$416.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,652.70	\$4,168.80	\$6,238.44	58.8%
Current Fee												
Single Family Detached	\$1,885.84	\$385.78	\$1,460.45	\$0.00	\$0.00	\$904.17	\$87.83	\$435.72	\$0.00	\$0.00	\$5,159.80	
Single Family Attached	\$1,111.24	\$227.32	\$860.58	\$0.00	\$0.00	\$532.79	\$51.76	\$256.75	\$0.00	\$0.00	\$3,040.45	
Multifamily	\$1,436.22	\$293.80	\$1,112.25	\$0.00	\$0.00	\$688.60	\$66.89	\$331.84	\$0.00	\$0.00	\$3,929.61	
Non-Residential Fee Per "Unit/1,000 sq. ft."												
Updated Fee												
Retail/Commercial	\$0.00	\$3,681.07	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$314.80	\$463.20	\$4,459.07	129.4%
Restaurant	\$0.00	\$4,695.72	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,399.71	\$9,106.71	\$27,202.15	N/A
Hotel	\$0.00	\$287.23	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,158.00	\$787.00	\$2,232.23	N/A
Office	\$0.00	\$1,334.22	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$172.64	\$254.03	\$1,760.89	-6.1%
Industrial	\$0.00	\$602.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$140.92	\$207.35	\$950.52	-32.3%
Warehouse	\$0.00	\$166.78	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$178.51	\$262.67	\$607.96	-56.7%
Institutional/Nursing Home	\$0.00	\$546.66	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,040.59	\$1,531.13	\$3,118.38	66.2%
Current Fee per 1,000 Sq. Ft.												
Retail/Commercial	\$0.00	\$839.00	\$478.00	\$0.00	\$0.00	\$0.00	\$400.00	\$227.00	\$0.00	\$0.00	\$1,944.00	
Office	\$0.00	\$771.00	\$478.00	\$0.00	\$0.00	\$0.00	\$400.00	\$227.00	\$0.00	\$0.00	\$1,876.00	
Industrial	\$0.00	\$299.00	\$481.00	\$0.00	\$0.00	\$0.00	\$400.00	\$224.00	\$0.00	\$0.00	\$1,404.00	
Warehouse	\$0.00	\$299.00	\$481.00	\$0.00	\$0.00	\$0.00	\$400.00	\$224.00	\$0.00	\$0.00	\$1,404.00	
Institutional	\$0.00	\$771.00	\$478.00	\$0.00	\$0.00	\$0.00	\$400.00	\$227.00	\$0.00	\$0.00	\$1,876.00	

Source: City of Burlington; Economic & Planning Systems

SUPPLEMENTAL: CAPITAL EXPANSION PROJECT LISTS

TRANSPORTATION

PROJECT NAME	DESCRIPTION
Union Street	Increase capacity through upgrading bike lanes to be protected.
Battery Street	Increase capacity by shifting road space to accommodate higher capacity modes
North Street	Increase capacity by shifting road space to accommodate higher capacity modes
Pearl Street	Increase capacity by shifting road space to accommodate higher capacity modes
Main Street (East)	Increase capacity with a multimodal shared path
Colchester Ave	Increased capacity through improved transit infrastructure, multimodal shared use path, and improved signalization

Constructing Capacity by 2035 that will serve growth beyond that timeframe.

Impact Fees are assessed **only** the share of capacity consumed during the next 10 years.

\$34 million of project costs. City aims to pay for 80% of project cost via Federal support – Reducing costs to \$6.8 million eligible for impact fee

WATER AND SEWER

- Buy-In Impact Fee Revenue will be spent on any replacement/renewal projects within the wastewater and water systems, including but not limited to:
 - Replacement/relining of water mains or sewer pipes
 - Replacement of water treatment/supply and wastewater

GENERAL FACILITIES

- \$9.1 million in eligible costs
- Significant other funding needed to bridge gap
- Some renovation projects will have marginal capacity increases

Project	Estimated Cost	Useful Life ¹	% Allocated to Growth	Impact Fee Eligible Cost	Status
Library					
North Branch Expansion	\$360,000	---	100%	\$360,000	Unfunded long-term
Fletcher Library Renovation	\$25,000,000	30 years	18.9%	\$4,727,873	Unfunded long-term
2 Library Material Hold Lockers	\$21,000	10 Years	8.2%	\$1,717	Unfunded long-term
Police					
Office Renovation for CSOs and CSLs	\$1,200,000	---	100%	\$1,200,000	Current Need
Fire					
Fire Station Consolidation	\$15,000,000	30 years	18.9%	\$2,836,724	Unfunded long-term
Total	\$41,581,000			\$9,126,314	

¹Useful life before replacement or significant capital re-investment is needed.

Source: City of Burlington; Economic & Planning Systems

GENERAL FLEET

- One net addition to fleet identified
- Fleet replacement is not eligible

Project	Estimated Cost	% Allocated to Growth	Impact Fee Eligible Cost	Status
EMS Director Truck or new batallion car	\$70,000	100%	\$70,000	In Current Funding Request
Total	\$70,000		\$70,000	

Source: City of Burlington; Economic & Planning Systems

PARKS AND RECREATION

- Screened out:
 - Marina, waterfront, and pier maintenance/replacement projects (\$2.5 million)
 - North Beach Campground: largely replaces existing (\$2.5 million)
- Calahan Park
 - In an area planned for new development
 - Heavily used

Project	Estimated Cost	% Allocated to Growth	Impact Fee Eligible Cost	Status
Calahan Park				
Community Garden Expansion	\$116,000	100.0%	\$116,000	Unfunded long-term
Multi-Use Building + Covered Outdoor Space	\$625,000	100.0%	\$625,000	Unfunded long-term
Primary and Secondary Paths	\$1,000,000	100.0%	\$1,000,000	Unfunded long-term
Multi-Use Pavilion / Ice Rink	\$900,000	100.0%	\$900,000	Unfunded long-term
Subtotal	\$2,641,000		\$2,641,000	
Total	\$2,641,000		\$2,641,000	

Source: City of Burlington; Economic & Planning Systems



ORDINANCE CHANGES:

WHERE SHOULD IMPACT FEE REGULATIONS LIVE?

The City's current Impact Fee regulations live in three places:

- B.C.O. Section 21-41:
<https://www.codepublishing.com/VT/Burlington/#!/Burlington21/Burlington2101.html#21-41>.
- B.C.D.O. Article 3, Part 3:
<https://www.burlingtonvt.gov/DocumentCenter/View/2501/Applications-Permits-and-Project-Reviews-PDF?bidId=>, beginning at p. 3-23.
- The City's Impact Fee Administrative Regulations:
<https://www.burlingtonvt.gov/730/Impact-Fee-Administrative-Regulations>.



ORDINANCE CHANGES: WHERE SHOULD IMPACT FEE REGULATIONS LIVE?

- Having the same set of rules in three places creates potential for confusion and conflicting regulations.
- Staff recommends updating the Administrative Regulations, which can be done by City Council resolution, to include the complete set of impact fee regulations and the newly adopted fee amounts.
- Assuming DPI will continue to administer the impact fee collection program, then staff recommends repealing the Ordinance Code reference and amending the Comprehensive Development Ordinance (CDO) reference merely to authorize the Administrative Regulations.



ORDINANCE CHANGES: WHERE SHOULD IMPACT FEE REGULATIONS LIVE?

- In the case of the proposed Water Resources fees, fee collection will not necessarily always accompany receipt of a development permit.
- Staff needs to determine what role DPI will continue to play in fee collection.
- Depending, it may make sense to include impact fee enabling legislation in either or both the Comprehensive Development Ordinance and Ordinance Code, with any appropriate cross-references.



ORDINANCE CHANGES: INCLUSION OF AN INFLATOR

- The updated regulations should clarify which inflation measure to apply to the City's impact fees.
- The City's current regulations require fees to be indexed to the Consumer Price Index. However, there are multiple Consumer Price Indices published by the Department of Labor.
- As a matter of practice, the City uses the Consumer Price Index for All Urban Workers, Northeast Region.
- Another common measure of inflation is the Consumer Price Index for all Urban Workers, U.S. Cities Average.
- Construction inflation frequently does not track general inflation. Usually it outpaces general inflation, but at times the opposite is true.



Ordinance Changes: Inclusion of an Inflator

Index	2021 to 2022	2022 to 2023	2023 to 2024
CPI-U, Northeast Region	6.40%	2.55%	3.49%
CPI-U, U.S. Cities Average	7.11%	3.14%	2.75%
Mortenson CCI (Commercial Construction Costs)	6.69%	2.18%	N/A
HUD Multi-family Residential Construction Price Index	9.05%	4.45%	3.78%
NHCCI	12.18%	11.27%	7.48%



ORDINANCE CHANGES: WHAT EXEMPTIONS SHOULD APPLY?

Current exemptions include:

- Additions to an existing residential unit
- Certain other additions and changes in use
- School impact fees for senior housing projects
- Affordable housing waivers for affordable units in excess of IZO requirements (ranging 25% to 100%, depending on levels of affordability)
- Inclusionary units
- Community garden waiver



ORDINANCE CHANGES: WHAT EXEMPTIONS SHOULD APPLY?

Staff recommends **maintaining existing waivers except:**

- The community garden waiver has never been used and would be moot if the proposed fees are adopted, which do not include a parks fee. Staff **recommends eliminating** this waiver.
- The senior housing project waiver may also become moot if the proposed fees are adopted, but there may be merit in leaving it “dormant” in the regulations in case future school impact fees are adopted.



ORDINANCE CHANGES: CREDITS

- The City's regulations provide that offsite improvements (except for streets/sidewalks and stormwater, sewer, and water infrastructure essential to the development of the project) cannot be required for a development project in a category for which fees are paid.
- This rule could occasionally result in a public subsidy for the project.
- Staff recommends fee credits instead for offsite construction other than streets/sidewalks and water infrastructure essential to the development of the project.



ORDINANCE CHANGES: IMPACT FEES AND INCLUSIONARY ZONING

- Impact Fees and Inclusionary Zoning requirements are two of the primary development costs required by the City.
- Draft amendments to IZ standards would mostly reduce the IZ burden to developers:
 - Elimination of the highest IZ requirement tier (25%)
 - More easily utilize the off-site requirement
 - Allow payment-in-lieu in some cases where not allowed today
 - Allow flexibility in mix of for-sale and rental units in large projects
- However, the payment-in-lieu fee is proposed to increase substantially
- In summary, moderate Impact Fee increases would be coupled with generally greater flexibility in Inclusionary Zoning standards and requirements

DRAFT MEMORANDUM

To: Charles Dillard, Director, Office of City Planning
Ashley Parker, Capital Program Director

From: Brian Duffany, Principal

Subject: Initial Findings on Impact Fee Nexus Study

Date: June 27, 2024
Revised January 7, 2025

The Economics of Land Use



Economic & Planning Systems (EPS) was hired by the City to prepare a new Impact Fee Nexus Study to support updates to its existing impact fee program. EPS' scope of work is to address the fee structure for the capital assets in General Fund departments of Parks and Recreation; Library; Police; and Fire. EPS also evaluated the Burlington School District impact fee which the City collects for the District. The fee studies for transportation and water and sewer connection fees are being conducted separately by other consultants. EPS has prepared the following draft analyses and recommendations for discussion with Staff and City Council:

- Draft nexus calculations and updated impact fees
- Recommended changes to fee categories
- Draft impact fee-funded capital project lists
- Draft impact fee revenue projections

The findings from these analyses have generated questions that require input from the City to inform how the City should administer its impact fee program going forward.

This memorandum is a summary of the analysis. The full set of calculations that comprise the technical aspects of the Nexus Study are attached as an Appendix.

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Impact Fees Definitions and Legal Framework

Impact fees are fees collected by local governments to offset the impacts of growth (new development) on the capital facilities of the community. Impact fees are one-time charges that apply only to new development, or in some cases a significant expansion or intensification of an existing land use. Impact fees are usually charged at the time of building permit issuance, or at certificate of occupancy which is the City of Burlington's practice.

Under US Supreme Court case law, impact fees are a type of exaction. An exaction is when government places a condition on development and requires that it mitigate that condition through a direct payment or by providing a public benefit (e.g. land dedication). Impact fees are a direct payment exaction rather than a dedication of a public benefit. Under US Supreme Court case law, impact fees must have an "essential nexus" to the impact they are being collected to mitigate and be roughly proportional to the impact of the development¹. In other words, impact fees must have a direct relationship to the impact of the land use and vary across land uses with different scales of impacts.

Since impact fees can only be charged on new development, the essential nexus requirement means that the fees can only be used to mitigate the impacts created by that new development. Impact fees cannot be used to pay for addressing deferred maintenance or for raising the level of service (charging new development for more than its share of impact to capital facilities). Because of these legal requirements, impact fees are best used in a context where there is steady growth and development that creates a need to expand a city's capital facilities.

Scheetz vs. Eldorado County

The 2024 decision by the U.S. Supreme Court in *Scheetz vs. Eldorado County* highlighted the importance of the essential nexus test. A homeowner (*Scheetz*) challenged in the California State Supreme Court a transportation impact fee levied by Eldorado County, CA. The California Supreme Court upheld the use of the fee stating that legislatively adopted permit conditions that apply broadly to most development (vs. administratively imposed one-off exactions) are not subject to heightened judicial scrutiny (nexus and proportionality) like a taking of private property would be. The U.S. Supreme Court disagreed, suggesting that the takings clause of the Constitution does not differentiate between branches of government or how the taking was imposed (administratively or legislatively). The Court sent the case back to the California Supreme Court for it to determine if the County's impact fee meets the "Nollan and Dolan" tests of nexus and proportionality.

¹ See U.S. Supreme Court cases *Nollan vs. California Coastal Commission* (nexus), and *Dolan vs. City of Tigard*, OR (proportionality).

This decision, for now, is unlikely to affect impact fee programs that follow best practices. The decision does highlight the importance of ensuring that the fees have a nexus to the impacts on capital facilities from growth and that they are proportional to its impact.

Vermont Impact Fee Law

Vermont statute on impact fees (24 VSA Ch. 131) places some additional restrictions on the use of impact fees, and other states have similar restrictions. First, to collect impact fees, a local government must define a list of “capital projects” that impact fees will be used for. Second, impact fees must be spent within 6 years of being collected or they may need to be refunded. The definition of “capital project” is broad, however, and covers buildings, land acquisition, equipment, and related studies. Vermont law does not define a useful life of capital facilities, but capital equipment should generally have a life of 5 years or greater.

The 6-year spending requirement can create a challenge. If a local government collects more impact fee revenue than it can spend on eligible projects, it is at risk for having to refund the fees to the fee payers. This could be a tedious process and requires detailed accounting and tracking of fee payers.

Nexus Study Methodology

There are several methods that can be used to calculate impact fees. The two most common techniques are the Plan-Based Method and the Incremental Expansion Method. Vermont law does not specify the methodology to be used. The method chosen needs to be appropriate for the local circumstances as described below.

Plan-Based Method

This method uses a community’s long-range comprehensive plan, capital improvement plan, or other adopted plan identifying capital facilities and infrastructure needed to serve growth over a defined time period. The fee calculation is essentially the cost of the planned project(s) divided by the forecasted amount of growth. This method was not selected for this Study because the level of capital planning available was not sufficient for this methodology. In addition, the fee calculation can be highly sensitive to the growth forecast. Growth is difficult to forecast in a mature nearly built-out community like Burlington where most development is infill and redevelopment and the land supply is limited.

Incremental Expansion Method

The Incremental Expansion Method was chosen for this study. In cases where detailed capital planning studies are not available or when growth is slower, this method is appropriate. This method is also called the “level of service” or “imbedded capital investment” method. This technique answers the question:

What should each new unit (increment) of development pay to maintain the city’s current level of service?

This approach takes a snapshot of the current level of service in the city and converts it typically to a value per capita, per dwelling unit, or per square foot of development. The current level of service is defined as the inventory of the city's existing facilities and capital assets, and the cost to replicate that level of service (replacement cost or asset value) as the city grows. An example is the current square footage of facilities and their replacement cost per capita, or the number of police vehicles and their replacement cost per capita.

Purpose of Impact Fee Nexus Study

The Nexus Study calculates the maximum fee supported by the calculations that establish the nexus between the fee and the impacts of development (what should each unit of new development pay); and the proportionality of the fees. The proportionality is how the fees vary based on the type of land use and its impact, and the size of the development. A policy-making body can adopt any level up to the maximum established in the Study. Many communities consider fee levels in the context of policy goals like economic development, housing costs, and the overall cost of new development.

Proposed Changes to Impact Fee Program

Under the City's current fee program, impact fees are charged for impacts to the capital needs in schools; traffic; parks and recreation facilities; libraries; police; and fire, shown in the lower half of **Table 1**. Based on the types of capital projects the City may fund with impact fees, EPS has proposed changes to the fee categories.

- General facilities: Includes building facilities for General Government, Fire, Police, and Library. It does not include Park and Recreation facilities.
- General fleet: Includes all fleet for streets and public works, parks, fire, police, library, and general government.
- Parks and recreation: Includes all park land and associated facilities and improvements, and recreation facilities.
- Police and Fire: EPS recommends that the Police and Fire Impact fees be replaced with the Fleet and Facilities fees. It was determined that the Police and Fire departments on their own may not have enough impact-fee eligible projects to be able to spend the fee revenue in accordance with Vermont law. Combining these department needs with all other City fleet and facility gives the City more flexibility in allocating impact fee revenues when individual departments have growth related projects.

Non-residential Impact Fees

The current impact fees are charged for industrial, offices & other, and retail land uses. The draft fees shown are calculated for retail/general commercial, office, industrial, warehouse, and institutional (e.g. assisted living and nursing homes). EPS recommended the new categories so that the more similar land use types could be grouped together to create a stronger nexus in the fees. For example, office has lower service demands than retail/commercial and should be in its own category.

Additional categories (e.g. hotel) could be added as well. Non-residential fees are shown on a per 1,000 square feet basis (1KSF).

Residential Impact Fees

The current residential fees are also levied on a per 1KSF basis. The draft fees are proposed to be per dwelling unit, with three dwelling unit categories: single family detached, single family attached, and multifamily (apartments and vertical condominiums). The City is expecting mostly infill development of attached and multifamily housing without much variation in the home size, which informed the proposal to have uniform fees for each housing unit structure type. The draft fees would also be easier to administer than a fee based on square footage.

School Impact Fees

The City collects impact fees for the Burlington School District and remits them to the District. This draft fee study does not include impact fees for the Burlington School District. EPS recommends that the School District and City stop collecting school impact fees.

EPS interviewed School District staff and reviewed their capital project plans. EPS determined that the projects they need to fund are addressing deferred maintenance, upgrading existing facilities, or reconfiguring spaces to reflect changes in teaching practices or other programming. Based on flat enrollment trends, the District does not have a need to expand its classroom capacity, i.e. it does not need to develop new schools or expand existing schools. Impact fees can only be used for projects needed to serve new growth such as expanding facilities to accommodate more students. EPS suggests that the District would not have eligible uses for impact fees and therefore recommends that the City and District stop collecting school impact fees and spend down any fund balances on eligible projects.

Draft Updated Impact Fees

The draft updated impact fees are shown in **Table 1** below. This table includes the impact fees calculated by EPS, and draft preliminary impact fees from the Transportation and Water and Sewer impact fee studies conducted by other consultant teams. The draft impact fees are considerably higher than the current impact fees. Detailed asset inventories, demographic factors, and fee calculations are attached as an Appendix. The current impact fees have not been updated for several years to reflect current asset inventories and replacement costs. The combination of growth in the City's assets and cost inflation is the reason that the draft fees are higher.

With all fee categories, the draft residential fees range from approximately \$15,100 per unit for multifamily units to \$18,207 for single family detached units. The non-residential fees range from approximately \$3.50 per sq. ft. for industrial buildings to over \$58.00 per sq. ft. for restaurants. High water and sewer demands are a large factor in the comparatively higher fees for restaurants.

Impact fee nexus studies calculate the maximum fee supported by the nexus and proportionality analysis in the fee study. The City can adopt lower fees (up to the maximum) and has many options for phasing in fee increases over time.

Prior to adoption, a calculation needs to be made to credit the fee payors for future property taxes that may go towards the same or similar projects, as is the practice in impact fee studies in Vermont. This credit adjustment typically results in a discount in the \$10 to \$20 range which does not have a material impact on policy decisions at this time. The credit amount depends on the projects included in the final Impact Fee CIP list which is still subject to revision at this point.

Table 1. Draft Updated Impact Fees and Current Impact Fees

Impact Fee	School	Transportation	Parks & Rec.	General Facilities	General Fleet	Library	Police	Fire	Water	Sewer	Total	% Change from Current
Residential Fee Per Unit												
Updated Fee												
Single Family Detached	\$0.00	\$870.95	\$6,451.68	\$4,534.14	\$529.13	\$0.00	\$0.00	\$0.00	\$4,168.80	\$1,652.70	\$18,207.40	252.9%
Single Family Attached	\$0.00	\$472.54	\$5,673.66	\$3,987.35	\$465.32	\$0.00	\$0.00	\$0.00	\$4,168.80	\$1,652.70	\$16,420.37	440.1%
Multifamily	\$0.00	\$416.94	\$4,987.62	\$3,505.22	\$409.05	\$0.00	\$0.00	\$0.00	\$4,168.80	\$1,652.70	\$15,140.33	285.3%
Current Fee												
Single Family Detached	\$1,885.84	\$385.78	\$1,460.45	\$0.00	\$0.00	\$904.17	\$87.83	\$435.72	\$0.00	\$0.00	\$5,159.80	
Single Family Attached	\$1,111.24	\$227.32	\$860.58	\$0.00	\$0.00	\$532.79	\$51.76	\$256.75	\$0.00	\$0.00	\$3,040.45	
Multifamily	\$1,436.22	\$293.80	\$1,112.25	\$0.00	\$0.00	\$688.60	\$66.89	\$331.84	\$0.00	\$0.00	\$3,929.61	
Non-Residential Fee Per Sq. Ft.												
Updated Fee												
Retail/Commercial	\$0.00	\$3.68	\$7.02	\$4.93	\$0.58	\$0.00	\$0.00	\$0.00	\$0.46	\$0.31	\$16.99	774.0%
Restaurant	\$0.00	\$4.70	\$17.57	\$12.35	\$1.44	\$0.00	\$0.00	\$0.00	\$9.11	\$13.40	\$58.56	
Hotel	\$0.00	\$0.29	\$3.67	\$2.58	\$0.30	\$0.00	\$0.00	\$0.00	\$0.79	\$1.16	\$8.78	
Office	\$0.00	\$1.33	\$2.32	\$1.63	\$0.19	\$0.00	\$0.00	\$0.00	\$0.25	\$0.17	\$5.90	214.3%
Industrial	\$0.00	\$0.60	\$1.42	\$1.00	\$0.12	\$0.00	\$0.00	\$0.00	\$0.21	\$0.14	\$3.48	148.0%
Warehouse	\$0.00	\$0.17	\$1.73	\$1.22	\$0.14	\$0.00	\$0.00	\$0.00	\$0.26	\$0.18	\$3.69	163.1%
Institutional/Nursing Home	\$0.00	\$0.55	\$3.25	\$2.28	\$0.27	\$0.00	\$0.00	\$0.00	\$1.53	\$1.04	\$8.92	375.5%
Current Fee												
Retail/Commercial	\$0.00	\$0.84	\$0.48	\$0.00	\$0.00	\$0.00	\$0.40	\$0.23	\$0.00	\$0.00	\$1.94	
Office	\$0.00	\$0.77	\$0.48	\$0.00	\$0.00	\$0.00	\$0.40	\$0.23	\$0.00	\$0.00	\$1.88	
Industrial	\$0.00	\$0.30	\$0.48	\$0.00	\$0.00	\$0.00	\$0.40	\$0.22	\$0.00	\$0.00	\$1.40	
Warehouse	\$0.00	\$0.30	\$0.48	\$0.00	\$0.00	\$0.00	\$0.40	\$0.22	\$0.00	\$0.00	\$1.40	
Institutional	\$0.00	\$0.77	\$0.48	\$0.00	\$0.00	\$0.00	\$0.40	\$0.23	\$0.00	\$0.00	\$1.88	

Source: City of Burlington; Economic & Planning Systems

Draft Capital Project Lists

EPS worked with department staff and the City's Capital Program Director to compile capital project lists for General Facilities, General Fleet, and Parks and Recreation.

Tables 2, 3, and 4 summarize these projects and the impact fee-eligible costs. Some of the capital projects will serve new development and existing residents and businesses. The portion of the project cost that serves growth needs to be estimated to determine how much of the project cost can be funded with impact fees. The growth allocation is calculated as:

$$(\text{Change in service population in forecast year}) \div (\text{Total forecast year service population})$$

The basis for the forecast is the Chittenden County Regional Planning Commission (CCRCP) socioeconomic and travel demand forecast for Burlington, with modifications made by RSG and City Staff to reflect expected development projects. Each project is given an estimated useful life, which is either the time period when the asset is retired or the time period by which the asset would need substantial reinvestment.

General Facilities

For General Facilities, \$41.6 million in total capital projects were identified. After applying the growth allocations, the resulting impact-fee eligible cost is \$9.1 million (**Table 2**).

Table 2. General Facilities Capital Project List (Draft)

Project	Estimated Cost	Useful Life ¹	% Allocated to Growth	Impact Fee Eligible Cost	Status
Library					
North Branch Expansion	\$360,000	---	100%	\$360,000	Unfunded long-term
Fletcher Library Renovation	\$25,000,000	30 years	18.9%	\$4,727,873	Unfunded long-term
2 Library Material Hold Lockers	\$21,000	10 Years	8.2%	\$1,717	Unfunded long-term
Police					
Office Renovation for CSOs and CSLs	\$1,200,000	---	100%	\$1,200,000	Current Need
Fire					
Fire Station Consolidation	\$15,000,000	30 years	18.9%	\$2,836,724	Unfunded long-term
Total	\$41,581,000			\$9,126,314	

¹Useful life before replacement or significant capital re-investment is needed.

Source: City of Burlington; Economic & Planning Systems

General Fleet

One capital expenditure was identified for General Fleet, a new EMS director truck to support a new EMS director position (**Table 3**). The estimated cost is \$70,000 with all of that attributed to growth since it is an expansion of staff needed to serve the growing emergency response needs of the City.

Table 3. General Fleet Capital Project List (Draft)

Project	Estimated Cost	% Allocated to Growth	Impact Fee Eligible Cost	Status
EMS Director Truck or new battalion car	\$70,000	100%	\$70,000	In Current Funding Request
Total	\$70,000		\$70,000	

Source: City of Burlington; Economic & Planning Systems

Parks and Recreation

For Parks and Recreation, we have identified \$2.6 million in total project costs all of which can be attributed to growth (**Table 4**). The North Beach Campground renovation was not included because it did not create any net increases in campground capacity but rather reduces the total campsites by approximately 9.

Table 4. Parks and Recreation Capital Project List (Draft)

Project	Estimated Cost	% Allocated to Growth	Impact Fee Eligible Cost	Status
Calahan Park				
Community Garden Expansion	\$116,000	100.0%	\$116,000	Unfunded long-term
Multi-Use Building + Covered Outdoor Space	\$625,000	100.0%	\$625,000	Unfunded long-term
Primary and Secondary Paths	\$1,000,000	100.0%	\$1,000,000	Unfunded long-term
Multi-Use Pavilion / Ice Rink	\$900,000	100.0%	\$900,000	Unfunded long-term
Subtotal	\$2,641,000		\$2,641,000	
Total	\$2,641,000		\$2,641,000	

[1] Useful life before replacement or significant capital re-investment is needed.

Source: City of Burlington; Economic & Planning Systems

Development and Fee Revenue Projections

In evaluating the viability of changes to the impact fee program, we compare impact fee revenue projections to the capital project lists to determine if the revenues will approximate the capital project costs over the 6-year statutory time period. Impact fee revenue comes from new development, so the first step is projecting out new development by major land use type. The development projections are built on the forecasts developed by RSG and the Chittenden County Regional Planning Commission (CCRPC) for use in the transportation and multimodal impact fee study being done in parallel with this work. Since the impact fee capital project lists can be modified, the forecasts were done over 10 years for a longer planning period. The residential development forecast estimates housing production of 1,720 new dwelling units by 2033, or 172 per year (**Table 5**).

Table 5. Residential development forecast.

Impact Fee Implementation Year > Calendar Year >	Factor	Year 1 2024	Year 10 2033	Change or Total	Annual
Population		46,202	50,543	4,341	
Ann. Growth Rate		1.3%	0.9%		
Population:Household Ratio ¹	2.52				
New Housing Units				1,720	172
Single Family Detached	7.0%			120	12
Single Family Attached	6.0%			103	10
Multifamily/Condo	87.0%			1,496	150

¹Ratio of total population including group quarters to households from 2021 ACS; not an average household size.
Source: RSG; Economic & Planning Systems

The fee revenue from residential development over the next 10 years is estimated by multiplying the draft impact fees by the estimated amount of new housing development. Over 10 years, the Parks and Recreation fee is projected to generate a total of \$8.8 million or an average of 883,000 annually. The General Facilities fee is estimated to generate a total of \$6.2 million or an average of \$620,000 annually. The General Fleet fee is estimated to generate a total of \$724,000 or an average of \$72,000 annually (**Table 6**).

Table 6. Residential impact fee revenue forecast, 2024-2033

Unit and Fee Type	Impact Fee	2024 - 2033	Annual
Dwelling Units			
Single Family Detached		120	12
Single Family Attached		103	10
Multifamily/Condo		<u>1,496</u>	<u>150</u>
Total		1,720	172
Parks and Recreation Fee			
Single Family Detached	\$6,452	\$776,783	\$77,678
Single Family Attached	\$5,674	585,523	58,552
Multifamily/Condo	\$4,988	<u>7,463,486</u>	<u>746,349</u>
Total		\$8,825,792	\$882,579
General Facilities Impact Fee			
Single Family Detached	\$4,534	\$545,911	\$54,591
Single Family Attached	\$3,987	411,495	41,150
Multifamily/Condo	\$3,505	<u>5,245,219</u>	<u>524,522</u>
Total		\$6,202,626	\$620,263
General Fleet Impact Fee			
Single Family Detached	\$529	\$63,707	\$6,371
Single Family Attached	\$465	48,021	4,802
Multifamily/Condo	\$409	<u>612,103</u>	<u>61,210</u>
Total		\$723,832	\$72,383

Source: Economic & Planning Systems

The non-residential development forecast builds from the jobs forecast used by RSG. New jobs over the next 10 years are converted to new non-residential development using job density factors developed by RSG for the Chittenden County region. This technique initially results in a forecast of approximately 960,000 square feet of new construction over the next 10 years, or just under 100,000 square feet per year. Given market and historical trends, this forecast is likely too high. EPS adjusted the square footage forecast down by 50 percent to account for factors including filling vacant space and adding more employees to existing businesses within their existing building space. With this adjustment, the forecast is for a total of 480,000 square feet or an average of 48,000 square feet per year (**Table 7**).

Table 7. Non-residential development forecast, 2024-2033

Impact Fee Implementation Year > Calendar Year >	Factor	Year 1 2024	Year 10 2033	Change	Annual
Jobs		42,789	45,960	3,171	317
Jobs by Type					
Retail/Commercial	40.0%			1,268	127
Office	50.0%			1,586	159
Industrial	2.5%			79	8
Warehouse	2.5%			79	8
Institutional	<u>5.0%</u>			<u>159</u>	<u>16</u>
Total	100.0%			3,171	317
Sq. Ft. per Job					
Retail/Commercial	300			380,539	38,000
Office	225			356,756	36,000
Industrial	800			63,423	6,000
Warehouse	1,000			79,279	8,000
Institutional	500			<u>79,279</u>	<u>8,000</u>
Total Sq. Ft.				959,276	96,000
Market Adjustment					
Retail/Commercial	50.0%			190,000	19,000
Office	50.0%			178,000	18,000
Industrial	50.0%			32,000	3,000
Warehouse	50.0%			40,000	4,000
Institutional	50.0%			<u>40,000</u>	<u>4,000</u>
Total Sq. Ft.				480,000	48,000

Source: Economic & Planning Systems

Non-residential fee revenue for the next 10 years is forecasted by multiplying the draft impact fees by the amount of new development. The results are approximately \$2.0 million for Parks and Recreation, \$1.4 million for General Facilities, and \$163,000 for General Fleet (**Table 8**).

Table 8. Non-residential impact fee revenue forecast, 2024-2033

Unit and Fee Type	Impact Fee	2024 - 2033	Annual
New Non-Residential Sq. Ft.			
Retail/Commercial		190,000	19,000
Office		178,000	18,000
Industrial		32,000	3,000
Warehouse		40,000	4,000
Institutional		<u>40,000</u>	<u>4,000</u>
Total		480,000	48,000
Parks and Recreation Fee			
Retail/Commercial	\$7.02	\$1,333,962	\$133,396
Office	\$2.32	412,466	41,247
Industrial	\$1.42	45,376	4,538
Warehouse	\$1.73	69,171	6,917
Institutional	\$3.25	<u>130,041</u>	<u>13,004</u>
Total		\$1,991,017	\$199,102
General Facilities Impact Fee			
Retail/Commercial	\$4.93	\$937,487	\$93,749
Office	\$1.63	289,875	28,987
Industrial	\$1.00	31,890	3,189
Warehouse	\$1.22	48,612	4,861
Institutional	\$2.28	<u>91,391</u>	<u>9,139</u>
Total		\$1,399,254	\$139,925
General Fleet Impact Fee			
Retail/Commercial	\$0.58	\$109,404	\$10,940
Office	\$0.19	33,828	3,383
Industrial	\$0.12	3,721	372
Warehouse	\$0.14	5,673	567
Institutional	\$0.27	<u>10,665</u>	<u>1,067</u>
Total		\$163,291	\$16,329

Source: Economic & Planning Systems

Impact Fee Revenues Compared to Capital Project Costs

The projected total and annual impact fee revenue are shown below in **Table 9**. It also shows the total costs from the capital project lists divided into the impact fee-eligible costs and the remainder to be funded with other sources. If adopted at 100% of the study findings, impact fees would raise approximately \$1.9 million per year.

For projects where there is a large gap between the project costs and fee revenue forecast ("Other Funding Needed"), to spend the impact fee revenue the City would need to ensure that it has the additional funding needed to fund the project and be able to spend the impact fee revenue. This creates an implementation challenge, as the City may not be able to find the necessary funding to implement projects and then would not be able to spend the impact fee revenue.

A second issue that this analysis identifies is that there is the potential to raise more fee revenue than can be spent ("Are fees more or less than eligible costs?"). For Parks and Recreation, the projected fee revenue exceeds eligible project costs by \$8.2 million. This money may need to be refunded unless the City can identify other eligible growth-related projects.

The overcollection issue can be mitigated if the fees are adopted at a lower level. At the same time though, adopting lower fees would generate less revenue in the case that there are impact fee eligible projects on which the revenues can be spent. If adopted at 50% of the study findings, impact fees would raise approximately \$965,000 per year (**Table 10**).

Table 9. Annual fee revenue compared to impact fee project list costs - 100% adoption

Total Impact Fees	Fee Revenue		Capital Project Costs			Are fees more or less than eligible costs? A - B
	2024 - 2033	Annual	Impact Fee-Eligible	Total	Other Funding Needed	
	A		B			
Fee Adoption Level	100%					
Parks and Recreation Fee						
Residential	\$8,825,792	\$882,579				
Non-Residential	<u>1,991,017</u>	<u>199,102</u>				
Subtotal	\$10,816,809	\$1,081,681	\$2,641,000	\$2,641,000	\$0	\$8,175,809
General Facilities Impact Fee						
Residential	\$6,202,626	\$620,263				
Non-Residential	<u>1,399,254</u>	<u>139,925</u>				
Subtotal	\$7,601,880	\$760,188	\$9,126,314	\$41,581,000	\$32,454,686	-\$1,524,434
General Fleet Impact Fee						
Residential	\$723,832	\$72,383				
Non-Residential	<u>163,291</u>	<u>16,329</u>				
Subtotal	\$887,123	\$88,712	\$70,000	\$70,000	\$0	\$817,123
Total Impact Fees						
Residential	\$15,752,250	\$1,575,225				
Non-Residential	<u>3,553,562</u>	<u>355,356</u>				
Total	\$19,305,812	\$1,930,581	\$11,837,314	\$44,292,000	\$32,454,686	\$7,468,498

Source: Economic & Planning Systems

Table 10. Annual fee revenue compared to impact fee project list costs - 50% adoption

Total Impact Fees	Fee Revenue		Capital Project Costs			Are fees more or less than eligible costs? A - B
	2024 - 2033	Annual	Impact Fee-Eligible	Total	Other Funding Needed	
	A		B			
Fee Adoption Level	50%					
Parks and Recreation Fee						
Residential	\$4,412,896	\$441,290				
Non-Residential	<u>995,509</u>	<u>99,551</u>				
Subtotal	\$5,408,405	\$540,840	\$2,641,000	\$2,641,000	\$0	\$2,767,405
General Facilities Impact Fee						
Residential	\$3,101,313	\$310,131				
Non-Residential	<u>699,627</u>	<u>69,963</u>				
Subtotal	\$3,800,940	\$380,094	\$9,126,314	\$41,581,000	\$32,454,686	-\$5,325,374
General Fleet Impact Fee						
Residential	\$361,916	\$36,192				
Non-Residential	<u>81,646</u>	<u>8,165</u>				
Subtotal	\$443,562	\$44,356	\$70,000	\$70,000	\$0	\$373,562
Total Impact Fees						
Residential	\$7,876,125	\$787,612				
Non-Residential	<u>1,776,781</u>	<u>177,678</u>				
Total	\$9,652,906	\$965,291	\$11,837,314	\$44,292,000	\$32,454,686	-\$2,184,408

Source: Economic & Planning Systems

Initial Findings and Recommendations

Outside of transportation, the City's capital needs are mostly in maintaining existing facilities rather than in capital expansion. This is the nature of a dense urban core, in which new development can be served efficiently with existing infrastructure. These non-transportation impact fees can only be used for a small selection of projects each year because impact fees can only be spent on growth-related capital projects. If the City cannot spend the fee revenue in compliance with the law, it may have to refund the fees. This potential issue is especially apparent with the School District, as we were not able to identify any growth-related capital projects with the School District.

Impact fees are currently a small portion of the City's capital budget, bringing in about \$300,000 to \$350,000 per year. The impact fee program requires significant administrative time to manage it for the amount of revenue it generates.

EPS and City staff have discussed these challenges and propose initial recommendations for consideration.

Shift the "fee stack" to transportation and water and sewer

The transportation and multimodal facilities fee study being conducted by RSG has identified numerous projects that meet the criteria to be funded with impact fees. The City could adopt a higher transportation fee and lower these non-transportation impact fees. Under this approach, the City could keep the total "fee stack" at roughly current levels but shift the fee structure to transportation and multimodal facilities, and water and sewer connection fees.

Reconsider school impact fees

The City should start discussions with the School District on potentially repealing their impact fees if, as this study suggests, there are not enough growth-related capital projects to justify collecting an impact fee. If the City and District decide to continue collecting school impact fees, a new fee study will be needed to establish nexus and proportionality to justify the impact fees.

Other best practice recommendations

- **Regular updates** – The City should create a schedule to update its impact fees about every five years. That will help keep the costs embedded in the fee levels current and avoid large step-up increases when fees are updated.
- **Inflation indexing** – The City should also build in an automatic annual inflation indexing to its impact fees. This helps the fees keep pace with the costs of infrastructure and facilities, and further smooths out periodic increases when fees are updated, creating more predictability for builders and developers.

- **Administrative guidelines** – The City should review its administrative guidelines and practices for collecting and spending impact fees to ensure they comply with State law and Constitutional law including the “Nolan and Dolan” tests for essential nexus and rough proportionality.
- **Credits and reimbursements** – The City should ensure that there is a mechanism for fee credits or reimbursements if a developer is constructing an improvement that would otherwise be funded with impact fees so that fee payers are not paying for the same improvement twice.

CITY OF BURLINGTON

TRANSPORTATION IMPACT FEE STUDY

December 20, 2024



DRAFT

Prepared for:



The City of Burlington, Vermont

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LIST OF ABBREVIATIONS

ACS	American Community Survey
AMI	Area median income
CCRPC	Chittenden County Regional Planning Commission
ITE	Institute of Transportation Engineers
LEHD	Longitudinal Employer-Household Dynamics
NHTS	National Household Travel Survey
TAZ	Traffic analysis zone
TDM	Transportation demand management

1.0 INTRODUCTION

This impact fee study report proposes how land use development in the form of additional transportation capacity in the city of Burlington can accommodate new users and the demand they generate on existing infrastructure. Impact fees are a type of land use regulation that local governments use to generate revenue to construct additional mobility capacity to address and mitigate this demand. The City of Burlington retained RSG to develop this needs study to identify a fair and equitable impact fee structure for its transportation investments.

Vermont statute authorizes municipalities to levy impact fees on new development. This purpose of these fees is to allocate the cost of new capital facilities to the development that will benefit from those facilities.¹ This can include fees to offset the costs of facilities built in the past with excess capacity for anticipated future development; it can also include facilities planned to be built to accommodate future development. The statute states that the costs of such infrastructure should only include the portion associated with new capacity to accommodate the future development's demand.

The methodology for the transportation impact fee follows a “needs-based” (also known as a “plan-based”) approach. It does this by identifying the future transportation capacity necessary to mitigate the impacts of additional users generated by future land use development on the existing standards of service that users experience. Figure 1 outlines the impact fee development process.

FIGURE 1: IMPACT FEE PROCESS



Source: RSG

¹ 24 V.S.A. § 5200



This impact fee study report outlines the future growth anticipated in the city of Burlington. It then documents the basis for implementing a transportation impact fee, the purpose of which is to pay for additional capacity associated with the increased demand for transportation mobility while conforming to statutory requirements.

1.1 LEGAL BACKGROUND

The American Planning Association, which is a national organization dedicated to supporting local communities and planning processes, has developed standards for impact fees. These standards are as follows:²

- *The imposition of a fee must be rationally linked (the "rational nexus") to an impact created by a particular development and the demonstrated need for related capital improvements pursuant to a capital improvement plan and program.*
- *Some benefit must accrue to the development as a result of the payment of a fee.*
- *The amount of the fee must be a proportionate fair share of the costs of the improvements made necessary by the development and must not exceed the cost of the improvements.*
- *A fee cannot be imposed to address existing deficiencies except where they are exacerbated by new development.*
- *Funds received under such a program must be segregated from the general fund and used solely for the purposes for which the fee is established.*
- *The fees collected must be encumbered or expended within a reasonable timeframe to ensure that needed improvements are implemented. Six years in Vermont.*
- *The fee assessed cannot exceed the cost of the improvements, and credits must be given for outside funding sources (such as federal and state grants, developer initiated improvements for impacts related to new development, etc.) and local tax payments which fund capital improvements, for example.*
- *The fee cannot be used to cover normal (day to day) operation and maintenance or personnel costs, but must be used for capital improvements, or under some linkage programs, affordable housing, job training, child care, transit operations, etc. This expectation has to define costs attributed to mitigating the impacts associated with additional land use development.*

Typical management activities:

- *The fee established for specific capital improvements should be reviewed at least every two years to determine whether an adjustment is required, and similarly the capital improvement plan and budget should be reviewed at least every 5 to 8 years.*
- *Provisions must be included in the ordinance to permit refunds for projects that are not constructed, since no benefit will have manifested.*

² American Planning Association. "APA Policy Guide on Impact Fees." Available at: <https://www.planning.org/policy/guides/adopted/impactfees.htm>.



- *Impact fee payments are typically required to be made as a condition of approval of the development, either at the time the building or occupancy permit is issued.*

Vermont's impact fee statute does not preclude using funds for administrative duties associated with the management of the impact fee program. Nationally, it is common practice to collect and expend impact fees to cover time and expenses associated with the creation, management, and other administration of the impact fee program. These funds often cover the salary portion of the impact fee administrator, staff time in the preparation and review of impact fee studies, consultant or staff time preparing impact fee needs reports, and ordinance support.

2.0 TRANSPORTATION PLANNING CONTEXT

2.1 OVERVIEW – COMP PLAN AND OTHER PIECES

The city of Burlington is the cultural, recreation, and employment hub of Chittenden County. As the original shipping and rail hub, the city has had a tremendous influence on the trajectory of the other communities in Chittenden County. Burlington is large by Vermont standards, having some of the largest employers in the state, dense downtown, transit service, and other urban amenities. Burlington's resident population is about 25-30% of the population of Chittenden County and remains the largest community in the county.

The city of Burlington and is the most populous municipality in Chittenden County, with an estimated population of 44,646 as of 2022 people living within the 10.5 square miles. Burlington is approximately 27% of Chittenden County's population (168,320 in 2020).

FIGURE 2: CITY OF BURLINGTON RESIDENT POPULATION



The Comprehensive Plan specifies how Burlington is a connected city. This includes:

- People and place



- Economy and the natural environment
- Land use and development carefully coordinated with public services and natural environment considerations
- Robust transportation choices
- Recreation, services, and amenities close to where people live
- Internet and telecommunications
- Economic, social, and physical connections to our larger geographic region and beyond
- Connectivity to the world due quality telecom services, ease of travel, and professional and family connections of residents
- Opportunities for diverse cultures and backgrounds to connect
- Cohesion in decision-making and public administration
- Considering the long-term and wide-ranging impacts of decision-making

The city has used the Comprehensive Plan to inform a whole range of planning, land use, and development activities. It provides direction for maintaining and updating the city's zoning ordinance, has inspired underutilized properties to be revitalized, has led to the identification of priority lands for conservation, recommended the creation of new programs and funding mechanisms to address priority issues, and has even directed the creation of other plans and studies to investigate issues and areas of the city more thoroughly. Specifically, as it pertains to this study, the Comprehensive Plan acknowledges the role and value of impact fees as a land use regulation to offset and pay for additional capacity to meet the needs of new residents.

The Comprehensive Plan³ summaries key transportation issues:

- The regional ECOS Plan identifies much of Burlington in a 'Metropolitan Planning Area,' and downtown Burlington as a 'Center Planning Area.' These designations are intended to promote these areas for the most intensive development within our region.
- As a major hub of jobs, services, and amenities in Chittenden County it will be important for Burlington to work with other municipalities and transportation service agencies in the region to implement transportation system improvements and locate new development in dense growth centers that will make these options more viable, reduce traffic congestion, and better manage available parking resources. It is imperative that these improvements are implemented in a way that balances the needs of our changing climate, demographics, and economic vitality.
- New mobility services, including e-bikes, e-scooters, eventually automated vehicles along with improved transit and train accessibility in the city these services have the potential to significantly reduce single occupant vehicle ownership and usage, traffic congestion, and the demand for parking. But they will bring about new challenges for

³ City of Burlington 2019 planBTV Comprehensive Plan.
https://www.burlingtonvt.gov/sites/default/files/u1476/planBTV_PDFs/planBTV_2019_full_adopted_03252019.pdf



and demands on our public rights-of-way and transportation infrastructure. It will be important to monitor these systems' impact on overall vehicle miles driven, greenhouse gas emissions, and traffic congestion.

- Coordinate land use, development, and innovative transportation solutions that strengthen multi-modal corridors which reduce traffic congestion and reliance on single-occupant vehicles, and provide access to a wide range of transportation services and options. This Action 17 includes several sub-actions outlined in the comprehensive plan.

The Plan sets out a vision for the future. Impact fees can supplement additional city funds to turn this vision into a reality. Impact fees are an important tool that the city can leverage by assessing fees on new land use development that would generate additional demands on the transportation system placing a burden on the existing facilities and would benefit from additional transportation capacity.

2.2 IMPACT FEE BASIS

It is expected that future land development generates additional users which increases the demand for travel that begins and/or ends within the city. Outside of the city, growth in population throughout the county and state generates additional demand for travel, although those trips begin and end outside of the city; and therefore, not directly associated with future development in Burlington. These trips are considered “through trips”, although because of the design of the city streets and land use pattern there are few “through trips” within Burlington.

The transportation analysis in this impact fee study focuses on local traffic generated by anticipated future development. The basic unit of analysis is the Peak Hour Trip End, which is either the origin or the destination of a trip. Any given trip has two trip ends—an origin and a destination. Any trip that either begins or ends within the city is considered to be a local trip.

The PM peak hour is the analysis hour in which the fee is assessed on the number of peak hour vehicle trips. The PM peak hour is the typical design hour⁴ in the city of Burlington. It is noted that specific developments may generate a significant number of vehicle trips outside the design hour. Some uses (a religious institution, for example) may have different peak hours of traffic generation. Cumulatively however, the highest traffic volume at most locations in Burlington is during the PM peak design hour (the highest hour between 4-7pm).

Traffic impact fees are not assessed on trips that occur outside of the PM peak design hour. Limiting the period of assessment to the PM peak hour creates a consistent hour of analysis commonly used by traffic impact studies and practitioners. By assessing a fee during a particular hour of analysis the fee also acts as a transportation demand management (TDM) technique. This can encourage the development of land uses that generate travel demand outside of the peak hours to make more efficient use of the existing transportation infrastructure

⁴ Design Hour in Vermont is defined as the 30th highest hour of volume during the year.



by using available capacity at other times of the day. This same principle goes for shifting modes. As congestion may increase for one mode of travel, some users will shift modes to utilize available capacity, reduce travel times and increase accessibility.

The impact fee is assessed on vehicle trips. Vehicle trips are typically the least efficient travel mode, both in terms of space per passenger it requires, the externalities from noise, air pollution, and congestion. The fee, which mitigates demand for travel by adding multimodal capacity acts as an incentive to invite land uses that maximize nonvehicular trips and encourages any land development to reduce the number of vehicular trips. An impact fee on vehicle trips encourages a greater variety of land uses to maximize internal capture, use of TDM incentives, support transit services, as well as encourage land use patterns with greater intensity and connectivity in the urban centers to facilitate walking and biking.

2.3 HOUSEHOLD GROWTH IN BURLINGTON

The American Community Survey estimates that as of 2022, there were 18,200 housing units in the city. This is an increase of over 1,800 housing units since the 2000 Census and over 1,300 more than the 2010 Census. The majority of the housing units are renter occupied (60%) with an average of 2.04 persons per household. The remaining 40% of households are owner occupied with 2.26 persons per household⁵. The citywide average is 2.45 persons per household (44,646 persons in 18,203 housing units).

There have been attempts nationally to reduce the effect that transportation impact fees may have on housing costs, and especially, “affordable housing.” Changing the assessment on the square footage of the home or on the number of bedrooms provides a stronger relationship to the number of occupants and the quantity of travel consumed. The City has had a fee based on the square footage for some time, however, there isn’t sufficient data on the trips generated by square footage to retain that methodology.

The Burlington household sizes are consistent with national trends. Nationally, over the past half century the average size (number of persons) of the household has dropped from 3.67 persons per household in 1940 to 2.53 in 2016 as shown in Figure 3.

⁵ 2022 American Community Survey 5-year estimates (DP04)



FIGURE 3: NATIONAL AVERAGE HOUSEHOLD SIZE (1940–2016)



source: U.S. Census Data

The number of occupants per household influences the number of housing units necessary to house the population and may also influence the degree to which any household may impact the needs for goods and services. Specifically, as it pertains to transportation, if there are fewer occupants, there may be a reduction in the degree of transportation capacity a household requires. The occupancy and size of a housing unit will be valuable to consider in the future, however, it is intended that any estimate of the transportation and traffic demand will be produced by using nationally available trip generation data like that provided by the Institute of Transportation Engineers (ITE).

2.4 EMPLOYMENT TRENDS IN BURLINGTON

Burlington is a major employment hub within Chittenden County. The Census Longitudinal Employer-Household Dynamics (LEHD) data estimates 32,592 jobs⁶ are in Burlington with 24,927 (76.5%) of those being filled by those living outside of Burlington. Additionally, 9,740 residents of Burlington are employed outside of the city. The data is summarized in Table 1.

TABLE 1: LEHD JOB INFLOW / OUTFLOW (2021)

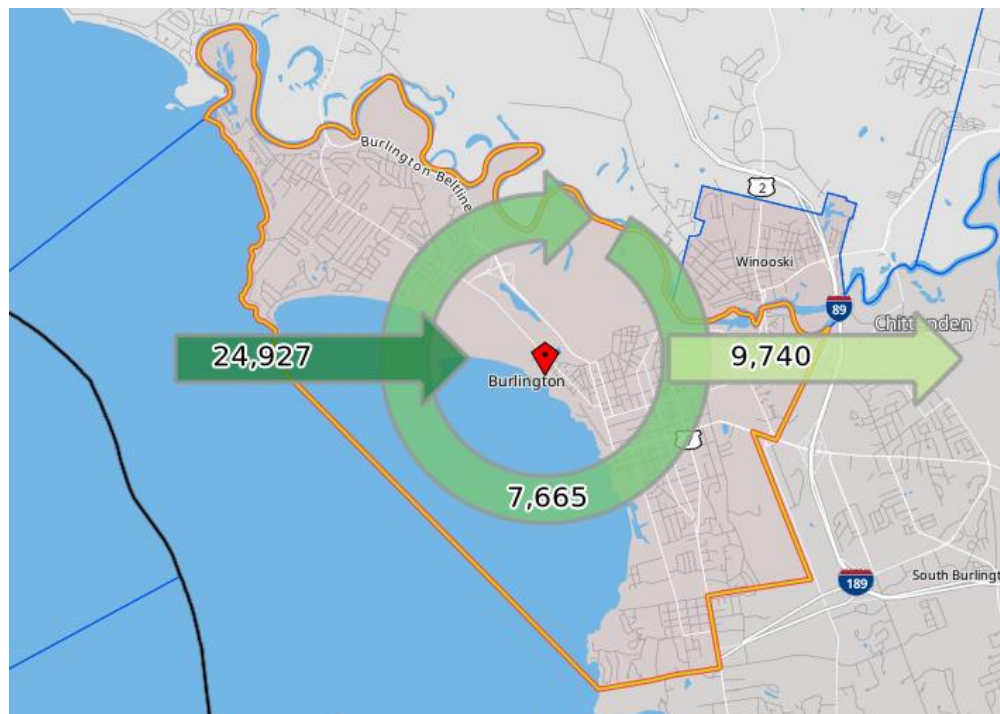
INFLOW/OUTFLOW JOB COUNTS (ALL JOBS)		
2021		
	Count	Share
Employed in the Selection Area	32,592	100.00%
Employed in the Selection Area but Living Outside	24,927	76.50%
Employed and Living in the Selection Area	7,665	23.50%
Living in the Selection Area	17,405	100.00%
Living in the Selection Area but Employed Outside	9,740	56.00%
Living and Employed in the Selection Area	7,665	44.00%

Source: OnTheMap Census (2021 LEHD)

⁶ The American Community Survey estimates jobs and employment differently than the dataset which was used by the CCRPC. There are some individuals with multiple jobs, 'gig' workers, and sole proprietorships which are not fully accounted for in the ACS data.



FIGURE 4: COMMUTE FLOWS (2021)



Source: OnTheMap Census

Table 2 shows the proportion of industries that are present in Burlington and the proportion of workers per industry. Note these are total jobs filled by either residents or non-residents.

TABLE 2: DISTRIBUTION OF EMPLOYMENT SECTORS IN BURLINGTON (2022)

INDUSTRY NAICS DESCRIPTION	% OF WORKERS IN BURLINGTON
Agriculture, forestry, fishing and hunting, and mining	0.3%
Construction	2.6%
Manufacturing	4.2%
Wholesale trade	1.1%
Retail trade	7.8%
Transportation and warehousing, and utilities	2.1%
Information	2.0%
Finance and insurance, and real estate and rental and leasing	6.4%
Professional, scientific, and management, and administrative and waste management services	11.1%
Educational services, and health care and social assistance	43.4%
Arts, entertainment, and recreation, and accommodation and food services	10.1%
Other services (except public administration)	3.5%
Public administration	5.2%
Armed forces	0.3%

Data source: ACS 2022 B08526 (5-year)



Table 3 shows the occupation of workers in Burlington. Note these are total jobs filled by either residents or non-residents.

TABLE 3: WORKERS IN BURLINGTON - OCCUPATIONS

CENSUS OCCUPATION	% OF WORKERS IN BURLINGTON
Management, business, science, and arts occupations	60.5%
Service occupations	16.4%
Sales and office occupations	14.5%
Natural resources, construction, and maintenance occupations	3.9%
Production, transportation, and material moving occupations	4.6%
Military specific occupations	0.1%

Data source: ACS 2022 B08524 (5-year)

2.5 FORECAST GROWTH

Several methods exist for developing impact fee studies. The Plan Based method is used in this update for the city of Burlington transportation impact fees. Plan based impact fee studies use an agreed vision of the future to identify the necessary capital investments to meet the future needs of residents and visitors. That agreed vision of the future starts with the development of a land use forecast for the number of new residents and jobs within the impact fee study area.

The city of Burlington and the regional metropolitan planning organization, Chittenden County Regional Planning Commission (CCRPC), have a high degree of influence in the nature of land use development in the study area. The specificity of zoning regulations along with a robust planning environment enables a confident projection of future land use conditions. The CCRPC conducts long-range planning for the communities within Chittenden County, including Burlington. Previous long-range plans have developed forecasts out to the year 2050 for each of the traffic analysis zones (TAZs) used in the regional travel demand model.

The land use forecast for the city's impact fee update starts by collecting previous long-range plans and builds upon those with more recent information.

The 2050 Metropolitan Transportation Plan (MTP) is the long-range plan developed by the CCRPC. The MTP published in 2018 included a significant effort to update previous demographic forecasts. The most recent MTP adopted in 2023 retains the land use forecasts completed in 2018.

In 2020, the Railyard Enterprise Project Environmental Assessment (EA) was started. Land use forecasts out to the year 2050 were revisited during the early phases of the study.

Conversations between the consultant team and the city of Burlington planning department indicated that the CCRPC land use forecast for several of the TAZ's in the city of Burlington require revision to reflect changes in expected land development pattern in the city. The Railyard Enterprise Project EA used this project specific version of the land use forecasts in the development of the traffic flow forecasts used in the project impact evaluation. The majority of changes in land use reflect changes in zoning in the south end of the city as well as increased density in a handful of TAZs.



The land use forecasts from the Railyard Enterprise Project provided the base from which further revisions are made in this impact fee study to reflect anticipated land use changes in the city. The Planning Department provided RSG a summary of land use changes across several TAZs. The final land use forecast used in the development of the impact fees is shown in Table 4.

TABLE 4: IMPACT FEE LAND USE FORECASTS

	2020	2030	2050
Group Quarters	5,952	6,226	6,775
Households (exc. Group Quarters)	18,288	20,584	23,378
Total Households (inc. Group Quarters)	24,240	26,810	30,153
Total Jobs	41,445	44,887	52,176

It is noted that the number of total jobs here are different than the LEHD data or Census data. Each source includes different populations and sampling methods in the data. The travel model was calibrated using a combination of data producing a custom dataset on jobs and employment within the county that better reflects part-time employment, persons with more than one job, and self-employed persons who may not file payroll data.

2.6 CHITTENDEN COUNTY TRANSPORTATION MODEL

In 2015 the CCRPC initiated a significant update to the regional travel demand model that included population and employment projections for each municipality for five year increments out to 2050. The CCRPC forecasts were used to generate estimates of new traffic generation, vehicle miles traveled, and percentage of growth in traffic that is associated with changes in land use in Burlington as opposed to traffic growth simply passing through. The land use changes forecast in the model were agreed to by the city for use in this impact fee assessment. If at any point the land use development trajectory changes from that modeled, this impact fee study should be revisited.

The model is a traditional four-step trip based travel demand model. The four steps are iterated to achieve an optimized routing pattern with stable travel times. The steps are defined as follows:

- Trip Generation – estimates the number of person trips produced and attracted to each traffic analysis zone (TAZ). The land use inputs were established with each community by allocated future households and employees manually to the TAZs.
- Trip Distribution – connects person trips between TAZs.
- Mode Choice – splits person trips into single occupant vehicles, shared vehicle trips, transit trips, or walk/bike trips.
- Assignment – Selects the shortest route for each vehicle and transit trip traveling from one TAZ to another based on distance and travel time.

This study incorporated the anticipated land use changes to occur in Burlington by 2035. The land use changes included household growth and increases in specific sectors of the economy.



In total, an estimated 2,300 new households would be constructed, and 3,450 new jobs would be based in Burlington by 2035. Table 5 summarizes the land use changes forecast by 2035.

TABLE 5: LAND USE CHANGES ANTICIPATED IN BURLINGTON BY 2035

2025–2035 LAND USE CHANGES		
Residential Growth		Housing Units
	New households	2,300
Employment Growth		Employees
	Accommodations	170
	University & College	30
	Commercial	1,010
	Industrial	590
	Institutional	390
	Educational	120
	Retail	1,140
Total Employment Growth		3,450

Source: CCRPC Land Use analysis by RSG⁷

2.7 TRIP GENERATION FORECASTS

The land use changes associated with the new housing units and commercial space were evaluated in the travel model in addition to all the other growth and changes in land uses within the county by 2035. The regional travel model accounts for growth in other communities within Chittenden County as well as estimated growth for trips that originate outside the county and for trips that may only pass through the county. The regional model produced estimates of the number of new travel demand associated with the land use changes summarized in Table 5.

Impact fees are assessed on a project by project basis by practitioners often using the Institute of Transportation Engineers (ITE) Trip Generation manual. The number of vehicle trips expected to be generated by the land development is a function of several assumptions and trip generation adjustments such as the density of the project, site location (e.g., urban, suburban), proximity to transit, and mix of nearby uses. The travel model also attempts to account for all these factors. Specifically, the factors: TDM and non-auto travel, internal capture (mix of complementary land uses within a travel analysis zone), and pass-by (trips that detour to a location en route to their primary destination). While the ITE Trip Generation manual 11th edition is starting to consider land use type in the vehicle trip generation rates, it is expected to be a vehicle-centric estimate of demand.

⁷ The land use iteration used in the impact fee study reflect the changes in the land use that occurred during the I-89 Corridor Study and the Railyard Enterprise Scoping Study and subsequent NEPA Environmental Analysis.



Using both a 'bottom up' approach of estimating the trip generation based on ITE trip rates and a 'top down' approach using direct output from the travel model results in an estimate of 2,360 new vehicle trips generated by the forecast changes in land development. Appendix XX has additional information on the trip generation estimate approaches.

2.8 EXISTING CAPACITY

Impact fees are based on the presumption and expectation that new users to the area will negatively affect the experience that existing users have. The concept is that existing users have a certain capacity or amount of supply available to them to use, which they have paid for through user fees, impact fees, or tax dollars. If new users are added to the system without adding additional capacity, then there is a reduction in the standard of service for those existing users.

Table 6 shows the derivation of the current transportation capacity (i.e., supply) per user. The capacity is from Table 8 and the Table 7.

TABLE 6: EXISTING CAPACITY PER FACILITY TYPE PER USER

Facility Type	Existing Miles [A]	Hourly Person Miles of Capacity (at LOS E) [B]	Users in Burlington [C]	Ratio Person Miles of Capacity to Users [D]
Standard bike lanes	25.1	13,952	65,466	0.213
Protected bike lanes	0.3	981	65,466	0.015
Road lanes	399.9	863,884	65,466	13.196
Shared use paths	6.5	5,788	65,466	0.088
Sidewalk - Less than 5 ft	81.5	17,837	65,466	0.272
Sidewalk - 5-10 ft	44.9	26,034	65,466	0.398
Sidewalk - Over 10 ft	2.2	3,223	65,466	0.049
Sidewalk - no description of width	0.6	392	65,466	0.006

The existing capacity per user defines the current standard which is enjoyed by the users of the city today. The capacity is compared by user group, population, employment, and users in Table 7.

TABLE 7: TOTAL EXISTING CAPACITY BY USER

Segment	Existing Market Segment Users in 2023 [A]	Existing Hourly Person Miles of Capacity (PMC) [B]	PMC / Market Segment [C]
Population	44,743	932,092	20.83
Employment	41,445	932,092	22.49
Users	65,466	932,092	14.24

The analysis of using person miles of capacity indicates that 14.3 hourly person miles of capacity exists in the city for every user. This capacity is the full extent of miles of capacity if every mode and facility type were to be utilized to its fullest extent, when demand equals the



capacity of the system. This is not reasonable or logical (imagine if every road, sidewalk, bike lane was completely full of users). However, the availability of systemwide capacity does acknowledge that over the years the city has funded and constructed a diverse and extensive transportation system to meet the varied needs of the users. The approach used in this study accounts for *actual* demand relative to capacity (existing current utilization of available capacity is estimated to be around 46%).

2.9 FUTURE NETWORK CAPACITY

The City of Burlington is actively planning and constructing many transportation infrastructure projects to be open and functional by the year 2035. Approximately 20 miles of new facilities are expected, including roads, significant changes in the supply of bike lanes, both standard and protected, as well as shared use paths and sidewalks.

The city has conducted several studies over the past years identifying the types of projects and desired changes in the transportation system. These include the following studies used to identify future capacity in this study:

- North Avenue Corridor Study
- Colchester Avenue Scoping Study
- Colchester – Riverside Scoping Study
- BTV ONE (Old North End) Bikeway and Connectivity Study
- Pearl – Prospect – Colchester Scoping Study
- planBTV WalkBike Plan
- Queen City Park Bicycle Connections Scoping Study
- South End Project sequencing
- Winooski Avenue Transportation Study
- Burlington South End Multimodal Feasibility Study
- Railyard Enterprise Scoping Studies and NEPA study

Table 8 shows the existing and future lane miles by facility type anticipated by 2035. Transportation Projects

Appendix Figure 4 includes the full list of future transportation capacity projects.

TABLE 8: EXISTING AND FUTURE CAPACITY BY 2035

Facility type	Existing miles [A]	Future miles [B]	Existing Person miles capacity	Future person miles capacity
Standard bike lanes	25.1	31.41	13,952	17,449



Protected bike lanes	0.3	4.51	981	13,142
Road lanes	399.9	400.68	863,884	865,467
Shared use paths	6.5	11.06	5,788	9,908
Sidewalk - Less than 5 ft	81.5	81.54	17,837	50,693*
Sidewalk - 5-10 ft	44.9	48.77	26,034	
Sidewalk - Over 10 ft	2.2	2.24	3,223	
Sidewalk - no description of width	0.6	0.58	392	
Total	561.1	580.8	932,092	956,660
Absolute Change	-	19.7		24,568
% Change in Total		3.5%		2.6%

*The future conditions replaced some facilities, added others, and to be conservative in estimating change in person miles capacity all replaced sidewalk was considered at the 5' width.

Table 8 shows that the city is expected to increase hourly person capacity by 2.6% over the next 10 years across a variety of projects and facility types. The increase in capacity is in contrast to the 12% increase in population, 8% increase in employment, and an average of 11% increase in the daily Users in Burlington (see Table 8 above).

The increase in capacity appears to be inadequate given the increase in the new number of users projected by the year 2035. However, this approach that compares the rate of growth of new users with the amount of capacity is referred to as the “ratio based” approach. Rather than this method, this impact fee study uses the Plan Based approach. The Plan Based approach considers a future vision for the system and appreciates a more nuanced and complex approach to what amount of capacity is actually warranted based on the increase in projected demand.

Plan Based Approach:

This approach is designed to reflect what the demand for transportation capacity is, what the system looks like, and how well does it operate. Based on an agreed vision for the future the new users would contribute impact fees based on the amount of that future capacity they will consume. The plan based approach is designed around a specific set of projects, a forecast level of demand, and a vision for the how the system works – while fairly allocating the cost burdens for realizing that vision. The plan based approach is used in the transportation impact fee calculation.

Standards (Consumption) Based Approach:

This approach bases the impact fee on the generalized cost for developing new transportation capacity in the city. Each land use development would then be assessed the cost to create the same amount of capacity that the users of that land use development would demand or consume. It often isn't based on a specific project list and would often expand capacity in a linear, marginal way, which may challenge changes in the way the service standard evolves over time. In the case of Burlington the shift towards funding a diverse multimodal transportation system a change in the ratios used as well as challenges using the generalized cost of providing multimodal transportation capacity.



2.10 CAPACITY CONSUMED BY LAND USE DEVELOPMENT

The demand for transportation capacity given the growth in person trips per PM peak hour are also considered to derive the future estimate of demand. Table 9 shows the expected vehicle miles of travel consumed by growth and development and the non-vehicle person miles of travel. First, it accounts for vehicle trips and the share of new travel demand in vehicles. Second, the travel demand accounts for non-vehicular trips and the shorter average trip length. The overall growth in person miles of travel (PMT) associated with land use change in Burlington is the sum of vehicle and non-vehicle trips. The vehicle trips are expected to travel further, the full 1.8 mile trip length as estimated in the travel model, while the multimodal travel is a weighted average of walking, biking, and transit trip lengths.

TABLE 9: MULTIMODAL MILES OF TRAVEL DEMAND GROWTH

	Growth by 2035 PM Peak Hour
Growth in Vehicle Trips per PM Peak Hour [a]	2,200
Trip Length (miles) [b]	1.8
Vehicle Occupancy [c]	1.2
PM peak hour vehicular PMT consumed by new growth [d]	4,752
Growth in non-vehicle trips per PM Peak Hour [e]	1,000
Weighted Average Trip Length for non-vehicle trips (miles) [f]	0.75
PM peak hour person miles of travel consumed by new growth [g]	750
Total growth in PMT per PM Peak Hour [h]	5,502

The bottom row [h] of Table 9 shows the total person miles of travel demand (5,502) associated with the new land use development and growth by 2035. The results are derived using regional travel demand model data which estimates the vehicle trips and the trip length. The non-vehicle trips are derived through model data on person trips, land use changes, and expectations on pass-by, internal trip capture, travel demand management (walking, biking, transit), and working from home.

This table provides a more accurate description of how future demand in the year 2035 will use the available capacity. Some users will benefit from the improved walking and biking infrastructure, while some roads will become increasingly utilized, while some facilities may have improved operations. The table suggests that rather than 24,568 new person miles of capacity (the difference in capacity in Table 8) scaled to population and employment growth during the PM peak hour the city will consume far less capacity, at 5,502 person miles of demand by the year 2035. The regional travel demand model is a helpful tool to help evaluate how travel behaviors will change as the city becomes more dense and diverse in land uses providing users alternatives to today.

The service standard that users of the transportation system experience today is one gauge of the system performance. The existing demand to capacity (DC) is used to establish a DC

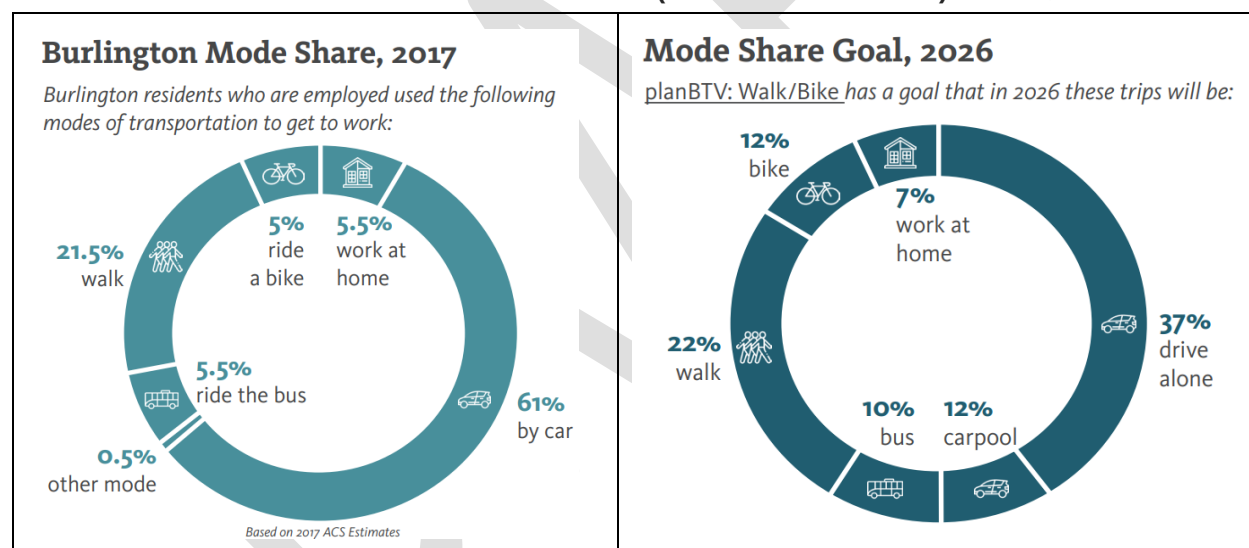


weighted service standard across the citywide multimodal system.⁸ The existing system has a weighted DC ratio across *all the facilities* in the city of 0.46. If the city were to provide additional capacity at today's service standard it would require 11,928 person miles of hourly capacity added to the system ($5,502 / 0.46$).⁹

It is reasonable and expected that in the future the system should be *more heavily utilized*. This would increase demand and use for the active modal infrastructure and as vehicle congestion may increase, some users will shift to non-vehicle modes. If the city sets a future standard of service target at a *higher* utilization across the system, then the amount of capacity added to the system to accommodate the demand by the year 2035 can be *less*.

The higher utilization of the existing infrastructure is reinforced by the city's long-range planning efforts. The plan for building multimodal infrastructure and improved utilization of existing infrastructure aligns with the city's Comprehensive Plan and travel mode share goals. The mode share as of 2017 is shown in Figure 5 along with the mode share goal for the year 2026.

FIGURE 5: BURLINGTON TRAVEL MODE SHARES (EXISTING AND GOAL)



If the weighted DC ratio were to increase to a ratio of 0.71 (as opposed to 0.46 estimated today) then the expected travel demand of the land use development would require 7,749 in new person miles of hourly capacity. A DC of 0.71 is similar to a level of service (LOS) "C."¹⁰ LOS is a common way to describe various ways the system is experienced by users (travel speed, average delay per vehicle, time waiting for a bus, experience walking or biking, etc.).

⁸ Demand to capacity (DC) is equal to volume to capacity (VC) for facilities when the DC is less than 1.0. The systemwide DC ratio is weighted by the volume of the facility (more heavily trafficked roads contribute to the average more than less trafficked roads).

⁹ The travel model for the PM peak period had a weighted average VC ratio of 0.50 for the roadway street segments. Appendix Figure 3 shows the existing VC ratios and the future standard of service.

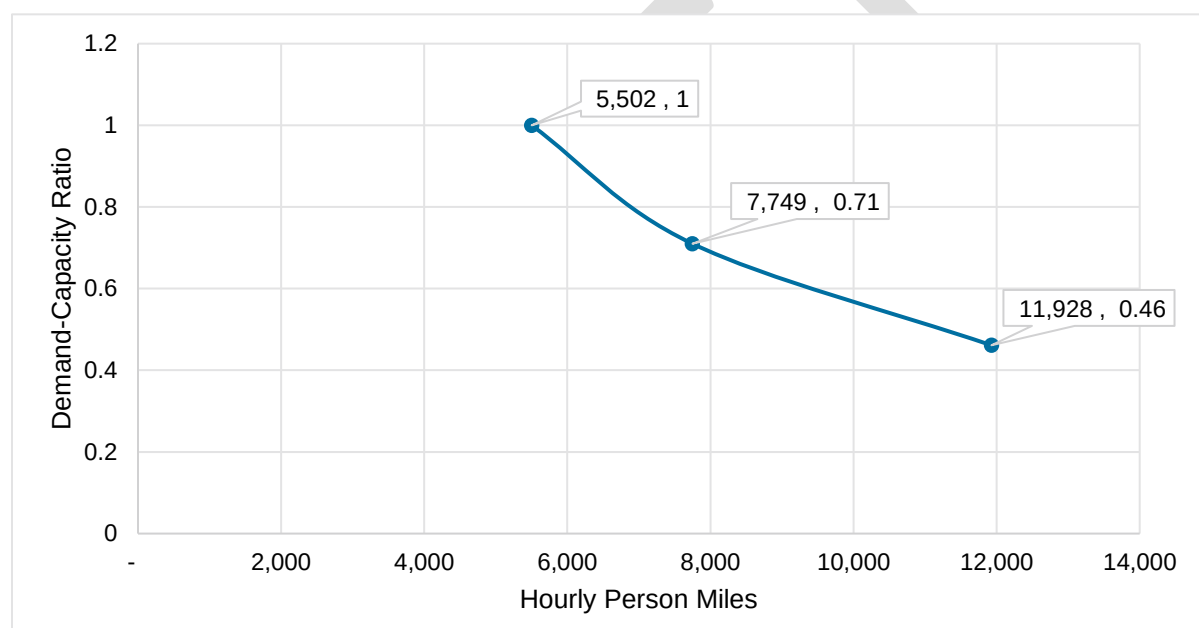
¹⁰ See Appendix Figure 2 for the Highway Capacity Manual summary of VC ratio and Level of Service.



To put the DC ratios in perspective, imagine if the city expects that all new facilities would be fully utilized (DC =1), then the person miles of capacity *supplied* would equal those person miles *demanded* (5,502). Figure 6 visualizes the relationship between the supply provided and the demand (Table 9) using the DC ratio. Specifically:

- Supply equals demand at fully utilized capacity provided (DC ratio of 1.0) at 5,502 person miles
- Supply at the existing 0.46 DC ratio equals 11,928 person miles (lowest point)
- Supply at the service standard threshold of 0.71 DC equals 7,749 person miles (middle point)

FIGURE 6: SUPPLY PROVIDED AT DIFFERENT DC RATIOS



The amount of existing planned projects by the year 2035 is expected to add 24,569 new person miles of capacity during the PM peak hour (Table 8). However, the land use growth expected and modeled by the year 2034 suggests that 7,749 person miles of hourly capacity (at a LOS “C” DC ratio of 0.71) would be needed.

This suggests that the share of new capacity needed to serve the travel demands of new land use development and growth by the year 2035 is only 32% of the overall amount of new capacity being created (Equation 1).

EQUATION 1: LAND USE DEMAND ON NEW CAPACITY BY 2034

$$\frac{(7,749 \text{ person miles of demand by 2035})}{(24,569 \text{ person miles of capacity created by 2035})} = 32\%$$



This impact fee analysis reinforces the findings from other regional and local long range planning efforts that the transportation capacity to be constructed by 2035 is sufficient to accommodate the travel and transportation needs of city growth and land development beyond the year 2035.

DRAFT



3.0 PROJECTS

3.1 PROJECT IDENTIFICATION

This section summarizes the identification and selection of the transportation projects that comprise the transportation impact fee. The projects have been developed over many years through the course of several transportation studies, plans, and community conversations. The many planning studies provide a myriad of possible transportation system investments that would be necessary to meet the mobility needs of the future residents and employees.

These projects were identified by synthesizing numerous studies, reviewing the capital program, expected new infrastructure with land development, and prioritizing projects with various committees and other stakeholder groups.

The city has identified six priority projects that are eligible for impact fee funding. These are a subset of the projects included in the total transportation capacity shown in Table 8. The impact fee priority projects are those that widely benefit the city at large as well as provide important multimodal connections that support the city's mode shift goals. Several of the projects would create additional bicycling and pedestrian capacity by shifting curb lines, removing parking, with some reallocating road space away from vehicles toward walking and biking. The portion of the projects eligible for impact fee funding has been adjusted to account for replacing or removing capacity, as impact fee funds can only be used to build new capacity.

TABLE 10: IMPACT FEE PROJECT LIST

Project Name	Description
Union Street	Road Reconstruction (protected bike lanes to replace the existing bike lanes, moving curb, removing parking, narrowing lanes)
Battery Street	Road Reconstruction (Various Multimodal Elements TBD)
North Street	Road Reconstruction (on-street bike lanes, removing parking, narrowing lanes)
Pearl Street	Road Reconstruction (protected bike lanes, moving curb, removing parking, narrowing lanes)
Main Street (East)	Road Reconstruction (shared use path connectivity)
Colchester Ave	Road Reconstruction (Shared Use Path, improved sidewalk, transit pull outs, new signals)

The full list of projects considered for impact fee funding comes to \$44.3 million dollars, as shown in Table 12. However, some projects are not fully eligible for 100% impact fee funding because some portions of the project are replacing existing transportation capacity or replacing non-transportation components (i.e., stormwater systems). The portion of the new capacity eligible for impact fee funding comes to \$34.2 million dollars.



3.2 COSTS AND UTILIZATION OF PROJECTS

The cost of new projects is the cost of new capacity intended to meet the city's transportation needs into the future and be in alignment with the city's comprehensive plan. Projects that are eligible for impact fee funding must create new capacity and benefit the community and those paying impact fees. The projects themselves can be funded either fully or partially with impact fees. The costs of the projects must also be fairly attributed to growth and that the new users are not contributing or mitigating more than their level of impact on the system.

The total cost (col [A]) is discounted to account for the amount of new capacity being added, as well as whether the new capacity will be used by local Burlington land use or serve through traffic. The share of new capacity associated with a project to serve through traffic (users who need capacity but don't have an origin or destination in the city) requires non-impact fee funding to cover that share of the cost (col [G]). The impact fee is calculated on a per user change, regardless of whether they are local or not. The share of local vs through traffic simply changes the amount of revenue which can be expected to cover the cost of the additional capacity.

The funding details for each impact fee project is shown in Table 11.

TABLE 11: BURLINGTON IMPACT FEE PROJECT LIST

Project	Total project cost [A]	Percent Eligible for Transportation Impact Fee (% new capacity, associated with new growth and new users) [B]	Local Users vs External Users (estimated %) [C]	Total cost (Impact fee eligible portion) [D=A*B]	Total cost (Non impact fee eligible) [E=A-D]	Growth Portion with External Users (requires non-impact fee funds) [F=(1-C)]
Union Street	9.6 \$/m	62%	100%	6.0 \$/m	3.7 \$/m	0.000 \$/m
Battery Street	4.3 \$/m	50%	100%	2.2 \$/m	2.2 \$/m	0.000 \$/m
North Street	8.3 \$/m	100%	100%	8.3 \$/m	0.0 \$/m	0.000 \$/m
Pearl Street	6.5 \$/m	100%	100%	6.5 \$/m	0.0 \$/m	0.000 \$/m
Main Street (East)	8.7 \$/m	90%	90%	7.8 \$/m	0.9 \$/m	0.781 \$/m
Colchester Ave	7.0 \$/m	50%	95%	3.5 \$/m	3.5 \$/m	0.175 \$/m
Totals	44.3 \$/m			34.2 \$/m	10.2 \$/m	1.0 \$/m

The table shows the elements of each project including the total cost and the share of that project associated with growth as well as local land development. The columns include:

- Column [B] accounts for the share of the cost associated with new capacity
- Column [C] accounts for share of the project that serves local traffic (trips with an origin or an end in the city)
- Column [D] accounts for the cost of new capacity to be allocated among all trips consuming that capacity.
- Column [E] shows the cost of the project that is not able to use impact fee funds.
- Column [F] shows the cost of the projects which is associated with growth but cannot be collected from local land use development.



The estimated capacity associated with the impact fee projects is shown in Table 12.

TABLE 12: IMPACT FEE PROJECT CAPACITY IN PERSON MILES

Project	Total Project Cost [A]	Total cost (Impact fee eligible portion) [C]	Additional Hourly Capacity [B]
Union Street	9.6 \$/m	6.0 \$/m	1,197
Battery Street	4.3 \$/m	2.2 \$/m	186
North Street	8.3 \$/m	8.3 \$/m	1,263
Pearl Street	6.5 \$/m	6.5 \$/m	2,596
Main Street (East)	8.7 \$/m	7.8 \$/m	1,188
Colchester Ave	7.0 \$/m	3.5 \$/m	3,517
Totals	44.3 \$/m	34.2 \$/m	9,947

Equation 1, above, indicates that 32% of the capacity added over the next 10 years would be consumed by the demand generated by the land use development over that same time period. Therefore, the cost of the impact fee projects can also be spread over a longer period, with only 32% of the costs imposed on the land use growth and development over the next 10 years.

EQUATION 2: IMPACT FEE PORTION OF PROJECTS BY 2035

32% of capacity need attribute to growth by 2035	X	\$34.16 million eligible project costs	=	\$10.78 million
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Because the capacity of the projects to be built over the next ten years will likely have available capacity to accommodate new years beyond 2035, the city would have the option to continue to collect impact fees beyond the year 2035 as long as the demand to capacity across the system is below the 0.71 DC service standard used in this study.

The analysis indicates that the list of impact fee eligible projects provide sufficient additional capacity (9,947 person miles of travel) to more than mitigate the demand that is anticipated with growth and land use development by 2035 (5,502 person miles of travel, see Table 9).

The impact fees can be designed in various ways to fairly assess growth to mitigate its impact on the system. The impact fee projects will add new capacity to the system, but the amount of new capacity cannot exceed the level of impact imposed by the new development.

It is estimated that the total capacity added to the city of Burlington's system over the next 10 years will provide nearly 25,000 hourly person miles of capacity. It is further estimated that the new land use and development would generate demand for 5,502 person miles of capacity. Both of these methods account for a fully utilized (demand to capacity = 1) system.

The multimodal transportation system has existing spare capacity. As growth and development continue the system will absorb that demand, however, additional capacity is still warranted because of the need to increase the diversity and variety of facility types to attain the desired mode share goals shifting trips away from vehicles towards walking and biking. It is estimated that the land use growth would require 7,749 person miles of capacity if the new capacity is



expected to have a DC ratio of 0.71. To contrast this, using the existing DC ratio (0.46), the new land use development would require nearly 12,000 person miles of capacity.

The demand for travel (5,502) from the new land use development is less than the total amount of capacity expected to be constructed over the next 10-year period (24,569). The supply assessed to land use growth and development through impact fees is intended to be 7,749 which is less than the supply to be constructed over the next 10-year period.

4.0 BASE IMPACT FEE

4.1 COSTS OF PROJECTS

The share of the projects eligible for impact fee funding was shown in Table 11, where \$34.2 million of new capacity is eligible for impact fee funding. Much of these projects are eligible for federal funding support using the traditional 80/20 cost sharing split. If the city is to rely on obtaining 80% of the project cost through grants and other federal support that would dramatically reduce the city's share of the cost for delivering the impact fee projects.

Table 13 estimates the federal grant support for each of the six impact fee priority projects and the resulting local funding share and impact fee assessment.

TABLE 13: IMPACT FEE PROJECT COSTS AFTER 80/20 SPLIT

Project	Grant support [A]	Local project cost [B]	Percent Eligible for Transportation Impact Fee (% new capacity, associated with new growth and new users) [C]	Local Users vs External Users (estimated %) [D]	Total cost (Impact fee eligible portion) [E=B*C]	Total cost (Non impact fee eligible) [F=B-E]	\ Growth Portion with External Users (requires non-impact fee funds) [G=(1-D)]
Union Street	7.7 \$/m	1.9 \$/m	62%	100%	1.2 \$/m	0.7 \$/m	0.000 \$/m
Battery Street	3.4 \$/m	0.9 \$/m	50%	100%	0.4 \$/m	0.4 \$/m	0.000 \$/m
North Street	6.6 \$/m	1.7 \$/m	100%	100%	1.7 \$/m	0.0 \$/m	0.000 \$/m
Pearl Street	5.2 \$/m	1.3 \$/m	100%	100%	1.3 \$/m	0.0 \$/m	0.000 \$/m
Main Street (East)	6.9 \$/m	1.7 \$/m	90%	90%	1.6 \$/m	0.2 \$/m	0.156 \$/m
Colchester Ave	5.6 \$/m	1.4 \$/m	50%	95%	0.7 \$/m	0.7 \$/m	0.035 \$/m
Total	35.5 \$/m	8.9 \$/m			6.8 \$/m	2.0 \$/m	0.2 \$/m

In summary, if the city pursues the projects in the absence of federal support, \$34.2 million of the total cost is eligible for impact fees. If the city anticipates federal support of 80% of the total cost, then \$6.8 million of new capacity is eligible for impact fees.

[We need to identify the source of the 2.2 million of non-impact fee funding required to make the 20% local share]



4.2 BASE IMPACT FEE

Base impact fees are the raw, unadjusted fees which are later discounted for credits and other incentives. The fee will be charged on the number of PM peak hour vehicle trips, consistent with other communities in Vermont and the Vermont Agency of Transportation's Statewide impact fee enabling legislation, per Act 145 of 2014-Transportation Impact Fees (10 VSA Sections 6101-6111).

Thirty-two percent (32%) of the new impact fee project capacity is needed to meet the needs of land use development by the year 2035. The impact fee costs allocated to land use growth and development accounts for this 32% cost share. This is the base fee which would be the legally defensible maximum the city could assess to new land use development to pay for their contribution to the increased capacity in the transportation system by the year 2035.

The base impact fee is derived in Equation 3.

EQUATION 3: BASE IMPACT FEE

$$\text{Base fee} = \frac{\text{Cost of new projects} \times \text{Growth Share of 2035 Capacity}}{\text{Total Growth (new PM trips per hour)}}$$

Table 14 shows the derivation of the base impact fee with the two different assumptions on the level of grant support to reduce the cost of the impact fee projects.

TABLE 14: BASE IMPACT FEE

Scenario	Cost of Impact Fee Capacity [A]	Growth Share of New Capacity by 2034 [b]	Total Growth (PM peak hour Veh Trips) by 2035 [C]	Base Impact Fee Per PM peak hour vehicle trip [D]
Six Projects with Zero Grant Support	~34.2 \$/m	32%	2,200 [local growth] 160 [through traffic] 2,360 total veh trips	\$4,632
Six Projects with 80% Grant support	~6.8 \$/m	32%	2,200 [local growth] 160 [through traffic] 2,360 total veh trips	\$926

Conclusions and Next Steps

The fee will be based on the **vehicle trips during the PM peak hour** as the unit of measure for the impact on the transportation system and its alignment with the goals identified in the city's comprehensive transportation plans, its consistency with Institute of Transportation Engineers (ITE) traffic studies, and ability to be monitored and empirical derived for any specific land use. Impact fees are assessed on the primary vehicle trips generated by a land use change that increases trip generation from a previous use.

A trip generation study conducted as part of a traffic impact study or independently would determine primary vehicle trips, which would estimate total trips and subtract pass-by trips. If the



land use change replaces an existing use, the trips generated from the existing use shall be subtracted and only the difference in trips are assessed the fee.

The **plan based impact fee method** is used that accounts for a forecast land use and travel demand and specific list of transportation investments. The approach provides several benefits including its strong alignment with the state statutes of identifying investments in the capital program, the extensive work done in the city and the region to identify specific investments, and the ability to selectively decide which of the overall projects are best suited for impact fee funding. The plan based approach is the most common in the northeast and in multimodal transportation impact fee studies in general.

The amount of new capacity being added to the system by the year 2035 is extensive. So much so that the projected increase in trips associated with the 12% increase in population, and 8% in jobs in the city is expected to consume only 32% of the new capacity, with an increasing degree of utilization relative to today. This expectation that the new capacity will more heavily utilized in the future is common and is in agreement with impact principles that require that impact fees do not improve standards beyond what is experienced today. This is consistent with the city's comprehensive vision of improved walking, biking, and transit which has more demand using existing multimodal capacity as well as the new capacity.

4.3 CREDITS

Credits are adjustments to the base impact fee that a land use would be assessed. Typically, two credits are possible; infrastructure credit and revenue credits. The credits are applied after the base impact fee is calculated, as per equation:

$$\text{Impact Fee} = (\text{Cost per PM Peak Hour Trip} \times \text{New PM Peak Hour trips}) - (\text{Applicable Credits})$$

Infrastructure Credits

Any land use development that physically constructs any project identified in Table 10 is eligible for a reduction in impact fees, up to the total amount of the impact fee liability.

When the credit is in excess of the impact fee liability, the City Council has the authority to retain the balance of that credit and apply that balance to future land development projects carried forth by that same business or land development entity. The city ordinance determines how any credit may be used, as long as the credit does not exceed the cost of the project used to develop the impact fee, and the duration of time that the credit may be in effect before expiring.

The credit is also applicable even if the project was in satisfaction of a condition of the land use development permit imposed during the development review process. This reduces the perception of double payments and incentivizes development in areas identified for transportation infrastructure.



Revenue Credits

Revenue credits discount the base impact fee to reduce the chance that a land-use development in the city would be funding the same capital improvement through two different funds. This frequently occurs when the land use owner (e.g., developer) pays property taxes and a portion of which goes to fund the capital project that the impact fee contributed toward. In this case, it is necessary to offset the impact fee by a credit value to eliminate the double payment toward the same capacity. The credits equal the discounted present value of the stream of tax payments used for those expenditures.

For example, the project is a \$10 million project. 80% federal funds. \$2 million for local development. 50% of the new project is associated with new capacity. \$1 million is available for impact fee funding. This requires that the property tax is used to generate the \$1 million difference. The amount of property tax that the land use development contributes (as a portion of the overall city grand list) is discounted from their impact fee.

The stream of tax payments is broken into two parts: that which occurs before the land-use development occurs (called **past tax payments**), and that which occurs after the development comes onto the grand list (called **future tax payments**). The past tax payment determines the amount of tax payments on the raw or previously developed land made prior to the payment of the impact fee. The future tax payment accounts for the stream of future tax payments made on the new development after the impact fee was paid.

The property tax valuations on residential and nonresidential are different enough to warrant two mechanisms to calculate the credit.

The City of Burlington had originally anticipated avoiding the need for any local property taxes for the capital projects funding gap, negating any need for revenue credits. However, the test above identifies how the credits are to be considered if they do become necessary.



APPENDIX A. CAPACITY OF INFRASTRUCTURE

The facility capacities are shown in the table below. The capacities are derived from several sources and represent hourly flows. However, this analysis attempts to reflect the situation that while the capacity of a facility such as a protected bike lane or a sidewalk may have a high point capacity, the trip lengths are relatively short and the collective benefit to the city is muted. Over time as trip lengths increase for bike trips the net capacity of the system can increase. However, at this time this approach using a conservative trip length estimate was used which reduced the capacity relative to the vehicle trip length modeled for the city. For example, the vehicle trip length is 1.8 miles. If a trip length on a bike lane is averaging 0.5 miles, it is 28% of the vehicle trip length. Thus, the capacity of bike lanes would be 28% of what is the hourly point capacity (28% x 2,000 = 556).

APPENDIX FIGURE 1: PERSON MILE CAPACITIES FOR FACILITY TYPES

Trip Length Accounting	Normalized to Vehicle Length	Facility	Existing VC Ratio (existing utilization of capacity)	Future Acceptable VC Ratio (future utilization of capacity)	Hourly Point capacity (LOS E)	Trip Length Adjusted Hourly Point capacity (LOS E)
0.5	28%	Bike lanes	0.25	0.6	2,000	556
0.75	42%	Protected Bike Lanes (2-way)	0.25	0.6	7,000	2,917
0.75	42%	SUP (10')	0.35	0.5	2,500	1,042
0.75	42%	SUP (8')	0.35	0.5	1,800	750
0.75	42%	SUP 12'	0.35	0.45	2,700	1,125
1.8	100%	Road lane (with 1.2 occupancy)	0.3	0.75	2,160	2,160
0.25	14%	Sidewalk 3'	0.4	0.65	1,350	188
0.25	14%	Sidewalk 4'	0.4	0.65	1,800	250
0.25	14%	Sidewalk 5'	0.4	0.65	2,200	306
0.25	14%	Sidewalk 6'	0.4	0.65	2,700	375
0.25	14%	Sidewalk 7'	0.35	0.6	3,150	438
0.35	19%	Sidewalk 8'	0.35	0.6	3,600	700
0.35	19%	Sidewalk 9'	0.35	0.6	4,050	788
0.35	19%	Sidewalk 10'	0.35	0.6	4,500	875
0.5	28%	Sidewalk 11'	0.35	0.6	4,950	1,375
0.5	28%	Sidewalk 12'	0.35	0.6	5,400	1,500



The Highway Capacity Manual (HCM) adopts the LOS approach.¹¹ Because of the simplicity, LOS has become extremely popular in practice.¹² The LOS can be determined by various traffic quantities, such as density, speed, volume to capacity ratio, and maximum service flow rate. The LOS of a roadway can be determined by the scale intervals of the volume to capacity ratio (V/C), as shown in Appendix Figure 2 below.¹³

APPENDIX FIGURE 2: HCM DELAY AND VC RATIO

LoS Class	Traffic State and Condition	V/C Ratio
A	Free flow	0–0.60
B	Stable flow with unaffected speed	0.61–0.70
C	Stable flow but speed is affected	0.71–0.80
D	High-density but the stable flow	0.81–0.90
E	Traffic volume near or at capacity level with low speed	0.91–1.00
F	Breakdown flow	>1.00

¹¹. Manual, H.C. Transportation Research Board Special Report 209; Transportation Research Board: Washington, DC, USA, 1994.

¹² Wan, C.; Yang, Z.; Zhang, D.; Yan, X.; Fan, S. Resilience in transportation systems: A systematic review and future directions. *Transp. Rev.* 2018, 38, 479–498. [CrossRef] and Tang, J.; Heinemann, H.R. A resilience-oriented approach for quantitatively assessing recurrent spatial-temporal congestion on urban roads. *PLoS ONE* 2018, 13, e0190616.

¹³ Afrin, Tanzina & Yodo, Nita. (2020). A Survey of Road Traffic Congestion Measures towards a Sustainable and Resilient Transportation System. *Sustainability*. 12. 4660. 10.3390/su12114660.

APPENDIX FIGURE 3: EXISTING AND FUTURE MILES AND VC RATIOS OF FACILITY TYPES

Type	Existing Miles	Existing person miles capacity (PMC)	Weighted Existing VC ratio	Future miles by 2034	Change in PMC (future – existing)	Future PMC	% increase in facility miles	Future VC ratios
Standard bike lanes	25.1	13,952	0.250	31.4	3,497	17,449	25.1%	0.600
Protected bike lanes	0.3	981	0.250	4.5	12,161	13,142	1240%	0.600
Road lanes	399.9	863,884	0.500	400.7	1,584	865,467	0.2%	0.750
Shared use paths	6.5	5,788	0.350	11.1	4,698	9,908	71.2%	0.483
Sidewalk - Less than 5 ft	81.5	17,837	0.400	81.5		17,837	0.0%	0.650
Sidewalk - 5-10 ft	44.9	26,034	0.370	48.8		28,291	8.7%	0.620
Sidewalk - Over 10 ft	2.2	3,223	0.350	2.2		3,223	0.0%	0.600
Sidewalk - NaN	0.6	392	0.373	0.6	2,630	392	0.0%	0.623
Total	561.1	932,092	0.46	580.8	24,569	955,711		0.71

APPENDIX B. TRANSPORTATION PROJECTS

APPENDIX FIGURE 4: TRANSPORTATION PROJECTS

Pro ject ID	Project name	Impact fee project	Construct ed or functional by 2034	Road miles	Road PMC	SUP miles	SUP PMC	Sidewalk miles	Sidewalk PMC	Protected Bike Lane Miles (length)	Protected Bike Lane PMC (2- way)	Bike lane miles	Bike lane PMC	Hourly capacity	Hourly capacity of new impact fee projects
101	Railyard Enterprise Project	0	1	0.7	1472.7	0.3	355.1	0.3	865.9				0.0	2,694	0
102	Intervale Side Path	0	1		0.0	0.4	269.9		0.0				0.0	270	0
103	Champlain Parkway Phase 1	0	1	1.4	3024.0	0.7	729.2		0.0				0.0	3,753	0
104	Champlain Parkway Phase 2	0	1		0.0	0.6	625.0		0.0				0.0	625	0
105	CityPlace Public Improvements (Pine St)	0	1	0.1	286.4		0.0		0.0				0.0	286	0
106	Great Streets Main Street	0	1		0.0		0.0	0.5	696.0	0.0	0.0	0.5	284.1	980	0
107	Winooski bridge & bike/ped	0	1		0.0	0.1	106.5		0.0				0.0	107	0
108	Queen City Park Rd SUP	0	1		0.0	1.5	1566.4		0.0				0.0	1,566	0
109	Lake Street/Penny Lane SUP	0	1		0.0	0.0	42.6		0.0				0.0	43	0
110	Queen City Park Rd Bridge	0	1		0.0		0.0		0.0				0.0	0	0
112	North Beach Bridge	0	1		0.0		0.0		0.0				0.0	0	0
113	Cobalt Controllers	0	1		0.0		0.0		0.0				0.0	0	0
114	Battery & College	0	1		0.0		0.0		0.0				0.0	0	0
115	Battery & King	0	1		0.0		0.0		0.0				0.0	0	0
116	Battery & Maple	0	1		0.0		0.0		0.0				0.0	0	0
117	Battery & Pearl	0	1		0.0		0.0		0.0				0.0	0	0
118	Main & Willard	0	1		0.0		0.0		0.0				0.0	0	0
119	General Inventory	0	1		0.0		0.0		0.0				0.0	0	0
120	Remove Wood poles	0	1		0.0		0.0		0.0				0.0	0	0
121	Upper Main Street	0	1		0.0		0.0		0.0				0.0	0	0
122	Annual Street & Sidewalk Paving	0	N/A		0.0		0.0		0.0				0.0	0	0
123	Union Street	1	1		0.0		0.0		0.0	0.7	1933.4	-1.3	-736.5	1,197	1,197

Transportation Impact Fee Study

124	North Ave/Shore Road	0	1		0.0	0.0	0.0			0.0	0	0		
125	North Ave/127	0	0		0.0	0.0	0.0			0.0	0	0		
126	Curb & Bollards	0	N/A		0.0	0.0	0.0			0.0	0	0		
127	MicroVision Cameras	0	1		0.0	0.0	0.0			0.0	0	0		
128	FY2021 Install TPIs	0	1		0.0	0.0	0.0			0.0	0	0		
129	FY2021 Install TPIs	0	1		0.0	0.0	0.0			0.0	0	0		
130	FY2021 Install TPIs	0	1		0.0	0.0	0.0			0.0	0	0		
131	ONE Greenway Hardscape	0	1		0.0	0.0	0.0			0.0	0	0		
132	N Champlain Protected Bike Lanes & Manhattan Dr. Bike Lanes	0	1		0.0	0.0	0.0		0.5	274.0	274	0		
133	Battery Street	1	1	-0.2	-532.2	0.0	0.0	0.2	718.7	0.0	186	186		
134	Home/Shelburne Rd Intersection	0	1		0.0	0.0	0.0			0.0	0	0		
135	NNE Sidewalks (new and gaps)	0	1		0.0	0.0	0.7	244.9		0.0	245	0		
136	Pearl & Prospect Intersection	0	0		0.0	0.0	0.0			0.0	0	0		
137	East Ave Traffic Calming	0	1		0.0	0.0	0.0			0.0	0	0		
138	Plattsburg Ave	0	0		0.0	0.0	0.5	552.4		0.0	0	0		
139	Various Locations	0	0		0.0	0.0	0.0			0.0	0	0		
140	North Ave	0	1		0.0	0.0	3.3	1116.9		3.3	1823.5	2,940	0	
141	North Street	1	1		0.0	0.0	0.0			2.3	1262.6	1,263	1,263	
142	Pearl Street	1	1		0.0	0.0	0.0	0.9	2596.3	0.0	2,596	2,596		
144	Main Street (East)	1	1		0.0	0.0	0.0	0.4	1187.7	0.0	1,188	1,188		
145	Shelburne Street	0	1	-1.5	-3240.0	0.0	0.0	1.0	2916.7	0.0	-323	0		
146	68 Sears Lane Roadways	0	0		0.0	0.0	0.0			0.0	0	0		
147	CityPlace Public Improvements - St Paul St	0	1	0.3	572.7	0.0	0.0			0.0	573	0		
148	Colchester/Barrett Intersection	0	0		0.0	0.0	0.0			0.1	52.6	0	0	
149	Colchester Ave	1	1		0.0	1.0	1003.0	-1.0	-294.2	1.0	2808.4	0.0	3,517	3,517
150	Great Streets - Bank & Cherry	0	1		0.0	0.0	0.0			0.0	0	0		
151	Plattsburg Ave Bike Lanes	0	1		0.0	0.0	0.0			1.1	589.2	589	0	

June 26, 2024

Ms. Megan Moir
Division Director – Water Resources
Burlington Public Works Department
235 Penny Lane
Burlington, VT 05401

Subject: Water and Wastewater System Development Fees

Dear Ms. Moir,

Raftelis has completed an evaluation to calculate cost-justified water and wastewater System Development Charges (SDCs) for consideration by the City of Burlington (City) Water Resources Division (Division) consistent with common industry practice. This letter report documents the basis and calculation of the water and wastewater SDCs for the Division.

Background

SDCs are one-time charges assessed to new water and/or wastewater customers for their use of system capacity and serve as an equitable method by which to recover up-front system capacity costs from those using the capacity. There are three main methods for calculating SDCs that are generally recognized in the industry as cost justified. A description of each of these methods follows:

Buy-In Method

Under the Buy-In Method, a SDC is calculated based on the proportional cost of each user's share of existing system capacity. This approach is typically used when existing facilities can provide adequate capacity to accommodate future growth. New customers pay the fee to "buy-in" to the system that existing users have paid to construct over the decades. The cost of capacity is derived by dividing the estimated value of existing facilities by the current capacity provided by existing facilities. Adjustments to the value of existing facilities are made for developer contributed assets, grant funds, and outstanding debt.

Incremental or Marginal Cost Method

Under the Incremental Cost (or Marginal Cost) Method, a SDC is calculated based on a new customer's proportional share of the incremental future cost of system capacity. This approach is typically used when existing facilities have limited or no capacity to accommodate future growth. The cost of capacity is calculated by dividing the total cost of growth-related capital investments by the additional capacity provided as a result of the investments.

Combined Approach

Under the Combined Method, a SDC is calculated based on the blended value of both the existing and expanded system capacity. As such, it is a combination of the Capacity Buy-In and Incremental Cost methods. This method is typically used when existing facilities provide adequate capacity to accommodate a portion of the capacity needs of new customers, but where significant investment in new facilities to address a portion of the capacity needs of future growth is also anticipated, or where some capacity is

available in parts of the existing system, but incremental capacity will be needed for other parts of the system to serve new customers at some point in the future.

Summary of Analysis

For both the water and wastewater systems, Raftelis calculated the SDCs using a *Buy-In* approach to recognize that the existing system has capacity available to serve new customers. However, it should be noted that in the near future, existing capacity will become insufficient for serving new customers, and because of the investment needed to expand capacity, future updates of the water and wastewater SDCs will likely employ the *Combined* approach.

To perform the SDC calculations, Raftelis requested and was provided with the following data from Division staff:

- Water and sewer fixed asset data as of June 30, 2022
- Outstanding utility debt and associated debt service schedules as of June 30, 2022
- Existing treatment capacities in the water and wastewater systems

EXISTING SYSTEM ASSETS

First, Raftelis calculated the estimated cost, or investment in, the current system capacity available to provide utility services to existing and new customers. This analysis was based on a review of fixed asset records and other information as of June 30, 2022. The value of water assets includes core assets such as water mains, treatment facilities, pump stations, storage facilities, and other water system equipment. The value of wastewater assets includes treatment facilities, force mains, pump stations, outfalls, and other wastewater system equipment. The original costs of assets were used for purposes of defining asset value, without any applied cost-index to bring values into current dollars.

Utilities often borrow funds to construct assets, and revenues from retail rates and charges can be used to make the payments on these borrowed funds. To ensure that new customers are not being double charged for these assets, once through the SDC and again through retail rates and charges, the proportion of the outstanding debt principal that is anticipated to be paid for through retail rates and charges is deducted from the SDC calculation. The credit for the SDC is based on the net present value of future principal payments for the water and wastewater systems.

Exhibit 1 presents the adjusted asset values for each system.

Exhibit 1 – Adjustments from Assets for the Water and Wastewater Systems

Description	Water	Wastewater
Total Assets	\$ 64,573,649	\$ 68,239,737
Adjustments:		
Principal Credit	(6,653,621)	(14,691,094)
Net System Assets	\$ 57,920,028	\$ 53,548,643

COST OF CAPACITY

Per the Division, the City's current treatment capacity is 5.0 million gallons per day (MGD)¹ and 6.8 MGD² for water and wastewater, respectively. The net system assets, as presented in Exhibit 1, are divided by the total treatment capacity to derive the cost of capacity on a cost per gallon per day (\$/gal/day) basis. The results are shown in Exhibit 2.

Exhibit 2 – Cost of Capacity

Description	Water	Sewer
Total System Costs	\$ 57,920,028	\$ 53,548,643
Total System Capacity	5.0 MGD	6.8 MGD
Cost of Capacity (\$/gal/day)	\$ 11.58	\$ 7.87

Recommendation

Exhibit 2 presents the maximum cost-justified level of SDCs that can be assessed by the Division: \$11.58 per gallon per day for water and \$7.87 per gallon per day for wastewater. The calculation of the total fee assessed to a new project will occur based on the design flows presented by a project in their capacity letter request, which is a requirement of the project review process both at the State and local level. While the total fee will vary for commercial or larger scale residential units depending on the type of commercial development and the type/intensity (# of units and bedrooms), the based on the maximum design flow cap for single family residential established by the State (360 gallons of water and 210 gallons of wastewater), the maximum SDC for a new single family home would be \$4,170.24 for water and \$1,653.71 for wastewater, or \$5,823.95 total.

Funds collected through this process would be used only for capital renewal or replacement of existing capital infrastructure. It is important to point out that the results shown herein are based on the maximum cost justified amount for the Division's SDCs, as presented in this report. There is no requirement that this maximum amount must be charged, and the calculation only sets an upper limit on the amount that can be currently justified. The Division must determine the amount to be charged based on considerations such as potential revenues to be generated, possible negative impacts on development, maintaining a competitive pricing structure with other regional utilities, and others.

It has been our pleasure working with and supporting the Division in this engagement. Do not hesitate to contact me, at 774-243-0619 or dfox@raftelis.com with any questions.

Sincerely,



Dave Fox
Vice President

¹ The Water Treatment Plant is permitted for a higher flow. This 5.0 MGD capacity is based on an analysis of the maximum sustained average annual daily flow that the Water Plant could sustain and meet State and the more stringent Partnership for Safe Water requirements.
² This represents 80% of the permitted design flow of the Wastewater Plant. The State of Vermont requires that when a plant reaches 80% of its design flow it must plan for and implement capacity expansion. As such, similar to the Water Plant, when evaluating what existing capacity is truly available to new customers, it is important to use this 80% calculation.

UVM Medical Center Land Use Memorandum of Understanding

Presentation to Burlington City Council – 1.13.25

**Ashley Bond; Dave Keelty;
Karen Tyler; Karen Vastine**

History of the Land Use Memorandum of Understanding (MOU)

1999 – Original MOU signed

2006 – First amendment to the MOU

2016 – Second amendment

Intention:

- Voluntary agreement
- Parameters put in place to ensure neighborhood adjacent to the hospital would maintain its unique character
- Expression of intent for long-term planning
 - Long term of agreement allowed for the hospital to plan for its future, as its timelines for construction can span decades
 - Does not replace zoning, other ordinances, public process or other policy

Land Use MOU: Background

Since 1999, the MOU has defined a long-standing clear set of expectations with the residential neighbors closest to UVM Medical Center, including:

- Several parameters regarding campus structures, which were incorporated into the Comprehensive Development Ordinance (CDO):
 - Density of buildings
 - Height restrictions on the campus; our goal is to have minimal impact on the neighborhood
- Agreements with residents, especially those who are living in the East Avenue neighborhood
 - Community Garden access
 - Parking at the former State Lab building for parking bans, evening restaurant pick-ups, Lake Monsters games, etc.

Background

As in 1999, the hospital has projected the need for additional inpatient beds to serve our community and the region

- We currently have 481 inpatient beds
- Our modeling shows that we will need **242** additional beds by 2035 to serve our community

UVM Medical Center serves a wide geographical area

- UVMMC is the only Level 1 Trauma Center in Vermont and the only one accessible to northern New York
- For some patients, their loved ones must travel a great distance to the hospital

Collaborative Approach

- **Five Information and Work Sessions with Neighbors**
- **Communication with Ward 1 NPA:**
 - Updates to Steering Committee
 - Presentation to full NPA
- **Regular Communication with the City Administration**

UVMHC Commitments

- Maintain commitments to East Avenue Neighbors, including Transitional Buffer
- Avoid construction on the Sliding Hill and Community Garden area
- Ongoing participation in CATMA and continue to pursue multimodal transportation options
- Protect original hospital building - Mary Fletcher Hospital
- Support efforts to add affordable housing
- Continue efforts to design facilities that are climate resilient
- Communicate regularly with hospital adjacent neighbors regarding any developments or changes on the campus

Changes UVMMC is asking City to Support

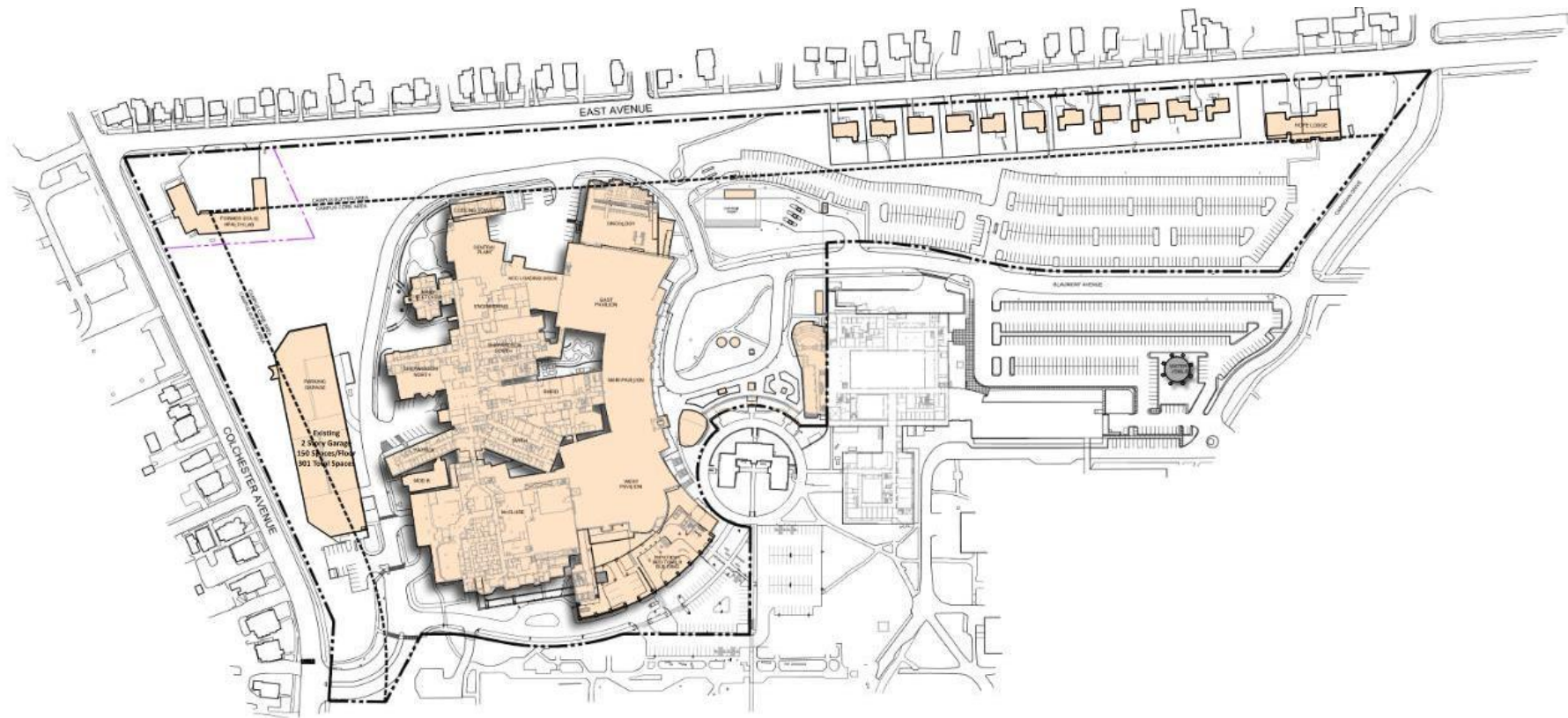
The City of Burlington is being asked to support two changes to the Comprehensive Development Ordinance:

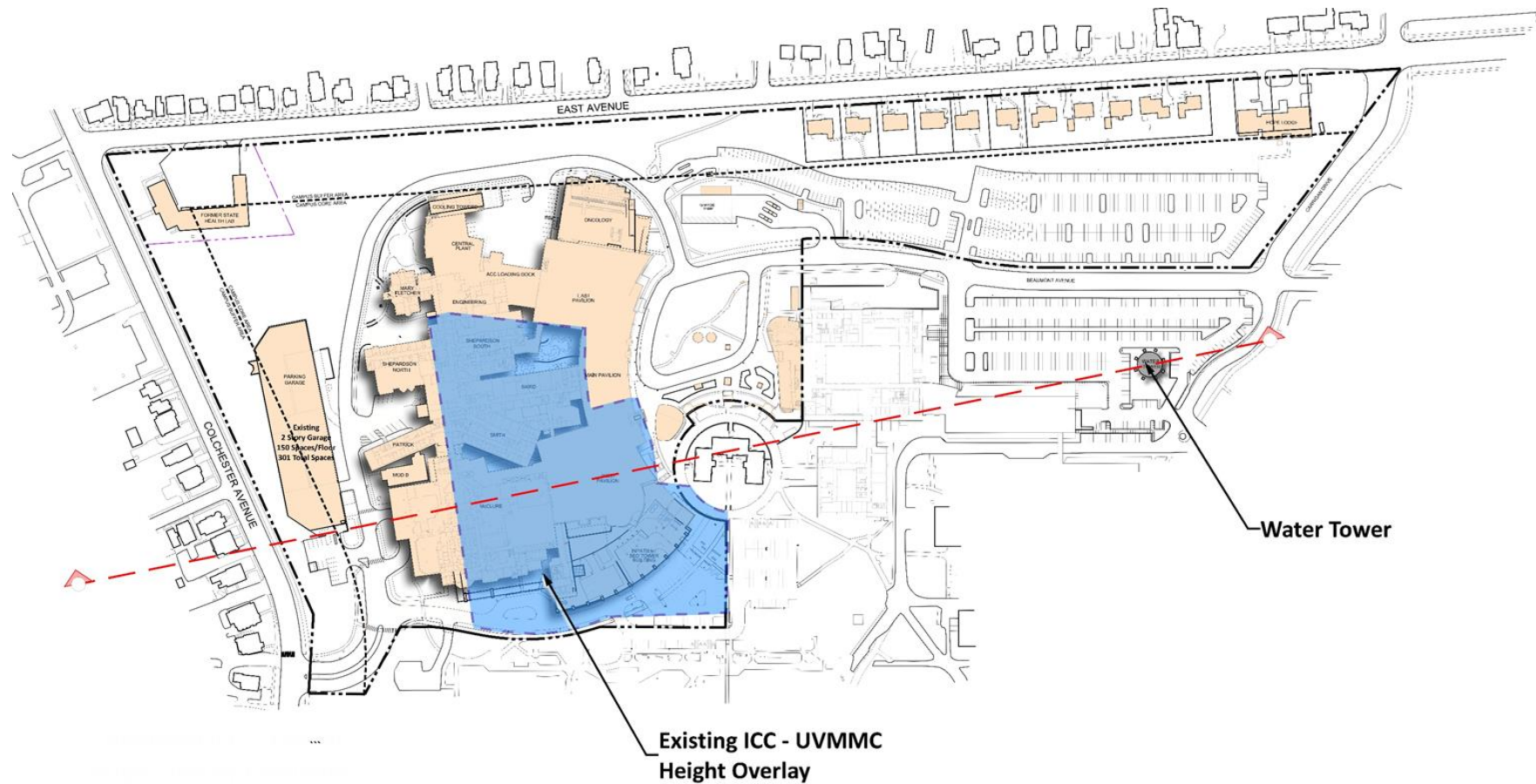
- Expansion of the Height Overlay District: Extension to Mary Fletcher Drive and increase allowable height by 40 feet
- Addition of 856 parking spaces in parking structure(s) and with no anticipated net increase in surface parking

UVMMC's Commitments to the City Re: Changes

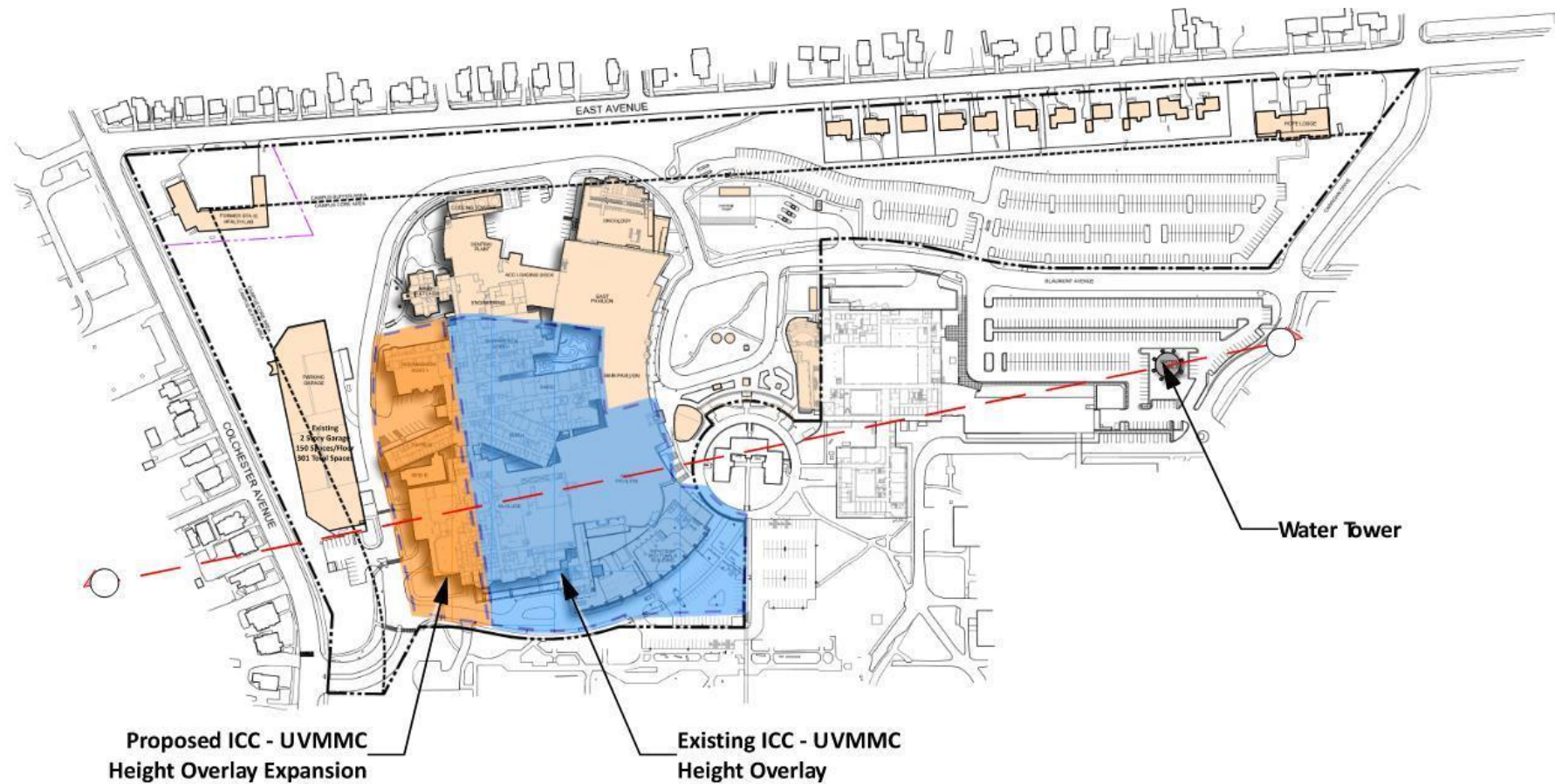
- **Expansion of the Height Overlay District:**
 - Commitment to resilient infrastructure
 - Commitment to meeting with DPW to become more informed and educated regarding water infrastructure needs
- **Additional parking:**
 - Continued participation in CATMA
 - Commitment to working with the City to create/pursue multimodal transportation options
 - Green Mountain Transit (GMT) Unlimited Bus Pass Program

Existing UVM Medical Center Campus Plan

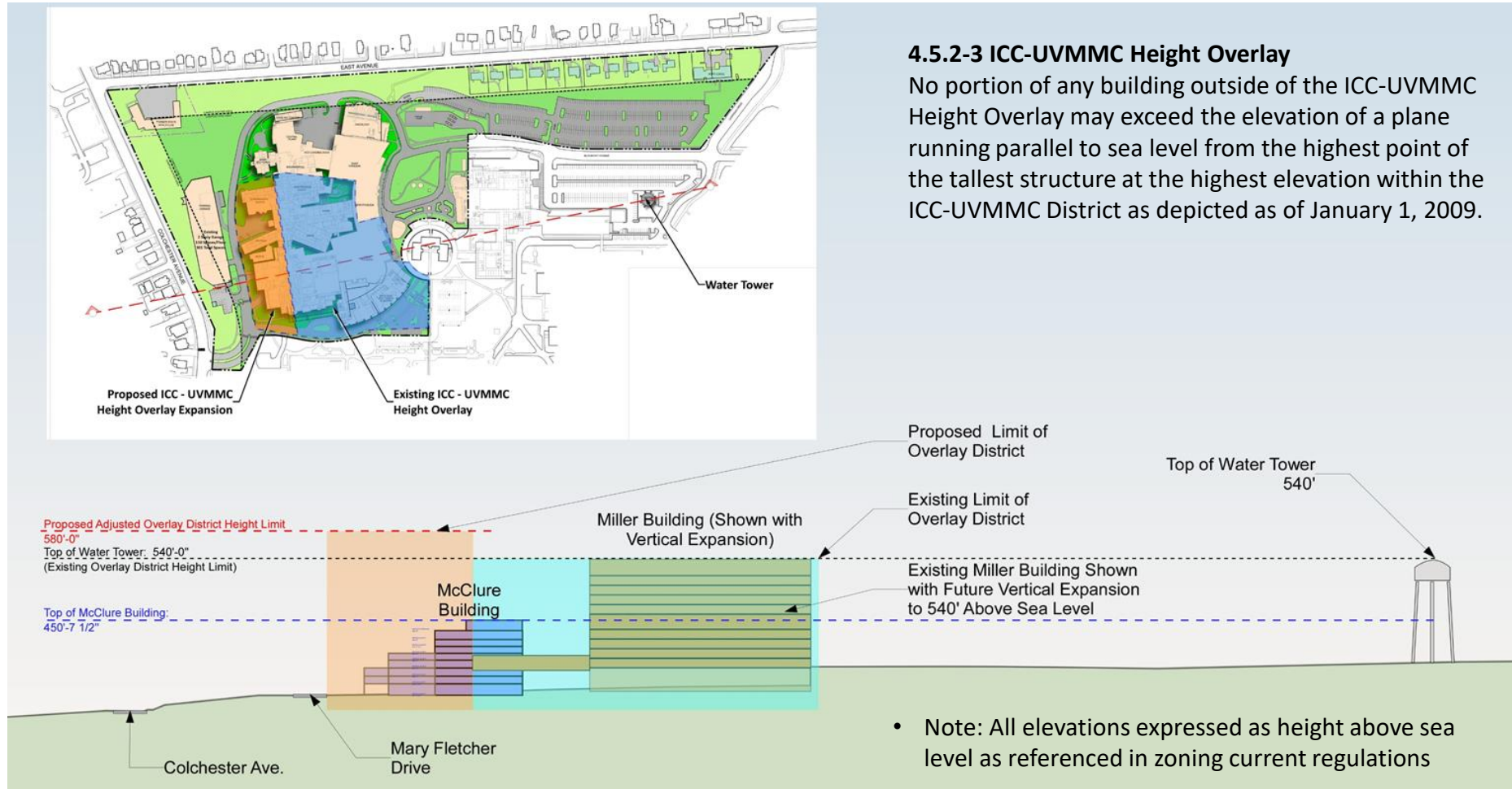




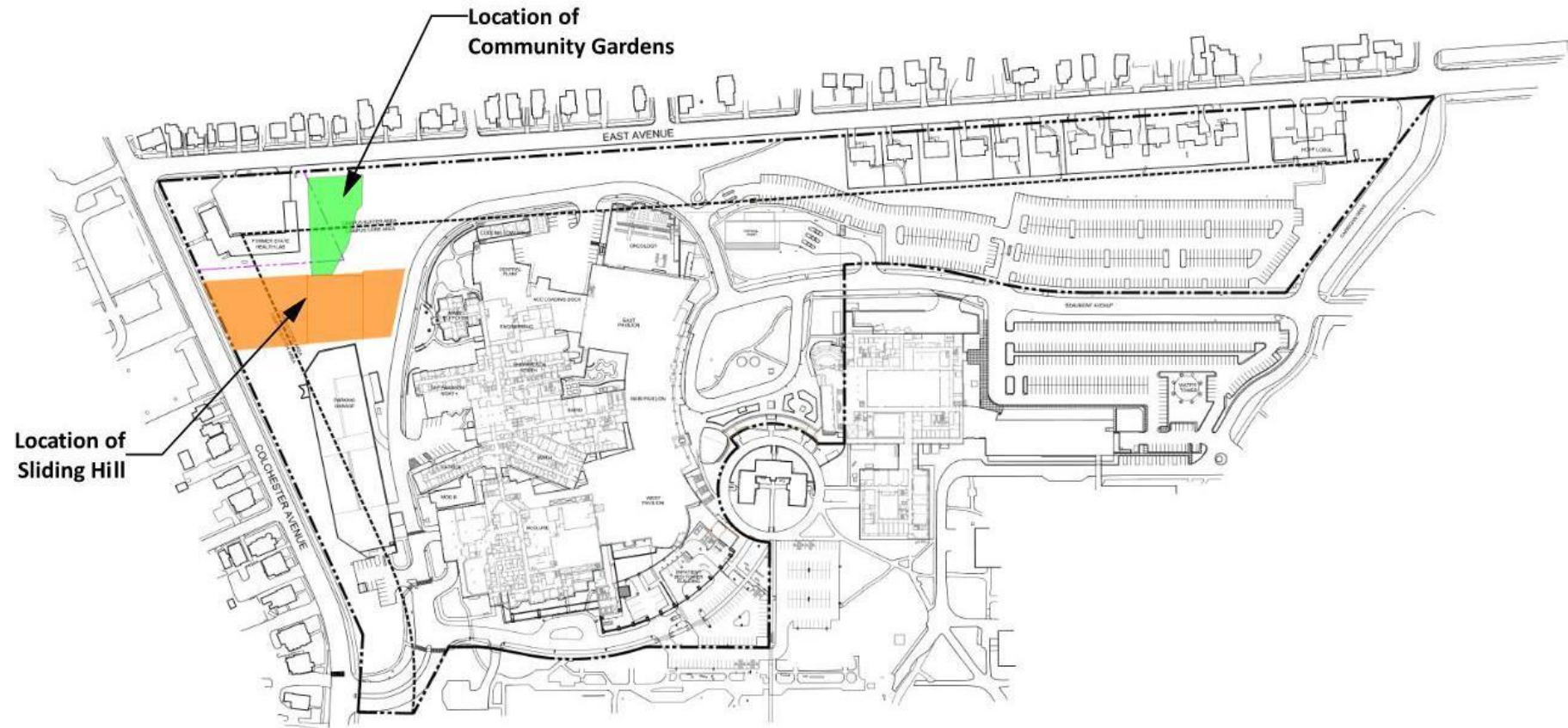
ICC-UVMMC Proposed Height Overlay District Plan



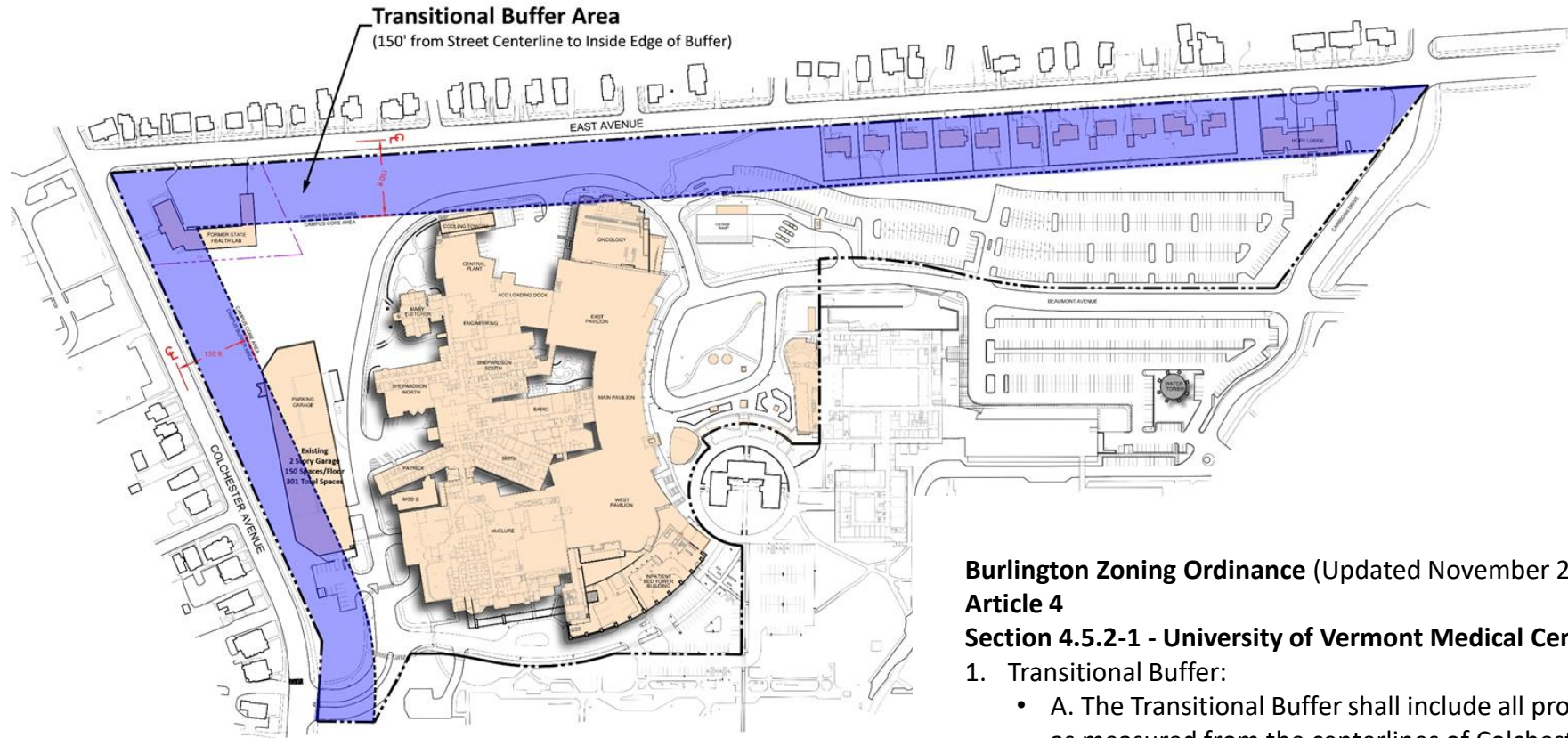
Proposed Zoning/MOU Height Limits - Site Section



Sliding Hill & Community Garden Location Plan



Transitional Buffer Plan



Burlington Zoning Ordinance (Updated November 27, 2024)

Article 4

Section 4.5.2-1 - University of Vermont Medical Center (ICCUVMMC);

1. Transitional Buffer:

- A. The Transitional Buffer shall include all property within the area as measured from the centerlines of Colchester Avenue and East Avenue, and extending 150 feet into the ICC-UVMMC District as delineated on Map 4.5.2-2 Transitional Buffer.



Green Space Plan



Questions?

The background of the slide features several thick, wavy lines in various shades of green. These lines flow from the bottom left towards the right side of the slide, creating a sense of movement and organic design.

To: Members of the Burlington City Council
From: UVM Medical Center
Re: UVM Medical Center Land Use Memorandum of Understanding
Date: January 9, 2025

A strong partnership with the City of Burlington is key to UVM Medical Center's (UVMHC) current and future commitment to serve patients from Burlington and the surrounding region. We appreciate the City Administration's and the City Council's willingness to collaborate with us on this Land Use Memorandum of Understanding (MOU), as it is one avenue to continue our strong partnership to serve this community. The purpose of this memo is to provide background and a high-level overview of the UVMHC Land Use MOU.

History:

In 1999, the hospital, then Fletcher Allen Health Care, entered into an agreement with the City of Burlington. During the ensuing 25 years, the MOU was amended twice: once in 2006 and again in 2016. Similar to our current scenario in 2025, at the time, the hospital was preparing to address an inpatient bed shortage in its long-range plan.

Led by former City Councilors Sharon Bushor and Chapin Spencer, UVMHC's neighbors in Ward 1 asked UVMHC to agree to parameters that would ensure the neighborhood adjacent to the hospital maintained its unique character and preserved green space in Ward 1. The MOU served as an expression of intent regarding the space the hospital occupies in Burlington. While it did not replace any zoning, ordinance, public process or other policy, it extended certain protections to the neighbors and has been referred to by the hospital for guidance in decision-making for the last 25 years. In this same spirit, UVMHC embarked on voluntarily renewing the Land Use MOU in late 2023.

Purpose and Background:

As in 1999, the MOU is a vehicle for the hospital to share its general intent regarding its long-range planning. Due to a number of factors, including a growing and aging population in UVMHC's hospital service area, the projected needed inpatient bed growth is significant. We now know that by 2035, the hospital needs to add 242 beds in order to serve Chittenden County and the region - an area spanning Vermont and New York's North Country. Given the constraints on our campus, in order to add inpatient capacity, the hospital will need to build higher and will need additional parking to accommodate the additional patients and their families.

The two items the City Administration is being asked to support in the MOU are: 1) an amendment of the City's Comprehensive Development Ordinance (CDO) to modestly extend the ICC-UVMHC Height Overlay District within the UVMHC campus core to Mary Fletcher Drive, and increase the maximum permissible height of a building within this district by 40 feet (from 540 feet above sea level to 580 feet above sea level); and 2) the addition of 856 parking spaces in parking structures on UVMHC's Main Campus with no anticipated net increase in surface parking.

Meanwhile, the MOU sets forth a number of commitments by the hospital for the next 20 years, including but not limited to: maintaining the "transitional buffer" currently delineated in the City's CDO even if future changes to City ordinance would allow a reduction or increased density; not developing on the "sliding hill"; and a commitment to communication about facilities planning with the neighbors and the City, especially with respect to mitigating impacts of development, such as stormwater and traffic. Like the 1999 version, the proposed MOU does not supersede any existing governing law or regulation.

Ahead of the submission of this memo, UVMHC conducted outreach to Ward 1, including five information and work sessions on the MOU with the neighbors of Ward 1 and two presentation/updates at Ward 1 NPA

meetings. These conversations have been productive, and we are very grateful to the neighbors for their participation and insights. While 100% agreement is not entirely possible, in many cases UVMMC was able to modify MOU language to accommodate requests by the neighbors. Following the January 13th meeting of the City Council, UVMMC will conduct a follow-up session with the neighbors to review final changes to the MOU.

UVMMC also worked closely with the City Administration on the proposed language. The MOU is a vehicle for UVMMC to demonstrate its long-term commitment and alignment with key City priorities. To that end, the MOU includes language regarding labor practices for future construction contracts, collaborative efforts already underway with Burlington Electric Department to address climate resiliency, growing affordable housing and strong partnership between our two institutions.

Orientation to elements of the MOU:

Term: UVMMC must consider a multi-decade timeframe when conducting long-range facility planning. Twenty years is the minimum timeframe for an agreement of this nature, as the construction projects made possible by the amendments to the City's CDO that the City Administration would support pursuant to the MOU are unlikely to pass through the design and permitting process, then actual construction, until close to 20 years from now. This is precisely why the City Administration is only asked to support the two items described above (building height and parking), and the remainder of the document speaks to UVMMC's commitments.

Incorporation of new and old language: The "red line" version of the MOU shows proposed changes against the current MOU, including the amendments adopted in 2006 and 2016 amendments. This was done for easier comparison between the 2025 additions and the current language.

Relevant Agreements between the City and UVMMC *not* reflected in the MOU:

Parking – UVMMC recognizes that the addition of needed parking spaces for patients and their families need to be considered in conjunction with our ongoing commitment to transportation management. In paragraph 15 of the MOU, UVMMC broadly commits to work with the City to develop additional multimodal transportation solutions that would reduce dependence on single occupancy vehicle transportation and thus parking requirements. The area where UVMMC can have the most direct influence on transportation is with respect to the manner in which our employees travel to the hospital for work. To that end, as one step we can take now, UVMMC and Green Mountain Transit (GMT) have agreed to develop an unlimited bus pass program benefit for UVMMC employees coming to work from the GMT catchment areas in our next fiscal year, which begins on October 1, 2025. We will be working with GMT to prepare for this change over the coming months, including tracking ridership data and needs. We commit to continuing our work to identify additional solutions and steps for the hospital to take in the coming years.

Water Infrastructure – We appreciate that the City is facing a significant challenge with respect to its water infrastructure and the expense of replacing and upgrading it. We have agreed to learn more about this complex issue and scheduled an initial meeting for that purpose between the relevant members of our two teams in mid-January. We are committed to partnering with the City to understand the needs, opportunities and implications associated with the necessary upgrades.

Closing:

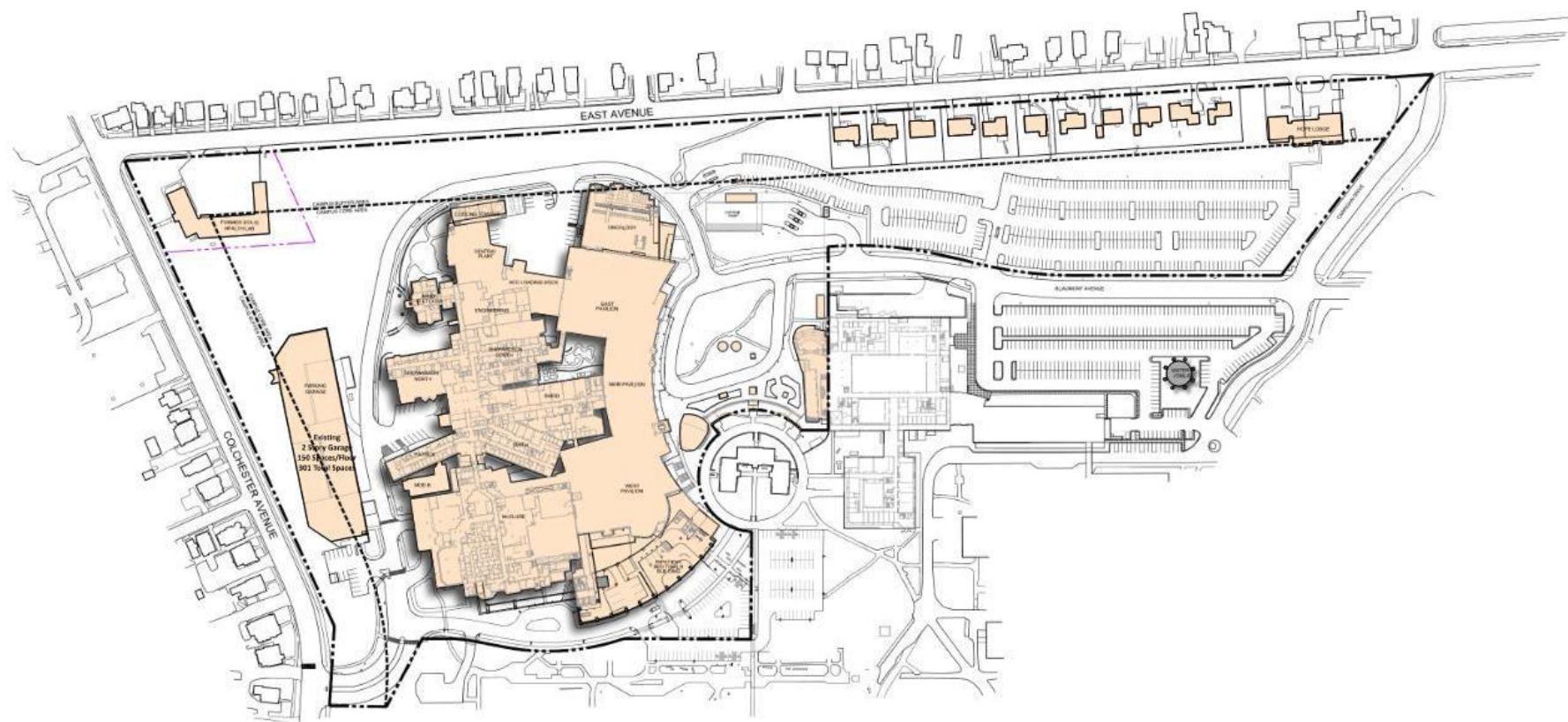
We appreciate our work with the City of Burlington and view this MOU as an important opportunity to further our partnership. While this document does not replace the public processes that will occur in the years to come for the City to weigh in on specific projects, it does open the door for us to continue our planning efforts. We appreciate your consideration.



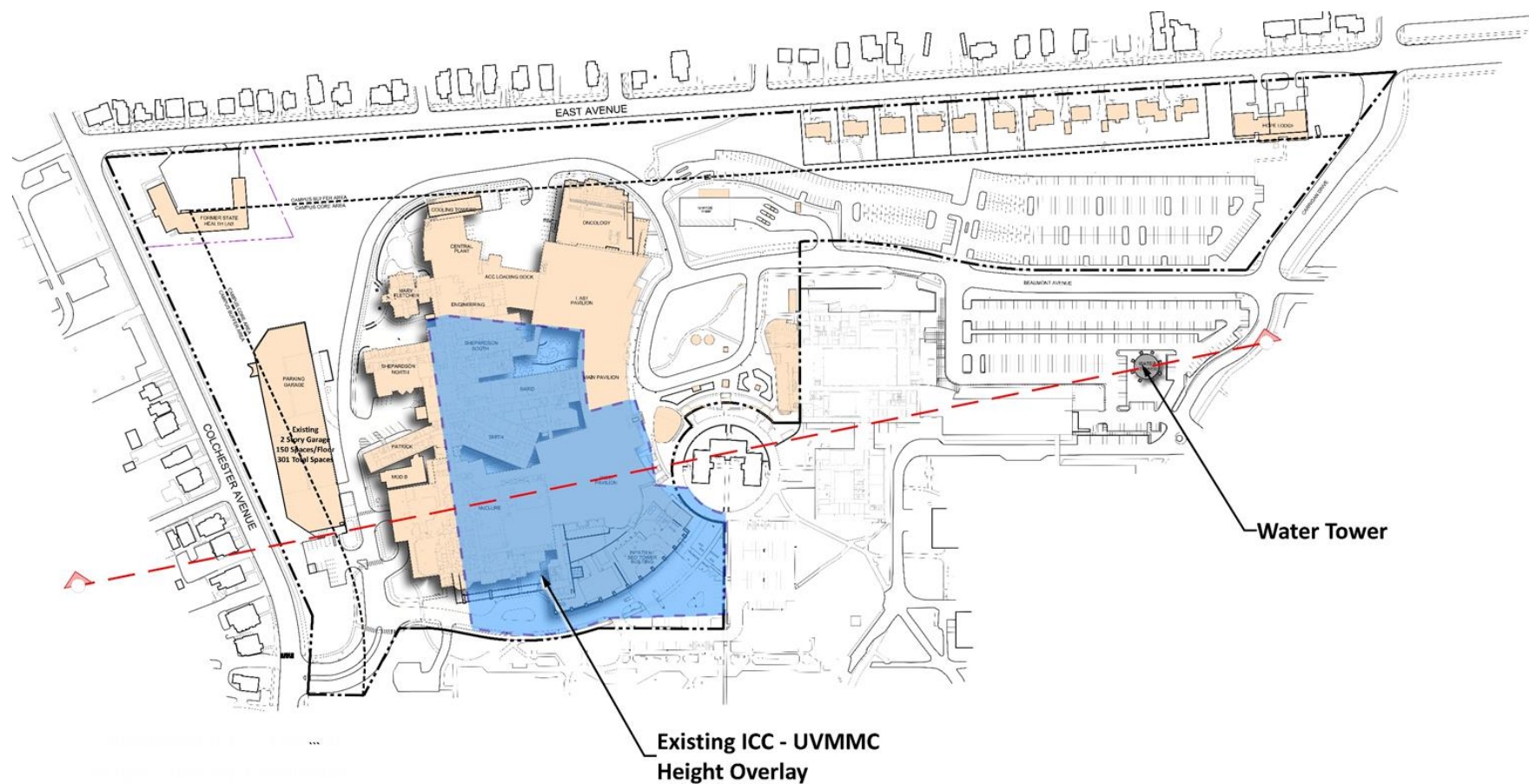
UVMMC Medical Center Campus Land Use MOU Exhibits

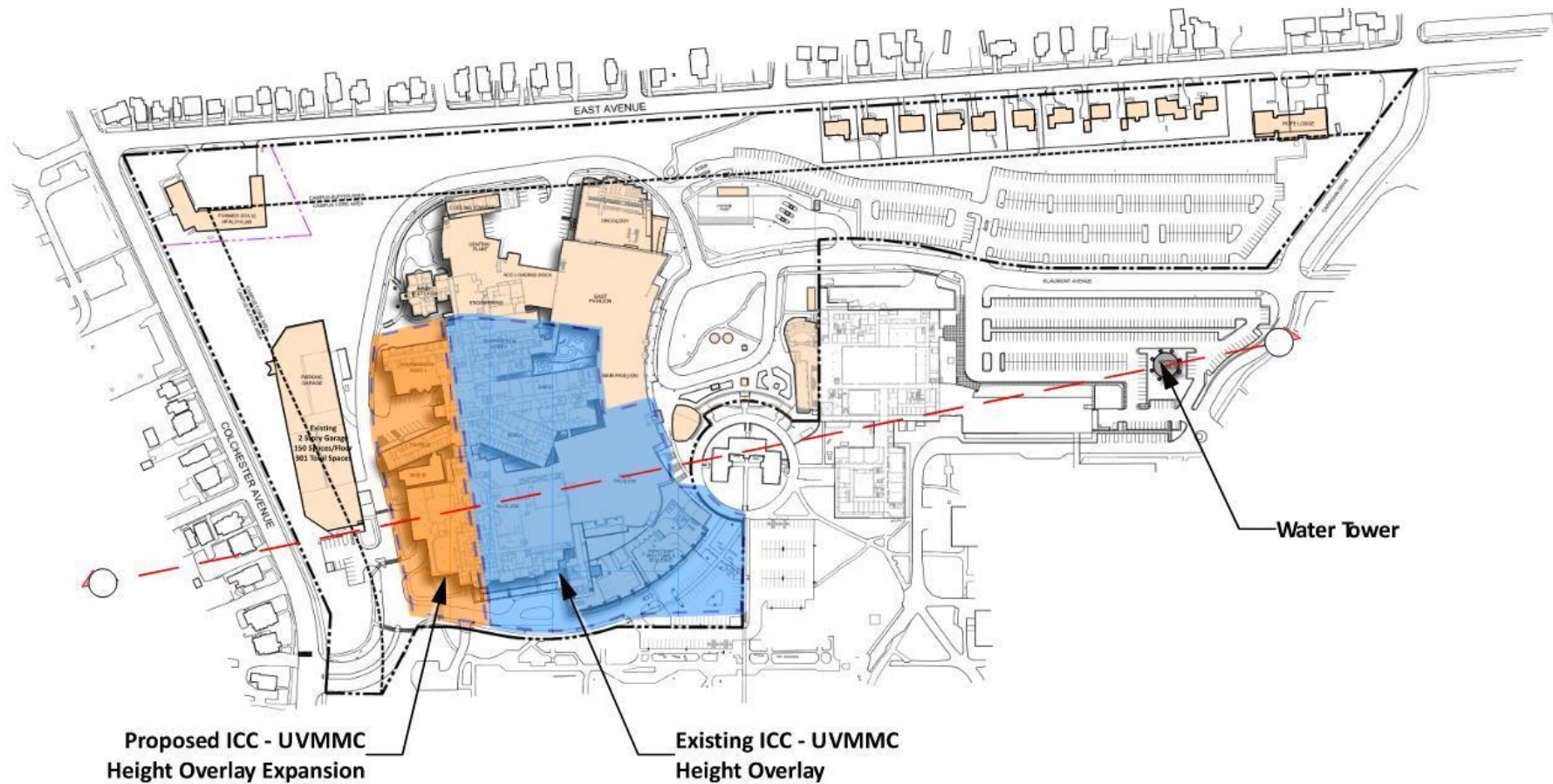
1/8/2025

Existing UVM Medical Center Campus Plan

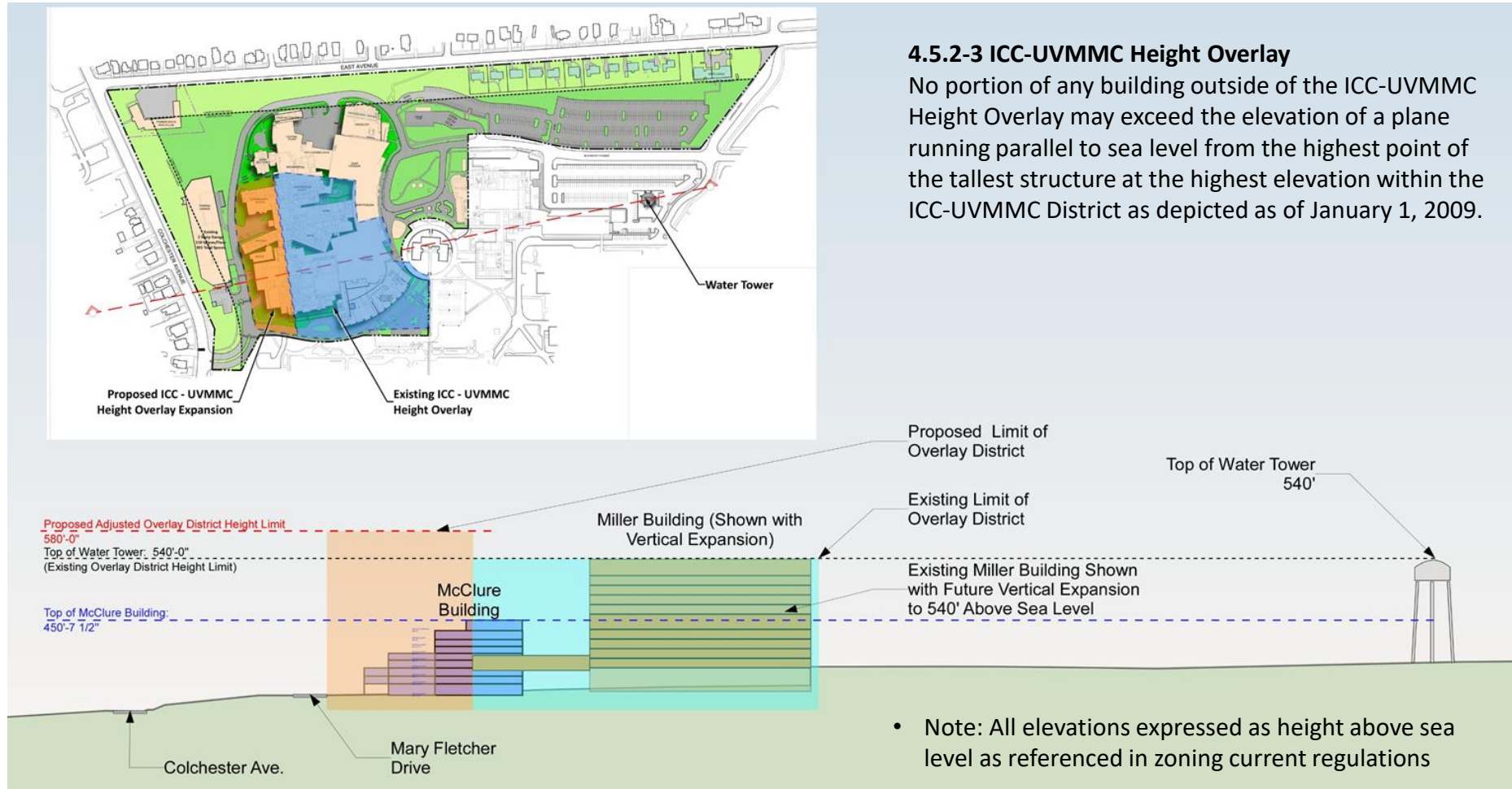


ICC-UVMMC Existing Height Overlay District Plan

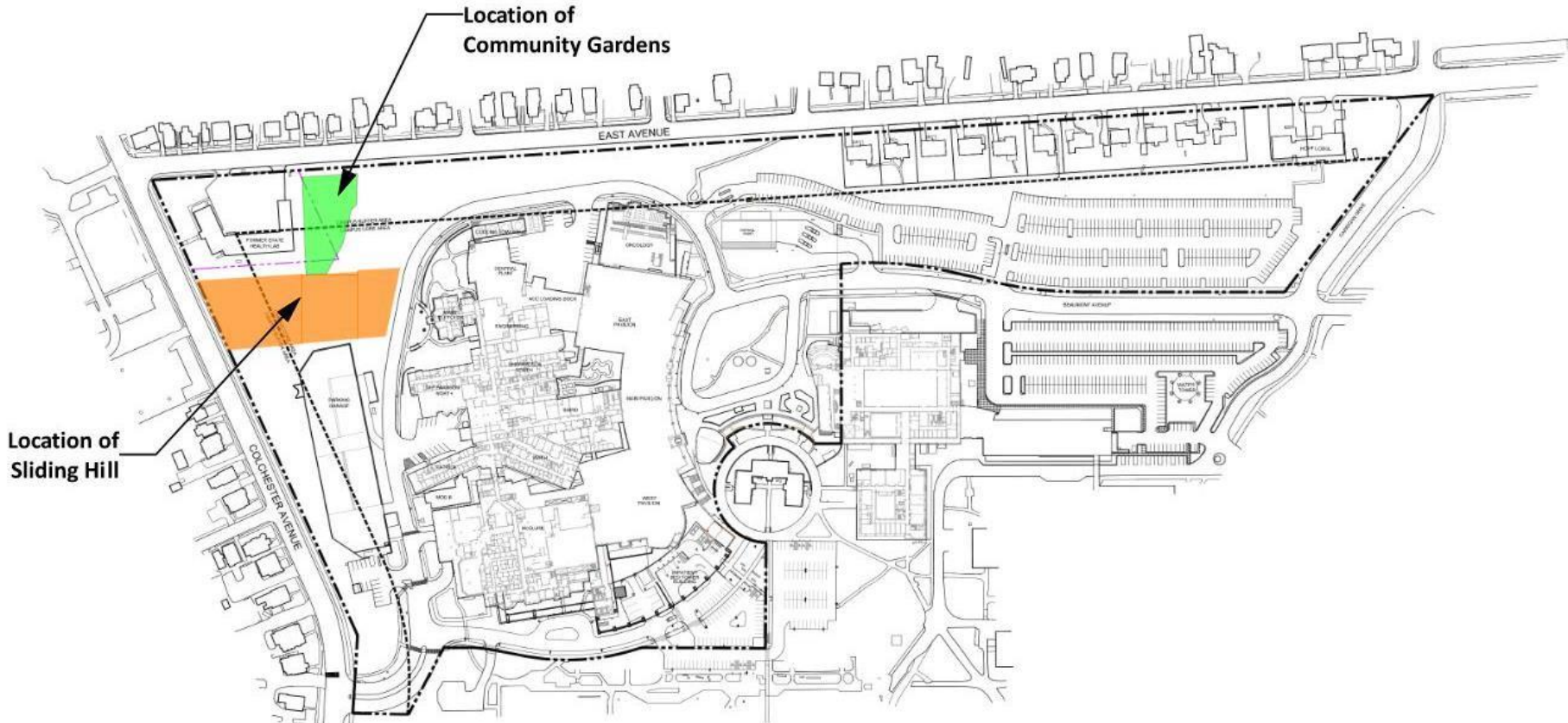


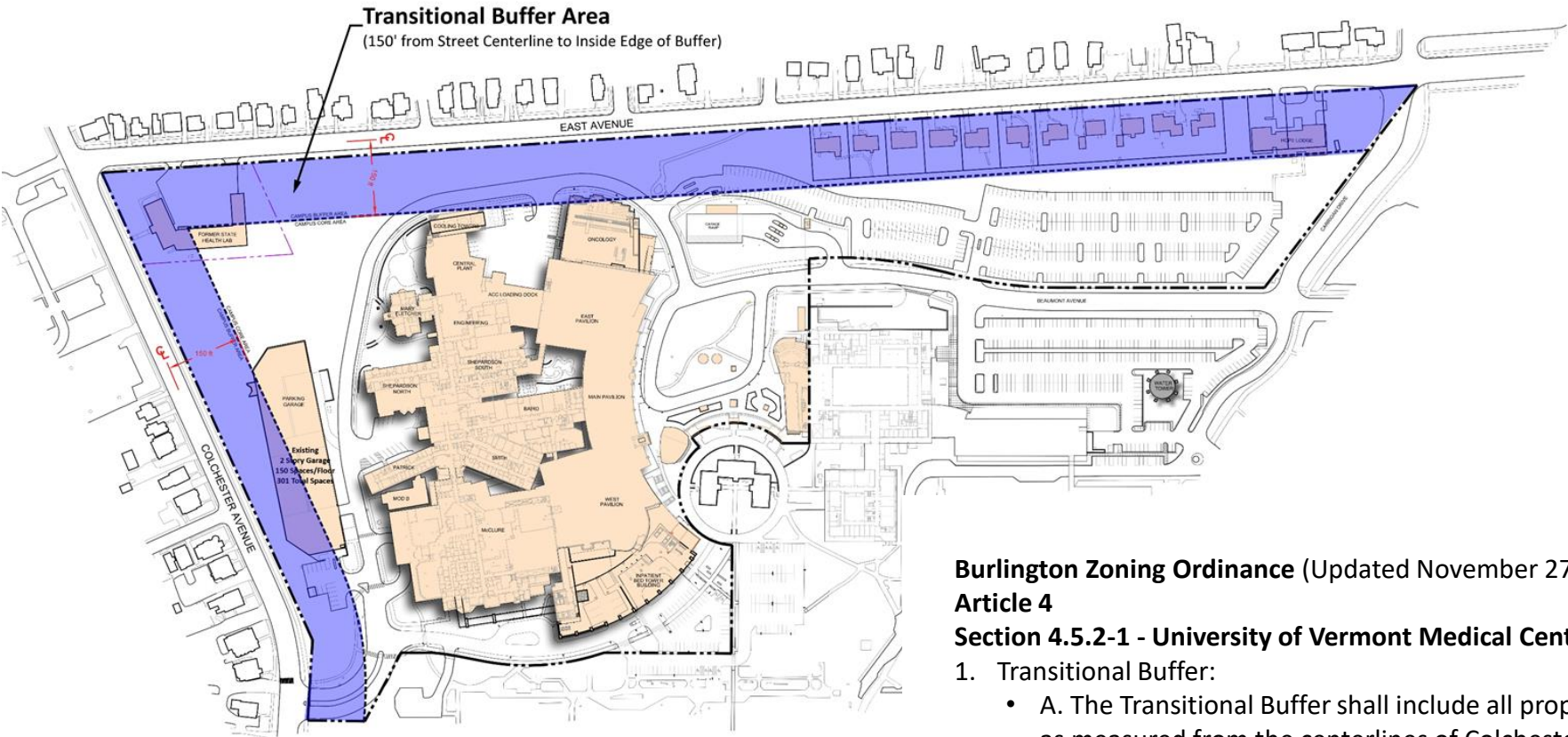


Proposed Zoning/MOU Height Limits - Site Section



A decorative horizontal line composed of several overlapping, wavy bands in various shades of green, ranging from dark forest green to light sage green. The line flows from left to right across the bottom of the page.





Burlington Zoning Ordinance (Updated November 27, 2024)

Article 4

Section 4.5.2-1 - University of Vermont Medical Center (ICCUVMMC);

1. Transitional Buffer:
 - A. The Transitional Buffer shall include all property within the area as measured from the centerlines of Colchester Avenue and East Avenue, and extending 150 feet into the ICC-UVMMC District as delineated on Map 4.5.2-2 Transitional Buffer.

Note: Dimensions of Illustrations are approximate.

*Not to Scale 7

Page 140 of 454



Green Space Plan



MEMORANDUM OF UNDERSTANDING AND AGREEMENT

This Memorandum of Understanding and Agreement is made and entered into this ____ day of _____ 20__, by and between the City of Burlington, a Vermont municipal corporation (“City”), and The University of Vermont Medical Center Inc., a Vermont corporation with a principal place of business in Burlington, Vermont (“UVM Medical Center”), sometimes jointly referred to herein as “the parties.”

WITNESSETH:

WHEREAS, UVM Medical Center and its predecessor institutions have been the largest provider of quality hospital, other health care services, and health care education to the citizens of Burlington and the surrounding region for more than a century; and

WHEREAS, the presence of UVM Medical Center in the City has been tremendously beneficial both in terms of the health care available to City residents and in terms of its significant contribution to the City’s economic, educational, and cultural environment; and

WHEREAS, two of UVM Medical Center’s major campuses in Chittenden County, the Medical Center Hospital of Vermont (MCHV) and the 1 South Prospect Street facility (owned by the University of Vermont), are located in Ward 1 in the City of Burlington, along with the University of Vermont’s medical school; and

WHEREAS, the MCHV is an acute care inpatient hospital serving the UVM Health Network’s affiliated hospitals in Vermont and upstate New York; and

WHEREAS, the City believes that it is in the best long-term interest of the City and the region for UVM Medical Center to continue to develop the MCHV campus (as depicted in Exhibit A) in a manner that maintains and enhances its ability to be the acute care inpatient facility of the UVM Health Network system, and the City desires to induce UVM Medical Center to locate such development on the MCHV campus; and

WHEREAS, the UVM Medical Center is undertaking a significant planning effort to update its Long Range Facility Plan and has an overarching goal to accommodate all acute care inpatient beds on the MCHV campus in Burlington and provide acute inpatient care over the long term for the UVM Health Network; and

WHEREAS, the UVM Medical Center's long range facility planning has projected a need for a significant increase in inpatient beds to meet the needs of our patients over the next 15 years; and

WHEREAS, the long range development of the MCHV campus will require additional on-campus parking to meet the needs of patients, visitors, and staff; and

WHEREAS, the MCHV campus is a finite resource confined by three municipal roadways (Colchester Avenue, East Avenue, and Main Street) and the UVM campus and will require an increase in building square footage to accommodate projected inpatient bed and related facility needs; and

WHEREAS, the MCHV campus is located in the Institutional zoning district, adjacent to a residential neighborhood of Ward 1 of the City, and the dimensional limits currently in effect in the Institutional zoning district inhibit further expansion of UVM Medical Center's facilities on the MCHV campus; and

WHEREAS, many residents of the Ward 1 neighborhood adjacent to the MCHV campus are concerned that development of facilities on the MCHV campus, together with the possible future development of the adjacent facilities of the University of Vermont may further change the residential character of their neighborhood; and

WHEREAS, both the neighbors of the area and UVM Medical Center share the belief that it is to the benefit of both the institution and the community which surrounds it that such portion of Ward 1 remain a neighborhood of families, not simply a neighborhood consisting of

buildings used for institutional purposes or to house on a temporary basis individuals associated with such institutions in one fashion or another; and

WHEREAS, UVM Medical Center has no intention to acquire additional residential properties within the limits of Ward 1 for the purposes of providing medical care or ancillary support or administrative services; and

WHEREAS, a working group, formally known as the Parking and Traffic Task Force, including representatives of the Ward 1 Neighborhood Planning Assembly, Ward 1 and East District City Councilors, and representatives of UVM Medical Center meet regularly to determine how to protect the residential character of the adjacent neighborhood in Ward 1, and to provide for additional development within the MCHV campus; and

WHEREAS, the working group believes that the appropriate methodology to accomplish these goals is an amendment to the City's CDO, and an agreement between the City and UVM Medical Center which will, among other things, clarify and confirm that UVM Medical Center has no plan to acquire additional residential properties within the limits of Ward 1 for the purposes of providing medical care or ancillary support or administrative services, and impose certain limits on development of the MCHV campus, in addition to those imposed by the City's CDO; and

WHEREAS, the essence of the above-referenced methodology is an agreement between the City and UVM Medical Center which will permit UVM Medical Center to utilize its MCHV campus at a higher density than would be permitted under current ordinances; and WHEREAS, UVM Medical Center will endeavor to keep the City apprised of its long range facility plans to facilitate the City's early evaluation of UVM Medical Center's evolving needs for utility, transportation, and other municipal services, and the City will in turn endeavor to keep UVM

Medical Center apprised of changes in the availability of such services as may impact UVM Medical Center's long range facility plans; and

WHEREAS, UVM Medical Center and the City recognize the shortage of affordable housing in Burlington, especially for families; how it impacts the entire community including UVM Medical Center staff; and the need for a strong coordinated and collaborative approach to reversing the problem. UVM Medical Center wishes to support finding solutions to increase the availability of affordable housing and would welcome the opportunity to work with developers to create housing opportunities in Burlington and the broader Chittenden County region, some of which could be within Ward 1, that could benefit its staff and residents of Burlington; and

WHEREAS, this MOU cannot and does not modify the public process for the approval of amendments to the City's Comprehensive Development Ordinance by the City Council, or modify the process for review or predetermine the outcome with respect to any UVM Medical Center state or municipal permit application, including but not limited to those pursuant to Act 250, state laws and regulations governing stormwater and wastewater management, the City's Comprehensive Development Ordinance, or municipal regulations described in City Ordinance including Chapters 26 (Wastewater, Stormwater, and Pollution Control) and 31 (Water); and

WHEREAS, UVM Medical Center, as lessor, and American Cancer Society, New England Division, Inc.) ("ACS"), as lessee, entered into that certain Lease dated October 3, 2005 (the "Ground Lease") pursuant to which ACS agreed to lease from UVM Medical Center, for a term of fifty (50) years, the Hope Lodge facility and related improvements substantially in accordance with the City of Burlington Development Review Board Conditional Use Determination #CU-2004-001, as the same may be amended from time to time with respect to the particulars of the facility to be constructed and operated (the "CUD") (the "Improvements"); and

NOW THEREFORE IT IS AGREED, by and between the City and UVM Medical Center as follows:

1. The City will consider amending its CDO so as to permit the extension of the ICC-UVMMC Height Overlay District north to Mary Fletcher Drive as depicted in Exhibit B, and the City will consider amending its CDO to increase the maximum height of a building within such district by 40 feet to 580 feet above mean sea level from the elevation of a plane running parallel to the earth, as depicted in Exhibit C. UVM Medical Center will not seek to extend the Height Overlay District beyond the area depicted in Exhibit B.

2. Per state statute, an amendment to the CDO is a legislative function of the City's Planning Commission and City Council. UVM Medical Center understands that the City may not legally contract for the amendment of its CDO. The City's Administration will endeavor to propose the amendments to the CDO referenced in paragraphs 1 of this Agreement to the City Council on or before December 31, 2025.

3. UVM Medical Center wishes to encourage affordable housing opportunities for its employees near its campus and may work with developers to lease or develop property located within Burlington, including in Ward 1, or in the Chittenden County region which will be used for residential purposes only. UVM Medical Center shall carry out any and all growth of its facilities within its MCHV campus, the City's central business district, or outside the boundaries of Ward 1 in the manner allowed by applicable zoning regulations. Nothing herein shall prevent UVM Medical Center from being the recipient of a donated residential property, which it may resell or use for residential use for its employees.

4. UVM Medical Center shall continue to utilize the 11-residential properties which it owns on East Avenue solely for residential purposes. However, one or more of such properties may be utilized for temporary residential purposes by families of UVM Medical Center patients

during the hospitalization of their family member. Otherwise, UVM Medical Center will use good faith efforts to price and lease such houses in a manner to attract families so as to preserve the single-family character of the East Avenue neighborhood.

5. The parties acknowledge and agree that the boundaries of the residential properties currently known as 237 – 245 East Avenue are being adjusted to include certain lands from UVM Medical Center’s MCHV campus and said lots have been merged pursuant to a Property Line Adjustment Application dated October 4, 2005 and approved by the City of Burlington on December 14, 2005 as evidenced on that certain Plat of Boundary Adjustment entitled “UVM Medical Center Health Care, Inc. ‘Hope Lodge’ Lease Site 237 & 245 East Avenue Burlington Vermont” prepared by Civil Engineering Associates, Inc., and recorded in Map Slide of the City of Burlington land records (the “Boundary Adjustment/Lot Merger”). The City hereby agrees that UVM Medical Center may lease the Hope Lodge Lot to ACS to operate the Hope Lodge facility and related improvements substantially in accordance with the City of Burlington Development Review Board Conditional Use Determination #CU-2004-001, as the same may be amended from time to time with respect to the particulars of the facility to be constructed and operated (the “CUD”) (the “Improvements”). UVM Medical Center agrees that at the end of the term of the Ground Lease, or at such earlier time if UVM Medical Center shall regain possession of the Hope Lodge Lot, whether by early termination of the Ground Lease or by UVM Medical Center's acquisition of ACS’s leasehold interest under the Ground Lease, UVM Medical Center will use the Hope Lodge Lot or cause the Hope Lodge Lot to be used for:

- (i) temporary residential purposes by UVM Medical Center patients and their families or caregivers during the hospital treatment of such patients, or
- (ii) long term residential purposes by individuals or families consistent with the residential character of the East Avenue neighborhood.

6. UVM Medical Center shall continue to provide water access for the community gardens located at 115 Colchester Avenue at no charge.

7. UVM Medical Center shall continue to provide use of its parking spaces at 115 Colchester Avenue during after work and weekend hours at no charge, but only for parking for Vermont Lake Monsters games, customers of the restaurant located at 207 Colchester Avenue, people using the community garden, and neighbors during parking bans for snow removal and street sweeping. UVM Medical Center will not be required to perform additional maintenance of the parking area, including snow and ice removal and sanding, for these non-business hour uses beyond the maintenance required for its own use during its regular business hours. For example, UVM Medical Center will not be required to plow the parking area outside of its regular business hours even when a snow ban is in effect.

8. Both UVM Medical Center and the residents are concerned over the cumulative impacts of storm water run-off into Centennial Woods and recognize the need to build resilient infrastructure to mitigate future impacts of climate change. UVM Medical Center will address these cumulative impacts as a part of the permitting process.

9. UVM Medical Center will investigate and implement, if practicably feasible, the opportunity for its Ward 1 neighbors to participate in its on-campus wellness programs.

10. UVM Medical Center will utilize its good faith efforts to develop and implement efforts to encourage its employees to live in the residential areas proximate to its MCHV campus, by providing an informational brochure to its interns, residents and employees advising them of residential opportunities within Ward 1 proximate to the UVM Medical Center facilities. In the event UVM Medical Center has agreements in place with developers to provide affordable multi-family housing for its employees and their families in Burlington or in Ward 1, this housing will be professionally managed in keeping with the residential neighborhood character.

11. No further development on the so-called hospital sliding hill and community garden area, which is as shown on Exhibit D attached hereto and incorporated herein, shall be carried out during the term of this Agreement.

12. UVM Medical Center shall maintain the Transitional Buffer associated with the ICC UVMMC Overlay District from the centerline of Colchester and East Avenue respectively and extending 150 feet onto the property of UVM Medical Center, as depicted on Exhibit E hereto. Lot coverage within the Transitional Buffer shall not exceed 40% for the aggregate of all land owned by UVM Medical Center and located within the Transitional Buffer.

13. UVM Medical Center shall not, in exercising its rights under this Agreement, cause the net loss of existing green space within its MCHV campus solely for the purpose of accommodating additional surface parking. Provided, however, UVM Medical Center may construct a parking garage to meet its parking needs even if existing green space is lost in the process. There is attached hereto, and incorporated herein as Exhibit F, a map depicting existing green space on the MCHV Campus.

14. UVM Medical Center has a total parking count of 2,094 parking spaces on the MCHV campus which is the maximum allowed by its current City approvals. The City Administration will support expansion of this up to 2,950 parking spaces to meet UVM Medical Center's long-range needs so long as the increase in spaces is in structured parking facilities and there is no net increase in surface parking. However, it is understood by UVM Medical Center that any permit application before the City's regulatory staff and/or boards or amendment to the UVM Medical Center portion of the Joint Institutional Parking Management Plan before the Planning Commission and Development Review Board are independent reviews and cannot be influenced, prejudged, or predetermined.

15. UVM Medical Center is a founding member of Chittenden Area Transportation Management Association (CATMA) and will continue to support CATMA as a member. Moreover, UVM Medical Center commits to working with the City to develop additional multimodal transportation solutions that would reduce dependence on car transportation and thus parking requirements.

16. UVM Medical Center commits that during the term of this Agreement it will not utilize satellite parking in addition to that currently in use on any properties located within Ward 1. In connection with the permitting process for any UVM Medical Center development subsequent to the execution of this Agreement, UVM Medical Center shall utilize its good faith efforts to ameliorate traffic congestion on the roadways and streets within its campus and on the public streets proximate thereto.

17. The parties recognize that construction activities on UVM Medical Center's MCHV campus may affect existing parking facilities and result in a temporary parking shortage, which may impose additional demands with the adjacent residential neighborhood in Ward 1, as well as impact traffic circulation in Ward 1. The parties agree that UVM Medical Center will not attempt to provide substitute parking facilities within the neighborhood but will instead mitigate any temporary parking shortage through travel demand management programs (i.e., carpooling, subsidized mass transit passes, etc.) or by locating additional satellite parking outside of Ward 1. The parties shall meet and confer concerning the best methodology for UVM Medical Center to deal with its construction related impacts.

18. UVM Medical Center will endeavor to design new facilities that are climate resilient and reduce climate and environmental impacts. UVM Medical Center and the City through Burlington Electric Department will also seek to collaborate to support innovative projects that offer mutual benefits such as battery storage that could provide reliability and

resilience benefits to the Medical Center and the potential for peak energy use reduction and cost reduction for Burlington Electric ratepayers.

19. Throughout the term of this Agreement, periodic meetings, no less frequently than semi-annually shall be held between UVM Medical Center and Ward 1 Neighborhood Planning Assembly (NPA) representatives to review the status of this Agreement and to share information concerning the development plans and activities of UVM Medical Center.

20. In the event that there are unforeseen circumstances during the term of this Agreement, which have significant impact upon the achievement of the principles mutually set forth herein, the parties agree to meet and confer in good faith concerning the need for any possible amendments to this Agreement.

21. UVM Medical Center has had a presence at the 1 South Prospect Street facility and intends to eventually vacate the facility. UVM Medical Center will not undertake or support any plans to increase the number of parking spaces at the 1 South Prospect Street Campus. UVM Medical Center intends to vacate the 1 South Prospect Street Campus with some services relocating to the MCHV campus. Primary care services will stay in Burlington providing an appropriate location can be found.

22. UVM Medical Center values its heritage and will preserve its original hospital building, the Mary Fletcher building, and will seek to maintain the historic character when that structure is updated or repaired, including with respect to the selection of building materials.

23. For future construction projects, UVM Medical Center shall hire contractors and subcontractors who pay appropriate wages, properly classify personnel as employees or independent contractors as required by law, and otherwise obey all applicable employment and labor laws. When this is feasible, as determined in UVM Medical Center's discretion, UVM Medical Center shall endeavor to hire contractors and subcontractors who participate (where

applicable) in formal apprenticeship training programs, and provide employer funded health and retirement benefits, with the understanding that it is the Parties' intent that the foregoing shall not be understood to preclude UVM Medical Center from engaging any qualified contractor or construction manager. UVM Medical Center and its contractors shall not discriminate in hiring or employment on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age, or against a qualified individual with a disability. UVM Medical Center will include in its general construction contract a requirement that the labor employed (including without limitation labor employed by UVM Medical Center and by UVM Medical Center's general contractor and subcontractors) shall be paid a "livable wage" as that term is defined in the City of Burlington Livable Wage Ordinance.

24. UVM Medical Center will use reasonable efforts to incorporate locally and regionally sourced materials, products and services in construction.

25. The term of this Agreement shall be a period of twenty (20) years commencing on the date of execution hereof and expiring on [REDACTED].

26. The word "residential" shall have the same meaning in this Agreement as in the City's CDO in effect upon the date of execution of this Agreement.

27. Both parties hereto shall make good faith efforts to meet and commence negotiations concerning the possible extension of this Agreement. Such conversations shall commence in 2043, the eighteenth year of this Agreement.

28. This Agreement may be amended, or any provision of this Agreement may be waived, if such amendment or waiver will be binding upon any party only if set forth in a writing executed by such party. No course of dealing between or among any persons having any interest

in this Agreement will be deemed effective to modify, amend or discharge any part of this Agreement or any rights or obligations of any person under or by reason of this Agreement.

29. Except as otherwise expressly set forth in this Agreement, all notices, demands and other communications to be given or delivered under or by reason of the provisions of this Agreement shall be in writing and shall be deemed to have been given when delivered personally, or by documented overnight delivery service. Notices, demands and communications to UVM Medical Center or to the City shall, unless another address is specified in writing, be sent to the address indicated below:

Notices to: The University of Vermont Health Network
462 Shelburne Road, Suite 301
Burlington, Vermont 05401
Attn: GeneralCounsel@uvmhealth.org
With a copy to:

Burlington City Attorney
Office of City Attorney and Corporation Counsel
149 Church Street
Burlington, VT 05401

30. This Agreement and all of the provisions hereof will be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns. Neither this Agreement nor any of the rights, interests or obligations hereunder may be assigned by either party without the prior written consent of the other party; provided, however, that UVM Medical Center may assign its rights and obligations hereunder to any nonprofit organization that acquires ownership of or leases any part or all of UVM Medical Center's Property and devotes such property to the charitable use of providing healthcare services.

31. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provisions will be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such

provision or the remaining provisions of this Agreement; provided that such invalidation of any provision or provisions of this Agreement does not materially prejudice either party in their respective rights.

32. Arbitration—The parties agree that any and all disputes which may arise between them concerning any aspect of this Agreement will be dealt with first by the selection of a mutually acceptable mediator who will attempt to successfully mediate the dispute. If the mediation process does not result in the termination of the dispute, the parties agree that the dispute will be submitted to final and binding arbitration under the Commercial Arbitration Rules of the American Arbitration Association.

IN WITNESS WHEREOF, this Agreement is executed as of the day and date first above written.

CITY OF BURLINGTON, VERMONT

By: _____

THE UNIVERSITY OF VERMONT MEDICAL CENTER
INC.

By: _____

MEMORANDUM OF UNDERSTANDING AND AGREEMENT

~~(As Amended June 16, 2006, and July 27, 2016)~~

This Memorandum of Understanding and Agreement is made and entered into this 22nd day of ~~December 1999,~~ 20, by and between the City of Burlington, a Vermont municipal corporation (“City”), and ~~Fletcher Allen Health Care,~~ The University of Vermont Medical Center Inc., a Vermont corporation with a principal place of business in Burlington, Vermont (~~“Fletcher Allen~~ UVM Medical Center”), sometimes jointly referred to herein as “the parties.”

WITNESSETH:

WHEREAS, ~~Fletcher Allen~~ UVM Medical Center and its predecessor institutions have been the largest provider of quality hospital, other health care services, and health care education to the citizens of Burlington and the surrounding region for more than a century; and

WHEREAS, the presence of ~~Fletcher Allen~~ UVM Medical Center in the City has been tremendously beneficial both in terms of ~~both~~ the health care available to City residents and in terms of its significant contribution to the City’s economic, educational, and cultural environment; and

WHEREAS, two of ~~Fletcher Allen’s~~ UVM Medical Center’s major campuses in Chittenden County, the Medical Center Hospital of Vermont (MCHV) and the ~~University Health Center~~ South Prospect Street facility (owned by the University of Vermont), are located in Ward 1 in the City of Burlington, along with the University of Vermont’s medical school, ~~and Fletcher Allen has proposed a third major facility,~~

WHEREAS, the MCHV is an ambulatory acute care facility, which may be located inpatient hospital serving the UVM Health Network’s affiliated hospitals in Ward 1 Vermont and upstate New York; and

WHEREAS, the City believes that it is in the best long-term interest of the City and the region for ~~Fletcher Allen~~UVM Medical Center to ~~construct its proposed ambulatory care facility in a location on~~continue to develop the MCHV campus, ~~immediately adjacent to the existing hospital (as depicted in Exhibit A) in a manner that maintains and medical school buildings~~enhances its ability to be the acute care inpatient facility of the UVM Health Network system, and the City desires to induce ~~Fletcher Allen~~UVM Medical Center to locate such development on the MCHV campus; and

WHEREAS, the UVM Medical Center is undertaking a significant planning effort to update its Long Range Facility Plan and has an overarching goal to accommodate all acute care inpatient beds on the MCHV campus in Burlington and provide acute inpatient care over the long term for the UVM Health Network; and

WHEREAS, the UVM Medical Center's long range facility planning has projected a need for a significant increase in inpatient beds to meet the needs of our patients over the next 15 years; and

WHEREAS, the long range development of the MCHV campus will require additional on-campus parking to meet the needs of patients, visitors, and staff; and

WHEREAS, the MCHV campus is a finite resource confined by three municipal roadways (Colchester Avenue, East Avenue, and Main Street) and the UVM campus and will require an increase in building square footage to accommodate projected inpatient bed and related facility needs; and

WHEREAS, the MCHV campus is located in the ~~University Campus~~Institutional zoning district, adjacent to a residential neighborhood of Ward 1 of the City, and the dimensional limits currently in effect in the ~~University Campus~~Institutional zoning district inhibit ~~any further~~ expansion of ~~Fletcher Allen's~~UVM Medical Center's facilities on the MCHV campus; and

WHEREAS, many residents of the Ward 1 neighborhood adjacent to the MCHV campus are concerned that development of facilities on the MCHV campus, together with the possible future development of the adjacent facilities of the University of Vermont, ~~Trinity College, and the Vermont Health Department,~~ may further change the residential character of their neighborhood; and _____

~~WHEREAS, Fletcher Allen has no intention to acquire additional residential properties within the limits of Ward 1; and~~

~~WHEREAS, as long as the City's Zoning Ordinance is amended to allow expansion of Fletcher Allen's facilities within the MCHV campus, Fletcher Allen will not need to expand into the adjacent residential neighborhood in Ward 1; and~~

_____ WHEREAS, both the neighbors of the area and ~~Fletcher Allen~~ UVM Medical Center share the belief that it is to the benefit of both the institution and the community which surrounds it that such portion of Ward ~~1~~ 11 remain a neighborhood of families, not simply a neighborhood consisting of buildings used for institutional purposes or to house on a temporary basis individuals associated with such institutions in one fashion or another; and

WHEREAS, UVM Medical Center has no intention to acquire additional residential properties within the limits of Ward 1 for the purposes of providing medical care or ancillary support or administrative services; and

WHEREAS, a working group, formally known as the Parking and Traffic Task Force, including representatives of the Ward 1 Neighborhood Planning Assembly, ~~both~~ Ward 1 and East District City Councilors, and representatives of ~~Fletcher Allen has been meeting~~ UVM Medical Center meet regularly ~~for several months~~ to determine how to protect the residential character of the adjacent neighborhood in Ward 1, and to provide for additional development within the MCHV campus; and

WHEREAS, the working group believes that the appropriate methodology to accomplish these goals is an amendment to the City's ~~Zoning Ordinance~~CDO, and an agreement between the City and ~~Fletcher-Allen~~UVM Medical Center which will, among other things, clarify and confirm that ~~Fletcher-Allen~~UVM Medical Center has no plan to acquire additional residential properties within the limits of Ward 1 for the purposes of providing medical care or ancillary support or administrative services, and impose certain limits on development of the MCHV campus, in addition to those imposed by the City's ~~Zoning Ordinance~~CDO; and-

———WHEREAS, the essence of ~~such the above-referenced~~ methodology is an agreement between the City and ~~Fletcher-Allen~~UVM Medical Center which will permit ~~Fletcher-Allen~~UVM Medical Center to utilize its MCHV campus at a higher density ~~and lot coverage~~ than would be permitted under current ordinances; and

WHEREAS, UVM Medical Center will endeavor to keep the City apprised of its long range facility plans to facilitate the City's early evaluation of UVM Medical Center's evolving needs for utility, transportation, and other municipal services, and the City will in turn endeavor to keep UVM Medical Center apprised of changes in the availability of such services as may impact UVM Medical Center's long range facility plans; and

———WHEREAS, UVM Medical Center and the City recognize the shortage of affordable housing in Burlington, especially for families; how it impacts the entire community including UVM Medical Center staff; and the need for a strong coordinated and collaborative approach to reversing the problem. UVM Medical Center wishes to support finding solutions to increase the availability of affordable housing and would welcome the opportunity to work with developers to create housing opportunities in Burlington and the broader Chittenden County region, some of which could be within Ward 1, that could benefit its staff and residents of Burlington; and

WHEREAS, this MOU cannot and does not modify the public process for the approval of amendments to the City’s Comprehensive Development Ordinance by the City Council, or modify the process for review or predetermine the outcome with respect to any UVM Medical Center state or municipal permit application, including but not limited to those pursuant to Act 250, state laws and regulations governing stormwater and wastewater management, the City’s Comprehensive Development Ordinance, or municipal regulations described in City Ordinance including Chapters 26 (Wastewater, Stormwater, and Pollution Control) and 31 (Water); and

WHEREAS, UVM Medical Center, as lessor, and American Cancer Society, New England Division, Inc.) (“ACS”), as lessee, entered into that certain Lease dated October 3, 2005 (the “Ground Lease”) pursuant to which ACS agreed to lease from UVM Medical Center, for a term of fifty (50) years, the Hope Lodge facility and related improvements substantially in accordance with the City of Burlington Development Review Board Conditional Use Determination #CU-2004-001, as the same may be amended from time to time with respect to the particulars of the facility to be constructed and operated (the “CUD”) (the “Improvements”); and

NOW THEREFORE IT IS AGREED, by and between the City and ~~Fletcher Allen~~UVM Medical Center as follows:

1. ~~The City will consider amending its zoning ordinances so as to permit an increase from a maximum of forty (40%) percent to a maximum of sixty (60%) percent lot coverage within Fletcher Allen's main campus as it is currently constituted. The City will also consider further amending its zoning ordinance so as to permit development within the Fletcher Allen campus at sixty-five (65%) percent lot coverage if lot coverage in the so-called transitional buffer zone, which is defined as that area within 150 feet of Colchester and/or East Avenues, measured from the center line of the right of way thereof does not exceed thirty-five (35%) percent. Fletcher Allen's main campus shall be regarded as that depicted upon Exhibit A, which is attached hereto and incorporated herein.~~

~~2. ——— It is understood that the City is not legally authorized to contract for the amendment of its zoning ordinances as such a contract would improperly interfere with the exercise of the statutory jurisdiction of the City’s Planning Commission and City Council. The commitments of Fletcher Allen recited herein, however, shall only be effective if and when the City amends its zoning ordinances by adopting Proposed Zoning Amendment No. 95-01 A in its current form, or with changes reasonably acceptable to Fletcher Allen. If such amendments have not occurred on or before May 1, 2000, or if the provisions adopted by such amendments are repealed, invalidated, or otherwise substantially modified or changed, this Agreement will become null and void in its entirety.~~

1. Should such zoning amendments be accomplished by the City with the timeframe above specified, Fletcher Allen shall not by purchase, lease or any other form of occupancy acquire any
The City will consider amending its CDO so as to permit the extension of the ICC-UVMHC Height Overlay District north to Mary Fletcher Drive as depicted in Exhibit B, and the City will consider amending its CDO to increase the maximum height of a building within such district by 40 feet to 580 feet above mean sea level from the elevation of a plane running parallel to the earth, as depicted in Exhibit C. UVM Medical Center will not seek to extend the Height Overlay District beyond the area depicted in Exhibit B.

2. Per state statute, an amendment to the CDO is a legislative function of the City’s Planning Commission and City Council. UVM Medical Center understands that the City may not legally contract for the amendment of its CDO. The City’s Administration will endeavor to propose the amendments to the CDO referenced in paragraphs 1 of this Agreement to the City Council on or before December 31, 2025.

3. UVM Medical Center wishes to encourage affordable housing opportunities for its employees near its campus and may work with developers to lease or develop property located within the City’s Ward 1 Burlington, including in Ward 1, or in the Chittenden County region which, as of the date hereof, is being will be used for residential purposes. Instead, Fletcher

~~Allen only.~~ UVM Medical Center shall carry out any and all growth of its facilities within its ~~main~~MCHV campus, the City's central business district, or outside the boundaries of Ward ~~1~~1 in the manner allowed by applicable zoning regulations. ~~However, nothing~~Nothing herein shall prevent ~~Fletcher Allen~~UVM Medical Center from being the recipient of a donated residential property, which it may resell or use for residential use for its employees.

~~4. — Notwithstanding the prior paragraph, Fletcher Allen may within the area depicted by hash marks on the map attached hereto and incorporated herein as Exhibit B, or outside thereof with the advance approval of the City's City Council, acquire and occupy buildings within Ward 1 outside its main campus which are being utilized for institutional and/or educational purposes. The foregoing advance approval requirement shall not apply to acquisition or occupancy of buildings or property, which is currently part of the UVM core campus.~~

4. UVM Medical Center shall continue to utilize the 11-residential properties which it owns on East Avenue solely for residential purposes. However, one or more of such properties may be utilized for temporary residential purposes by families of UVM Medical Center patients during the hospitalization of their family member. Otherwise, UVM Medical Center will use good faith efforts to price and lease such houses in a manner to attract families so as to preserve the single-family character of the East Avenue neighborhood.

5. The parties acknowledge and agree that the boundaries of the residential properties currently known as 237 – 245 East Avenue are being adjusted to include certain lands from ~~Fletcher Allen's~~UVM Medical Center's MCHV campus and said lots ~~are being~~have been merged pursuant to a Property Line Adjustment Application dated October 4, 2005 and approved by the City of Burlington on December 14, 2005 as evidenced on that certain Plat of Boundary Adjustment entitled "~~Fletcher Allen~~UVM Medical Center Health Care, Inc. 'Hope Lodge' Lease Site 237 & 245 East Avenue Burlington Vermont" prepared by Civil Engineering Associates, Inc., and recorded in Map Slide  of the City of Burlington land records (the "Boundary

Adjustment/Lot Merger”). ~~The legal description of the lot resulting from the Boundary Adjustment/Lot Merger is set forth on Schedule A attached hereto (the “Hope Lodge Lot”).~~ The City hereby agrees that ~~Fletcher Allen~~UVM Medical Center may lease the Hope Lodge Lot to ACS ~~so that ACS may construct and to~~ operate the Hope Lodge facility and related improvements substantially in accordance with the City of Burlington Development Review Board Conditional Use Determination #CU-2004-001, as the same may be amended from time to time with respect to the particulars of the facility to be constructed and operated (the “CUD”) (the “Improvements”). ~~Fletcher Allen~~UVM Medical Center agrees that at the end of the term of the Ground Lease, or at such earlier time if ~~Fletcher Allen~~UVM Medical Center shall regain possession of the Hope Lodge Lot, whether by early termination of the Ground Lease or by ~~Fletcher Allen’s~~UVM Medical Center’s acquisition of ACS’s leasehold interest under the Ground Lease, ~~Fletcher Allen~~UVM Medical Center will use the Hope Lodge Lot or cause the Hope Lodge Lot to be used for ~~(i)~~:

- (i) temporary residential purposes by ~~Fletcher Allen~~UVM Medical Center patients and their families or caregivers during the hospital treatment of such patients, or ~~(ii)~~
- (ii) long term residential purposes by individuals or families consistent with the residential character of the East Avenue neighborhood. ~~Fletcher Allen shall continue to utilize the remaining 11 residential properties which it owns on East Avenue solely for residential purposes. Fletcher Allen will use good faith efforts to price and lease such remaining 11 houses in a manner to attract families so as to preserve the single family character of the East Avenue neighborhood.~~

5.6. UVM Medical Center shall continue to provide water access for the community gardens located at ~~45~~115 Colchester Avenue at no charge.

6.7. UVM Medical Center shall continue to provide use of its parking spaces at 115 Colchester Avenue during after work and weekend hours at no charge, but only for parking for

Vermont Lake Monsters games, customers of ~~India House~~the restaurant located at 207 Colchester Avenue, people using the community garden, and neighbors during parking bans for snow removal and street sweeping. UVM Medical Center will not be required to perform additional maintenance of the parking area, including snow and ice removal and sanding, for these non-business hour uses beyond the maintenance required for its own use during its regular business hours. For example, UVM Medical Center will not be required to plow the parking area outside of its regular business hours even when a snow ban is in effect.

~~7. The City acknowledges that UVM Medical Center is agreeing to preserve the parking area for public and community uses noted above despite the fact that this may deprive UVM Medical Center of the benefit of potential additional lot coverage on its main campus pursuant to Section 1 of this MOU and the lot coverage rules in the CDO for the ICC-UVMMC Overlay District. The City will take into account the preservation of this lot coverage within the transitional buffer in considering the lot coverage restrictions in any future development of UVM Medical Center's main campus to the extent that it can under the CDO.~~

8. ~~Both Fletcher Allen~~Both UVM Medical Center and the residents are concerned over the cumulative impacts of storm water run-off into Centennial Woods,~~and Fletcher Allen~~and recognize the need to build resilient infrastructure to mitigate future impacts of climate change. UVM Medical Center will address these cumulative impacts as a part of the permitting process.

9. ~~Fletcher Allen~~UVM Medical Center will investigate and implement, if practicably feasible, the opportunity for its Ward 1 neighbors to participate in its on-campus wellness programs.

10. ~~Fletcher Allen~~UVM Medical Center will utilize its good faith efforts to develop and implement efforts to encourage its employees to live in the residential areas proximate to its ~~main~~MCHV campus, by providing an informational brochure to its interns, residents and

employees advising them of residential opportunities within Ward 1 proximate to the ~~Fletcher Allen facilities~~UVM Medical Center facilities. In the event UVM Medical Center has agreements in place with developers to provide affordable multi-family housing for its employees and their families in Burlington or in Ward 1, this housing will be professionally managed in keeping with the residential neighborhood character.

11. No further development on the so-called hospital sliding hill and community garden area, which is as shown on Exhibit ~~C,D~~ attached hereto and incorporated herein, shall be carried out during the term of this Agreement.

12. ~~Fletcher Allen~~UVM Medical Center shall maintain ~~a transitional buffer as contemplated by the proposed zoning ordinance amendment~~Transitional Buffer associated with the ICC UVMMC Overlay District from the centerline of Colchester and East ~~Avenues~~Avenue respectively and extending 150 feet ~~on to~~onto the property of ~~Fletcher Allen~~. ~~The maximum lot~~UVM Medical Center, as depicted on Exhibit E hereto. Lot coverage within the Transitional Buffer shall not exceed 40% for the entire Fletcher Allen main campus may be increased above 60% by one percent for each one percent that the transitional buffer coverage is less than 40%, to an absolute maximum aggregate of 65% lot coverage. all land owned by UVM Medical Center and located within the Transitional Buffer.

13. ~~Fletcher Allen~~UVM Medical Center shall not, in exercising its rights under this Agreement, cause the net loss of existing green space within its ~~main~~MCHV campus solely for the purpose of accommodating additional surface parking. Provided, however, ~~Fletcher Allen~~UVM Medical Center may construct a parking garage to meet its parking needs even if existing green space is lost in the process. There is attached hereto, and incorporated herein as Exhibit ~~A~~F, a map depicting existing green space on the MCHV Campus.

14. ~~There shall be a task force composed of an equal number of representatives from Fletcher Allen and the City. The task force will look at parking and traffic issues affecting and/or resulting from~~

~~the development of the proposed ambulatory care facility on Fletcher Allen's main campus. The City shall coordinate with the Ward I Neighborhood Planning Assembly concerning the appointment of its representatives. Fletcher Allen commits to utilizing its best efforts to carry out its development activities in a pedestrian friendly manner and to develop its main campus in a manner which promotes convenient pedestrian circulation. If the work of this task force results in a need for an amendment to this Agreement, negotiating committees on behalf of the City and Fletcher Allen will promptly meet to determine whether an amendment to this Agreement can and should be agreed upon. Fletcher Allen also~~UVM Medical Center has a total parking count of 2,094 parking spaces on the MCHV campus which is the maximum allowed by its current City approvals. The City Administration will support expansion of this up to 2,950 parking spaces to meet UVM Medical Center's long-range needs so long as the increase in spaces is in structured parking facilities and there is no net increase in surface parking. However, it is understood by UVM Medical Center that any permit application before the City's regulatory staff and/or boards or amendment to the UVM Medical Center portion of the Joint Institutional Parking Management Plan before the Planning Commission and Development Review Board are independent reviews and cannot be influenced, prejudged, or predetermined.

15. UVM Medical Center is a founding member of Chittenden Area Transportation Management Association (CATMA) and will continue to support CATMA as a member. Moreover, UVM Medical Center commits to working with the City to develop additional multimodal transportation solutions that would reduce dependence on car transportation and thus parking requirements.

14.16. UVM Medical Center commits that during the term of this Agreement it will not utilize satellite parking in addition to that currently in use on any properties located within Ward 1. -In connection with the permitting process for any ~~Fletcher Allen~~UVM Medical Center development subsequent to the execution of this Agreement, ~~Fletcher Allen~~UVM Medical Center

shall utilize its good faith efforts to ameliorate traffic congestion on the roadways and streets within its campus and on the public streets proximate thereto.

~~15.17.~~ The parties recognize that construction activities on ~~Fletcher Allen's main~~UVM Medical Center's MCHV campus may affect existing parking facilities and- result in a temporary parking shortage, which may impose additional demands with the adjacent residential neighborhood in Ward 1, as well as impact traffic circulation in Ward 1. The parties agree that ~~Fletcher Allen~~UVM Medical Center will not attempt to provide substitute parking facilities within the neighborhood but will instead mitigate any temporary parking shortage through travel demand management programs (i.e., carpooling, subsidized mass transit passes, etc.) or by locating additional satellite parking outside of Ward 1. The parties shall meet and confer concerning the best methodology for ~~Fletcher Allen~~UVM Medical Center to deal with its construction related impacts.

18. UVM Medical Center will endeavor to design new facilities that are climate resilient and reduce climate and environmental impacts. UVM Medical Center and the City through Burlington Electric Department will also seek to collaborate to support innovative projects that offer mutual benefits such as battery storage that could provide reliability and resilience benefits to the Medical Center and the potential for peak energy use reduction and cost reduction for Burlington Electric ratepayers.

~~16.19.~~ Throughout the term of this Agreement, periodic meetings, no less frequently than semi-annually shall be held between ~~Fletcher Allen~~UVM Medical Center and Ward 1 ; Neighborhood Planning Assembly (NPA) representatives to review the status of this Agreement and to share information concerning the development plans and activities of ~~Fletcher Allen~~UVM Medical Center.

17.20. In the event that there are unforeseen circumstances during the term of this Agreement, which have significant impact upon the achievement of the principles mutually set forth herein, the parties agree to meet and confer in good faith concerning the need for any possible amendments to this Agreement.

21. ~~Fletcher Allen~~ UVM Medical Center has had a ~~strong~~ presence at the UHC1 South Prospect Street facility and ~~has no short-term plans~~ intends to eventually vacate the facility. ~~Fletcher Allen~~ UVM Medical Center will not undertake or support any plans to increase the number of parking spaces at the UHC1 South Prospect Street Campus. ~~In general Fletcher Allen~~ UVM Medical Center intends to ~~continue to share use of~~ vacate the UHC facility1 South Prospect Street Campus with ~~the University of Vermont, and to use such space for administrative and support~~ some services, ~~primary~~ relocating to the MCHV campus. Primary care ~~clinics and, possibly, out-patient mental~~ services will stay in Burlington providing an appropriate location can be found.

22. UVM Medical Center values its heritage and will preserve its original hospital building, the Mary Fletcher building, and will seek to maintain the historic character when that structure is updated or repaired, including with respect to the selection of building materials.

18.23. For future construction projects, UVM Medical Center shall hire contractors and subcontractors who pay appropriate wages, properly classify personnel as employees or independent contractors as required by law, and otherwise obey all applicable employment and labor laws. When this is feasible, as determined in UVM Medical Center's discretion, UVM Medical Center shall endeavor to hire contractors and subcontractors who participate (where applicable) in formal apprenticeship training programs, and provide employer funded health services and retirement benefits, with the understanding that it is the Parties' intent that the foregoing shall not be understood to preclude UVM Medical Center from engaging any qualified contractor or construction manager. UVM Medical Center and its contractors shall not

discriminate in hiring or employment on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age, or against a qualified individual with a disability. UVM Medical Center will include in its general construction contract a requirement that the labor employed (including without limitation labor employed by UVM Medical Center and by UVM Medical Center’s general contractor and subcontractors) shall be paid a “livable wage” as that term is defined in the City of Burlington Livable Wage Ordinance.

24. UVM Medical Center will use reasonable efforts to incorporate locally and regionally sourced materials, products and services in construction.

19:25. The term of this Agreement shall be a period of twenty ~~five (25)~~ (20) years commencing on the date of execution hereof and expiring on ~~September 20,~~ 2024, .

20:26. The word “residential” shall have the same meaning in this Agreement as in the City’s ~~Zoning Ordinance~~ CDO in effect upon the date of execution of this Agreement.

21:27. Both parties hereto shall make good faith efforts to meet and commence ; negotiations concerning the possible extension of this Agreement. Such conversations shall commence in ~~2022~~2043, the ~~twenty-third~~ eighteenth year of this Agreement.

22:28. This Agreement may be amended, or any provision of this Agreement may be waived, if such amendment or waiver will be binding upon any party only if set forth in a writing executed by such party. No course of dealing between or among any persons having any interest in this Agreement will be deemed effective to modify, amend or discharge any part of this Agreement or any rights or obligations of any person under or by reason of this Agreement.

23:29. Except as otherwise expressly set forth in this Agreement, all notices, demands and other communications to be given or delivered under or by reason of the provisions of this

Agreement shall be in writing and shall be deemed to have been given when delivered personally, or by documented overnight delivery service. Notices, demands and communications to ~~Fletcher-Allen~~UVM Medical Center or to the City shall, unless another address is specified in writing, be sent to the address indicated below:

____ Notices to: The University of Vermont Health Network
____ 462 Shelburne Road, Suite 301
____ Burlington, Vermont 05401
____ Attn: GeneralCounsel@uvmhealth.org

____ With a copy to:

Burlington City Attorney
Office of City Attorney and Corporation Counsel
149 Church Street
Burlington, VT 05401

24.30. This Agreement and all of the provisions hereof will be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns. Neither this Agreement nor any of the rights, interests or obligations hereunder may be assigned by either party without the prior written consent of the other party; provided, however, that ~~Fletcher-Allen~~UVM Medical Center may assign its rights and obligations hereunder to any nonprofit organization that acquires ownership of or leases any part or all of ~~Fletcher-Allen's~~UVM Medical Center's Property and devotes such property to the charitable use of providing healthcare services.

25.31. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provisions will be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement; provided that such invalidation of any

provision or provisions of this Agreement does not materially prejudice either party in their respective rights.

26.32. Arbitration—The parties agree that any and all disputes which may arise between them concerning any aspect of this Agreement will be dealt with first by the selection of a mutually acceptable mediator who will attempt to successfully mediate the dispute. If the mediation process does not result in the termination of the dispute, the parties agree that the dispute will be submitted to final and binding arbitration under the Commercial Arbitration Rules of the American Arbitration Association.

____ IN WITNESS WHEREOF, this Agreement is executed as of the day and date first above written.

CITY OF BURLINGTON, VERMONT

By: _____

THE UNIVERSITY OF VERMONT MEDICAL CENTER
INC.

By: _____

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

1/7/2025

	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

MEMO

To: Board of Finance and City Council
 From: Cindi Wight, Director
 Erin Moreau, Waterfront Superintendent & Harbormaster
 Rob Peterson, Marina Manager & Deputy Harbormaster
 Date: January 13, 2025
 Re: Approval of Parking Fees

Executive Summary

Parks, Recreation & Waterfront is requesting:

- Approval of increased parking fees effective January 2025.

Background

All parking fee changes require approval from the Parks, Recreation & Waterfront Commission and the City Council. BPRW is seeking a modest increase to parking fees in multiple categories.

Fee Changes

Below is a table of our parking fees. We are seeking to remove those highlighted in red as a parking option, either because of low or non-use or not easily able to regulate with online pass purchase. The yellow fees reflect an increase. We are seeking a moderate raise in most fees to capture the increased costs associated with staffing and service to the parking system and overall department increases.

One change to note because it will significantly impact the rise in revenue is the increase in the Oakledge and North Beach peak-season fees. Currently, they have a lower rate than Perkins Pier and Pease Lot during our peak Summer months. We request that the rates at Oakledge and North Beach be raised from \$2/hour to \$3/hour so that all of our waterfront parking lots charge the same fee across our system. Both Oakledge and North Beach have high attendance and warrant the same parking rate structure as our central locations.

Altogether, all of these new rates will yield an increase of approximately \$50,000 in new revenues, fully realized in the FY26 budget year.

The Parks & Recreation Commission approved the 2025 fees at their 12/10/24 meeting.

Description	Location	2024 Fees	2025 (Proposed)
Season Pass Student	North Beach, Perkins and Oakledge	\$35	Remove – Not able to control online for non-students purchasing pass and we also do not need to discount student passes as we offer free low-income passes.



Season Pass Resident	North Beach, Perkins and Oakledge	\$50	\$55
Season Pass Non-Resident	North Beach, Perkins and Oakledge	\$70	\$75
Additional Season Pass Resident	North Beach, Perkins and Oakledge	\$20	\$25
Additional Season Pass Non-Resident	North Beach, Perkins and Oakledge	\$35	Remove – little used option here. We recommend that if a non-resident want a second pass, they pay full rate for it.
Boater Second Vehicle Pass	Pease, Perkins	\$35	\$40
Season Pass for League Participants	Oakledge	\$40	Remove – Not supported with online system and ability to confirm league participation. Participants can purchase a seasonal pass or pay hourly rate
Season Boat Trailer	Perkins, Coast Guard	\$30	\$30
Winter Season Pass	Perkins	\$25	\$25
Monthly Business Parking Pass	Perkins	\$70	\$75

Description	Location	Fees	2025 Proposed
Hourly - Peak only (May - October 15) - new hourly at North Beach	North Beach & Oakledge	\$2	\$3
Hourly - Pease year round	Pease	\$3	\$3
Hourly - Peak (max \$12 May - October)	Perkins	\$3	\$3
Hourly - Off Season (November - April)	Perkins	\$2	\$3
Car & Trailer Day Pass (\$10 previously)	Perkins, Coast Guard	\$12	\$12
24 hr Car Pass	Perkins	\$12	\$15
24 hr Car & Trailer	Perkins	\$20	\$20
Handicap Car with Trailer	Perkins	Free	Free
Commercial Boat Launch	Perkins	\$20	\$25
Day Bus	North Beach, Perkins	\$20	\$25
Event/Holiday	All	Market rate	Market rate



Motions

Board of Finance

To approve and recommend that the City Council approve the 2025 Parking fees as recommended by the Parks, Recreation & Waterfront Commission, during its December 10, 2024 meeting, as detailed in the rate table herein.

City Council

To approve the 2025 Parking Fees as recommended by the Parks, Recreation & Waterfront Commission, during its December 10, 2024 meeting, as detailed in the rate table herein.

Board of Finance and City Council Submission ChecklistDepartment: Parks Submitter: Cindi WightTitle/Subject: BPRW Parking Fees

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	1/13/2025

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	1/7/2025	Cindi Wight
Mayor's Office informed and approved memo	Yes	1/7/2025	Joe Magee
Board/Commission, if required	Yes	12/10/2024	Parks Commission
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	1/3/2025	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	1/7/2025	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



MEMORANDUM

TO: City of Burlington, City Council

FROM: Jon Murad, Chief of Police 

CC: Shannon Trammell, Executive Manager
Nicole Losch, Grants Director

DATE: January 6, 2025

SUBJECT: Authorization to Accept Grant Award from Vermont Department of Public Safety for Emergency Response Unit Tactical Body Armor Vests

REQUEST

The Burlington Police Department (BPD) seeks City Council authorization to accept the grant award of \$104,019.14 from the Vermont Department of Public Safety, a State agency using pass-through federal funding, and for the Chief of Police to execute all documents necessary to accept the funding, subject to the final review and approval of the City Attorney's Office and Chief Administrative Officer.

EXECUTIVE SUMMARY

Background:

Since 2018, the Burlington Police Department (BPD) has had a specialized team of officers, called the Emergency Response Unit (ERU). It currently consists of 23 police officers who have demonstrated that they are qualified to be part of the unit. This unit receives additional training in de-escalation, negotiation, tactics, and specialized tools beyond the department standard. The ERU responds to critical incidents and high-risk operations, including acts of terrorism, and makes every effort, where possible, to ensure a safe outcome prioritizing de-escalation, effective communication, and the sanctity of human life. The primary objective is to preserve the safety of all hostages, innocent persons, police officers, and the suspect(s).

Due to the nature of a high risk incident last winter, leadership of the ERU began looking into ways to add additional protection equipment and specialized training for the Unit to enhance the ERU's capability to address more lethal threats in the community, for which this grant was found.

Officers in the ERU require a ballistic vest that offers greater protection than the standard issued soft armor that is worn on patrol. Ballistic vests are typically replaced every five years per manufacturer specifications due to degradation of materials and warranty guidelines. Currently the ERU is operating out of specification compliance, with vests issued in 2017, while some officers in the ERU have purchased their own protective gear, which does not create consistent protection or uniformity for our officers in the ERU.

The acceptance of this grant will allow BPD to enhance and expand its Emergency Response Unit's capabilities and outfit all members of the specialized unit with the proper gear for ultimate protection in these high risk incidents.

After consultation and review of the grant documents by the City Attorney's Office, we are seeking Council approval for acceptance of this grant, due to the defense and indemnification provisions required by the State in its grant agreement in accordance and compliance with Article 12 of the City's Procurement Policy.

Project Funding:

BPD worked with the Grants Director to submit our application for this grant. The total project amount is \$104,019.14, of which 100% is being funded by the DPS grant. There are no cost-sharing percentages or obligations from the City of Burlington for this grant.

As outlined in the Procurement Policy, this grant has been approved for acceptance by the Mayor's Office on December 11, 2024 by Chief of Staff Jacobsen.

Department Contact:

If you have any questions, please contact Shannon Trammell, Executive Manager at strammell@bpdvt.org or (802) 540-2107.

ATTACHMENT

A. Grant Award Detail

MOTION

The Burlington Police Department respectfully requests the City Council approve the following motion:

"To approve and authorize Chief of Police for the BPD to accept the grant award of \$104,019.14 from Vermont Department of Public Safety and execute all necessary documents thereto upon final review and approval of the Chief Administrative Officer and the City Attorney's Office."

Thank you for your continued support.

VERMONT DEPARTMENT OF PUBLIC SAFETY

STATE OF VERMONT GRANT AGREEMENT					Part 1-Grant Award Detail		
SECTION I - GENERAL GRANT INFORMATION							
¹ Grant #: 02140-7H24232-103				² Original ☒ Amendment #			
³ Grant Title: 2024 Homeland Security Grant Program							
⁴ Amount Previously Awarded:		⁵ Amount Awarded This Action:		⁶ Total Award Amount:			
\$ 0.00		\$104,019.14		\$104,019.14			
⁷ Award Start Date: Upon Execution		⁸ Award End Date: 8/31/2027		⁹ Subrecipient Award: YES ☒ NO ☐			
¹⁰ Supplier #: 0000040096		¹¹ Grantee Name: City of Burlington					
¹² Grantee Address: 149 Church St							
¹³ City: Burlington				¹⁴ State: VT		¹⁵ Zip Code: 05401	
¹⁶ State Granting Agency: Department of Public Safety						¹⁷ Business Unit: 02140	
¹⁸ Performance Measures: YES ☒ NO ☐		¹⁹ Match/In-Kind: \$		Description:			
²⁰ If this action is an amendment, the following is amended: Amount: ☐ Funding Allocation: ☐ Performance Period: ☐ Scope of Work: ☐ Other: ☐							
SECTION II - SUBRECIPIENT AWARD INFORMATION							
²¹ Grantee Identifier [UEI] #: TUNGFAFUJL54			²² Indirect Rate: %		²³ FFATA: YES ☒ NO ☐		
²⁴ Grantee Fiscal Year End Month (MM format): 06			(Approved rate or de minimis 10%)		²⁵ R&D: YES ☐ NO ☐		
²⁶ UEI Registered Name (if different than VISION Supplier Name in Box 11):							
SECTION III - FUNDING ALLOCATION							
STATE FUNDS							
Fund Type		²⁷ Awarded Previously	²⁸ Award This Action	²⁹ Cumulative Award	³⁰ Special & Other Fund Descriptions		
General Fund		\$0.00	\$0.00	\$0.00			
Special Fund		\$0.00	\$0.00	\$0.00			
Global Commitment (non-subrecipient funds)		\$0.00	\$0.00	\$0.00			
Other State Funds		\$0.00	\$0.00	\$0.00			
FEDERAL FUNDS (includes subrecipient Global Commitment funds)					Required Federal Award Information		
³¹ ALN#	³² Program Title	³³ Awarded Previously	³⁴ Award This Action	³⁵ Cumulative Award	³⁶ FAIN	³⁷ Federal Award Date	³⁸ Total Federal Award
97.067	FY 2024 Homeland Security Grant Program	\$0.00	\$104,019.14	\$104,019.14	EMW-2024-SS-05126	9/1/2024	\$1,596,469.00
³⁹ Federal Awarding Agency:		⁴⁰ Federal Award Project Descr:					
		\$0.00	\$0.00	\$0.00			\$0.00
³⁹ Federal Awarding Agency:		⁴⁰ Federal Award Project Descr:					
		\$0.00	\$0.00	\$0.00			\$0.00
³⁹ Federal Awarding Agency:		⁴⁰ Federal Award Project Descr:					
		\$0.00	\$0.00	\$0.00			\$0.00

STATE OF VERMONT GRANT AGREEMENT				Part 1-Grant Award Detail			
Federal Awarding Agency:				Federal Award Project Descr:			
		\$0.00		\$0.00	\$0.00		\$0.00
Federal Awarding Agency:				Federal Award Project Descr:			
Total Awarded - All Funds		\$0.00	\$104,019.14	\$104,019.14			
SECTION IV - CONTACT INFORMATION							
STATE GRANTING AGENCY				GRANTEE			
NAME: Kaisa S. Lewia				NAME: Nicole Losch			
TITLE: Financial Administrator				TITLE: Grants Director			
PHONE: 802-585-4228				PHONE: 802-391-6809			
EMAIL: Kaisa.Lewia@Vermont.gov				EMAIL: nlosch@burlingtonvt.gov			

Part 2- Grant Agreement

Parties: This is a Grant Agreement between the State of Vermont, **Department of Public Safety (DPS)** (hereinafter called "State"), and the **City of Burlington (PD)** (hereinafter called "Subrecipient").

The Subrecipient must be in compliance with the Vermont statutory requirements relating to taxation of business entities operating within the State. If the Subrecipient does not have a Business Account Number, it is the Subrecipient's responsibility to contact the Vermont Department of Taxes to determine if, by law, the Subrecipient is required to have a Vermont Department of Taxes Business Account Number.

Subrecipient Federal Tax Identification Number: 036000410

Subject Matter: The subject matter of this Grant Agreement is **as outlined in Attachment A- Scope of work to be performed.**

Award Details: Amounts, dates, and other award details are as shown in the above *Grant Agreement Part 1-Grant Award Detail*. A detailed scope of work covered by this award is described in Attachment A.

Grant Agreement Term: State will not reimburse any expenses incurred prior to the execution date of this Grant Agreement unless an Advance Notice to Proceed has been issued (*DPS Form ADM-105*). The execution date is defined as the date the Department of Public Safety representative(s) signs this Grant Agreement. *The only exception to this rule is for FEMA Public Assistance awards under the Stafford Act (see Attachment E for execution date details).*

Amendment: No changes, modifications, or amendments to the terms and conditions of this Grant Agreement shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the State and Subrecipient. An amendment is a request to make a programmatic, administrative, or substantial financial change to this Grant Agreement (refer to Attachment B- Payment Provisions). Examples include changes in scope of work, budget modification, and change in Grant Agreement term (period of performance).

Cancellation: This Grant Agreement may be suspended or cancelled by either party by giving written notice at least **30** days in advance.

Board of Finance and City Council Submission Checklist

Department: Police Submitter: Jon Murad

Title/Subject: Grant Acceptance – VT DPS

	Approval:	Meeting Date:
☐	Board of Finance	
☒	City Council	1/13/2025
☐	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	1/7/2025	J .Murad
Mayor's Office informed and approved memo	Yes	1/8/2025	E. Jacobsen
Board/Commission, if required	N/A		
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	1/7/2025	H. McClenahan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	1/7/2025	H. McClenahan
CAO has reviewed budget, financing, and memo	Yes	1/7/2025	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A		
CIO, if an IT-related investment/purchase	N/A		

Materials Included

	Included?	Note
Final Memo Attached?	Yes	
Contract Attached, if applicable?	Yes	Grant Award Detail
Additional Materials, if necessary	N/A	
Draft Resolution or Motion?	Yes	In attached memo
If for submission to Council, are sponsors identified?	N/A	



MEMORANDUM

TO: Board of Finance / City Council

FROM: Ashley Walenty, PE DPW Water Resources Engineer
Martin Lee, PE DPW Water Resources Engineering Manager

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

DATE: January 13, 2025

RE: Distribution and Collection System Improvements – Contractor Budget Amendment

REQUEST

The Department of Public Works (“DPW”) and its Water Resources Division (“WRD”) seek authorization, through the attached motions to increase the Inliner construction budget to cover anticipated overages for the completion of the water, sewer, and storm line rehabilitation work for a total increase of **\$211,066**.

Project Summary

The Distribution and Collection System Improvement project (“project”) is a large (\$7M+) multi-year comprehensive construction project that included improvements to the following infrastructure: water mains, sewer mains, stormwater mains, and street pavement. The project involved collaboration between the General Fund Technical Services and the Water Resources work groups at the Department of Public Works, with each infrastructure type funded or financed through appropriate sources. The construction project started in 2021 and is substantially complete as of October 2024. Overall, this project included 1,905 feet of sewer pipe replacement, 22,000 feet of sewer pipe relining, 20 feet of stormwater pipe replacement, 25,000 feet of stormwater pipe relining, 575 feet of water main replacement, 5,600 feet of water main relining, and 0.82 miles of full width pavement restoration on select streets. The result of this work will be more resilient water distribution and wastewater/stormwater collection systems for the City resulting in fewer water main breaks, wastewater/stormwater collection system failures and unplanned service disruptions. The initial contract with Granite Inliner was approved by City Council in August 2021¹.

¹ <http://go.boarddocs.com/vt/burlingtonvt/Board.nsf/goto?open&id=C5LRXF6FEC03>

PROJECT COST AND FUNDING SUMMARY:

Inliner Project Costs:

After a competitive bidding process, City Council in August 2021 gave authorization to execute a contract with Granite Inliner for a value of \$6,744,196 with a contingency of \$736,935.13 for a maximum limiting amount of \$7,481,131.13, funded by loans from the Clean Water State Revolving Funds (CWSRF), Drinking Water State Revolving Funds (DWSRF), Bond proceeds from the 2016 Water Bond, Water Capital and City street capital paving funds. In August of 2022, City Council authorized amending the contract to increase the budget by \$520,000 for water work on Overlake Park funded by City ARPA funding². In May 2024, City Council authorized a contract amendment to increase the budget by an additional \$135,000 for water work on Ledge Road funded by City capital funds³. As such, the approved budget for the project is currently \$8,136,131.13.

Over the course of the completion of the project, there have been various unanticipated change orders that have exceeded the contingency for the drinking water, sewer and stormwater portions of the project:

- Additional paving in areas where existing soil conditions required wider trench limits than anticipated, including the need for a full width restoration on Greene Street as a result of the condition of the existing road surface, and water main breaks that expanded the trench limits.
- Additional excavation point repairs of water, sewer and storm mains needed to ensure a successful lining installation.
- Additional water relining pits needed to accommodate unanticipated water pipe conditions.
- Managing a water main break adjacent to the project area on Greene Street.

Water Resources staff closely tracked all of the contract change orders throughout the project. All sewer and storm change orders fell within the project's contingency budget until the final contract work started on Greene Street. The contract work on Greene Street and the subsequent unforeseen circumstances surrounding the water main break, and the condition of the roadway (requiring additional paving) resulted in additional change orders that ultimately increased the final project cost beyond the project contingency. The finalization of the change order accounting was delayed due to multiple rounds of review and comments as well as unforeseen personnel changes within the contractor's team which delayed resolution, resulting in not having the final totals until December 2024.

Additional cost increases over the course of the project which consumed portions of the contingency included inflation on the cost of construction materials that were documented to substantially increase from the time of the bid to the time of installation on this multi-year project. These inflation costs were documented for epoxy used in the pipe liners as well as fuel. After assessing the impact of the change orders the remaining contract value for the anticipated project costs, we estimate that an additional \$52,101 of water capital funding, \$49,182 of sewer capital funding, and \$109,785 of

² <https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/goto?open&id=CGXR7W6AD839>

³ <https://burlingtonvt.portal.civicclerk.com/event/7001/files/agenda/10719>

stormwater capital funding, for a total of \$211,068, will be necessary to close out the financials of the project. The following tables detail each of the specific project costs for this project. This additional money makes the budget whole and allows the City to close out this multi-year project.

Table 1: Project Budget Summary Table for Water Project Closeout

Approved Water Funding Sources	
1. ARPA Water	1. \$13,629.58
2. Remaining Water Capital Approved in 2024	2. \$98,024.06
3. Remaining other Water Capital Approved with Original project Authorization in August 2021	3. \$37,987.32
4. Total Approved Funding	4. \$149,640.96
Anticipated Remaining Water Project Costs	\$201,741.04
Water Funding Needed to Close Out Water Project	\$52,100.08

Table 2: Project Budget Summary Table for Sewer Project Closeout

Approved Sewer Loan SRF Authorization RF1-187	\$305,213.76
Anticipated Remaining Sewer Project Costs	\$354,394.85
Sewer Funding Needed to Close Out Sewer Project	\$49,181.09

Table 3: Project Budget Summary Table for Stormwater Project Closeout

Approved Stormwater Loan SRF Authorization RF1-278	\$241,379.65
Anticipated Remaining Stormwater Project Costs	\$351,164.29
Stormwater Funding Needed to Close Out Stormwater Project	\$109,748.64

Funding for the remainder of the additional water capital work will come from a use of 460 fund balance to fund the \$52,100.08 needed for this capital project in the Water Capital Fund Account (861). There is sufficient cash on hand (\$5.47M.) in 460 for this use.

Funding for the remainder of the additional sewer capital work will come from a carry forward of remaining unspent approved capital expense (\$111K remaining) from the FY24 Sewer capital expense line (480-19-425-000.9500) to the appropriate capital project in the Sewer Capital Fund Account (862).

Funding for the remainder of the additional stormwater capital work will come from a carry forward of remaining unspent approved capital expense (\$121K remaining) from the FY24 Sewer capital expense line (245-19-000.9500_110) to the appropriate capital project in the Stormwater Capital Fund Account (863).

The carry forward amendments are within the CAO's authority as authorized under the FY25 Budget Resolution.⁴

⁴ line 79-82 of <https://burlingtonvt.portal.civicclerk.com/event/7005/files/attachment/5120>

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 authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$211,066.00, for a total Distribution and Collections System contract value with Inliner not to exceed \$8,347,199.13 provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.
2. To approve and recommend that the City Council authorize the Chief Administrative Officer to execute any budget amendments necessary to implement the budgetary actions outlined in this memo.

City Council Actions:

1. To authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$211,066.00, for a total Distribution and Collections System contract value with Inliner not to exceed \$8,347,199.13 provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.
2. To authorize the Chief Administrative Officer to execute any budget amendments necessary to implement the budgetary actions outlined in this memo.

Thank you for your consideration of this request.

Board of Finance and City Council Submission ChecklistDepartment: DPW-Water Resources Submitter: Ashley WalentyTitle/Subject: Water Resources Distribution and Collection System Contract Overage

	Approval:	Meeting Date:
☐	Board of Finance	
☐	City Council	Click or tap to enter a date.
☒	Concurrent	1/13/2025

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	1/7/25	Chapin Spencer
Mayor's Office informed and approved memo	Yes	1/8/25	Erin Jacobsen
Board/Commission, if required			
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	1/7/25	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	1/7/25	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	
Draft Resolution or Motion?	N/A	
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



GREEN UP VERMONT
www.greenupvermont.org

**Success on
Green Up Day
May 4, 2024**



Green Up Day, saw a 30% growth in volunteers over 2023, picked up over four tons of litter and 15,813 tires. In flood clean-up projects we took care of an additional 10,000 tires. We also attempted a Guinness World Records® title and succeeded! The record is: “The Most Pledges Received to Pick Up Trash in 24 Hours.” Vermont is the only State in the nation that can boast this achievement and the only State that offers a program like Green Up Day. As one of Vermont’s favorite traditions, it is imperative for today and for future generations to keep building pride, awareness, and stewardship for a clean Vermont, and keep residents civically engaged.

Green Up initiatives are year-round and further our environmental impact with waste reduction programs, additional clean-up efforts, and educational initiatives. We received a special flood recovery donation from Subaru of New England and have been able to rally volunteers and pay for many flood clean-up projects across the State.

Support from your municipality is essential to our program. Funds help pay for Green Up Day supplies, promotional outreach, and educational resources, contests for kids, and a \$1,000 scholarship. CSWD has a combined payment for all Cities and Towns in the district.

Thank you for supporting this crucial program that takes care of where we all get to live, work and play.

Be an Environmental Hero – Donate on **Line 23 of the Vermont State Income Tax Form** or at www.greenupvermont.org.

2025 Green Up Day is May 3rd.

Green Up Vermont is a 501c3 nonprofit.

Lori Olberg

From: Sam Pratt <samiampratt07@gmail.com>
Sent: Saturday, December 21, 2024 11:14 PM
To: burlingtontownclerk
Subject: Unfortunate End

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

My wife and I headed into Burlington for a little holiday cheer this evening. Dinner and the Nutcracker at the Flynn.

We drove around looking for a parking spot on the street, after ten minutes we pulled into a parking garage with one of the blue Burlington parking signs. \$18 bucks to park for a couple of hours on a Saturday evening! That's crazy and more than we are willing to pay for two hours. So we looked on the street again. After a bit, tried another blue signed parking garage, again \$18 bucks for two hours. Back on to the street looking for a spot to no avail, tried a third garage, same exorbitant fee. We found ourselves in the CourtHouse Plaza parking lot, again with crazy fees.

I guess Burlington just does not want our business. So we took our wallets and headed home. Burlington just keeps making it more difficult for us to come and spend money. This is actually the third time in the last year or so that we have bailed on downtown and ended up dinner in a neighboring town that makes it easy for customers to frequent establishments.

It is kinda sad. I grew up in the area and have many fond memories patronizing the many restaurants and bars in Burlington over the years. It seems like the city management just does not want visitors with cars to come with our wallets. Reducing vehicle lanes and parking is indication enough for me. The business owners keep bringing it up and the receipts show the slow slip into oblivion, however city leaders seem resigned to ignore reality.

Happy Holidays, Good Luck and Farewell.

--

Samuel Pratt aka Sam I am
samiampratt07@gmail.com
802-355-5904

Lori Olberg

From: pleasesavetheroxy <pleasesavetheroxy@proton.me>
Sent: Thursday, January 9, 2025 4:03 AM
To: burlingtontownclerk
Subject: Fw: Please save the Roxy Cinema. Purchase the theater and reopen it?

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

To the Burlington City Council

I believe it is desperately needed to reopen the Merrill's Roxy Cinema. In St Albans when the Welden Theater went out of business the city of St Albans bought the theater and kept it going as a movie theater. I feel that city of Burlington should do the same for the Roxy. Burlington should find a way to buy the Roxy and reopen it as a movie theater.

With the additional loss of Palace 9 in South Burlington the entire Burlington South Burlington area is left without a movie theater for the first time in modern history. It's cruel and harsh to leave the biggest city in the state without a theater. Even Plattsburgh New York has a mainstream theater with their Regal Cinema. And it makes no sense? Plattsburgh has just 19,000 population and Burlington 43,000. Clinton county 78,000 and Chittenden County 172,000. Clearly Burlington deserves a theater just by population alone.

The Roxy has been a historical landmark in Burlington for generations. It opened in 1981 as the Nickelodeon and then Hoyts and the Roxy for the past 21 years. The Roxy has been a part of the Burlington community for 43 years and we need to save it.

As a Burlington resident I've watched countless businesses go out of business in downtown the past 20 to 30 years. Worse yet the GMT bus is reducing and

eliminating many trips around the area.
This could make getting to Majestic 10
in Williston very difficult. That could
leave Burlington residents with no way
to even watch a movie.

Please city of Burlington purchase the
Roxy just as St Albans did with the
Weldon and keep it going as a movie
theater.

The Property is owned by LnM
Properties I'm fairly certain. And the
owner of the theater business has two
email addresses
merrill@merrilltheatres.net and
majestic10@comcast.net.

I hope the city of Burlington will save
our beloved Roxy

--
Sent with <https://mailfence.com>
Secure and private email

--
Sent with <https://mailfence.com>
Secure and private email

Lori Olberg

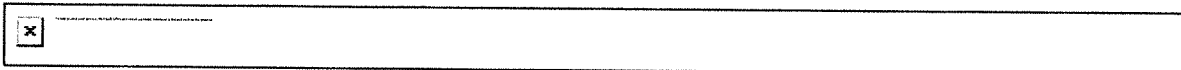
FOR INFORMATION ONLY

From: VLCT Events & Training <info@vlct.org>
Sent: Thursday, December 12, 2024 12:35 PM
To: Lori Olberg
Subject: January 2025: Town Meeting Prep; Workplace Wellbeing; Grants & Funding; DER Training, and More

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DO NOT POST TO THE PUBLIC
OR TO THE CITY CLERK'S OFFICE

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



Don't miss these important trainings happening in January. Register now! Visit [//vlct.org/events](https://vlct.org/events) to sign up for a currently scheduled training. Then, bookmark [//vlct.org/Training2025](https://vlct.org/Training2025) to keep track of what is planned for the rest of the year.

Thanks to funding from USDA Rural Development and PACIF, training will be FREE in 2025.*

January 2025 Training

Town Meeting Prep: Requirements and Deadlines

January 7, 10 AM - 12 PM

This training will review Town Meeting legal requirements and deadlines and provide members with templates for key documents.

Topics include:

- Town Meeting Warning and Model Articles
- Town Meeting Australian Ballot Voting: Legal Requirements Overview

Register



Workplace Matters: Championing Workplace Wellbeing

January 9, 12 PM - 1 PM

Join Emma Henderson from InvestEAP for a workshop that addresses the significance of mental health and substance use disorder in the workplace and emphasizes the importance of support for affected employees. Participants will learn practical strategies to create a supportive environment, recognize signs of struggle, and engage in constructive conversations.

FOR INFORMATION ONLY

Lori Olberg

From: Act250.Essex@vermont.gov
Sent: Thursday, December 12, 2024 3:35 PM
To: benjamin.frye12@gmail.com; efarrell@farrellpropertiesvt.com;
Act250.Legal@vermont.gov; Act250.Agenda@vermont.gov; Benjamin Traverse;
montroll@burlingtonvt.gov; 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 4-438 - Benjamin Frye - Cambrian Rise
Attachments: JO 4-438.pdf

For complete information,
please contact the City Clerk's Office.

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Attached is JO 4-438 - Benjamin Frye - Cambrian Rise.

Christine Commo | NRB Technician
Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452
802-879-5660
<https://act250.vermont.gov>

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Lori Olberg

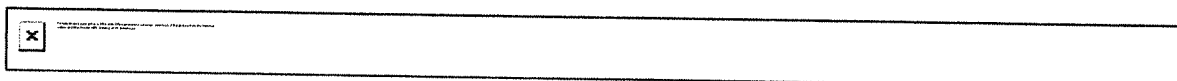
FOR INFORMATION ONLY

From: VLCT Weekly Legislative Report <info@vlct.org>
Sent: Friday, December 13, 2024 8:30 AM
To: Lori Olberg
Subject: Legislative Preview

For complete information &
additional text, please
contact the City Clerk's Office

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The start of the legislative session is just around the corner and the team at VLCT has hit the ground running. We are excited to begin working with lawmakers on the biggest issues facing Vermont communities. Our meetings and discussions with lawmakers and local leaders have made it clear that now is the time to get serious about lowering property taxes, building housing, and promoting public safety.

Our 2025 Legislative Preview touches on several current topics, including:

- VLCT's 2025 Legislative Priorities
- News about changes to legislative leadership
- A recap of the state budget forecast
- And an update on the Stormwater 3 Acre Rule

We'll be discussing the upcoming session this Monday, December 16 at 1 PM. Register and join us via Zoom. As always, please stay in touch. We want to hear your ideas, feedback, and concerns.

[Read the Preview](#)



Advocacy Zoom Chats Resume!

Be sure to join us on Monday, December 16 at 1 PM, for the session kick-off of our Advocacy Chat discussion series.

Then tune in for future chats starting in January. We rely on hearing your ideas and concerns as the session progresses.

[Register now!](#)



Manage Your Preferences

Email mailings@vlct.org to subscribe or unsubscribe from the *Weekly Legislative Report*.

Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Monday, December 23, 2024 5:15 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

(If you are not a match for this email, please contact the City Clerk's Office.)

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

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

Category 1 Underground Storage Tank - Operating/Renewal	Stewart's Shop #661	8649450-18370	Stewart's Shop #661	Burlington	Draft Decision - Public Comment Period
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Changes to Activities I'm Following

Category 1 Underground Storage Tank - Operating/Renewal	Stewart's Shop #661	8649450-18370	Stewart's Shop #661	Burlington	A draft decision for this activity has been reached and may be reviewed by visiting the ENB. Comments may be submitted through the ENB when the public comment period is open.	2024-12-23	Draft Decision - Public Comment Period
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Lori Olberg

FOR INFORMATION ONLY

From: Act250.Essex@vermont.gov
Sent: Tuesday, December 24, 2024 2:37 PM
To: Lisa.Kingsbury@uvm.edu; Lisa.Kingsbury@uvm.edu; lani.ravin@uvm.edu; Lisa.Kingsbury@uvm.edu; lani.ravin@uvm.edu; Benjamin Traverse; Andrew Montroll; permitting@ccrpcvt.org; Act250.Essex@vermont.gov; burlingtontownclerk; Sarah Montgomery; Lori Olberg; anr.act250@vermont.gov; kaitlin.hayes@vermont.gov
Subject: 4C1043-1C Schedule G notice -- University of Vermont & State Agricultural College
Attachments: Schedule_G 4C1043-1C.pdf

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For complete information &
additional text, please
contact the City Clerk's Office

Hello,

Please see attached Schedule G notice for the Initial Filing of Act 250 Application 4C1043-1C.

This project was originally submitted using the Administrative Amendment form. The applicant has since submitted the full application with Schedule B. The updated submission is available on the public database as Exhibit 001a:
<https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=4C1043-1C>

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>

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Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Thursday, January 2, 2025 5:22 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

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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.

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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

General Water Main Construction Permit	General Water Main Construction Permit 2024			Statewide	Draft Decision - Public Comment Period

FOR INFORMATION ONLY

Lori Olberg

From: Lani Ravin <Lani.Ravin@uvm.edu>
Sent: Monday, January 6, 2025 4:44 PM
To: Lani Ravin; Lisa Kingsbury (she/her); Kaitlin.Hayes@vermont.gov; Lisa McNaney; burlingtowntownclerk; Lori Olberg; Andrew Montroll; permitting@ccrpcvt.org; ANR - Act 250; barry.murphy@vermont.gov; psd.vtdps@vermont.gov; aot.act250@vermont.gov; agr.act250@vermont.gov; Dillon, Scott; greg.socinski@vermont.gov; ACCD - Project Review; Benjamin Traverse; Act250.Essex@vermont.gov
Cc: Scott Gustin
Subject: RE: E-CoS Regarding Monthly Information for LUP 4C1043-1A for December 2024
Attachments: 241210_1212_act250_counts.pdf; CoS UVM LUP 4C1043-1A 2024.12.pdf

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I hereby certify that I, Lani Ravin, Associate Planner, at the University of Vermont & State Agricultural College, sent a copy of documents, dated January 6, 2025, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot for December 2024, by electronic mail to those with email addresses as indicated above, as attached.

Thank you,

Lani Ravin

FOR INFORMATION ONLY

Lori Olberg

From: VLCT Events & Training <info@vlct.org>
Sent: Tuesday, January 7, 2025 7:35 AM
To: Lori Olberg
Subject: Town Meeting Tune-Up - Learn How to Rule the Unruly w/former Moderator Ed Chase

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[View as Webpage](#)

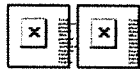


Join us for our annual Town Meeting Tune-Up! Ed Chase, Westford Town Moderator from 1988 to 2023, will deconstruct the annual town meeting process step by step. Ed will explain the basic role and responsibilities of the moderator and review the most common types of motions and amendments used at town meetings, pursuant to the Robert's Rules of Order 12th Edition (2020). There will be ample time for questions!

Register

Wednesday, January 29
9 AM to 12 PM

Cost to Attend
FREE



Vermont League of Cities and Towns | 89 Main St. Suite 4 | Montpelier, VT 05602 US

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FOR INFORMATION ONLY

Lori Olberg

From: Act250.Essex@vermont.gov
Sent: Wednesday, January 8, 2025 2:44 PM
To: benjamin.frye12@gmail.com; efarrell@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 4-441 - Benjamin Frye/Farrell Properties - COS
Attachments: JO 4-441.pdf

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ON CONFIDENTIALITY NOTICE
advising that, please
contact the City Clerk's Office

Attached is JO 4-441 - Benjamin Frye/Farrell Properties - COS.

Christine Commo | NRB Technician

Act 250 District Office - Essex (Districts 4, 6 & 9 Environmental Commissions)

111 West Street

Essex Junction, VT 05452

802-879-5660

<https://act250.vermont.gov>

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Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Wednesday, January 8, 2025 5:18 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

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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

Changes to Activities I'm Following

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Most Recent Update	Date	Status
Category 1 Underground Storage Tank - Operating/Renewal	Stewart's Shop #526	1819-18349	Stewart's Shop #526	Burlington	A final action for this activity has been reached and may be reviewed by visiting the ENB. The appeal period is open for 30 days following the final decision date.	2025-01-07	Final Decision Reached - Appeal Period
Category 1 Underground Storage Tank - Operating/Renewal	Stewart's Shop #661	8649450-18370	Stewart's Shop #661	Burlington	The administrative record set for this activity has been modified. Please visit the ENB to view the activity profile. A final action for this activity has been reached and may be reviewed by visiting the ENB. The appeal period is open for 30	2025-01-08	Final Decision Reached - Appeal Period

Resolution Relating to

SELECTION OF NEWSPAPERS FOR PUBLICATION OF
2025 ELECTION WARNINGS AND NOTICES

RESOLUTION _____
Sponsor: Councilor Traverse
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

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

That WHEREAS, Vermont state statute (17 V.S.A. 2641) requires the legislative body of the municipality
to designate annually a newspaper for the publication of required election warnings and notices;
NOW, THEREFORE, BE IT RESOLVED that the City Council designates *Seven Days* to be the
newspaper in which all required election warnings and notices for the elections held in 2025 are published;
and
BE IT FURTHER RESOLVED that the City Council designates *The Burlington Free Press* to be the
newspaper to publish required election notices and warnings for the elections held in 2025 in emergency
situations where time is of the essence and it is not possible to use *Seven Days*.

KK/ER/Resolutions 2025/*Selection of Newspapers for Publication of 2025 Election Warnings and Notices*
01/13/25

Resolution Relating to

SELECTION OF NEWSPAPERS FOR PUBLICATION OF
2025 ELECTION WARNINGS AND NOTICES

RESOLUTION 8.10

Sponsor: Councilor Traverse

Introduced: 01/13/25

Referred to: _____

Action: adopted

Date: 01/13/25

Signed by Mayor: 01/15/25

CITY OF BURLINGTON

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

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

1 That WHEREAS, Vermont state statute (17 V.S.A. 2641) requires the legislative body of the municipality
2 to designate annually a newspaper for the publication of required election warnings and notices;

3 NOW, THEREFORE, BE IT RESOLVED that the City Council designates *Seven Days* to be the
4 newspaper in which all required election warnings and notices for the elections held in 2025 are published;
5 and

6 BE IT FURTHER RESOLVED that the City Council designates *The Burlington Free Press* to be the
7 newspaper to publish required election notices and warnings for the elections held in 2025 in emergency
8 situations where time is of the essence and it is not possible to use *Seven Days*.

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15 KK/ER/Resolutions 2025/*Selection of Newspapers for Publication of 2025 Election Warnings and Notices*
16 01/13/25

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

Selection Of Newspapers For Publication of 2025 Election Warnings And Notices

.....
.....

Adopted by the City Council

January 13 20 25

Bobby Vley Clerk

Approved..... Jan 15 20 25

Charles D. Mayor

Attest:

Vol. Page

* * * * *

Resolution Relating to

DESIGNATION OF WARD 6 POLLING PLACE

RESOLUTION_____

Sponsor(s): Councilors Shannon,
McKnight
Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

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

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

That WHEREAS, the gym in Edmund’s Middle School, previously was designated by City Council as the
Ward 6 polling place; and
WHEREAS, the gym in Edmund’s Elementary School has been recently renovated and meets ADA
standards; and
WHEREAS, the City aims to provide an inclusive and accessible voting experience for all residents;
and
WHEREAS, the Charter of the City of Burlington, Acts of 1949, No. 298, Title II, Article 19
authorizes City Council to designate polling places;
NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby designates
Edmunds Elementary School, located at 275 Main Street, as the WARD SIX polling place.

SM/Resolutions 2025/*Designation of Ward 6 Polling Place*
1/7/25

Resolution Relating to

DESIGNATION OF WARD 6 POLLING PLACE

RESOLUTION 8.11

Sponsor(s): Councilors Shannon,

McKnight

Introduced: 01/13/25

Referred to:

Action: adopted

Date: 01/13/25

Signed by Mayor: 01/15/25

CITY OF BURLINGTON

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

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

1 That WHEREAS, the gym in Edmund's Middle School, previously was designated by City Council as the
2 Ward 6 polling place; and

3 WHEREAS, the gym in Edmund's Elementary School has been recently renovated and meets ADA
4 standards; and

5 WHEREAS, the City aims to provide an inclusive and accessible voting experience for all residents;
6 and

7 WHEREAS, the Charter of the City of Burlington, Acts of 1949, No. 298, Title II, Article 19
8 authorizes City Council to designate polling places;

9 NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby designates
10 Edmunds Elementary School, located at 275 Main Street, as the WARD SIX polling place.

11
12
13 SM/Resolutions 2025/Designation of Ward 6 Polling Place
14 1/7/25

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

Designation Of Ward 6 Polling Place...

.....

.....

Adopted by the City Council

January 13....., 20..... 25.....

Bobby Lucky..... Clerk

Approved..... Jan 15....., 20 25.....

Ernest R..... Mayor

Attest:

Vol. Page

* * * * *

NOTICE OF FIRST PUBLIC HEARING
ON PROPOSED CHARTER AMENDMENTS
FOR MARCH 4, 2025 ANNUAL CITY ELECTION

Pursuant to the requirements of 17 V.S.A. Sec. 2645, the first public hearing concerning proposed amendments to the Burlington City Charter will be held on Monday, January 13th, 2025 during the regularly scheduled City Council meeting which begins at 6:00 p.m. The meeting will be held in Contois Auditorium, 2nd Floor, City Hall, Burlington, Vermont and will also be streamed via Zoom.

When: Jan 13, 2025 06:00 PM Eastern Time (US and Canada)

Please click the link below to join the webinar:

<https://zoom.us/j/93006307851>

Webinar ID: 930 0630 7851

These charter amendments are proposed to be voted on at the Tuesday, March 4, 2025 Annual City Election.

1. *“Shall the Charter of the City of Burlington, Acts of 1948, No. 298, as amended, be further amended as follows:*

§ 48. Enumerated:

The City Council shall have power:

(1) to (63) *As written.*

(64) (A) ~~Where there is no written rental agreement and notwithstanding 9 V.S.A. § 4467(c), to prohibit, by ordinance, a landlord from terminating a tenancy of rental housing within the City for no cause unless the landlord provides to the tenant written notice of at least 90 days when the tenancy has been less than two years and of at least 120 days when the tenancy has been two years or more. Notwithstanding 9 V.S.A. § 4467 or any other law, to establish, by ordinance, requirements that residential landlords provide tenants notice prior to termination of residential tenancies, including requirements for the contents and timing of such notices. Such requirements may include special notice requirements for vulnerable populations, including elderly tenants, tenants with disabilities, and low-income tenants.~~

(B) ~~Unless inconsistent with a written rental agreement or otherwise provided by law, and notwithstanding the provisions of 9 V.S.A. § 4456(d), to require, by ordinance, tenants who wish to terminate a residential tenancy to give actual notice to the landlord at least two rental periods prior to the termination date specified in the notice. Notwithstanding 9 V.S.A. § 4456(d) or any other law, to establish, by ordinance, requirements that residential tenants provide landlords notice prior to termination of tenancies, including requirements for the contents and timing of such notices.~~

(65) Notwithstanding any other law, to prohibit increases in rent or other changes in lease terms for rental housing within the City without advance written notice. The timing, contents, and manner of giving such notice shall be established by ordinance of at least 90 days. Such ordinance may include special notice requirements for vulnerable populations, including elderly tenants, tenants with disabilities, and low-income tenants.”?

2. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to add Article 99. General Weapons Requirements Sec. 510 entitled “Ban on Firearms in Any Establishment with a First Class Liquor License” thereto to read as follows:*

Sec. 510. Ban on Firearms in Any Establishment with a First Class Liquor License.

- (a) This act expressly supersedes 24 V.S.A. §§ 2291(8) & 2295 and authorizes the City of Burlington to regulate the possession and carrying of firearms in the manner indicated below.
- (b) Ban. Within the City of Burlington, no person may carry or possess a firearm, as defined by Section 4016(a)(3) of Chapter 13 of the Vermont Statutes Annotated, in any building or on any real property or parking area under the ownership or control of an establishment licensed to serve alcohol on its premises.
- (c) Exceptions. This provision shall not apply to
 - (1) any federal, state, or local law enforcement officer acting within the scope of that officer’s official duties;
 - (2) any member of the armed forces of the United States or the Vermont National Guard acting within the scope of that person’s military duties;
 - (3) any government officer, agent, or employee authorized to carry a weapon and acting within the scope of that officer’s duties;
 - (4) the owner or operator of such establishment, as long as that person is not prohibited from possessing or carrying that weapon under any other federal, state, or local law.
- (d) The penalty for any violation of this section shall be as follows:
 - (1) Criminal Offense. Any violation of this Article may be considered a criminal offense, which shall be punishable by a fine of no more than \$1,000 and/or by imprisonment for not more than ninety (90) days.
 - (2) Civil Offense. Any violation of this Article may also be considered a civil ordinance violation punishable by a fine of no less than \$200 and no more than \$500 and civil forfeiture of the weapon as provided below.
 - (3) Forfeiture. Upon probable cause that a person is in violation of this provision, a law enforcement officer may seize the weapon involved in the violation. The person from whom the weapon is seized, or the owner of the weapon (if different), may appeal the forfeiture of the weapon within thirty (30) days of the seizure to the Vermont Superior Court, Civil Division, pursuant to Chapter 102 of Title 12 of the Vermont

Rules of Civil Procedure and Rule 74 of the Vermont Rules of Civil Procedure. In any appeal, the burden of proof shall rest upon the City to establish the violation by a preponderance of the evidence. If the City fails to establish the required burden of proof, the items shall be returned to the person from whom they were seized. If no appeal is taken within thirty days, or if the City prevails in the superior court proceedings, the items so seized shall become the property of the City of Burlington.”?

3. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Section 2 to Article 2 as follows:*

ARTICLE 2. CITY ELECTION AREAS DEFINED

§2. Election boundaries.

~~(a) City districts described. For the annual meeting of 2024 and all City elections thereafter, the City of Burlington is divided into four electoral districts, constituted as follows:~~

~~(1) East District. The East District shall include all that part of said City lying easterly and northerly of the following described boundaries: Beginning at the common boundary between the Cities of Burlington and Winooski in the Winooski River beneath the Central Vermont Railway bridge downstream of the Lower Winooski Falls and Salmon Hole; thence westerly in the centerline of said railroad tracks for 406.6 feet to a point where the centerline of Intervale Road extended northerly intersects said railroad track centerline (approximately 73.2028 longitude, 44.4911 latitude); thence southerly along the extension of the centerline of Intervale Road, crossing Riverside Avenue until the centerline intersects with that of the Archibald Street centerline extended easterly; thence westerly along the Archibald Street centerline until the intersection of the Archibald Street centerline and the North Willard Street centerline; thence southerly along the North Willard Street Centerline until the intersection of the North Willard Street centerline and the Pearl Street Centerline; thence westerly along the Pearl Street centerline until intersecting with the South Winooski Avenue centerline; thence southerly along the South Winooski Avenue centerline until intersecting the Maple Street centerline; thence easterly along the Maple Street centerline for 1573.5 feet to a point where the eastern property boundary of 315 Maple Street extended northerly intersects Maple Street (approximately 73.2064 longitude, 44.4739 latitude); thence southerly along the eastern property boundary of 315 Maple Street for 276.5 feet (approximately 73.2064 longitude, 44.4734 latitude); thence 281.4 feet westerly to a point where the southern property boundary of 315 Maple Street extended westerly intersect with the western boundary of 251 South Willard Street extended northerly (approximately 73.2071 longitude, 44.4733 latitude), thence 723.7 feet 177° southerly to a point where it intersects the southern property boundary of 285 South Willard Street extended westerly (approximately 73.2071 longitude, 44.4719~~

latitude); thence easterly along the southern boundary of 285 South Willard Street for 696.5 feet until intersecting with the South Willard Street centerline (approximately 73.2051 longitude, 44.472 latitude); thence northerly along the South Willard Street centerline for 220.9 feet (approximately 73.2052 longitude, 44.4724 latitude); thence easterly along the southern property boundary of 262 South Willard Street for 557.6 feet (approximately 73.2037 longitude, 44.4725 latitude); thence northerly along the eastern property boundary of 262 South Willard Street for 89.6 feet to a point where the Juniper Terrace centerline extended westerly intersects the eastern property boundary of 262 South Willard Street (approximately 73.2037 longitude, 44.4726 latitude); thence following the Juniper Terrace centerline easterly until intersecting with the Summit Street centerline (approximately 73.2021 longitude, 44.4727 latitude); thence northerly along the Summit Street centerline until reaching the centerline of Main Street thence following the Main Street centerline easterly 2339.6 feet (approximately 73.1964 longitude, 44.4753 latitude); thence southwesterly 214° for 136.1 feet (approximately 73.1966 longitude, 44.4751 latitude); thence southeasterly 98.2 feet (approximately 73.1964 longitude, 44.4749 latitude); thence southwesterly by 213° for 770 feet (approximately 73.1975 longitude, 44.4737 latitude); thence southeasterly by 123° for 477.4 feet until intersecting with the University Heights centerline (approximately 73.1964 longitude, 44.4732 latitude); thence southerly along the centerline of University Heights Road 1221.65 feet until intersecting with the PFG Road centerline, thence westerly by 79° until intersecting with the common boundary between the Cities of Burlington and South Burlington.

(2) Central District. The Central District shall include all that part of the City bounded as follows: On the east, beginning at the common boundary between the City of Burlington and Town of Colchester in the Winooski River at a point intersecting with the centerline of Institute Road extended northeasterly (approximately 73.2147 longitude, 44.5089 latitude); thence southerly along the common boundary between the City of Burlington and Town of Colchester in the Winooski River to a point beneath the Central Vermont Railway bridge downstream of the Lower Winooski Falls and Salmon Hole; thence westerly along the East District northern boundary for 406.6 feet to its intersection with the westerly boundary of the East District; thence southerly along the westerly boundary of the East District to its intersection with the centerline of Archibald Street, then southerly along the East District western boundary to the intersection with the centerline of Pearl Street; thence westerly along the northern boundary of the East District to the intersection with the centerline of South Winooski Avenue; thence southerly along the western boundary of the East District to the centerline of Maple Street; thence westerly along the centerline of Maple Street until its intersection with the centerline of South Champlain street; thence northerly along the South

~~Champlain Street centerline until its intersection with the centerline of King Street; on the south along the centerline of King Street extended westerly to Lake Champlain; on the west by Lake Champlain; on the north, beginning at the intersection of the common property boundary between 87 North Avenue and 9 Lakeview Terrace extended westerly to Lake Champlain (approximately 73.2252 longitude, 44.4832 latitude); thence northeasterly along the extended property boundary between 87 North Avenue and 9 Lakeview Terrace to its intersection with the centerline of the Central Vermont Railway railroad track (approximately 73.2239 longitude, 44.4837 latitude); thence northerly and easterly along the centerline of the Central Vermont Railway railroad track, crossing North Avenue and the Burlington Beltline, to its intersection with the centerline of Spring Street extended northwesterly (approximately 73.2183 longitude, 44.4912 latitude); thence northwesterly along the extension of the centerline of Spring Street to its intersection with the centerline of Institute Road extended northeasterly (approximately 73.2281 longitude, 44.4995 latitude); thence northeasterly along the extension of the centerline of Institute Road extended to its intersection with the common boundary between the City of Burlington and Town of Colchester in the Winooski River (approximately 73.2139 longitude, 44.5077 latitude).~~

~~(3) South District. The South District shall include all that part of the City south of the southern boundaries of the East and Central Districts.~~

~~(4) North District. The North District shall include all that part of the City north of the northern boundary of the Central District.~~

~~(b) Wards described. Each of the City of Burlington's four electoral districts set forth in subsection (a) of this section hereby comprises two wards, each of which is constituted as follows:~~

~~(1) East District—Ward 1 and Ward 8.~~

~~(A) The East District is divided into two wards by the following boundary: Beginning at the center of the intersection of Brooks Avenue and South Willard Street; thence easterly along the Brooks Avenue centerline until intersecting with the centerline of North Prospect Street; thence southerly along the centerline of North prospect Street to the intersection of the centerline of Colchester Avenue to the intersection of the centerline of Mary Fletcher Drive; thence southerly along the centerline of Mary Fletcher Drive for 331.58 feet (approximately 73.196 longitude, 44.4802 latitude); thence southerly along the western~~

side and easterly along the southern side of the UVM Medical Center building for 1854.5 feet until a point at the center of the intersection of Beaumont Avenue and Mary Fletcher Drive (approximately 73.1932 longitude, 44.4788 latitude); thence south along the Beaumont Avenue centerline to the intersection of Carrigan Drive; thence following Carrigan Drive westerly for 199.1 feet (approximately 73.1932 longitude, 55.5756 latitude); thence travelling southwesterly for 821.3 feet along the UVM service road on the eastern border of the southeastern wing of the UVM Jeffords Hall until a point at the intersection of the service road and the centerline of University Heights extended northeasterly (approximately 73.1947 longitude, 44.4751 latitude); thence southwesterly along the centerline of University Heights 977.3 feet (approximately 73.1962 longitude, 44.4735 latitude); thence continuing southeasterly along the centerline of the driveway bounding the western side of the UVM Living/Learning Commons for 404.3 feet (approximately 73.1952 longitude, 44.4731 latitude); thence continuing south along the eastern side of UVM's University Heights dorms until intersecting with PFG Road; thence continuing easterly along the western extension of the PFG Road centerline for 601.2 feet until intersecting with the common boundary between the Cities of Burlington and South Burlington.

(B) Ward 1 lies to the north and east of the boundary described in subdivision (A) of this subdivision (1), and Ward 8 lies to the south and west.

(2) Central District—Ward 2 and Ward 3.

(A) The Central District is divided into two wards by the following boundary: Beginning at the intersection of the common property boundary between 85 North Avenue and 9 Lakeview Terrace extended westerly to Lake Champlain (approximately 73.2252 longitude, 44.4832 latitude); thence northeasterly along the extended property boundary between 87 North Avenue and 9 Lakeview Terrace to its intersection with the centerline of the Central Vermont Railway railroad track (approximately 73.224 longitude, 44.4837 latitude); thence southeasterly along the centerline of the Central Vermont Railway railroad track to a point intersecting with the northwestern property boundary of 300 Lake Street extended southwesterly (approximately 73.2234 longitude, 44.4832 latitude); thence northeasterly to a point at the intersection of the northwestern property boundary of 300 Lake Street extended northeasterly with the centerline of Depot Street (approximately 73.2223 longitude, 44.4837 latitude); thence northerly along the centerline of Depot Street to the intersection with the centerline of Lakeview Terrace; thence easterly along the centerline of Lakeview Terrace extended westerly until intersecting with the centerline of North Avenue; thence northerly along the centerline of North Avenue to its intersection with the centerline of North Street; thence easterly along the centerline of North Street until intersecting with the North Union Street centerline; thence southerly following the North Union Street centerline until intersecting with the Loomis Street centerline; thence

easterly along the Loomis Street centerline to the intersection of the centerlines of Loomis Street and South Willard Avenue.

(B) Ward 2 lies to the north of the boundary described in subdivision (A) of this subdivision (2), and Ward 3 lies to the south.

(3) South District — Ward 5 and Ward 6.

(A) The South District is divided into two wards by the following boundary: Beginning at the intersection of the centerlines of Maple Street and Church Street; thence southerly along the centerline of Church Street to the intersection with the centerline of Adams Street; thence westerly along the centerline of Adams Street to the intersection with the centerline of Saint Paul Street; thence southerly along the Saint Paul Street centerline to its intersection with the centerline of Shelburne Street; thence southerly along the centerline of Shelburne Street to its intersection with the centerline of Flynn Avenue; thence easterly along the centerline of Flynn Avenue extended easterly to the common boundary between the Cities of Burlington and South Burlington.

(B) Ward 5 lies to the west of the boundary described in subdivision (A) of this subdivision (3), and Ward 6 lies to the east.

(4) North District — Ward 4 and Ward 7.

(A) The North District is divided into two wards by the following boundary: Beginning at the centerline of Institute Road extended southwestwardly to Lake Champlain; thence northeasterly to the intersection of Institute Road with the centerline of North Avenue; thence northerly along the centerline of North Avenue to its intersection with the centerline of Fairfield Drive; thence westerly along the centerline of Fairfield Drive to its intersection with the western property boundary of 39 Westward Drive extended southerly (approximately 73.2685 longitude, 44.5257 latitude); thence northerly along the western property boundary of 39 Westward Drive, until intersecting with the centerline of Westward Drive; thence southwestwardly along the centerline of Westward Drive to the intersection with the Northshore Drive centerline; thence northerly along the Northshore Drive centerline until intersecting with the Clair Pointe Road centerline (point); thence westerly along the southern property boundary of the Claire Pointe condominium development (approximately 73.2686 longitude, 44.5286 latitude), and then extended to Lake Champlain.

(B) Ward 4 lies to the west of the boundary described in subdivision (A) of this subdivision (4), and Ward 7 lies to the east.

~~(5) Ward map reference. Reference is also made to a map entitled “Ward Redistricting, 8 Wards — 4 Districts, 12 Councilors, Approved Map (December 2 V1.3), Map Date: December 8, 2022” located in the Burlington Chief Administrative Officer’s office in further aid of the description of the wards set forth in this subsection.~~

The election area boundaries established in 2023 pursuant to Act M-7 shall remain in effect until changed by the City Council which is hereby authorized to make changes from time to time to the boundaries of the election areas in order to provide an equal division of population among them in accordance with data produced by the U.S. Census Bureau. Election areas changes shall not be made more frequently than once in five years. Such changes shall be approved by the voters at an annual or special meeting of the City and shall become effective immediately upon approval unless a later date is established therein.”?

* Material underlined added

** Material struck out deleted

The official copy of the proposed charter amendments will be posted in the Clerk Treasurer’s office and on the City’s website for public viewing by January 3rd, 2025. Should any revisions be made to the proposed charter change amendments, they will be posted by February 12th, 2025.

Resolution Relating to

MARCH 4, 2025 ANNUAL CITY MEETING – CHARTER
CHANGE RE: CITY COUNCIL AUTHORITY TO
REGULATE RENTAL NOTIFICATIONS AND
NOTIFICATION PERIODS

RESOLUTION 7.5

Sponsor(s): CDNR, Charter Change
Committee

Introduced: 11/12/24

Referred to: _____

Action: adopted

Date: 11/12/24

Signed by Mayor: 11/19/24

CITY OF BURLINGTON

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

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

1 That WHEREAS, the City has a significant population of renters, and ensuring fair, transparent, and
2 equitable housing practices is essential to promoting stability and wellbeing within the community; and

3 WHEREAS, the City Charter prescribes limited authority for the City Council to regulate rental
4 notifications and notification periods to increase rent or to terminate a tenancy; and

5 WHEREAS, specifically, Section 48(64)(A) requires landlords to provide 90 days' notice to terminate
6 a tenancy without cause if the tenancy has been less than two years and 120 days if the tenancy has been
7 longer, Section 48(64)(B) requires tenants to provide two rental periods' notice to terminate a tenancy unless
8 inconsistent with a lease provision, and Section 48(65) requires 90 days' notice of a rental increase; and

9 WHEREAS, these notice periods are in addition or in excess of those required by general state law,
10 including 9 V.S.A. §§ 4456(d) and 4467(c), and facilitate the City in addressing the unique needs of its rental
11 market; and

12 WHEREAS, the notice periods prescribed by the City Charter are inadequate to allow the City to
13 respond to specific and changing rental housing market conditions; and

14 WHEREAS, granting the City greater flexibility to enact rental notice regulations will allow the City
15 Council to enhance tenant stability, to foster more transparent landlord-tenant relations, and to mitigate
16 negative impacts from sudden evictions or lease terminations, particularly for vulnerable populations; and

17 WHEREAS, at its October 24, 2024 meeting, the Community Development and Neighborhood
18 Revitalization Committee ("CDNR") of the City Council referred a motion to the City Council proposing a
19 Charter Change amendment that would grant the City Council greater control to regulate rental notifications
20 and notification periods; and

21 WHEREAS, on October 28, 2024, the City Council referred CDNR's recommendation to the Charter
22 Change Committee; and

23 WHEREAS, the Charter Change Committee held a meeting on October 30, 2024, to consider the
24 proposed charter change and to receive public comment, and voted to recommend in favor of the change;

* * * * *

ORIGINAL

DISTRIBUTION:

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

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

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

..... Clerk

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

..... Mayor

Attest:

Vol. Page

* * * * *

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the amendments to the City Charter recommended by CDNR and the Charter Change Committee and requests that the Mayor warn the following question and place it on the ballot for the Annual City Meeting to be held on March 4, 2025, and that the City Clerk set public hearings on this question in accordance with § 303 of the City Charter and 17 V.S.A. § 2645, said hearings to be warned for the 15th and 21st of January, 2025, or otherwise as soon as necessary or convenient and in accordance with applicable law:

"Shall the Charter of the City of Burlington, Acts of 1948, No. 298, as amended, be further amended as follows:

§ 48. Enumerated:

The City Council shall have power:

(1) to (63) *As written.*

(64) (A) ~~Where there is no written rental agreement and notwithstanding 9 V.S.A. § 4467(c), to prohibit, by ordinance, a landlord from terminating a tenancy of rental housing within the City for no cause unless the landlord provides to the tenant written notice of at least 90 days when the tenancy has been less than two years and of at least 120 days when the tenancy has been two years or more. Notwithstanding 9 V.S.A. § 4467 or any other law, to establish, by ordinance, requirements that residential landlords provide tenants notice prior to termination of residential tenancies, including requirements for the contents and timing of such notices. Such requirements may include special notice requirements for vulnerable populations, including elderly tenants, tenants with disabilities, and low-income tenants.~~

(B) ~~Unless inconsistent with a written rental agreement or otherwise provided by law, and notwithstanding the provisions of 9 V.S.A. § 4456(d), to require, by ordinance, tenants who wish to terminate a residential tenancy to give actual notice to the landlord at least two rental periods prior to the termination date specified in the notice. Notwithstanding 9 V.S.A. § 4456(d) or any other law, to establish, by ordinance, requirements that residential tenants provide landlords notice prior to termination of tenancies, including requirements for the contents and timing of such notices.~~

(65) Notwithstanding any other law, to prohibit increases in rent or other changes in lease terms for rental housing within the City without advance written notice. The timing, contents, and manner of giving such notice shall be established by ordinance of at least 90 days. Such ordinance may include special notice requirements for vulnerable populations, including elderly tenants, tenants with disabilities, and low-income tenants.

*Material underlined added.

** Material stricken deleted.

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

March 4, 2025 Annual City Meeting - Charter Change Re: City Council Authority To
Regulate Renta; Notifications And Notification Periods

.....

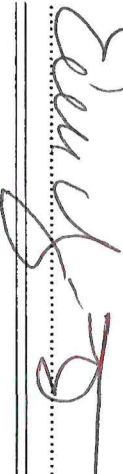
.....

Adopted by the City Council

November 12, 2024

 Clerk

Approved..... Nov 19, 2024

 Mayor

Attest:

Vol. Page

* * * * *

Resolution Relating to

MARCH 4, 2025 ANNUAL CITY MEETING
PROPOSED CHARTER CHANGE REGARDING
REDISTRICTING BY CITY COUNCIL

RESOLUTION 8.6

Sponsor(s): Councilor Bergman

Introduced: 11/16/24

Referred to:

Action: adopted

Date: 11/18/24

Signed by Mayor: 11/19/24

CITY OF BURLINGTON

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

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

1 That WHEREAS, the City of Burlington's charter currently describes City Districts and Wards in
2 explicit enumerated and geographical terms in Article 2 (City Election Areas Defined), Section 2 (Election
3 Boundaries); and

4 WHEREAS, as the charter is currently written, to alter the number or geography of City Districts and
5 Wards a charter change must be enacted, a process consisting, among other procedural steps, of the review,
6 possible further amendment, and confirmation by the Vermont State Legislature; and

7 WHEREAS, this process involving the Vermont State Legislature has the practical effect of slowing the
8 City's redistricting process at the local level; and

9 WHEREAS, it is the goal of the City to accelerate any redistricting processes, while maintaining fair,
10 equitable, and reasonable processes for redistricting; and

11 WHEREAS, the City aims to achieve this goal by removing the descriptions of the number and
12 geography of City Districts and Wards in Article 2 (City Election Areas Defined), Section 2 (Election
13 Boundaries) and replacing this with a procedure equipping the City to unilaterally preform redistricting without
14 needing further charter changes and involvement by the Vermont State Legislature; and

15 WHEREAS, the charters of other Vermont municipalities, including Montpelier, are written as to not
16 require a charter change to effectuate an alteration to the number or geography of city districts and wards; and

17 WHEREAS, the Charter Change Committee held meetings on the 1st and 30th of October, 2024, to
18 receive public comment, considered the referred proposed charter language, and amended this language; and

19 WHEREAS, on October 30, 2024, the Committee voted to refer the charter change language back to the
20 Council to be placed on the March 4, 2025 ballot;

21 NOW, THEREFORE, BE IT RESOLVED that the City Council approves the amendments to the city
22 charter recommended by the Charter Change Committee and requests the Mayor to place the following question
23 on the ballot of the Annual City Meeting to be held on March 4, 2025 and the City Clerk to set public hearings

* * * * *

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Adopted by the City Council

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..... Clerk

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

..... Mayor

Vol. Page

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on this question in accordance with Charter §303 and 17 V.S.A. §2645, said hearings to be warned for the 15th and 21st of January, 2025, or otherwise as necessary and convenient and in accordance with applicable law:

“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Section 2 to Article 2 as follows:

ARTICLE 2. CITY ELECTION AREAS DEFINED

§2. Election boundaries.

~~(a) City districts described. For the annual meeting of 2024 and all City elections thereafter, the City of Burlington is divided into four electoral districts, constituted as follows:~~

~~(1) East District. The East District shall include all that part of said City lying easterly and northerly of the following described boundaries: Beginning at the common boundary between the Cities of Burlington and Winooski in the Winooski River beneath the Central Vermont Railway bridge downstream of the Lower Winooski Falls and Salmon Hole; thence westerly in the centerline of said railroad tracks for 406.6 feet to a point where the centerline of Intervale Road extended northerly intersects said railroad track centerline (approximately 73.2028 longitude, 44.4911 latitude); thence southerly along the extension of the centerline of Intervale Road, crossing Riverside Avenue until the centerline intersects with that of the Archibald Street centerline extended easterly; thence westerly along the Archibald Street centerline until the intersection of the Archibald Street centerline and the North Willard Street centerline; thence southerly along the North Willard Street Centerline until the intersection of the North Willard Street centerline and the Pearl Street Centerline; thence westerly along the Pearl Street centerline until intersecting with the South Winooski Avenue centerline; thence southerly along the South Winooski Avenue centerline until intersecting the Maple Street centerline; thence easterly along the Maple Street centerline for 1573.5 feet to a point where the eastern property boundary of 315 Maple Street extended northerly intersects Maple Street (approximately 73.2064 longitude, 44.4739 latitude); thence southerly along the eastern property boundary of 315 Maple Street for 276.5 feet (approximately 73.2064 longitude, 44.4734 latitude); thence 281.4 feet westerly to a point where the southern property boundary of 315 Maple Street extended westerly intersect with the western boundary of 251 South Willard Street extended northerly (approximately 73.2071 longitude, 44.4733 latitude), thence 723.7 feet 177° southerly to a point where it intersects the southern property boundary of 285 South Willard Street extended westerly (approximately 73.2071 longitude, 44.4719 latitude); thence easterly along the southern boundary of 285 South Willard Street for 696.5 feet until intersecting with the South Willard Street centerline (approximately 73.2051 longitude, 44.472 latitude); thence northerly along the South Willard Street centerline for 220.9 feet (approximately 73.2052 longitude, 44.4724 latitude); thence easterly along the southern property boundary of 262 South Willard Street for 557.6 feet (approximately 73.2037 longitude, 44.4725 latitude); thence northerly along the eastern property boundary of 262 South Willard Street for 89.6 feet to a point where the Juniper Terrace centerline extended westerly intersects the eastern property boundary of 262 South Willard Street (approximately 73.2037 longitude, 44.4726 latitude); thence following the Juniper Terrace centerline easterly until intersecting with the Summit Street centerline (approximately 73.2021 longitude, 44.4727 latitude); thence northerly along the Summit Street centerline until reaching the centerline of Main Street thence following the Main Street centerline easterly 2339.6 feet (approximately 73.1964 longitude,~~

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..... Mayor

Vol. Page

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44.4753 latitude); thence southwesterly 214° for 136.1 feet (approximately 73.1966 longitude, 44.4751 latitude); thence southeasterly 98.2 feet (approximately 73.1964 longitude, 44.4749 latitude); thence southwesterly by 213° for 770 feet (approximately 73.1975 longitude, 44.4737 latitude); thence southeasterly by 123° for 477.4 feet until intersecting with the University Heights centerline (approximately 73.1964 longitude, 44.4732 latitude); thence southerly along the centerline of University Heights Road 1221.65 feet until intersecting with the PFG Road centerline, thence westerly by 79° until intersecting with the common boundary between the Cities of Burlington and South Burlington.

(2) Central District. The Central District shall include all that part of the City bounded as follows: On the east, beginning at the common boundary between the City of Burlington and Town of Colchester in the Winooski River at a point intersecting with the centerline of Institute Road extended northeasterly (approximately 73.2147 longitude, 44.5089 latitude); thence southerly along the common boundary between the City of Burlington and Town of Colchester in the Winooski River to a point beneath the Central Vermont Railway bridge downstream of the Lower Winooski Falls and Salmon Hole; thence westerly along the East District northern boundary for 406.6 feet to its intersection with the westerly boundary of the East District; thence southerly along the westerly boundary of the East District to its intersection with the centerline of Archibald Street, then southerly along the East District western boundary to the intersection with the centerline of Pearl Street; thence westerly along the northern boundary of the East District to the intersection with the centerline of South Winooski Avenue; thence southerly along the western boundary of the East District to the centerline of Maple Street; thence westerly along the centerline of Maple Street until its intersection with the centerline of South Champlain street; thence northerly along the South Champlain Street centerline until its intersection with the centerline of King Street; on the south along the centerline of King Street extended westerly to Lake Champlain; on the west by Lake Champlain; on the north, beginning at the intersection of the common property boundary between 87 North Avenue and 9 Lakeview Terrace extended westerly to Lake Champlain (approximately 73.2252 longitude, 44.4832 latitude); thence northeasterly along the extended property boundary between 87 North Avenue and 9 Lakeview Terrace to its intersection with the centerline of the Central Vermont Railway railroad track (approximately 73.2239 longitude, 44.4837 latitude); thence northerly and easterly along the centerline of the Central Vermont Railway railroad track, crossing North Avenue and the Burlington Beltline, to its intersection with the centerline of Spring Street extended northwesterly (approximately 73.2183 longitude, 44.4912 latitude); thence northwesterly along the extension of the centerline of Spring Street to its intersection with the centerline of Institute Road extended northeasterly (approximately 73.2281 longitude, 44.4995 latitude); thence northeasterly along the extension of the centerline of Institute Road extended to its intersection with the common boundary between the City of Burlington and Town of Colchester in the Winooski River (approximately 73.2139 longitude, 44.5077 latitude).

(3) South District. The South District shall include all that part of the City south of the southern boundaries of the East and Central Districts.

(4) North District. The North District shall include all that part of the City north of the northern boundary of the Central District.

(b) Wards described. Each of the City of Burlington's four electoral districts set forth in subsection (a) of this section hereby comprises two wards, each of which is constituted as follows:

(1) East District — Ward 1 and Ward 8.

* * * * *

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..... Mayor

Vol. Page

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~~(A) The East District is divided into two wards by the following boundary: Beginning at the center of the intersection of Brooks Avenue and South Willard Street; thence easterly along the Brooks Avenue centerline until intersecting with the centerline of North Prospect Street; thence southerly along the centerline of North prospect Street to the intersection of the centerline of Colechester Avenue to the intersection of the centerline of Mary Fletcher Drive; thence southerly along the centerline of Mary Fletcher Drive for 331.58 feet (approximately 73.196 longitude, 44.4802 latitude); thence southerly along the western side and easterly along the southern side of the UVM Medical Center building for 1854.5 feet until a point at the center of the intersection of Beaumont Avenue and Mary Fletcher Drive (approximately 73.1932 longitude, 44.4788 latitude); thence south along the Beaumont Avenue centerline to the intersection of Carrigan Drive; thence following Carrigan Drive westerly for 199.1 feet (approximately 73.1932 longitude, 55.5756 latitude); thence travelling southwest for 821.3 feet along the UVM service road on the eastern border of the southeastern wing of the UVM Jeffords Hall until a point at the intersection of the service road and the centerline of University Heights extended northeasterly (approximately 73.1947 longitude, 44.4751 latitude); thence southwest along the centerline of University Heights 977.3 feet (approximately 73.1962 longitude, 44.4735 latitude); thence continuing southeasterly along the centerline of the driveway bounding the western side of the UVM Living/Learning Commons for 404.3 feet (approximately 73.1952 longitude, 44.4731 latitude); thence continuing south along the eastern side of UVM's University Heights dorms until intersecting with PFG Road; thence continuing easterly along the western extension of the PFG Road centerline for 601.2 feet until intersecting with the common boundary between the Cities of Burlington and South Burlington.~~

~~(B) Ward 1 lies to the north and east of the boundary described in subdivision (A) of this subdivision (1), and Ward 8 lies to the south and west.~~

~~(2) Central District — Ward 2 and Ward 3.~~

~~(A) The Central District is divided into two wards by the following boundary: Beginning at the intersection of the common property boundary between 85 North Avenue and 9 Lakeview Terrace extended westerly to Lake Champlain (approximately 73.2252 longitude, 44.4832 latitude); thence northeasterly along the extended property boundary between 87 North Avenue and 9 Lakeview Terrace to its intersection with the centerline of the Central Vermont Railway railroad track (approximately 73.224 longitude, 44.4837 latitude); thence southeasterly along the centerline of the Central Vermont Railway railroad track to a point intersecting with the northwestern property boundary of 300 Lake Street extended southwest (approximately 73.2234 longitude, 44.4832 latitude); thence northeasterly to a point at the intersection of the northwestern property boundary of 300 Lake Street extended northeasterly with the centerline of Depot Street (approximately 73.2223 longitude, 44.4837 latitude); thence northerly along the centerline of Depot Street to the intersection with the centerline of Lakeview Terrace; thence easterly along the centerline of Lakeview Terrace extended westerly until intersecting with the centerline of North Avenue; thence northerly along the centerline of North Avenue to its intersection with the centerline of North Street; thence easterly along the centerline of North Street until intersecting with the North Union Street centerline; thence southerly following the North Union Street centerline until intersecting with the Loomis Street centerline; thence easterly along the Loomis Street centerline to the intersection of the centerlines of Loomis Street and South Willard Avenue.~~

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..... Mayor

Vol. Page

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~~(B) Ward 2 lies to the north of the boundary described in subdivision (A) of this subdivision (2), and Ward 3 lies to the south.~~

~~(3) South District—Ward 5 and Ward 6.~~

~~(A) The South District is divided into two wards by the following boundary: Beginning at the intersection of the centerlines of Maple Street and Church Street; thence southerly along the centerline of Church Street to the intersection with the centerline of Adams Street; thence westerly along the centerline of Adams Street to the intersection with the centerline of Saint Paul Street; thence southerly along the Saint Paul Street centerline to its intersection with the centerline of Shelburne Street; thence southerly along the centerline of Shelburne Street to its intersection with the centerline of Flynn Avenue; thence easterly along the centerline of Flynn Avenue extended easterly to the common boundary between the Cities of Burlington and South Burlington.~~

~~(B) Ward 5 lies to the west of the boundary described in subdivision (A) of this subdivision (3), and Ward 6 lies to the east.~~

~~(4) North District—Ward 4 and Ward 7.~~

~~(A) The North District is divided into two wards by the following boundary: Beginning at the centerline of Institute Road extended southwest to Lake Champlain; thence northeasterly to the intersection of Institute Road with the centerline of North Avenue; thence northerly along the centerline of North Avenue to its intersection with the centerline of Fairfield Drive; thence westerly along the centerline of Fairfield Drive to its intersection with the western property boundary of 39 Westward Drive extended southerly (approximately 73.2685 longitude, 44.5257 latitude); thence northerly along the western property boundary of 39 Westward Drive, until intersecting with the centerline of Westward Drive; thence southwest along the centerline of Westward Drive to the intersection with the Northshore Drive centerline; thence northerly along the Northshore Drive centerline until intersecting with the Clair Pointe Road centerline (point); thence westerly along the southern property boundary of the Claire Pointe condominium development (approximately 73.2686 longitude, 44.5286 latitude), and then extended to Lake Champlain.~~

~~(B) Ward 4 lies to the west of the boundary described in subdivision (A) of this subdivision (4), and Ward 7 lies to the east.~~

~~(5) Ward map reference. Reference is also made to a map entitled “Ward Redistricting, 8 Wards—4 Districts, 12 Councilors, Approved Map (December 2 V1.3), Map Date: December 8, 2022” located in the Burlington Chief Administrative Officer’s office in further aid of the description of the wards set forth in this subsection.~~

The election area boundaries established in 2023 pursuant to Act M-7 shall remain in effect until changed by the City Council which is hereby authorized to make changes from time to time to the boundaries of the election areas in order to provide an equal division of population among them in accordance with data produced by the U.S. Census Bureau. Election areas changes shall not be made more frequently than once in five years. Such

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..... Mayor

Vol. Page

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Page 6 Resolution Relating to

MARCH 4, 2025 ANNUAL CITY MEETING
PROPOSED CHARTER CHANGE REGARDING
REDISTRICTING BY CITY COUNCIL

201	changes shall be approved by the voters at an annual or special meeting of the City and shall become effective
202	<u>immediately upon approval unless a later date is established therein.</u>
203	
204	* Material underlined added.
205	** Material stricken out deleted.
206	
207	EK/KS/Resolutions 2024/March 4, 2025, Annual City Meeting Proposed Charter Change Regarding Redistricting by City Council
208	November 14, 2024

* * * * *

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I hereby certify that this resolution
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RESOLUTION RELATING TO

March 4, 2025 Annual City Meeting Proposed Charter Change Regarding Redistricting

By City Council

Adopted by the City Council

November 18, 2024

[Signature] Clerk

Approved Nov. 19, 2024

[Signature] Mayor

Attest:

Vol. Page

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Resolution Relating to

MARCH 4, 2025 ANNUAL CITY MEETING – CHARTER
CHANGE RE: BAN ON FIREARMS IN ANY
ESTABLISHMENT WITH A LIQUOR LICENSE

RESOLUTION 8.11

Sponsor(s): Bergman, Traverse

Introduced: 11/18/24

Referred to: _____

Action: adopted

Date: 11/18/24

Signed by Mayor: 11/19/24

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, at the March 4, 2014 Annual City Meeting, the voters of the City of Burlington voted by
2 a margin of 68% to 32% in favor of a Charter change to ban possession of firearms in any establishment with
3 a first class liquor license; and

4 WHEREAS, the General Assembly did not take action to approve the proposed Charter change
5 respecting guns in bars; and

6 WHEREAS, gun violence continues to end, maim, and negatively impact human lives in our City,
7 including a homicide on August 23, 2024, involving a gun carried into a downtown bar by the alleged
8 assailant; and

9 WHEREAS, without a change to state law or a Charter amendment, 24 V.S.A. § 2295 prevents the
10 City from adopting a ban on firearms at establishments with first class liquor licenses; and

11 WHEREAS, at its September 9, 2024 meeting, the City Council adopted a resolution that, among other
12 matters, called upon the General Assembly to adopt the voter approved Charter change respecting guns in
13 bars, and to take other actions to prevent violence in our community and statewide; and

14 WHEREAS, the City Council renews its call and encourages the General Assembly not only to adopt
15 the voter approved Charter change, but also to adopt statewide legislation prohibiting firearms in
16 establishments with liquor licenses or authorizing any Vermont municipality to enact such a prohibition by
17 ordinance; and

18 WHEREAS, the City Council desires to place the 2014 Charter change on the ballot to provide the
19 community the opportunity to express its commitment to the proposal a second time;

20 NOW, THEREFORE, BE IT RESOLVED that the City Council approves the proposed Charter
21 amendment attached hereto as Attachment A, which was previously placed before voters in 2014, and requests
22 that the Mayor warn the question therein and place it on the ballot for the Annual City Meeting to be held on
23 March 4, 2025, and that the City Clerk set public hearings on this question in accordance with § 303 of the
24 City Charter and 17 V.S.A. § 2645, said hearings to be warned for the 15th and 21st of January, 2025, or
25 otherwise as soon as necessary or convenient and in accordance with applicable law.

26 ER/ Resolutions 2024/Charger Change re firearms in bars
27 November 12, 2024

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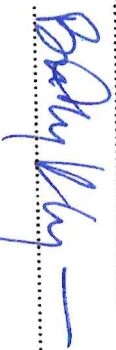
RESOLUTION RELATING TO

March 4, 2025 Annual City Meeting-Charter Change Re; Ban On Firearms In Any
Establishment With A Liquor License.

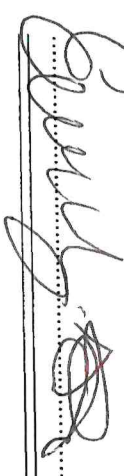
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Adopted by the City Council

November 18, 2024

 Clerk

Approved Nov 19, 2024

 Mayor

Vol. Page

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Attest:

MARCH 4, 2014 ANNUAL CITY MEETING

**PROPOSED CHARTER CHANGE RE BAN ON FIREARMS IN ANY
ESTABLISHMENT WITH A LIQUOR LICENSE
—Article 99, Section 510**

Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to add Article 99. General Weapons Requirements Sec. 510 entitled “Ban on Firearms in Any Establishment with a First Class Liquor License” thereto to read as follows:

Sec. 510. Ban on Firearms in Any Establishment with a First Class Liquor License.

- (a) This act expressly supersedes 24 V.S.A. §§ 2291(8) & 2295 and authorizes the City of Burlington to regulate the possession and carrying of firearms in the manner indicated below.
- (b) Ban. Within the City of Burlington, no person may carry or possess a firearm, as defined by Section 4016(a)(3) of Chapter 13 of the Vermont Statutes Annotated, in any building or on any real property or parking area under the ownership or control of an establishment licensed to serve alcohol on its premises.
- (c) Exceptions. This provision shall not apply to
 - (1) any federal, state, or local law enforcement officer acting within the scope of that officer’s official duties;
 - (2) any member of the armed forces of the United States or the Vermont National Guard acting within the scope of that person’s military duties;
 - (3) any government officer, agent, or employee authorized to carry a weapon and acting within the scope of that officer’s duties;
 - (4) the owner or operator of such establishment, as long as that person is not prohibited from possessing or carrying that weapon under any other federal, state, or local law.
- (d) The penalty for any violation of this section shall be as follows:
 - (1) Criminal Offense. Any violation of this Article may be considered a criminal offense, which shall be punishable by a fine of no more than \$1,000 and/or by imprisonment for not more than ninety (90) days.

- (2) Civil Offense. Any violation of this Article may also be considered a civil ordinance violation punishable by a fine of no less than \$200 and no more than \$500 and civil forfeiture of the weapon as provided below.
- (3) Forfeiture. Upon probable cause that a person is in violation of this provision, a law enforcement officer may seize the weapon involved in the violation. The person from whom the weapon is seized, or the owner of the weapon (if different), may appeal the forfeiture of the weapon within thirty (30) days of the seizure to the Vermont Superior Court, Civil Division, pursuant to Chapter 102 of Title 12 of the Vermont Rules of Civil Procedure and Rule 74 of the Vermont Rules of Civil Procedure. In any appeal, the burden of proof shall rest upon the City to establish the violation by a preponderance of the evidence. If the City fails to establish the required burden of proof, the items shall be returned to the person from whom they were seized. If no appeal is taken within thirty days, or if the City prevails in the superior court proceedings, the items so seized shall become the property of the City of Burlington.

* Material underlined added.

Resolution Relating to

CONGRATULATING THE UNIVERSITY OF VERMONT
MEN’S SOCCER TEAM FOR THEIR 2024 NCAA DIVISION
1 NATIONAL CHAMPIONSHIP AND PROCLAIMING
JANUARY 26, 2025 A DAY IN THEIR HONOR

RESOLUTION_____

Sponsor(s): City Council
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Five

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

That WHEREAS, the University of Vermont Men's Soccer Team (UVM) won the 2024 America East Conference Tournament earning the team an automatic bid in the 2024 National Collegiate Athletic Association (NCAA) Division 1 National Tournament; and

WHEREAS, the NCAA Division 1 National Tournament is a single elimination tournament among the champions from 22 college conferences and 26 other top college teams in the Nation; and

WHEREAS, UVM defeated Iona University 5-0 in the first round at home, and then traveled over 7,000 miles to play away from home during the subsequent rounds of the tournament where they defeated Hofstra University (#7 seed) 2-1 in the second round, defeated San Diego University 1-0 in the third round, defeated University of Pittsburgh (#2 seed) 2-0 in the quarter final round, defeated University of Denver (#3 seed) 4-3 in penalty kicks during the semi-final round, and defeated Marshall University (#13 seed) 2-1 in the final round to win the NCAA Division 1 National Tournament; and

WHEREAS, UVM Men’s Soccer was the first team other than Skiing to win a national championship in the University’s history, the first ever NCAA championship in the America East Conference, and the first unseeded team to win the crown in a non-COVID, full-field NCAA Tournament since 2006; and

WHEREAS, the UVM national championship win has brought great pride and celebration to UVM, the City of Burlington, and the State of Vermont;

NOW, THEREFORE, BE IT RESOLVED that the City Council and Mayor of Burlington applaud the UVM Men’s Soccer Team for their historic achievement and congratulate the players, coaches, and staff who represent this outstanding team:

- 0 Lou Liedtka
- 1 Niklas Herceg
- 2 Nathan Simeon
- 3 Mike Bleeker
- 4 Cole Richardson
- 5 Adrian Shulze Solano

26	6 Connor Thompson
27	7 Andrew Millar
28	8 Niels Hartman
29	9 Maximilian Kissel
30	10 Nick Lockermann
31	11 Yaniv Bazini
32	12 Nash Barlow
33	13 David Ismail
34	14 Ethan Czaporowski
35	15 Gianluca Armellino
36	17 Ioannis Vassiliou
37	18 Marcell Papp
38	19 Toby Grant
39	21 Karl Daly
40	22 Sydney Wathuta
41	24 TJ Liquori
42	25 Pieter Bultman
43	27 Ryan Zellefrow
44	28 Zach Barrett
45	31 Jeremy Tsang
46	36 Max Murray
47	99 Mitchell Ringman
48	Head Coach Rob Dow
49	Associate Head Coach Brad Cole
50	Assistant Coach Rory Twomey
51	Goalkeeper Coach Brendan Pulley
52	Director of Operations Mack Walton
53	Athletic Trainer Hannah Tremel
54	Student Manager Eric Bissell
55	Student Manager Eli Rosi
56	Assistant Athletic Performance Coach Mike Ederer

Resolution Relating to

CONGRATULATING THE UNIVERSITY OF VERMONT MEN’S SOCCER
TEAM FOR THEIR 2024 NCAA DIVISION 1 NATIONAL CHAMPIONSHIP
AND PROCLAIMING JANUARY 26, 2025 A DAY IN THEIR HONOR

57 Associate Director of Academic Services Namik Sevlc

58 Assistant Athletic Director for Broadcasting & Communications Nich Hall

59 ; and

60 BE IT FURTHER RESOLVED that in celebration and recognition of their historic achievement, the
61 Mayor shall will proclaim January 26th, 2025 “UVM Men’s Soccer Team D1 National Champions Day”.

62
63 MB/Resolutions 2025/*Congratulating The University of Vermont Men’s Soccer Team For Their 2024 NCAA Division 1 National Championship*
64 *And Proclaiming January 26,2025 A Day In Their Honor*
65 January 13, 2025

Resolution Relating to

CONGRATULATING THE UNIVERSITY OF VERMONT
MEN’S SOCCER TEAM FOR THEIR 2024 NCAA DIVISION
1 NATIONAL CHAMPIONSHIP AND PROCLAIMING
JANUARY 26, 2025 A DAY IN THEIR HONOR

RESOLUTION 10.1

Sponsor(s): City Council
Introduced: 01/13/25
Referred to:
Action: adopted
Date: 01/13/25
Signed by Mayor: 01/15/25

CITY OF BURLINGTON

In the year Two Thousand Twenty-Five

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

- 1 That WHEREAS, the University of Vermont Men's Soccer Team (UVM) won the 2024 America East
2 Conference Tournament earning the team an automatic bid in the 2024 National Collegiate Athletic
3 Association (NCAA) Division 1 National Tournament; and
4 WHEREAS, the NCAA Division 1 National Tournament is a single elimination tournament among the
5 champions from 22 college conferences and 26 other top college teams in the Nation; and
6 WHEREAS, UVM defeated Iona University 5-0 in the first round at home, and then traveled over
7 7,000 miles to play away from home during the subsequent rounds of the tournament where they defeated
8 Hofstra University (#7 seed) 2-1 in the second round, defeated San Diego University 1-0 in the third round,
9 defeated University of Pittsburgh (#2 seed) 2-0 in the quarter final round, defeated University of Denver (#3
10 seed) 4-3 in penalty kicks during the semi-final round, and defeated Marshall University (#13 seed) 2-1 in the
11 final round to win the NCAA Division 1 National Tournament; and
12 WHEREAS, UVM Men’s Soccer was the first team other than Skiing to win a national championship
13 in the University’s history, the first ever NCAA championship in the America East Conference, and the first
14 unseeded team to win the crown in a non-COVID, full-field NCAA Tournament since 2006; and
15 WHEREAS, the UVM national championship win has brought great pride and celebration to UVM,
16 the City of Burlington, and the State of Vermont;
17 NOW, THEREFORE, BE IT RESOLVED that the City Council and Mayor of Burlington applaud the
18 UVM Men’s Soccer Team for their historic achievement and congratulate the players, coaches, and staff who
19 represent this outstanding team:
20 0 Lou Liedtka
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Adopted by the City Council

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..... Clerk

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

..... Mayor

Vol. Page

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**CONGRATULATING THE UNIVERSITY OF VERMONT MEN’S SOCCER
TEAM FOR THEIR 2024 NCAA DIVISION 1 NATIONAL CHAMPIONSHIP
AND PROCLAIMING JANUARY 26, 2025 A DAY IN THEIR HONOR**

26	6 Connor Thompson
27	7 Andrew Millar
28	8 Niels Hartman
29	9 Maximilian Kissel
30	10 Nick Lockermann
31	11 Yaniv Bazini
32	12 Nash Barlow
33	13 David Ismail
34	14 Ethan Czapowski
35	15 Gianluca Armellino
36	17 Ioannis Vassiliou
37	18 Marcell Papp
38	19 Toby Grant
39	21 Karl Daly
40	22 Sydney Wathuta
41	24 TJ Liquori
42	25 Pieter Bultman
43	27 Ryan Zellefrow
44	28 Zach Barrett
45	31 Jeremy Tsang
46	36 Max Murray
47	99 Mitchell Ringman
48	Head Coach Rob Dow
49	Associate Head Coach Brad Cole
50	Assistant Coach Rory Twomey
51	Goalkeeper Coach Brendan Pulley
52	Director of Operations Mack Walton
53	Athletic Trainer Hannah Tremel
54	Student Manager Eric Bissell
55	Student Manager Eli Rosi
56	Assistant Athletic Performance Coach Mike Ederer

* * * * *

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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CONGRATULATING THE UNIVERSITY OF VERMONT MEN'S SOCCER
TEAM FOR THEIR 2024 NCAA DIVISION 1 NATIONAL CHAMPIONSHIP
AND PROCLAIMING JANUARY 26, 2025 A DAY IN THEIR HONOR

57 Associate Director of Academic Services Namik Sevic

58 Assistant Athletic Director for Broadcasting & Communications Nich Hall

59 ; and

60 BE IT FURTHER RESOLVED that in celebration and recognition of their historic achievement, the
61 Mayor will proclaim January 26th, 2025 "UVM Men's Soccer Team D1 National Champions Day".

62
63 MB/Resolutions 2025/*Congratulating The University of Vermont Men's Soccer Team For Their 2024 NCAA Division 1 National Championship*
64 *And Proclaiming January 26,2025 A Day In Their Honor*
65 January 13, 2025

* * * * *

DISTRIBUTION:

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has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

Congratulating The University Of Vermont Men's Soccer Team For Their 2024 NCAA
Division 1 National Championship And Proclaiming January 26, 2025 A Day In Their
Honor.....

Adopted by the City Council

January 13....., 20 25.....

Barry Kelly..... Clerk

Approved..... Jan 15....., 20 25.....

Andrew Zep..... Mayor

Vol. Page

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December 16, 2024

MEMO TO: City of Burlington, Council President Ben Traverse, Mayor Emma Mulvaney-Stanak, and Chief Administrative Officer Katherine Schad
FROM: Jordan Mitchell, Town Meeting TV Director of Operations, jmitchell@cctv.org
RE: Town Meeting TV FY24 Update and FY25/Municipality's FY26 Budget Request

Town Meeting TV submits this report as part of our visit briefing the City Council on Town Meeting TV operations, hearing from the community on how Town Meeting TV might better serve your needs, and requesting an annual municipal contribution in the amount as follows:

- *A municipal contribution in the amount of \$29,172 for general Town Meeting TV operations*
- *\$17,530 to Town Meeting TV for production support of ongoing hybrid meeting coverage of 6 Neighborhood Planning Assemblies per month. This represents less than half of the actual cost of services.*
- *\$42,000 to CCTV Productions for additional Burlington municipal meeting coverage*

Introduction: Town Meeting Television was launched by its member communities in September 1990. Town Meeting TV is operated by CCTV Center for Media & Democracy on behalf of the Chittenden County Government Access Channel Trust. Town Meeting TV Trustees oversee policy and budget decisions on behalf of the municipalities. Town Meeting TV serves as a community partner to municipalities with meeting and community event recording and archiving, technical support for hybrid meetings, election programming, and media education.

The City of Burlington is currently represented by Kevin Lumpkin on the Town Meeting TV Trustees. Thank you to Kevin for his consistent participation and oversight on behalf of the City of Burlington.

Between 10/1/23 and 9/30/24, Town Meeting TV produced and supported 1,519 programs for our member communities; 377 were categorized as municipal coverage.

During the period of 10/1/2023 - 9/30/2024 Town Meeting TV **live streamed, recorded, produced, and archived 221 meetings** for the City of Burlington. This can be broken down as follows:

- 24 City Council
- 63 Department (Finance, TEUC, other as-requested)
- 66 Neighborhood Planning Assembly (NPA)
- 10 Police Commission
- 20 Development Review Board
- 10 Department of Public Works
- 28 Executive/Mayor's Press Conferences

In addition, coverage and service includes other general TV programs recorded in and about Burlington, local election programs, legislative updates, and municipal updates. Town Meeting TV studios and internships remain open to all community members. The **contract between the Trustees and CCTV stipulates** production of 5 meetings/month and at least one Burlington specific general program. **Burlington officials and the public are invited to inform us of more community based programming for coverage.**

The FY26 City of Burlington municipal contribution request for \$29,172 helps ensure Town Meeting TV can continue to meet community needs for government accessibility, transparency, media literacy, and free speech.

Municipal Funding Request: The City of Burlington contribution is part of the municipal supplement to the Town Meeting TV annual budget. We have projected that Town Meeting TV's municipal members will contribute \$109,240 or 15% of the overall revenue. ***Municipalities may opt to purchase additional meeting coverage or archiving services at the current municipal production rate of \$112/hour.*** The current municipal rate for meeting production, including pre-production, field production, live streaming & titling, post-production, and archiving is \$112/hour. *Costs for titling, airing, and archiving recorded meetings conducted without Town Meeting TV operators can also be calculated on a case by case basis.*

Town Meeting TV FY24 Report

Town Meeting TV opens the door to local government.

[Town Meeting TV](#) is a trusted producer, educational and equipment resource, and community archive of video providing access to local government and facilitating engagement in local democracy. Town Meeting TV is Chittenden County's regional government access TV channel overseen by municipally appointed representatives from Burlington, South Burlington, Essex, Essex Junction, Williston, Winooski, Colchester, and St. George. Town Meeting TV programs are made available on Comcast 1087, Burlington Telecom 17 & 217, as well as at www.CH17.TV. Launched in 1990 to cover municipal events and public issues, Town Meeting TV airs 100 hours of public meetings, election coverage, and community events each month on [Comcast](#) and [Burlington Telecom](#) and www.ch17.tv.



Revenue Sources: Town Meeting TV is funded by a diversity of sources but primarily by the cable subscribers of Comcast and Burlington Telecom (BT). In addition to the requirement on cable companies to set aside channels and “cable capacity”, regional cable subscribers are assessed 5% of their bills for PEG operating and 1.5% for capital costs.

Town Meeting TV's FY25 budgeted revenue is 69% cable subscribers, 15% municipal, 13% legislative, and 3% fee for service.

Services: With municipal partnership, Town Meeting TV produces, live streams, records, titles, distributes and archives gavel-to-gavel coverage of municipal meetings, regional events, and educational programs designed to help open the doors of local government, civic life, and promote public awareness and participation.



Town Meeting TV is part of a network of 23 community access media centers statewide that provide an essential community service. This service has expanded to meet the needs of remote participation in public meetings, public health communications, more extensive

election coverage, and community producer requests for services.

Live streaming of gavel-to-gavel coverage of municipal and regional meetings

in Burlington, South Burlington, Winooski, Essex, Essex Junction, Williston and Colchester. These meetings are streamed live, aired on TV, and archived. Town Meeting TV content is available on Comcast channel 1087, BT channel 217 and 17, BT channel 317, online at ch17.tv with clickable agendas and on our YouTube page (youtube.com/TownMeetingTV) with auto-generated captions and clickable agendas. Town Meeting TV continues to work with communities to make that experience productive while retaining high video and audio quality for TV distribution and archiving.

Hybrid meeting support - Town Meeting TV worked with municipalities to continue to support high quality hybrid meeting systems allowing remote attendees to clearly see, hear, and engage with in-person attendees through online platforms. In many cases, the capital equipment for these systems were purchased by the



municipalities with an expected technical life of 3 years from installation. In addition, CCTV is part of the Act 133 working group on [changes to the open meeting law](#). As hybrid meetings become a core practice to support access to local democracy, Town Meeting TV values your feedback to inform best practice and resource advocacy discussions with the Vermont Legislature and the Secretary of State's Office.

Redundant and reliable archiving of community based video content, including meetings and public events, is a unique service of Town Meeting TV. The entire catalog is searchable at www.cctv.org. As part of the changes to Open Meeting Law, Town Meeting TV can act as the repository for the long term storage of municipal meetings. We stress that YouTube is not an archive, but a distribution platform, and storage requires metadata that is searchable, as well as a workflow to ensure archives have redundant backup.

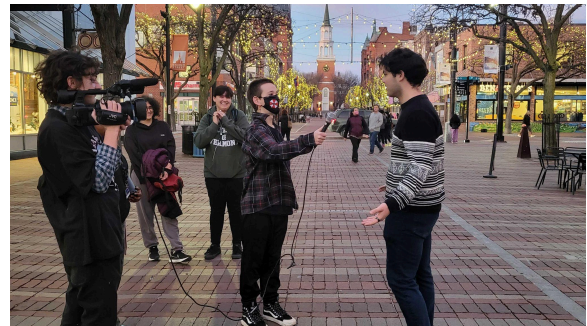
In-depth local election programming - Town Meeting TV produces televised local forums featuring all candidates, municipal budgets and ballot presentations during Town Meeting, Primary and General elections. Town Meeting TV also partners with



both state and local level organizations such as VPIRG, League of Women Voters and media outlets such as VTDigger.org to bring election information to a wider audience. In most cases, Town Meeting TV's forum is the only event in which all registered candidates appear in front of voters in a fair, congenial, and high quality format.

Meeting community accessibility needs through the addition of a 24/7 captioning service to our cable channels in addition to the auto captioning provided by YouTube's streaming platform. This comes on the heels of an accessibility audit and developing a checklist of ways to meet accessibility needs in the community for our television programs as well as events, outreach, and educational offerings.

Community based programs - Democracy begins in dialogue. Community access TV is the site of many interesting and provocative conversations. From shows on addiction recovery and prevention, education reform, national politics, and local issues, the Town Meeting TV studio (both in person and online) provides citizens a space to express and workshop ideas with their community. In FY24 we facilitated 2-3 studio programs a week, as well as community shows filmed on location in the field.



Marketing and outreach - Opening the doors to democracy also means connecting community members in a nonpartisan manner to a variety of ideas and content. We excerpt and share meeting highlights such as Mayoral, Councilor, City Manager or Municipal updates, connect local journalists to source material, and help the public make sense of the content that is recorded and archived by the Town Meeting TV field crew. Our outreach is working on behalf of local democracy to encourage engagement and greater understanding. We are here to work with your municipal communications team.



Media education for school groups, individuals, visiting dignitaries, and local organizations (e.g., CCV, UVM, Champlain, local high schools) is a crucial part of the Town Meeting TV civic engagement work. Helping uncover the media making process and engaging students with local civic leaders through internships and volunteering are foundation to the work of community media. We are developing the next generation of field producers and editors, as well as introducing young people to how local government functions and why it is important. Through one on one design, media making cohorts, tours, and learning sessions, we deliver high quality media making and civic education on behalf of our member communities.



An accessible web presence - Town Meeting TV's website connects visitors to more than 50,000 pieces of archival content. This gateway to community content, both present and historic, connects municipal officials, journalists, activists, researchers and the general public to community video content. The Town Meeting TV website is moving to a new platform that will allow municipalities to more easily embed municipal content on their own home pages.

Advocacy for public access - Town Meeting TV has worked closely with its colleagues in the Vermont Access Network (VAN) to advocate for the replacement of declining cable revenue. The Legislature has recognized our work as an "essential service" and in FY25 funded VAN's work in the Vermont base budget through a grant administered by the Secretary of State's office.



CCTV Center for Media and Democracy administers the services of Town Meeting TV on behalf of the Trustees. This relationship allows Town Meeting TV to be housed alongside other community based projects such as the CCTV Archives, VT Language Justice Project and CCTV Productions. These relationships allow us to share expertise, community connections, and carry the work we do together even farther.

Town Meeting TV cable channels reach 25-30,000 cable subscribers within Chittenden County. The archive of all content is available at www.cctv.org. Applicable content is distributed statewide as well as nationwide. The Town Meeting TV website averages about 1,000 hits per month, and the Town Meeting TV Youtube channel maintains about 5,800 subscribers. People watch meetings and events, share them, and most importantly report that they can find them when needed.

Thank you for your support. We are happy to respond to any questions, comments, and are always open to ways that we can serve you better. The Town Meeting TV Budget Narrative for FY25 follows on the following page:

Town Meeting TV/ Town Meeting Television
BUDGET NARRATIVE FY25
October 2024 – September 2025

Town Meeting TV is a trusted producer, educational and equipment resource, and community archive of video providing access to local government and facilitating engagement in local democracy. Town Meeting TV is Chittenden County's regional government access TV channel overseen by municipally appointed representatives from Burlington, South Burlington, Essex, Essex Junction, Williston, Winooski, Colchester, and St. George. Town Meeting TV programs are made available on Comcast 1087, Burlington Telecom 17 & 217, as well as at www.CH17.TV.

Launched in 1990 to cover municipal events and public issues, Town Meeting TV airs more than 100 hours of public meetings, election coverage, and community events each month on Comcast and Burlington Telecom and www.ch17.tv. *Town Meeting TV opens the door to local government.*

1. OVERVIEW

Funding Formulas: Comcast and BT are required by the VT Public Utility Commission to set aside 5% of their gross revenue on cable television to support PEG Access Management Organization (AMO) operating costs. The cable companies are also required to pay a portion, that is negotiated through contract discussion with individual AMOs, for capital funding.

This funding is passed on to the cable subscriber in the form of a “PEG fee” on each subscriber's bill.

In Chittenden County, this 5% is shared and intended to be split evenly between Town Meeting TV and The Media Factory.

Town Meeting TV receives 1.66% of the cable operators' (Comcast and Burlington Telecom) annual gross revenue. The funding level for Town Meeting TV capital from Comcast is set at .6% of gross revenue and BT is set at .5%

The Media Factory receives 3.34% (1.66% and 1.68%) The .02% percentage difference that they receive is used to support Town Meeting TV's portion of our shared use tech core at 208 Flynn Avenue.

Burlington Telecom and Comcast's fiscal year runs from 1 January through 31 December. BT provides operating and capital funding to Town Meeting TV in September of each year. Comcast pays Town Meeting TV on a quarterly basis. We have generated Comcast revenue projections based on past performance. Cable

subscriber revenue continues to decline BT declined by 3% and we are projecting at least 3% decline for Comcast.

FY25 total revenue is estimated at **\$724,913**. Our expenses are estimated to be **\$748,413**. This leaves a shortfall of \$23,500, down from FY24's \$34.5K shortfall, to be made up through cost management and fundraising efforts by CCTV.

2. REVENUE SUMMARY

FY25 total revenue is estimated at **\$724,913**.

- The estimated revenue received from Comcast is projected to be **\$346K** for operating and **\$125K** for capital, this projects a 9% decline in cable subscriber revenue.
- **Burlington Telecom's** total contribution is estimated to be **\$21.2K** for operating and **\$6.4K** for capital. This is a 3% decline from the previous year.
- **Municipal revenue** in FY25 is based on past contributions, will come from municipalities FY26 budgets, and is set at **\$126,770**. This includes a **%5** increase for most municipalities and the contribution from Burlington to support specific additional production support for Neighborhood Planning Assembly live streaming and hybrid meetings.
- The Vermont Legislature included \$1M in base funding as part of the Secretary of State's budget. Distribution of these funds to the 23 Access Management Organizations is based on a formula that takes into account cable revenue decline and populations received. Town Meeting TV expects to receive **\$94.4K** from that allocation.
- Keeping with the previous year, Interest/ Capital Gains is estimated to be **\$2,500+/-**. We will keep an eye on that investment to determine if that continues to be the best way to shepherd these funds.

3. EXPENSE SUMMARY

The total Town Meeting TV FY25 expenses are projected to be **\$748,413**. **This breaks down to** operating expenses of **\$633,602** and capital **\$114,811**.

Operating Expenses are estimated to be **\$633,602** and include:

- **CCTV Base contract** in the amount of **\$599,302** (a %3 increase from FY24) for Town Meeting TV operations which includes staff labor for administration, production, internship support, archiving, and marketing (about 9 FTE) as well as overall administrative, insurance, professional development, and site

costs.

- The other line items on the operating expense budget include **\$2.5K** in legal and investment fees, **\$4K** to pay bookkeeping expenses, **\$9.5K** for the annual audit, **\$6K** in dues to the VT Access Network and the Alliance for Community Media, **\$5K** to support ad buys and marketing costs on behalf of Town Meeting TV, and \$3K to support advocacy work CCTV has done with VAN to secure legislative support for PEG media.

Capital Expenses are estimated to be **\$114,811**

Town Meeting TV's annual Capital budget is based on priority areas recommended by Staff and approved by the Trustees. The FY25 Capital recommendations include hardware, supplies, network infrastructure, dues and subs, and technical contractors. This year we are relying on a lean capital budget and this is possible in large part because of the hybrid systems now in place at many of our municipal partner locations.

Equipment Total: \$42,443 Estimated equipment costs largely reflect the annual replacement of cameras, computers and large scale equipment due to extended use. While equipment life expectancy continues to diminish from 5 years to a 2-3 year cycle, we do our best to get the most use out of gear we possibly can. The use of in place hybrid systems reduces our annual equipment costs.

- **Production \$8.4K:** Purchase of additional portable hybrid system, field production camera, and PTZ camera replacement.
- **Office/Network Equipment \$2,500:** Potential New Staff Computer
- **Playback \$12,115:** Supports a 2 year contract for captioning equipment on both of the channels for 24/7 learning auto captioning software.
- **Studio/Control Room \$1,900:** Replacement of studio laptop.
- **IT/ Network/ Tech Core Equipment: \$16,778:** This covers AWS storage backup, cloud computing on Digital Ocean, our webvideo storage on Google Bucket, and replacement storage harddrives.

Capital Support Total: \$72,368

Capital Support constitutes the bulk of the capital budget, as most technical solutions are software and consultant supported. The FY25 budget includes (see Capital Detail for the complete list):

- **Tech Core Rental \$6,500:** Supports our portion of the shared tech core space at 208 Flynn providing climate controlled and secure infrastructure space for our playback and network storage. Town Meeting TV is connected to this space via high speed dark fiber provided by Burlington Telecom.
- **Streaming and Web Development \$25,000:** Second half of the payment to Grand Rapids Community Media center for website development.

- **Service Contracts \$19,700:** Clear Bearing for Network infrastructure support and monitoring, contract reduction expected due to build down of technical infrastructure and an annual payment to Grand Rapids for website management and updating.
- **Repair and Maintenance: \$7,250** Includes 30 hours of contracted project support with Clearbearing and general equipment repairs and maintenance.
- **Equipment Supplies and Production \$6,480:** Smaller purchases to support the video production workflow. See Capital Detail Budget.
- **Equipment Supplies Office \$1,200:** Switches, office chairs, etc.
- **Subscriptions and Licenses \$5,088:** Supporting fees for subscriptions that allow for video workflow including Dropbox, Adobe Creative Cloud, Parsec, Zoom, Teradek and cell service connections. These subscriptions are audited annually.

CCTV CONTRACT breaks down as follows:

Wages and Benefits total \$494,547 CCTV manages staff compensation and human resources these costs include:

- **Payroll: \$355,061**
- **Health/Dental/Vision Insurance: \$103,286**
- **Unemployment and Workers Compensation: \$3,375**
- **Payroll taxes: \$28,724 (includes new child care tax)**

Non-Wage Costs specific to TMTV \$65,657 Site costs are shared by all CCTV projects and administration and include:

- **Site Costs \$39,832:** Rent (up this year with the move of VLJP to offsite location), utilities, and specific Trustees package liability:
- **Communications \$2,381:** Phone, postage, online services.
- **Repair & Maintenance of Facilities \$1,340:** HVAC and carpet cleaning.
- **Meals/Travel/Professional Development \$11,604 :** Includes training dues and expenses, conferences, coaching, and employee support for leadership and skills development. The Alliance for Community Media national conference will be held in Boston this year.
- **Subcontracting \$10,500:** This includes \$3k to support CCTV's advocacy efforts with VAN on behalf of the Trustees, Ad buys for the election year, Talent for election nights, and paid media internships. The internship expenses may be offset by grant support.

CCTV Management for TMTV in FY24 \$125,573: Administrative costs are calculated as a percentage of each program in CCTV by labor. In FY25 Town Meeting TV labor represents 52% of all of the organization's labor. The administrative costs are at 19% of the revenue.

Administration includes employee management and HR, project development, legal and administrative tasks, budgeting, reporting, and compliance.

4. FUND BALANCE

The Town Meeting TV assets & liabilities as of August 31, 2024 are \$273,753 or 4.7 months of operating revenue. These assets include \$101.5K in the VCF reserve fund In addition to current receivables and liabilities. As a matter of sound fiscal practice, the Town Meeting TV Trustees have established a 3-6 month set-aside of its annual budget in order to address cash flow issues and emergencies. Monthly expenses in FY25 are projected to be **\$62,367, this is comparable to FY24.** We do not recommend using your reserve to cover operating or capital costs this year.

5. FUTURE PLANNING

Town Meeting TV was established on PEG fees to provide a wide range of Government Access services for cable subscribers on cable television. Over the years those services have grown and the community we serve is not only cable subscribers, but the general public, journalists, municipal partners among others. The challenge continues to diversify revenue sources to meet the requirements and needs of these community partners from hybrid support to live streaming and archiving of content. We will meet this challenge by continued work with our municipal partners and legislative advocacy as well as CCTV support of philanthropic fundraising and fee for service work.

Town Meeting TV Launched in 1990 to cover municipal events and public issues, Town Meeting TV airs 100 hours of public meetings, election coverage, and community events each month on **Comcast** and **Burlington Telecom** and www.ch17.tv. *Town Meeting TV opens the door to local government.*



**POLICE DEPARTMENT
CITY OF BURLINGTON**

TO: City Council President Benjamin Traverse
FROM: Police Chief Jon Murad
DATE: Friday, January 10, 2025
RE: **Report Requested by Resolution 6.9 of September 9, 2024**

“BE IT FURTHER RESOLVED that the Chief of the Burlington Police Department, with input from BPD leadership, members of the BPOA, and other community partners, shall present a report to the City Council on or by December 9, 2024...”¹

In preparing this report I consulted with Burlington Police Department (BPD) leadership, particularly Deputy Chief Brian LaBarge, Executive Manager Shannon Trammell, and Assistant Director, CAIP, Lacey-Ann Smith. I also consulted with the Burlington Police Officers Association (BPOA), particularly executive board President Joseph Corrow. I have also met, spoken, and communicated with community members, business owners, and advisors, and incorporated input from those conversations. Ultimately, however, this document contains my analyses and conclusions as Chief of Police, based on five years in the role and twenty years in the profession.

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¹ From the *Resolution Relating to Improving Recruitment for Emergency First Responders and Reexamining the “Cap” on the Number of Sworn Police Officers and Burlington Police Department Personnel*, September 9, 2024, lines 64 to 66. <https://burlingtonvt.portal.civicclerk.com/event/7008/files/agenda/11838>. A version of this report was presented to the Council by the December 9, 2024, deadline, but redactions were recommended by the City Attorney. The Council and Administration postponed discussion to January 13, 2025, when the Council and City Attorney discussed the redactions in executive session. In the intervening month, the undersigned made copyedits to the document and updated data to reflect the totality of 2024.

I. EXECUTIVE SUMMARY

On June 29, 2020, the Burlington City Council resolved to reduce the authorized headcount of the Burlington Police Department (BPD) by 30%, from 105 to 74 sworn officers, via attrition. Since the beginning of Fiscal Year 2021 on July 1, 2020, the BPD has lost 59 sworn police officers. In that time, it has hired 30 officers. As a result, headcount has fallen from 92 on July 1, 2020, to 63 on January 1, 2025.

This unprecedented decline has placed the BPD in four-and-a-half years of crisis—a crisis we still face every day. Currently, 63 officers are being asked to police Vermont’s largest city—a city of 15 square miles, 44,000 residents, and workers, students, and visitors who routinely double that population. The number of non-supervisory officers on patrol, who answer the vast majority of calls for service, is half what it was in 2019.

Since the reduction, many high-stakes or high-impact incidents have increased substantially. There have been more robberies, simple assaults, and burglaries. Comparing the 54 months preceding July 2020 to the 54 months since, aggravated assaults are up 48%; aggregated larcenies and retail thefts are up 77%. Although numbers are small, murder and attempted murder have tripled. Stolen vehicles, gunfire incidents, and overdoses are up 366%, 369%, and 375%, respectively.

To ease officers’ workload, confront our city’s issues with crime and public order, and restore responsive community connectivity to Burlington, the BPD should once again be authorized for 105 sworn officers.

Absent extraordinary spending, however, recovering to this number may take several years. An optimistic projection shows 84 is possible by the end of FY28, although it requires the BPD to exceed its best-ever hiring year repeatedly for three years in a row. The regrowth would be aided by an explicit, official admission by the City that the decision to reduce the department was an ill-considered, destructive experiment, and an explicit, official rejection of the 74-officer cap created by that decision and a rejection of the current cap of 87, as well. In reference to the resolution that occasioned this report, the BPOA stated that removing the cap would “signal to potential applicants that the City Administration is committed to investing in the Department and making it a better place to work.”

II. BACKGROUND

On June 29, 2020, the Burlington City Council resolved to reduce the authorized headcount of the BPD by 30%, from 105 to 74 sworn officers.² Eschewing layoffs, the Council ordered the reduction through attrition. The resolution also removed school resource officers, or SROs, from schools in the Burlington School District. It was preceded by three weeks of online public meetings in which caller after caller used the phrase “Defund the Police,” and repeated demands informed primarily by an online letter to the Mayor, the City Council, and the Police Commission from the Racial Justice Alliance. That letter demanded “an immediate 30 percent reduction in uniformed officers.”³

The police department took the nine-to-three vote for the resolution as a vote of no confidence from the city. Officers—who had dedicated their careers to Burlington; who were proud of their innovative, compassionate department; and who felt existentially stung by the speed and breadth of what they saw as an undeserved, impulsive local overreaction to national events—resigned in droves. Their exit questionnaires tell this plainly. (See Appendix 01) From July 1, 2020, through January 1, 2025, the BPD lost 59 officers.

Another way of contextualizing that is to note that the BPD has lost a number of officers equivalent to 94% of our total current count.

The 30% reduction was based mostly on a Governing.com webpage that showed officer-to-population ratios for American cities with populations fewer than 50,000. At every stage, then-Mayor Miro Weinberger argued against the reduction. His FY21 budget proposed “capping” the BPD at the number of officers who were on the books on June 29, 2020. That would have been an 11% reduction from the FY20 authorized headcount of 105 officers, but it was unacceptable to those seeking a different kind of police reform.

In December 2020, in a presentation to the City Council, I articulated concerns about staffing, made predictions about our increasing inability to handle lower-level calls for service, and asked the Council to amend the cap.⁴ A month later, on January 22, 2021, I presented the

² “BE IT FURTHER RESOLVED that the Burlington Police Department decrease through attrition, allowing officers to elect of their own accord to retire or leave for other reasons, the maximum total number of uniformed police officers by 30% from 105 to 74 uniformed officers” from the *Resolution Relating to Racial Justice Through Economic and Criminal Justice*, June 29, 2020, lines 51 to 53. Three councilors unsuccessfully voted to reduce the headcount even further—to 63 by July 1, 2022—a number that turned out to be eerily prescient.

³ See <https://www.vtracialjusticealliance.org/2020/06/letter-to-burlington-mayor-city-council-and-police-commission/>, dated June 8, 2020, and <https://www.vtracialjusticealliance.org/2020/06/operation-phoenix/>, dated June 12; both links active and retrieved as of December 1, 2024.

⁴ See <https://vtdigger.org/2020/12/21/burlington-police-chief-asks-for-more-officers-after-30-mandated-cut/>

Public Safety Continuity Plan.⁵ The plan proposed augmenting the Community Service Officers, or CSOs, and also introduced the Community Support Liaison (CSL) position. It also requested that the 74-officer cap be raised, in order to permit hiring and stall the staffing freefall.

This pilot Public Safety Continuity Plan proposal represents a middle path. It is a *shorter-term* solution, not a short-term solution. *It is a good plan done in time, rather than a best plan done too late.* It can continue to be honed based on the results of the two assessments currently planned under the auspices of the Joint Committee of the City Council’s Public Safety Committee and the Burlington Police Commission (the “Joint Committee”). One of these assessments—a “full operational and functional assessment” of the BPD—was described in the Resolution re Racial Justice Through Economic and Criminal Justice eight months ago, but the Joint Committee has yet to commence either the operational assessment or the facilitator assessment.

On February 8, 2021,⁶ the City Council adopted the CSO/CSL parts of the plan, but voted not to alter the cap. At the same meeting, the Council moved forward with the firm CNA to begin the assessment.

In May 2021, owing to falling staffing and rising incident volume, I created and implemented the Priority Response Plan. I updated it in 2022 and 2024,⁷ and it remains in place.

On August 9, 2021, members of the Council tried again to raise the cap, but despite support from Mayor Weinberger and the Police Commission, the resolution was again rejected.⁸

In Oct 2021, after receipt of the CNA Report, the council raised the cap on officers from 74 to 87. By that time, the BPD had already begun to hire not because of the raised cap but because the agency had fallen below 74—headcount was 70 on October 1, 2021. From then to July 1, 2022, the agency hired three officers but lost ten. Headcount bottomed out at 61.

It was not until a new police contract was ratified on July 26, 2022, that the BPD began to increase again. We are now working to rebuild, but progress has not been as strong as desired. Since being allowed to hire again in autumn 2021, the BPD has hired 30 sworn employees. Of those, the BPD currently retains 19, or 63%.

⁵ See <https://www.burlingtonvt.gov/DocumentCenter/View/1593/The-Public-Safety-Continuity-Plan-PDF>

⁶ See <https://vtdigger.org/2021/02/09/burlington-mayor-fails-to-boost-officer-cap-to-84/>

⁷ See <https://www.burlingtonvt.gov/DocumentCenter/View/993/2024-BPD-Priority-Response-Plan-PDF>

⁸ See <https://vtdigger.org/2021/08/10/burlington-city-council-rejects-raising-police-officer-staffing-cap-for-second-time/>

III. POINT-BY-POINT RESPONSE TO RESOLUTION 6.9 OF SEPTEMBER 9, 2024

Responding to the resolution raises challenging questions about funding, for which this report does not provide a solution. In the first months of her administration, Mayor Emma Mulvaney-Stanak was faced with and overcame a tremendous, unanticipated budget gap. Despite this, she provided strong funding to the BPD and embraced its need to regrow. In writing this report I acknowledge that effort and that support, and also acknowledge that the City continues to face thin margins. Nevertheless, as I see the task set by the Council, it is to recommend things that could or should be done in service of the singular objective of rebuilding the BPD—not necessarily things that can be done, or even how to make them happen.

With few exceptions, each proposal for how to address our staffing crisis boils down to money. The more urgent the need, the more money it will require. The business maxim “cheap, fast, or good—pick two” applies. Burlington needs to rebuild its police department, from its personnel to its facility, and it needs to do so quickly, and that will be expensive.

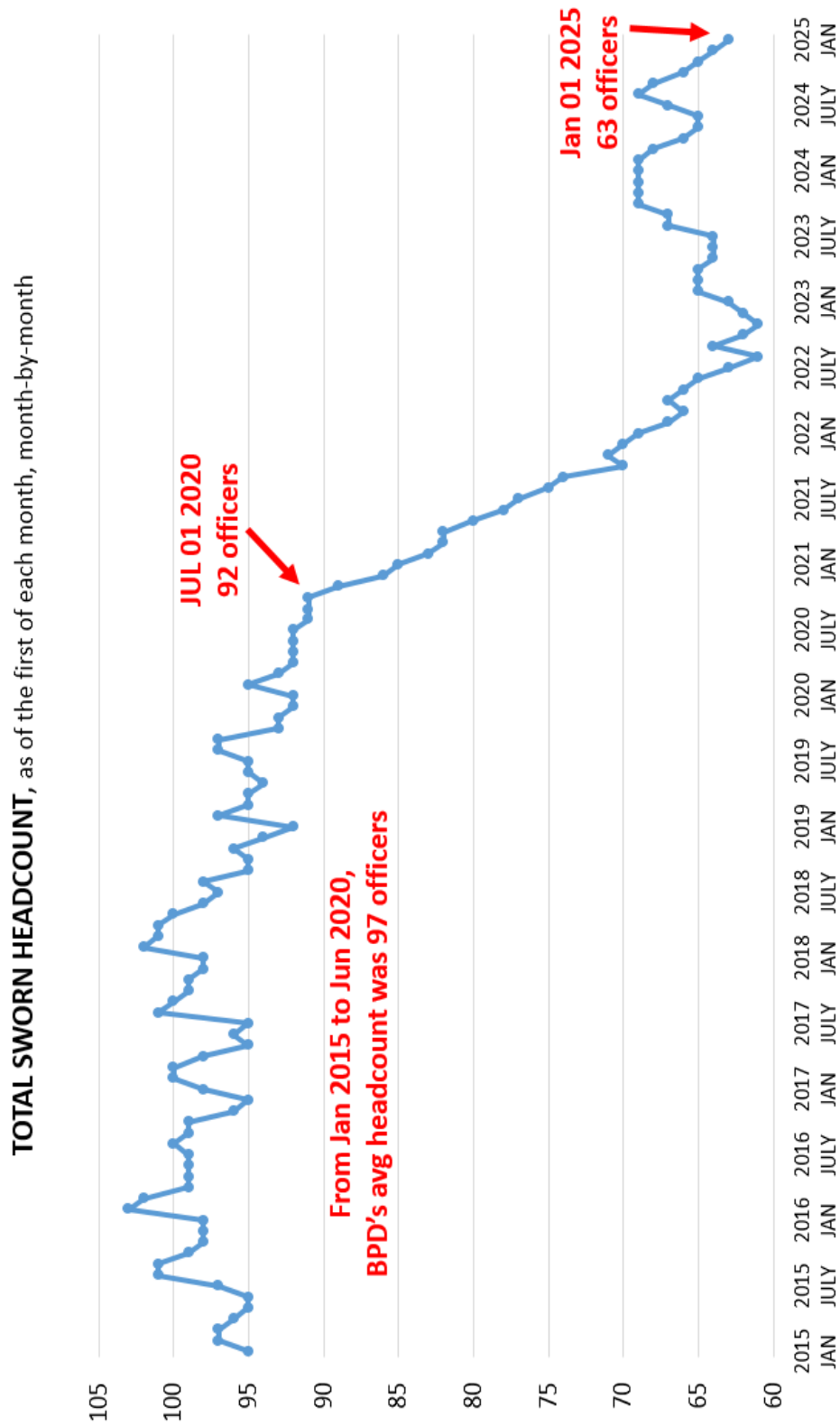
As of January 1, 2025, the BPD has 63 sworn officers, of whom 58 are “effective” and able to be deployed.⁹ Historically, from 2015 to 2020, the BPD maintained a monthly average headcount of 97. In other words, headcount is down 30% from historic averages. (See Chart 01 on the following page)

The reduction of non-supervisory patrol officers is worse, however. In 2024 there were half as many non-supervisory patrol officers as there were in 2019. Patrol officers respond to the vast majority of calls for service, and while there were 50% fewer patrol officers than in 2019, there were 6% more incidents. (See Appendix 02)

Higher numbers of police mean less crime. (See Appendix 03) In this context, Burlington’s experience since 2020 is a case-study waiting to happen. Furthermore, even as headcount has fallen, demands on the police have substantially increased. Comparing the 54 months preceding July 2020 to the 54 months since, many high-stakes or high-impact incidents have increased substantially. There have been more robberies, simple assaults, and burglaries. Aggravated assaults are up 48%; aggregated larcenies and retail thefts are up 77%.

⁹ Examples of officers who are not “effective” are officers on long-term military leave, recruit officers at the Vermont Police Academy, officers on field training who cannot operate independently of their field trainer, officers on limited duty owing to pregnancy, etc.

Chart 01



Although numbers are small, murder and attempted murder have tripled. Stolen vehicles, gunfire incidents, and overdoses are up 366%, 369%, and 375%, respectively. (See Chart 02)

	01/01/2016 to 06/30/2020	07/01/2020 to 12/31/2024
Assault – aggravated	201	297
Assault – simple	756	784
Burglary	764	834
Gunfire	16	78
Larceny/retail theft	4,711	8,344
Murder / att murd	9	29
Overdose	307	1,458
Robbery	90	94
Stolen vehicle	216	1,007

Chart 02

Burlington’s most important goal should be getting sworn-officer headcount back to effective numbers that produced much more effective public safety for decades. Without this, the BPD’s other efforts will be for naught. This includes ongoing work to develop alternative means of response such as the Crisis Advocacy Intervention Programs, or CAIP, which includes the CSLs. As the practitioners themselves have attested, those programs cannot

exist without a healthy police service. If we could hire 20 police officers tomorrow, it would be the single-most important thing to do for public safety and make a massive difference in our public safety posture.

Many other municipalities have had to make hard decisions—or been required to make such decisions—around funding police. In Missouri, for example, where suburbs surrounding Kansas City have been alarmed at the city’s crime trends and what it means for the region’s economic seat, a statewide vote in August required Kansas City to increase its police department’s budget and “spend at least 25% of [the city’s] general revenue on police, amounting to tens of millions of dollars per year.”¹⁰ A similar state intervention occurred in Austin, Texas.¹¹ (For reference and comparison, in Burlington the police department budget is 17% of the total general fund budget.¹²)

The split between Kansas City and the capital in Jefferson City, Missouri, is entirely different from the relationship Burlington enjoys with Montpelier, and nothing so shocking is on our horizon. But it illustrates an extreme example of how a linchpin city can affect a region. As in Missouri, Burlington’s situation impacts the wider region. Our city is home to Vermont’s largest educational institutions, its largest hospital, its international airport, its most vibrant restaurant-and-nightlife scene, and a host of businesses, service-providers, and cultural mainstays. These need a safe, welcoming, orderly environment to thrive. They need effective public safety.

¹⁰ See <https://missouriindependent.com/2024/08/06/missouri-voters-approve-amendment-requiring-more-police-spending-in-kansas-city/>

¹¹ See <https://www.kxan.com/news/texas-politics/texas-legislature-responds-to-austin-police-budget-cuts-set-to-punish-cities-that-defund-police/>

¹² The total general fund, \$108,176,243; the police department’s budget is \$17,851,103. See <https://www.burlingtonvt.gov/DocumentCenter/View/1727/4--Total-General-Fund-Budget> and <https://www.burlingtonvt.gov/DocumentCenter/View/1738/17---Police>

Accordingly, the most important task in front of the Queen City should be bringing aboard new police officers. Failure to make progress on this will accelerate many of the city's current challenges, particularly those associated with public order and personal safety, but also those associated with reputational deficit. In communications with business leaders while preparing this report, those leaders have asserted that diminished police presence and response, the sense of peril, and a pervasive lack of public order have led to diminished economic activity and store closures, particularly on the Marketplace. Community-based organizations have expressed similar concerns.¹³ Lastly, and most crucially for a police department that cares about victims, when there are too few officers it most deeply affects the most vulnerable, who use police services the most and in extremis. Important parts of our community have felt underserved and even abandoned over the past four-and-a-half years. We owe it to them to make better connections, to hear their concerns, and come when they call. The BPD cannot do that fully with the numbers it currently has.

A. AN UPDATE ON CURRENT STAFFING LEVELS. As of January 1, 2025, the BPD has 63 police officers. Of those, 58 are “effective,” in that they are available for immediate deployment as fully certified officers.

One concern that has recently come into starker relief, owing in part to my intention not to seek reappointment, is the BPD's levels of supervision. (See Appendix 04) Although the staffing crisis is most acute on patrol, it is also felt in our supervisory ranks. The leaders we have are excellent, but they are too few. For some time the department has had to operate with five sergeants rather than the eleven it is allotted. We have five lieutenants rather than six. And we currently have one deputy chief rather than two (and the one who remains is expected to retire in the spring, shortly after I do). Because of this, we have taken the unusual step of posting externally for the deputy chief position (Appendix 05).

B. AN UPDATE ON ONGOING RECRUITMENT EFFORTS. Chart 03, on the following page, shows total sworn-officer hires from 2010 through 2024. It also shows the number of officers from each of those annual hiring cohorts who are still currently employed by the BPD. Of all 140 officers hired since 2010, we have retained 36% as of January 1, 2025. (As noted earlier, 30 of those were hired since autumn 2021. Of those, we currently retain 19, or 63%.)

Chart 04, on page ten, breaks down the hiring data to compare recruit hiring to lateral hiring for the same period. It, too, shows the number of officers from each annual hiring cohort who are still employed. All recruit officers must attend the Vermont Police Academy (VPA), which has two classes per year, in February and August. The BPD hires for those classes in January and

¹³ In particular, I was influenced by input from an October 10 meeting with King Street Center Executive Director Shabnam Nolan. She shared what the Center is experiencing, including the fact that 50% of the Center's teens feel unsafe walking home. <https://www.kingstreetcenter.org/fall2024>

July. Lateral officers—i.e., officers with previous experience who do not have to undergo the VPA’s full, 16-week training—can be hired at any time of year. Lateral officers include officers from other agencies, often from police departments in other states, as well as BPD officers who leave but choose to return.

It’s worth noting that retention for lateral officers is higher than for recruit officers. Lateral officers are more familiar with the vagaries of police work and better prepared for its vicissitudes.

In FY23 \$250,000 was allocated for recruitment efforts, and in January 2023 the City posted a request for proposals seeking a recruitment firm. The most qualified respondent to the RFP sought a sum that, frankly, gave me and then-Mayor Weinberger pause. Furthermore, between the strong work of our recruitment team and the strong new contract, the BPD saw sufficient hiring success in 2023 that it did not use the allocation, which carried over into FY24.

YEAR	TOTAL IN	Of total hired, # still employed as of 01/01/25
2010	8	2
2011	13	4
2012	4	1
2013	13	5
2014	12	3
2015	10	1
2016	13	4
2017	9	2
2018	12	4
2019	12	3
2020	5	3
2021	1	1
2022	7	5
2023	15	8
2024	7	5
TOTAL	141	51 (36%)

Chart 03

In 2023, our recruitment team—Recruitment Officer Corporal Carolynne Erwin and Recruitment Coordinator Anhad Bajwa¹⁴—hired 15 sworn officers, the most in more than three decades. Accounting for nine retirements and resignations, the BPD began 2023 with 61 sworn officers and ended the year with 69. This included 11 recruit officers and four lateral officers.

The hiring success in 2023 extended beyond sworn officers and into our professional ranks, as well. In all, the BPD hired 32 new employees in 2023. This was more people than in any other year for which the BPD has records. It included the 15 sworn officers mentioned above, as well as five Emergency Communications Specialists (dispatchers), five CSOs, four CSLs, a Public

¹⁴ Sadly, Recruitment Coordinator Bajwa left us in October 2024 to relocate out of state. Additionally, Corporal Erwin has chosen to leave the post in January 2025 and will retire in July. Officer Sergio Caldieri, one of our best trainers and most highly educated officers, has been assigned to the recruitment role and is currently shadowing Corporal Erwin.

YEAR	RECRUIT HIRES		Of recruits hired, # still employed as of 01/01/25	LATERAL HIRES	Of laterals hired, # still employed as of 01/01/25
2010	8		2	0	-
	Jan: 2	Jul: 6			
2011	9		3	4	1
	Jan: 8	Jul: 1			
2012	3		1	1	0
	Jan: 2	Jul: 1			
2013	9		3	4	2
	Jan: 7	Jul: 2			
2014	11		3	1	0
	Jan: 7	Jul: 4			
2015	6		0	4	1
	Jan: 2	Jul: 4			
2016	8		2	3	2
	Jan: 4	Jul: 4			
2017	10		3	1	0
	Jan: 4	Jul: 6			
2018	10		2	1	1
	Jan: 4	Jul: 6			
2019	9		3	3	0
	Jan: 6	Jul: 3			
2020	4		2	1	1
	Jan: 4	Jul: 0			
2021	1		1	0	-
	Jan: 0	Oct: 1			
2022	5		3	2	2
	Jan: 2	Jul: 3			
2023	11		5	4	3
	Jan: 6	Jul: 5			
2024	5		3	2	2
	Jan: 1	Jul: 4			
109			36	31	15
			33%		48%

Chart 04

Information and Community Engagement Coordinator, a Technology Support Specialist, and a Recruitment Coordinator.

While the main focus of this report is sworn-officer staffing, the success story in our Emergency Communications Center, or ECC, is worth noting. The BPD is allotted 14 dispatchers, but had fallen to four in 2022. The BPD ECC dispatches both police and fire—more than 40,000 calls for service per year. Typically there are two “Police Desks” and one “Fire Desk,” meaning the ECC is staffed by at least three dispatchers at any given time. Thanks to the recruiting team’s work, the BPD currently has twelve dispatchers.

In 2024, the BPD hired 23 new employees, including five dispatchers, four CSOs, two CSLs, two members of the CARES team, two Records Clerks, and a Command Assistant. Unfortunately, only seven sworn officers were hired in 2024, and 13 sworn separated. This loss of momentum

has put us off the forecasts Mayor Weinberger and I offered as part of the FY24 budget, forecasts that showed a path to more than 80 officers by late FY26.

During the budget process for FY25, I articulated a similar set of goals to Mayor Mulvaney-Stanak, who adopted them. On October 28, 2024, she included hiring in a document presented to the Council, “Mayor Mulvaney-Stanak's Administration Goals and Values FY25/First Term.”¹⁵ That document explicitly articulated a goal of increasing sworn-officer headcount to 77 sworn officers by the end of FY25, which would have been ten more than the officer count of 67 that existed during the budget process. Unfortunately, since developing the budget in May, it has become clear that there is no reasonable path to achieving these staffing numbers in FY25. The BPD began 2024 with 69 officers and is projected to end with 63. An increase of 14 officers in the first half of 2025 (i.e., the second half of FY25) is unlikely. When accounting for anticipated FY25 Q3 and Q4 separations that have yet to occur, the number by which the BPD would need to increase is not actually 14, it is 16 or more. Nevertheless, I am grateful that the Mayor has made clear that, if we are able to hire that number—or more!—she will find the budget for it.

Regarding the loss of hiring momentum in 2024, I am uncertain of its cause. In a New Year’s Day memo to the BPD on January 1, 2023, I wrote

I believe we’ve turned a corner in staffing too. We end the year at 63 sworn officers, which is slightly higher than the estimates I provided in the Rebuilding Plan and FY23 budget. We’re losing some officers in the next few weeks, but we’ll be gaining more than we lose as former officers return and as we prepare for the February Academy. Here’s my prediction: In 2022, we lost 13 officers but gained seven. In 2023 we will lose nine but gain 15. We will end the year with 69 police officers.

In 2023, that prediction turned out to be spot on. Growth is a function of retention and recruitment, and in 2023 there were factors that improved both, including the BPD’s best-in-the-region contract and the defeat of Proposition 7.

In a New Year’s Day memo to the BPD on January 1, 2024, I wrote

The change we continue to need is rebuilding. We cannot live up to our neighbors’ public safety expectations—and our own—without proper staffing. We ended 2023 with 69 sworn officers, just as I predicted in Memo 2023-01 last year. To put that in context, we brought in 15 sworn officers. That’s the largest number in well over a decade. And we’ve kept 13 of those hires. It’s true that we also lost valuable teammates—nine total. ... In February 2024, our first VPA class won’t hit the numbers we saw in February ’23. But

¹⁵ See CivicClerk, <https://burlingtonvt.portal.civicclerk.com/event/7131/files/attachment/6695>

I'm confident we'll bring in 11 sworn officers in 2024. I anticipate we'll lose five. And I predict that we'll be at 75 sworn by the end of the year.

In 2024, that did not bear out. Regarding recruitment in 2024, sworn-officer applications were down significantly, as shown at right in Chart 05. As a result, the BPD did not hire 11 as predicted, we hired seven. And rather than losing five, we lost 13. The unanticipated separations stemmed from a range of factors: an officer who moved to the Shelburne Police

	APPLICATIONS RECEIVED BY BPD	OF THOSE RECEIVED, # HIRED
2021	53	3
2022	142	15
2023	119	8
2024	59	3

Chart 05

Department; a lateral officer who returned with his family to Texas; an officer in field training who expressed exasperation at the workload and paperwork requirements and returned to Florida; an officer on field training who expressed dismay about our agency's operational pace and moved to the University of Vermont Police Department; an officer who wanted to be an SRO and moved to another police department that has the role.

We have tried and are trying to overcome the dearth of applications, including new levels of advertising. In March, Corporal Erwin and Coordinator Bajwa got a full-page, centerfold ad placed in the New York Post, the most-read tabloid in New York City, with the ninth largest circulation in America. At the end of the summer, the BPD contracted with Horizon Visual Media, a video-production company from Maine, which came to Burlington and made high-quality video content for us. We are also in negotiations with a company called All-Star Talent for an online recruiting campaign where we would use that content. All-Star Talent was featured in several presentations at the recent International Association of Chiefs of Police (IACP) conference, receiving high marks from satisfied agencies. Looking to the \$250,000 that had been reserved in FY23 and again in FY24, we set aside \$100,000 to fund sign-on bonuses. (In September 2021, the City Council approved retention and recruitment bonuses using funds from the American Rescue Plan Act, and the ARPA-backed recruitment bonuses have been expended or otherwise accounted for.) We have also used approximately \$40k from this fund to pay for the Horizon videos. In FY25 the City Council allocated an additional \$100,000 for recruitment efforts and the BPD will be using a majority of that for a social-media advertising campaign and new recruitment website.

In addition to these efforts, there are two additional programs that could enhance recruitment. Neither is currently in progress or implemented. (See Appendix 06 and Appendix 07)

The first proposal the New Employee Referral Program, or NERP. It's based on the idea that the best ambassadors for a department are its current employees. (In officers' exit questionnaires, they routinely rank their coworkers and the shift schedule are the most highly rated features of

their work experience.) The NERP would be a payroll bonus incentive that encourages current BPD employees to participate in our rebuilding effort. When a current BPD employee (sworn or professional) refers a candidate for the police officer position and the candidate is successfully hired, the referring employee would be awarded benefits [REDACTED]

The second is the Lateral Officer Relocation Assistance Package, or LORAP. It would allot funds to assist lateral officers and their families with relocation to the greater Burlington area.

[REDACTED]

In addition to sworn officers, both recruits and laterals, we are also working to replace both of our Deputy Chief positions, and have engaged in targeted advertising for those roles, specifically via the IACP and the Police Executive Research Forum (PERF). We have already received applications and began a vetting process at the beginning of January.

C. A REVISED RECOMMENDATION ON THE NUMBER OF UNIFORMED SWORN POLICE OFFICERS. The BPD should once again be authorized for 105 sworn officers.

The BPD's current staffing is inadequate. Sixty-three officers is manifestly too few. The BPD is unable to be as responsive as in the past (see the Priority Response Plan), some city crimes and conditions have deteriorated compared to the past (see Chart 02, page 7), and officers are exhausted. As of December 31, 2024, which is 50% of the fiscal year, the BPD's Uniform Services Bureau has used 63% of its overtime (budgeted \$900,000 for the fiscal year) and Airport Services has used 56% of its overtime (budgeted for \$60,000). Combined police overtime, which includes patrol, detectives, the drug unit, etc., is 63% expended for the year. This is slightly more than in years past, and it's also being borne by fewer officers.

We are asking too few officers to do more than they are able. And yet they do, a fact that routinely amazes me. That said, there is no unassailable method of determining headcount. The IACP states, "Ready-made, universally applicable patrol staffing standards do not exist. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions."¹⁶ At one end, the CNA Report used 2019 incident volume data and a 12-hour shift

¹⁶ See <https://www.cpsm.us/police-staffing-standards-are-a-myth-experts-say/>

system, the so-called “Pitman schedule,” to recommend 88 officers (with the airport), 40 of them assigned to patrol. But CNA failed to account for the Valcour system’s inability to track anything other than an officer’s time on scene, and therefore drastically underestimated administrative time as well as training time. This is to say nothing of the BPOA’s clear preference for 10-hour shifts and research studies that call 12-hour shifts into question.¹⁷ At the other end, an older staffing analysis conducted by Rutherford-Ruotolo Consulting Consortium, which was reapplied by then-Deputy Chief Matthew Sullivan in 2021, suggested 84 non-supervisory officers assigned to patrol. Factoring in supervisors, detectives, and the airport would yield an overall headcount of approximately 120—a number I would relish but one that I know the BPD can operate below. (See Appendix 08)

Despite this, the question of what is the right or the wrong staffing has occupied nearly every discussion about police over the past four-and-a-half years. In short, articulating a headcount cap has become a political artifact and a constant reminder of the 2020 reduction. As the original draft of the September 9 resolution stated, “CNA’s October 2021 recommendation of an authorized headcount of between 85-88 uniformed Burlington Police Department officers, is no longer reflective of current conditions.” It further stated, “to better address the current state of public safety in Burlington, to provide the City necessary flexibility in drafting the report asked of this resolution, and to send an important message to the community that the City is fully committed to its Police Department, the City hereby removes the current ‘cap’ of 87 uniformed sworn officers at the Burlington Police Department.”

Over the past months, while preparing this report, I have come to agree fully with the language of the resolution’s original draft. In conversations with community stakeholders at a variety of institutions, from the Boys & Girls Club to Spectrum to the King Street Center, people have revealed that they feel the lack of police presence and response, both for their institutions and their constituents.¹⁸ Business leaders have said the same. The Burlington Business Association reports that “In recent years, we have received an increasing number of concerns from downtown business owners regarding the safety of their employees and customers. Concerns include, violence, harassment, theft, and an increase in graffiti.”¹⁹ Accordingly, I believe it is

¹⁷ “Importantly, those on 8-hour shifts averaged significantly less sleep per 24-hour period and worked significantly more overtime hours than those on 10- or 12-hour shifts. As such, a 10-hour shift may be a viable alternative to the traditional 8-hour shift in larger agencies; however, caution is advised when considering 12-hour shifts due to increased levels of self-reported fatigue/sleepiness and lower levels of alertness. Indeed, researchers have noted that individuals tend to underestimate their levels of fatigue, so officers may be more fatigued than they reported while working 12-hour shifts. Additionally, past research has shown increased risks for accidents with increasing numbers of hours worked. It is for these reasons that caution should be exercised when agency leaders consider adopting 12-hour shifts.” The Impact of Shift Length in Policing on Performance, Health, Quality of Life, Sleep, Fatigue, and Extra-Duty Employment, Amendola et al, National Institute of Justice, January 2012.

¹⁸ See <https://www.kingstreetcenter.org/fall2024>

¹⁹ See <https://www.bbavt.org/current-projects/public-safety-initiatives/>

best either to return to status quo ante or to dispense with the cap altogether and merely express how many officers the City can afford. Since the latter option would be devastating to morale and fail to provide necessary goals for rebuilding, I strongly recommend the former. **The BPD should once again be authorized for 105 sworn officers.** This is distinct from budgeting for that number.

Returning the agency to an authorized headcount of 105 that routinely yields a headcount in the high 90s would allow the BPD to reconnect with the community, including in the schools. (Along with a repudiation of the headcount clause in the Racial Justice resolution, there should be a repudiation of the clause that removed SROs from the Burlington School District.) It would allow the BPD once again to adopt the hallmarks of progressive, community-oriented policing. It would allow officers to return to an area-based deployment model, wherein officers are assigned to specific parts of the city and come to understand the people, problems, and potential of those neighborhoods. It would allow the deployment of a dedicated Marketplace foot patrol team—as many as six officers, regularly assigned to the Marketplace and its environs, connecting with businesses and visitors alike. It would allow a Street Crime Unit, which would better address unacceptable public disorder, including open-air drug use—a crime that, with higher headcount, would once again be regularly disrupted. (See representations of deployment models in Appendix 09 and 10 and 11)

If one were to describe all of this to any current or retired BPD officer whose hire date is 2019 or earlier, he or she will exclaim, “but, but, that’s what we always had!” For two decades, Burlington was a nationally recognized, award-winning practitioner of community policing.²⁰

All of this is also part of Neighborhood Policing, which I helped design and implement as part of the NYPD’s Reengineering 2014 project. One of my greatest regrets about my tenure as Chief of Police is that the staffing crisis has prevented me from building on the BPD’s community policing model by adopting Neighborhood Policing, and the integral role of Neighborhood Coordination Officer, or NCO.²¹ But when the NYPD created the model in 2015, it did so by expanding staffing for the first time in more than a decade, not in the face of a 30% reduction. Indeed, the program was a response to the fact that, in understaffed patrol precincts, patrol had “devolved into answering calls for service and little else. ... The Neighborhood Policing Plan seeks to restore the patrol officer to the role of problem solver and community guardian, who knows the neighborhood and works closely with residents. ... It assigns the same officers to the

²⁰ See 2012 IACP Community Policing Awards, <https://gilee.gsu.edu/programs/community-policing/#1568923944814-e239bf5a-0792>

²¹ See <https://www.nyc.gov/site/nypd/bureaus/patrol/neighborhood-coordination-officers.page>

same sectors on the same tours, helping the cops to know the neighborhood and the neighborhood to know the cops.”²²

My belief that staffing needs to be returned to status quo ante doesn’t mean I believe in the status quo, however. Since 2020, the BPD has undertaken a number of responsive, progressive efforts to maintain our public safety posture, respond to community concerns, and innovate at the same time. As part of the Public Safety Continuity Plan, the BPD successfully augmented the number of CSOs, an unarmed, non-sworn role that provides low-level, quality-of-life services but cannot make arrests. The BPD has been able to hire people for these roles more quickly than for sworn officer positions, whose background checks, VPA training, and field training can take almost a year or more. We’ve also had a great deal of success using the CSO role as a proving ground for employees who want to become police officers; four of our current officers first served as CSOs. But CSOs aren’t cops, and the limits on what they can lawfully do and safely address has made it clear that they are not replacements for cops.

The BPD has also continued to innovate with the creation of CAIP. Run by Assistant Director, CAIP, Lacey-Ann Smith, CAIP is a collaborative model that strives to provide seamless continuity of care and integrates change directly into public safety’s largest component: the police. The backbone of CAIP is the CSL position, which, when introduced as part of the Public Safety Continuity Plan, was the only position like it in Vermont. (Other agencies have since adopted similar programs, often after consulting with BPD, such as Brattleboro’s BRAT²³ and Rutland’s community resource specialists.²⁴) The CSLs are in-house social workers who address issues associated with chronic mental health needs, homelessness, and substance-use disorder. CSLs aren’t replacements for cops, either; they’re a police enhancement.

CAIP offers “lower barrier” assistance and supplements the existing social-service system—and bridges gaps. When a call for help comes in, an officer responds to the incident and establishes safety, by intervening in an unstable or dangerous situation, or sometimes by making an arrest. But when that officer also knows that the underlying causes are not solved by enforcement, the officer can call a CSL to bridge the gap between that 9-1-1 call and other services that might help the person—and potentially prevent a call in the future. CAIP also includes the Burlington CARES program (Crisis Assessment Response and Engagement Services), which provides clinical crisis response.

²² The Police Commissioner’s Report, “A New Cop In Town,” p10, <https://www.nyc.gov/assets/nypd/downloads/pdf/publications/pc-report-2016.pdf>

²³ See https://www.commonnews.org/issue/787/787resource_assist_team

²⁴ See <https://vtdigger.org/2022/09/09/former-rutland-police-commander-returns-as-civilian-community-liaison/>

I believe CAIP is part of the future of policing. AD Smith, Community Support Supervisor Anna Wagling, and I presented the model at the 2023 IACP conference and I think it's a template for what police agencies everywhere should create. An authorized headcount of 105 sworn would allow a next-stage expansion of CAIP: co-deployment with sworn officers. These would be officers who apply for the role and receive additional training in domestic-violence prevention, crisis intervention, and outreach. They would co-deploy with both CSLs and members of the Burlington CARES team. Additionally, School Resource Officers would be assigned to CAIP to enhance the relationship our CSLs have forged with Burlington's youth. Placing officers in the CAIP team, as shown in Appendix 12, would represent an important new career path for officers, and would be a valuable recruitment opportunity. (See Appendix 12 for my vision of a fully staffed, integrated CAIP)

In addition to CAIP, we have improved our collaboration with the Police Commission and adopted Department Directive 40 *External and Internal Complaints, Supervisor Reviews, Administrative Reviews, Internal Investigations & Discipline* to guarantee the Commission's involvement and input. Our use-of-force directive became the template for the statewide policy. We have enhanced and expanded our data transparency, so that it is the most comprehensive of any law-enforcement agency in the state. We have conducted innovative, iterative fair and impartial policing training that we created with the Center for Policing Equity.

Data transparency fosters police legitimacy, but also police improvement. By recognizing areas where concerns exist, we can confront them when they are driven by factors that officers or the department can control. This includes tracking racial disparities and monitoring them for bias. It also includes making descriptions of every use of force public, and releasing a great number of them on video as well.

D. A COMPREHENSIVE ASSESSMENT OF ANY RECRUITMENT HURDLES AT THE BURLINGTON POLICE DEPARTMENT. The single biggest recruitment hurdle is the history described in the background section, above. It has engendered a sense that the City does not support police. This sentiment is described in the separating officers' exit questionnaires. (See Appendix 01) More recently, and applicable to our local recruitment pool, it is well articulated in a letter sent to the City Council by a BPOA executive board member Michael Moran. (See Appendix 13)

This history is now exacerbated by recent news reports about a survey describing greatly diminished morale and the parlous condition of our facility.²⁵ Regarding the building, it has been described by the recruitment team and officers as a tremendous obstacle to recruitment. Mayor Mulvaney-Stanak has made it a clear priority to address this.

²⁵ See <https://vtdigger.org/2024/11/22/we-are-in-a-crisis-internal-survey-shows-deep-discontent-among-burlington-police/> and <https://vtdigger.org/2024/11/29/burlingtons-dilapidated-police-building-is-dragging-down-department-morale-and-spurring-concerns-of-health-risks/>

Regarding the survey, I responded to it in August, during an internal event called an All In. I repeated the presentation for the public at the Police Commission meeting on Tuesday, November 26, 2024. The presentation is available on Town Meeting TV.²⁶ As I said at both the August All In and the November Police Commission meeting, the survey had troubling feedback, but it was ultimately a positive experience to get that feedback—because it gave us a chance to address it.

This report offers the Council and the city the same opportunity.

There are additional recruitment (and retention) hurdles that are outside the control of the department or the City Council. They have to do with how officers are supported by or interact with the next stages in the criminal justice process—specifically, how officers’ enforcement actions are followed by prosecutors, courts, and corrections. For most offenders, alternative practices like those offered by the Community Justice Center are preferable to using a backlogged, overburdened court system. (See Appendix 14) But, for the small percentage of recidivists who commit a plurality of our public order crimes, property crimes, and even significant numbers of violent crimes, the lack of accountability both frustrates officers and perpetuates our public-order and public-safety problems. For this small number of recidivists, the threat of apprehension is meaningless without consequence, particularly carceral consequence.²⁷ Carceral consequence has the added benefit of incapacitating wrongdoers for the duration of their incarceration. Whether or not it rehabilitates them or addresses so-called root causes is beside the immediate point: a jailed criminal cannot victimize neighbors.

1. The extent to which additional administrative support at the Burlington Police Department will allow officers additional time to actively engage in community policing. Over the past few years, we have had success rebuilding our professional ranks. Two key positions are missing. First, a Budget Manager, to ensure that critical function is being addressed in close coordination with the Chief Administrative Officer and the staff at the Clerk / Treasurer’s Office and needed to ease Executive Manager Shannon Trammell’s currently unacceptable workload. Second, a Network Administrator, to ensure that our critical, stand-alone technology infrastructure is appropriately managed and secured. Other than these, the BPD is largely staffed for non-sworn positions. (See Appendix 15)

That said, the nature of this question seems directed more at the possibility of new positions, designed to reduce officers’ administrative workloads. It may be worth

²⁶ See <https://www.youtube.com/watch?v=SGj8oEAOcgc&t=3778s>, at minute 30:00.

²⁷ See <https://manhattan.institute/article/hardening-the-system-three-commonsense-measures-to-help-keep-crime-at-bay>

exploring the use of civilian analysts in the Detective Services Bureau, or DSB. Employees who could assist with video review and document preparation, such as affidavits, preservation requests, subpoenae duces tecum, nontestimonial identification orders, etc., could reduce workload and enhance efficiency.

2. How the current salary, paid time off, and benefits package for officers compares to market data for other police departments in our region. Regarding other regional competitors, the largest agency in the region—and the nation—offers a six-step pay scale that tops out at \$126,410. The NYPD starts at \$60,884 but rises to \$126,410 after five-and-a-half years. It offers 27 vacation days following five years of service; unlimited sick days with full pay; prescription, dental, and vision benefits; an annuity fund, deferred compensation plan, and 401(k); a lifetime pension at one-half salary after 22 years; an annual \$12,000 variable supplement fund upon normal service retirement (22 years); and excellent promotional opportunities through ten different ranks and a myriad of specialty roles.

Burlington is not New York City, and the BPD is not the NYPD, but the Queen City faces the most intense workload in the state of Vermont. By volume and variety, our officers see more than any of their peers. This was true even before the “Defund the Police” movement and its results, but it has been exacerbated by both the decrease in staffing and a change in the types of crimes experienced, particularly gun violence. Several new officers who separated gave the agency’s pace as their reason.

Chittenden County law-enforcement agencies are often vying for the same talent, and each of our agencies’ compensation packages affects the others.²⁸ Chart 06 shows our peer agencies’ current

staffing, allotted staffing, and police officers’ starting and ending salaries. For example, Milton’s recent renegotiation is inevitably going to influence any other police bargaining that happens in 2025, including Burlington’s.

	STAFFING		SALARY	
	CURRENT	AUTH	START	TOP
BURLINGTON	65	87	76,717	99,324
COLCHESTER	26	31	51,131	84,625
ESSEX	25	31	59,633	106,412
MILTON	15	17	72,654	97,281
SHELBURNE	9	12	59,613	95,284
SOUTH BURLINGTON	30	40	61,588	89,585
UVM PD	18	24	60,195	76,690
WILLISTON	15	17	63,710	87,488
WINOOSKI	15	15	63,134	101,156

Chart 06

²⁸ Please note that these agencies’ salary figures are, if not apples to oranges, then at least Honeycrisps to Cortlands. Each agency offers different steps and some have different pay scales for corporals or detectives, to say nothing of comparisons of benefits and other fringe.

To attract talent in this region and beyond, the City will need a strong new contract. (See Chart 06)

Other possible benefits include revisiting our annual educational bonuses. One of our newest officers, Officer Chun, who has a PhD, made a comparison of several cities and the educational incentives they offer their police. (See Chart 07)

CITY	COST / LIVING	AA	BA	MA	PhD
Burlington, VT	16%	\$400	\$800	\$1,200	n/a
New Orleans, LA	12%	\$1,000	\$2,000	\$3,000	\$3,000
Ogden, UT	0% (baseline)	\$1,000	\$2,000	\$3,000	n/a
Evansville, IN	-7%	\$623	\$1,247	\$1,870	\$2,469
San Antonio, TX	-8%	\$2,580	\$3,780	\$4,020	\$4,200
Houston, TX	-8%	n/a	\$3,640	\$6,240	\$8,840
Fort Wayne, IN	-11%	\$450	\$900	\$1,400	\$1,900

Chart 07

The city could also explore childcare. The BPD has looked into this, but I have removed the description based on the Mayor’s recommendation that this is bargainable.

It has been noted that other agencies are experiencing staffing issues, regionally and nationally. The table above appears to show that several Chittenden County agencies are down as much as BPD, at least as a percentage. But it must be noted that the table shows the BPD’s current authorized count—which is insufficient. When compared to the BPD’s historical numbers, to which I argue the agency should be returned, the diminishment is larger than any regional peer. In fact, compared to most departments across the country, the BPD saw a greater exodus.²⁹ In January 2023, a PERF survey of 182 agencies reported that, on average, sworn staffing decreased by 5% from January 2020 to January 2022, and then decreased another 1% from January 2022 to January 2023.³⁰ The BPD’s situation was far worse than the PERF average: our sworn staffing decreased 25% during the first period, and then 9% during the second.

²⁹ One exception is Seattle, WA, which currently sits at 848 when its pre-COVID staffing target was approximately 1,600. See <https://mynorthwest.com/4015303/rantz-year-end-seattle-police-staffing-is-dire-but-union-warns-of-this-looming-crisis/>. But other agencies that were subject to “Defund the Police” pressures and have seen headcount crash, such as Austin, TX, and Portland, OR, are only down 19% and 16% respectively. See <https://www.kxan.com/news/local/austin/apd-staffing-shortage-continues-with-over-330-sworn-officer-vacancies/> and <https://www.portland.gov/police/documents/staffing-projections-study-0/download>. As another example, see Birmingham, AL, which is down 15% and has created a \$15.8 million plan to address it. <https://www.al.com/news/2024/10/woodfin-reveals-birmingham-police-staffing-shortfall-details-and-how-he-plans-to-address-it.html>

³⁰ See “New PERF survey shows police agencies have turned a corner with staffing challenges,” <https://www.policeforum.org/staffing2024>

3. The current level of hiring bonuses. We currently offer a \$15,000 bonus, based on a plan that I proposed and the City Council approved in September 2021. (In that plan I also proposed \$15,000 retention bonuses for officers who were employed at the time; the Council approved it but reduced the retention bonus to \$10,000.) The recruitment bonus was underpinned by American Rescue Plan Act funds, and is paid out in three installments: \$2,000 one week after an eligible recruit officer's or lateral officer's successful completion of field training; \$5,500 on the ten-month anniversary of the completion of field training; \$7,500 on the twenty-two month anniversary of the completion of field training. The BPD is strongly in favor of maintaining this incentive.

In FY22 and FY23, the BPD spent \$670,000 on retention bonuses for sworn officers, and \$180,000 was allocated for the recruitment bonuses. All of the retention bonuses have been distributed. Additionally, all of the FY22 recruitment allocation has been "spoken for," in that the BPD has hired officers who are eligible for the funds. Not all the monies have been distributed, however, because some officers not yet received all three installments and some eligible officers separated prior to receiving all the money or portions of the money. Our two most recent hires, who graduated from the Academy on November 25, have been promised the bonuses but their payments will have to come from a source other than the ARPA funds.

4. The extent to which establishing positions for part-time officers who have obtained Level I or II certification may assist with staffing needs. I am not supportive of hiring Level I or Level II officers. The pacing of policing in Burlington exceeds their scope. Furthermore, the difference between Level I, Level II, and Level III officers is generally their respective ability to be accepted into and complete the VPA and its demanding physical and academic curriculum. Level III officers must be able to meet those standards, which are the minimum the BPD expects for our officers. (After all, subsequent to the VPA, the BPD puts its officers through the longest field training program in Vermont—at least 580 hours.)

[REDACTED]

5. The feasibility of lifting the salary cap for lateral hires. In an effort to encourage hiring qualified candidates, former Mayor Weinberger instituted a policy whereby new employees can enter at higher steps depending on factors such as experience and prior salary. At the BPD we can bring a lateral police officer on at a maximum of Step 7 (out of

15). That currently equates to \$82,084 rather than \$74,415. Raising this would help attract laterals.

Some agencies provide lateral officers with the ability to buy into the new hiring agency's pension system at a level commensurate with the position the officer occupied in the agency he or she is leaving. Burlington is the only agency in the region that does not provide an avenue to do this, because it is not part of the Vermont Municipal Employees' Retirement System, or VMERS.

The proposed LORAP, previously discussed above, could also possibly further incentivize lateral officers.

6. The extent to which Vermont's residential training academy affects recruitment efforts. Mayor Mulvaney-Stanak notes that the Vermont Criminal Justice Council, which runs the VPA, is currently seeking a Project Manager for Alternative Paths to Law Enforcement Officer Certification. The VCJC seeks to facilitate establishing a non-residential alternative to the residential VPA. The VCJC anticipates the project manager will implement all aspects of this project over approximately four years.³¹

7. The feasibility of establishing a Deferred Retirement Option Plan (DROP). In 2023 and early 2024 the City explored a three-year DROP and found very little interest. There are two employees currently eligible to retire, as well as two others who will become retirement eligible in July 2025 (one of whom is Deputy Chief LaBarge). In 2026 there are three employees who will become retirement eligible. In 2027 there will be no tenure retirements. In 2028 there are three employees who will become retirement eligible. In 2029 there are two employees who will become retirement eligible. Only one of these 12 employees who is or will become retirement eligible from now to December 2029 has expressed interest in the DROP.

8. The feasibility of decreasing or eliminating the placement of officers at the airport. The current BPOA collective bargaining agreement, in Section 10.9 H, states "All law enforcement work required by the FAA, TSA, or other federal or state entities at the Burlington International Airport (BIA) and all other police work requested by BIA shall be provided by police officers of the Burlington Police Department." Therefore, any effort to alter the makeup of the law-enforcement contingent at the Leahy International Airport would require bargaining. In consulting with the BPOA for input, the BPOA made it clear that officers see the airport as a place where officers can "reset" or get a reprieve from the pressures of patrol, and it is therefore a de facto officer wellness

³¹ See <http://vcjc.vermont.gov/about-us/rfp>

opportunity. Furthermore, it factors into retention in that many senior officers include an airport assignment in their personal career path plans.

[REDACTED]

E. A PROPOSED TIMELINE FOR THE BURLINGTON POLICE DEPARTMENT TO FULLY STAFF UP TO THE REVISED STAFFING LEVELS RECOMMENDED IN RESPONSE TO THIS RESOLUTION. As I noted in the Executive Summary, an optimistic but achievable projection shows reaching 84 sworn officers is possible by the end of FY28. (See Chart 08 on the next page)

The projection in Chart 08 accounts for 12 known/anticipated separations or tenure retirements (i.e., an officer currently on terminal leave, myself, two officers currently eligible to retire, and eight officers who will become eligible for a 20-year service retirement prior to the end of FY28 on June 30, 2028). The projection assumes that there will be another nine unknown separations during the period, for a total of 21 separations.

The projection assumes that the agency will be able to hire a new Chief of Police and two new deputy chiefs. Finally, the projection assumes that the BPD will hire two recruits and one lateral officer in the remainder of FY25, ten recruits and four laterals in FY26, 11 recruits and two laterals in FY27, and ten recruits and two laterals in FY28. For context, the BPD hired nine recruits and three laterals in FY23, and six recruits and five laterals in FY24. Some good news is that there will be no tenure retirements in Calendar Year 2027, which could provide room to regain momentum. With the way officers currently feel, however, 2027 seems a long way off.

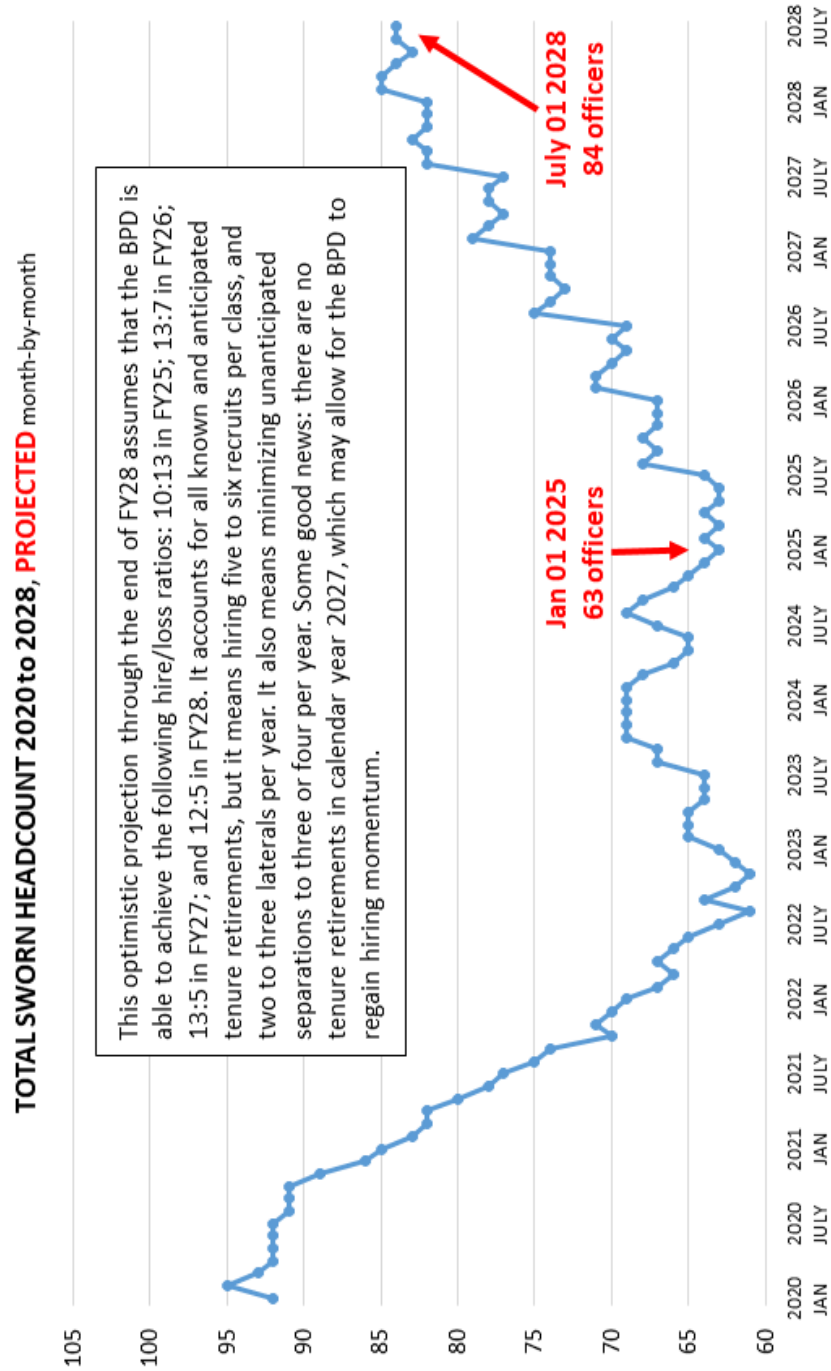
In short, the hiring-to-loss ratios have been, are, or are projected to be:

Historic: FY22 3:17, FY23 13:12, FY24 11:8

Current: FY25 10:13

Projected: FY26 13:7, FY27 13:5, FY28 12:5

Chart 08



With regard to a roadmap to achieving a return to staffing in the mid 90s, it's an open question. Part of the pattern shown immediately above involves what Jim Collins in "Good to Great" might call "the flywheel"—that is, the magic of momentum. It's a sense of forward motion that becomes self-reinforcing. If, in FY29 and FY30, the BPD could maintain a hiring pace similar to that projected for FY26 to FY28—that is, netting six or seven officers per year—it could potentially achieve 95 by the end of FY30.

Chart 09, however, shows that over the past 15 years the BPD's best net growth has been five. The optimistic projection above requires the BPD to exceed its best-ever year repeatedly for five years in a row. A glummer but possibly more realistic projection would essentially double the time to recovery: headcount in the 80s by FY30, and in the 90s by FY35.

Some good news here is that, while FY25 through FY27 have seen / will see 11 officers become eligible for service retirements, FY28 through FY30 will only see five officers reach the same milestone. In fact, no officers reach tenure in FY30. This may provide additional breathing room to regain momentum. (See Chart 10)

	IN	OUT	DELTA
2010	8	8	0
2011	13	4	9
2012	4	5	-1
2013	13	8	5
2014	12	11	1
2015	10	8	2
2016	13	11	2
2017	9	9	0
2018	12	18	-6
2019	13	12	-1
2020	5	12	-7
2021	1	17	-16
2022	7	13	-6
2023	13	9	4
2024	7	13	-6

Chart 09

# OFFICERS TENURE ELIGIBLE			
FY24	3	CY24	4
FY25	6	CY25	5
FY26	4	CY26	3
FY27	1	CY27	0
FY28	3	CY28	3
FY29	2	CY29	2
FY30	0	CY30	2

Chart 10

Maintaining momentum is easier conceived than done, however, as the drop from 2023 to 2024 attests. The police profession is fraught, and the possibility of a terrible incident, here or far away, and the return of the fervor that affected the nation in 2014 or in 2020 regarding police and police reform is always there.

Could the BPD get to 95 sworn as shown in Appendix 11, by the end of FY28? How many officers would the city need to hire? We begin 2025 with 63 sworn, meaning the BPD needs 32 officers, net, to get to 95. But we know of 13 separations between now and then, so the BPD actually needs 45 officers. Furthermore, we have to factor in additional losses at the VPA or during field training or among officers who otherwise choose to leave. Chart 03 on page nine suggests that, over the long-term, we should plan for an average loss rate of 64%, although that chart's data are affected by the exodus following the City Council's June 2020 vote. Picking a more reasonable loss rate of 40%, which approximates the pre-2020 rate, yields 18 officers of 45. That means

that, to grow from 63 to 95 the BPD would actually need to hire 63 more officers (32 + 13 + 18). Could it do so?

In the category of “wish fulfillment,” our relatively modest goals (compared to Seattle’s need for more than 700 officers, say) could almost certainly be obtained within a shorter time frame if Burlington aggressively advertised. Returning to the “cheap, good, or fast—pick two” maxim, would there be an appetite for a multi-million-dollar ad buy if it could promise to get us to 95 police officers in a few years? There’s no advertising firm that can make such a promise, of course, and the business maxim is balanced by the Madison Avenue maxim: “half the money you spend on advertising is wasted, you just don’t know which half.” Nevertheless, the projection articulated above could be accelerated with sufficient spending.

It should be noted, however, that it would be highly unlikely that the VPA or the BPD’s Field Training Officers could accommodate 63 hires in 30 months. This would mean recurring recruit classes of seven or eight (a number the BPD has never sent to the VPA, which has limited space and only allots a certain number of seats to each agency) and four to five laterals per year, or smaller recruit classes but as many as ten laterals per year. The option that relies more heavily on laterals would potentially be more feasible for the VPA and our FTO program.

F. RECOMMENDATIONS ON WHAT TEMPORARY SUPPORTS ARE AVAILABLE TO ASSIST

BURLINGTON. At the recent All In, and again at November’s Police Commission meeting, I discussed the efforts we have already undertaken to ease workload, or make it more efficient. This includes linking our computer-aided dispatch system, Valcour, to our AXON body-worn cameras to reduce data entry via simplified tagging and a return to “see AXON” for certain “CFS non-event” incidents. It also includes using pre-charge referrals when appropriate, as per a new MOU with the Community Justice Center. And it includes simplified administrative tasks using a new system called Lefta, procured by Executive Manager Trammell. For his part, Deputy Chief of Administration LaBarge, a seasoned investigator who oversees DSB, is ensuring that all burglaries, robberies, and aggravated assaults that are not solved by patrol on the shift will be assumed by DSB.

The BPD has benefited tremendously from the partnership of the Burlington Fire Department and their absorption of most overdoses. The BPD no longer goes to all ODs, although it still tracks them when they’re reported via 9-1-1. Instead, police go when there’s a safety element other than the medical overdose or a criminal element other than the drug possession.

Additional avenues that other agencies have explored include “Drone as First Responder” programs, in which drones are used to assess scenes prior to officers’ arrival, and sometimes confirm that a police response is not necessary. Implementing a program here would provide another avenue for both officer career path and, potentially, civilianization.

Finally, there is the possibility of making a more restrictive Priority Response Plan. Other municipalities around the country—from Asheville to Austin, from Dallas to Tucson, from Pittsburgh to Stockton—have implemented plans that make more unilateral service cuts than does the BPD's. We could follow suit. I am opposed to this, however, just as I am opposed to the three next-most logical steps that a more technocratic leader might make.

These three options might be considered temporary supports that would achieve short-term productivity gains. But they would come at the expense of long-term staffing.

1. **Cut Midnight Service.** From a data perspective, the overnight hours—from 0200 to 0700—are a cold zone. It is by far the period with the lowest call volume. This is why the Vermont State Police move to an on-call, respond-from-home posture after 2:00 AM and why many towns in Vermont do not have overnight coverage. Unfortunately, some of our most high-stakes incidents occur at this time—including a dozen of our gunfire incidents over the past three years. I have avoided cutting midnight services because I believe it to be unrealistic for Burlington to have the same nighttime coverage as Bolton.

2. **Cut from Detectives.** Patrol is acknowledged to be the backbone of policing, so how and why has the BPD maintained a Detective Services Bureau that is nearly half the size of our Uniform Services Bureau? The answer is three-fold. The first and most important is that with the significant increase in serious crime, shown in Chart 02 on page 7, we need our detectives. This has meant hard choices about resources, like leaving officers in our detective unit even as the numbers on patrol plummeted. But because we've maintained our detective Bureau, we've been able to solve 92% of our murders, and have closure percentages far above national averages for shootings and gunfire.³² In the midst of the city's worst-ever year for gunfire and murder, we also closed one of Vermont's oldest cold case homicides, the 1971 murder of Rita Curran, a case we never stopped working. More than once, our little police department has done great work when the nation was watching, from arresting the arsonist who attacked Senator Bernie Sanders's office to the rapid apprehension of the man who shot three innocent Palestinian men. The second is that the BPOA CBA requires ten non-supervisory officers to be assigned to DSB, and I have avoided breaching contract. The third reason is that if DSB were to be curtailed, the officers reassigned to patrol would almost certainly immediately seek other jobs. Simultaneously, officers on patrol who hope to apply for DSB at some point would have to belay those aspirations—and they, too, might seek other opportunities.

³² See <https://www.statista.com/statistics/194213/crime-clearance-rate-by-type-in-the-us/>

3. Implement Emergency Staffing. Section 10.10 of the BPOA CBA³³ provides for emergency staffing, which is essentially the application of a 12-hour schedule. As explained above, these are not optimal shifts. (See footnote 17) Additionally, officers are clear that one of the things they appreciate most about the BPD is the 4x10 schedule (four ten-hour shifts per week, with three days off, and weekends off every other month). Finally, implementing emergency staffing is expensive—there is an hourly penalty in the contract.

It has been my belief that implementing any of these three would temporarily result in additional officers on patrol but ultimately cost the agency more people than any of them gain. We would lose people via diminished recruitment as applicants think twice about joining an agency with diminished career paths, and we would lose people via damaged retention as officers leave for agencies that can provide other opportunities.

G. A PROPOSED SCHEDULE FOR THE BURLINGTON POLICE DEPARTMENT TO PROVIDE THE CITY COUNCIL REGULAR UPDATES ON STAFFING LEVELS, RECRUITMENT BENCHMARKS, AND RETENTION RATES. Every month I provide our staffing levels—which reflect both hiring and retention—to the Police Commission, the City Council, and the public via the monthly Chief’s Report to the Police Commission.

³³ 10.10 Emergency Staffing. An emergency or low staffing schedule may go into effect when fewer than twenty-eight (28) non-supervisory sworn employees are available for work in the Uniformed Services Bureau, distinct from the Airport Division and the Detective Services Bureau. If fewer than twenty-eight (28) non-supervisory sworn employees are available for work in the Uniformed Services Bureau, the following steps will be taken:

1) Employees on temporary transfer assignments such as but not limited to the Domestic Violence Prevention Officer will be reassigned to the Uniformed Services Bureau; and

2) Detective Services Bureau personnel will be drawn down to no fewer than ten (10) detectives.

Draw downs from temporary transfer assignments and the Detective Services Bureau will continue until there are twenty-eight (28) non-supervisory sworn employees available for work in the Uniformed Services Bureau. If, after 1) and 2) above are implemented, there are still fewer than twenty-eight (28) non-supervisory sworn employees in the Uniformed Services Bureau, or if the number falls below twenty-eight (28) after such implementation, then the 12-hour-shift schedule that appears in Appendix D may be followed. The adoption of emergency staffing 12-hour shifts will result in a \$5.75/hour increase for all affected sworn employees for the duration of the period in which emergency staffing is used.

IV. RETENTION

One thing not explicitly mentioned in the point-by-point is retention. Retention is the foundation. If current officers cannot be retained, the police department will fail. With effective staffing at 58, every loss has an outsized impact. In the face of this, officer wellness is incredibly important. I have tried to maximize officers through development; minimize exhaustion by minimizing calls; and avoid ordered overtime, but the fact that four officers to a shift has become the new normal is taking a toll.

Of the 59 separations the BPD has experienced since the Racial Justice resolution, 26 employees have left the BPD for other law-enforcement agencies. Eighteen have been tenure retirements, in which the employee attained 20 years of service or more before leaving. Of those 18, six were among the 26 officers who separated and went to other police agencies, suggesting they still had gas in the tank and might have stayed but for some combination of factors. (For a tenure-based breakdown of all separations, see Appendix 01) Fifteen more officers will reach retirement eligibility by 2030. What can be done to keep some of them past 20 years? What can be done to keep ALL our officers? A strong contract is key, but there are other options, as well.

A. SABBATICAL. One retention tool that was proposed by Recruitment Coordinator Anhad Bajwa is a sabbatical plan. The plan is NOT currently in effect. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Pillar Six of the President’s Task Force on 21st Century Policing is “Officer Safety and Wellness.”³⁴ Because of the nature of policework, officers need to take time away from work to take a break, de-stress, and take care of themselves. The physical, emotional, and mental wellbeing of BPD officers is very important to the BPD and the City of Burlington. This plan could address that. Input from the BPOA noted a similar plan at the police department in Rapid City, South Dakota.³⁵ A key difference in the Rapid City plan is that it does not have a service requirement or personal growth component, and is directed more at decompression and stress relief. (See Appendix 16)

B. TRAINING. From an administrative perspective, allowing officers to attend training is beneficial for officer wellness and training standards, but it can be challenging for operational staffing. Every officer attending training is an officer who’s not on the road answering calls for

³⁴ <https://www.ojp.gov/ncjrs/virtual-library/abstracts/final-report-presidents-task-force-21st-century-policing>

³⁵ <https://www.police1.com/iacp/iacp-2024-quick-take-how-the-rapid-city-police-department-turned-the-tide-on-recruitment-and-retention>

service. That said, it's worth the challenge, both for what the officers gain and for what the city gains as training helps officers grow and develop. Last year the BPD sent employees to programs like: wellness training, ALERRT active shooter, IA Investigations, Conflict Resolution, Gang Investigations, Reid Technique, mindfulness for the Crisis Negotiation Unit, Cybercrime & Digital Evidence, LLIM instructor, and others. Executive Manager Trammell worked with Mayor Mulvaney-Stanak to increase the FY25 training budget by 46%, to \$160,000. We have a number of goals, and have already accomplished some, including sending multiple employees on a first-ever "field trip" to the annual IACP conference in Boston.

C. SUPERVISORS. Another retention tool hinges on supporting our supervisors. Earlier, I described the multiple vacancies in our supervisor ranks. (See Appendix 04) This has caused two problems. The workload under which sergeants currently toil, with five sergeants instead of 11, means that they are exhausted—but it also discourages non-supervisory officers from attempting to promote. This, in turn, perpetuates the current sergeants' workload. One proposal to address this, to incentivize officers into promotion, and to improve retention is to address the salary compression that exists among the ranks. Supervisors in the BPD are compensated according to the Police Unified Pay Scale, or PUPS, which was created by Chief Michael Schirling and adopted by the City Council in 2014. The PUPS pegs supervisors' salaries to the salary negotiated by the BPOA. It's simple and effective, but after a decade it needs

FY25		FY26	
PO Step 15	\$99,324.96	PO Step 15	\$99,324.96
Sgt 1 6.0%	\$105,284.46	Sgt 1 8.0%	\$107,270.96
Sgt 2 1.5%	\$106,863.72	Sgt 2 1.5%	\$108,880.02
Sgt 3 1.5%	\$108,466.68	Sgt 3 1.5%	\$110,513.22
Sgt 4 1.5%	\$110,093.68	Sgt 4 1.5%	\$112,170.92
Sgt 5 1.5%	\$111,745.09	Sgt 5 1.5%	\$113,853.48
		Sgt 6 1.5%	\$115,561.29
		Sgt 7 1.5%	\$117,294.71
Lt 1 6.0%	\$118,449.79		
Lt 2 1.5%	\$120,226.54	Lt 1 8.0%	\$126,678.28
Lt 3 1.5%	\$122,029.94	Lt 2 1.5%	\$128,578.46
Lt 4 1.5%	\$123,860.38	Lt 3 1.5%	\$130,507.13
		Lt 4 1.5%	\$132,464.74
DC 1 8.0%	\$133,769.22		
DC 2 1.5%	\$135,775.75	DC 1 10%	\$145,711.21
DC 3 1.5%	\$137,812.39	DC 2 1.5%	\$147,896.88
DC 4 1.5%	\$139,879.58	DC 3 1.5%	\$150,115.33
		DC 4 1.5%	\$152,367.07

Chart 11

adjustment. Chart 11 compares the current FY25 PUPS to a *proposed version* of an FY26 PUPS. The larger percentage increases, from 6% to 8%, could incentivize promotion and retention. The greater number of Sergeant steps, from five to seven, could address another challenge we currently have: five of six lieutenant spots are currently filled and none of the five is expected to retire prior to 2031. If we successfully hire two outside deputy chiefs, we can anticipate very little movement in the sergeant-to-lieutenant progression for the next several years.

With regard to attracting new deputy chiefs, this adjustment could also make that salary more competitive as well. (For more information on supervisor and officer tenure, see Appendix 17)

D. RECONCILIATION. Of our 63 sworn officers, 72% were on staff during the Defund the Police movement. One of the most important retention tools would be for the City of Burlington to make a formal apology for and repudiation of lines 51 to 53 of the 2020 Racial Justice resolution.³⁶ This could be accompanied by a Council / BPOA pledge to work together to rebuild the police department to 105 sworn officers. Compared to new contracts, bonuses, incentives, and adjustments to the PUPS, this is the least expensive and possibly most effective retention tool, because it costs nothing and will have immediate impact.

³⁶ “BE IT FURTHER RESOLVED that the Burlington Police Department decrease through attrition, allowing officers to elect of their own accord to retire or leave for other reasons, the maximum total number of uniformed police officers by 30% from 105 to 74 uniformed officers” from the *Resolution Relating to Racial Justice Through Economic and Criminal Justice*, June 29, 2020, lines 51 to 53.

V. REBUILDING

The BPD's most important project is rebuilding. This means continuing to hire new dispatchers, CSOs, and CAIP members, and other professional staff, but, most pressingly, it means retaining the dedicated sworn police officers we have and adding experienced lateral officers and new police recruits to that foundation. Rebuilding also means addressing our facility. For BPD headquarters, it's past time for an overhaul or a wrecking ball. On this topic, Mayor Mulvaney-Stanak has been compellingly clear that both One North Avenue and Fire Station One need effective replacements, and about her vision for a new building.

A. A LIST OF PROPOSALS MENTIONED. The following list encapsulates *proposals* included in this report. None is approved or currently being implemented. As noted at the outset, funding is a challenging issue, and one with no easy answers.

- A strong police contract in FY26
- The social-media campaign
- The New Employee Referral Program (NERP)
- The Lateral Officer Relocation Assistance Plan (LORAP)
- Civilian DSB clerk
- Revised educational bonuses
- Drone as First Responder
- The Sabbatical program
- Continued training opportunities
- Revised Police Unified Pay Scale to incentivize supervisor promotions

B. LOOKING FORWARD. Six years ago, I applied for a deputy chief position in the BPD. I did so because my family and I wanted to move to Vermont, and return to the city in which I was born. But I also did so because the BPD was a stellar, forward-thinking, innovative agency. I took a 60% paycut to take the job and didn't regret it. My 15 months as a deputy chief had the best work/life balance of my career. I loved being part of such a responsive, connective, and effective agency. Then came the calls to "Defund the Police." Four years of crisis have necessarily affected how responsive and connective the BPD can be, and how much it can do. But the people who are its heart are still among the best police officers and police employees in the nation. I truly believe that there is a path by which the agency can return fully to what it was. That optimism is not about seeing the glass as half full rather than half empty. It's about seeing the glass for what it is and believing we can fill it up. The agency's legacy—and the work its people do, every day—show that the BPD can and will continue to meet its mission of keeping people safe, by preventing crime and disorder, with and for the community. With the support of that community, we can do more than continue, we can rebuild, so that every call for service becomes a chance to make Burlington safe and fair, everywhere for everyone.

VI. APPENDIX

Appendix 01: Exit Questionnaire Overview

From July 01, 2020, through October 15, 2024, there have been 57 separations of sworn police officers from the BPD. During this same period, the BPD has hired 30 sworn police officers.

Among the 57 separations there were 56 people (one employee separated twice). Of the 56, there were 50 men and 6 women. Of the 56 people, 48 have been white, three have been Asian, three have been Black, and two have been Hispanic.

The graph at right shows the tenure distribution for the separations.

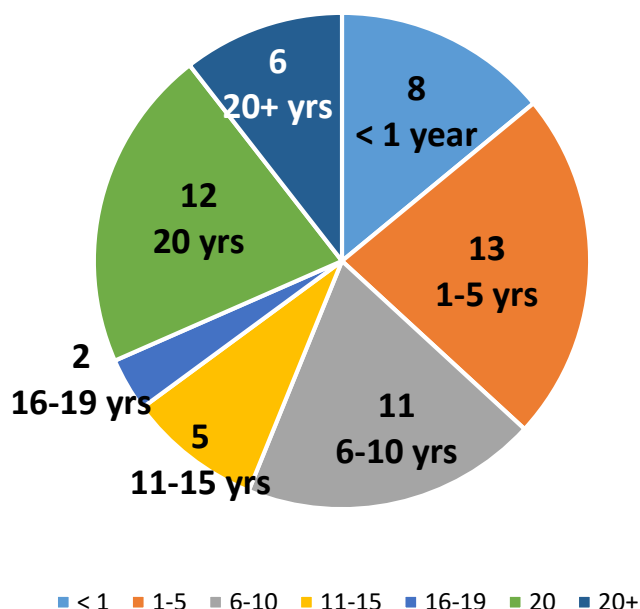
Four separations happened while the employees were at the Vermont Police Academy (VPA), and five happened while employees were on field training.

Two separations were the result of terminations for cause, and another occurred while the employee was suspended.

Twenty-seven officers found employment with other federal, state, or municipal law-enforcement agencies. But in four of those 27 instances, employees who separated and moved to other law-enforcement agencies ultimately returned to the BPD—and all four of those are currently employed at the BPD.

In two instances, employees who separated were transitioned into a Community Service Officer (CSO) role to undergo additional training while remaining employed by the BPD. Both those officers-turned-CSOs were later rehired as sworn police officers.

Years of Service at Separation



THIRTY-FIVE EXIT QUESTIONNAIRES

When employees separate from the BPD, the BPD provides an exit questionnaire. (Note: Ten separations occurred under circumstances in which the questionnaire was not used, such as

failure at the VPA, termination for cause, medical separation, etc.) Not all employees fill out the questionnaire, or every field in it. The following contains responses from 35 questionnaires, or 75% of questionnaire-eligible separations. In addition to numerical ratings questions, the questionnaires have seven fields in which employees may offer written comment.

REASON FOR LEAVING (mark as many as apply)

REASON	Total # responses in this category
1. Secured a different job	18
2. Dissatisfied with pay	0
3. Moving from area	7
4. Family circumstances	5
5. Health reasons	2
6. Dissatisfied with type of work	6
7. Dissatisfied with supervisor	0 (one respondent crossed out "supervisor" and replaced it with "city leadership")
8. Dissatisfied with co-workers	0
9. Other	25

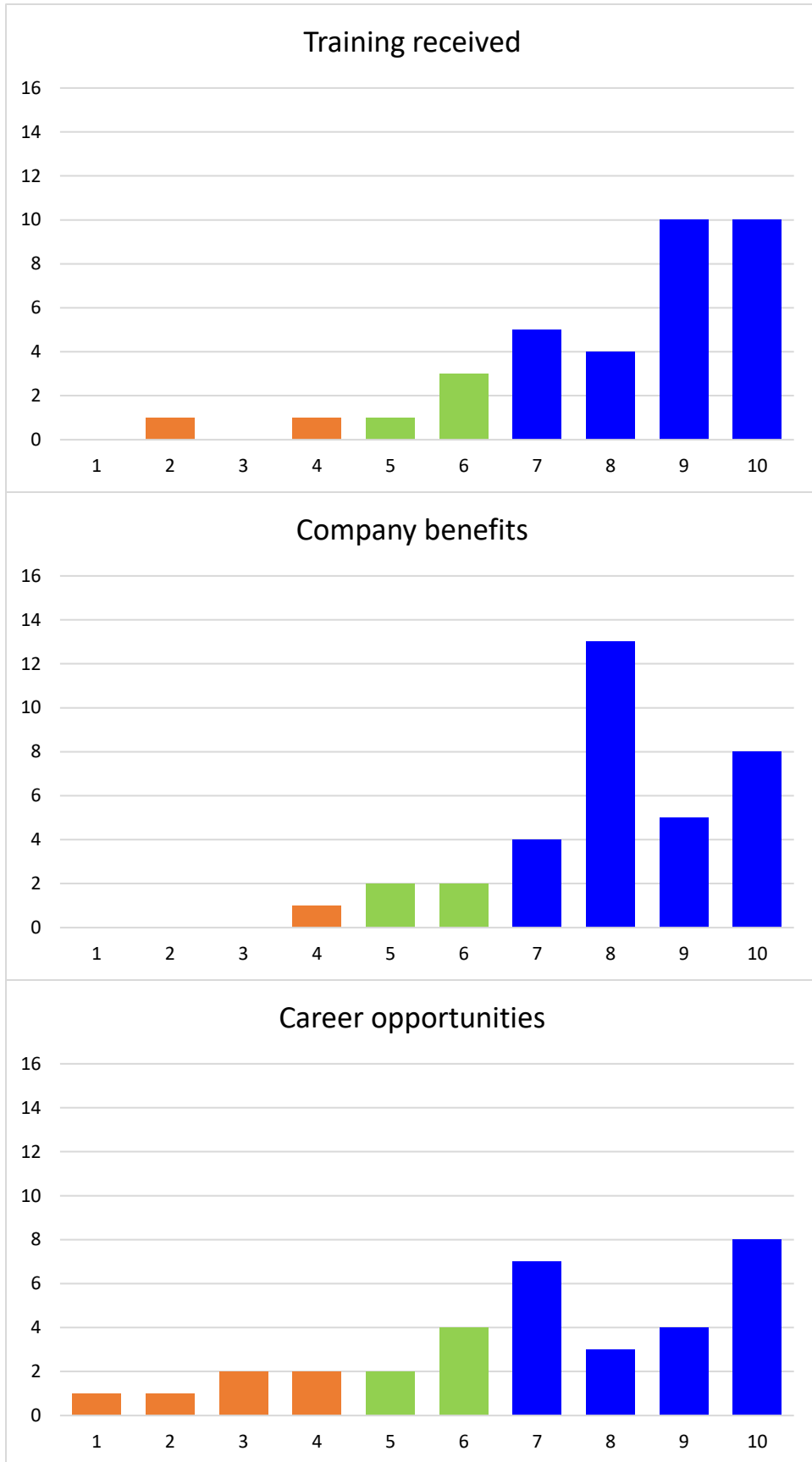
RATING SECTION

Please use the following ratings for the following section:

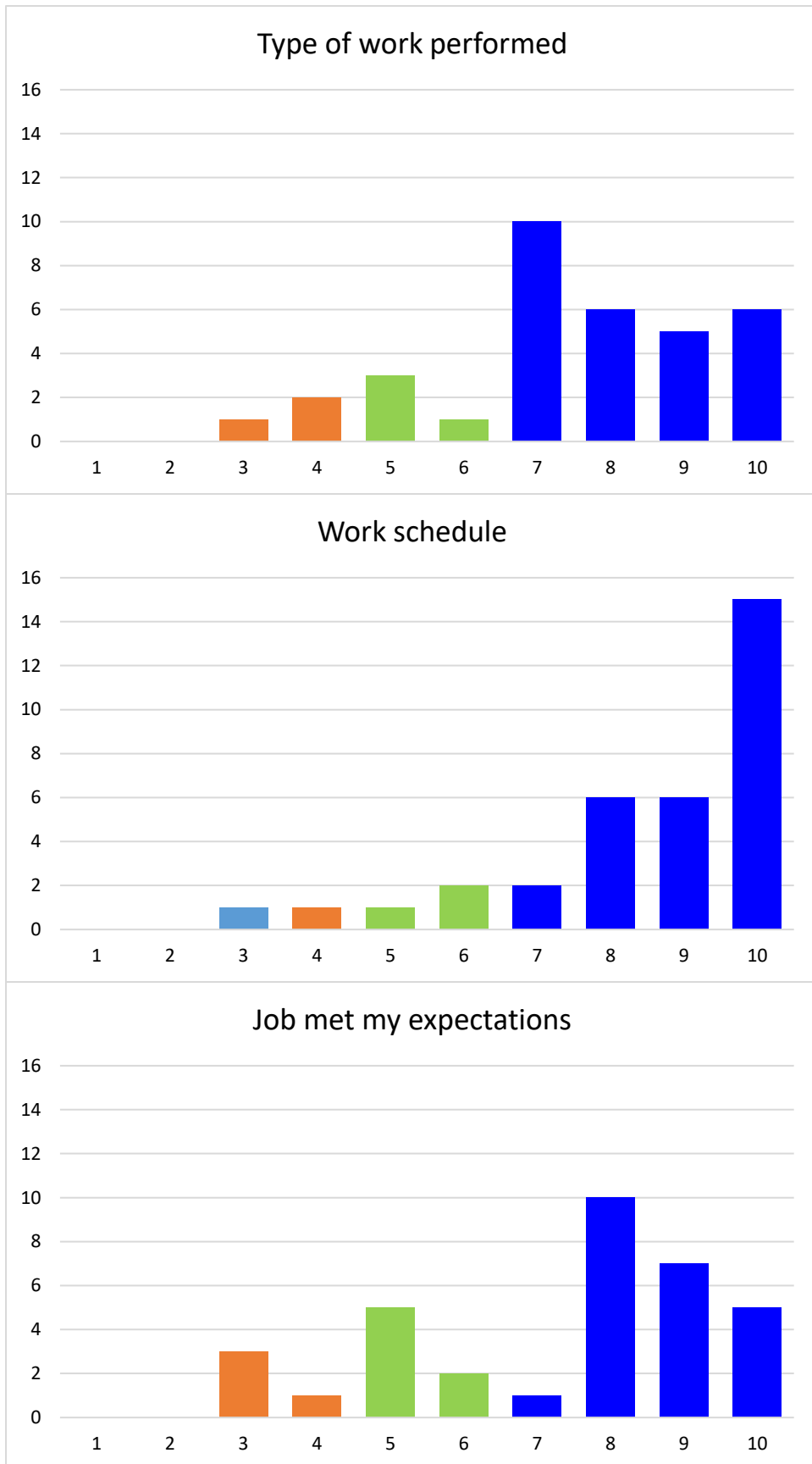
Not Satisfied – 1 2 3 4 // **Acceptable – 5 6** // **Satisfied 7 8 9 10**

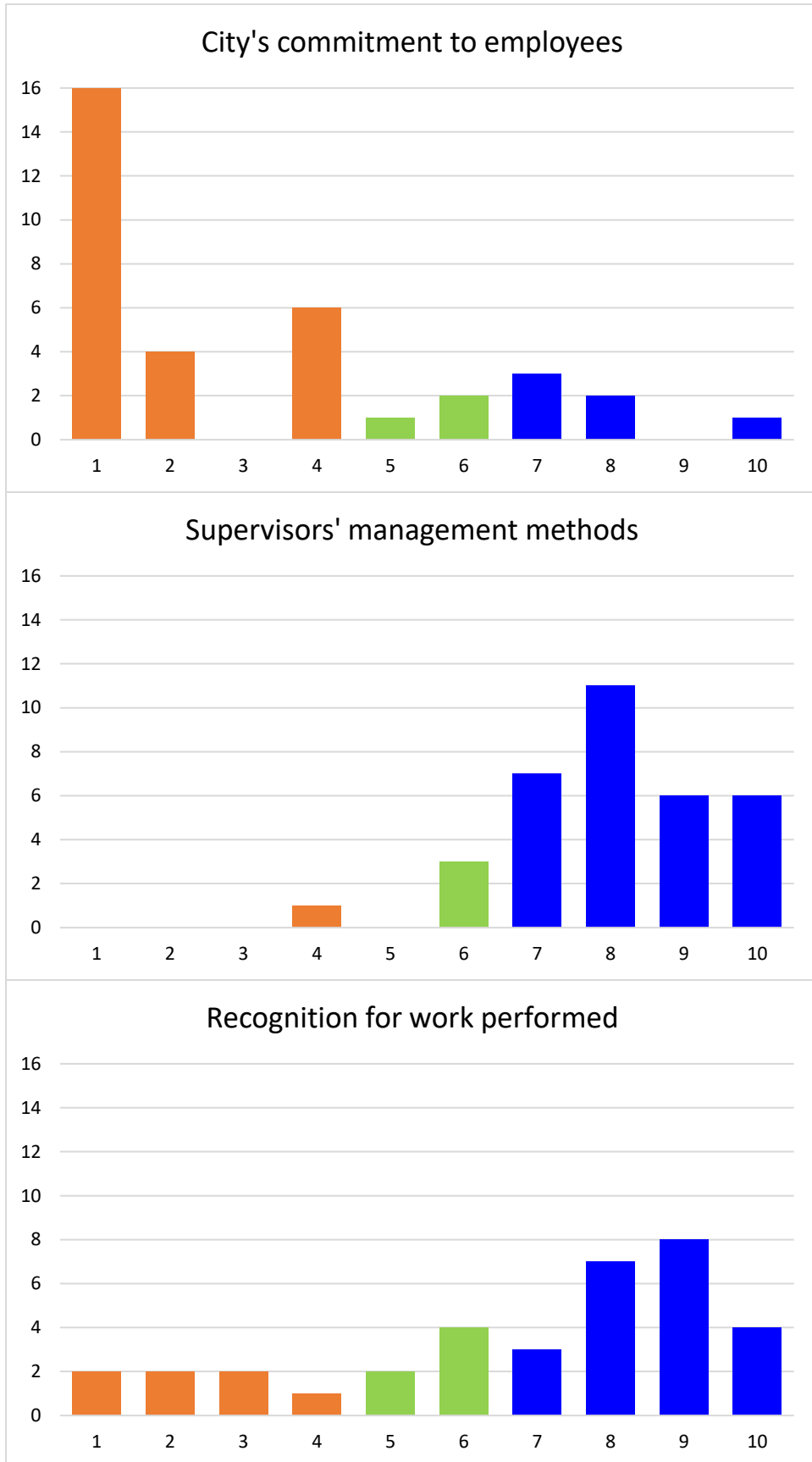
RATINGS	1	2	3	4	5	6	7	8	9	10
Training received	0	1	0	1	1	3	5	4	10	10
Company benefits	0	0	0	1	2	2	4	13	5	8
Career opportunities	1	1	2	2	2	4	7	3	4	8
Supervision received	0	0	0	0	0	1	7	13	9	5
Working conditions	1	3	7	2	4	2	5	5	2	3
Pay for work required	0	0	3	2	4	6	7	4	4	5
Type of work performed	0	0	1	2	3	1	10	6	5	6
Work schedule	0	0	1	1	1	2	2	6	6	15
The job met my expectations	0	0	3	1	5	2	1	10	7	5
City's commitment to employees	16	4	0	6	1	2	3	2	0	1
Supervisor's mgt methods	0	0	0	1	0	3	7	11	6	6
Recognition for work	2	2	2	1	2	4	3	7	8	4
Respect for work	7	1	1	0	5	5	3	3	6	3

[Each cell shows the number of employees who selected the respective rating for the respective category. The results for each question are represented graphically on the following pages. Some employees left some ratings categories blank; totals may not sum equally]





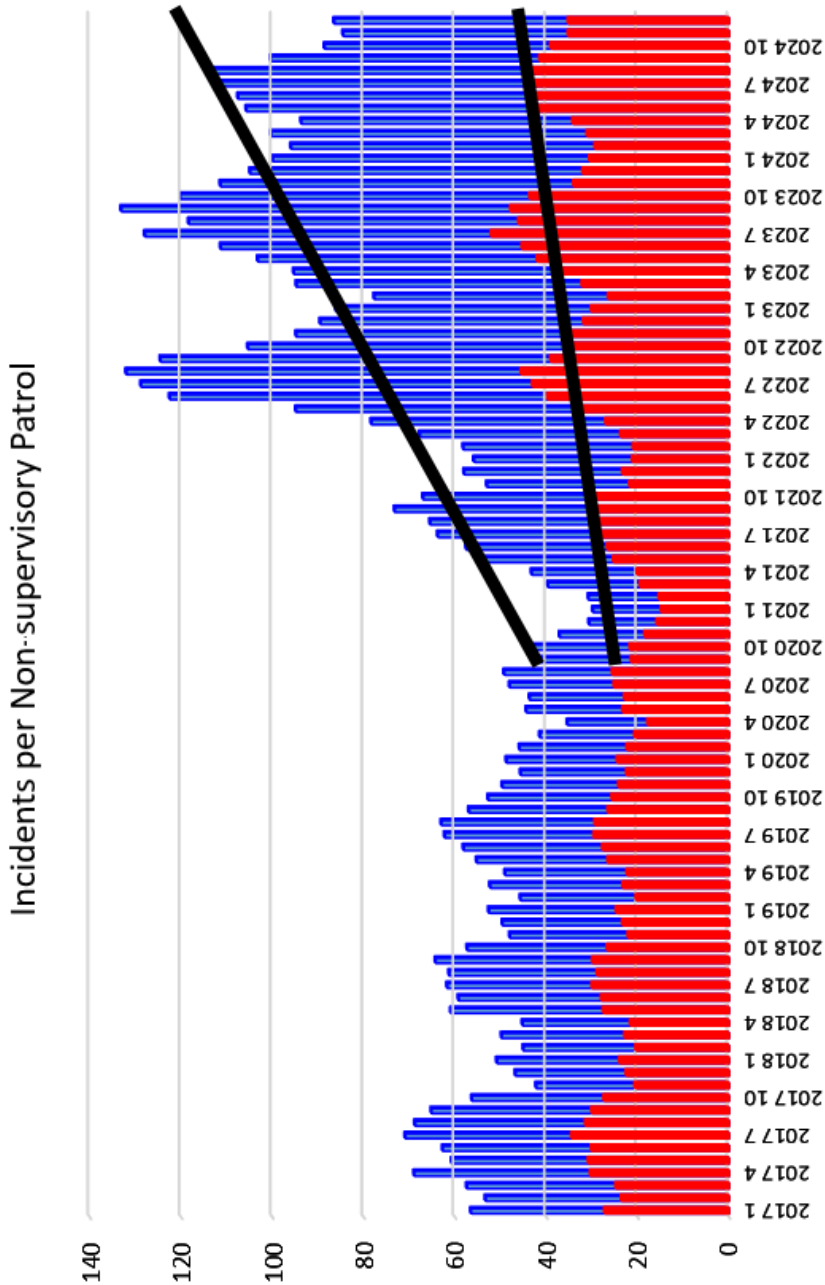






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Appendix 02: Headcount vs Incident Volume



Because headcount has fallen while incidents have risen, some officers are handling three times as many incidents. This graph compares month-by-month incident volume to month-by-month sworn officer headcount. It shows **incidents-per-officer for all sworn (red)** versus for **non-supervisory sworn on patrol (blue)**. The majority (>75%) of incidents are answered by non-supervisory patrol officers. Other incidents are answered at the airport, by detectives, by supervisors, or by CSOs and CSLs. (For example, CSOs were the primary officer on 16% of incidents in 2022, 12% in 2023, and 13% in 2024.) Therefore the true burden on sworn patrol officers lies somewhere between the red—a 100% trendline increase—and the blue—a staggering 200% trendline increase.

Appendix 03: Peer-reviewed academic studies demonstrating more police mean less crime.

Devi & Fryer, 2020, "Policing the Police: The Impact of 'Pattern-or-Practice' Investigations on Crime." Federal pattern-and-practice investigations that were preceded by "viral" incidents of deadly force have led to a large and statistically significant increase in homicides and total crime. The authors estimate that these investigations caused almost 900 excess homicides and almost 34,000 excess felonies. The leading hypothesis for why these investigations increase homicides and total crime is an abrupt change in the quantity of policing activity—i.e., police withdrawal.

Mello, 2019, "More COPS, Less Crime." By studying the natural experiment provided by the Great Recession and the effect of the American Recovery and Reinvestment Act's impact on funding for the Community Oriented Policing Services (COPS) hiring grants, this shows that, relative to low-scoring cities, those above the cutoff experience increases in police of about 3.2% and declines in victimization cost-weighted crime of about 3.5% following the distribution of hiring grants. The effects are driven by large and statistically significant effects of police on robbery, larceny, and auto theft, with suggestive evidence that police reduce murders as well.

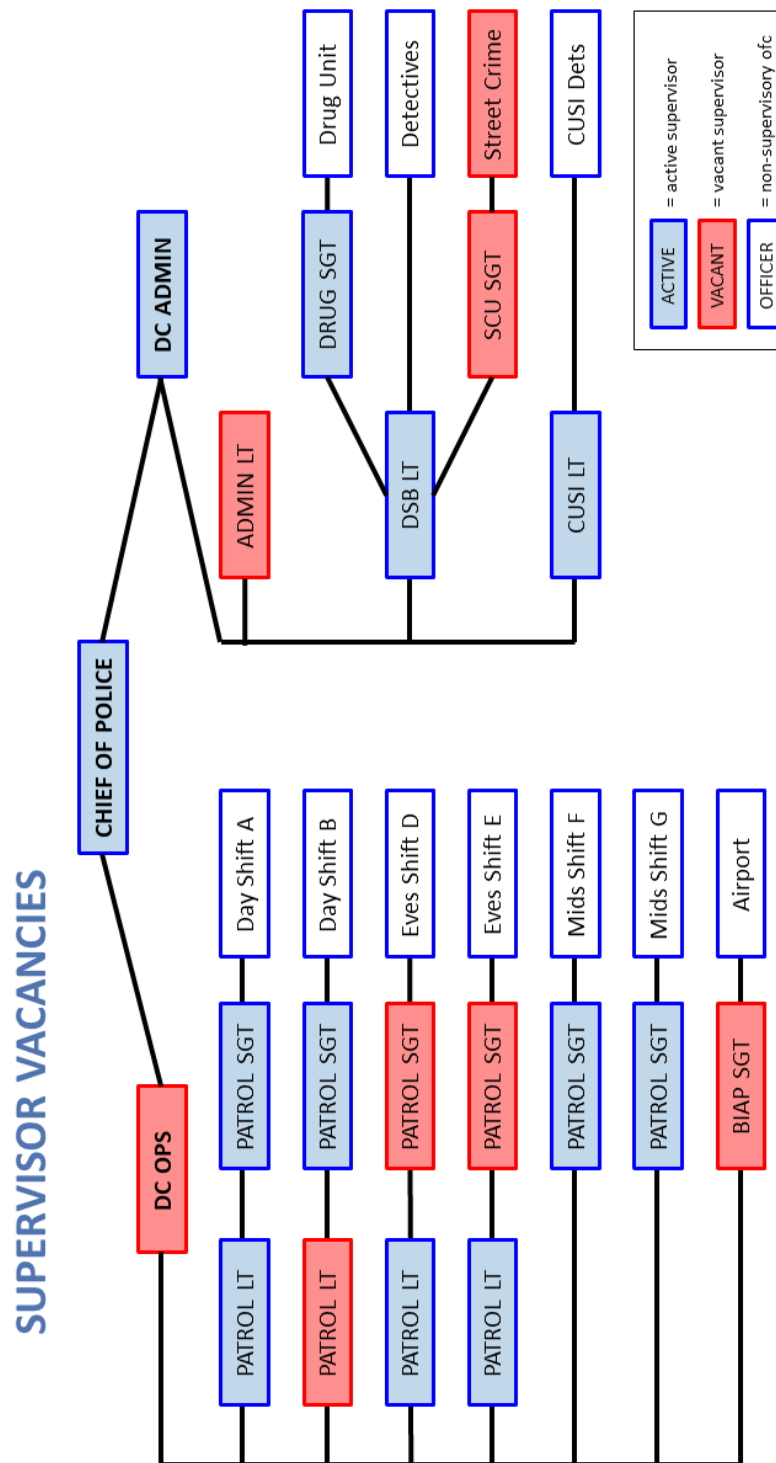
Cheng & Long, 2018, "Improving police services: Evidence from the French Quarter Task Force." The New Orleans French Quarter Task Force (FQTF), which increased police visibility in the French Quarter, reduced robberies, aggravated assaults, and thefts by 37.4%, 16.9%, and 13%, respectively. Second, our findings imply that the proper use of monitoring and incentive strategies has the potential to further improve police services.

Vidal & Kirchmaier, 2017, "The Effects of Police Response Time on Crime Clearance Rates." Shows a causal relationship between faster response times and better clearance rates; demonstrates response times are affected by staffing.

MacDonald & Grunwald, 2012, "The Effect of Privately Provided Police Services on Crime: Evidence from a Geographic Regression Discontinuity Design." Research demonstrates police reduce crime; in Philadelphia, extra police provided by the university generated approximately 45-60% fewer crimes in adjacent city blocks. Police cars spent as much as one extra hour per shift in each of the treatment areas. The study found that treatment areas experienced a 6-13% reduction in crime, with the largest effects observed for disorder violations.

Klick & Tabarrok, 2005, "Using Terror Alert Levels to Estimate the Effect of Police on Crime." Using daily crime data during the period the terror alert system has been in place, the authors show that the level of crime decreases significantly, both statistically and economically, in Washington, D.C., during high-alert periods.

Appendix 04: Supervisor Vacancies



Appendix 05: Deputy Chief Prospectus



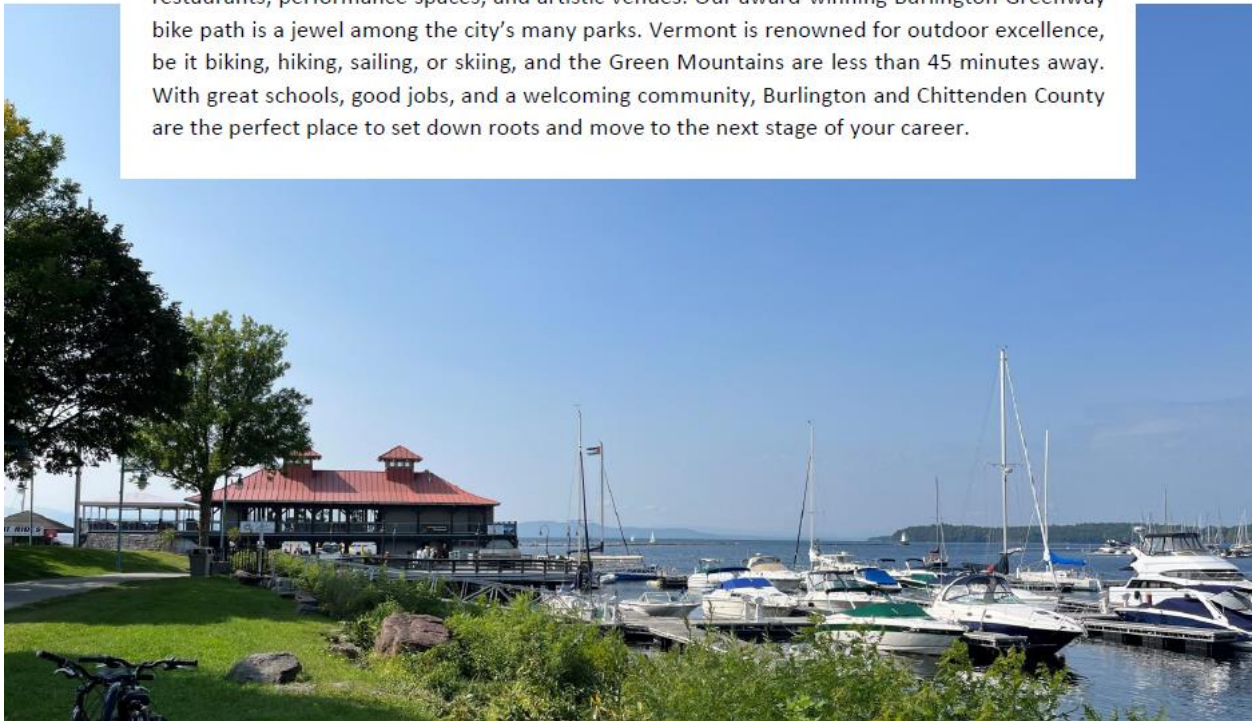
The Burlington Police Department in Burlington, Vermont, is seeking qualified applicants for the role of Deputy Chief of Police. The two Deputy Chief positions are second in the chain of command for the Burlington Police Department (BPD), reporting directly to the Chief of Police. There are two deputy chief positions. The Deputy Chief, Operations, manages the daily operations and activities of the Uniform Services Bureau, which is comprised of patrol, the airport, and the Community Service Officers (CSOs). The Deputy Chief, Administration, manages the Administrative Services Bureau and the Detective Services Bureau. These three bureaus, overseen by the two Deputy Chiefs, are the agency's largest organizational components.

Additionally, the BPD contains a business management component, overseen by the Executive Manager, and a social services component called CAIP, or Crisis Advocacy Intervention Programs, overseen by the Assistant Director, CAIP. The Deputy Chiefs, the Executive Manager, and the Assistant Director comprise the agency's executive staff, which works closely and collaboratively together, and reports to the Chief of Police.





Sitting on shores of Lake Champlain, Burlington is Vermont's largest city, with 44,000 residents and daytime populations that can be more than double. It's a vibrant community that frequently finds itself on "best of" lists for its lifestyle and great public spaces like the Church Street Marketplace. Home to important businesses and institutions like the University of Vermont, Patrick Leahy International Airport, Dealer.com, Burton Snowboards, Seventh Generation, the region's largest hospital, and more, the Queen City also has some of the state's best nightlife, restaurants, performance spaces, and artistic venues. Our award-winning Burlington Greenway bike path is a jewel among the city's many parks. Vermont is renowned for outdoor excellence, be it biking, hiking, sailing, or skiing, and the Green Mountains are less than 45 minutes away. With great schools, good jobs, and a welcoming community, Burlington and Chittenden County are the perfect place to set down roots and move to the next stage of your career.





The BPD has more than 150 years of accomplishment, and a wonderful future ahead. We have an authorized headcount of 87 sworn officers and 58 professional staff, including innovative roles like the unarmed CSOs, and in-house social workers in CAIP called Community Support Liaisons, or CSLs. We serve a diverse community and strive to reflect that diversity in our ranks.

We pride ourselves in being at the leading edge of policing, from operational advances like ICAT, to cutting-edge equipment like body-worn cameras and drones, to tactical innovations like our Emergency Response Unit, and new programs like our CAIP team and CARES program. By volume and variety of calls for service, our patrol officers are the most experienced in the state, and our detectives have an incredible closure rate for gunfire and homicide, including high-profile shootings and half-century-old cold cases.

The City of Burlington is seeking a seasoned law-enforcement professional with a strong leadership presence, a mind for progressive policing, and exemplary interpersonal skills. Our residents want an effective crime fighter and a community-oriented protector who understands that police keep people safe by working with and for their neighbors.



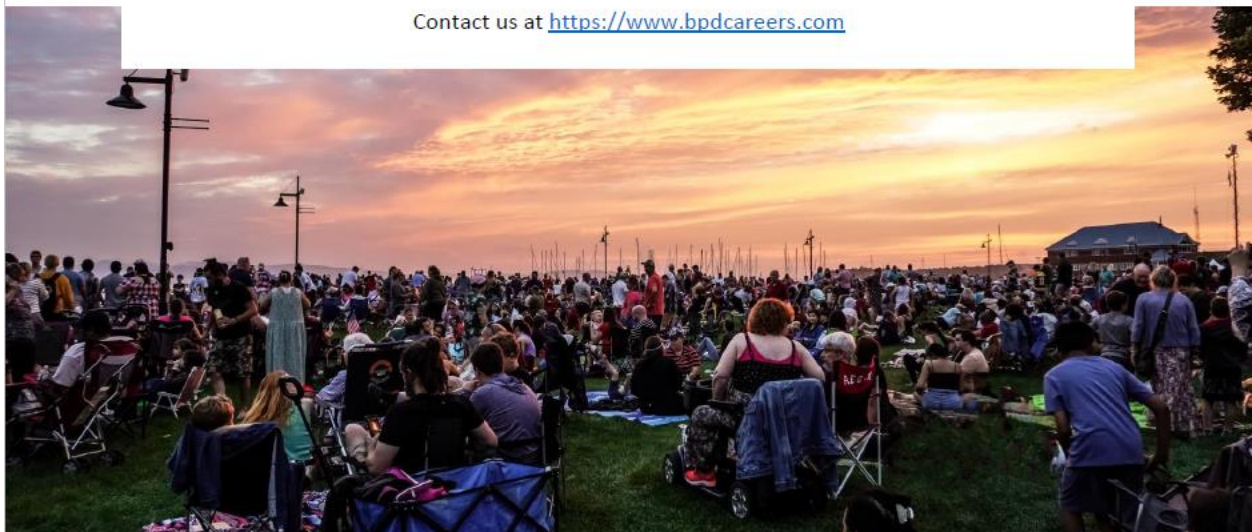


The incoming Deputy Chief must have the ability to engage with and be present in the community and the BPD. At the same time, Burlington is at the forefront of recognizing, embracing, and resourcing the idea that public safety is not a task for police alone—as evidenced by our robust professional staff and the myriad of services they provide. Our deputy chiefs must have excellent staff management and budgeting abilities. Creating innovative policy and gathering and analyzing data are also important skillsets.

Candidates must have a minimum of ten (10) years of police experience and a minimum of three (3) years in a supervisory police role. Candidates must possess, or be able to obtain within one (1) year, a Vermont Police Academy Law Enforcement Certification as a Level III officer. Out-of-state candidates must be current law-enforcement officers or have been separated from a certified law-enforcement role for no more than three (3) years. A bachelor's degree or higher is preferred; other experience, including military experience, may be considered. Attendance at a program like the FBI National Academy or PERF SMIP is strongly preferred. Candidates must possess, or be able to obtain within sixty (60) days, a valid Vermont Driver's License.

The Deputy Chief of Police is compensated according to the Police Uniform Pay Scale, or PUPS, which is defined by the police officer contract. The Burlington Police Officers Association, or BPOA, will renegotiate in July, 2025. The current PUPS for Deputy Chief ranges from \$133,769 to \$139,880, depending on experience. Additionally, the BPD currently offers a \$15,000 recruitment incentive, paid in three timed installments. The City of Burlington's benefits include retirement with five-year vesting, full medical benefits, and wellness incentives.

Contact us at <https://www.bpdcareers.com>



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CHIEF'S DRAFT OF PROPOSAL –
NOT CURRENTLY IMPLEMENTED

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Appendix 08: Burlington Police Staffing Calculation, provided by Deputy Chief Sullivan

In 1990, Rutherford Ruotolo Consulting Consortium, Inc. performed an evaluation for the City of Burlington regarding the Burlington Police Department and the appropriate level of staffing. The study used a mathematical formula to calculate proper staffing.

The formula used is as follows:

- 1) Calls for Service, plus
- 2) Add percent for calls requiring multiple officer response (e.g. what percentage of calls require more than one officer?) multiply this number by
- 3) Average time spent on a call (in hours) (add time for completing paperwork per call)
- 4) Hours per year in calls for service is multiplied by 3 to buffer for preventative patrol (visibility, service needs, etc.) This is the total hours required per year.
- 5) Total hours are then divided by 3,650 (This is the total number of hours required to staff one post on one 10-hour shift for one year = $10 \times 365 = 3,650$)

Quotient equals the minimum number of patrol posts needed for a particular shift.

In 1990 the percentage of calls answered by shift was:

Dayshift	34.81%
Evening Shift	40.12%
Midnight shift	25.07%

For the sake of simplicity, I used the same percentage of call volume per shift in 2020, as it is most likely very similar.

One important aspect of this exercise is to recognize that call volume is very fluid and is currently under reported for several reasons. Some of these reasons include the airport officers do not start incidents for many of the tasks they complete. One example of this is gate alarms. Another example is that dispatch will sometimes stack a particular card with multiple incidents downtown. An example of this is fireworks complaints.

2020 will be an anomalous year with very low call volume due to the COVID health pandemic. Thus, 2020 call volume numbers will not be a good measure of call volume. Call volume has been trending downward over the last few years and there are several factors that play into this. Some of the factors are that the Burlington police Department has been very proactive in addressing certain issues in the city. One example of this is quality of life issues in the Hill section where call volume has been reduced by almost 50% from 2012 until now. This was achieved through a partnership with UVM where UVM funded additional officers for targeted enforcement in the Hill Section. What we found was there was an inverse relationship between

officer-initiated calls and citizen-initiated calls. As more officers patrolled the neighborhood officer-initiated calls increased and as these calls increased, citizen-initiated calls decreased because officers were addressing issues proactively. Also noteworthy is the fact that UVM provided enough funding to double regular patrol numbers for the whole city, yet these additional officers focused almost exclusively on the Hill Section with measurable positive results.

The 1990 study found call volume at that time was approximately 40,000 calls for service per year. Contemporary call volume is as follows:

2013	34,278
2014	36,275
2015	37,324
2016	37,131
2017	32,671
2018	29,684
2019	28,476

The average call volume over the last seven years, 2013 to 2019, is 33,691 calls for service.

Another reason for the drastic drop in call volume is that officers self-initiated traffic enforcement has drastically declined. This was in part a result of then-Chief del Pozo directing officers to engage in more education than enforcement. The result of this direction is demonstrated by the number of traffic stops BPD engaged in with a high of 6,141 stops in 2015 falling to 2,019 stops in 2019. Lack of proactive traffic enforcement has resulted in a decrease in call volume of more than 4,000 calls per year.

For the sake of calculation I will use the average call volume of 33,691 calls for service. This is a conservative estimate due to under reported numbers.

Calls per shift:

Days	11,728
Eves	13,517
Mids	8,446

The percentage of calls that require more than one officer response is approximately 50%.

Days	11,728 plus 5,864 (50%) = 17,592
Eves	13,517 plus 6,758.5 (50%) = 20,276
Mids	8,446 plus 4,223 (50%) = 12,669

Each call takes an approximate average of one hour per call. This equals 1 for 1. (In 1990 they used .75 hours per call, but the job and paperwork requirements have increased.) Then apply the buffer multiplier of three. This is the same multiplier used in the 1990 study.

Days 17,592 x 3 = 52,776 hours required

Eves 20,276 x 3 = 60,828 hours required

Mids 12,669 x 3 = 38,007 hours required

Then divide the hours required by 3,650 to establish the number of posts required. Keep in mind that posts does not necessarily equal a ratio of 1 post to 1 officer. A post may require more than one officer. Posts required:

Days 52,776 divide by 3,650 = 14.459 posts = 15

Eves 60,828 divide by 3,650 = 16.665 posts = 17

Mids 38,007 divide by 3,650 = 10.413 posts = 10

Posts do not directly equate to one officer (please see page 29 and 30 of the 1990 study for explanation). An availability factor is used to determine 2.09 officers are required per post. This was calculated from 3,650 officer hours per year per post divided by 1,740 hours available equals 2.09.

Factors	Average days off	Average Officer Hours
Days Off	156 x 10	1,560
Holidays	11 x 10	110
Floating Holidays	2 x 10	20
Vacation	10 x 10	100
Sick Time	10 x 10	100
Personal Leave	2 x 10	20
Totals	191 x 10	1,910

The average hours off is then subtracted from the officer hours per year (per post).

3,650 minus 1,910 equals 1,740 hours available per officer on average.

The 3,650 hours per year is then divided by the hours available to determine the availability factor.

3,650 divided by 1,740 equals 2.09

Thus it will take 2.09 officers to cover each post.

These are officer posts, not including supervisory requirements.

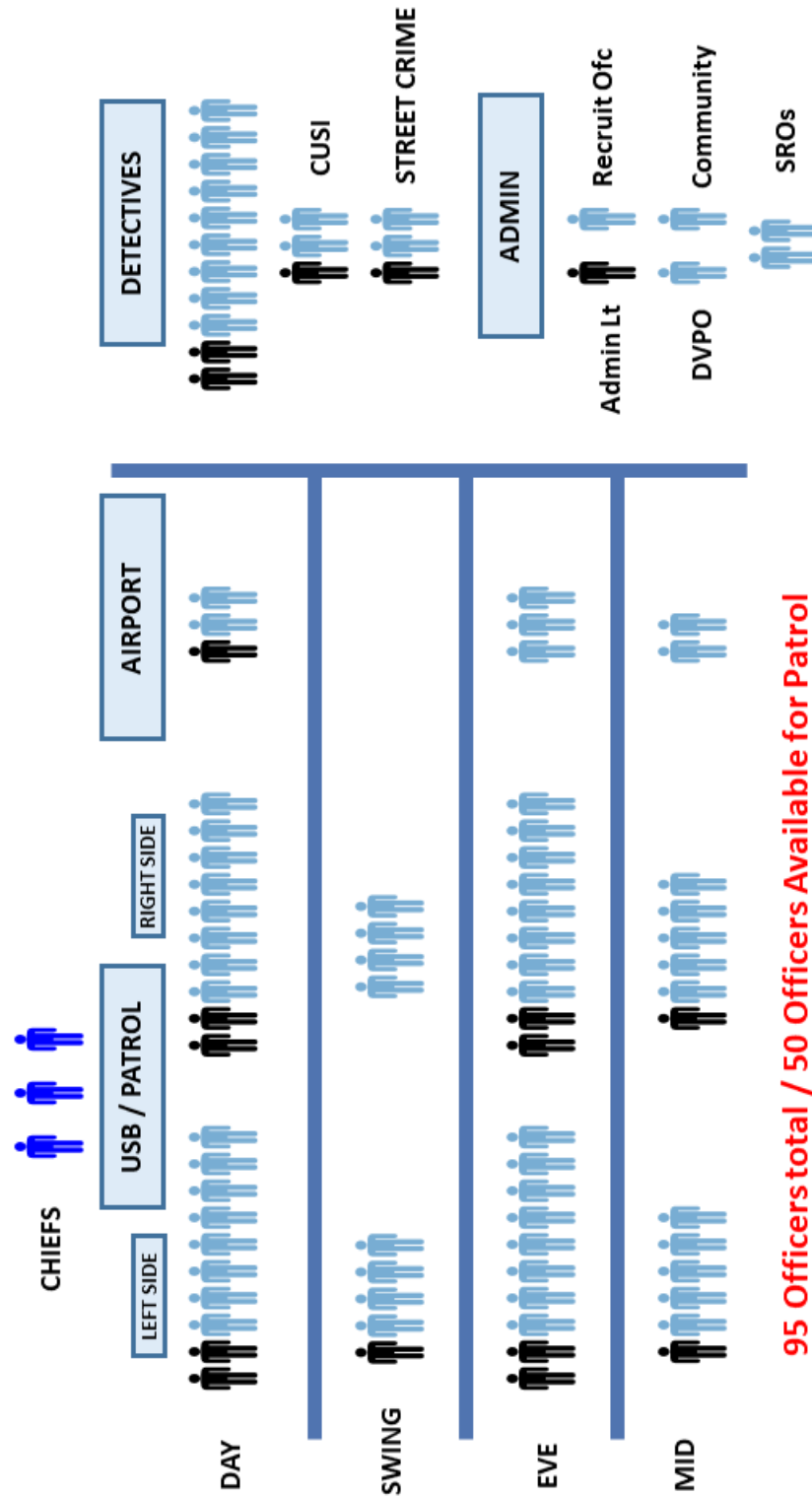
	0730-1730	1645-0245	2230-0830	Raw Score	Total
Post #1	2.09	2.09	2.09	6.27	6
Post #2	2.09	2.09	2.09	6.27	6
Post #3	2.09	2.09	2.09	6.27	6
Post #4	2.09	2.09	2.09	6.27	6
Post #5	2.09	2.09	2.09	6.27	6
Post #6	2.09	2.09	2.09	6.27	6
Post #7	2.09	2.09	2.09	6.27	6
Post #8	2.09	2.09	2.09	6.27	6
Post #9	2.09	2.09	2.09	6.27	6
Post #10	2.09	2.09	2.09	6.27	6
Post #11	2.09	2.09		4.18	4
Post #12	2.09	2.09		4.18	4
Post #13	2.09	2.09		4.18	4
Post #14	2.09	2.09		4.18	4
Post #15	2.09	2.09		4.18	4
Post #16		2.09			2
Post #17		2.09			2
				Total	84

This calculation determines 84 non-supervisory officers should be assigned to the Uniform Services Bureau to handle calls.

If 84 non-supervisory officers were assigned to USB, the shifts would have 15 assigned to each day shift, 17 to each evening shift, and ten assigned to each midnight shift. Compare this to the current 2021 fall tour: 30 total non-supervisory officers are assigned to USB. Seven are assigned to one dayshift and six are assigned to the other day shift, six are assigned to each evening shift, and two are assigned to one midnight shift and three to the other midnight shift.

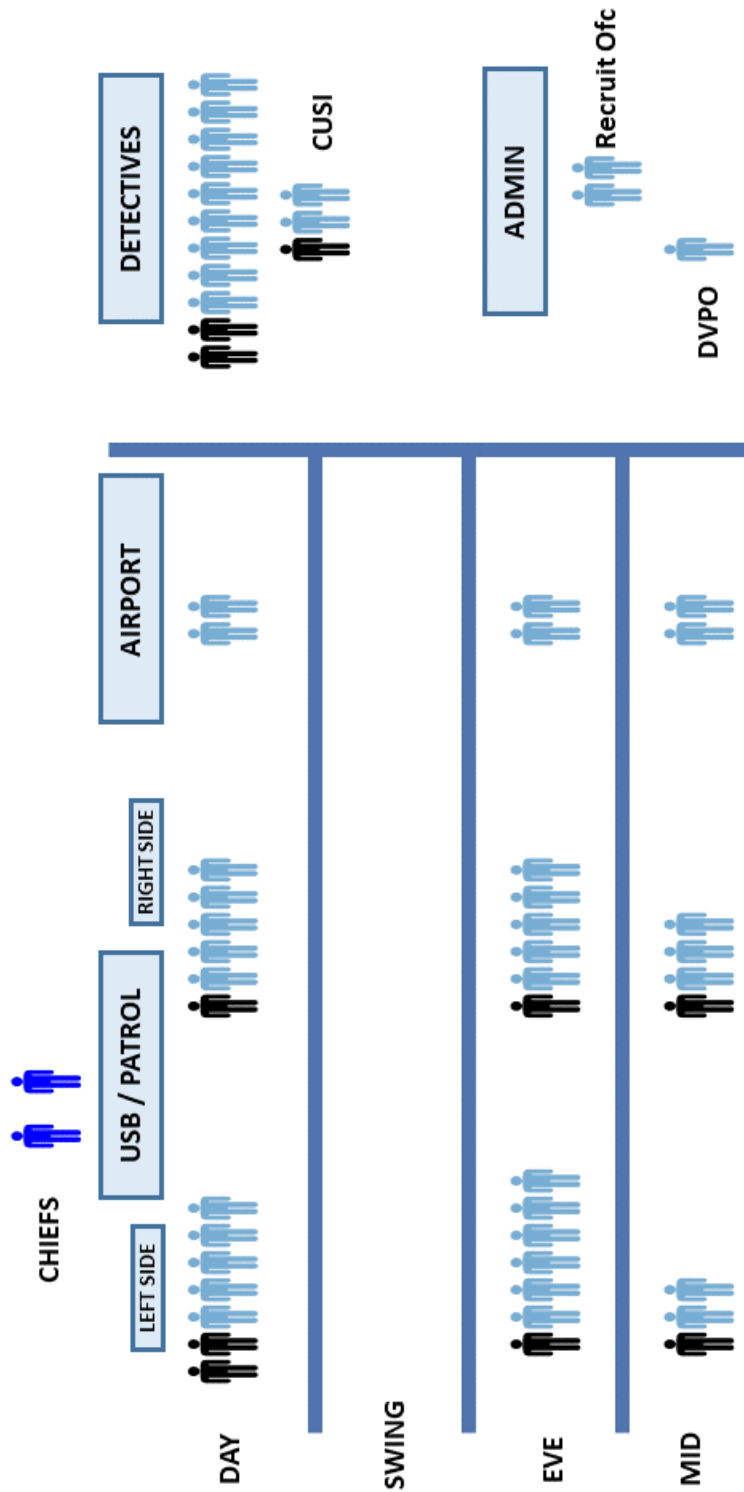
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Appendix 09: Historic deployment – 95 Effective



This is a visual of historical staffing, circa 2019. It has strong patrol coverage (including a swing shift); specialized roles like the DVPO, SROs, and a Community Affairs Officer; a Street Crime Team; and a full complement of detectives in DSB and CUSI. Area-based community policing and innovative protocols like ICAT require this level of staffing.

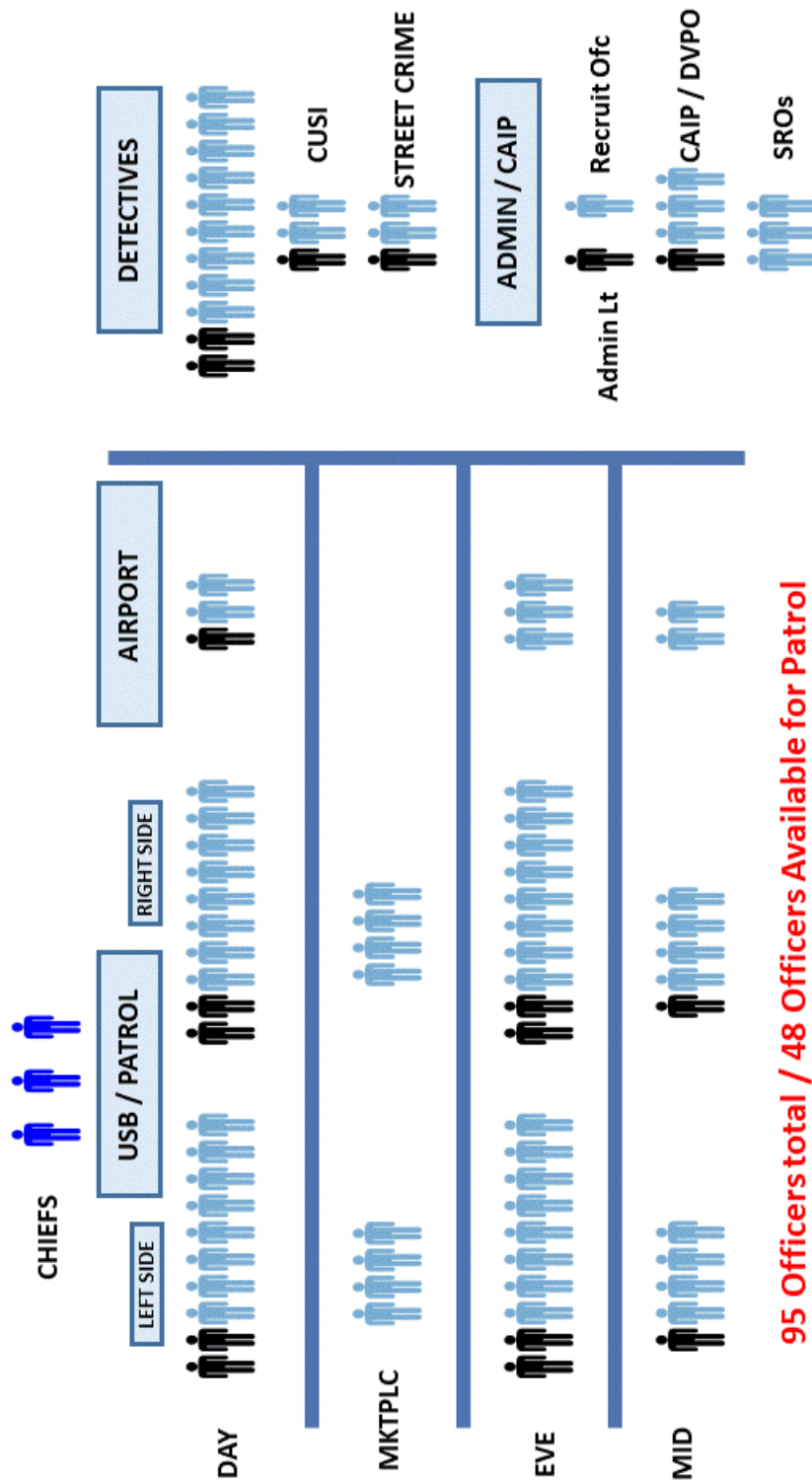
Appendix 10: Current deployment – 58 Effective



58 Officers total / 26 Officers Available for Patrol

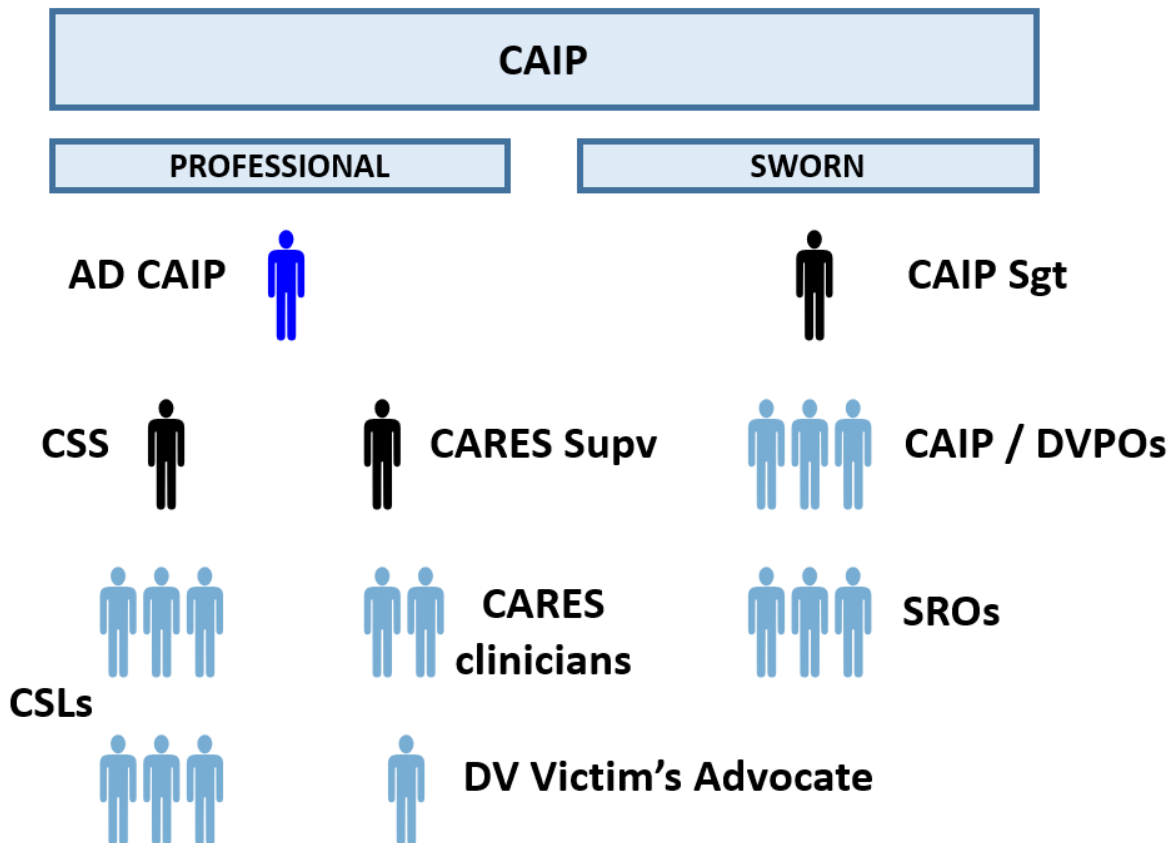
This is current staffing. BPD has no swing shift, no SROs, too few supervisors per shift, no supervisor at the airport, no Street Crime Team, no Administrative Lieutenant, and no Deputy Chief of Operations.

Appendix 11: Vision for Deployment – 95 Effective



This is my vision of full staffing. It has full, area-based patrol coverage; a dedicated Marketplace foot patrol team; a sergeant and three officers assigned to CAIP as DVPOs / crisis officers / outreach escorts, plus three SROs who report to the CAIP sergeant; a Street Crime Team; and a full complement of detectives in DSB, the Drug Unit, and CUSI.

Appendix 12: What CAIP Could Be



This is my vision of a fully-staffed **Crisis Advocacy Intervention Programs** team.

CAIP's professional staff is overseen the Assistant Director CAIP, an executive team member of the BPD. The Community Support Supervisor (CSS), Burlington Crisis Assessment Response Engagement Services (CARES) Supervisor, and the Domestic Violence Victim's Advocate report to AD CAIP. Six Community Support Liaisons (CSLs) report to the CSS and two CARES clinicians report to the CARES Supervisor. The CSLs handle non-emergent social work while the CARES team addresses crises and clinical issues.

CAIP's sworn staff is overseen by the CAIP Sergeant. Six officers report to the sergeant, including three School Resource Officers (one assigned to BHS and BTC; one assigned to Hunt, CP Smith, Flynn, and IAA; and one assigned to Edmunds MS and ES, Sustainability, and Champlain), and three officers cross-trained as DVPOs and outreach workers.

The various components can codeploy or operate independently as required. Both AD CAIP and the CAIP Sgt report to the Chief of Police.



Burlington Police Officer's Association

To Whom It May Concern,

I am writing to express my concern regarding the ongoing hiring and recruitment issues at the Burlington Police Department. Over the past several years, it is no secret that the number of candidates for law enforcement positions has seen a sharp decrease in Vermont and across the country. There are several opinions as to why the number of applicants has dropped, including the consistent high level of stress, the daily liability assumed, the demonization of officers, and poor public perception. At a time when officers are needed more than ever, I had a unique opportunity to gather insight into why Burlington is having difficulty attracting applicants.

This past week, I had the privilege of assisting the 118th Basic class in the role as a Training Assistant at the Vermont Police Academy. In that role, I assist in teaching and assisting the recruits for one week, for each Vermont Police Academy class. I spend the entire day with the class and help guide them through the week. During that time, I sat down with the recruits for a Q&A session to address any concerns they might have after graduation and provide insight about the profession. At the end of the session, I asked for a show of hands from those who live inside or near Chittenden County. Of the 44 recruits, approximately 17 raised their hands. I then asked those recruits if any had applied to Burlington. All recruits lowered their hands. After a short discussion with said recruits, it became overtly clear that they all shared the same concerns about working in the Queen City, a major lack of support from both politicians and the community. Many recruits mentioned that surrounding communities have a proven track record of support from both town managers and community members, where Burlington does not. Some recruits referenced the officers in Burlington who were demonized during the protests of 2020 and felt that Burlington has not been the same since. While a few were on the fence about choosing Burlington over other departments, they ultimately decided against applying due to the lack of support from the city and the potential for ostracizing officers and facing public ridicule.

Furthermore, Burlington had four recruits in the 118th Basic class. All four recruits were not originally from Vermont and some have recent ties to the area. Of the four hired, two have since left, with one specifically noting that the pay was not as advertised. I believe this fact alone highlights the struggles that the Burlington Police Department will face in the coming years, as we were unable to secure even one recruit with deep-rooted ties to Vermont, let alone Burlington. This shows there is a direct correlation between the applicants that Burlington police department receives compared to surrounding agencies.



Burlington Police Officer's Association

These people are ignorant to the local political climate and do not understand the circumstances of the department that they are applying. People who live in the area understand and recognize the lack of support from the city leadership and community, whereas out-of-state applicants do not grasp this as well as someone who has lived in the area for a portion of their adult lives.

I believe that the perception of the city, the city council, and the mayor's office is a major deterrent for people who live in the area and want to pursue law enforcement careers to serve their local communities. Some wounds heal over time, but without outspoken support from these offices, I do not foresee Burlington being able to once again be the pinnacle of policing in the state of Vermont. Without being able to attract people with deep connections to the area, and reach into a deeper candidate pool, Burlington Police Department will face many years of staffing issues.

The first and clear step to fix the issues that the Burlington Police Department faces is to fix the optics that officers are not supported among politicians. We need outspoken members of the mayor's office and city council to speak up and speak out about the need for qualified officers with emotional connections to the area. With the new administration in the Queen City, I believe there is an opportunity to rebuild this department with outspoken support for the officers who are on the streets on a daily basis. Burlington once was the gold standard of policing in the state of Vermont, and it can be again with continued outspoken support and deliberate meaningful actions/votes, by the politicians of this city.

Respectfully,

Officer Michael Moran
Badge #398
1 North Ave Burlington Vermont
802-658-2700 Ext. 9
mmoran@bpdvt.org

Appendix 14: Community Justice Center MOU



MEMORANDUM OF UNDERSTANDING BETWEEN

BURLINGTON POLICE DEPARTMENT

AND

BURLINGTON COMMUNITY JUSTICE CENTER

REGARDING DIRECT PRE-CHARGE REFERRALS TO ALTERNATIVE JUSTICE



This Memorandum of Understanding (MOU), between the Burlington Police Department, hereafter referred to as "BPD," and the Burlington Community Justice Center, hereafter referred to as "CJC," provides as follows:

Section 1. Purpose and Scope of Agreement

The purpose of this agreement is to clearly identify the roles and responsibilities of each party as they relate to post-arrest or post-citation pre-charge diversion (pre-charge direct referrals made by the BPD to the CJC's **Restorative Justice Program (RJP)**). The agreement outlines criteria for referral, case flow, completion procedures, and special considerations.

Section 2. Background

When a sworn police officer with the BPD arrests or cites an offender for certain crimes as described in the Vermont Statutes or tickets an offender for certain violations of the City of Burlington's municipal code, a direct referral to the CJC may provide a speedy alternative to the juvenile and criminal justice systems. Offenders are held accountable for their actions in a timely and meaningful way. Along with reducing the number of cases and the costs and time lag associated with the standard criminal justice process, RJP's increase community safety by attending to the needs of the victim and the needs of the offender.

Section 3. Criteria for Referral

A. Offender Age: An offender who is ten (10) years old and older may be eligible for direct referral to the CJC RJP.

B. Offender Criminal History: To be referred by the BPD directly to the CJC:

1. An offender shall have no more than one prior arrest, citation, or ticket for any similar offense(s), or

2. An offender shall have had no incidents for a period of five or more years as indicated by the offender's Valcour history.

Furthermore, an offender who has been listed as an "Arrestee," "Suspect," or "Person of Interest (POI)" in a high number of police involvements / Valcour entries for other, unrelated offenses may be deemed ineligible for referral on a case-by-case basis at the discretion of the arresting officer in consultation with a supervisor. Those determined to be on arrest warrant status are also ineligible.

C. Offender Voluntariness: The arresting officer explains to the person that a referral to Pre-charge Diversion is voluntary, but the person must take responsibility and work with the CJC to make amends to anyone impacted. The officer will further explain that if the person were to complete the program successfully the matter would be closed. The officer asks the person whether the person is willing to participate in the program. The person must answer affirmatively and must indicate that they/he/she is prepared to accept appropriate responsibility for the offense.

D. Victim Notification. If the crime or municipal-code violation has a victim, personnel with the CJC will inform the victim that the case has been referred to the CJC RJP. If after a full discussion of the options available through the CJC the victim is unsupportive of this referral, the case will be returned to the BPD for prosecution. Victims may also request that the BPD directly refer the case to Pre-charge Diversion.

E. Prosecutor Notification. The CJC will, in writing, inform the Office of the Chittenden County State's Attorney of each case that has been referred, including the name of the offender(s), the date of the offense(s), and the offense type(s).

F. Offense Types. When an officer arrests or issues a citation to an offender for any of the following charges, and there is no felony charge or allegation of concurrent misdemeanor Domestic Assault involving intimate partner violence, and the offender meets the criteria in A through C above, the following charges WILL be sent to the CJC, absent specific reasons for exception that are approved by a supervisor:

- Retail theft under \$300 (13 VSA § 2575)
- Unlawful Mischief under \$500 (13 VSA § 3701)
- False personation / pretenses (13 VSA § 2001)
- Petit larceny under \$500 (13 VSA § 2502)
- Bad checks / insufficient funds (13 VSA § 2022)
- Simple assault (13 VSA § 1023)
- Disorderly conduct (13 VSA § 1026)

- Disturbing peace by telephone or other electronic communications (13 VSA § 1027)
- False reports to law enforcement authorities (13 VSA § 1754)
- Unlawful Trespass (13 VSA § 3705)
- Burglary of an unoccupied premises (13 VSA § 1201)
- Possession of stolen property (13 VSA § 2561)
- Theft of services (13 VSA § 2582)
- Possession of deadly weapon in school (13 VSA § 4004)
- Possession Drugs (18 VSA § 4234)
- Negligent operation (23 VSA § 1091 a)
- Excessive speed (23 VSA § 1097)
- Leaving the Scene of an Accident (LSA) (23 VSA § 1128 a)
- Alcohol consumption (Municipal Code 21-37, 21-38, 22-22)
- Other offenses subject to agreement by the BPD and CJC

The BPD may also refer civil violations and neighborhood and school conflicts as deemed appropriate.

Section 4. Criteria for Non-Acceptance

The CJC may return a case to the BPD in the following instances:

A. Refusal to acknowledge accountability. The CJC may return the case if the offender does not acknowledge that he/she/they committed the offense. The BCJC does not offer a court process that determines guilt or innocence. If the offender denies the charge(s), the offender will be advised that the RJP cannot be of assistance and that the Court is the proper venue to hear from any person who claims to have been wrongly accused. The case will then be sent back to the referring officer with an explanation of why the CJC cannot accept the case.

B. Domestic and sexual violence. Any case involving intimate partner and/or sexual violence will be returned.

C. Greater harm. Members of the CJC staff and/or RJP believe the process could be harmful to the victim, offender, program volunteers, or the larger community. The Burlington CJC will consider whether other restorative approaches may be more appropriate.

D. Failure to appear. The offender refuses to participate in the process and/or is unreachable (after repeated phone/text/email/direct outreach attempts).

E. Lack of victim approval. As stated in 3. D., above, if a victim is unsupportive of the case being referred to the CJC RJP, the case will be returned to the BPD for prosecution.

Section 5. Case Flow

A. Offense. When a BPD officer handles an offense eligible for the CJC RJP, the officer will give the offender contact information for the CJC RJP Adult Restorative Services Manager. This must be documented in the officer's narrative, e.g., "RJP explained to suspect and contact information provided."

B. Officer's report. The officer will complete a narrative (that can become an affidavit if necessary) and the name jacket(s) for all offenders involved. The paperwork must be completed within five calendar days of the incident. A supervisor will review the incident for referral.

C. Referral. Once the report is approved by a supervisor, clerks in the Records unit or the Uniform Bureau Support and Administrative Coordinator (UBSAC) will email the incident narrative and name jacket(s) to the CJC with the RJP cover sheet containing contact and demographic information for both the person responsible and for the victim. Offenders are encouraged to contact the CJC within seven (7) days from the referral date to participate.

D. Completion. Upon completion of the RJP process, or earlier if specifically requested by the officer, the CJC will forward a case-status report to the referring officer and UBSAC.

Section 6. Confidentiality of Police Referrals

All information provided by the BPD to the CJC is considered the responsibility of the CJC . The CJC does not share copies of information in any format. In youth cases CJC staff, Support Center staff, and Student Assistant Program Coordinators are able to collaborate on and freely communicate without a release about non-criminal incidents that happen on Burlington School District campuses.

Upon referral to the CJC, the matter shall become confidential. All information related to any offense gathered in the course of the process shall be held strictly confidential and shall not be released without the person's prior consent, except under the following conditions:

1. Where there is a threat or statement of a plan that a person may reasonably believe is likely to result in death or bodily injury to themselves or others or damage to the property of another person.
2. When disclosure is necessary to report bodily harm any party causes another during restorative justice programming.

3. When disclosure to other community-based restorative justice providers is necessary to facilitate coordination for an individual who has more than one active referral before different community justice providers.
4. Where there is a reasonable suspicion of abuse or neglect of a child or vulnerable adult and a report is made pursuant to the provisions of 33 VSA § 4914 or 33 VSA § 6903 or to comply with any law.

Section 7. Completion Procedures

A. Failure to complete. If the offender does not contact the CJC, does not respond when contacted by the CJC, or does not complete the RJP process, the case will be referred back to the BPD for prosecution. When returning a case, the CJC will email a formal “referral-back letter” as an attachment to the referring officer and the UBSAC and the Office of the Chittenden County State’s Attorney. The UBSAC will forward the letter to the Records unit. The Records unit will attach the letter to the case file. The officers will refer the case to the Chittenden County State’s Attorney’s Office for prosecution.

B. Successful completion. Upon successful program completion, the CJC emails a formal completion letter within seven (7) days as an attachment to the referring officer, the UBSAC, and the Records unit. The BPD will consider the matter closed. The Records unit attaches the letter to the case file and follows the checklist outlined in Appendix A, which includes:

1. Altering the reference to the offender in the Valcour Records Management System (RMS) by changing the offender’s role to “Other.”
2. Notifying the VCIC to remove fingerprints and the arrest record. Notification should be submitted within seven (7) days of receiving notice of successful completion from the CJC. The CJC should be copied on the notification.

Section 8. Special considerations

In consideration of the community volunteers who give their time to make this program possible, and the need to screen these volunteers adequately, the BPD agrees to assist with checking the criminal histories of all CJC volunteers. This will be done through the Vermont Crime Information Center’s (VCIC) online portal. It is understood that such checks will only include a list of any convictions in the state of Vermont.

For potential volunteers who have lived outside of the state of Vermont, the BPD will assist the CJC with obtaining a fingerprint-supported background check by fingerprinting the potential volunteer free of charge and submitting the FAC form to VCIC. The CJC will be responsible for paying the federal fee charged by VCIC. It is understood that the typical turnaround time for

such requests is 1-2 weeks. The CJC will be responsible for scheduling volunteers' fingerprinting, and for submitting necessary paperwork to the BPD Records unit. The contact person for this will be the Deputy Chief of Operations and/or the Community Service Manager.

Section 9. Amendment/Termination of Memorandum

This MOU shall remain in effect from the date signed unless or until any party to the agreement requests amendment or termination in writing. It is recommended that this agreement be revisited annually.

In witness whereof, this Agreement has been executed and is effective as to each of the parties as herein provided.

Burlington Police Department

Jon Murad, Chief of Police

Date: Aug 09, 2024

Burlington Community Justice Center

Rachel Jolly, Director

Date: Aug 13, 2024

###

Appendix 15: All BPD Positions, Sworn and Professional

	SWORN POSITION		# AUTH	# ON STAFF
1	Chief		1	1
2	Deputy Chief		2	1
3	Lieutenant		6	6
4	Sergeant		11	5
5	Police Officer		67	50
			87	63

	PROFESSIONAL POSITION	GRADE	# AUTH	# ON STAFF
1	Application and Technology Support Specialist	15	1	1
2	Assistant Director of CAIP	24	1	1
3	Beach & Parks Patrol (seasonal)		x	x
4	Burlington CARES Clinical Supervisor	20	1	1
5	Burlington CARES Clinician	19	2	1
6	Business Manager	20	1	0
7	Command Assistant	15	1	1
8	Community Service Manager (CSM)	18	1	1
9	Community Service Officer (CSO)	15	11	6
10	Community Support Liaison (CSL)	18	6	6
11	Community Support Supervisor (CSS)	20	1	1
12	Criminal Identification Technician	18	2	2
13	Digital Media Redaction Specialist	14	1	1
14	Domestic Violence Victims Advocate	17	1	1
15	Emergency Communications Manager (ECM)	19	1	1
16	Emergency Communications Specialist (ECS)	17	14	12
17	Executive Manager	21	1	1
18	Inventory Control Specialist	16	1	1
19	Police / Fire Accountant	18	1	1
20	Police Receptionist	13	1	0
21	Police Recruitment and Hiring Coordinator	16	1	1
22	Public Info & Community Engagement Coordinator	18	1	1
23	Records Clerk	[13]	4	4
24	Senior Network Administrator	19	1	0
25	Training and Special Projects Coordinator	18	1	1
26	Uniform Bureau Support & Administrative Coordinator	16	1	1
			58	47
			145	110

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CHIEF'S DRAFT OF PROPOSAL –
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**CHIEF'S DRAFT OF PROPOSAL –
NOT CURRENTLY IMPLEMENTED**

114

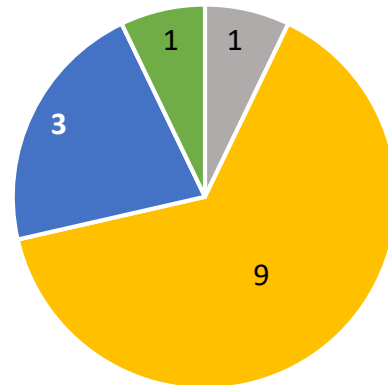
Appendix 17: Sworn Officer Tenure

These charts show the current tenure of the 14 supervisors currently employed by the BPD (although two of these are on terminal leave). We have an unusually high number of supervisors who are relatively early stages of their careers. This is exacerbated by the Tier 3 rules that prevent pension collection prior to age 50. A 35-year-old lieutenant hired at 22 will be eligible for a half-pay pension at 42, but cannot claim it for another eight years. He can work another five, and “max out” the pension, but even then he would be 47 and would still not be able to collect for three years. While this change has been described as an actuarial necessity, owing to people living longer lives, and may have also been intended as “golden handcuffs,” it actually disincentivizes longevity if other options exist for our hypothetical lieutenant.

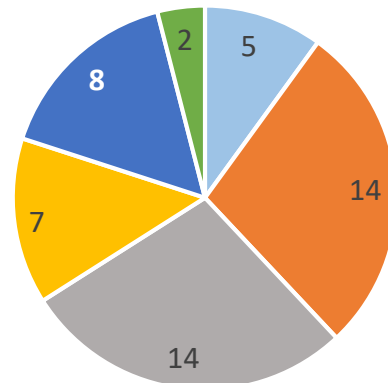
Officer tenure is more evenly distributed, but there is a gap in the historic presence of more seasoned “senior corporals,” the experienced officers who did not pursue supervisory roles but nevertheless create cultures of competence.

The good news about the tenure distribution of the department as a whole is that the BPD will see fewer tenure-based retirements over the next few years. Assuming officers do not leave prior to their service retirements (i.e., a minimum of 20 years’ service), this may provide an opportunity to keep officers and build on the foundation they provide.

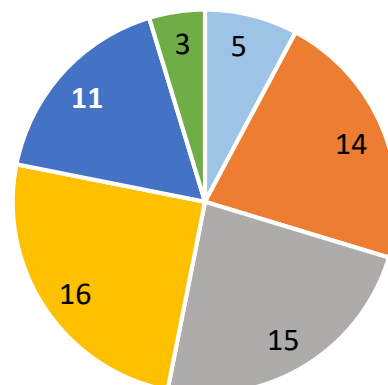
SUPERVISOR TENURE



OFFICER TENURE



ALL SWORN TENURE



> 1 year ■ 1-5 years ■ 6-10 years ■ 11-15 years ■ 16-20 years ■ 20+ years ■



**POLICE DEPARTMENT
CITY OF BURLINGTON**

TO: City Council President Benjamin Traverse
FROM: Police Chief Jon Murad
DATE: Thursday, December 5, 2024
RE: **Report Requested by Resolution 6.9 of September 9, 2024**

“BE IT FURTHER RESOLVED that the Chief of the Burlington Police Department, with input from BPD leadership, members of the BPOA, and other community partners, shall present a report to the City Council on or by December 9, 2024...”¹

In preparing this report I consulted with Burlington Police Department (BPD) leadership, particularly Deputy Chief Brian LaBarge, Executive Manager Shannon Trammell, and Assistant Director, CAIP, Lacey-Ann Smith. I also consulted with the Burlington Police Officers Association (BPOA), particularly executive board President Joseph Corrow. I have also met, spoken, and communicated with community members, business owners, and advisors, and incorporated input from those conversations. Ultimately, however, this document contains my analyses and conclusions as Chief of Police, based on five years in the role and twenty years in the profession.

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¹ From the *Resolution Relating to Improving Recruitment for Emergency First Responders and Reexamining the “Cap” on the Number of Sworn Police Officers and Burlington Police Department Personnel*, September 9, 2024, lines 64 to 66.

I. EXECUTIVE SUMMARY

On June 29, 2020, the Burlington City Council resolved to reduce the authorized headcount of the Burlington Police Department (BPD) by 30%, from 105 to 74 sworn officers, via attrition. Since the beginning of Fiscal Year 2021 on July 1, 2020, the BPD has lost 58 sworn police officers. In that time, it has hired 30 officers. As a result, headcount has fallen from 92 on July 1, 2020, to 64 on December 1, 2024.

This unprecedented decline has placed the BPD in four-and-a-half years of crisis—a crisis we still face every day. Currently, 64 officers are being asked to police Vermont’s largest city—a city of 15 square miles, 44,000 residents, and workers, students, and visitors who routinely double that population. The number of non-supervisory officers on patrol, who answer the vast majority of calls for service, is half what it was in 2019.

Since the reduction, many high-stakes or high-impact incidents have increased substantially. There have been more robberies, simple assaults, and burglaries. Comparing the 53 months preceding July 2020 to the 53 months since, aggravated assaults are up 44%; aggregated larcenies and retail thefts are up 76%. Although numbers are small, murder and attempted murder have tripled. Stolen vehicles, gunfire incidents, and overdoses are up 364%, 369%, and 371%, respectively.

To ease officers’ workload, confront our city’s issues with crime and public order, and restore responsive community connectivity to Burlington, the BPD should once again be authorized for 105 sworn officers.

Absent extraordinary spending, however, recovering to this number may take several years. An optimistic projection shows 84 is possible by the end of FY28, although it requires the BPD to exceed its best-ever year repeatedly for five years in a row. The regrowth would be aided by an explicit, official admission by the City that the decision to reduce the department was an ill-considered, destructive experiment, and an explicit, official rejection of the 74-officer cap created by that decision and a rejection of the current cap of 87, as well. In reference to the resolution that occasioned this report, the BPOA stated that removing the cap would “signal to potential applicants that the City Administration is committed to investing in the Department and making it a better place to work.”

II. BACKGROUND

On June 29, 2020, the Burlington City Council resolved to reduce the authorized headcount of the BPD by 30%, from 105 to 74 sworn officers.² Eschewing layoffs, the Council ordered the reduction through attrition. The resolution also removed school resource officers, or SROs, from schools in the Burlington School District. It was preceded by three weeks of online public meetings in which caller after caller used the phrase “Defund the Police,” and repeated demands informed primarily by an online letter to the Mayor, the City Council, and the Police Commission from the Racial Justice Alliance. That letter demanded “an immediate 30 percent reduction in uniformed officers.”³

The police department took the nine-to-three vote for the resolution as a vote of no confidence from the city. Officers—who had dedicated their careers to Burlington; who were proud of their innovative, compassionate department; and who felt existentially stung by the speed and breadth of what they saw as an undeserved, impulsive local overreaction to national events—resigned in droves. Their exit questionnaires tell this plainly. (See Appendix 01) From July 1, 2020, through December 1, 2024, the BPD lost 58 officers.

Another way of contextualizing that is to note that the BPD has lost a number of officers equivalent to 90% of our total current count.

The 30% reduction was based mostly on a Governing.com webpage that showed officer-to-population ratios for American cities with populations fewer than 50,000. At every stage, then-Mayor Miro Weinberger argued against the reduction. His FY21 budget proposed “capping” the BPD at the number of officers who were on the books on June 29, 2020. That would have been an 11% reduction from the FY20 authorized headcount of 105 officers, but it was unacceptable to those seeking a different kind of police reform.

In December 2020, in a presentation to the City Council, I articulated concerns about staffing, made predictions about our increasing inability to handle lower-level calls for service, and asked the Council to amend the cap.⁴ A month later, on January 22, 2021, I presented the

² “BE IT FURTHER RESOLVED that the Burlington Police Department decrease through attrition, allowing officers to elect of their own accord to retire or leave for other reasons, the maximum total number of uniformed police officers by 30% from 105 to 74 uniformed officers” from the *Resolution Relating to Racial Justice Through Economic and Criminal Justice*, June 29, 2020, lines 51 to 53. Three councilors unsuccessfully voted to reduce the headcount even further—to 63 by July 1, 2022—a number that turned out to be eerily prescient.

³ See <https://www.vtracialjusticealliance.org/2020/06/letter-to-burlington-mayor-city-council-and-police-commission/>, dated June 8, 2020, and <https://www.vtracialjusticealliance.org/2020/06/operation-phoenix/>, dated June 12; both links active and retrieved as of December 1, 2024.

⁴ See <https://vtdigger.org/2020/12/21/burlington-police-chief-asks-for-more-officers-after-30-mandated-cut/>

Public Safety Continuity Plan.⁵ The plan proposed augmenting the Community Service Officers, or CSOs, and also introduced the Community Support Liaison (CSL) position. It also requested that the 74-officer cap be raised, in order to permit hiring and stall the staffing freefall.

This pilot Public Safety Continuity Plan proposal represents a middle path. It is a *shorter-term* solution, not a short-term solution. *It is a good plan done in time, rather than a best plan done too late.* It can continue to be honed based on the results of the two assessments currently planned under the auspices of the Joint Committee of the City Council’s Public Safety Committee and the Burlington Police Commission (the “Joint Committee”). One of these assessments—a “full operational and functional assessment” of the BPD—was described in the Resolution re Racial Justice Through Economic and Criminal Justice eight months ago, but the Joint Committee has yet to commence either the operational assessment or the facilitator assessment.

On February 8, 2021,⁶ the City Council adopted the CSO/CSL parts of the plan, but voted not to alter the cap. At the same meeting, the Council moved forward with the firm CNA to begin the assessment.

In May 2021, owing to falling staffing and rising incident volume, I created and implemented the Priority Response Plan. I updated it in 2022 and 2024,⁷ and it remains in place.

On August 9, 2021, members of the Council tried again to raise the cap, but despite support from Mayor Weinberger and the Police Commission, the resolution was again rejected.⁸

In Oct 2021, after receipt of the CNA Report, the council raised the cap on officers from 74 to 87. By that time, the BPD had already begun to hire not because of the raised cap but because the agency had fallen below 74—headcount was 70 on October 1, 2021. From then to July 1, 2022, the agency hired three officers but lost ten. Headcount bottomed out at 61.

It was not until a new police contract was ratified on July 26, 2022, that the BPD began to increase again. We are now working to rebuild, but progress has not been as strong as desired. Since being allowed to hire again in autumn 2021, the BPD has hired 30 sworn employees. Of those, we currently retain 19, or 63%.

⁵ See <https://www.burlingtonvt.gov/DocumentCenter/View/1593/The-Public-Safety-Continuity-Plan-PDF>

⁶ See <https://vtdigger.org/2021/02/09/burlington-mayor-fails-to-boost-officer-cap-to-84/>

⁷ See <https://www.burlingtonvt.gov/DocumentCenter/View/993/2024-BPD-Priority-Response-Plan-PDF>

⁸ See <https://vtdigger.org/2021/08/10/burlington-city-council-rejects-raising-police-officer-staffing-cap-for-second-time/>

III. POINT-BY-POINT RESPONSE TO RESOLUTION 6.9 OF SEPTEMBER 9, 2024

Responding to the resolution raises challenging questions about funding, for which this report does not provide a solution. In the first months of her administration, Mayor Emma Mulvaney-Stanak was faced with and overcame a tremendous, unanticipated budget gap. Despite this, she provided strong funding to the BPD and embraced its need to regrow. In writing this report I acknowledge that effort and that support, and also acknowledge that the City continues to face thin margins. Nevertheless, as I see the task set by the Council, it is to recommend things that could or should be done in service of the singular objective of rebuilding the BPD—not necessarily things that can be done, or even how to make them happen.

With few exceptions, each proposal for how to address our staffing crisis boils down to money. The more urgent the need, the more money it will require. The business maxim “cheap, fast, or good—pick two” applies. Burlington needs to rebuild its police department, from its personnel to its facility, and it needs to do so quickly, and that will be expensive.

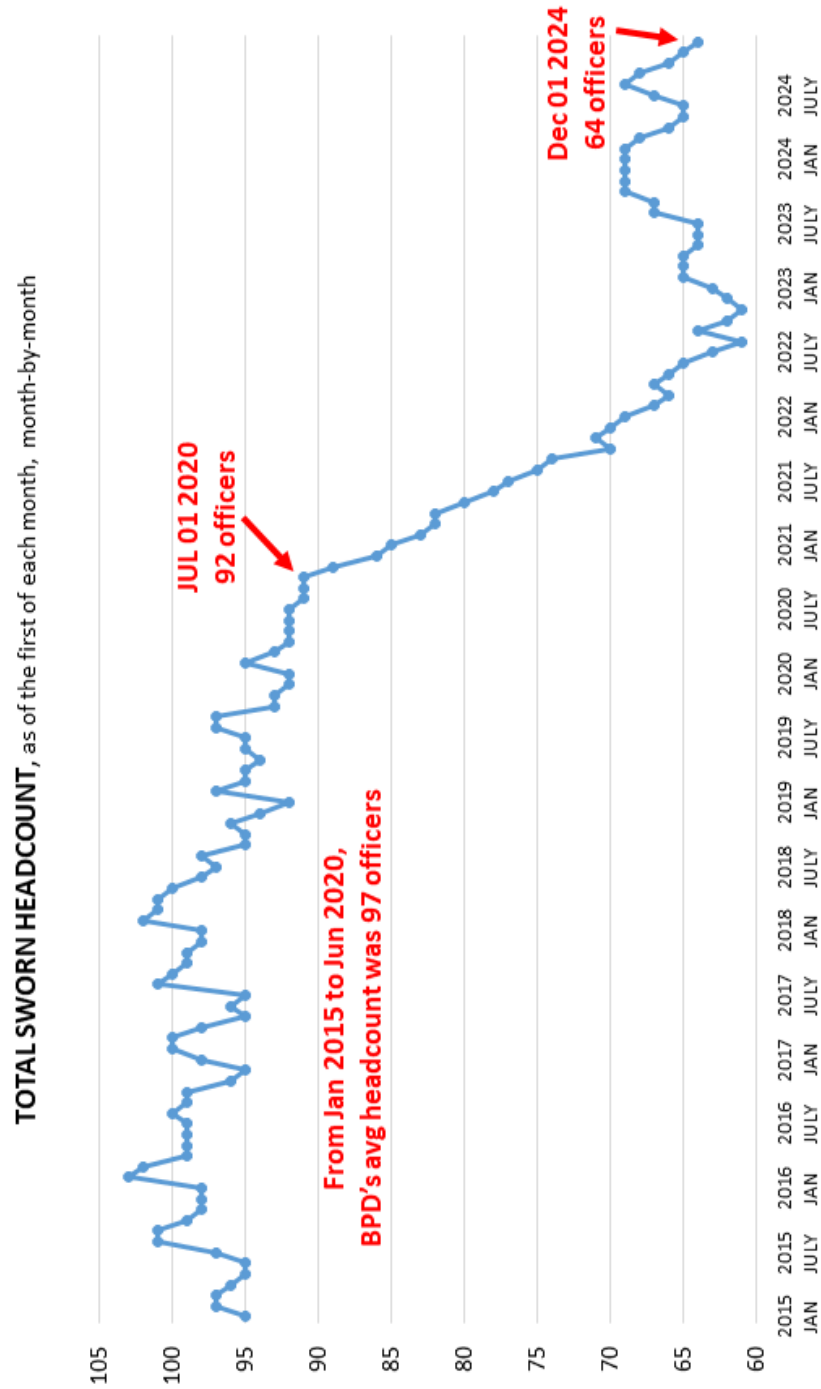
As of December 1, 2024, the BPD has 64 sworn officers, of whom 58 are “effective” and able to be deployed.⁹ An additional loss is anticipated: I expect we will end the calendar year with 63 officers. Historically, from 2015 to 2020, the BPD maintained a monthly average headcount of 97. In other words, headcount is down 30% from historic averages. (See Chart 01 on the following page)

The reduction of non-supervisory patrol officers is worse, however. In 2024 there are half as many non-supervisory patrol officers as there were in 2019. Patrol officers respond to the vast majority of calls for service, and while there are 50% fewer patrol officers than in 2019, there are 6% more incidents. (See Appendix 02)

Higher numbers of police mean less crime. (See Appendix 03) In this context, Burlington’s experience since 2020 is a case-study waiting to happen. Furthermore, even as headcount has fallen, demands on the police have substantially increased. Comparing the 53 months preceding July 2020 to the 53 months since, many high-stakes or high-impact incidents have increased substantially. There have been more robberies, simple assaults, and burglaries. Aggravated assaults are up 44%; aggregated larcenies and retail thefts are up 76%.

⁹ Examples of officers who are not “effective” are officers on long-term military leave, recruit officers at the Vermont Police Academy, officers on field training who cannot operate independently of their field trainer, officers on limited duty owing to pregnancy, etc.

Chart 01



Although numbers are small, murder and attempted murder have tripled. Stolen vehicles, gunfire incidents, and overdoses are up 364%, 369%, and 371%, respectively. (See Chart 02)

	2/1/2016 to 06/30/2020	7/1/2020 to 12/01/2024
Assault – aggravated	200	288
Assault – simple	737	775
Burglary	759	819
Gunfire	16	75
Larceny/retail theft	4,648	8,165
Murder / att murd	9	29
Overdose	306	1,440
Robbery	87	92
Stolen vehicle	214	994

Chart 02

Burlington’s most important goal should be getting sworn-officer headcount back to effective numbers that produced much more effective public safety for decades. Without this, the BPD’s other efforts will be for naught. This includes ongoing work to develop alternative means of response such as the Crisis Advocacy Intervention Programs, or CAIP, which includes the CSLs. As the practitioners themselves have attested, those programs cannot

exist without a healthy police service. If we could hire 20 police officers tomorrow, it would be the single-most important thing to do for public safety and make a massive difference in our public safety posture.

Many other municipalities have had to make hard decisions—or been required to make such decisions—around funding police. In Missouri, for example, where suburbs surrounding Kansas City have been alarmed at the city’s crime trends and what it means for the region’s economic seat, a statewide vote in August required Kansas City to increase its police department’s budget and “spend at least 25% of [the city’s] general revenue on police, amounting to tens of millions of dollars per year.”¹⁰ A similar state intervention occurred in Austin, Texas.¹¹ (For reference and comparison, in Burlington the police department budget is 17% of the total general fund budget.¹²)

The split between Kansas City and the capital in Jefferson City, Missouri, is entirely different from the relationship Burlington enjoys with Montpelier, and nothing so shocking is on our horizon. But it illustrates an extreme example of how a linchpin city can affect a region. As in Missouri, Burlington’s situation impacts the wider region. Our city is home to Vermont’s largest educational institutions, its largest hospital, its international airport, its most vibrant restaurant-and-nightlife scene, and a host of businesses, service-providers, and cultural mainstays. These need a safe, welcoming, orderly environment to thrive. They need effective public safety.

¹⁰ See <https://missouriindependent.com/2024/08/06/missouri-voters-approve-amendment-requiring-more-police-spending-in-kansas-city/>

¹¹ See <https://www.kxan.com/news/texas-politics/texas-legislature-responds-to-austin-police-budget-cuts-set-to-punish-cities-that-defund-police/>

¹² The total general fund, \$108,176,243; the police department’s budget is 17,851,103. See <https://www.burlingtonvt.gov/DocumentCenter/View/1727/4--Total-General-Fund-Budget> and <https://www.burlingtonvt.gov/DocumentCenter/View/1738/17---Police>

Accordingly, the most important task in front of the Queen City should be bringing aboard new police officers. Failure to make progress on this will accelerate many of the city's current challenges, particularly those associated with public order and personal safety, but also those associated with reputational deficit. In communications with business leaders while preparing this report, those leaders have asserted that diminished police presence and response, the sense of peril, and a pervasive lack of public order has led to diminished economic activity and store closures, particularly on the Marketplace. Community-based organizations have expressed similar concerns.¹³ Lastly, and most crucially for a police department that cares about victims, when there are too few officers it most deeply affects the most vulnerable, who use police services the most and in extremis. Important parts of our community have felt underserved and even abandoned over the past four-and-a-half years. We owe it to them to make better connections, to hear their concerns, and come when they call. We cannot do that fully with the numbers we currently have.

A. AN UPDATE ON CURRENT STAFFING LEVELS. As of December 1, 2024, the BPD has 64 police officers. Of those, 58 are "effective," in that they are available for immediate deployment as fully certified officers.

One concern that has recently come into starker relief, owing in part to my intention not to seek reappointment, is the BPD's levels of supervision. (See Appendix 04) Although the staffing crisis is most acute on patrol, it is also felt in our supervisory ranks. The leaders we have are excellent, but they are too few. For some time the department has had to operate with five sergeants rather than the eleven it is allotted. We have five lieutenants rather than six. And we currently have one deputy chief rather than two (and the one who remains is expected to retire in the spring, shortly after I do). Because of this, we have taken the unusual step of posting externally for the deputy chief position (Appendix 05).

B. AN UPDATE ON ONGOING RECRUITMENT EFFORTS. Chart 03, on the following page, shows total sworn-officer hires from 2010 to 2024 YTD. It also shows the number of officers from each of those annual hiring cohorts who are still currently employed by the BPD. Of all 140 officers hired since 2010, we have retained 36% as of December 1, 2024. (As noted earlier, 30 of those were hired since autumn 2021. Of those, we currently retain 19, or 63%.)

Chart 04, on page ten, breaks down the hiring data to compare recruit hiring to lateral hiring for the same period. It, too, shows the number of officers from each annual hiring cohort who are still employed. All recruit officers must attend the Vermont Police Academy (VPA), which has two classes per year, in February and August. Accordingly, the BPD hires for those classes in

¹³ In particular, I was influenced by input from an October 10 meeting with King Street Center Executive Director Shabnam Nolan. She shared what the Center is experiencing, including the fact that 50% of the Center's teens feel unsafe walking home. <https://www.kingstreetcenter.org/fall2024>

January and July. Lateral officers—i.e., officers with previous experience who do not have to undergo the full, 16-week training at the VPA—can be hired at any time of year. Lateral officers include officers from other agencies, often from police departments in other states, as well as BPD officers who leave but choose to return.

It's worth noting that retention for lateral officers is higher than for recruit officers. Lateral officers are more familiar with the vagaries of police work and better prepared for its vicissitudes.

In FY23 \$250,000 was allocated for recruitment efforts, and in January 2023 the City posted a request for proposals seeking a recruitment firm. The most qualified respondent to the RFP sought a sum that, frankly, gave me and then-Mayor Weinberger pause. Furthermore, between the strong work of our recruitment team and the strong new contract, the BPD saw sufficient hiring success in 2023 that it did not use the allocation, which carried over into FY24.

YEAR	TOTAL IN	Of total hired, # still employed as of 12/01/24
2010	8	2
2011	13	4
2012	4	1
2013	13	5
2014	12	3
2015	10	1
2016	13	4
2017	9	2
2018	12	4
2019	12	3
2020	5	3
2021	1	1
2022	7	5
2023	15	8
2024*	7	5
TOTAL	141	51 (36%)

* 2024 shown through Dec 01, 2024

Chart 03

In 2023, our recruitment team—Recruitment Officer Corporal Carolynne Erwin and Recruitment Coordinator Anhad Bajwa¹⁴—hired 15 sworn officers, the most in more than three decades. Accounting for nine retirements and resignations, the BPD began 2023 with 61 sworn officers and ended the year with 69. This includes 11 recruit officers and four lateral officers.

The hiring success in 2023 extended beyond sworn officers and into our professional ranks, as well. In all, the BPD hired 32 new employees in 2023. This was more people than in any other year for which we have records. It included the 15 sworn officers mentioned above, as well as five Emergency Communications Specialists (dispatchers), five CSOs, four CSLs, a Public

¹⁴ Sadly, Recruitment Coordinator Bajwa left us in October to relocate out of state. Additionally, Corporal Erwin has chosen to leave the post in January and will retire in July. Officer Sergio Caldieri, one of our best trainers and most highly educated officers, has been assigned to the recruitment role and is currently shadowing Corporal Erwin.

YEAR	RECRUIT HIRES		Of recruits hired, # still employed as of 12/01/24	LATERAL HIRES	Of laterals hired, # still employed as of 12/01/24
2010	8		2	0	
	Jan: 2	Jul: 6			
2011	9		3	4	1
	Jan: 8	Jul: 1			
2012	3		1	1	0
	Jan: 2	Jul: 1			
2013	9		3	4	2
	Jan: 7	Jul: 2			
2014	11		3	1	0
	Jan: 7	Jul: 4			
2015	6		0	4	1
	Jan: 2	Jul: 4			
2016	8		2	3	2
	Jan: 4	Jul: 4			
2017	10		3	1	0
	Jan: 4	Jul: 6			
2018	10		2	1	1
	Jan: 4	Jul: 6			
2019	9		3	3	0
	Jan: 6	Jul: 3			
2020	4		2	1	1
	Jan: 4	Jul: 0			
2021	1		1	0	
	Jan: 0	Oct: 1			
2022	5		3	2	2
	Jan: 2	Jul: 3			
2023	11		5	4	3
	Jan: 6	Jul: 5			
2024*	5		3	2	2
	Jan: 1	Jul: 4			
	109		36	31	15
			33%		48%

* 2024 shown through Dec 01, 2024

Chart 04

Information and Community Engagement Coordinator, a Technology Support Specialist, and a Recruitment Coordinator.

While the main focus of this report is sworn-officer staffing, the success story in our Emergency Communications Center, or ECC, is worth noting. The BPD is allotted 14 dispatchers, but had fallen to four in 2022. The BPD ECC dispatches both police and fire—more than 40,000 calls for service per year. Typically there are two “Police Desks” and one “Fire Desk,” meaning the ECC is staffed by three dispatchers at any given time. Thanks to the recruiting team’s work, we currently have eleven dispatchers.

In 2024 so far, the BPD has hired 22 new employees, including four dispatchers, four CSOs, two CSLs, two members of the CARES team, two Records Clerks, and a Command Assistant.

Unfortunately, only seven sworn officers were hired in 2024, and thus far 12 have separated. This loss of momentum has put us off the forecasts Mayor Weinberger and I offered as part of the FY24 budget, forecasts that showed a path to more than 80 officers by late FY26.

During the budget process for FY25, I articulated a similar set of goals to Mayor Mulvaney-Stanak, who adopted them. On October 28, 2024, she included hiring in a document presented to the Council, “Mayor Mulvaney-Stanak's Administration Goals and Values FY25/First Term.”¹⁵ That document explicitly articulated a goal of increasing sworn-officer headcount to 77 sworn officers by the end of FY25, which would have been ten more than the officer count of 67 that existed during the budget process. Unfortunately, since developing the budget in May, it has become clear that there is no reasonable path to achieving these staffing numbers in FY25. The BPD began 2024 with 69 officers and is projected to end with 63. An increase of 14 officers in the first half of 2025 (i.e., the second half of FY25) is unlikely. When accounting for anticipated FY25 Q3 and Q4 separations that have yet to occur, the number by which the BPD would need to increase is not actually 14, it is 16 or more. Nevertheless, I am grateful that the Mayor has made clear that, if we are able to hire that number—or more!—she will find the budget for it.

Regarding the loss of hiring momentum in 2024, I am uncertain of its cause. In a New Year’s Day memo to the BPD on January 1, 2023, I wrote

I believe we’ve turned a corner in staffing too. We end the year at 63 sworn officers, which is slightly higher than the estimates I provided in the Rebuilding Plan and FY23 budget. We’re losing some officers in the next few weeks, but we’ll be gaining more than we lose as former officers return and as we prepare for the February Academy. Here’s my prediction: In 2022, we lost 13 officers but gained seven. In 2023 we will lose nine but gain 15. We will end the year with 69 police officers.

In 2023, that prediction turned out to be spot on. Growth is a function of retention and recruitment, and in 2023 there were factors that improved both, including the BPD’s best-in-the-region contract and the defeat of Proposition 7.

In a New Year’s Day memo to the BPD on January 1, 2024, I wrote

The change we continue to need is rebuilding. We cannot live up to our neighbors’ public safety expectations—and our own—without proper staffing. We ended 2023 with 69 sworn officers, just as I predicted in Memo 2023-01 last year. To put that in context, we brought in 15 sworn officers. That’s the largest number in well over a decade. And we’ve kept 13 of those hires. It’s true that we also lost valuable teammates—nine total. ... In February 2024, our first VPA class won’t hit the numbers we saw in February ’23. But

¹⁵ See CivicClerk, <https://burlingtonvt.portal.civicclerk.com/event/7131/files/attachment/6695>

I'm confident we'll bring in 11 sworn officers in 2024. I anticipate we'll lose five. And I predict that we'll be at 75 sworn by the end of the year.

In 2024, that has not borne out. Regarding recruitment in 2024, sworn-officer applications were down significantly, as shown at right in Chart 05. As a result, we did not hire 11 as predicted, we hired seven. And rather than losing five, we lost 13. The unanticipated separations stemmed from a range of factors: an officer who moved to the Shelburne Police Department; a lateral officer who returned with his family to Texas; an officer in field training who expressed exasperation at the workload and paperwork requirements and returned to Florida; an officer on field training who expressed dismay about our agency's operational pace and moved to the University of Vermont Police Department; an officer who wanted to be an SRO and moved to another police department that has the role.

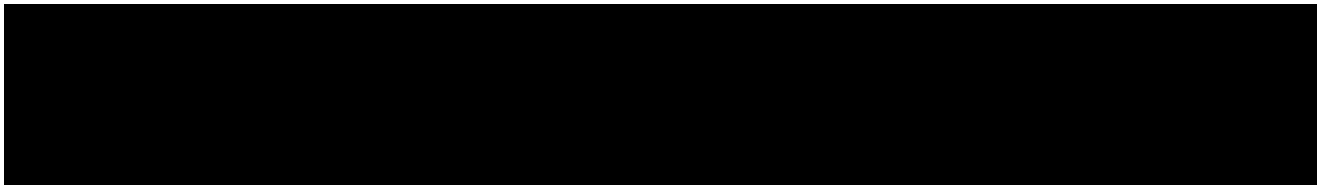
	APPLICATIONS RECEIVED BY BPD	OF THOSE RECEIVED, # HIRED
2021	53	3
2022	142	15
2023	119	8
2024*	53	3

Chart 05

We have tried and are trying to overcome the dearth of applications, including new levels of advertising. In March, Corporal Erwin and Coordinator Bajwa got a full-page, centerfold ad placed in the New York Post, the most-read tabloid in New York City, with the ninth largest circulation in America. At the end of the summer, we contracted with Horizon Visual Media, a video-production company from Maine, which came to Burlington and made high-quality video content for us. We are also in negotiations with a company called All-Star Talent for an online recruiting campaign where we would use that content. All-Star Talent was featured in several presentations at the recent International Association of Chiefs of Police (IACP) conference, receiving high marks from satisfied agencies. Looking to the \$250,000 that had been reserved in FY23 and again in FY24, we set aside \$100,000 to fund sign-on bonuses. (In September 2021, the City Council approved retention and recruitment bonuses using funds from the American Rescue Plan Act, and the ARPA-backed recruitment bonuses have been expended or otherwise accounted for.) We have also used approximately \$40k from this fund to pay for the Horizon videos. In FY25 the City Council allocated an additional \$100,000 for recruitment efforts and the BPD will be using a majority of that for a social-media advertising campaign and new recruitment website.

Redacted 1 V.S.A. 317(c)(15)

In addition to these efforts, there are two additional programs that could enhance recruitment. Neither is currently in progress or implemented. (See Appendix 06 and Appendix 07)



In addition to sworn officers, both recruits and laterals, we are also working to replace both of our Deputy Chief positions, and have engaged in targeted advertising for those roles, specifically via the IACP and the Police Executive Research Forum (PERF). We have already received applications and expect to begin a vetting process at the beginning of January.

C. A REVISED RECOMMENDATION ON THE NUMBER OF UNIFORMED SWORN POLICE OFFICERS. The BPD should once again be authorized for 105 sworn officers.

The BPD's current staffing is inadequate. Sixty-four officers is manifestly too few. The BPD is unable to be as responsive as in the past (see the Priority Response Plan), some city crimes and conditions have deteriorated compared to the past (see Chart 02, page 7), and officers are exhausted. As of December 3, 2024, which is 43% of the fiscal year, the BPD's Uniform Services Bureau has used 53% of its overtime (budgeted \$900,000 for the fiscal year) and Airport Services has used 54% of its overtime (budgeted for \$60,000). Combined police overtime, which includes patrol, detectives, the drug unit, etc., is 53% expended for the year. This is slightly more than in years past, and it's also being borne by fewer officers.

We are asking too few officers to do more than they are able. And yet they do, a fact that routinely amazes me. That said, there is no unassailable method of determining headcount. The IACP states, "Ready-made, universally applicable patrol staffing standards do not exist. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions."¹⁶ At one end, the CNA Report used 2019 incident volume data and a 12-hour shift

¹⁶ See <https://www.cpsm.us/police-staffing-standards-are-a-myth-experts-say/>

system, the so-called “Pitman schedule,” to recommend 88 officers (with the airport), 40 of them assigned to patrol. But CNA failed to account for the Valcour system’s inability to track anything other than an officer’s time on scene, and therefore drastically underestimated administrative time as well as training time. [REDACTED]

[REDACTED]¹⁷ At the other end, an older staffing analysis conducted by Rutherford-Ruotolo Consulting Consortium, which was reapplied by then-Deputy Chief Matthew Sullivan in 2021, suggested 84 non-supervisory officers assigned to patrol. Factoring in supervisors, detectives, and the airport would yield an overall headcount of approximately 120—a number I would relish but one that I know the BPD can operate below. (See Appendix 08) **Redacted 1 V.S.A. 317(c)(15)**

Despite this, the question of what is the right or the wrong staffing has occupied nearly every discussion about police over the past four-and-a-half years. In short, articulating a headcount cap has become a political artifact and a constant reminder of the 2020 reduction. As the original draft of the September 9 resolution stated, “CNA’s October 2021 recommendation of an authorized headcount of between 85-88 uniformed Burlington Police Department officers, is no longer reflective of current conditions.” It further stated, “to better address the current state of public safety in Burlington, to provide the City necessary flexibility in drafting the report asked of this resolution, and to send an important message to the community that the City is fully committed to its Police Department, the City hereby removes the current ‘cap’ of 87 uniformed sworn officers at the Burlington Police Department.”

Over the past three months, while preparing this report, I have come to agree fully with the language of the resolution’s original draft. In conversations with community stakeholders at a variety of institutions, from the Boys & Girls Club to Spectrum to the King Street Center, people have revealed that they feel the lack of police presence and response, both for their institutions and their constituents.¹⁸ Business leaders have said the same. The Burlington Business Association reports that “In recent years, we have received an increasing number of concerns from downtown business owners regarding the safety of their employees and customers. Concerns include, violence, harassment, theft, and an increase in graffiti.”¹⁹ Accordingly, I

¹⁷ [REDACTED]

¹⁸ See <https://www.kingstreetcenter.org/fall2024>

¹⁹ See <https://www.bbavt.org/current-projects/public-safety-initiatives/>

believe it is best either to return to status quo ante or to dispense with the cap altogether and merely express how many officers the City can afford. Since the latter option would be devastating to morale and fail to provide necessary goals for rebuilding, I strongly recommend the former. **The BPD should once again be authorized for 105 sworn officers.** This is distinct from budgeting for that number.

Returning the agency to an authorized headcount of 105 that routinely yields a headcount in the high 90s would allow the BPD to reconnect with the community, including in the schools. (Along with a repudiation of the headcount clause in the Racial Justice resolution, there should be a repudiation of the clause that removed SROs from the Burlington School District.) It would allow the BPD once again to adopt the hallmarks of progressive, community-oriented policing. It would allow officers to return to an area-based deployment model, wherein officers are assigned to specific parts of the city and come to understand the people, problems, and potential of those neighborhoods. It would allow the deployment of a dedicated Marketplace foot patrol team—as many as six officers, regularly assigned to the Marketplace and its environs, connecting with businesses and visitors alike. It would allow a Street Crime Unit, which would better address unacceptable public disorder, including open-air drug use—a crime that, with higher headcount, would once again be regularly disrupted. (See representations of deployment models in Appendix 09 and 10 and 11)

If one were to describe all of this to any current or retired BPD officer whose hire date is 2019 or earlier, he or she will exclaim, “but, but, that’s what we always had!” For two decades, Burlington was a nationally recognized, award-winning practitioner of community policing.²⁰

All of this is also part of Neighborhood Policing, which I helped design and implement as part of the NYPD’s Reengineering 2014 project. One of my greatest regrets about my tenure as Chief of Police is that the staffing crisis has prevented me from building on the BPD’s community policing model by adopting Neighborhood Policing, and the integral role of Neighborhood Coordination Officer, or NCO.²¹ But when the NYPD created the model in 2015, it did so by expanding staffing for the first time in more than a decade, not in the face of a 30% reduction. Indeed, the program was a response to the fact that, in understaffed patrol precincts, patrol had “devolved into answering calls for service and little else. ... The Neighborhood Policing Plan seeks to restore the patrol officer to the role of problem solver and community guardian, who knows the neighborhood and works closely with residents. ... It assigns the same officers to the

²⁰ See 2012 IACP Community Policing Awards, <https://gilee.gsu.edu/programs/community-policing/#1568923944814-e239bf5a-0792>

²¹ See <https://www.nyc.gov/site/nypd/bureaus/patrol/neighborhood-coordination-officers.page>

same sectors on the same tours, helping the cops to know the neighborhood and the neighborhood to know the cops.”²²

My belief that staffing needs to be returned to status quo ante doesn’t mean I believe in the status quo, however. Since 2020, the BPD has undertaken a number of responsive, progressive efforts to maintain our public safety posture, respond to community concerns, and innovate at the same time. As part of the Public Safety Continuity Plan, the BPD successfully augmented the number of CSOs, an unarmed, non-sworn role that provides low-level, quality-of-life services but cannot make arrests. The BPD has been able to hire people for these roles more quickly than for sworn officer positions, whose background checks, VPA training, and field training can take almost a year or more. We’ve also had a great deal of success using the CSO role as a proving ground for employees who want to become police officers; four of our current officers first served as CSOs. But CSOs aren’t cops, and the limits on what they can lawfully do and safely address has made it clear that they are not replacements for cops.

We have also continued to innovate with the creation of CAIP. Run by Assistant Director, CAIP, Lacey-Ann Smith, CAIP is a collaborative model that strives to provide seamless continuity of care and integrates change directly into public safety’s largest component: the police. The backbone of CAIP is the CSL position, which, when introduced as part of the Public Safety Continuity Plan, was the only position like it in Vermont. (Other agencies have since adopted similar programs, often after consulting with BPD, such as Brattleboro’s BRAT²³ and Rutland’s community resource specialists.²⁴) The CSLs are in-house social workers who address issues associated with chronic mental health needs, homelessness, and substance-use disorder. CSLs aren’t replacements for cops, either; they’re a police enhancement.

CAIP offers “lower barrier” assistance and supplements the existing social-service system—and bridges gaps. When a call for help comes in, an officer responds to the incident and establishes safety, by intervening in an unstable or dangerous situation, or sometimes by making an arrest. But when that officer also knows that the underlying causes are not solved by enforcement, the officer can call a CSL to bridge the gap between that 9-1-1 call and other services that might help the person—and potentially prevent a call in the future. CAIP also includes the Burlington CARES program (Crisis Assessment Response and Engagement Services), which provides clinical crisis response.

²² The Police Commissioner’s Report, “A New Cop In Town,” p10, <https://www.nyc.gov/assets/nypd/downloads/pdf/publications/pc-report-2016.pdf>

²³ See https://www.commonnews.org/issue/787/787resource_assist_team

²⁴ See <https://vtdigger.org/2022/09/09/former-rutland-police-commander-returns-as-civilian-community-liaison/>

I believe CAIP is part of the future of policing. AD Smith, Community Support Supervisor Anna Wagling, and I presented the model at the 2023 IACP conference and I think it's a template for what police agencies everywhere should create. An authorized headcount of 105 sworn would allow a next-stage expansion of CAIP: co-deployment with sworn officers. These would be officers who apply for the role and receive additional training in domestic-violence prevention, crisis intervention, and outreach. They would co-deploy with both CSLs and members of the Burlington CARES team. Additionally, School Resource Officers would be assigned to CAIP to enhance the relationship our CSLs have forged with Burlington's youth. Placing officers in the CAIP team, as shown in Appendix 12, would represent an important new career path for officers, and, I believe, would be a valuable recruitment opportunity. (See Appendix 12 for my vision of a fully staffed, integrated CAIP)

In addition to CAIP, we have improved our collaboration with the Police Commission and adopted Department Directive 40 *External and Internal Complaints, Supervisor Reviews, Administrative Reviews, Internal Investigations & Discipline* to guarantee the Commission's involvement and input. Our use-of-force directive became the template for the statewide policy. We have enhanced and expanded our data transparency, so that it is the most comprehensive of any law-enforcement agency in the state. We have conducted innovative, iterative fair and impartial policing training that we created with the Center for Policing Equity.

Data transparency fosters police legitimacy, but also police improvement. By recognizing areas where concerns exist, we can confront them when they are driven by factors that officers or the department can control. This includes tracking racial disparities and monitoring them for bias. It also includes making descriptions of every use of force public, and releasing a great number of them on video as well.

D. A COMPREHENSIVE ASSESSMENT OF ANY RECRUITMENT HURDLES AT THE BURLINGTON POLICE DEPARTMENT. The single biggest recruitment hurdle is the history described in the background section, above. It has engendered a sense that the City does not support police. This sentiment is described in the separating officers' exit questionnaires. (See Appendix 01) More recently, and applicable to our local recruitment pool, it is well articulated in a letter sent to the City Council by a BPOA executive board member Michael Moran. (See Appendix 13)

This history is now exacerbated by recent news reports about a survey describing greatly diminished morale and the parlous condition of our facility.²⁵ Regarding the building, it has been described by the recruitment team and officers as a tremendous obstacle to recruitment. Mayor Mulvaney-Stanak has made it a clear priority to address this.

²⁵ See <https://vtdigger.org/2024/11/22/we-are-in-a-crisis-internal-survey-shows-deep-discontent-among-burlington-police/> and <https://vtdigger.org/2024/11/29/burlingtons-dilapidated-police-building-is-dragging-down-department-morale-and-spurring-concerns-of-health-risks/>

Regarding the survey, I responded to it in August, during an internal event called an All In. I repeated the presentation for the public last week, at the Police Commission meeting on Tuesday, November 26. The presentation is available on Town Meeting TV.²⁶ As I said at both the August All In and the November Police Commission meeting, the survey had troubling feedback, but it was ultimately a positive experience to get that feedback—because it gave us a chance to address it.

I believe this report offers the Council and the city the same opportunity.

There are additional recruitment (and retention) hurdles that are outside the control of the department or the City Council. They have to do with how officers are supported by or interact with the next stages in the criminal justice process—specifically, how officers’ enforcement actions are followed by prosecutors, courts, and corrections. For most offenders, alternative practices like those offered by the Community Justice Center are preferable to using a backlogged, overburdened court system. (See Appendix 14) But, for the small percentage of recidivists who commit a plurality of our public order crimes, property crimes, and even significant numbers of violent crimes, the lack of accountability both frustrates officers and perpetuates our public-order and public-safety problems. For this small number of recidivists, the threat of apprehension is meaningless without consequence, particularly carceral consequence.²⁷ Carceral consequence has the added benefit of incapacitating wrongdoers for the duration of their incarceration. Whether or not it rehabilitates them or addresses so-called root causes is beside the immediate point: a jailed criminal cannot victimize neighbors.

1. The extent to which additional administrative support at the Burlington Police Department will allow officers additional time to actively engage in community policing. Over the past few years, we have had success rebuilding our professional ranks. Two key positions are missing. First, a Budget Manager, to ensure that critical function is being addressed in close coordination with the Chief Administrative Officer and the staff at the Clerk / Treasurer’s Office and needed to ease Executive Manager Shannon Trammell’s currently unacceptable workload. Second, a Network Administrator, to ensure that our critical, stand-alone technology infrastructure is appropriately managed and secured. Other than these, we are largely staffed for non-sworn positions. (See Appendix 15)

That said, the nature of this question seems directed more at the possibility of new positions, designed to reduce officers’ administrative workloads. It may be worth

²⁶ See <https://www.youtube.com/watch?v=SGj8oEAOcgc&t=3778s>, at minute 30:00.

²⁷ See <https://manhattan.institute/article/hardening-the-system-three-commonsense-measures-to-help-keep-crime-at-bay>

exploring the use of civilian analysts in the Detective Services Bureau, or DSB. Employees who could assist with video review and document preparation, such as affidavits, preservation requests, subpoenae duces tecum, nontestimonial identification orders, etc., could reduce workload and enhance efficiency.

2. How the current salary, paid time off, and benefits package for officers compares to market data for other police departments in our region. Regarding other regional competitors, the largest agency in the region—and the nation—offers a six-step pay scale that tops out at \$126,410. The NYPD starts at \$60,884 but rises to \$126,410 after five-and-a-half years. It offers 27 vacation days following five years of service; unlimited sick days with full pay; prescription, dental, and vision benefits; an annuity fund, deferred compensation plan, and 401(k); a lifetime pension at one-half salary after 22 years; an annual \$12,000 variable supplement fund upon normal service retirement (22 years); and excellent promotional opportunities through ten different ranks and a myriad of specialty roles.

Burlington is not New York City, and the BPD is not the NYPD, but the Queen City faces the most intense workload in the state of Vermont. By volume and variety, our officers see more than any of their peers. This was true even before the “Defund the Police” movement and its results, but it has been exacerbated by both the decrease in staffing and a change in the types of crimes experienced, particularly gun violence. Several new officers who separated gave the agency’s pace as their reason.

Chittenden County law-enforcement agencies are often vying for the same talent, and each of our agencies’ compensation packages affects the others.²⁸ Chart 06 shows our peer agencies’ current

staffing, allotted staffing, and police officers’ starting and ending salaries. For example, Milton’s recent renegotiation is inevitably going to influence any other police bargaining that happens in 2025, including Burlington’s.

	STAFFING		SALARY	
	CURRENT	AUTH	START	TOP
BURLINGTON	65	87	76,717	99,324
COLCHESTER	26	31	51,131	84,625
ESSEX	31	25	59,633	106,412
MILTON	15	17	72,654	97,281
SHELBURNE	9	12	59,613	95,284
SOUTH BURLINGTON	30	40	61,588	89,585
UVM PD	18	24	60,195	76,690
WILLISTON	15	17	63,710	87,488
WINOOSKI	15	15	63,134	101,156

Chart 06

²⁸ Please note that these agencies’ salary figures are, if not apples to oranges, then at least Honeycrisps to Cortlands. Each agency offers different steps and some have different pay scales for corporals or detectives, to say nothing of comparisons of benefits and other fringe.

[REDACTED]

[REDACTED]

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[REDACTED]

It has been noted that other agencies are experiencing staffing issues, regionally and nationally. The table above appears to show that several Chittenden County agencies are down as much as BPD, at least as a percentage. But it must be noted that the table shows the BPD's current authorized count—which is insufficient. When compared to the BPD's historical numbers, to which I argue the agency should be returned, the diminishment is larger than any regional peer. In fact, compared to most departments across the country, the BPD saw a greater exodus.²⁹ In January 2023, a PERF survey of 182 agencies reported that, on average, sworn staffing decreased by 5% from January 2020 to January 2022, and then decreased another 1% from January 2022 to January 2023.³⁰ The BPD's situation was far worse than the PERF average: our sworn staffing decreased 25% during the first period, and then 9% during the second.

²⁹ One exception is Seattle, WA, which currently sits at 848 when its pre-COVID staffing target was approximately 1,600. See <https://mynorthwest.com/4015303/rantz-year-end-seattle-police-staffing-is-dire-but-union-warns-of-this-looming-crisis/>. But other agencies that were subject to “Defund the Police” pressures and have seen headcount crash, such as Austin, TX, and Portland, OR, are only down 19% and 16% respectively. See <https://www.kxan.com/news/local/austin/apd-staffing-shortage-continues-with-over-330-sworn-officer-vacancies/> and <https://www.portland.gov/police/documents/staffing-projections-study-0/download>. As another example, see Birmingham, AL, which is down 15% and has created a \$15.8 million plan to address it. <https://www.al.com/news/2024/10/woodfin-reveals-birmingham-police-staffing-shortfall-details-and-how-he-plans-to-address-it.html>

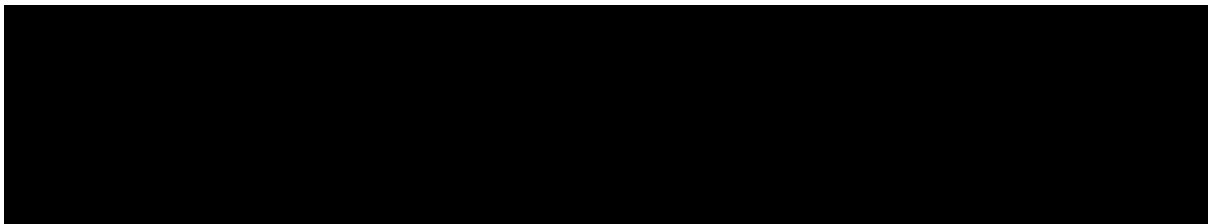
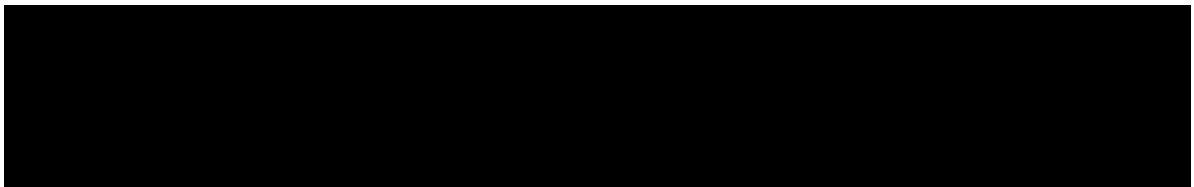
³⁰ See “New PERF survey shows police agencies have turned a corner with staffing challenges,” <https://www.policeforum.org/staffing2024>

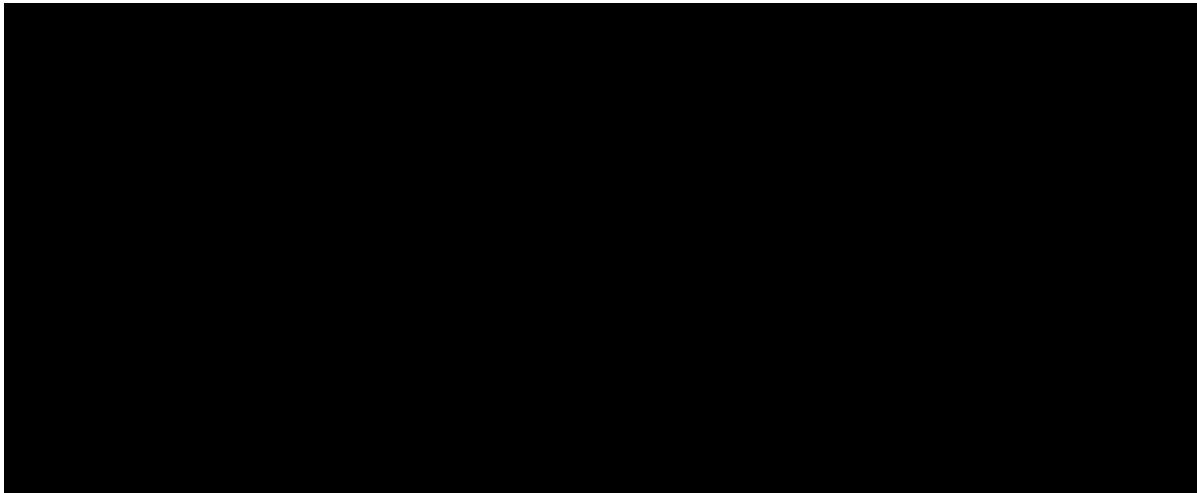
3. The current level of hiring bonuses. We currently offer a \$15,000 bonus, based on a plan that I proposed and the City Council approved in September 2021. (In that plan I also proposed \$15,000 retention bonuses for officers who were employed at the time; the Council approved it but reduced the retention bonus to \$10,000.) The recruitment bonus was underpinned by American Rescue Plan Act funds, and is paid out in three installments: \$2,000 one week after an eligible recruit officer's or lateral officer's successful completion of field training; \$5,500 on the ten-month anniversary of the completion of field training; \$7,500 on the twenty-two month anniversary of the completion of field training. The BPD is strongly in favor of maintaining this incentive.

In FY22 and FY23, the BPD spent \$670,000 on retention bonuses for sworn officers, and \$180,000 was allocated for the recruitment bonuses. All of the retention bonuses have been distributed. Additionally, all of the FY22 recruitment allocation has been "spoken for," in that we have hired officers who are eligible for the funds. Not all the monies have been distributed, however, because some officers not yet received all three installments and some eligible officers separated prior to receiving all the money or portions of the money. Our two most recent hires, who graduated from the Academy on November 25, have been promised the bonuses but their payments will have to come from a source other than the ARPA funds.

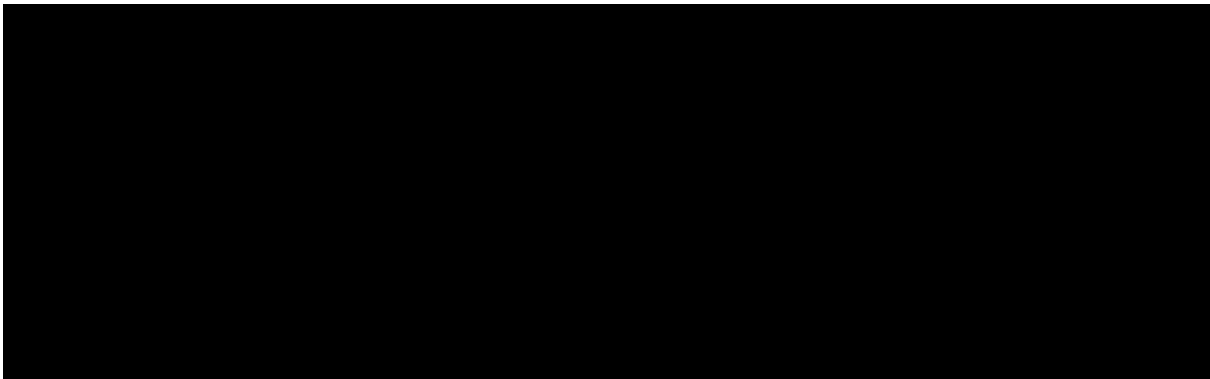
4. The extent to which establishing positions for part-time officers who have obtained Level I or II certification may assist with staffing needs. I am not supportive of hiring Level I or Level II officers. I believe that the pacing of policing in Burlington exceeds their scope. Furthermore, the difference between Level I, Level II, and Level III officers is generally their respective ability to be accepted into and complete the VPA and its demanding physical and academic curriculum. Level III officers must be able to meet those standards, which are the minimum we expect for our officers. (After all, subsequent to the VPA, the BPD puts its officers through the longest field training program in Vermont—at least 580 hours.)

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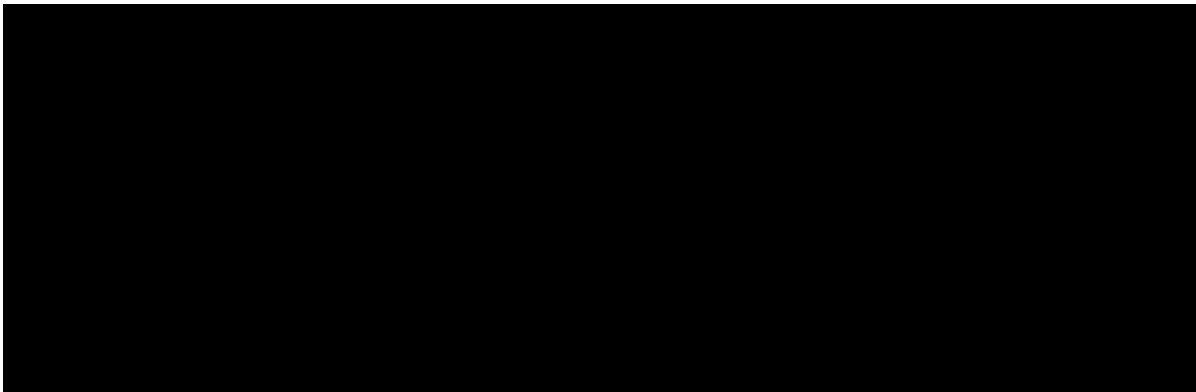




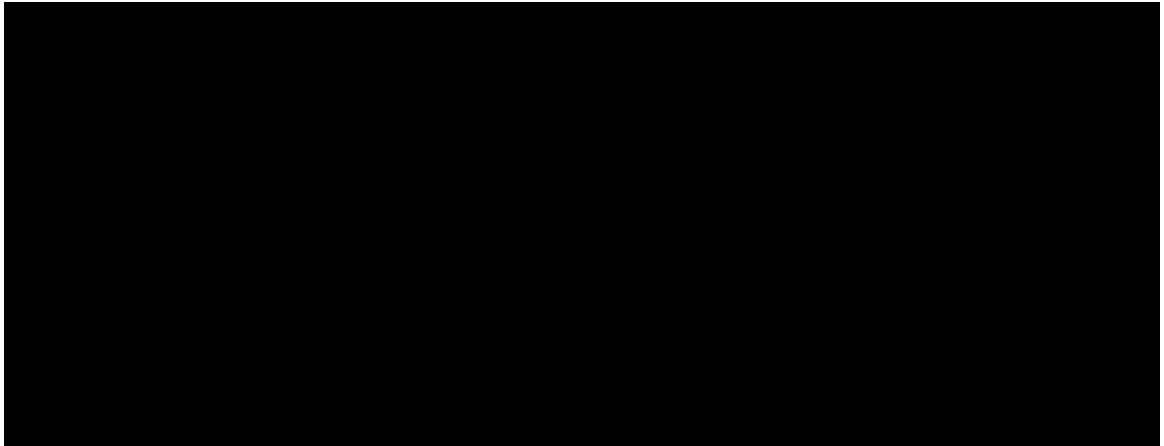
6. The extent to which Vermont’s residential training academy affects recruitment efforts. Mayor Mulvaney-Stanak notes that the Vermont Criminal Justice Council, which runs the VPA, is currently seeking a Project Manager for Alternative Paths to Law Enforcement Officer Certification. The VCJC seeks to facilitate establishing a non-residential alternative to the residential VPA. The VCJC anticipates the project manager will implement all aspects of this project over approximately four years.³¹



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³¹ See <http://vcjc.vermont.gov/about-us/rfp>



E. A PROPOSED TIMELINE FOR THE BURLINGTON POLICE DEPARTMENT TO FULLY STAFF UP TO THE REVISED STAFFING LEVELS RECOMMENDED IN RESPONSE TO THIS RESOLUTION. As I noted in the Executive Summary, an optimistic but achievable projection shows reaching 84 sworn officers is possible by the end of FY28. (See Chart 08 on the next page)

The projection in Chart 08 accounts for 13 known/anticipated separations or tenure retirements (i.e., two officers currently on terminal leave, myself, two officers currently eligible to retire, and eight officers who will become eligible for a 20-year service retirement prior to the end of FY28 on June 30, 2028). The projection assumes that there will be another nine unknown separations during the period, for a total of 22 separations.

The projection assumes that the agency will be able to hire a new Chief of Police and two new deputy chiefs. Finally, the projection assumes that the BPD will hire two recruits and one lateral officer in the remainder of FY25, ten recruits and four laterals in FY26, 11 recruits and two laterals in FY27, and ten recruits and two laterals in FY28. For context, the BPD hired nine recruits and three laterals in FY23, and six recruits and five laterals in FY24. Some good news is that there will be no tenure retirements in Calendar Year 2027, which could provide room to regain momentum. That said, with the way officers currently feel, 2027 seems a long way off.

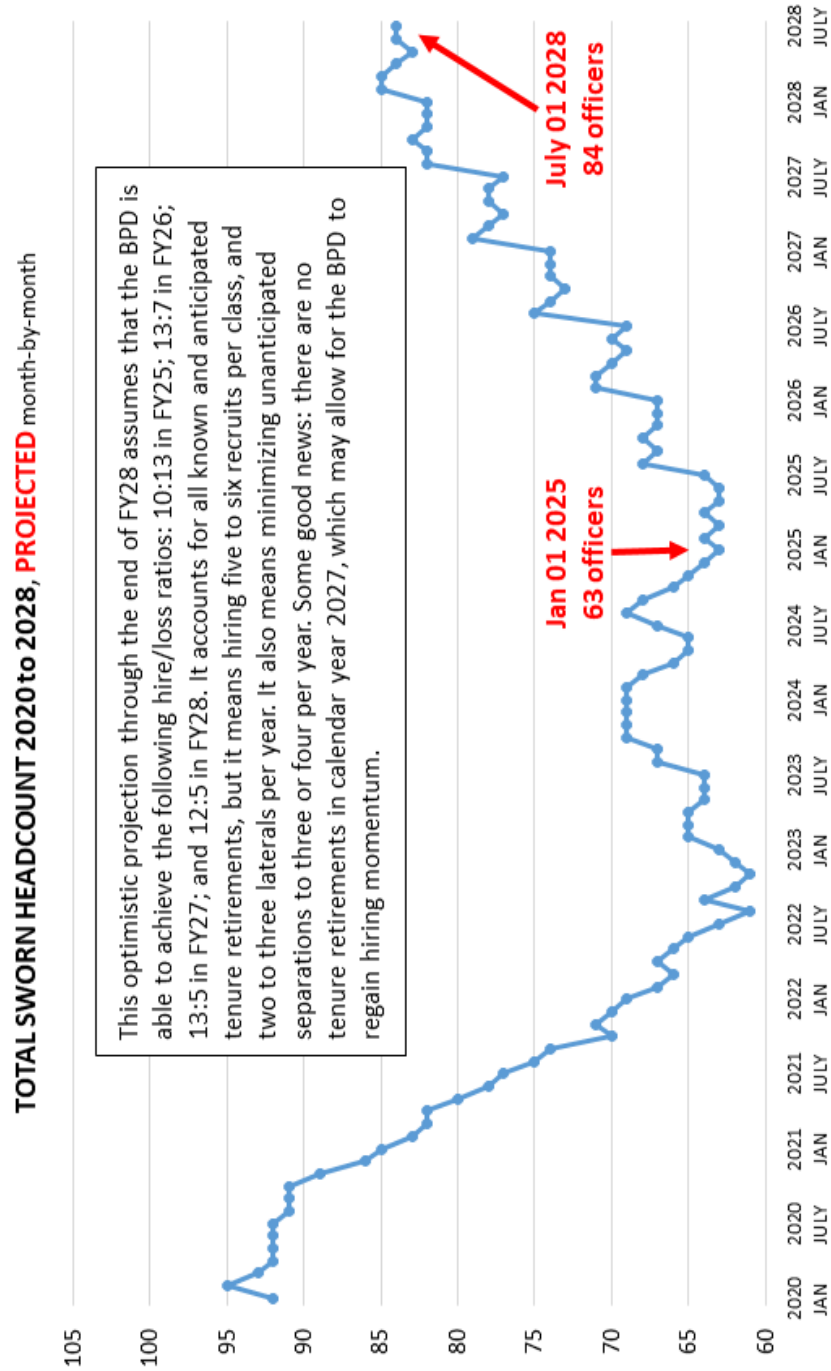
In short, the hiring-to-loss ratios have been, are, or are projected to be:

Historic: FY22 3:17, FY23 13:12, FY24 11:8

Current: FY25 10:13

Projected: FY26 13:7, FY27 13:5, FY28 12:5

Chart 08



With regard to a roadmap to achieving a return to staffing in the mid 90s, it's an open question. Part of the pattern shown immediately above involves what Jim Collins in "Good to Great" might call "the flywheel"—that is, the magic of momentum. It's a sense of forward motion that becomes self-reinforcing. If, in FY29 and FY30, the BPD could maintain a hiring pace similar to that projected for FY26 to FY28—that is, netting six or seven officers per year—it could potentially achieve 95 by the end of FY30.

Chart 09, however, shows that over the past 15 years the BPD's best net growth has been five. The optimistic projection above requires the BPD to exceed its best-ever year repeatedly for five years in a row. A glummer but possibly more realistic projection would essentially double the time to recovery: headcount in the 80s by FY30, and in the 90s by FY35.

Some good news here is that, while FY25 through FY27 have seen / will see 11 officers become eligible for service retirements, FY28 through FY30 will only see five officers reach the same milestone. In fact, no officers reach tenure in FY30. This may provide additional breathing room to regain momentum. (See Chart 10)

	IN	OUT	DELTA
2010	8	8	0
2011	13	4	9
2012	4	5	-1
2013	13	8	5
2014	12	11	1
2015	10	8	2
2016	13	11	2
2017	9	9	0
2018	12	18	-6
2019	13	12	-1
2020	5	12	-7
2021	1	17	-16
2022	7	13	-6
2023	13	9	4
2024	7	13	-6

Chart 09

# OFFICERS TENURE ELIGIBLE			
FY24	3	CY24	4
FY25	6	CY25	5
FY26	4	CY26	3
FY27	1	CY27	0
FY28	3	CY28	3
FY29	2	CY29	2
FY30	0	CY30	2

Chart 10

Maintaining momentum is easier conceived than done, however, as the drop from 2023 to 2024 attests. The police profession is fraught, and the possibility of a terrible incident, here or far away, and the return of the fervor that affected the nation in 2014 or in 2020 regarding police and police reform is always there.

Could the BPD get to 95 sworn as shown in Appendix 11, by the end of FY28? How many officers would the city need to hire? We will begin 2025 with 63 sworn, meaning the BPD needs 32 officers, net, to get to 95. But we know of 13 separations between now and then, so the BPD actually needs 45 officers. Furthermore, we have to factor in additional losses at the VPA or during field training or among officers who otherwise chose to leave. Chart 03 on page nine suggests that, over the long-term, we should plan for an average loss rate of 64%, although that chart's data are affected by the exodus following the City Council's June 2020 vote. Picking a more reasonable loss rate of 40%, which approximates the pre-2020 rate, yields 18 officers of 45. That means

that, to grow from 63 to 95 the BPD would actually need to hire 63 more officers (32 + 13 + 18). Could it do so?

In the category of “wish fulfillment,” our relatively modest goals (compared to Seattle’s need for more than 700 officers, say) could almost certainly be obtained within a shorter time frame if Burlington aggressively advertised. Returning to the “cheap, good, or fast—pick two” maxim, would there be an appetite for a multi-million-dollar ad buy if it could promise to get us to 95 police officers in a few years? There’s no advertising firm that can make such a promise, of course, and the business maxim is balanced by the Madison Avenue maxim: “half the money you spend on advertising is wasted, you just don’t know which half.” Nevertheless, the projection articulated above could be accelerated with sufficient spending.

It should be noted, however, that it would be highly unlikely that the VPA or the BPD’s Field Training Officers could accommodate 63 hires in 30 months. This would mean recurring recruit classes of seven or eight (a number the BPD has never sent to the VPA, which has limited space and only allots a certain number of seats to each agency) and four to five laterals per year, or smaller recruit classes but as many as ten laterals per year. The option that relies more heavily on laterals would potentially be more feasible for the VPA and our FTO program.

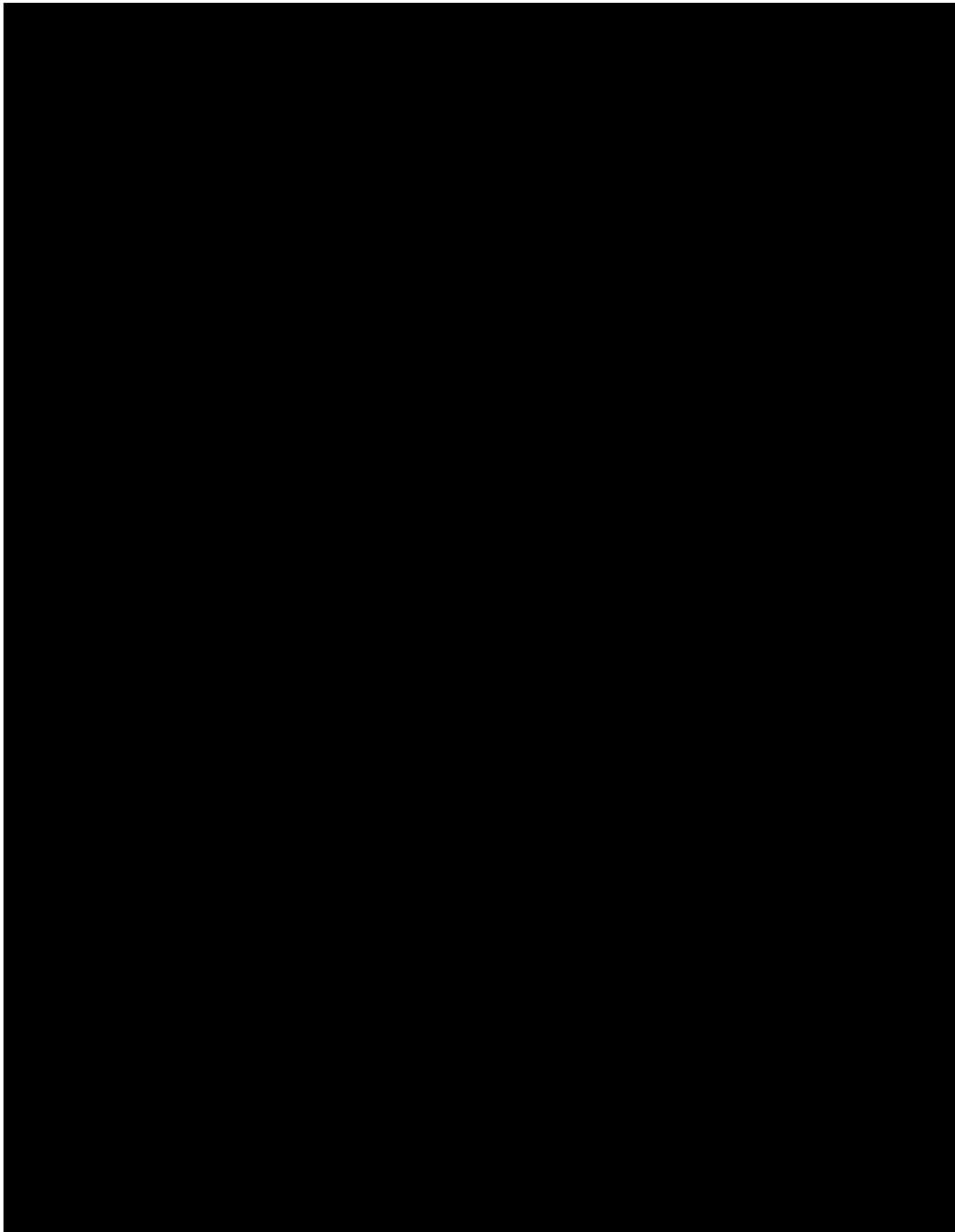
F. RECOMMENDATIONS ON WHAT TEMPORARY SUPPORTS ARE AVAILABLE TO ASSIST

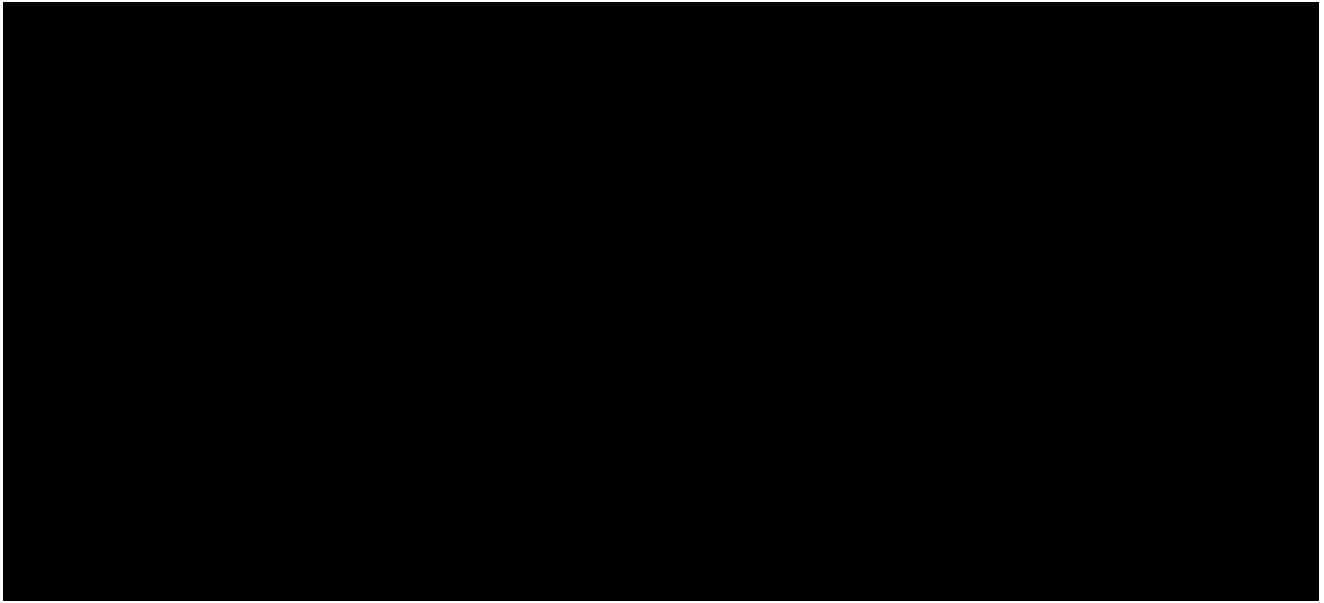
BURLINGTON. At the recent All In, and again at last month’s Police Commission meeting, I discussed the efforts we have already undertaken to ease workload, or make it more efficient. This includes linking our computer-aided dispatch system, Valcour, to our AXON body-worn cameras to reduce data entry via simplified tagging and a return to “see AXON” for certain “CFS non-event” incidents. It also includes using pre-charge referrals when appropriate, as per a new MOU with the Community Justice Center. And it includes simplified administrative tasks using a new system called Lefta, procured by Executive Manager Trammell. For his part, Deputy Chief of Administration Brian LaBarge, a seasoned investigator who oversees DSB, is ensuring that all burglaries, robberies, and aggravated assaults that are not solved by patrol on the shift will be assumed by DSB.

The BPD has benefited tremendously from the partnership of the Burlington Fire Department and their absorption of most overdoses. The BPD no longer goes to all ODs, although it still tracks them when they’re reported via 9-1-1. Instead, police go when there’s a safety element other than the medical overdose or a criminal element other than the drug possession.

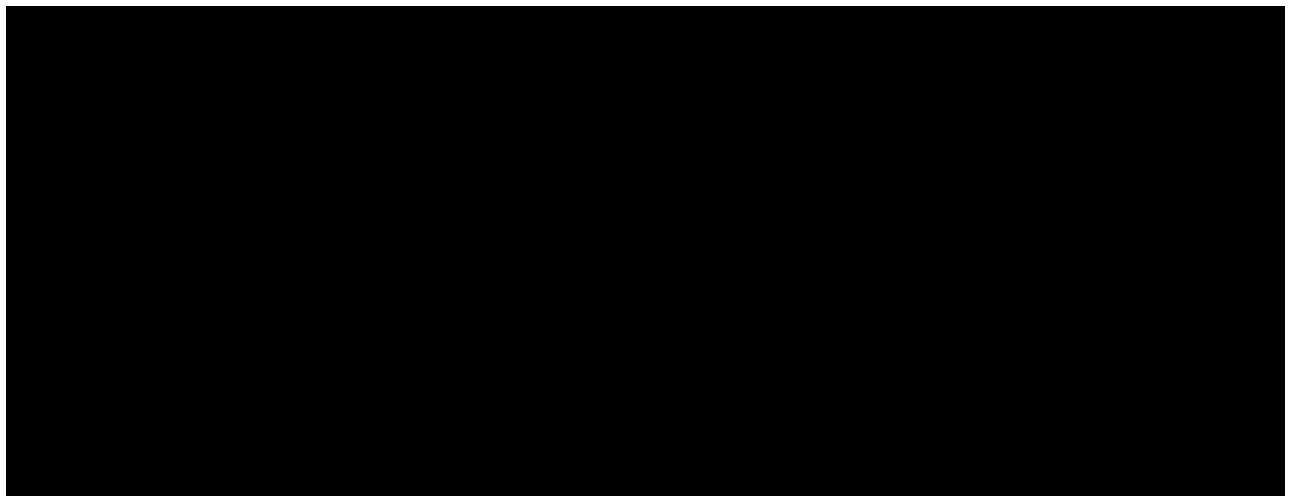
Additional avenues that other agencies have explored include “Drone as First Responder” programs, in which drones are used to assess scenes prior to officers’ arrival, and sometimes confirm that a police response is not necessary. Implementing a program here would provide another avenue for both officer career path and, potentially, civilianization.

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G. A PROPOSED SCHEDULE FOR THE BURLINGTON POLICE DEPARTMENT TO PROVIDE THE CITY COUNCIL REGULAR UPDATES ON STAFFING LEVELS, RECRUITMENT BENCHMARKS, AND RETENTION RATES. Every month I provide our staffing levels—which reflect both hiring and retention—to the Police Commission, the City Council, and the public via the monthly Chief’s Report to the Police Commission.

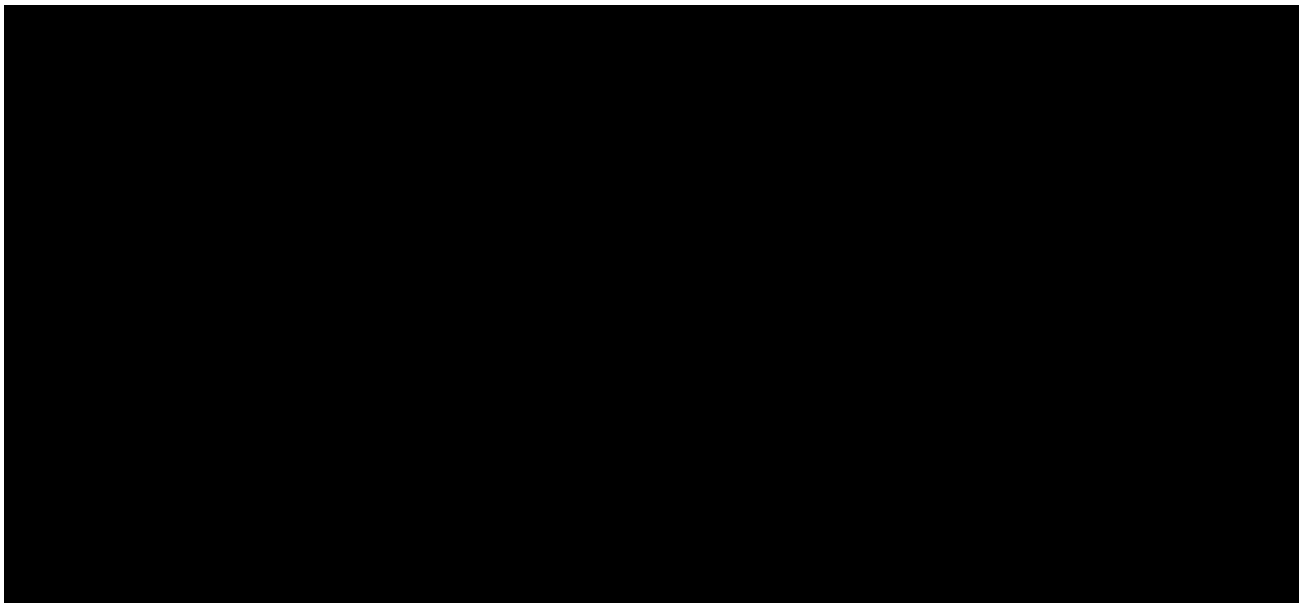


IV. RETENTION

One thing not explicitly mentioned in the point-by-point is retention. Retention is the foundation. If current officers cannot be retained, the police department will fail. With effective staffing at 58, every loss has an outsized impact. In the face of this, officer wellness is incredibly important. I have tried to maximize officers through development; minimize exhaustion by minimizing calls; and avoid ordered overtime, but the fact that four officers to a shift has become the new normal is taking a toll.

Of the 58 separations the BPD has experienced since the Racial Justice resolution, 26 employees have left the BPD for other law-enforcement agencies. Eighteen have been tenure retirements, in which the employee attained 20 years of service or more before leaving. Of those 18, six were among the 26 officers who separated and went to other police agencies, suggesting they still had gas in the tank and might have stayed but for some combination of factors. (For a tenure-based breakdown of all separations, see Appendix 01) Fifteen more officers will reach retirement eligibility by 2030. What can be done to keep some of them past 20 years? What can be done to keep ALL our officers? A strong contract is key, but there are other options, as well.

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B. TRAINING. From an administrative perspective, allowing officers to attend training is beneficial for officer wellness and training standards, but it can be challenging for operational staffing. Every officer attending training is an officer who's not on the road answering calls for

³⁴ <https://www.ojp.gov/ncjrs/virtual-library/abstracts/final-report-presidents-task-force-21st-century-policing>

³⁵ <https://www.police1.com/iacp/iacp-2024-quick-take-how-the-rapid-city-police-department-turned-the-tide-on-recruitment-and-retention>

service. That said, it's worth the challenge, both for what the officers gain and for what the city gains as training helps officers grow and develop. Last year the BPD sent employees to programs like: wellness training, ALERRT active shooter, IA Investigations, Conflict Resolution, Gang Investigations, Reid Technique, mindfulness for the Crisis Negotiation Unit, Cybercrime & Digital Evidence, LLIM instructor, and others. Executive Manager Trammell worked with Mayor Mulvaney-Stanak to increase the FY25 training budget by 46%, to \$160,000. We have a number of goals, and have already accomplished some, including sending multiple employees on a first-ever "field trip" to the annual IACP conference in Boston.

C. SUPERVISORS. Another retention tool hinges on supporting our supervisors. Earlier, I described the multiple vacancies in our supervisor ranks. (See Appendix 04) This has caused two problems. The workload under which sergeants currently toil, with five sergeants instead of 11, means that they are exhausted—but it also discourages non-supervisory officers from attempting to promote. This, in turn, perpetuates the current sergeants' workload. One proposal to address this, to incentivize officers into promotion, and to improve retention is to address the salary compression that exists among the ranks. Supervisors in the BPD are compensated according to the Police Unified Pay Scale, or PUPS, which was created by Chief Michael Schirling and adopted by the City Council in 2014. The PUPS pegs supervisors' salaries to the salary negotiated by the BPOA. It's simple and effective, but after a decade it needs

FY25		FY26	
PO Step 15	\$99,324.96	PO Step 15	\$99,324.96
Sgt 1 6.0%	\$105,284.46	Sgt 1 8.0%	\$107,270.96
Sgt 2 1.5%	\$106,863.72	Sgt 2 1.5%	\$108,880.02
Sgt 3 1.5%	\$108,466.68	Sgt 3 1.5%	\$110,513.22
Sgt 4 1.5%	\$110,093.68	Sgt 4 1.5%	\$112,170.92
Sgt 5 1.5%	\$111,745.09	Sgt 5 1.5%	\$113,853.48
		Sgt 6 1.5%	\$115,561.29
		Sgt 7 1.5%	\$117,294.71
Lt 1 6.0%	\$118,449.79		
Lt 2 1.5%	\$120,226.54	Lt 1 8.0%	\$126,678.28
Lt 3 1.5%	\$122,029.94	Lt 2 1.5%	\$128,578.46
Lt 4 1.5%	\$123,860.38	Lt 3 1.5%	\$130,507.13
		Lt 4 1.5%	\$132,464.74
DC 1 8.0%	\$133,769.22		
DC 2 1.5%	\$135,775.75	DC 1 10%	\$145,711.21
DC 3 1.5%	\$137,812.39	DC 2 1.5%	\$147,896.88
DC 4 1.5%	\$139,879.58	DC 3 1.5%	\$150,115.33
		DC 4 1.5%	\$152,367.07

Chart 11

adjustment. Chart 11 compares the current FY25 PUPS to a *proposed version* of an FY26 PUPS. The larger percentage increases, from 6% to 8%, could incentivize promotion and retention. The greater number of Sergeant steps, from five to seven, could address another challenge we currently have: five of six lieutenant spots are currently filled and none of the five is expected to retire prior to 2031. If we successfully hire two outside deputy chiefs, we can anticipate very little movement in the sergeant-to-lieutenant progression for the next several years.

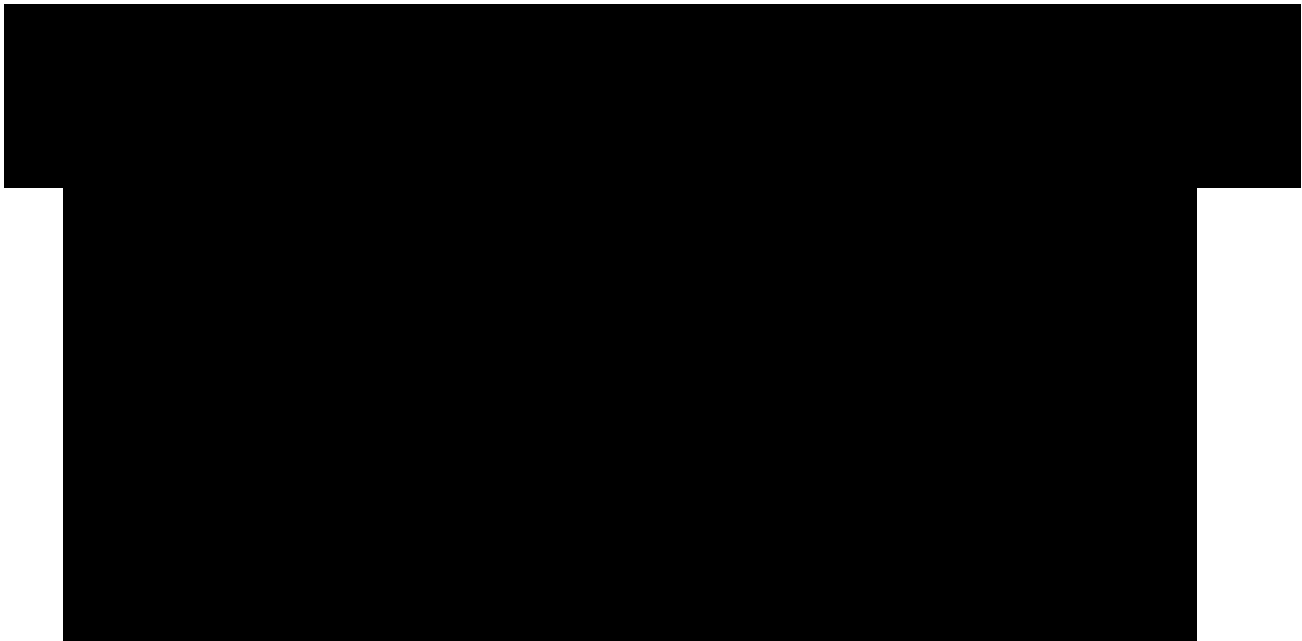
With regard to attracting new deputy chiefs, this adjustment could also make that salary more competitive as well. (For more information on supervisor and officer tenure, see Appendix 17)

D. RECONCILIATION. Of our 64 sworn officers, 72% were on staff during the Defund the Police movement. One of the most important retention tools would be for the City of Burlington to make a formal apology for and repudiation of lines 51 to 53 of the 2020 Racial Justice resolution.³⁶ This could be accompanied by a Council / BPOA pledge to work together to rebuild the police department to 105 sworn officers. Compared to new contracts, bonuses, incentives, and adjustments to the PUPS, this is the least expensive and possibly most effective retention tool, because it costs nothing and will have immediate impact.

³⁶ “BE IT FURTHER RESOLVED that the Burlington Police Department decrease through attrition, allowing officers to elect of their own accord to retire or leave for other reasons, the maximum total number of uniformed police officers by 30% from 105 to 74 uniformed officers” from the *Resolution Relating to Racial Justice Through Economic and Criminal Justice*, June 29, 2020, lines 51 to 53.

V. REBUILDING

The BPD's most important project is rebuilding. This means continuing to hire new dispatchers, CSOs, and CAIP members, and other professional staff, but, most pressingly, it means retaining the dedicated sworn police officers we have and adding experienced lateral officers and new police recruits to that foundation. Rebuilding also means addressing our facility. For BPD headquarters, it's past time for an overhaul or a wrecking ball. On this topic, Mayor Mulvaney-Stanak has been compellingly clear that both One North Avenue and Fire Station One need effective replacements, and about her vision for a new building.



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B. LOOKING FORWARD. Six years ago, I applied for a deputy chief position in the BPD. I did so because my family and I wanted to move to Vermont, and return to the city in which I was born. But I also did so because the BPD was a stellar, forward-thinking, innovative agency. I took a 60% paycut to take the job and didn't regret it. My 15 months as a deputy chief had the best work/life balance of my career. I loved being part of such a responsive, connective, and effective agency. Then came the calls to "Defund the Police." Four years of crisis have necessarily affected how responsive and connective the BPD can be, and how much it can do. But the people who are its heart are still among the best police officers and police employees in the nation. I truly believe that there is a path by which the agency can return fully to what it was. That optimism is not about seeing the glass as half full rather than half empty. It's about seeing the glass for what it is and believing we can fill it up. The agency's legacy—and the work its people do, every day—show that the BPD can and will continue to meet its mission of keeping people safe, by preventing crime and disorder, with and for the community. With the support of that community, we can do more than continue, we can rebuild, so that every call for service becomes a chance to make Burlington safe and fair, everywhere for everyone.

VII. APPENDIX

Appendix 01: Exit Questionnaire Overview

From July 01, 2020, through October 15, 2024, there have been 57 separations of sworn police officers from the BPD. During this same period, the BPD has hired 30 sworn police officers.

Among the 57 separations there were 56 people (one employee separated twice). Of the 56, there were 50 men and 6 women. Of the 56 people, 48 have been white, three have been Asian, three have been Black, and two have been Hispanic.

The graph at right shows the tenure distribution for the separations.

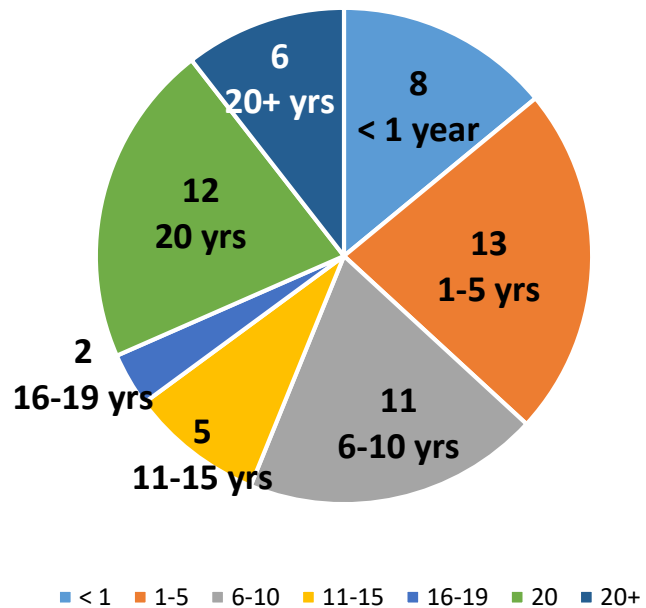
Four separations happened while the employees were at the Vermont Police Academy (VPA), and five happened while employees were on field training.

Two separations were the result of terminations for cause, and another occurred while the employee was suspended.

Twenty-seven officers found employment with other federal, state, or municipal law-enforcement agencies. But in four of those 27 instances, employees who separated and moved to other law-enforcement agencies ultimately returned to the BPD—and all four of those are currently employed at the BPD.

In two instances, employees who separated were transitioned into a Community Service Officer (CSO) role to undergo additional training while remaining employed by the BPD. Both those officers-turned-CSOs were later rehired as sworn police officers.

Years of Service at Separation



THIRTY-FIVE EXIT QUESTIONNAIRES

When employees separate from the BPD, the BPD provides an exit questionnaire. (Note: Ten separations occurred under circumstances in which the questionnaire was not used, such as

failure at the VPA, termination for cause, medical separation, etc.) Not all employees fill out the questionnaire, or every field in it. The following contains responses from 35 questionnaires, or 75% of questionnaire-eligible separations. In addition to numerical ratings questions, the questionnaires have seven fields in which employees may offer written comment.

REASON FOR LEAVING (mark as many as apply)

REASON	Total # responses in this category
1. Secured a different job	18
2. Dissatisfied with pay	0
3. Moving from area	7
4. Family circumstances	5
5. Health reasons	2
6. Dissatisfied with type of work	6
7. Dissatisfied with supervisor	0 (one respondent crossed out "supervisor" and replaced it with "city leadership")
8. Dissatisfied with co-workers	0
9. Other	25

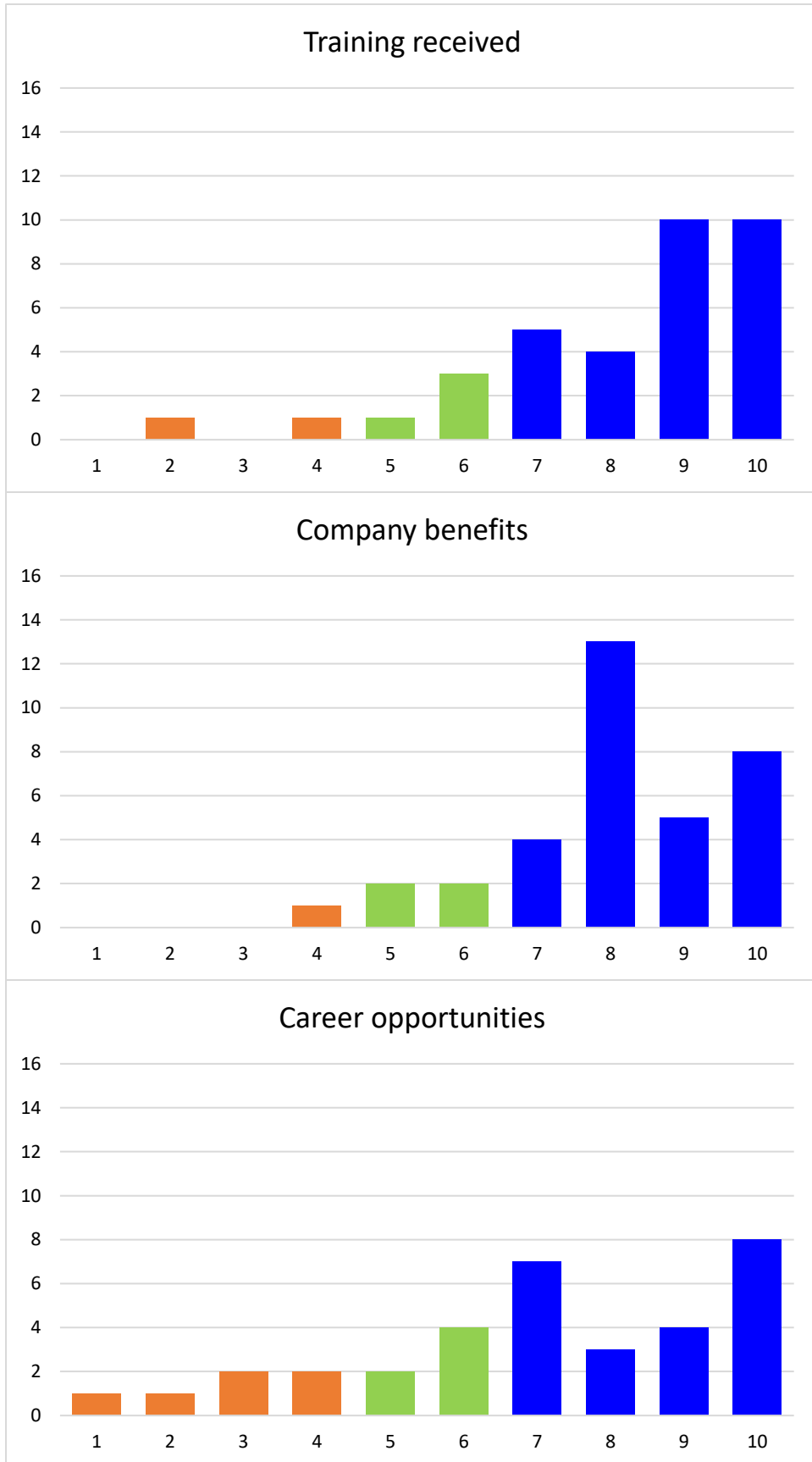
RATING SECTION

Please use the following ratings for the following section:

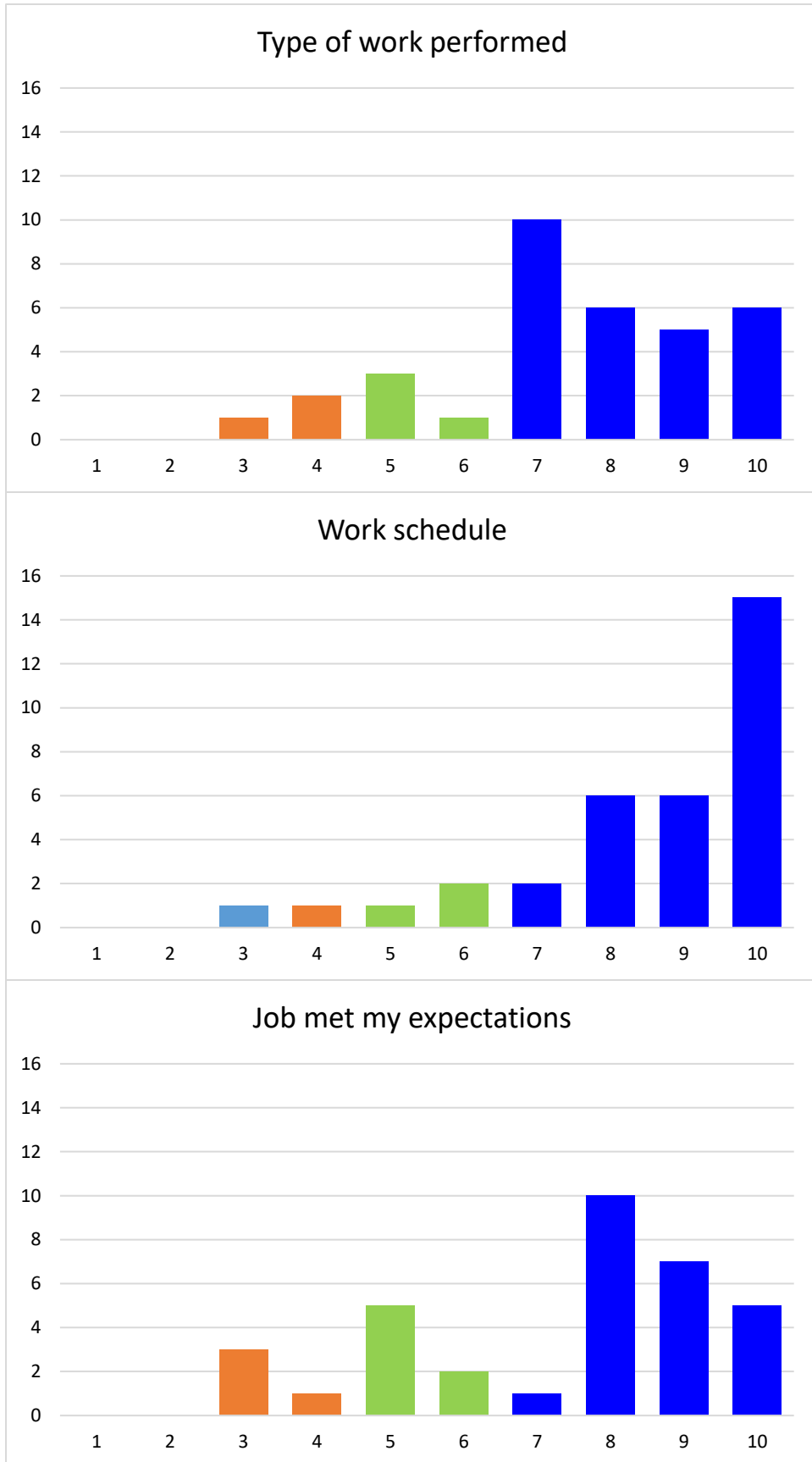
Not Satisfied – 1 2 3 4 // **Acceptable – 5 6** // **Satisfied 7 8 9 10**

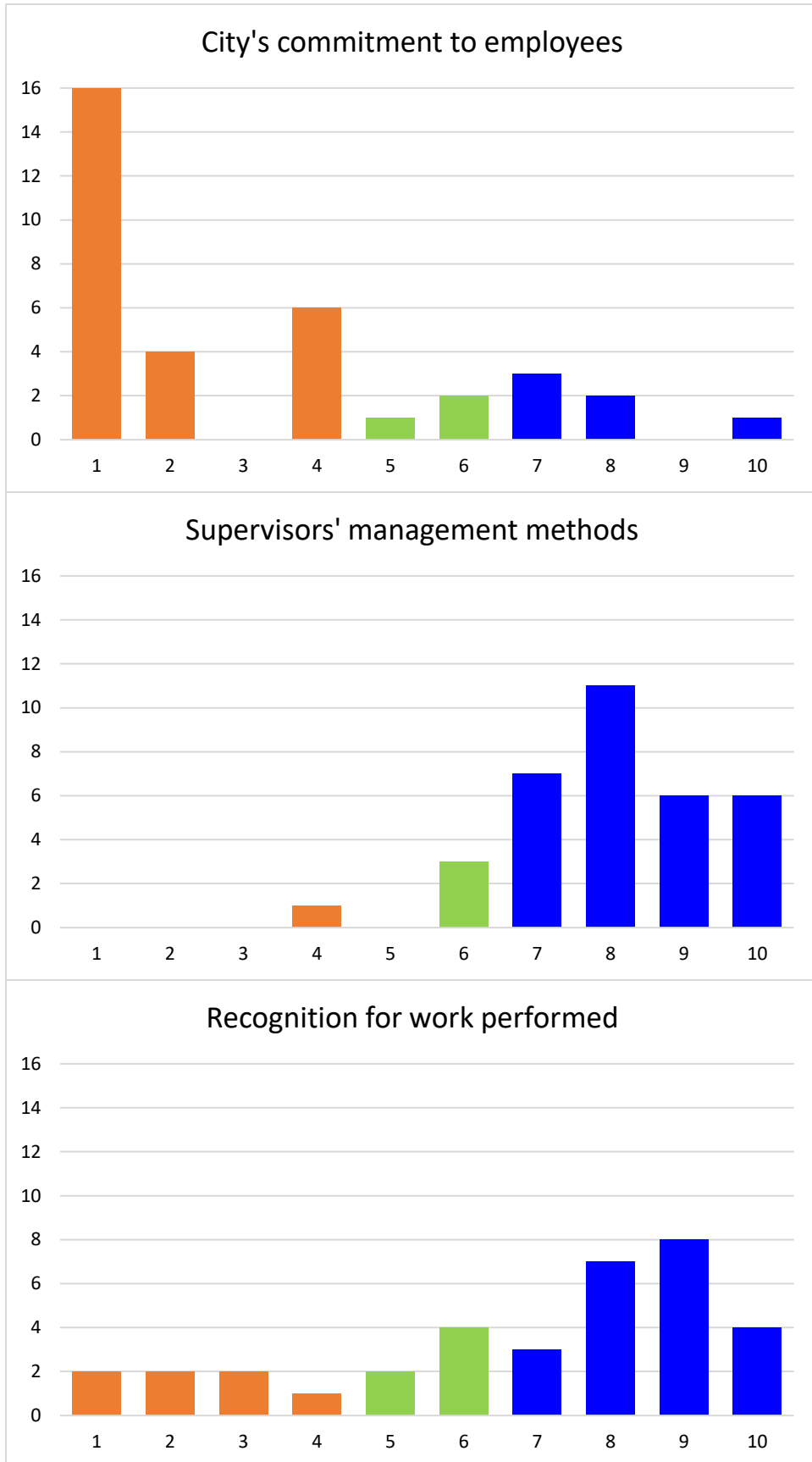
RATINGS	1	2	3	4	5	6	7	8	9	10
Training received	0	1	0	1	1	3	5	4	10	10
Company benefits	0	0	0	1	2	2	4	13	5	8
Career opportunities	1	1	2	2	2	4	7	3	4	8
Supervision received	0	0	0	0	0	1	7	13	9	5
Working conditions	1	3	7	2	4	2	5	5	2	3
Pay for work required	0	0	3	2	4	6	7	4	4	5
Type of work performed	0	0	1	2	3	1	10	6	5	6
Work schedule	0	0	1	1	1	2	2	6	6	15
The job met my expectations	0	0	3	1	5	2	1	10	7	5
City's commitment to employees	16	4	0	6	1	2	3	2	0	1
Supervisor's mgt methods	0	0	0	1	0	3	7	11	6	6
Recognition for work	2	2	2	1	2	4	3	7	8	4
Respect for work	7	1	1	0	5	5	3	3	6	3

[Each cell shows the number of employees who selected the respective rating for the respective category. The results for each question are represented graphically on the following pages. Some employees left some ratings categories blank; totals may not sum equally]





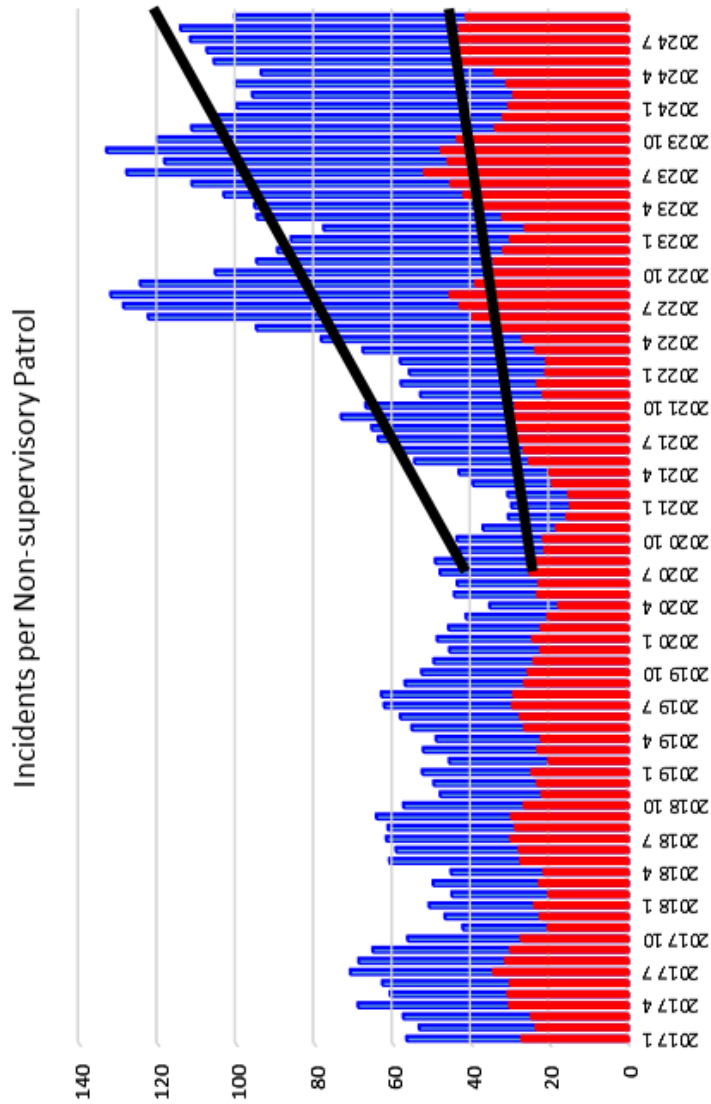






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Appendix 02: Headcount vs Incident Volume



Because headcount has fallen while incidents have risen, some officers are handling three times as many incidents. This graph compares month-by-month incident volume to month-by-month sworn officer headcount. It shows **incidents-per-officer for all sworn (red)** versus for **non-supervisory sworn on patrol (blue)**. The majority (>75%) of incidents are answered by non-supervisory patrol officers. Other incidents are answered at the airport, by detectives, by supervisors, or by CSOs and CSLs. (For example, CSOs were the primary officer on 16% of incidents in 2022, 12% in 2023, and 13% so far in 2024.) Therefore the true burden on sworn patrol officers lies somewhere between the red—a 100% trendline increase—and the blue—a staggering 200% trendline increase.

Appendix 03: Peer-reviewed academic studies demonstrating more police mean less crime.

Devi & Fryer, 2020, "Policing the Police: The Impact of 'Pattern-or-Practice' Investigations on Crime." Federal pattern-and-practice investigations that were preceded by "viral" incidents of deadly force have led to a large and statistically significant increase in homicides and total crime. The authors estimate that these investigations caused almost 900 excess homicides and almost 34,000 excess felonies. The leading hypothesis for why these investigations increase homicides and total crime is an abrupt change in the quantity of policing activity—i.e., police withdrawal.

Mello, 2019, "More COPS, Less Crime." By studying the natural experiment provided by the Great Recession and the effect of the American Recovery and Reinvestment Act's impact on funding for the Community Oriented Policing Services (COPS) hiring grants, this shows that, relative to low-scoring cities, those above the cutoff experience increases in police of about 3.2% and declines in victimization cost-weighted crime of about 3.5% following the distribution of hiring grants. The effects are driven by large and statistically significant effects of police on robbery, larceny, and auto theft, with suggestive evidence that police reduce murders as well.

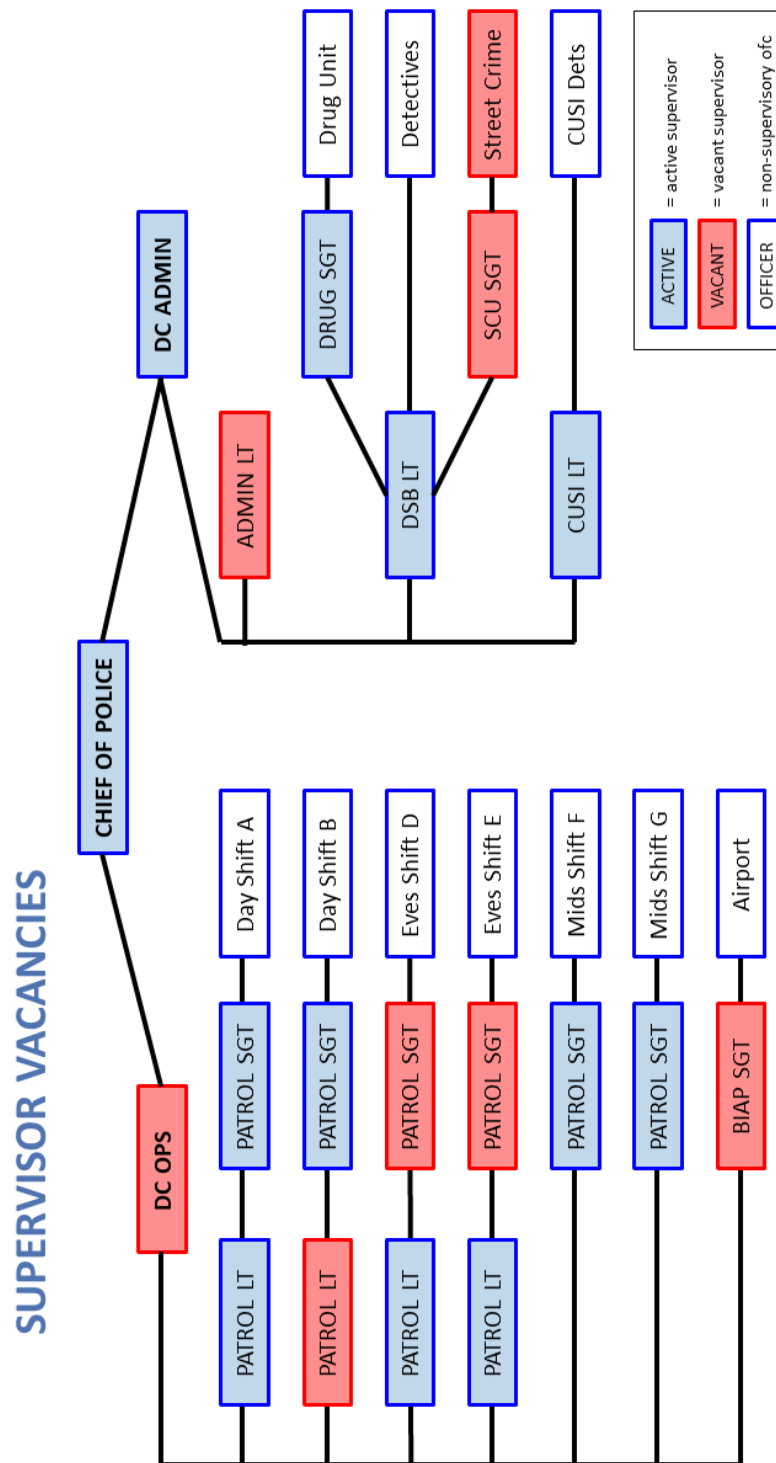
Cheng & Long, 2018, "Improving police services: Evidence from the French Quarter Task Force." The New Orleans French Quarter Task Force (FQTF), which increased police visibility in the French Quarter, reduced robberies, aggravated assaults, and thefts by 37.4%, 16.9%, and 13%, respectively. Second, our findings imply that the proper use of monitoring and incentive strategies has the potential to further improve police services.

Vidal & Kirchmaier, 2017, "The Effects of Police Response Time on Crime Clearance Rates." Shows a causal relationship between faster response times and better clearance rates; demonstrates response times are affected by staffing.

MacDonald & Grunwald, 2012, "The Effect of Privately Provided Police Services on Crime: Evidence from a Geographic Regression Discontinuity Design." Research demonstrates police reduce crime; in Philadelphia, extra police provided by the university generated approximately 45-60% fewer crimes in adjacent city blocks. Police cars spent as much as one extra hour per shift in each of the treatment areas. The study found that treatment areas experienced a 6-13% reduction in crime, with the largest effects observed for disorder violations.

Klick & Tabarrok, 2005, "Using Terror Alert Levels to Estimate the Effect of Police on Crime." Using daily crime data during the period the terror alert system has been in place, the authors show that the level of crime decreases significantly, both statistically and economically, in Washington, D.C., during high-alert periods.

Appendix 04: Supervisor Vacancies



Appendix 05: Deputy Chief Prospectus



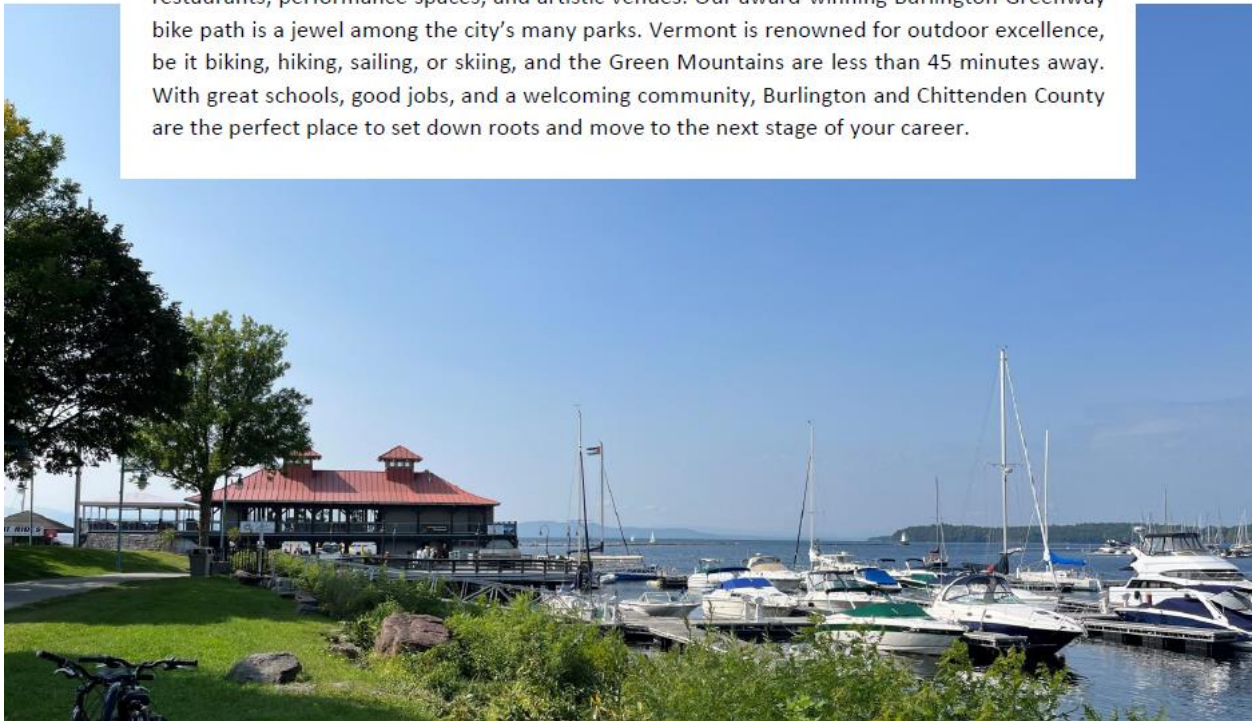
The Burlington Police Department in Burlington, Vermont, is seeking qualified applicants for the role of Deputy Chief of Police. The two Deputy Chief positions are second in the chain of command for the Burlington Police Department (BPD), reporting directly to the Chief of Police. There are two deputy chief positions. The Deputy Chief, Operations, manages the daily operations and activities of the Uniform Services Bureau, which is comprised of patrol, the airport, and the Community Service Officers (CSOs). The Deputy Chief, Administration, manages the Administrative Services Bureau and the Detective Services Bureau. These three bureaus, overseen by the two Deputy Chiefs, are the agency's largest organizational components.

Additionally, the BPD contains a business management component, overseen by the Executive Manager, and a social services component called CAIP, or Crisis Advocacy Intervention Programs, overseen by the Assistant Director, CAIP. The Deputy Chiefs, the Executive Manager, and the Assistant Director comprise the agency's executive staff, which works closely and collaboratively together, and reports to the Chief of Police.





Sitting on shores of Lake Champlain, Burlington is Vermont's largest city, with 44,000 residents and daytime populations that can be more than double. It's a vibrant community that frequently finds itself on "best of" lists for its lifestyle and great public spaces like the Church Street Marketplace. Home to important businesses and institutions like the University of Vermont, Patrick Leahy International Airport, Dealer.com, Burton Snowboards, Seventh Generation, the region's largest hospital, and more, the Queen City also has some of the state's best nightlife, restaurants, performance spaces, and artistic venues. Our award-winning Burlington Greenway bike path is a jewel among the city's many parks. Vermont is renowned for outdoor excellence, be it biking, hiking, sailing, or skiing, and the Green Mountains are less than 45 minutes away. With great schools, good jobs, and a welcoming community, Burlington and Chittenden County are the perfect place to set down roots and move to the next stage of your career.





The BPD has more than 150 years of accomplishment, and a wonderful future ahead. We have an authorized headcount of 87 sworn officers and 58 professional staff, including innovative roles like the unarmed CSOs, and in-house social workers in CAIP called Community Support Liaisons, or CSLs. We serve a diverse community and strive to reflect that diversity in our ranks.

We pride ourselves in being at the leading edge of policing, from operational advances like ICAT, to cutting-edge equipment like body-worn cameras and drones, to tactical innovations like our Emergency Response Unit, and new programs like our CAIP team and CARES program. By volume and variety of calls for service, our patrol officers are the most experienced in the state, and our detectives have an incredible closure rate for gunfire and homicide, including high-profile shootings and half-century-old cold cases.

The City of Burlington is seeking a seasoned law-enforcement professional with a strong leadership presence, a mind for progressive policing, and exemplary interpersonal skills. Our residents want an effective crime fighter and a community-oriented protector who understands that police keep people safe by working with and for their neighbors.



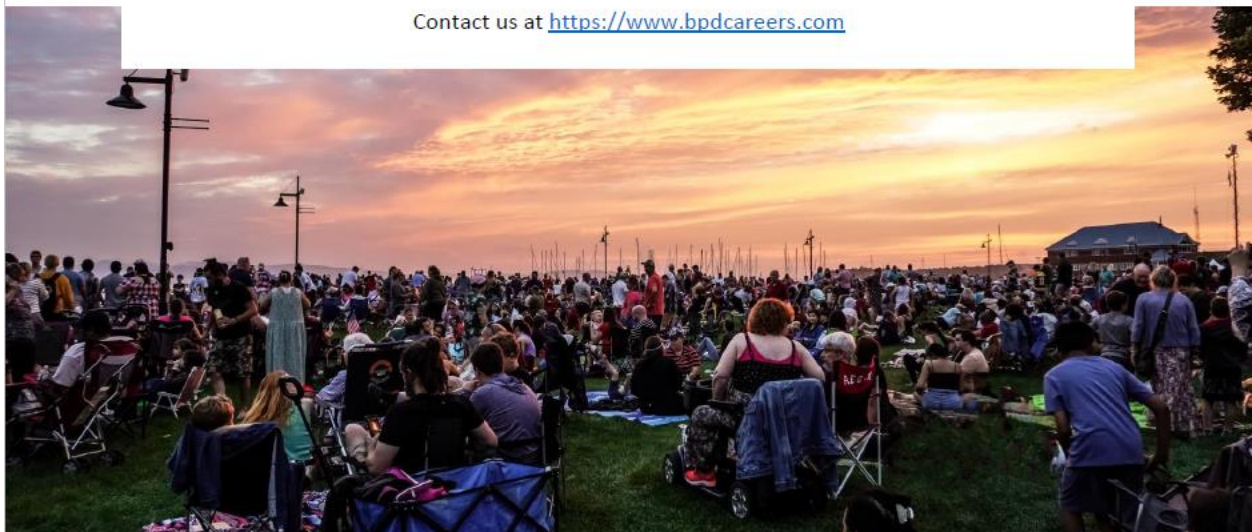


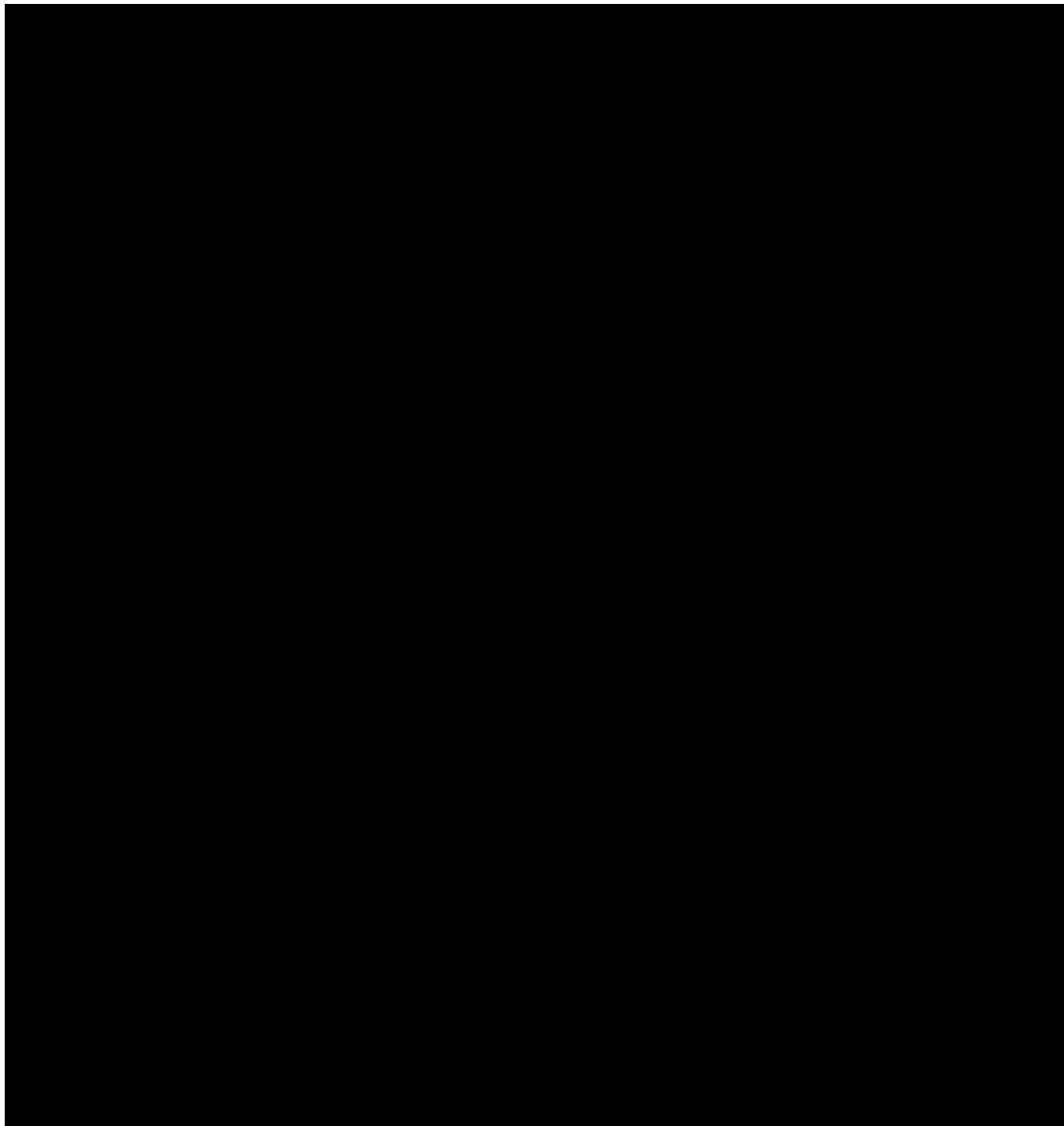
The incoming Deputy Chief must have the ability to engage with and be present in the community and the BPD. At the same time, Burlington is at the forefront of recognizing, embracing, and resourcing the idea that public safety is not a task for police alone—as evidenced by our robust professional staff and the myriad of services they provide. Our deputy chiefs must have excellent staff management and budgeting abilities. Creating innovative policy and gathering and analyzing data are also important skillsets.

Candidates must have a minimum of ten (10) years of police experience and a minimum of three (3) years in a supervisory police role. Candidates must possess, or be able to obtain within one (1) year, a Vermont Police Academy Law Enforcement Certification as a Level III officer. Out-of-state candidates must be current law-enforcement officers or have been separated from a certified law-enforcement role for no more than three (3) years. A bachelor's degree or higher is preferred; other experience, including military experience, may be considered. Attendance at a program like the FBI National Academy or PERF SMIP is strongly preferred. Candidates must possess, or be able to obtain within sixty (60) days, a valid Vermont Driver's License.

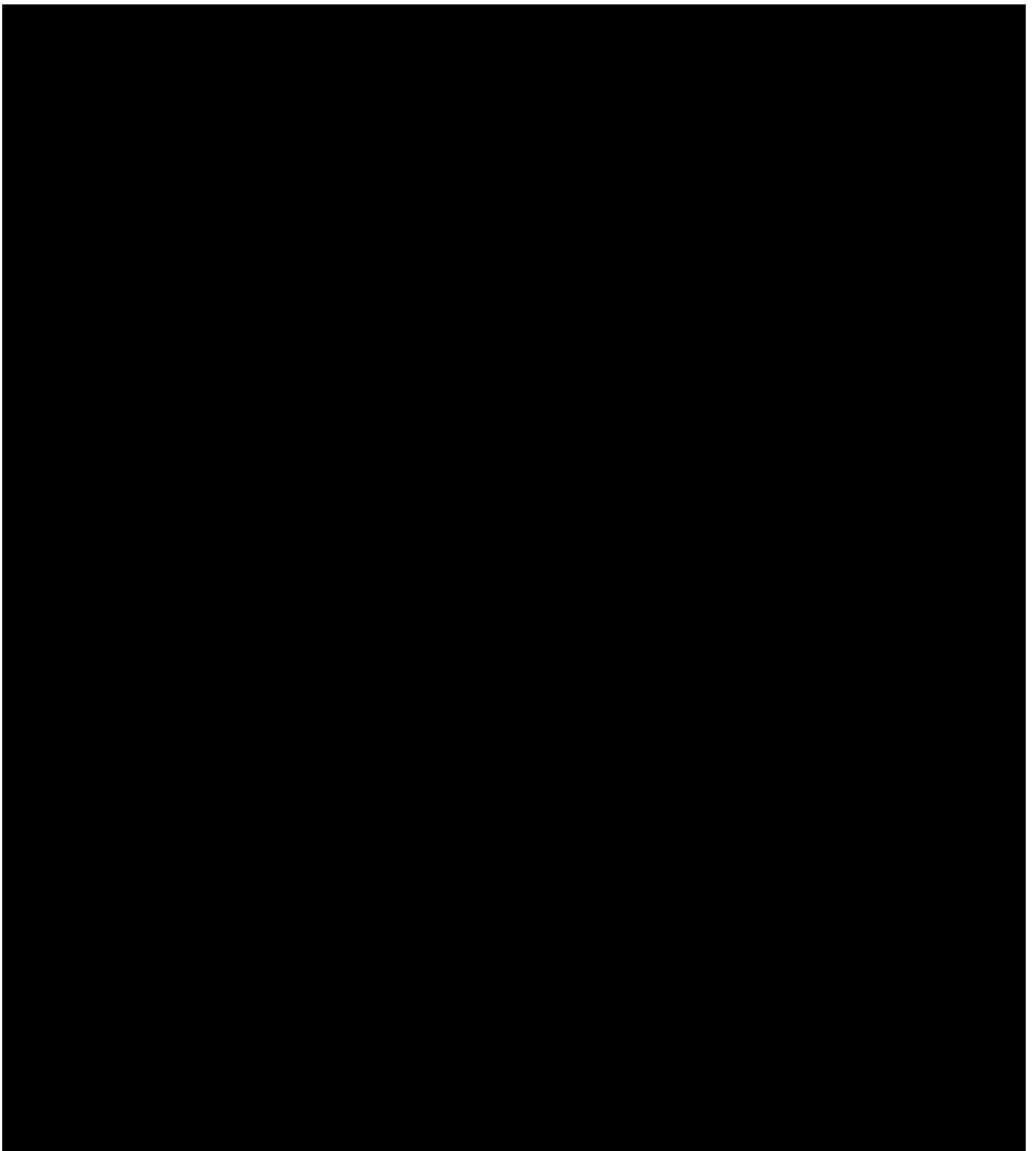
The Deputy Chief of Police is compensated according to the Police Uniform Pay Scale, or PUPS, which is defined by the police officer contract. The Burlington Police Officers Association, or BPOA, will renegotiate in July, 2025. The current PUPS for Deputy Chief ranges from \$133,769 to \$139,880, depending on experience. Additionally, the BPD currently offers a \$15,000 recruitment incentive, paid in three timed installments. The City of Burlington's benefits include retirement with five-year vesting, full medical benefits, and wellness incentives.

Contact us at <https://www.bpdcareers.com>





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Appendix 08: Burlington Police Staffing Calculation, provided by Deputy Chief Sullivan

In 1990, Rutherford Ruotolo Consulting Consortium, Inc. performed an evaluation for the City of Burlington regarding the Burlington Police Department and the appropriate level of staffing. The study used a mathematical formula to calculate proper staffing.

The formula used is as follows:

- 1) Calls for Service, plus
- 2) Add percent for calls requiring multiple officer response (e.g. what percentage of calls require more than one officer?) multiply this number by
- 3) Average time spent on a call (in hours) (add time for completing paperwork per call)
- 4) Hours per year in calls for service is multiplied by 3 to buffer for preventative patrol (visibility, service needs, etc.) This is the total hours required per year.
- 5) Total hours are then divided by 3,650 (This is the total number of hours required to staff one post on one 10-hour shift for one year = $10 \times 365 = 3,650$)

Quotient equals the minimum number of patrol posts needed for a particular shift.

In 1990 the percentage of calls answered by shift was:

Dayshift	34.81%
Evening Shift	40.12%
Midnight shift	25.07%

For the sake of simplicity, I used the same percentage of call volume per shift in 2020, as it is most likely very similar.

One important aspect of this exercise is to recognize that call volume is very fluid and is currently under reported for several reasons. Some of these reasons include the airport officers do not start incidents for many of the tasks they complete. One example of this is gate alarms. Another example is that dispatch will sometimes stack a particular card with multiple incidents downtown. An example of this is fireworks complaints.

2020 will be an anomalous year with very low call volume due to the COVID health pandemic. Thus, 2020 call volume numbers will not be a good measure of call volume. Call volume has been trending downward over the last few years and there are several factors that play into this. Some of the factors are that the Burlington police Department has been very proactive in addressing certain issues in the city. One example of this is quality of life issues in the Hill section where call volume has been reduced by almost 50% from 2012 until now. This was achieved through a partnership with UVM where UVM funded additional officers for targeted enforcement in the Hill Section. What we found was there was an inverse relationship between

officer-initiated calls and citizen-initiated calls. As more officers patrolled the neighborhood officer-initiated calls increased and as these calls increased, citizen-initiated calls decreased because officers were addressing issues proactively. Also noteworthy is the fact that UVM provided enough funding to double regular patrol numbers for the whole city, yet these additional officers focused almost exclusively on the Hill Section with measurable positive results.

The 1990 study found call volume at that time was approximately 40,000 calls for service per year. Contemporary call volume is as follows:

2013	34,278
2014	36,275
2015	37,324
2016	37,131
2017	32,671
2018	29,684
2019	28,476

The average call volume over the last seven years, 2013 to 2019, is 33,691 calls for service.

Another reason for the drastic drop in call volume is that officers self-initiated traffic enforcement has drastically declined. This was in part a result of then-Chief del Pozo directing officers to engage in more education than enforcement. The result of this direction is demonstrated by the number of traffic stops BPD engaged in with a high of 6,141 stops in 2015 falling to 2,019 stops in 2019. Lack of proactive traffic enforcement has resulted in a decrease in call volume of more than 4,000 calls per year.

For the sake of calculation I will use the average call volume of 33,691 calls for service. This is a conservative estimate due to under reported numbers.

Calls per shift:

Days	11,728
Eves	13,517
Mids	8,446

The percentage of calls that require more than one officer response is approximately 50%.

Days	11,728 plus 5,864 (50%) = 17,592
Eves	13,517 plus 6,758.5 (50%) = 20,276
Mids	8,446 plus 4,223 (50%) = 12,669

Each call takes an approximate average of one hour per call. This equals 1 for 1. (In 1990 they used .75 hours per call, but the job and paperwork requirements have increased.) Then apply the buffer multiplier of three. This is the same multiplier used in the 1990 study.

Days 17,592 x 3 = 52,776 hours required

Eves 20,276 x 3 = 60,828 hours required

Mids 12,669 x 3 = 38,007 hours required

Then divide the hours required by 3,650 to establish the number of posts required. Keep in mind that posts does not necessarily equal a ratio of 1 post to 1 officer. A post may require more than one officer. Posts required:

Days 52,776 divide by 3,650 = 14.459 posts = 15

Eves 60,828 divide by 3,650 = 16.665 posts = 17

Mids 38,007 divide by 3,650 = 10.413 posts = 10

Posts do not directly equate to one officer (please see page 29 and 30 of the 1990 study for explanation). An availability factor is used to determine 2.09 officers are required per post. This was calculated from 3,650 officer hours per year per post divided by 1,740 hours available equals 2.09.

Factors	Average days off	Average Officer Hours
Days Off	156 x 10	1,560
Holidays	11 x 10	110
Floating Holidays	2 x 10	20
Vacation	10 x 10	100
Sick Time	10 x 10	100
Personal Leave	2 x 10	20
Totals	191 x 10	1,910

The average hours off is then subtracted from the officer hours per year (per post).

3,650 minus 1,910 equals 1,740 hours available per officer on average.

The 3,650 hours per year is then divided by the hours available to determine the availability factor.

3,650 divided by 1,740 equals 2.09

Thus it will take 2.09 officers to cover each post.

These are officer posts, not including supervisory requirements.

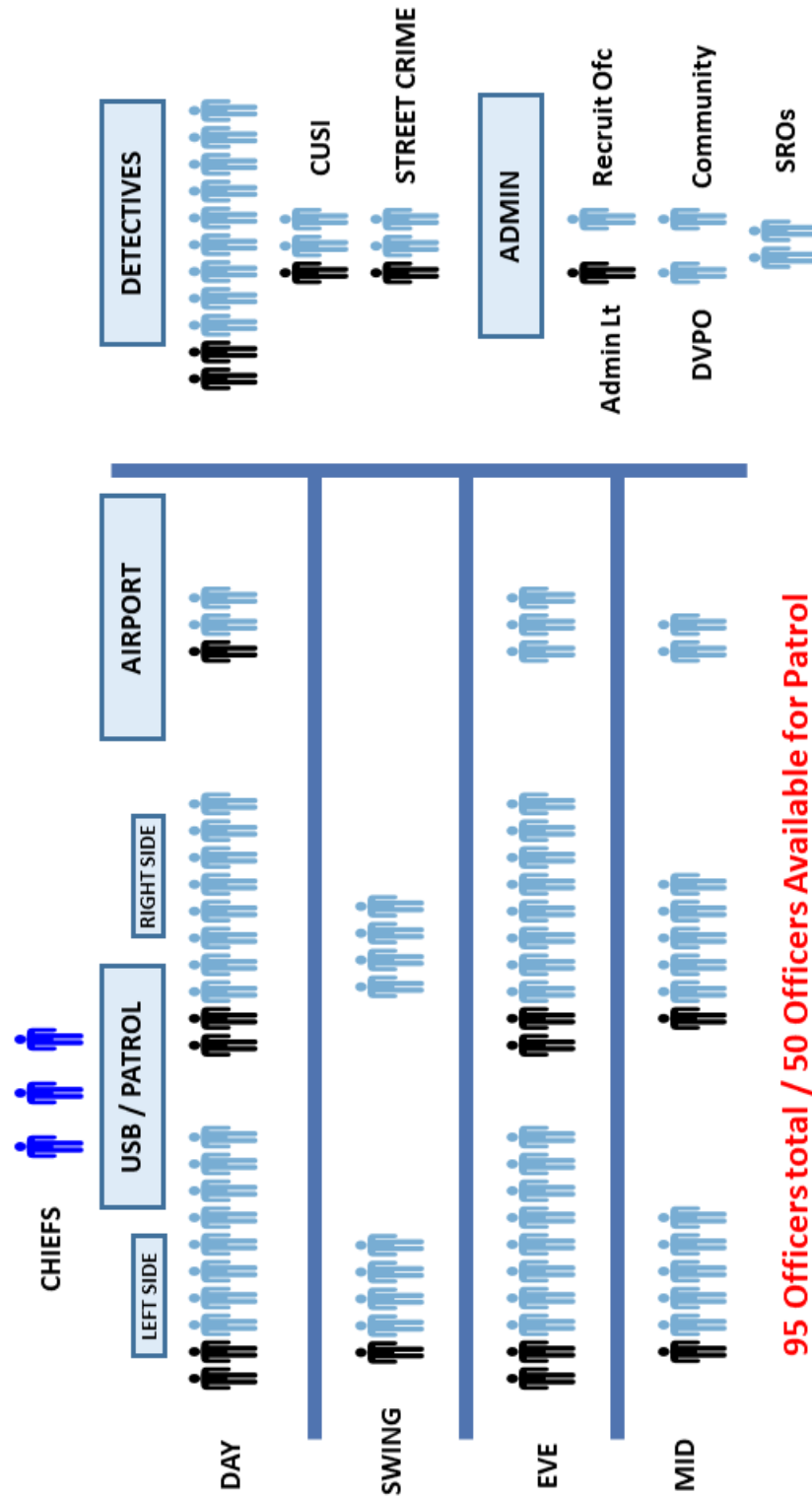
	0730-1730	1645-0245	2230-0830	Raw Score	Total
Post #1	2.09	2.09	2.09	6.27	6
Post #2	2.09	2.09	2.09	6.27	6
Post #3	2.09	2.09	2.09	6.27	6
Post #4	2.09	2.09	2.09	6.27	6
Post #5	2.09	2.09	2.09	6.27	6
Post #6	2.09	2.09	2.09	6.27	6
Post #7	2.09	2.09	2.09	6.27	6
Post #8	2.09	2.09	2.09	6.27	6
Post #9	2.09	2.09	2.09	6.27	6
Post #10	2.09	2.09	2.09	6.27	6
Post #11	2.09	2.09		4.18	4
Post #12	2.09	2.09		4.18	4
Post #13	2.09	2.09		4.18	4
Post #14	2.09	2.09		4.18	4
Post #15	2.09	2.09		4.18	4
Post #16		2.09			2
Post #17		2.09			2
				Total	84

This calculation determines 84 non-supervisory officers should be assigned to the Uniform Services Bureau to handle calls.

If 84 non-supervisory officers were assigned to USB, the shifts would have 15 assigned to each day shift, 17 to each evening shift, and ten assigned to each midnight shift. Compare this to the current 2021 fall tour: 30 total non-supervisory officers are assigned to USB. Seven are assigned to one dayshift and six are assigned to the other day shift, six are assigned to each evening shift, and two are assigned to one midnight shift and three to the other midnight shift.

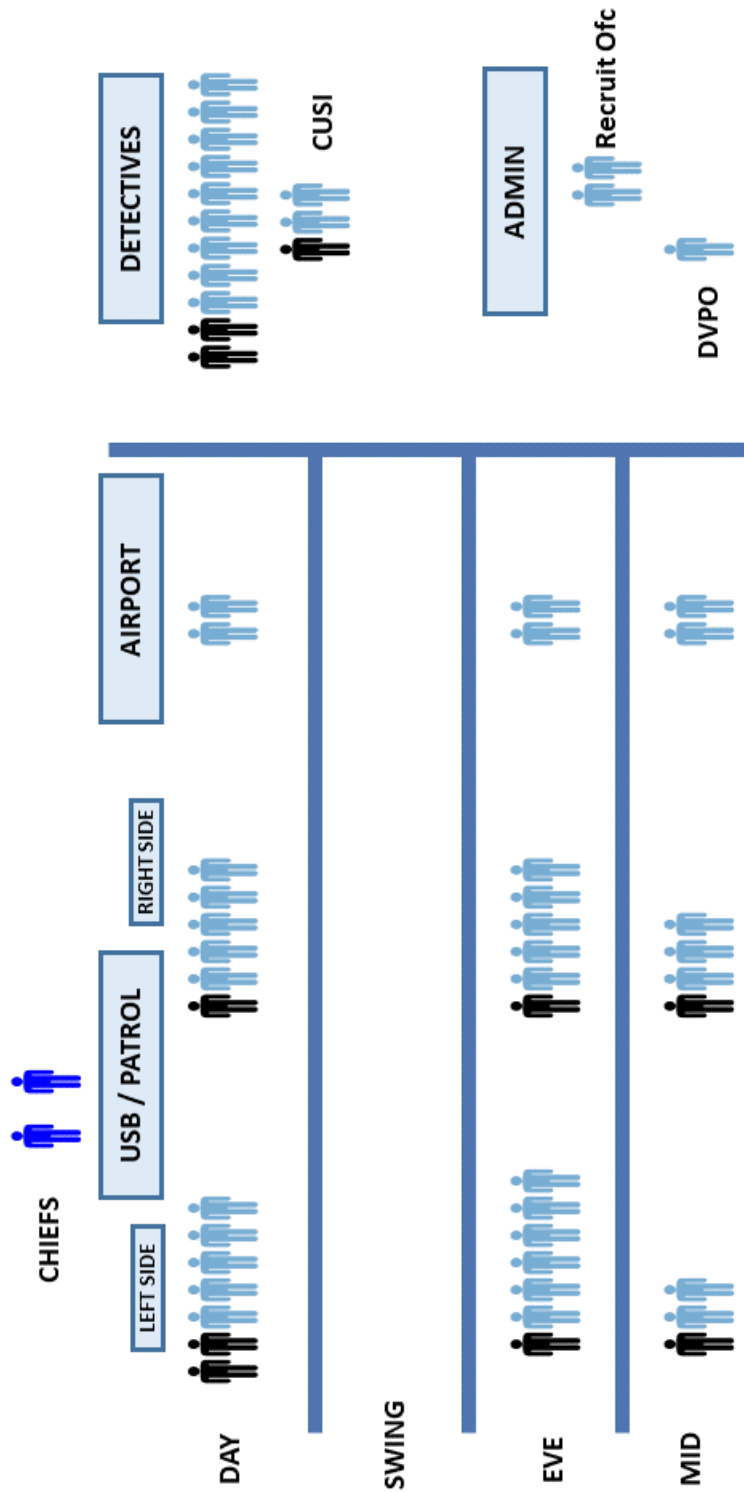
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Appendix 09: Historic deployment – 95 Effective



This is a visual of historical staffing, circa 2019. It has strong patrol coverage (including a swing shift); specialized roles like the DVPO, SROs, and a Community Affairs Officer; a Street Crime Team; and a full complement of detectives in DSB and CUSI. Area-based community policing and innovative protocols like ICAT require this level of staffing.

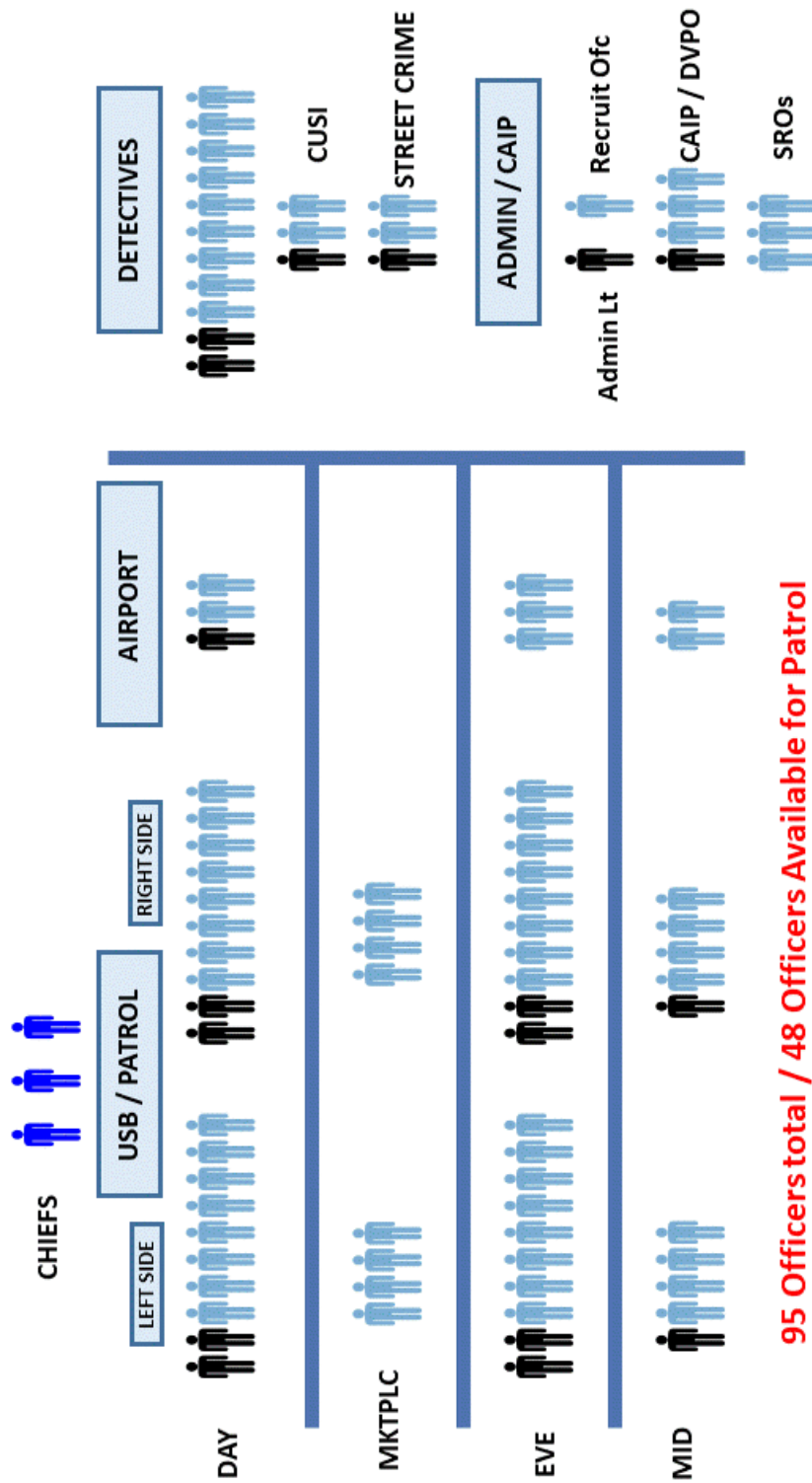
Appendix 10: Current deployment – 58 Effective



58 Officers total / 26 Officers Available for Patrol

This is current staffing. BPD has no swing shift, no SROs, too few supervisors per shift, no supervisor at the airport, no Street Crime Team, no Administrative Lieutenant, and no Deputy Chief of Operations.

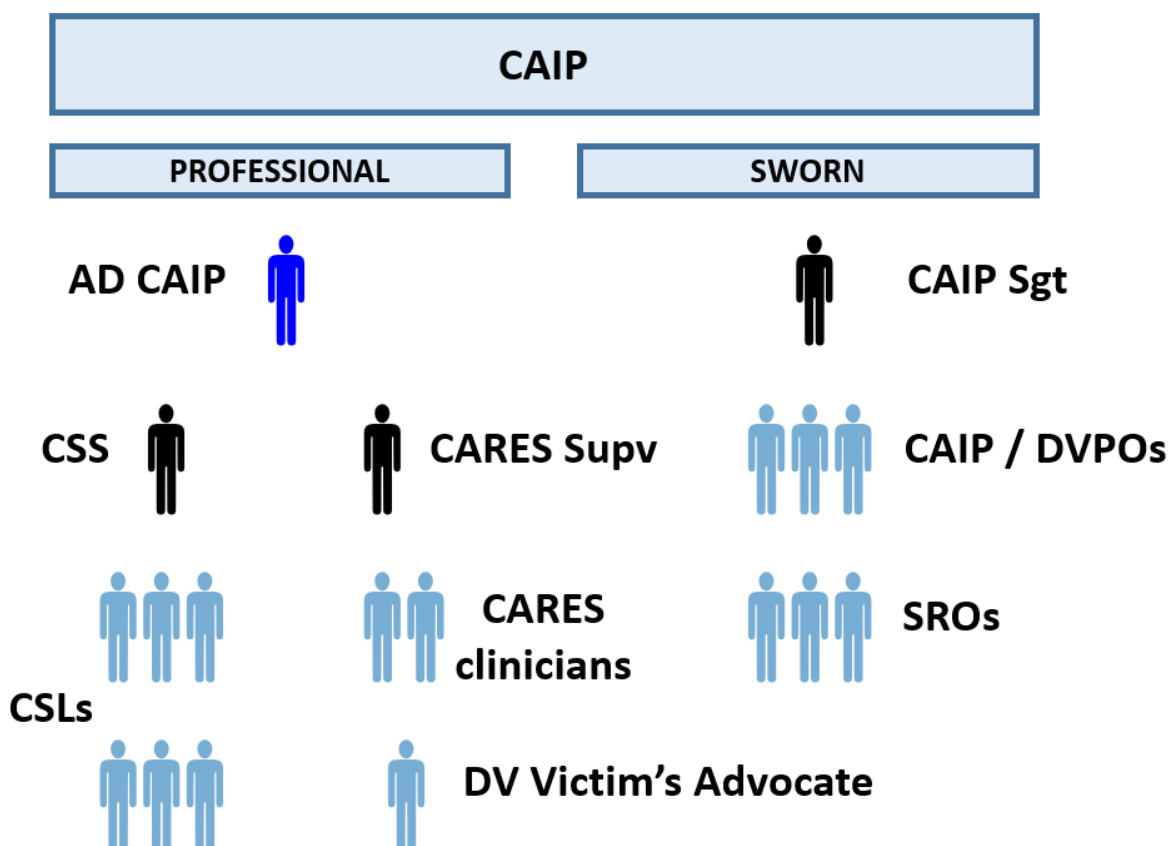
Appendix 11: Vision for Deployment – 95 Effective



95 Officers total / 48 Officers Available for Patrol

This is my vision of full staffing. It has full, area-based patrol coverage; a dedicated Marketplace foot patrol team; a sergeant and three officers assigned to CAIP as DVPOs / crisis officers / outreach escorts, plus three SROs who report to the CAIP sergeant; a Street Crime Team; and a full complement of detectives in DSB, the Drug Unit, and CUSI.

Appendix 12: What CAIP Could Be



This is my vision of a fully-staffed **Crisis Advocacy Intervention Programs** team.

CAIP's professional staff is overseen the Assistant Director CAIP, an executive team member of the BPD. The Community Support Supervisor (CSS), Burlington Crisis Assessment Response Engagement Services (CARES) Supervisor, and the Domestic Violence Victim's Advocate report to AD CAIP. Six Community Support Liaisons (CSLs) report to the CSS and two CARES clinicians report to the CARES Supervisor. The CSLs handle non-emergent social work while the CARES team addresses crises and clinical issues.

CAIP's sworn staff is overseen by the CAIP Sergeant. Six officers report to the sergeant, including three School Resource Officers (one assigned to BHS and BTC; one assigned to Hunt, CP Smith, Flynn, and IAA; and one assigned to Edmunds MS and ES, Sustainability, and Champlain), and three officers cross-trained as DVPOs and outreach workers.

The various components can codeploy or operate independently as required. Both AD CAIP and the CAIP Sgt report to the Chief of Police.

Appendix 13: Moran Letter



Burlington Police Officer's Association

To Whom It May Concern,

I am writing to express my concern regarding the ongoing hiring and recruitment issues at the Burlington Police Department. Over the past several years, it is no secret that the number of candidates for law enforcement positions has seen a sharp decrease in Vermont and across the country. There are several opinions as to why the number of applicants has dropped, including the consistent high level of stress, the daily liability assumed, the demonization of officers, and poor public perception. At a time when officers are needed more than ever, I had a unique opportunity to gather insight into why Burlington is having difficulty attracting applicants.

This past week, I had the privilege of assisting the 118th Basic class in the role as a Training Assistant at the Vermont Police Academy. In that role, I assist in teaching and assisting the recruits for one week, for each Vermont Police Academy class. I spend the entire day with the class and help guide them through the week. During that time, I sat down with the recruits for a Q&A session to address any concerns they might have after graduation and provide insight about the profession. At the end of the session, I asked for a show of hands from those who live inside or near Chittenden County. Of the 44 recruits, approximately 17 raised their hands. I then asked those recruits if any had applied to Burlington. All recruits lowered their hands. After a short discussion with said recruits, it became overtly clear that they all shared the same concerns about working in the Queen City, a major lack of support from both politicians and the community. Many recruits mentioned that surrounding communities have a proven track record of support from both town managers and community members, where Burlington does not. Some recruits referenced the officers in Burlington who were demonized during the protests of 2020 and felt that Burlington has not been the same since. While a few were on the fence about choosing Burlington over other departments, they ultimately decided against applying due to the lack of support from the city and the potential for ostracizing officers and facing public ridicule.

Furthermore, Burlington had four recruits in the 118th Basic class. All four recruits were not originally from Vermont and some have recent ties to the area. Of the four hired, two have since left, with one specifically noting that the pay was not as advertised. I believe this fact alone highlights the struggles that the Burlington Police Department will face in the coming years, as we were unable to secure even one recruit with deep-rooted ties to Vermont, let alone Burlington. This shows there is a direct correlation between the applicants that Burlington police department receives compared to surrounding agencies.



Burlington Police Officer's Association

These people are ignorant to the local political climate and do not understand the circumstances of the department that they are applying. People who live in the area understand and recognize the lack of support from the city leadership and community, whereas out-of-state applicants do not grasp this as well as someone who has lived in the area for a portion of their adult lives.

I believe that the perception of the city, the city council, and the mayor's office is a major deterrent for people who live in the area and want to pursue law enforcement careers to serve their local communities. Some wounds heal over time, but without outspoken support from these offices, I do not foresee Burlington being able to once again be the pinnacle of policing in the state of Vermont. Without being able to attract people with deep connections to the area, and reach into a deeper candidate pool, Burlington Police Department will face many years of staffing issues.

The first and clear step to fix the issues that the Burlington Police Department faces is to fix the optics that officers are not supported among politicians. We need outspoken members of the mayor's office and city council to speak up and speak out about the need for qualified officers with emotional connections to the area. With the new administration in the Queen City, I believe there is an opportunity to rebuild this department with outspoken support for the officers who are on the streets on a daily basis. Burlington once was the gold standard of policing in the state of Vermont, and it can be again with continued outspoken support and deliberate meaningful actions/votes, by the politicians of this city.

Respectfully,

Officer Michael Moran
Badge #398
1 North Ave Burlington Vermont
802-658-2700 Ext. 9
mmoran@bpdvt.org

Appendix 14: Community Justice Center MOU



MEMORANDUM OF UNDERSTANDING BETWEEN

BURLINGTON POLICE DEPARTMENT

AND

BURLINGTON COMMUNITY JUSTICE CENTER

REGARDING DIRECT PRE-CHARGE REFERRALS TO ALTERNATIVE JUSTICE



This Memorandum of Understanding (MOU), between the Burlington Police Department, hereafter referred to as "BPD," and the Burlington Community Justice Center, hereafter referred to as "CJC," provides as follows:

Section 1. Purpose and Scope of Agreement

The purpose of this agreement is to clearly identify the roles and responsibilities of each party as they relate to post-arrest or post-citation pre-charge diversion (pre-charge direct referrals made by the BPD to the CJC's **Restorative Justice Program (RJP)**). The agreement outlines criteria for referral, case flow, completion procedures, and special considerations.

Section 2. Background

When a sworn police officer with the BPD arrests or cites an offender for certain crimes as described in the Vermont Statutes or tickets an offender for certain violations of the City of Burlington's municipal code, a direct referral to the CJC may provide a speedy alternative to the juvenile and criminal justice systems. Offenders are held accountable for their actions in a timely and meaningful way. Along with reducing the number of cases and the costs and time lag associated with the standard criminal justice process, RJP's increase community safety by attending to the needs of the victim and the needs of the offender.

Section 3. Criteria for Referral

A. Offender Age: An offender who is ten (10) years old and older may be eligible for direct referral to the CJC RJP.

B. Offender Criminal History: To be referred by the BPD directly to the CJC:

1. An offender shall have no more than one prior arrest, citation, or ticket for any similar offense(s), or

2. An offender shall have had no incidents for a period of five or more years as indicated by the offender's Valcour history.

Furthermore, an offender who has been listed as an "Arrestee," "Suspect," or "Person of Interest (POI)" in a high number of police involvements / Valcour entries for other, unrelated offenses may be deemed ineligible for referral on a case-by-case basis at the discretion of the arresting officer in consultation with a supervisor. Those determined to be on arrest warrant status are also ineligible.

C. Offender Voluntariness: The arresting officer explains to the person that a referral to Pre-charge Diversion is voluntary, but the person must take responsibility and work with the CJC to make amends to anyone impacted. The officer will further explain that if the person were to complete the program successfully the matter would be closed. The officer asks the person whether the person is willing to participate in the program. The person must answer affirmatively and must indicate that they/he/she is prepared to accept appropriate responsibility for the offense.

D. Victim Notification. If the crime or municipal-code violation has a victim, personnel with the CJC will inform the victim that the case has been referred to the CJC RJP. If after a full discussion of the options available through the CJC the victim is unsupportive of this referral, the case will be returned to the BPD for prosecution. Victims may also request that the BPD directly refer the case to Pre-charge Diversion.

E. Prosecutor Notification. The CJC will, in writing, inform the Office of the Chittenden County State's Attorney of each case that has been referred, including the name of the offender(s), the date of the offense(s), and the offense type(s).

F. Offense Types. When an officer arrests or issues a citation to an offender for any of the following charges, and there is no felony charge or allegation of concurrent misdemeanor Domestic Assault involving intimate partner violence, and the offender meets the criteria in A through C above, the following charges WILL be sent to the CJC, absent specific reasons for exception that are approved by a supervisor:

- Retail theft under \$300 (13 VSA § 2575)
- Unlawful Mischief under \$500 (13 VSA § 3701)
- False personation / pretenses (13 VSA § 2001)
- Petit larceny under \$500 (13 VSA § 2502)
- Bad checks / insufficient funds (13 VSA § 2022)
- Simple assault (13 VSA § 1023)
- Disorderly conduct (13 VSA § 1026)

- Disturbing peace by telephone or other electronic communications (13 VSA § 1027)
- False reports to law enforcement authorities (13 VSA § 1754)
- Unlawful Trespass (13 VSA § 3705)
- Burglary of an unoccupied premises (13 VSA § 1201)
- Possession of stolen property (13 VSA § 2561)
- Theft of services (13 VSA § 2582)
- Possession of deadly weapon in school (13 VSA § 4004)
- Possession Drugs (18 VSA § 4234)
- Negligent operation (23 VSA § 1091 a)
- Excessive speed (23 VSA § 1097)
- Leaving the Scene of an Accident (LSA) (23 VSA § 1128 a)
- Alcohol consumption (Municipal Code 21-37, 21-38, 22-22)
- Other offenses subject to agreement by the BPD and CJC

The BPD may also refer civil violations and neighborhood and school conflicts as deemed appropriate.

Section 4. Criteria for Non-Acceptance

The CJC may return a case to the BPD in the following instances:

A. Refusal to acknowledge accountability. The CJC may return the case if the offender does not acknowledge that he/she/they committed the offense. The BCJC does not offer a court process that determines guilt or innocence. If the offender denies the charge(s), the offender will be advised that the RJP cannot be of assistance and that the Court is the proper venue to hear from any person who claims to have been wrongly accused. The case will then be sent back to the referring officer with an explanation of why the CJC cannot accept the case.

B. Domestic and sexual violence. Any case involving intimate partner and/or sexual violence will be returned.

C. Greater harm. Members of the CJC staff and/or RJP believe the process could be harmful to the victim, offender, program volunteers, or the larger community. The Burlington CJC will consider whether other restorative approaches may be more appropriate.

D. Failure to appear. The offender refuses to participate in the process and/or is unreachable (after repeated phone/text/email/direct outreach attempts).

E. Lack of victim approval. As stated in 3. D., above, if a victim is unsupportive of the case being referred to the CJC RJP, the case will be returned to the BPD for prosecution.

Section 5. Case Flow

A. Offense. When a BPD officer handles an offense eligible for the CJC RJP, the officer will give the offender contact information for the CJC RJP Adult Restorative Services Manager. This must be documented in the officer's narrative, e.g., "RJP explained to suspect and contact information provided."

B. Officer's report. The officer will complete a narrative (that can become an affidavit if necessary) and the name jacket(s) for all offenders involved. The paperwork must be completed within five calendar days of the incident. A supervisor will review the incident for referral.

C. Referral. Once the report is approved by a supervisor, clerks in the Records unit or the Uniform Bureau Support and Administrative Coordinator (UBSAC) will email the incident narrative and name jacket(s) to the CJC with the RJP cover sheet containing contact and demographic information for both the person responsible and for the victim. Offenders are encouraged to contact the CJC within seven (7) days from the referral date to participate.

D. Completion. Upon completion of the RJP process, or earlier if specifically requested by the officer, the CJC will forward a case-status report to the referring officer and UBSAC.

Section 6. Confidentiality of Police Referrals

All information provided by the BPD to the CJC is considered the responsibility of the CJC . The CJC does not share copies of information in any format. In youth cases CJC staff, Support Center staff, and Student Assistant Program Coordinators are able to collaborate on and freely communicate without a release about non-criminal incidents that happen on Burlington School District campuses.

Upon referral to the CJC, the matter shall become confidential. All information related to any offense gathered in the course of the process shall be held strictly confidential and shall not be released without the person's prior consent, except under the following conditions:

1. Where there is a threat or statement of a plan that a person may reasonably believe is likely to result in death or bodily injury to themselves or others or damage to the property of another person.
2. When disclosure is necessary to report bodily harm any party causes another during restorative justice programming.

3. When disclosure to other community-based restorative justice providers is necessary to facilitate coordination for an individual who has more than one active referral before different community justice providers.
4. Where there is a reasonable suspicion of abuse or neglect of a child or vulnerable adult and a report is made pursuant to the provisions of 33 VSA § 4914 or 33 VSA § 6903 or to comply with any law.

Section 7. Completion Procedures

A. Failure to complete. If the offender does not contact the CJC, does not respond when contacted by the CJC, or does not complete the RJP process, the case will be referred back to the BPD for prosecution. When returning a case, the CJC will email a formal “referral-back letter” as an attachment to the referring officer and the UBSAC and the Office of the Chittenden County State’s Attorney. The UBSAC will forward the letter to the Records unit. The Records unit will attach the letter to the case file. The officers will refer the case to the Chittenden County State’s Attorney’s Office for prosecution.

B. Successful completion. Upon successful program completion, the CJC emails a formal completion letter within seven (7) days as an attachment to the referring officer, the UBSAC, and the Records unit. The BPD will consider the matter closed. The Records unit attaches the letter to the case file and follows the checklist outlined in Appendix A, which includes:

1. Altering the reference to the offender in the Valcour Records Management System (RMS) by changing the offender’s role to “Other.”
2. Notifying the VCIC to remove fingerprints and the arrest record. Notification should be submitted within seven (7) days of receiving notice of successful completion from the CJC. The CJC should be copied on the notification.

Section 8. Special considerations

In consideration of the community volunteers who give their time to make this program possible, and the need to screen these volunteers adequately, the BPD agrees to assist with checking the criminal histories of all CJC volunteers. This will be done through the Vermont Crime Information Center’s (VCIC) online portal. It is understood that such checks will only include a list of any convictions in the state of Vermont.

For potential volunteers who have lived outside of the state of Vermont, the BPD will assist the CJC with obtaining a fingerprint-supported background check by fingerprinting the potential volunteer free of charge and submitting the FAC form to VCIC. The CJC will be responsible for paying the federal fee charged by VCIC. It is understood that the typical turnaround time for

such requests is 1-2 weeks. The CJC will be responsible for scheduling volunteers' fingerprinting, and for submitting necessary paperwork to the BPD Records unit. The contact person for this will be the Deputy Chief of Operations and/or the Community Service Manager.

Section 9. Amendment/Termination of Memorandum

This MOU shall remain in effect from the date signed unless or until any party to the agreement requests amendment or termination in writing. It is recommended that this agreement be revisited annually.

In witness whereof, this Agreement has been executed and is effective as to each of the parties as herein provided.

Burlington Police Department

Jon Murad, Chief of Police

Date: Aug 09, 2024

Burlington Community Justice Center

Rachel Jolly, Director

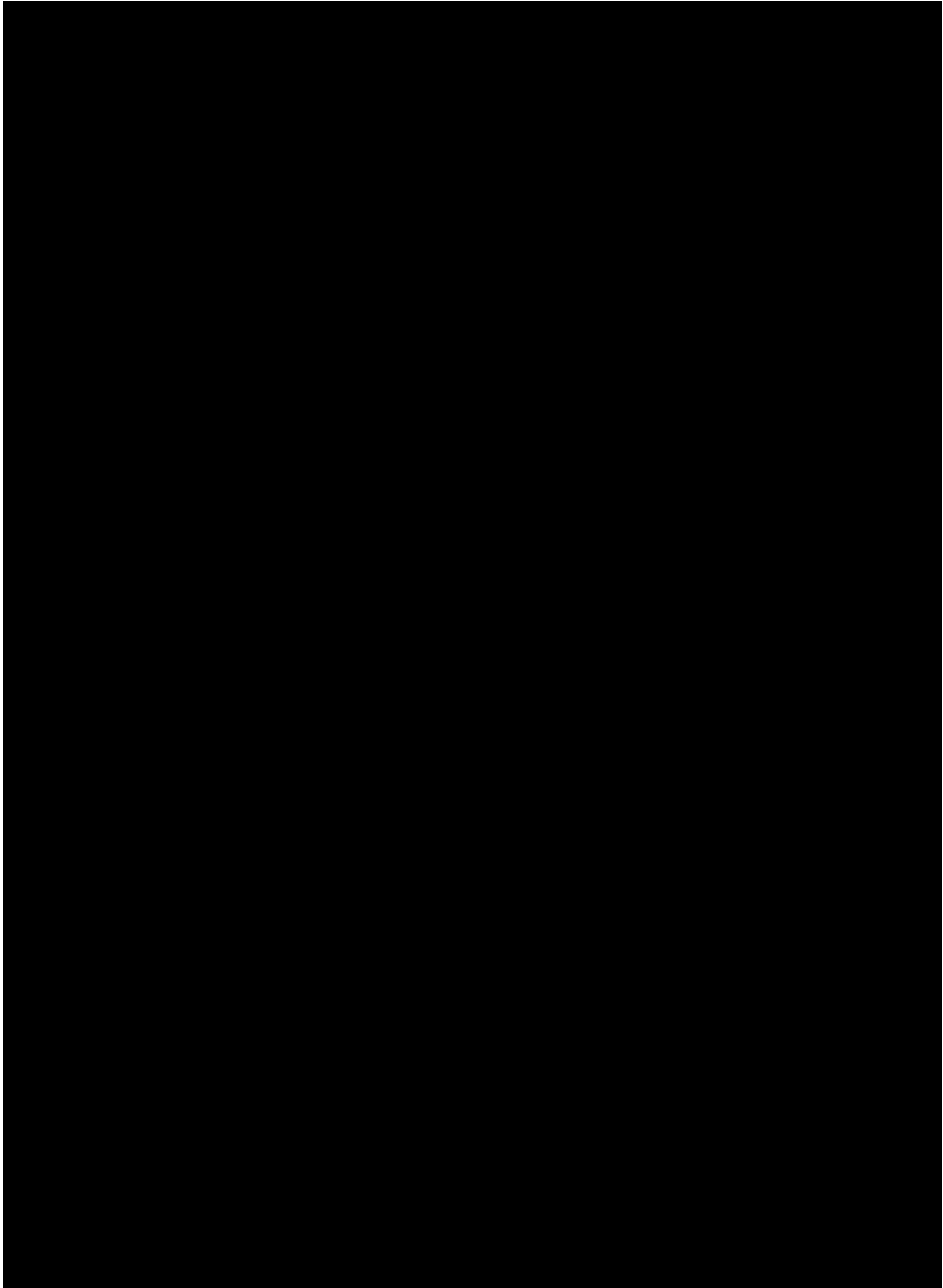
Date: Aug 13, 2024

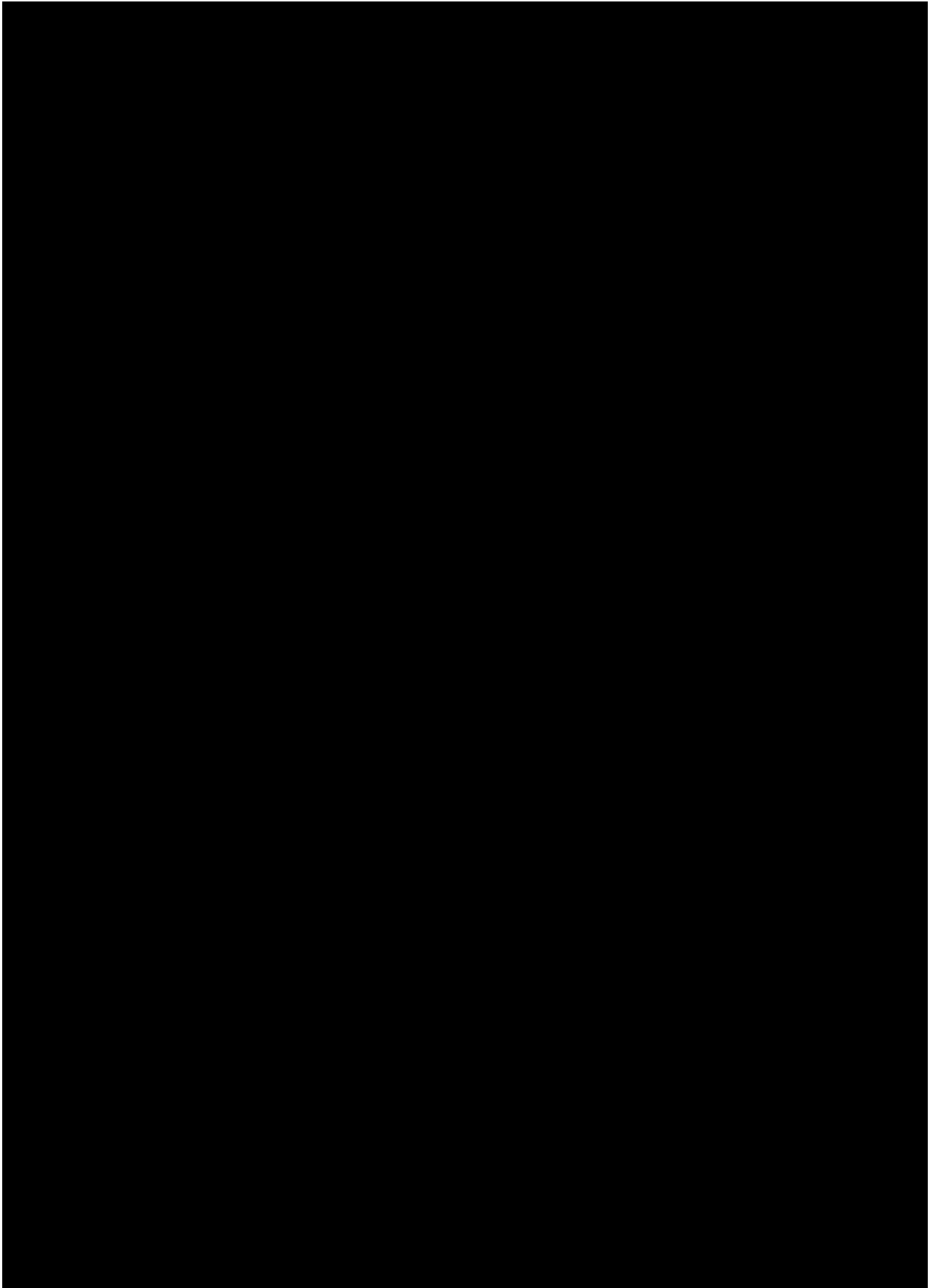
###

Appendix 15: All BPD Positions, Sworn and Professional

	SWORN POSITION		# AUTH	# ON STAFF
1	Chief		1	1
2	Deputy Chief		2	2
3	Lieutenant		6	6
4	Sergeant		11	5
5	Police Officer		67	50
			87	64

	PROFESSIONAL POSITION	GRADE	# AUTH	# ON STAFF
1	Application and Technology Support Specialist	15	1	1
2	Assistant Director of CAIP	24	1	1
3	Beach & Parks Patrol		x	x
4	Burlington CARES Clinical Supervisor	20	1	1
5	Burlington CARES Clinician	19	2	1
6	Business Manager	20	1	0
7	Command Assistant	15	1	1
8	Community Service Manager (CSM)	18	1	1
9	Community Service Officer (CSO)	15	11	6
10	Community Support Liaison (CSL)	18	6	6
11	Community Support Supervisor (CSS)	20	1	1
12	Criminal Identification Technician	18	2	2
13	Digital Media Redaction Specialist	14	1	1
14	Domestic Violence Victims Advocate	17	1	1
15	Emergency Communications Manager (ECM)	19	1	1
16	Emergency Communications Specialist (ECS)	17	14	11
17	Executive Manager	21	1	1
18	Inventory Control Specialist	16	1	1
19	Police / Fire Accountant	18	1	1
20	Police Receptionist	13	1	0
21	Police Recruitment and Hiring Coordinator	16	1	1
22	Public Info & Community Engagement Coordinator	18	1	1
23	Records Clerk	[13]	4	4
24	Senior Network Administrator	19	1	0
25	Training and Special Projects Coordinator	18	1	1
26	Uniform Bureau Support & Administrative Coordinator	16	1	1
			58	46
			145	110







#

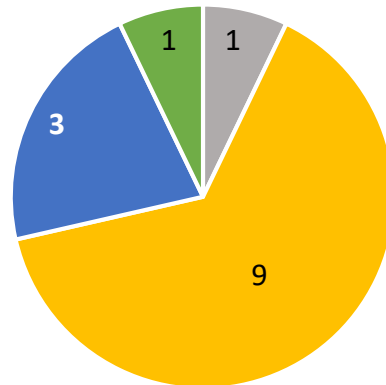
Appendix 17: Sworn Officer Tenure

These charts show the current tenure of the 14 supervisors currently employed by the BPD (although two of these are on terminal leave). We have an unusually high number of supervisors who are relatively early stages of their careers. This is exacerbated by the Tier 3 rules that prevent pension collection prior to age 50. A 35-year-old lieutenant hired at 22 will be eligible for a half-pay pension at 42, but cannot claim it for another eight years. He can work another five, and “max out” the pension, but even then he would be 47 and would still not be able to collect for three years. While this change has been described as an actuarial necessity, owing to people living longer lives, and may have also been intended as “golden handcuffs,” it actually disincentivizes longevity if other options exist for our hypothetical lieutenant.

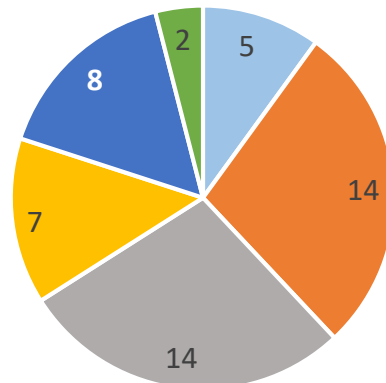
Officer tenure is more evenly distributed, but there is a gap in the historic presence of more seasoned “senior corporals,” the experienced officers who did not pursue supervisory roles but nevertheless create cultures of competence.

The good news about the tenure distribution of the department as a whole is that the BPD will see fewer tenure-based retirements over the next few years. Assuming officers do not leave prior to their service retirements (i.e., a minimum of 20 years’ service), this may provide an opportunity to keep officers and build on the foundation they provide.

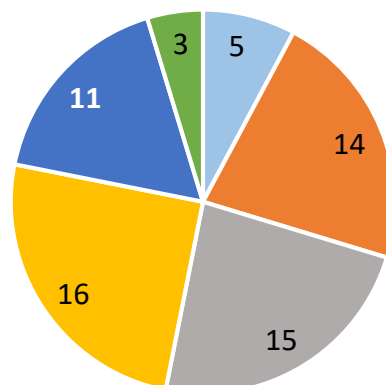
SUPERVISOR TENURE



OFFICER TENURE



ALL SWORN TENURE



> 1 year ■ 1-5 years ■ 6-10 years ■ 11-15 years ■ 16-20 years ■ 20+ years ■



Office of Mayor Emma Mulvaney-Stanak

To: City Council
From: Mayor Emma Mulvaney-Stanak
Re: Response to the Chief of Police's December 2024 Recruitment Report
Date: December 16, 2024

I am writing to address the recent recruitment report submitted by Chief Murad. For several reasons I respectfully cannot endorse it at this time. After careful review of the report, I have identified several areas of concern. I communicated these concerns to the Chief, and though he made some changes, the majority of my concerns remain. Specifically:

- 1. Impact on Bargaining Position:** Much of the information in the un-redacted report negatively impacts the city's bargaining position with the BPOA by unilaterally and prematurely recommending specific proposals. The City is just weeks away from commencing bargaining with both the Police and Fire Unions for their next three-year contract, and the Chief's report serves as a laundry list of possible contract-related offers, but without my review and feedback and at a time of significant budgetary challenges for the City. The Chief shared an early draft of this report with the Police Union, without my knowledge or consent and without the knowledge and review of Human Resources or the City Attorney. This ill-advised action has already diminished our bargaining stance; publishing the full report publicly will only serve to further complicate negotiations with both the BPOA and BFFA.
- 2. Responsiveness to City Council:** The report does not adequately address the City Council's request for information about current recruitment efforts and future plans. This omission means the City cannot effectively assess what the Department is currently doing to recruit new officers, what is working, and what we might do next to improve our recruitment strategies and outcomes. As a legislator, I relied heavily on professional, well researched, and data rich reports to make policy decisions. That is critical for any part time legislative body. The Chief's report is not that.

Accordingly, I plan to commission an expert assessment for my office and Council, which will provide data-informed analysis and recommendations. As a starting point, please see the attached slides by Nancy Stetson, the City's Senior Policy and Data Analyst. Nancy presented this to the Bloomberg Philanthropies What Works Cities team on December 13, and she is available to present this and more data and thinking to the Council at an upcoming work session.

3. **Responsiveness to the Mayor's Office:** As the Chief indicates at the top of his memo, the report reflects his analyses and conclusions. The Mayor's Office reviewed the report and requested changes that would have made the report more directly responsive to questions about recruitment efforts while not compromising our bargaining position. In response, very few changes were made, leading to a report that the Administration cannot endorse while on the eve of bargaining.
4. **Resource Allocation:** The financial implications of many proposals outlined in the report exceed what is currently sustainable within our municipal budget. While I am fully committed to rebuilding the Department, supporting the current Department staff, improving morale, and employing data-informed recruitment and retention efforts, the City cannot commit to efforts and expenditures that exceed what we can afford.

The fact that I cannot endorse the report in no way changes my commitment to rebuilding the Department and to helping address recruitment challenges and low morale. I intend to do all three, but I cannot suggest to the Union or to the public that we have unlimited resources to do so. We need to be fiscally responsible in all of our decisions and negotiations with all City employees and in upcoming bargaining with the BPOA and the BFFA.

I remain committed to working closely with the Police Department leadership and staff and with all relevant stakeholders to revise the recruitment strategy in a manner that aligns with our shared goals, available resources, and the community's expectations. I look forward to engaging with the Department, the Senior Advisor on Community Safety, the Senior Data and Policy Analyst, and other experts to help identify workable, data-driven strategies for improving recruitment and retention at the Department.

Data-Driven Community Safety: **Rebuilding the BPD**

DECEMBER 2024

Background

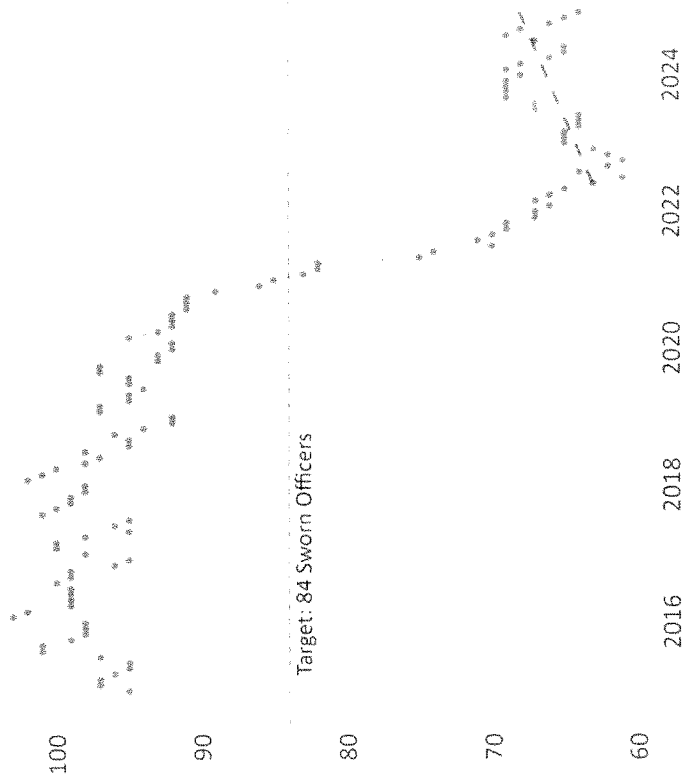
- Hiring freeze, with a goal of reducing headcount by 30%, set on June 29, 2020
 - Department limited to 74 total sworn officers
- Over next year, 22 officers resigned, dropping below the cap to 70 sworn officers
- Priority Response plan implemented in May 2021, allowing delayed or non-response to low priority types of incidents
- Hiring cap lifted to 87 October 2021
- Community Support Liaison/CARES and Community Services Officer programs expanded starting in 2021/2022

How do we rebuild a department that can respond effectively to all requests for service without overburdening our officers?

Recruitment

Sworn Officer Staffing

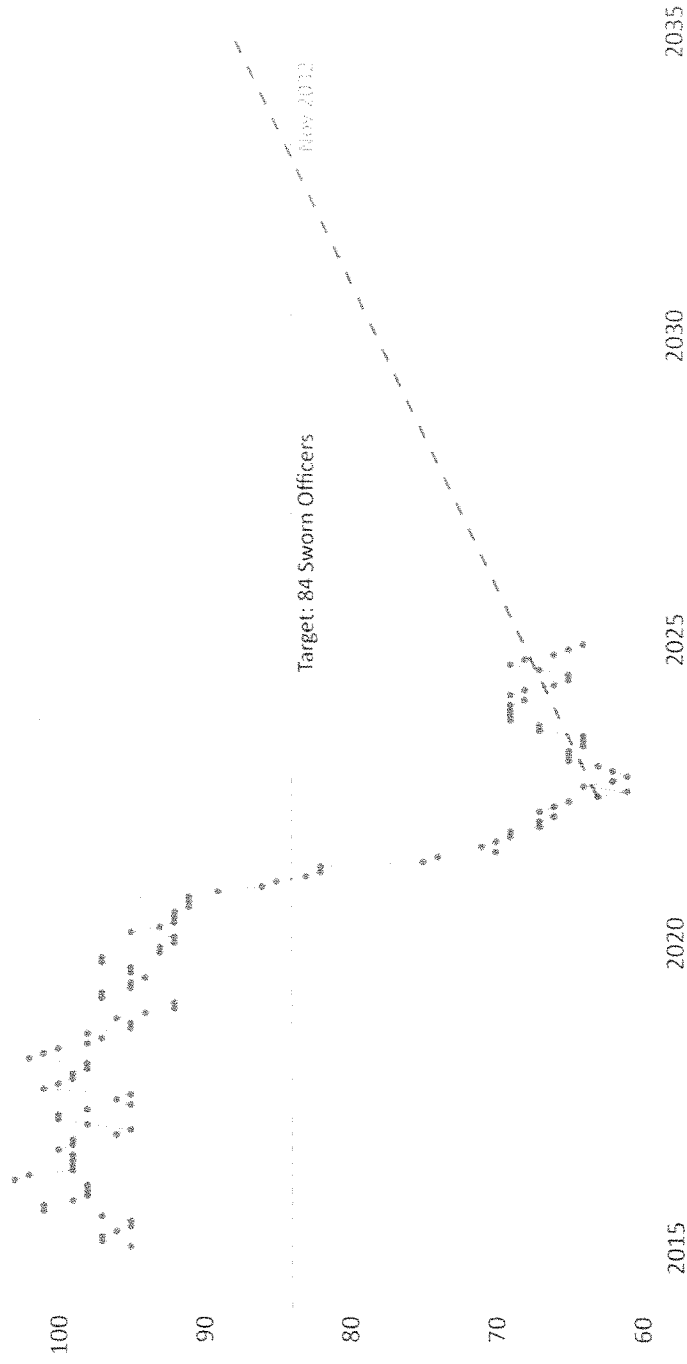
Between June 2020 and July 2021, 22 sworn officers left the department, and sworn staffing would continue to fall in 2022



Source: Headcount estimated via Dec 9 Report to CC

Sworn Officer Staffing

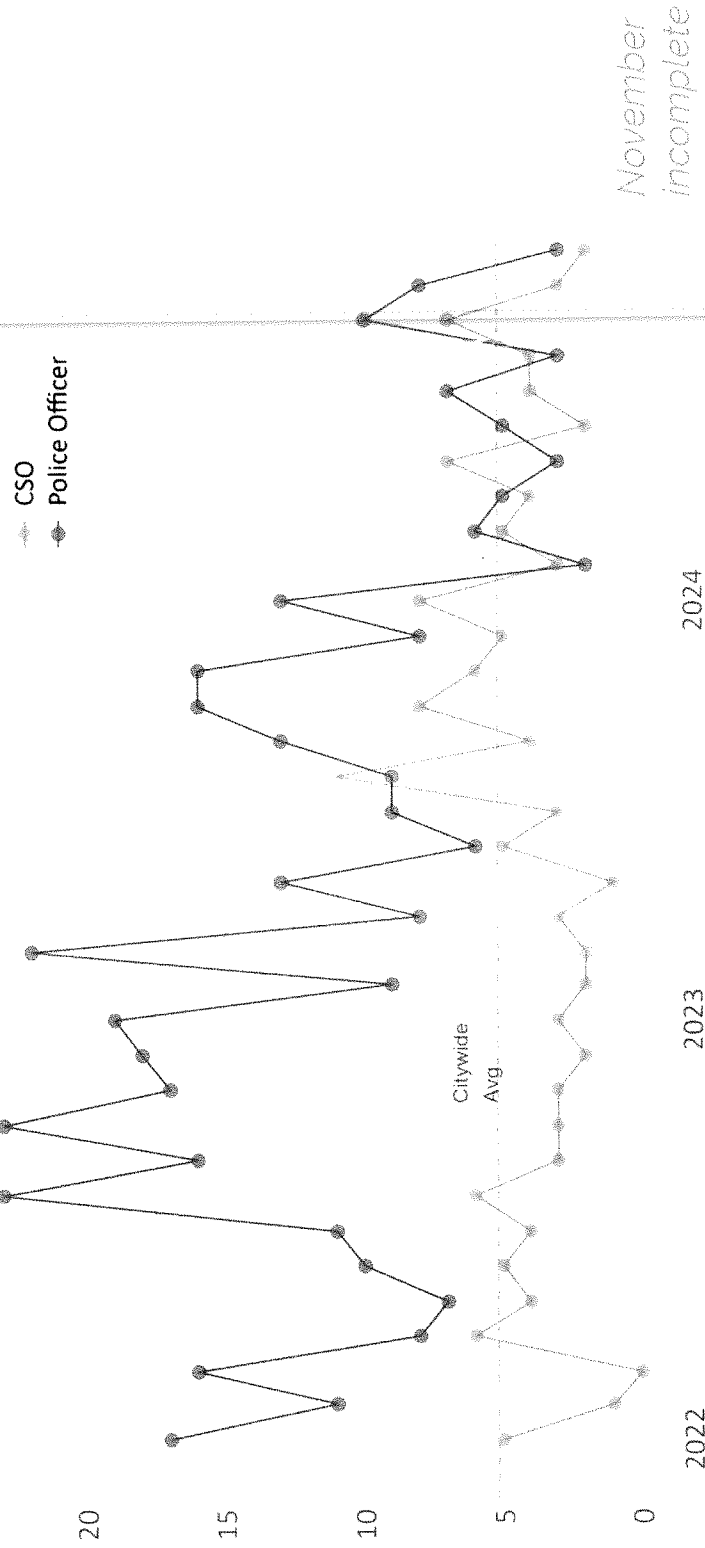
At the current rate of hiring, the department would not reach the target level of 84 sworn until late 2032.



Source: Headcount estimated via Dec 9 Report to CC

Recruitment

In 2022 and 2023, police officer applications consistently outpaced the city average, but have fallen in 2024.



TO: City Council
FROM: Nancy Stetson, Sr Policy and Data Analyst
DATE: Decemebr 16, 2024
RE: **Slides on Recruitment Data**

The December 16th City Council materials include a short presentation on Burlington Police Department recruitment data. This memo provides some additional explanation to accompany the data presented.

Slide 4

The first chart shows the total number of sworn officers employed by the police department, based on Chief Murad's current report to City Council and past reports to the Police Commission. The chart shows that prior to the summer of 2020, headcount hovered in the high 90s but fluctuated with hires and departures.

Total sworn officer headcount then fell precipitously through the summer of 2021, when the department was able to restart hiring. However, headcount continued to fall through the summer of 2022. Since that low point of 61 sworn officers, the department has added a net of three officers.

The dashed grey line represents Chief Murad's full staffing target of 84 sworn officers. The dashed orange line shows the trend in hiring beginning in July 2022 through December 2024.

Slide 5

The next chart uses the same data and trend line as in Slide 4 but extends the trend line out into the future to estimate when the City might reach the target of 84 sworn officers, based on the current trend in hiring and departures. The trend suggests that the BPD will reach 84 sworn officers in late 2032.

Slide 6

The final chart shows the number of applications per month for both Police Officer and Community Service Officer positions. The grey dashed line shows the average applications received per month, per position, for all posted City jobs.

The chart shows that the frequency of applications for the Police Officer position consistently outpaced both CSO and the citywide average in 2022 and 2023. In 2024, however, the number of applications dropped, hovering around five per month for both the CSO and Police Officer positions.

Resolution Relating to

**CITY COUNCIL COMMITMENT TO REBUILDING AND
RECONCILING WITH THE BURLINGTON POLICE
DEPARTMENT**

RESOLUTION _____

Sponsor(s): Councilors Shannon,
McKnight, Litwin, Barlow, Traverse,
Carpenter

Introduced: _____

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

CITY OF BURLINGTON

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

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

That WHEREAS, in June 2020, the Burlington City Council, voted to “decrease through attrition”, the Burlington Police Department’s “maximum total number of uniformed police officers by 30% from 105 to 74 uniformed officers” based on a proposal presented to the Council on Friday, June 26, 2020 and adopted at a Council meeting on Monday, June 29, 2020; and

WHEREAS, prior to the vote on June 29, 2020, there had been no analysis of how many police officers were needed to serve our community based on our policing functions, community values, or the number and nature of calls for service; and

WHEREAS, after the vote, a consultant, “CNA” was contracted to provide a Functional and Operational Assessment of the Burlington Police Department, which was delivered to the City in October 2021; and

WHEREAS, the CNA report noted that a change from the union negotiated 10 hour shift to a more efficient 12 hour shift would improve scheduling efficiency, allowing the City to be adequately policed by 85-88 officers, based on 2019 calls for service; and

WHEREAS, the CNA workload and staffing analysis of 2019 data that recommended 85-88 officers included calls for service exclusively for patrol officers, but did not include calls for service handled by BPD personnel assigned to the Airport, School Resource Officer, Chittenden Unit for Special Investigations (3 officers based in BPD to investigate sexual assault and child abuse), Detective Services Bureau, or recruitment, despite the fact that all of these personnel have contributed to responding to calls for service; and

WHEREAS, in calculating the amount of time officers were spending on calls, CNA failed to account for the Valcour system’s (BPD data system) inability to track anything other than an officer’s time on scene, and therefore drastically underestimated administrative time as well as training time; and

WHEREAS, based on the CNA report, and making no allowance for the exclusion of calls handled by personnel assigned to School Resource Officer, Chittenden Unit for Special Investigations, Detective Services Bureau, or recruitment, the City Council raised the maximum total number of officers to 87; and

Resolution Relating to CITY COUNCIL COMMITMENT TO REBUILDING AND RECONCILING
WITH THE BURLINGTON POLICE DEPARTMENT

1 WHEREAS, while the CNA report made an allowance of 5 officers between the number of
2 “authorized” (budgeted) number and the “actual” number of sworn officers, they made no allowance for the
3 difference between “actual” sworn officers and “effective” sworn officers which has been as many as 11
4 officers who are on medical leave, maternity/paternity leave, military leave, vacation, etc., in their
5 calculation of the number of officers needed to staff the department; and

6 WHEREAS, as of the December 15, 2024 Chief’s report, BPD had 64 sworn officers (down from 68 in
7 August), 58 “effective” officers, inclusive of only 26 officers available for patrol; and

8 WHEREAS, petty crime and theft, drug use, drug overdoses, violent crime, and shootings are all up
9 since the 2019 calls for service that CNA analyzed to determine appropriate staffing levels; and

10 WHEREAS, on October 10, 2023, the City of Burlington resolved that “the increase in crime
11 associated with substance use that endangers the safety of our community is our City’s most urgent public
12 safety issue and must continue to be addressed by our law enforcement personnel and prosecutors; and

13 WHEREAS, BPD not only faces a crisis in overall “headcount” but there are also staffing issues
14 among leadership with the Chief departing in April, both Deputy Chief positions will be vacated by
15 spring, currently only 5 sergeant positions out of 11 are filled, and 5 Lieutenants out of 6 are filled; and

16 WHEREAS, to address the severe shortage of patrol officers and rapid exodus of experienced officers in
17 the last 4 years, and leadership vacancies, positions will need to be filled by lateral hires (experienced officers
18 from outside of BPD); and

19 WHEREAS, retention rates for lateral officers are better than for new recruits; and

20 WHEREAS, in 2024 seven sworn officers were hired by the department and 12 departed; and

21 WHEREAS, in recent years, the City Council has taken multiple actions to support BPD’s
22 recruitment and retention, including, but not limited to, increasing police officer benefits by ratifying
23 a new collective bargaining agreement in 2022, extending additional overtime opportunities to
24 officers in our downtown, standing up additional support resources (e.g., CSOs and CSLs, Urban Park
25 Rangers, the CRT, etc.), and dedicating funds to recruitment efforts; and

26 WHEREAS, notwithstanding these steps, BPD continues to struggle with recruitment; and

27 WHEREAS, the City Council specifically asked the chief to advise us as to what the hiring cap for the
28 Burlington Police Department should be and he responded in his report that “The BPD should once again be
29 authorized for 105 sworn officers” and also notes that an earlier study by Rutherford-Ruotolo Consulting
30 Consortium recommended that “factoring in supervisors, detectives, and the airport would yield an overall
31 headcount of approximately 120.”; and

32 WHEREAS, the City Council supports the recommendation of the chief and the return to robust
33 staffing of the police department, and recognizes that police department headcount needs may change over

time; and

WHEREAS, prior to June 2020 the number of sworn officers were never “capped,” no other group of City employees is “capped” by any means other than the budget process, and every municipal department head, with the exception of the Chief of Police, has the flexibility through our budget process to request the number of employees they need to maintain operations; and; and

WHEREAS, community policing has long been the policing model of choice for the City and for Burlingtonians; and

WHEREAS, community policing is not possible at current staffing levels and requires dramatic increases in staffing; and

WHEREAS, the 2025 budget for the police department allows for 77 sworn officers, an unachievable number, and related savings in the police budget could be redirected toward recruitment and retention bonuses this year; and

WHEREAS, the dearth and cost of housing and childcare is an impediment to hiring for most employers in Vermont including BPD; and

WHEREAS, the current BPD building has reached the end of its functional life and has been “described by the recruitment team and officers as a tremendous obstacle to recruitment”; and

WHEREAS, the current collective bargaining agreement with police officers places a limit on the amount of experience credit that can be awarded to a lateral hire; and

WHEREAS, because BPD officers do not participate in the State of Vermont’s municipal employee pension system, they do not enjoy the same opportunities as officers in other local police departments to purchase service credit; and

WHEREAS, in recent exit interviews with departing police officers, a common thread relayed by former employees is a sense that BPD is not properly supported by our community and local government; and

WHEREAS, the Burlington Police Officers Association and/or the Police Chief have identified several immediately actionable items within City Council Control that could have a positive impact on recruitment;

NOW, THEREFORE BE IT RESOLVED that the Burlington City Council hereby removes the “cap” previously imposed at 87 sworn officers and recognizes that current staffing needs, the budget, and our ability to recruit will dictate the number of officers we believe we can hire in any given year as we commit to rebuilding; and

BE IT FURTHER RESOLVED that the City Council respectfully requests that the CAO review the possibility of removing the limit on experience credit for lateral officers hired from other police departments, as well as the possibility of our pension plan, particularly for lateral recruits, allowing for the purchase of past

Resolution Relating to CITY COUNCIL COMMITMENT TO REBUILDING AND RECONCILING
WITH THE BURLINGTON POLICE DEPARTMENT

service credit, and present on these options with the Board of Finance no later than March 1, 2025; and

BE IT FURTHER RESOLVED that the City Council respectfully requests that the Chief of Police review the budget to determine if there is savings in the 2025 budget that could be used for recruiting, hiring, retention and relocation bonuses for current and future BPD sworn officers and report his findings with a plan for spending those funds to the Board of Finance no later than March 1, 2025; and

BE IT FURTHER RESOLVED that the City Council requests that the City of Burlington create a form on its website for community members to submit praise and accolades for the actions of Burlington first responders at their earliest convenience and these reports shall be regularly shared with the Burlington City Council, and the Burlington Police and Fire Commissions, and used in our recruitment marketing efforts as appropriate; and

BE IT FURTHER RESOLVED that the Burlington City Council requests the Chief to explore special programs or incentives to attract and hire Burlington youth, young adults, and New Americans to the department and share with the council the success and challenges of these programs; and

BE IT FURTHER RESOLVED that the Burlington City Council requests an update from the administration on the progress made in addressing expressed concerns about the health of the police station, including the feasibility of and remodeling the existing facility or finding a new facility; and

BE IT FURTHER RESOLVED that there are many longer term actions, some of which require negotiations with BPOA, which could be implemented to further the Council, Administration, and BPOAs joint goals of rebuilding the police department that we hereby commit to explore expeditiously in the coming months and through the union contract negotiation process.



To: City Council
From: Megan Moir, Division Director Water Resources
Cc: Chapin Spencer, DPW Director
Date: January 13, 2025
Subject: Water Resources Bond Request Update

BACKGROUND

After several years of forecasting in various forums (DPW Commission meetings and Annual Budget presentations) that additional capital funding would be necessary to ensure the resilience of our drinking water, wastewater and stormwater systems, the Water Resources Division of the Department of Public Works shared an initial plan for the Division's proposal for March 2025 bonding authority ballot questions starting with the DPW Commission, the Transportation, Energy and Utilities committee (TEUC) in September 2024 and then with the City Council in November 2024.

The initial plans include the following estimated bond needs with a projected possible 113% rate increase over FY25 – FY30, and a 157% increase over FY25 – FY35:

- Drinking Water - \$21 M
- Wastewater - \$204 M
- Stormwater - \$14 M

Public outreach on this proposal continued through November into December and included follow up meetings with the DPW Commission, TEUC and several NPAs (Ward 1, Ward 2, Ward 4/7 and Ward 5), concluding with another update to the Council on December 16, 2024. The Council update on December 16, 2024 included some initial cost reductions that had evolved over the course of this public outreach time period and several ideas about additional reductions or plan/schedule changes that could be implemented in response to the feedback received from stakeholders.

Feedback on the proposal over the November – December time period was relatively consistent; stakeholders understood the need and generally appeared to agree with the overall larger "Plan" but had concerns about 1) the magnitude of the bond authority being sought (primarily for the Wastewater/Stormwater bond) and 2) the steep rate impacts at time when there were both known City and Statewide financial pressures. Feedback included the request to "break this up into smaller projects" and "postpone lower priority investments" until later.

Based on this feedback Water Resources, worked diligently over the November – December time period, and into early January to develop a final bond proposal that reflected the community feedback. This was shared with the community at the Town Hall Meeting on January 6 and this background memo and other materials are being shared with the City Council to make sure that Councilors have ample time to review the risks and benefits of this plan and to follow up with any additional requests for information that would be needed to prepare themselves fully for a vote to authorize these bond questions at the January 27 meeting. Please reach out to Megan Moir (mmoir@burlingtonvt.gov or 802-734-4595) with any questions.

FINAL PROPOSAL

The financial details of the final proposal are presented as Attachment A. In summary, Water Resources will be requesting two bond items be placed on the March 4, 2025 ballot:

- 2025 WATER bond (Drinking Water): \$20 M
- 2025 LAKE bond (Wastewater and Stormwater): \$152 M

However, the revised proposal also documents the numerous remaining capital needs that will remain unaddressed and which will require additional requests for bonding authority as early as 2027. There are indeed financial and environmental risks with the postponement and/or exclusion of these capital projects, but the risks related to these particular decisions are calculated to be less than the risk of not advancing the selected Stage 1 projects or of advancing a LAKE bond whose magnitude could result in failure to pass the bond. Attachment B provides the context of these 2025 Bond votes in relation to the larger Water Resources Sustainable Infrastructure Plan.

Because several projects (now in Stage 2 and which would be funded with future bond authority) are fundamental to our larger capital plan and regulatory compliance and which have a defined schedule and formal cost estimates (East Plant Consolidation and North Plant High Priority Resiliency Upgrades), debt service modeling for those projects has been retained in the current rate forecasting model to ensure transparency is maintained for rate payers.

That said, even with that assumption and additional debt service, the revised rate model (which is based on best available information but still intended to be conservative) shows a projected 89% rate increase over FY25 – FY30 and 131% increase from FY25 – FY35, which is reduced from the original proposal. To be explicit, because there are capital needs (e.g. Upgrade of the Drinking Water Plant) that are not currently in the rate model because the project scope has not yet been defined and items that have been postponed (dewatering) – unless there is a significant shift in our debt service (due to increased availability of low interest State Revolving Funds loans or grant funds) the magnitude of rate increases will unfortunately need to increase beyond that currently presented.

Risks Detail:

The explicit risks of excluding certain projects in this 2025 bond vote are detailed below for public awareness:

East Plant Consolidation: Generally, the postponement of the bonding for this project does not change the project schedule. However, the public needs to be aware that there are components of the Stage 1 Main Plant Wastewater Treatment Plant project that are designed with the implementation of Stage 2 in

mind. That is, with the 2025 LAKE bond vote, the City will proceed on a pathway to expand the capacity of Main Plant to accept flows from East Plant. If, for some reason, there is not support for a follow up bond (2027) then there will be capacity at Main Plant that will sit, unused, and equipment will be oversized. East Plant has multiple system components that are nearing failure, so it will not be an option to “do nothing.” The public needs to approach a positive vote on the 2025 LAKE bond as a vote of support for the funding necessary to implement Stage 2. Water Resources believes that there is a reasonable chance that the City will be eligible for grant funding towards elements of Stage 1 WWTP work, and as such, that the amount of additional bonding authority needed could be reduced. That said, it is unlikely to fully cover the costs of the Stage 2 plan.

North Plant High Priority Resiliency projects: As part of the revised plan, the North Plant resiliency upgrades, which originally were going to occur at a similar time to Main Plant upgrades, have been pushed out to a construction start of 2030. Like Main Plant, North Plant has numerous systems which are nearing failure and which could cause or contribute to permit violations and beach closures within 1 mile of the outfall. A gallon of untreated sewage that enters our waterbodies is a gallon too much. That said, from a practical perspective, North Plant’s daily volume of discharge is much smaller than Main Plant’s. Additionally, it does not process the same volume of peak flows during storm events that Main Plant does. As such, Main Plant is a higher priority to address than North Plant. But ultimately North Plant must also be addressed no later than the revised 2030 schedule.

Dewatering: The dewatering system at Main Plant (this is the system that squeezes out as much water as possible from our sludge so that we can truck a smaller volume to our biosolid reuse/disposal areas) is very aged and needs replacement with modern technology that would remove additional water and likely save on hauling and management costs. That said, with the on-going conversation about the presence of PFAS (“forever chemicals”) in biosolids, the regulatory landscape and the likelihood of alternative strategies for reuse/disposal is unclear. That landscape could alter our choices about the preferred technology to install for our facility. As such, funding for an overhaul of this system is being delayed at least until 2027. Staff are currently evaluating what the “keep it running” costs are but it is currently believed that these could be handled with annual capital funding. The biggest risk with the delay on this decision is the sunken costs (i.e. investing in our current system to keep it running when the plan is to replace it) and the missed opportunity for potential reduction of operating costs that would be achieved with a drier biosolid. There is also some risk that if the regulatory landscape shifts quickly (i.e. if New York stops accepting biosolids at the Grasslands composting facility or - unlikely - Casella landfill stops accepting sludge) Burlington could experience an substantial increase in disposal costs (disposal costs are already 12% of our \$8.9 M in operation expenses). Newer technology that achieves higher water extraction would provide some mitigation to those costs.

North Plant Sewer Siphon: This was one of the first project components of the original September/November plan to be removed from the bonding proposal. This is because the City has been working in close collaboration with FEMA on the evaluation of the long term climate resilient engineering solution to this vulnerable system. While the City has reasonable confidence in the success of the temporary in river repair that was implemented in 2023, the City believes that this project should be eligible for FEMA funds to implement a permanent repair that will not be impacted by future climate change generated flood events. Recent feedback received from FEMA (1/8/2024) indicate that this determination of eligibility is not 100% certain. However, this determination is far from final. Water

Resources will continue to keep the Council and stakeholders informed as to the status of this funding. The City is committed to progressing the project and if necessary may need to leverage other options for funding the final design (to keep the project moving forward) and construction to ultimately ensure that this portion of our system is resilient to climate change impacts.

AFFORDABILITY

Water Resources is committed to ensuring that the impact of the needed rate increases is equitable across the various users of the system, particularly as rates continue to increase over FY27 and beyond. This includes implementing expanded versions of our current affordability and assistance programs with input from City Council and the public. As mentioned to various stakeholders, and discussed in more depth with the TEUC, nationally the water resources sector is struggling to determine what the appropriate “benchmark” should be for affordability. The current industry standard indicates it is acceptable for users at the Median Household Income to pay up to 4.5% of their income in water, sewer, stormwater bills. At that benchmark, Burlington does not have an affordability “problem,” but staff do not accept that as an appropriate measure of affordability. In the interim, our current affordability program will continue to provide assistance (discounts on the water and sewer portions of the bill) to income qualified individuals (<https://www.burlingtonvt.gov/339/Assistance-Program>) as rates start to increase in FY26. As rates continue to rise, it will be important to identify what expansions of the program could be justifiable and feasible to administer (such as providing discounts to higher income tiers which don’t currently qualify for federal or state assistance or to renters who may experience increases in their rent as the result of water resources rate increases). Staff believe that it is appropriate to include this sort of affordability program evaluation and any principles the Council wishes to include in the resolution authorizing the 2025 WATER and LAKE ballot items.

Thank you for the opportunity to keep you updated on the trajectory of our 2025 bond item request. We look forward to discussing this further over the coming weeks and at the January 27 Council meeting when we will be seeking your support to place these bond requests on the 2025 Town Meeting Day ballot.

Bond Request \$ Breakdown

The Burlington Water Resource Division of the Department of Public Works is requesting the the City Council authorize placement of two bond questions on the March 2025 town meeting day ballot:

- Authorization of up to \$20 million for drinking water infrastructure ([WATER bond](#))
- Authorization of up to \$152 million for wastewater and stormwater infrastructure ([LAKE bond](#))

These amounts are derived from preliminary engineering and staff generated cost estimates. Earlier (November 12, 2024) original bond proposals were larger (\$21M and \$218M) but due to community and City Council feedback, among other reasons, the amount proposed for 2025 has been finalized to focus on the highest priority items (Stage 1) that need to happen earliest in the 2025 - 2030 capital plan. However, given that the scope of need has not changed, additional bonding authority will be needed as early as 2027 (Stage 2). A high-level break down of bond needs by project type is provided below. A list of additional funding needs is provided on page 2, along with a conservative estimate of the impact of this borrowing on water resources bills.

WATER bond (Stage 1)	Estimated Cost	Total 2025 WATER Bond
Drinking Water		\$ 20,000,000
Reservoir Upgrade Project	\$ 9,750,000	
Water Treatment Plant Resiliency	\$ 3,000,000	
Water Mains Renewal	\$ 7,250,000	

LAKE Bond (Stage 1)	Estimated Cost	Total 2025 LAKE Bond
Wastewater		\$ 152,000,000
Main Wastewater Plant Upgrades	\$ 127,000,000	
Satellite Pump Stations (Penny Lane, Crescent and Proctor Place)*	\$ 3,000,000	
Sewer Main Renewal*	\$ 2,000,000	
Combined Sewer Overflow Reduction (Sewer Separation)	\$ 6,000,000	
Stormwater		\$ 14,000,000
Combined Sewer Overflow Reduction (Tank)	\$ 8,000,000	
Stormwater Main Renewal	\$ 2,000,000	
Outfall Rehabilitation	\$ 4,000,000	

* Additional Sewer Main Renewal and Pump Station work will be funded with non-financed capital funding to come from the reserves that will be generated over time as part of the annual debt ratio coverage requirements (bond covenant requirement).

Additional Future Funding Needs

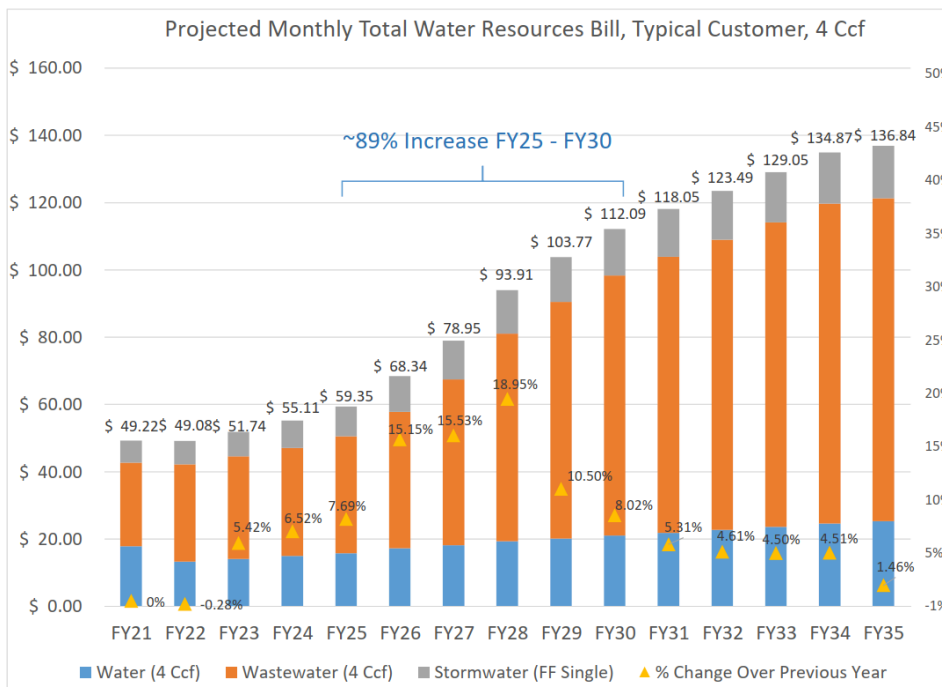
As mentioned on the first page, there are a number of critical projects and known needs which are not included in the 2025 WATER and LAKE Bonds and which may need to appear on a ballot as early as 2027. These are outlined below. Where the timing and \$ magnitude is known, the borrowing needs have been included in the current 2026-2035 rate/bill impacts model.

Projects Not Included in 2025 Bond ¹	Current Estimated Cost	Rationale for addressing later	Include in FY26-FY35 Rate Impact Projection
East Plant Consolidation	\$ 25,000,000	Construction scheduled for 2028; success of grants for Stage 1 may reduce ultimate bond need.	Yes
North Plant WWTP High Priority Upgrades	\$ 13,662,000	Construction scheduled for 2030; success of grants for Stage 1 may reduce ultimate bond need	Yes
North Plant Sewer Siphon	\$ 14,000,000	Eligible for FEMA funding	No
Dewatering Upgrade	\$ 8,700,000	Regulatory landscape for biosolids management unclear; wait for clearer picture to select best technology (costs could change depending on timing and regulations)	No
Remainder of Main and North Plant Renewal (Stage 3) ²	\$ 60,000,000	Items that can wait until ~2030; bidding environment for Stage 1 and grants may reduce this #	No
Additional Satellite Pump Station Renewal ²	\$ 7,100,000	Next round of Pump Station Renewal projects; condition of remaining 5 stations needing age related upgrades will be monitored and phased as necessary.	No
Comprehensive Water Plant Upgrade	TBD	Pending completion of preliminary engineering study for entire WTP (2025-2026)	No
Additional Storm and Sewer Renewal	TBD	Wastewater will be able to fund some renewal with annual capital funding generated due to debt coverage requirements. Additional work also pending a collection system master plan which may identify needed capacity upsize requirements	No
Additional Water Main Renewal	TBD	Additional work pending a distribution system master plan which may identify needed capacity upsize requirements.	No

Note 1: This is a list of known project needs, some of which were included in previous bond proposals. Additional projects maybe needed due to quicker than anticipated failure rates or regulatory changes.

Note 2: These cost estimates are in 2025 dollars. Future costs will likely be higher due to inflation depending on the timing of the project.

Rate and Bill Impacts



Additional revenue will need to be raised from ratepayers through the water resources (water, sewer, stormwater) bills in order to pay the bond debt back over time. Utility services are funded entirely by utility bills and are not supported by taxes. The bill impacts (for a typical customer) presented here are intended to be a **conservative estimate** (based on best available assumptions) as they do not included any potential grant funding that could be secured by the City as the projects develop or additional revenue from growth. Bond impacts ramp up through FY2034, with the steepest rate increases in FY26-FY30.

Water Resources currently has affordability programs to ensure that eligible customers can afford these essential services and plans on evaluating options for expanding these programs in cooperation with the City Council.

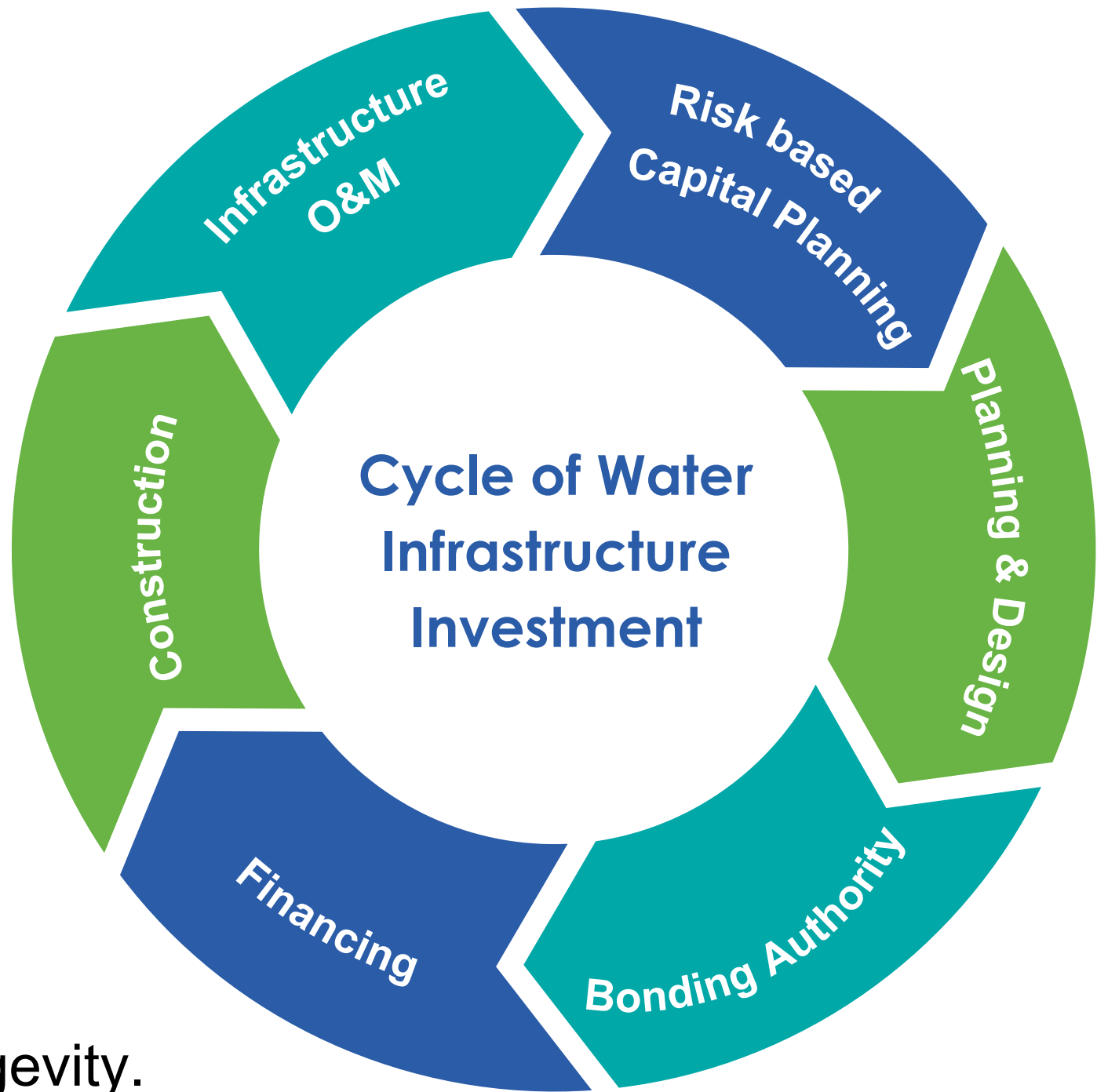
Water Resources

Sustainable Infrastructure Plan: The 2025 LAKE & WATER Bonds

How does this phase of investment fit in with the overall plan?

Due to the ongoing use and age of infrastructure, investment in infrastructure is a continuous cycle consisting of several phases that guide the capital project development pathway:

- 1. Risk Based Capital Planning:** As infrastructure approaches the end of its useful life, the City’s water resources utility assesses the likelihood and consequence of failure of infrastructure to determine its criticality and the relative priority for replacement.
- 2. Planning & Design:** The utility works with engineers and the community to plan and design the project and generate cost and rate impact estimates to support requests to the City Council for placement of bonding authority questions on a ballot.
- 3. Bonding Authority:** The City Council authorizes bonding authority questions to be placed on a ballot. The question must pass by 50% or more (for enterprise funds) in order to authorize the utility to borrow the funds necessary for the proposed project.
- 4. Financing:** After determining the final up to date construction cost estimate for the project, less any grants awarded, the utility obtains approval from the City Council to apply for State Revolving Fund loans or to sell revenue bonds to fund the projects.
- 5. Construction:** The City hires contractors to install the project and resident engineers for construction oversight.
- 6. Operation and Maintenance (O&M):** Public uses infrastructure as intended. Municipality maintains infrastructure to ensure maximum function and longevity.



Stage 0

Construction in 2025

☒ Headworks (all WWTP plants)

Completed

☒ Disinfection systems (all plants)
☒ SCADA software (Main Plant)
☒ Flynn & Fletcher pump stations
☒ 8.64 miles of storm and sewer mains relined or replaced
☒ 9.29 miles of drinking water mains relined or replaced
☒ Old North End and Pine Street CSO stormwater reduction projects

2016 Water and 2018 Clean Water Resiliency Bonds

Stage 1

Main Wastewater Treatment Plant

☒ Highest priority resiliency projects
☒ Capacity upgrades (for growth and East Plant consolidation)
☒ Tertiary phosphorus removal upgrade
☒ Odor reduction, safety and workplace Improvements
☒ Generator & building improvements

Wastewater and Stormwater Collection System

☒ Pine St CSO reduction strategies
☒ Satellite pump station improvements (next 3)
☒ Stormwater outfalls repairs
☒ Risk-based storm & sewer improvements

Drinking Water Improvements

☒ Key Water Treatment Plant resiliency projects
☒ New reservoir pump station and building structural upgrade
☒ Risk-based water distribution mains renewal
☒ Emergency water supply interconnects

2025 LAKE (\$152M) and WATER (\$20M) Bonds

Stage 2

East and North Wastewater Treatment Plants

☐ Consolidation of East Plant to Main Plant: including new force main and conversion of East WWTP to a pump station
☐ Highest priority resiliency projects at North Plant
☐ Dewatering (TBD)

Drinking Water Plant

☐ Drinking Water Treatment Plant high priority comprehensive resiliency and upgrade projects (TBD 2025-2026 study)

2027 LAKE and WATER Bonds

Stage 3+

Wastewater Plants

☐ Remaining resiliency/renewal needs at Main and North plants

Wastewater and Stormwater Collection System

☐ Remaining sat. pump station improvements
☐ Risk-based storm & sewer mains improvement
☐ Stormwater outfall improvements

Drinking Water

☐ Water Plant additional upgrades (as needed)
☐ Risk-based water main renewal

Future Bonds and/or Charter Borrowing Authority

Burlington Water Resources Capital Planning

Updated March 2025 Bond Requests

City Council
January 13, 2025

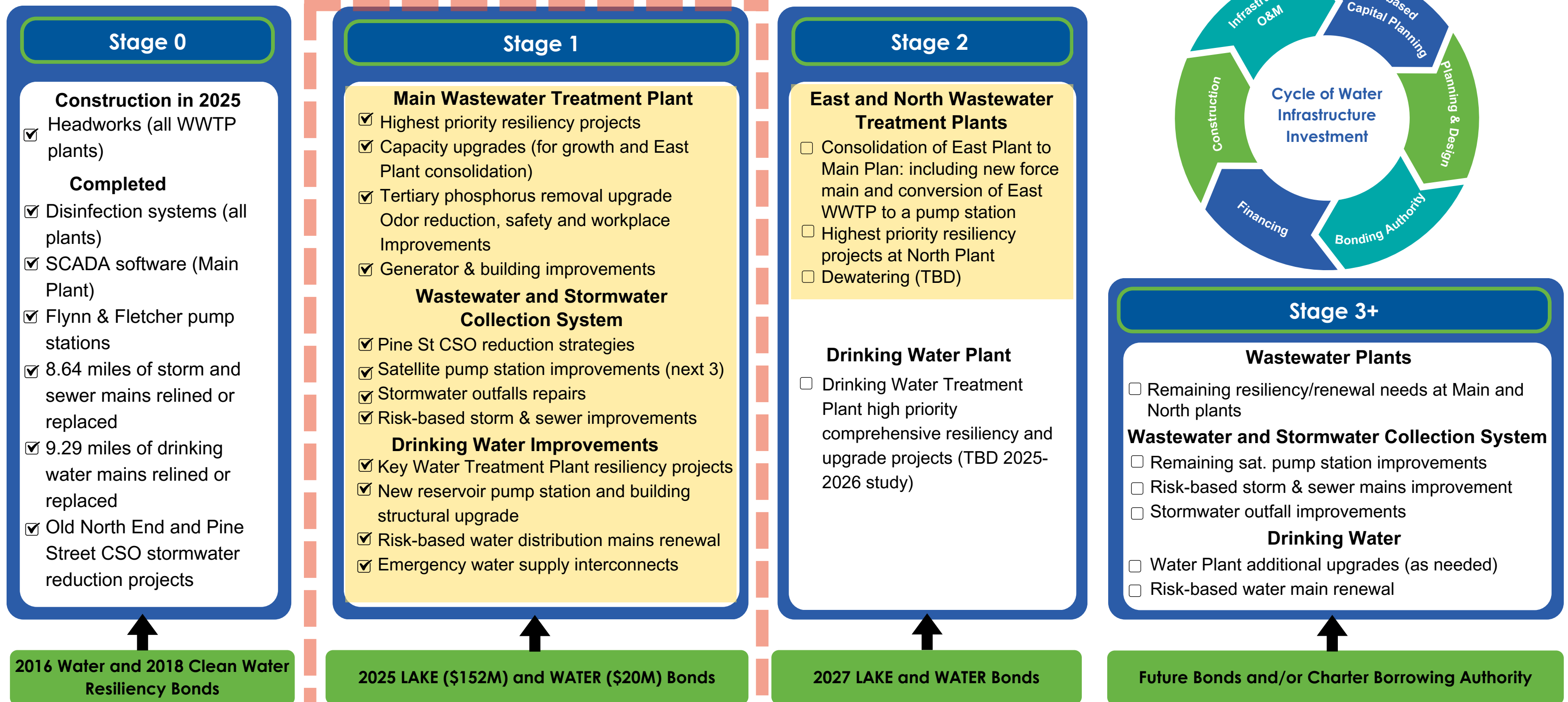


Water Resources

Sustainable Infrastructure Plan: The 2025 LAKE & WATER bonds

Original November Bond Proposal

How does this phase of investment fit in with the overall plan?



2025
Lake & Water Bonds

TOWN MEETING DAY 2025: HOW MUCH \$?

System	Final TMD 2025 Bond Request	Final <u>Cost/Borrowing</u> Determination
Drinking Water	\$20 M	Determination of other funding for City transportation projects; Congressionally Delegated Spending Grant Award
Wastewater	\$138 M	Final due diligence on WWTP costs; Determination of other funding for City Transportation Projects; Pollution Control Grants; NRBC grant; Pine Street CSO sewer separation final cost
Stormwater	\$14 M	Pine Street CSO reduction final cost; Determination of other funding for City transportation projects; Pollution Control Grants

HOW DID THE \$ DECREASE?

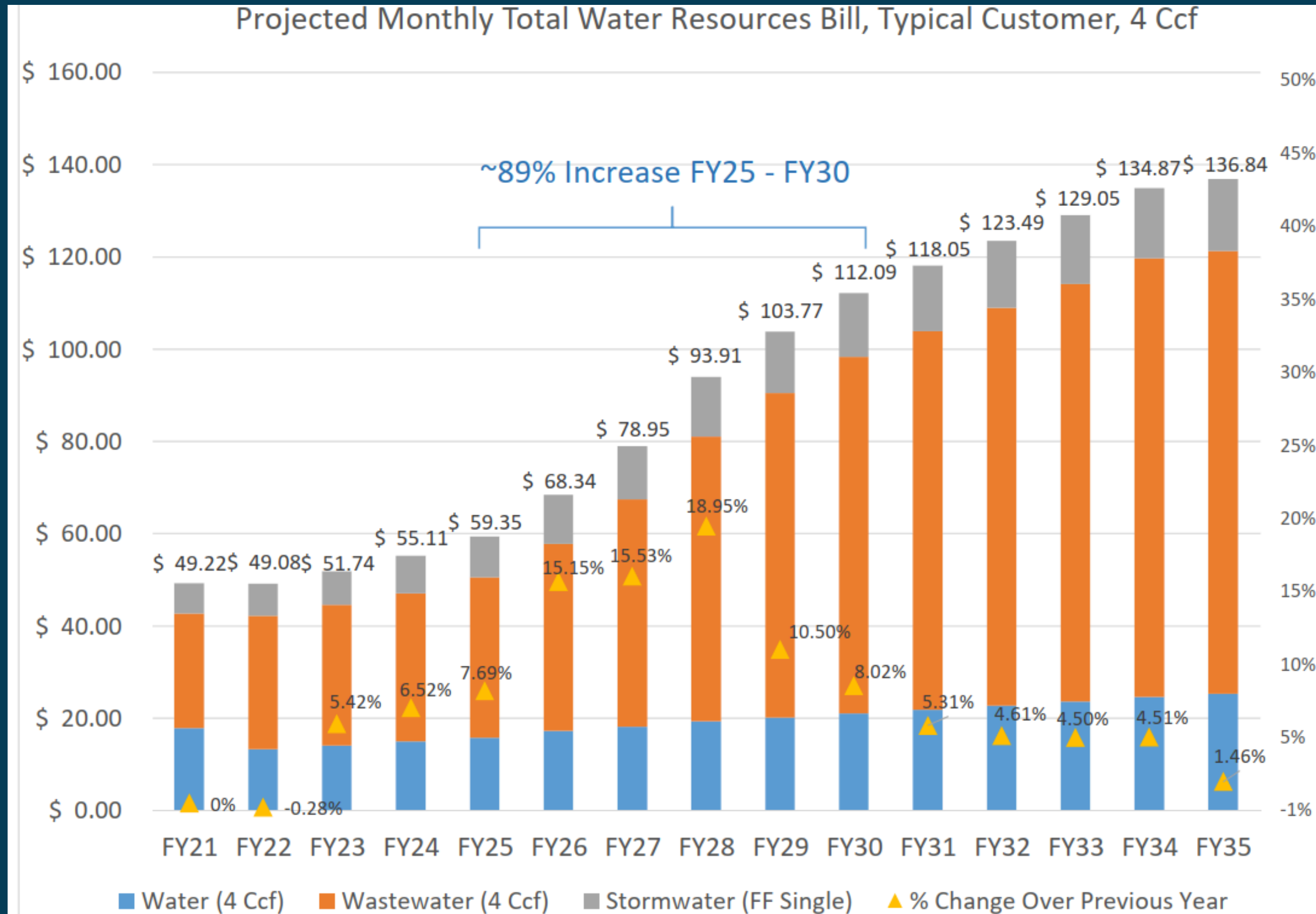
Memo details the risk and rationale of postponing certain items.
Below also forecasts additional scope items and costs where available.

Projects Not Included in 2025 Bond ¹	Current Estimated Cost	Rationale for addressing later	Include in FY26-FY35 Rate Impact Projection
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Note 1: This is a list of known project needs, some of which were included in previous bond proposals. Additional projects maybe needed due to quicker than anticipated failure rates or regulatory changes.

Note 2: These cost estimates are in 2025 dollars. Future costs will likely be higher due to inflation depending on the timing of the project.

WATER, WASTEWATER, STORMWATER RATE IMPACTS



- **Conservative** estimate (based on best available information) of bill impacts:
 - Does not include possible grant funding
 - Does not include revenue from potential growth (
- Final borrowing portfolio and availability of SRF loan will play a big role
- Includes Stage 2 Wastewater Treatment Plant costs
 - East Plant Consolidation
 - North Plant High Priority Resiliency Upgrades
- Debt service for included projects ramps up through FY2034, with the steepest rate increases in FY26 - FY 30.

OTHER UPDATES

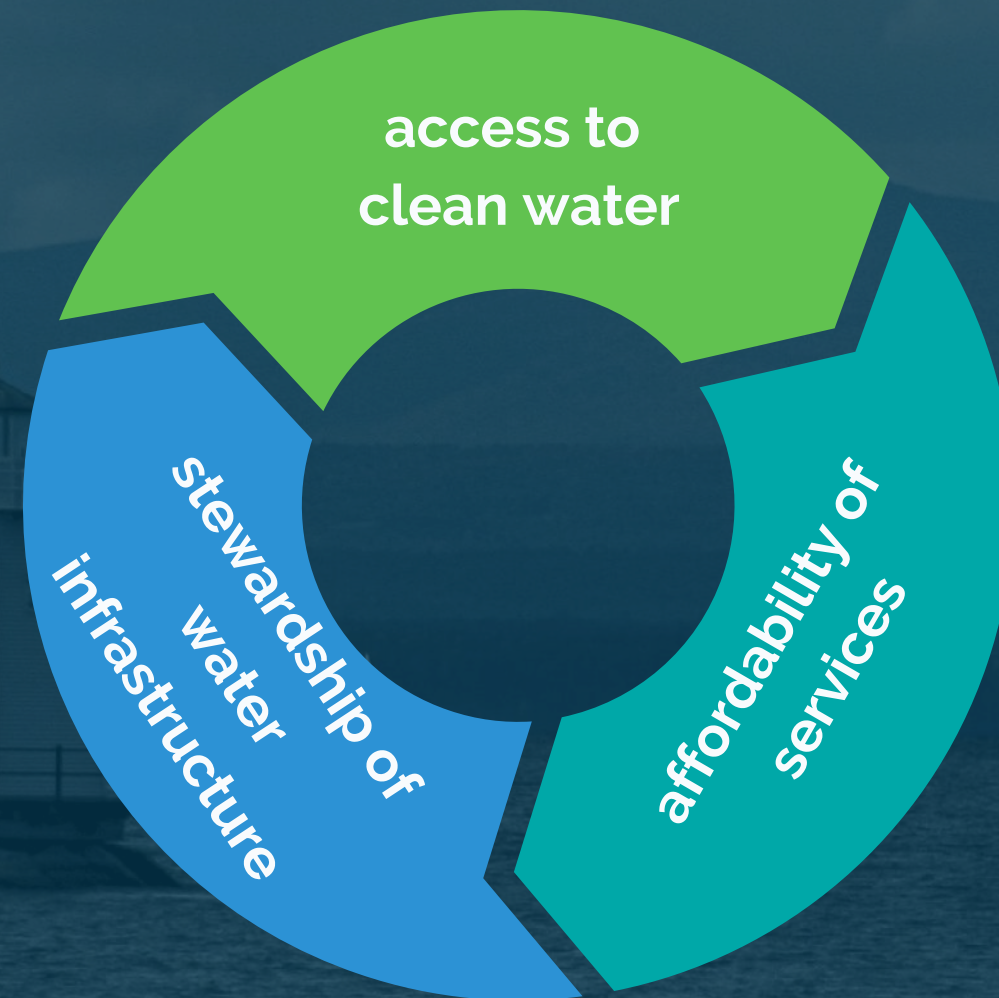
- High level 3rd party review of 60% Preliminary Engineering Report (Wright Pierce) completed by Hoyle Tanner
 - Scope of Review:
 - Big picture assumptions
 - High level project costs
 - Confirmation that decisions are in line with industry standards
 - Suggestions generally acceptable
 - Will be published on website by January 21
- 90% PER to be completed by mid February
- Initial vetting of water resources to electric department renter utility payment assistance -- appears feasible, should the City wish to pursue
- Additional Outreach Materials

CURRENT RATEPAYER AFFORDABILITY MEASURES

"...an affordable water bill is one that the household can regularly and successfully pay on time without compromising its ability to meet other essential needs." (NRDC Water Affordability Advocacy Toolkit)



- **Fixed Fee Waiver**
 - Low-income
 - 65+
 - Non-Profit Housing Organization
- **Rebates**
 - Sewer lateral inspections
 - WaterSense fixtures



RATE STRUCTURE ADJUSTMENTS

- **Lifeline** rate tier on water side
- **User class**-based rates

Water Resources will work with City Council to develop additional affordability and assistance programs for implementation prior to significant debt issuance.

SUMMARY

- Request for ballot items in March 2025 for
 - Up to \$20M **WATER** bond
 - Up to \$152M **LAKE** bond
- Capital investment is necessary for a resilient Burlington with capacity for growth and a healthy Lake Champlain
- Typical residential bill projected to increase approximately 89% over next 5 years, bringing it into the realm of some other New England communities' projected annual bills

Water reliability

Advancing water main replacement

Treatment plant improvements

Emergency supply contingency

Reservoir upgrades

Leverage modern technology

Advance & repair key infrastructure

Keep our federal & state commitments

Enhance water quality & worker safety

THANK YOU. QUESTIONS?

Megan Moir
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Martin Lee
Water Resources Engineering Manager
mlee@burlingtonvt.gov

Chapin Spencer
DPW Director
cspencer@burlingtonvt.gov

<https://burlingtonvt.gov/2025waterbonds>



Resolution Relating to

AUTHORIZATION FOR INTERFUND LOAN FOR
DEPARTMENT OF PUBLIC WORKS

RESOLUTION _____
Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

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

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

1 That WHEREAS, at its meeting held September 23, 2024, the City Council authorized the Mayor to execute
2 a Purchase and Sale Agreement for the City to purchase a parcel of land at 201 Flynn Avenue (the “Flynn
3 Avenue Parcel”) from the Chittenden Solid Waste District (“CSWD”), for the Public Works Department
4 (“DPW”); and

5 WHEREAS, the purchase of the Flynn Avenue Parcel was requested by DPW to provide a long-term
6 space for a well-designed location for City soil management and to enable CSWD to expand its Drop Off Center
7 operations at 339 Pine Street in the short term by removing City soil management from 339 Pine Street; and

8 WHEREAS, as of September 30, 2024, the City and CSWD entered into such purchase and sale
9 agreement for the Flynn Avenue Parcel, and DPW and the City’s Chief Administrative Officer sought lease
10 purchase financing for the purchase of such parcel and associated fit-up and costs of improvements; and

11 WHEREAS, due to certain environmental conditions at the Flynn Avenue Parcel, the City was unable
12 to complete such lease-purchase financing using the Flynn Avenue Parcel as the collateral; and

13 WHEREAS, DPW has requested that the City finance the purchase of the Flynn Avenue Parcel through
14 an interfund loan; and

15 WHEREAS, the City’s s Interfund Loan policy, dated as of August 27, 2018 (the “I-F Loan Policy”),
16 provides that it may be more advantageous from a cost and administrative perspective to obtain needed financing
17 from another City Department rather than through a financial institution, and such I-F Loan Policy provides
18 guidelines for the borrowing of cash or other assets using inter-fund (I-F) loans, which includes allowances for
19 I-F loans to offset timing differences in cash flow, to provide funds for interim financing in anticipation of
20 obtaining long-term financing, and to provide short-term borrowing in place of external financing;

21 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves an I-F loan in the
22 maximum principal amount not to exceed \$520,000 from the Airport Enterprise Fund to DPW for the purchase
23 of the Flynn Avenue Parcel and associated fit-up costs. DPW shall repay such I-F Loan in four installments of
24 principal, together with accrued and unpaid interest, with the first principal installment in Fiscal Year 2025 in
25 an amount of \$40,000, and three subsequent annual payments of principal of \$160,000 in Fiscal Years 2026,

2027 and 2028. Documentation of such loan shall be provided as set forth in the I-F Loan Policy. Interest on the outstanding principal amount of the I-F Loan shall be 4% per annum, such rate being not less than the Northfield Savings Bank 9-month CD Rate as required under the I-F Loan Policy. DPW may prepay the I-F Loan at any time without penalty. Loan documentation of such I-F Loan shall be prepared by the City Attorney or Bond Counsel to the City; and

BE IT FURTHER RESOLVED that the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are authorized to record and document such I-F Loan as each such officer deems necessary or advisable pursuant to the I-F Loan Policy; and

BE IT FURTHER RESOLVED that the Director of Public Works, the Director of Aviation and the Chief Financial Officer of the Airport Department are authorized to execute such documents as the Chief Administrative Officer deems necessary or advisable to record the I-F Loan; and

BE IT FURTHER RESOLVED that DPW and the Chief Administrative Officer are authorized to pursue other external financing to repay or refund the I-F Loan, if such financing can be obtained at a reasonable cost. The City's Chief Administrative Officer and the Director of Finance are each authorized to declare an official notice of intent to reimburse capital expenditures with the proceeds of tax exempt financing, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended, if such tax-exempt financing can be reasonably obtained to repay the I-F Loan in a cost effective manner.



**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, DPW Director
Lee Perry, DPW Division Director – Maintenance Division
Megan Moir, DPW Division Director – Water Resources

CC: Katherine Schad, Chief Administrative Officer, Clerk/Treasurer's Office
Bradley Kukenberger, Director of Finance, Clerk/Treasurer's Office
Nic Longo, Director, Patrick Leahy Burlington International Airport

RE: **Interfund Loan Authorization to Purchase of 201 Flynn Avenue from the Chittenden Solid Waste District**

Date: January 13, 2025

Request:

To improve solid waste drop off services for Burlington residents and businesses, as well as ensure the City has a united and functional soil management area and associated storage, the Department of Public Works (DPW) requests authorization to execute a four-year interfund loan up to a maximum amount of \$520,000 with Patrick Leahy Burlington International Airport to finance the acquisition and fit up of 201 Flynn Avenue. Additionally, DPW requests authorization to use up to \$234,000 of fund balance in DPW Water Resources to fund its share of the property purchase and subsequent fit up.

Background:

On September 23, 2024, DPW received approval from the Board of Finance and City Council to enter into a purchase and sale agreement with Chittenden Solid Waste District (CSWD) for the purchase of 201 Flynn Avenue parcel to enable relocation of the City's soils management activities, and associated storage of equipment and materials. The purchase and sale agreement was executed on September 30, 2024 and required the closing on or before November 30, 2024.

Due to the time needed to complete the property survey and secure the project financing, City staff has requested two one-month extensions through January 31, 2025. To obtain the second one-month extension, City staff was requested to attend the CSWD Board meeting and share a letter from the Mayor stating the City's ongoing commitment to complete this sale. CSWD Board members expressed that this second extension should be understood to be the last and that the closing needs to happen no later than January 31, 2025.

Securing private financing for the purchase of 201 Flynn Avenue was challenging due to concern from traditional lending institutions that the parcel has contaminated soils. We sought lease purchase financing and the institutions were concerned that the collateral, the parcel itself, may be

difficult to sell if the City defaulted. Based on the two Environmental Site Assessments (ESAs) that the City completed on the parcel, DPW has determined that the known level of contamination is manageable and does not hinder the City's interest in establishing a soil management site at this location. Furthermore, we have budgeted for the targeted remediation necessary for the intended use. Despite sharing the full ESAs with the lenders and explaining our remediation plans, we were unable to convince traditional lenders to finance this purchase. It is for this reason that we are proposing a short duration interfund loan from the Patrick Leahy International Airport to finance the purchase of 201 Flynn Avenue.

\$751,250 is the remaining amount needed to purchase and fit up the property as well as complete the needed upgrades to 339 Pine Street for CSWD drop off center expansion. The payment of this remaining amount will be split between DPW's General Fund Recycling program (66% / \$517,500) and Water Resources (33% / \$233,750) -- in proportion to the projected use of the soil management facility by the respective DPW divisions. For a detailed breakdown of costs and funding sources, please see funding section below. More background on the history of the 201 Flynn Avenue parcel and the negotiations between the City and CSWD can be found in the September 23, 2024 City Council packet.

Funding:

Below are the costs associated with the purchase and the fit up of 201 Flynn Avenue – and the City's responsibilities for site prep for CSWD's expanded Drop Off Center at 339 Pine Street.

Item	City Cost	Notes
Soft Costs		
Phase I Environmental Study	\$7,750	City covered
Phase II Environmental Study	\$20,000	CCRPC grant & City \$
Conceptual Planning	\$20,000	Initial work in-house
Deed Research	\$5,000	
Permitting (est.)	\$3,000	
Appraisal	\$6,500	City appraisal
Purchase		
Purchase Price	\$375,000	\$274K once Option \$ applied
Closing Costs	\$10,000	Estimate
Interest	\$50,000	Conservative estimate
Flynn Avenue Fit Up Costs		
Site Clean Up	\$103,000	Cost estimate from VHB
Flynn Soil Management Fit Up	\$170,000	Based on conceptual design
Building stabilization	\$25,000	Assessment and rec. work
Contingency	\$68,250	25% fit up, remediation costs
Total Flynn Avenue Expenses	\$863,500	
339 Pine Fit Up		
Stormwater improvements	\$25,000	City responsible
Paving	\$25,000	City to pave access road
Fencing		CSWD will cover
Total City 339 Pine Street Expenses	\$50,000	

Projected Grand Total	\$913,500	
Soft Costs (Already paid)	\$62,250	
Option Payments (Already paid)	\$101,001.32	
Remaining Projected Grand Total	\$750,248.68	
Proposed Funding Split		
DPW General Fund – 66% + 339 Pine Street Work	~\$517,500	
DPW Water Resources – 33%	~\$233,750	

There is a multi-bay garage on the property. A small business rents one space in the building. DPW proposes to continue renting this space and use the rental income to pay for the utilities and building maintenance. The other garage spaces will be used as unheated storage for municipal equipment. A building assessment is underway and any urgent repairs for the structure beyond the \$25,000 budget will be covered by the project contingency.

The DPW Water Resources portion of the purchase and fit up is projected to be \$233,750. As a result, we are seeking Council authorization to use fund balance from Water (Fund 460) in an amount not to exceed \$140,000 and fund balance from Stormwater (Fund 245) in an amount not to exceed \$94,000. These are the primary funds that will benefit from the use of this parcel. Water ended FY24 with \$5.47M of cash on hand, and with this use of funds as well as other approved uses of these funds, is still projected to have 197 days of cash on hand for end of FY25. Stormwater ended FY24 with \$2.36M of cash on hand, and with this use of funds as well as other currently known potential uses would still have 361 days of cash on hand.

The DPW General Fund portion of the purchase and fit up is projected to be \$517,000. DPW has been long planning to finance the General Fund portion. As a result, we are seeking Council authorization to execute an interfund loan through Patrick Leahy Burlington International Airport. The loan amount would be up to \$520,000 and, in accordance with the City's Interfund Loan policy, have a four (4) year term at a rate of 4% (equal to the NSB 9-month CD rate) with no early repayment penalty. The initial payment for FY25 will be in the amount of \$40,000 (budgeted in FY25 Recycling budget) and the balance of the loan will be included in future Recycling budgets – split between FY26, FY27 and FY28. Repayment of the principal plus interest is projected to be approximately \$549,500.

The loan will be repaid with revenues from the Solid Waste Generation Tax (SWGT). On February 26, 2024, the City Council revised City Ordinance in Chapter 14 to expand the definition of recyclable materials to include soils. This enables the SWGT to be used to support the City's soil recycling activities. The projected monthly increase to the SWGT for FY26 would be ~\$1.13 per residential unit (\$13.56 annually). This SWGT rate would continue for FY27 and FY28 to cover the loan payments for those years. The SWGT would then be able to return to previous levels in FY29.

Proposed Solid Waste Generation Tax Rate	SWGT Rate Per Residential Dwelling Unit	Annual Cost Per Residential Dwelling Unit	Approximate Interfund Loan Payment
FY'25	\$6.90	\$82.80	\$40,000
FY'26	\$8.03	\$96.36	\$160,000

FY'27	\$8.03	\$96.36	\$160,000
FY'28	\$8.03	\$96.36	\$160,000
FY'29	\$6.90	\$82.80	\$0

If the City decides, as part of its ModernGov initiative, to discontinue its municipal recycling service, the SWGT for FY26, FY27 and FY28 would see an overall net decrease even with the tax covering the purchase and fit up of 201 Flynn Avenue because the tax would no longer need to support municipal recycling collection. We will be bringing the recycling policy question to the City Council at a subsequent meeting.

Next Steps:

- January 13, 2025: Return to City Council for authorization to execute an interfund loan to cover the acquisition and fit up costs for 201 Flynn Avenue
- January 31, 2025: Deadline to close on the property acquisition
- Summer 2025: Undertake site work improvements at 201 Flynn Ave and 339 Pine St
- Fall 2025: City soil management activities are projected to begin at 201 Flynn Avenue
- Fall 2025/Spring 2026: CSWD plans to expand the Drop-Off Center at 339 Pine Street

Don't hesitate to reach out to us with any questions in advance of the Council meeting.

Motions:

Board of Finance

To approve and recommend that City Council:

- Waive the reading and adopt the resolution regarding a \$520,000 interfund loan from the Patrick Leahy Burlington International Airport to finance the purchase and fit up of 201 Flynn Avenue, subject to the review and approval of the City Attorney's Office,
- Authorize a FY25 budget amendment to use fund balance from Water (Fund 460) in an amount not to exceed \$140,000, and to utilize fund balance from Stormwater (Fund 245) in an amount not to exceed \$94,000 for the purchase and fit up of 201 Flynn Avenue, and
- Authorize the Mayor, Chief Administrative Officer, and DPW Director to take such further actions and to execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby.

City Council

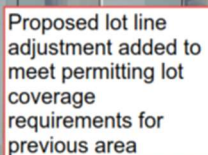
To approve and:

- Waive the reading and adopt the resolution regarding a \$520,000 interfund loan from the Patrick Leahy Burlington International Airport to finance the purchase and fit up of 201 Flynn Avenue, subject to the review and approval of the City Attorney's Office,
- Authorize a FY25 budget amendment to utilize fund balance from Water (Fund 460) in an amount not to exceed \$140,000, and to use fund balance from Stormwater (Fund 245) in an amount not to exceed \$94,000 for the purchase and fit up of 201 Flynn Avenue, and
- Authorize the Mayor, Chief Administrative Officer, and DPW Director to take such further actions and to execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby.

Attachment: 201 Flynn Avenue Map

(Conceptual Design with Lot Line Adjustment)

(Conceptual Design with Lot Line Adjustment)



Existing parcel boundary

Board of Finance and City Council Submission Checklist

Department: Public Works Submitter: Lee Perry/Chapin Spencer

Title/Subject: 201 Flynn Avenue Financing Memo

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	1/13/2025

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	1/7/2025	Approved by Chapin Spencer
Mayor's Office informed and approved memo	Yes	1/8/2025	Approved by Joe Magee
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	1/8/2025	Approved by Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	1/8/2025	Approved by Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary		
Draft Resolution or Motion?	Yes	Resolution
If for submission to Council, are sponsors identified?	N/A	

Resolution Relating to

**AUTHORIZATION FOR INTERFUND LOAN FOR
DEPARTMENT OF PUBLIC WORKS**

RESOLUTION 10.6

Sponsor(s): Bd. of Finance

Introduced: 01/13/25

Referred to: _____

Action: adopted

Date: 01/13/25

Signed by Mayor: 01/15/25

CITY OF BURLINGTON

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

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

1 That WHEREAS, at its meeting held September 23, 2024, the City Council authorized the Mayor to execute
2 a Purchase and Sale Agreement for the City to purchase a parcel of land at 201 Flynn Avenue (the “Flynn
3 Avenue Parcel”) from the Chittenden Solid Waste District (“CSWD”), for the Public Works Department
4 (“DPW”); and

5 WHEREAS, the purchase of the Flynn Avenue Parcel was requested by DPW to provide a long-term
6 space for a well-designed location for City soil management and to enable CSWD to expand its Drop Off Center
7 operations at 339 Pine Street in the short term by removing City soil management from 339 Pine Street; and

8 WHEREAS, as of September 30, 2024, the City and CSWD entered into such purchase and sale
9 agreement for the Flynn Avenue Parcel, and DPW and the City’s Chief Administrative Officer sought lease
10 purchase financing for the purchase of such parcel and associated fit-up and costs of improvements; and

11 WHEREAS, due to certain environmental conditions at the Flynn Avenue Parcel, the City was unable
12 to complete such lease-purchase financing using the Flynn Avenue Parcel as the collateral; and

13 WHEREAS, DPW has requested that the City finance the purchase of the Flynn Avenue Parcel through
14 an interfund loan; and

15 WHEREAS, the City’s s Interfund Loan policy, dated as of August 27, 2018 (the “I-F Loan Policy”),
16 provides that it may be more advantageous from a cost and administrative perspective to obtain needed financing
17 from another City Department rather than through a financial institution, and such I-F Loan Policy provides
18 guidelines for the borrowing of cash or other assets using inter-fund (I-F) loans, which includes allowances for
19 I-F loans to offset timing differences in cash flow, to provide funds for interim financing in anticipation of
20 obtaining long-term financing, and to provide short-term borrowing in place of external financing;

21 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves an I-F loan in the
22 maximum principal amount not to exceed \$520,000 from the Airport Enterprise Fund to DPW for the purchase
23 of the Flynn Avenue Parcel and associated fit-up costs. DPW shall repay such I-F Loan in four installments of
24 principal, together with accrued and unpaid interest, with the first principal installment in Fiscal Year 2025 in
25 an amount of \$40,000, and three subsequent annual payments of principal of \$160,000 in Fiscal Years 2026,

* * * * *

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

* * * * *

2027 and 2028. Documentation of such loan shall be provided as set forth in the I-F Loan Policy. Interest on the outstanding principal amount of the I-F Loan shall be 4% per annum, such rate being not less than the Northfield Savings Bank 9-month CD Rate as required under the I-F Loan Policy. DPW may prepay the I-F Loan at any time without penalty. Loan documentation of such I-F Loan shall be prepared by the City Attorney or Bond Counsel to the City; and

BE IT FURTHER RESOLVED that the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are authorized to record and document such I-F Loan as each such officer deems necessary or advisable pursuant to the I-F Loan Policy; and

BE IT FURTHER RESOLVED that the Director of Public Works, the Director of Aviation and the Chief Financial Officer of the Airport Department are authorized to execute such documents as the Chief Administrative Officer deems necessary or advisable to record the I-F Loan; and

BE IT FURTHER RESOLVED that DPW and the Chief Administrative Officer are authorized to pursue other external financing to repay or refund the I-F Loan, if such financing can be obtained at a reasonable cost. The City's Chief Administrative Officer and the Director of Finance are each authorized to declare an official notice of intent to reimburse capital expenditures with the proceeds of tax exempt financing, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended, if such tax-exempt financing can be reasonably obtained to repay the I-F Loan in a cost effective manner.

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

Authorization For Interfund Loan For Department Of Public Works

.....

.....

Adopted by the City Council

January 13, 2025

Bobby Kunkin Clerk

Approved *Jan 15*, 2025

David J. ... Mayor

Attest:

Vol. Page

* * * * *



FY26 General Fund Budget Update to City Council

January 13, 2025



Goals for this Conversation

- Provide an **initial overview** of FY26 general fund budget.
- Let residents know **what to expect** on their municipal property tax bill.
- Offer clarity on **whether or not the City will seek a general city property tax increase** on the Town Meeting Day ballot.



Context

- Last year at this time the City predicted a \$9M budget gap that was **successfully closed** without a general city tax increase.
- The City is **reducing use of one-time funds** (ARPA or use of fund balance) in the general fund budget:
 - FY24 = \$5M
 - FY25 = \$3.5M
 - FY26 = \$1.3M (expected)
- The City is **following best practices** and reviewing budget to actual reports monthly and sharing these with BOF (with more in depth quarterly assessments).
- These contribute to **more sustainable, longer-term strategies that provide predictable information** for taxpayers.



FY26 General Fund Budget Introduction



Assumptions in Building the Budget

- \$3.5M of one-time revenues used in FY25 and must be replaced or those expenses reduced.
- Gross receipt rates level.
- All departments were asked to level-fund their budgets as a first step. This is essentially at **least a 4% reduction for each department** (they must find a way to absorb COLA + step increases).
 - It became apparent that the safe staffing levels required for Police and Fire departments result in nearly 100% fixed costs for these departments.
 - Additionally, there were \$2.4M of one-time funds used as revenues in FY25 in the Police and Fire departments.
 - While all department budgets were reviewed with equal scrutiny, the Police and Fire department budgets were not able to be held level like other departments.
- **No new projects** or initiatives were included.
- We are prioritizing **affordability** for taxpayers.



Drivers of the Budget

- \$3.5M of **one-time revenues** used in FY25 and must be replaced or those expenses reduced.
- Health insurance costs expected to rise about **11%**.
- The Fire and Police budgets comprise **almost 40% of the City's budget** and both contract up for negotiation so increases for those employees are **not yet known but estimated** in the budget.



FY26 Budget Caveats

- All departments have submitted initial draft budgets but there is still a fair amount in flux and **we expect numbers to shift during the process.**
- Without a contract for police or fire unions, we can only make **informed estimates** about the impact on the FY26 budget.
- As a self-insured entity, our health insurance numbers cannot be “locked in” and **will fluctuate** based on actual experience in FY25 (and we are less than 50% of the way through the year).



Expenses



Initial FY26 Known Expense Estimates

- Overall projected expense increase across GF departments over FY25 is **between \$5-6M. This number will change.**
 - 89% of that is from Fire and Police
 - The additional 11% is made up of small amounts in different departments to either:
 - allow to continue public safety initiatives started in FY25 (e.g. increased library at FFL); or
 - for small urgent one-time investments (e.g. case management system in City Attorney's Office).



Initial FY26 Additional Expected Expense Estimates

- Plus additional costs totaling about **\$2M**. **This number is even more variable than the previous one.** These include:
 - Additional FY26 health insurance costs
 - True-up for FY24 health insurance and worker's compensation insurance
 - Enforce 5% vacancy on all general fund departments except fire and police
 - Small buffer for upcoming negotiations
- **\$5.5M + \$2M = \$7.5M additional expenses to cover**



Revenues



Initial FY26 Revenue Estimates

Additional revenues of about **\$3M expected in FY26 over FY25:**

- Last of ARPA funds (less than \$300K)
 - Retiring of WTF TIF (last year of Business Personal Property tax per Charter)
 - Enforce 5% vacancy on all GF departments except police and fire
 - Organic grand List growth
 - Employ last \$.01 public safety tax approved by voters last year
 - Additional \$.01 from parks dedicated (splinter) tax (does not require voter approval)
-
- **\$7.5M - \$3M = approximate \$4.5M gap presently**



Initial FY26 Municipal Tax Estimate

- **Not recommending a general City property tax rate increase.**
- Do plan to utilize remaining approved \$0.01 of previously voter-approved public safety tax.
- Also plan to employ an additional \$0.01 of parks tax (requires City Council but not voter approval).
- Dedicated taxes for GMT, Debt Service, and Retirement will also go up as allowed by Charter.
- In total, we expect **municipal tax rate to go up 6-7%** next year vs 11% this year.



Additional Considerations



Cost Savings and Efficiencies from ModGov

- The Administration will move forward cost-saving and revenue-generating initiatives that will **save or generate \$1-1.5M.**
- We have reordered the phases to **accelerate items**, including department mergers, previously in later phases, to help deal with the budget gap.
- Currently moving forward with process with affected unions and departments before **providing more information at Jan 27 City Council meeting.**



Reducing Non-Essential Services

- As part of the FY26 budget process, the 11 departments with public services have completed a “**service inventory**” which details every service they provide to the public, to whom, how frequently, under what authority, etc.
- Services evaluated in collaboration with departments and unions and provide recommendations to Mayor about **which non-essential services could be cut**. Evaluation factors include who needs the service (equity lens), affordability of providing the service, and who else is providing the service.
- Departments will report back with any proposed service reductions.



FY26 Budget Summary

- No **general fund tax increase** on TMD ballot.
- Projected **overall municipal tax increase at 6-7%** vs an 11% increase last year – mostly retirement and debt service.
- Many **conversations and decisions** in the coming months.



Next Steps

- Provide “**service inventory**” evaluation and recommendations to Mayor.
- Continue review and refinement of **departmental budgets**.
- Continue honing **benefit budgets** and allocation (Retirement, Health, etc.).
- Discuss and implement **ModGov efficiencies**.
- Begin **Tax Fairness Working Group**.
- Further updates to **Board of Finance**.



Questions and Discussion