



City Council

Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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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	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda as follows: add to the consent agenda item 3.31. Communication: Kathy Fox, re: (May 2025) Reduction in force layoffs (per City Council President Traverse)

2. Public Forum: Time Certain: 6:20 pm **See above for signup instructions**

Subject	2.1. Verbal Comments
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Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	2. Public Forum: Time Certain: 6:20 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

3. Consent Agenda

Subject	3.1. Motion to adopt the consent agenda (as amended) and take the actions indicated
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Council and Board
Type	Action (Consent) Procedural
Recommended Action	Motion to adopt the consent agenda (as amended) and take the actions indicated
Subject	3.2. Accountability List - CT
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. 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	3.3. 169 Church Street - Encumbrance Permit Application - Outdoor seating area - DPW
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Public Works Department
Type	Action (Consent)

Recommended Action to approve the Encumbrance Application for Thai Taste Cafe. d/b/a East West Cafe at 169 Lower Church Street requesting use of the sidewalk and the Right-of-Way and to authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office

Subject 3.4. 131 Main Street - Encumbrance Application - Outdoor Seating - DPW

Meeting August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 3. Consent Agenda

Department Public Works Department

Type Action (Consent)

Recommended Action to approve the Encumbrance Application for the Gryphon, LLC, for the installation of an outdoor seating at 131 Main Street and authorize the Mayor to execute a License Agreement—approved by the City Attorney's Office—on behalf of the City of Burlington for a term commencing on the date of execution and terminating on October 15, 2025

Subject 3.5. Stage 1 Wastewater Treatment Plant Improvements - Construction Manager at Risk (CMAR) Update - DPW/Water Resources

Meeting August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 3. Consent Agenda

Department Public Works Department - Water Resources

Type Action (Consent)

Recommended Action to accept the communication

Subject 3.6. Special Event Outdoor Entertainment Permit Application (three days only): High Desert Light & Sound, September 5 - 7, 2025, 5 pm - 10 pm, placed on the lawn opposite the entrance of 345 Pine Street

Meeting August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 3. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)

Recommended Action approve the three day only special event outdoor entertainment permit application for High Desert Light & Sound, September 5 -7, 2025, 5 pm - 10 pm, placed on the lawn opposite the entrance of 345 Pine Street

Subject 3.7. Special Event Indoor and Outdoor Entertainment Permit Application (three days only): SEABA, September 5 - 7, 2025, various times and locations

Meeting August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 3. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the three day only special event indoor and outdoor entertainment permit application for SEABA, September 5 - 7, 2025, various times and locations
Subject	3.8. Special Event Outdoor Entertainment Permit Application (one day only): Genesis Vermont, October 3, 2025, 5 pm - 10 pm, 420 Pine Street
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the one day only special event outdoor entertainment permit application for Genesis Vermont, October 3, 2025, 5 pm - 10 pm, 420 Pine Street, contingent upon Fire Marshal approval
Subject	3.9. Communication: John Hughes, re: Burlington Downtown
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.10. Communication: Sharon Cross, re: Shopping in Burlington
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.11. Communication: Erhard Mahnke, re: Dismayed by unilateral Council action on Food not Bombs/Food not Cops
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.12. Communication: Matt Kobzik, re: CSWD Alternate Resignation
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading, accept the communication, place it on file and advertise the vacancy in Seven Days
Subject	3.13. Communication: Michelle Bookless, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Communication Action (Consent)
Recommended Action	waive the reading and place the communication on file
Subject	3.14. Communication: Rooney Castle, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.15. Communication: Dr. Emma Kouri, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.16. Communication: Ethan Thompson, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.17. Communication: Max Tracy, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.18. Communication: Charlotte Safran, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.19. Communication: Emiliano Void, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.20. Communication: Liz Clements, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.21. Communication: Sara Chesbrough, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.22. Communication: Jory Hearst, re; open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.23. Communication: Penelope Wall, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.24. Communication: Gannon, re: open letter regarding REIB Office
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.25. Communication: Katie Franger, re: Comments on UBER Technologies, Inc. re: City Fees
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.26. Communication: Mimi Buttenheim, President, Mad River Distillers, re: Downtown Burlington
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	3.27. 2025 Sponsorship Report for City of Burlington - Vermont City Marathon & Relay
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Information Report
Recommended Action	waive the reading, accept the report and place it on file
Subject	3.28. FIO Documents
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	for information only
Subject	3.29. Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Traffic Division Of The Public Works Department (Board of Finance)
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Resolution
Recommended Action	to waive the reading and to adopt the proposed resolution approving the renewal of an existing revenue anticipation note for the Parking Facilities Fund, in an amount not to exceed \$2.5 Million and with an interest rate not to exceed 7.5%
Subject	3.30. Resolution: Authorization For Up To <u>\$518,600</u> Step II Loan From Vermont Clean Water State Revolving Fund, For An Engineering Contract With Wright Pierce For Up To <u>\$70,000</u> And For An Amended Engineering Contract With Stantec For An Additional Amount Up To <u>\$50,000</u> For The Upsized Sewer On Cherry Street Project (Board of Finance)
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent) Resolution
Recommended Action	to waive the reading and adopt the attached resolution authorizing a Step II amended loan from the Vermont Clean Water State Revolving fund in a principal amount not to exceed \$518,600, an amended contract with Stantec for an additional amount up to

\$50,000, and an up to \$70,000 contract with Wright Pierce for the Upsized Sewer on Cherry Street project as more specifically set forth in the attached resolution

Subject **3.31. Communication: Kathy Fox, re: (May 2025) Reduction in force layoffs**

Meeting August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 3. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication

Recommended Action waive the reading and place the communication on file

4. Deliberative Agenda

Subject **4.1. Resolution: Welcoming President Marlene Tromp, Re-affirming Our Outstanding Partnership With The University Of Vermont, And Acknowledging Our Shared Commitment To Affordable, Safe And High-Quality Housing For Students (Councilors Schachter, Broderick, McKnight, Neubieser and Singh)(25 mins.)**

Meeting August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 4. Deliberative Agenda

Department Council and Board

Type Action
Resolution

Recommended Action waive the reading and adopt the resolution

Subject **4.2. Resolution: Act 250 Jurisdiction Tier 1B Status (Councilor Traverse)(15 mins.)**

Meeting August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 4. Deliberative Agenda

Department Planning

Type Action
Resolution

Recommended Action waive the reading and adopt the resolution

Subject **4.3. Resolution: Ratification Of Tentative Agreement And Authorization To Execute Collective Bargaining Agreement Between The City Of Burlington And FOP BPOA #021 (July 1, 2025 - June 30, 2028)(Board of Finance)(20 mins.)**

Meeting August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	4. Deliberative Agenda
Department	Human Resources
Type	Resolution Action
Recommended Action	waive the reading and adopt the resolution
Subject	4.4. Ordinance: Establishing City Circle BCO Chapter 1, Section 10 (Office of the City Attorney, Ordinance Committee)(20 mins.)
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	4. Deliberative Agenda
Department	City Attorney
Type	Action Ordinance - Second Reading
Recommended Action	waive the reading and adopt the ordinance
Subject	4.5. Resolution: A Safe And Accessible City Hall Park (Councilor Traverse)(25 mins.)
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	4. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution

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

Subject	5.1. Verbal reports
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Mayor - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 10 mins.)
Department	Council and Board
Type	Information

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

Subject	6.1. Verbal reports
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Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

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

Subject	7.1. Verbal reports
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. City Council - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 5 mins. per Councilor)
Department	Council and Board
Type	Information

8. Committee Reports

Subject	8.1. Verbal reports
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Committee Reports
Department	Council and Board
Type	Information

9. Adjournment

Subject	9.1. Motion to adjourn
Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	9. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

10. Informational and Non-Discrimination Statements

Subject	10.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Council and Licensing 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
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that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.

Meeting	August 25, 2025 - Regular City Council Meeting - Monday, August 25, 2025, 6:15 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information

CITY COUNCIL ACCOUNTABILITY LIST

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

Prepared by: Lori Olberg, Council and Licensing Coordinator

8/21/2025

	Meeting Date	Type of Document and Title	Action Requested	Updated Next Steps in the Process
1	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.
2	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
3	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
4	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
5	1/27/2025	Resolution: City Council Commitment To Rebuilding And Reconciling With The Burlington Police Department	Mayor to update the City Council referred to the Ordinance Committee, to report back to the City Council; CJC to report back to the City Council and Ordinance Committee	18-Feb-25
6	1/27/2025	Resolution: Establishing A Violation Reporting Incentivization Pilot (VRIP)	referred to the CDNR Committee to report back to the Council with any recommended actions on the report, including, but not limited to, any recommended actions related to the Clarke Street needle exchange	on or before March 24, 2025; by March 10, 2025
7	5/12/2025	Evaluation of Safe-Syringe Programs and the Impact of Syringe Litter in Burlington, Vermont - Board of Health	referred to the Ordinance Committee	on or by September 1, 2025
8	6/23/2025	Ordinance: Prohibiting Indecent Exposure	referred to the Charter Change Committee	not-specified
9	7/14/2025	REIB Proposed Charter Change	referred to the Parks, Arts and Culture Committee	not-specified
10	7/14/2025	Ordinance: An Amendment to Appendix D, Sections 2 and 5, Updating Parks Rules and Regulations		not-specified



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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www.burlingtonvt.gov

MEMORANDUM

TO: License Committee/City Council

FROM: Alice Schwencke, Excavation Inspector, Department of Public Works

DATE: 8/1/2025

CC: Laura Wheelock, P.E.; Division Director of Public Works/City Engineer
Chapin Spencer, Director of Public Works.

RE: 169 Church Street – Encumbrance Permit Application – Outdoor seating area

Request

The Applicant, Spencer Richland, the owner of the establishment named East West Café located at 169 Church Street, is requesting approval for an outdoor seating area to exist in the public right-of-way. The request, if approved, will formally permit an outdoor seating area on the West side walk of lower church street in front of the establishment. staging area, through a License Agreement with the City.

As stated in Burlington Code of Ordinance Chapter 27-32(a): *“No permit as required by Section 27-31 shall be for longer than sixty (60) days, except as authorized by the city council.”*

Overview

East West Café submitted an encumbrance permit application to the Department of Public Works on July 10th 2025, requesting to occupy 96 square feet of City right-of-way space on Lower Church Street of the public right-of-way to accommodate an outdoor seating area.

The seating area meets all the requirements to occupy the public right-of-way and will not impede the traveled lanes of Lower Church. The sidewalk is open to public use and not restricted by the outdoor seating area.

During times when the seating area is not in use is not occurring, the chairs and tables will remain in place overnight on the street.

The Applicant will be responsible for any future maintenance or repairs and any other conditions as defined in the License Agreement. The outdoor seating area is expected to occupy the side walk from July 2025 to October 2025. Items will be removed from the street if there is DPW work to be performed prior.

Recommendation

The Department of Public Works is supportive of entering into a License Agreement between the Applicant and the City.

Thank you for your consideration of this request. Please do not hesitate to contact me directly at Aschwencke@burlingtonvt.gov or 802-495-6176.

Attachment

- A. Application
- B. DPW Recommendation Form
- C. Photographs/Site Plan
- D. Certificate of Insurance

Motions:

License Committee:

"To approve and recommend that the City Council approve the Encumbrance Application for Thai Taste Café, LLC . d/b/a East West Cafe for the address located at 169 Church Street, requesting use of the sidewalk on the west side of Lower Church Street parking stall and greenbelt for a staging area and to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office."

City Council:

"To approve the Encumbrance Application for Thai Taste Cafe. d/b/a East West Cafe at 169 Lower Church Street requesting use of the sidewalk and the Right-of-Way and to authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office."

Dear Licensing Committee Members,

The Department of Public Works recommends approval of the Encumbrance Permit Application submitted by East West, LLC for the use of 96 square feet of public right-of-way at Lower Church Street. This recommendation is based on a thorough review of the application and is subject to the conditions outlined below and review by the City Attorney's Office.

East West Café, LLC is requesting this temporary encumbrance on the West side of Church Street for the usage of a 96 Square foot area on the sidewalk. The proposal complies with the Burlington Code of Ordinances, specifically Chapter 27-31(a), which allows for encumbrances those which exceed 60 days with the approval of Licensing Committee Members. The DPW supports formalizing this through a License Agreement with an annual fee of \$1 per square foot, payable through the City's OpenGov Portal.

Therefore, I urge the Licensing Committee and City Council to approve this request, subject to the aforementioned conditions and review by the City Attorney's Office.

Thank you for your attention to this matter. Should you require further information, I am available at ASchwencke@burlingtonvt.gov or 802-865-7562.

Sincerely,

Alice Schwencke

Excavation Inspector

Department of Public Works

City of Burlington

aschwencke@burlingtonvt.gov

802-495-6176



DEPARTMENT OF PUBLIC WORKS
645 PINE STREET
BURLINGTON, VT 05401
Voice: (802) 863-9094 Ext 3 Fax: (802) 863-0466
Email: dpwpinecustomerservice@burlingtonvt.gov

DPW ENCUMBRANCE RECOMMENDATION FORM

DBA NAME: Thai Taste Cafe, LLC DATE: 7/25/25
COMPANY NAME: East West, LLC PHONE: 802-371-8997
CONTACT NAME: Spencer Richland EMAIL: Eastwestcafebtv@gmail.com
MAILING ADDRESS: 169 Church Street, Burlington VT 05403
LOCATION OF ENCUMBRANCE: 169 Church Street, Burlington VT 05403

FOR LONG-TERM ENCUMBRANCE, TABLE AND CHAIR ENCUMBRANCE, AND CONSTRUCTION ENCUMBRANCE

1. All encumbrances should be located on private property, if possible. In the opinion of the Excavation Inspector, is there an available alternative location for the requested encumbrance on private property?

YES []

NO ☒

2. Will there be sufficient width for plows, pedestrian access, and ADA requirements if the proposed encumbrance is added to the sidewalk/roadway/greenbelt?

YES []

NO ☒

3. Additional Comments: _____

East West to obstruct sidewalk on Lower Church Street, with a 96 Square Feet outdoor seating area.

4. Has this business remained in compliance to date (RENEWALS ONLY)?

YES []

NO []

5. Describe the encumbrance, including square footage and location of items: _____
Occupation of 96 square feet of the sidewalk on the West Side of Lower Church Street.

BELOW THIS LINE – DEPARTMENT OF PUBLIC WORKS OFFICE USE ONLY

Approved: Yes ☒ No [] If no, reason: _____
Signature: Alice Schwencke Date: 7/25/25

ENCUMBRANCE PERMIT AND LICENSE AGREEMENT

Thai Taste Café, LLC
169 Church Street Burlington VT 05401

This Long-term Encumbrance Permit and License Agreement (“Agreement”) is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont, and Thai Taste Café, LLC DBA East West Café located at 169 Church Street Burlington VT 05401, Thai Taste Café, LLC. The City and Licensee agree to the terms and conditions of this Agreement.

1. RECITALS

- A. Authority.** Authority to enter into this Agreement exists in the City Charter and Burlington City Ordinance 27-32. Required approvals, clearance, and coordination have been accomplished from and within each Party.
- B. Consideration.** The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Agreement.
- C. Background.** The City owns property, including the street and sidewalk right-of-way adjacent to 169 Church Street Burlington. Licensee has submitted a construction encumbrance application seeking the continued occupation of City right-of-way on Church Street. According to Licensee’s application, it will cover 96 square foot area of the public sidewalk,
- D. Purpose.** This Agreement sets forth the terms and conditions for the allowed use of the public right-of-way.

2. DEFINITIONS

- A. “Effective Date”** means the date on which this Agreement is approved and signed by the City as shown on the signature page of this Agreement.
- B. “Encumbrance Fee”** means the sum of the encumbrance application fee, and the square foot use fee annually set by the City.
- C. “Party”** means the City or Licensee and “Parties” means both the City and Licensee.
- D. “Premises”** means the sidewalk right-of-way on the West Side of Church Street. directly in front of 169 Church Street Burlington.
- E. “Property”** means the commercial building lot located at 169 Church Street in Burlington, Vermont, inclusive of the barricade fencing that are the subject of this Agreement.

3. EFFECTIVE DATE AND TERM

- A. Effective Date.** This Agreement shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Agreement before the Effective Date and shall have no obligation for any performance before the Effective Date or after the expiration or termination of this Agreement. Licensee’s obligations hereunder for indemnification, defense, and restoration of the Premises and other City property shall survive expiration or termination hereof.
- B. Term.** This Agreement shall commence on the Effective Date and expire on 10/31/2025.
- C. Termination.** This Agreement may be terminated as set forth in this paragraph (C). Upon

termination, Licensee shall remove—at its own expense—all objects, materials, and other obstructions placed on the Premises. If Licensee refuses to promptly remove such obstructions, the City may remove all such obstructions and the Licensee shall be liable for all expenses of such removal.

- i. **Discontinued Use.** The City shall have the exclusive right to immediately terminate this Agreement should Licensee or a subsequent owner discontinue the licensed use of the premise.
- ii. **Termination for Convenience.** At any time prior to completion of services specified under this Agreement, the City may terminate the Agreement for any reason by submitting written notice via certified or registered mail to the Licensee, not less than fifteen (15) days prior to the termination date, of its intention to do so. The Licensee shall make no claim against the City by reason of such termination.
- iii. **Breach.** The City shall have the exclusive right to terminate this Agreement if Licensee is in breach of this Agreement. The City shall provide seven (7) days written notice in advance of the termination date.
- iv. **Non-Compliance.** If any of the License Conditions are not met to the satisfaction of the City, the Licensee will be responsible for restoration of the Premises, the sidewalk adjacent to the property, and any other City property damaged, destroyed, or otherwise affected by Licensee or its officers, employees, agents, customers/invitees, successors, or assigns, within seven (7) days of receiving written notice.
- v. **Renewal.** This agreement shall be renewable annually for a one (1) year term provided that Licensee submits a timely annual renewal application certifying that its renewal does not amend, modify or otherwise change the existing agreement, pays the requisite fees, and provides updated proof of insurance and all applicable endorsements, and provided that the Department of Public Works certifies that licensee is still in compliance with terms of this agreement.

4. GRANT OF LICENSE

The City hereby grants to Licensee a license to install an outdoor seating area for dining purposes on the sidewalk directly adjacent to 169 Church Street, totaling an area of 96 square feet for the term set forth above. Licensee may use and shall maintain the outdoor seating area existing in the City's right-of-way.

LICENSE CONDITIONS

The Premises shall be maintained in accordance with all conditions set by DPW. Such conditions shall include the following enumerated conditions, but may also be supplemented by DPW upon reasonable notice in the event DPW determines that the public safety, health and or welfare require such supplemental conditions:

- A. East West Café shall take all reasonable precautions to protect the public from potential hazards resulting and emanating from the Premises due to activities related to the uses for which this encumbrance is permitted.
- B. East West Café Inc shall control the dust and dirt and other debris on the encumbered area and adjoining areas, including picking up and sweeping such dust, dirt and debris, working condition.

All costs associated with the maintenance and upkeep of the encumbered area are solely the responsibility of East West Café.

- C. East West Café shall not allow obstructions and interferences in the lines of sight on the Premises or the adjacent area.
- D. East West Café shall be responsible for the maintenance and associated repair of approximately 96 square feet of the street and sidewalk on of Church Street.
- E. The Department of Public Works reserves the right to extend this agreement for one additional year, provided that the licensee submit any and all documents required by the Department of Public Works that would warrant the extension of this agreement.

5. PAYMENT FOR LICENSE

A. License Fee. Licensee shall pay the City an encumbrance fee, as described in Attachment A.

B. Initial License Fee. By signing this Agreement, the Parties acknowledge that Licensee has paid the City the license fee for the period beginning [04/25/2025] and ending [02/26/2026].

C. Parking Meter Fee. Licensee shall pay all associated parking meter fees.

6. INSURANCE

- A. **Requirement.** Licensee shall maintain throughout the term of this Agreement, and any subsequent extension or renewals, commercial general liability insurance from an insurance carrier rated A-:VII or higher by A.M. Best Co. and admitted in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of privileges granted by this Agreement in an amount not less than \$100,000 each occurrence, \$300,000 aggregate.
- B. **Evidence.** Prior to execution of this Agreement, Licensee shall furnish the City with a certificate of insurance and endorsement that includes the provision naming the City as an additional insured on a primary, non-contributory basis and waiving subrogation against the City. Licensee shall take all reasonable efforts to acquire an endorsement providing the City with thirty (30) days' written notification of cancellation. If such endorsement is not reasonably available, then Licensee shall provide the City with notification of any impending cancellations within three (3) days after receipt of such notice from its insurance carrier. The current certificate of insurance and applicable endorsements are attached to this Agreement as Attachment D.
- C. **Continuing Obligation.** Licensee shall provide the City with an updated certificate of insurance and applicable endorsements annually on or before the certificate's stated expiration. It is the responsibility of Licensee to ensure that a current certificate of insurance is on file with the City at all times.

7. INDEMNIFICATION

Licensee shall indemnify, defend, and hold harmless the City, its officers, officials, agents, and employees from liability for any claims, suits, expenses, losses, judgments, penalties, fines, costs

(including attorneys' fees and costs), and damages arising as a result of the Licensee's acts and/or omissions, and the acts and/or omissions of Licensee's officers, directors, employees, agents, contractors, subcontractors, customers/invitees, successors, or assigns arising from or related to Licensee's use of the Premises or in connection with this Agreement or the privileges granted to it under this Agreement, excepting claims arising from the City's gross negligence or willful misconduct. If the City, its officers, officials, agents, or employees are notified of any claims asserted against it to which this indemnification provision may apply, the City shall promptly thereafter notify the Licensee in writing that a claim to which the indemnification provision may apply has been received. Licensee shall promptly retain counsel and otherwise provide a complete defense against the entire claim or suit. The City retains the right to participate, at its own expense, in the defense of any claim, and to approve all proposed settlements of claims to which this provision applies. Under no conditions shall the City be obligated to indemnify the Licensee or any third party, nor shall the City be otherwise liable for expenses or reimbursement including attorney's fees, collection costs, or other costs, of the Licensee or any third party.

8. RESPONSIBILITY FOR SUPERVISION:

Licensee shall assume responsibility for general supervision of its contractors and any subcontractors, shall be solely responsible for all procedures, methods, and work, and shall be responsible to the City for all acts or omissions of its officers, employees, agents, contractors, subcontractors, or any other person related to any activity or work performed in connection with this Agreement or the privileges granted to Licensee under this Agreement.

9. PUBLIC RELATIONS

Throughout the performance of the work, the Licensee will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Licensee shall conduct themselves with propriety.

10. PERMITS

Licensee shall be responsible for obtaining all necessary City and/or State permits prior to performing any work on the Premises or in connection with this Agreement.

11. NUISANCES PROHIBITED

Licensee shall not—during the term of this Agreement—on or in the Premises, maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City ordinance, State or Federal statute, or controlling law, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

12. INSPECTION OF WORK

The City shall, at all times, have access to the Premises for the purposes of inspection and the Licensee shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Licensee shall permit the City or representative for the City the opportunity to inspect any plans, drawings, estimates, specifications, or other materials prepared or undertaken by the Licensee.

13. ASSIGNMENT OF RIGHTS

If Licensee sells the Property, Licensee may temporarily assign the privileges granted herein to the

new owner of the Property for a period of sixty (60) days after closing. Any subsequent owner of the Property shall execute a new agreement with the City and provide proof of insurance within the sixty (60) day period. Failure to comply with this section shall constitute a discontinued use under §3.C.i of this Agreement.

14. LIMITATION OF RIGHTS; PROPERTY TAXES

Licensee acknowledges that no title, estate, leasehold, easement, or other property interest or other right is created other than that specifically defined and limited by this Agreement. Any property tax liability arising from this Agreement under Vermont law, notwithstanding the foregoing, shall be the sole responsibility of Licensee.

15. WAIVER

The City's failure or delay in exercising any right, power, or privilege under this Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, notwithstanding the passage of time. Waiver by the City may only occur through an expressed written waiver signed by an authorized representative of the City. No waiver of a breach of any of the covenants, agreements, or provisions contained in this Agreement shall be construed to be a waiver of any subsequent breach of the same or of any other provision in this Agreement.

16. ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties with respect to the subject matter of this Agreement. All prior representations and understandings related to Licensee's use of the specified portions of the City's right-of-way, oral or written, are merged into this Agreement. Prior or contemporaneous additions, deletions, or other changes to this Agreement shall not have any force or effect whatsoever, unless embodied herein.

17. MODIFICATION

Modifications to this Agreement shall only be valid if agreed to in a formal written amendment to this Agreement, properly executed and approved by the Parties.

18. THIRD PARTY BENEFICIARIES

This Agreement does not confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Agreement are incidental to this Agreement and do not create any right for such third parties.

19. MISCELLANEOUS

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder shall remain in effect as necessary to effectuate the original intent of the Parties as closely as possible; provided, however, that if any provision hereof relating to indemnification or defense for the protection of the City and its taxpayers is held to be invalid and unenforceable, then this Agreement shall have no further prospective force or effect, except that it shall be enforced to the fullest extent allowed by law for the protection of the City and its taxpayers with respect to prior transactions and occurrences. This Agreement shall be construed according to Vermont law, notwithstanding conflicts of law principles, and venue for any dispute arising from this Agreement shall be proper in Chittenden County, Vermont, notwithstanding any other law. This Agreement shall not be construed its drafter. In case of any dispute arising from this Agreement, the

prevailing party shall be entitled to attorneys' fees and costs.

20. ATTACHMENTS

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

- A. Attachment A:** Licensee's Application
- B. Attachment B:** Department of Public Works Encumbrance Recommendation Form
- C. Attachment C:** Photographs and Sketches of Encroachment
- D. Attachment D:** Certificate of Insurance

21. ORDER OF PRECEDENT

This Agreement shall control over any conflicting attachment.

— *Signature Page Follows* —

22. SIGNATURE PAGE

Persons signing for the Parties hereby swear and affirm that they are authorized to act on behalf of their respective Party and acknowledge that the other Party is relying on their representations to that effect. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement may be executed electronically, and an electronic copy or other facsimile shall be treated as an original.

The Parties hereto have executed this Agreement

LICENSEE East West Café, LLC

By: _____
[Mr. Spencer Richland, Owner]

By: _____
[Samran Kaewkoet, Owner]

Date: _____

CITY OF BURLINGTON

By: _____
Mayor Emma Mulvaney-Stanak

Date: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/24/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Polly Insurance Agency, LLC 2300 St George Rd Williston VT 05495	CONTACT NAME: Barbara Donnelly PHONE (A/C, No, Ext): (802) 655-9000 E-MAIL ADDRESS: bdonnelly@polly.co FAX (A/C, No): (802) 871-5609
INSURED Thai Taste Cafe LLC, DBA: East West Cafe 169 Church Street Burlington VT 05401	INSURER(S) AFFORDING COVERAGE INSURER A: Vermont Mutual Insurance Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
	NAIC # 26018

COVERAGES**CERTIFICATE NUMBER:** CL2482326414**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y		BP18031342	08/23/2024	08/23/2025	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000						
	MED EXP (Any one person) \$ 5,000						
	PERSONAL & ADV INJURY \$ 1,000,000						
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$
							AGGREGATE \$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N ☐ If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					PER STATUTE OTH-ER
	E.L. EACH ACCIDENT \$						
	E.L. DISEASE - EA EMPLOYEE \$						
	E.L. DISEASE - POLICY LIMIT \$						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Burlington is listed as an additional insured with regard to the General Liability, per written contract.

CERTIFICATE HOLDER**CANCELLATION**City of Burlington Burlington Public Works
Encumbrance Application Dept.
645 Pine Street
Burlington VT 05401

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**REN-25-11**

ROW Encumbrance

Permit

Status: Active

Submitted On: 7/10/2025

Primary Location169 Church Street
Burlington, VT 05401**Owner**SISTERS & BROTHERS
INVESTMENT, GROUP LLP
75 SOUTH WINOOSKI AV
BURLINGTON, VT 05401**Applicant** Spencer Richland 802-371-8997 eastwestcafebtv@gmail.com 169 Church Street
Burlington, VT 05401

Right-of-Way Encumbrance Application

Type of Encumbrance Requested***Renewal ?***Seating / Sign / Structure / Amenity
Encumbrance

No

Encumbrance Description* ?

Outdoor seating for dining with cordon and 3 tables and 12 chairs.

Location of Encumbrance * ?In front of restaurant on curb side (see
photos).

The length of Long-Term Encumbrances (years) are negotiated on a case-by-case basis, and may be renewed at the request of the applicant.

Encumbrance Term (Years)**Encumbrance Start Date**

1

04/04/2025

Encumbrance End Date

10/31/2025

Area Encumbered (Square Feet)

96

Number of Tables

3

Number of Chairs

12

Company Information

Company Name

Thai Taste Café LLC

DBA Name

East West Café

Phone

8025400359

FAX**Street Address**

169 Church St

City, State Zip

Burlington, VT 05401

Email 

EastWestCafeBTV@GMail.com

Instructions

Please Attach:

1. Certificate of Liability Insurance with holder as the "CITY OF BURLINGTON, BURLINGTON PUBLIC WORKS, ENCUMBRANCE APPLICATION DEPT., 645 PINE ST, BURLINGTON, VT 05401".
2. Endorsement to Insurance Policy (separate from the Certificate of Insurance) listing the Cancellation Policy as 15 notice for non-payment or 45 days for any other reason.
3. Endorsement to Insurance Policy (separate from the Certificate of Insurance) specifically listing the City as Additional Insured.
4. Sketch, photo, or blueprint of what you are proposing.
5. Check for Total Amount Due. (\$25 Application fee + \$1 per square foot)

Encumbrance Not Valid until Permit is Issued. Permit will be Issued after City Council Approval.

Please Attach:

1. Certificate of Liability Insurance with holder as the "CITY OF BURLINGTON, BURLINGTON PUBLIC WORKS, ENCUMBRANCE APPLICATION DEPT., 645 PINE ST, BURLINGTON, VT 05401".
2. Endorsement to Insurance Policy (separate from the Certificate of Insurance) listing the Cancellation Policy as 15 notice for non-payment or 45 days for any other reason.
3. Endorsement to Insurance Policy (separate from the Certificate of Insurance) specifically listing the City as Additional Insured.
4. Sketch, photo, or blueprint of what you are proposing.
5. Check for Total Amount Due. (\$25 Application fee + \$1 square foot)

Permit will be Issued after City Council Approval. Permit Not Valid until Fee Payment is Received.

Please Attach:

1. Certificate of Liability Insurance with holder as the "CITY OF BURLINGTON, BURLINGTON PUBLIC WORKS, ENCUMBRANCE APPLICATION DEPT., 645 PINE ST, BURLINGTON, VT 05401".
2. Endorsement to Insurance Policy (separate from the Certificate of Insurance) listing the Cancellation Policy as 15 notice for non-payment or 45 days for any other reason.
3. Endorsement to Insurance Policy (separate from the Certificate of Insurance) specifically listing the City as Additional Insured.
4. Sketch, photo, or blueprint of what you are proposing.
5. Check for Total Amount Due. (\$25 Application fee + \$1 per square foot)

Permit will be Issued after City Council Approval. Permit Not Valid until Fee Payment is Received.

Application Fee: \$25 + \$1 per square foot encumbered.

Jurisdiction BCO 27-31(a)

It shall be unlawful for any person, firm or corporation to temporarily obstruct a street or sidewalk without first obtaining a written permit therefor from the director of public works or his or her designee, except as hereinafter provided.

Within the Church Street Marketplace District on any portion of Church Street, College Street, Bank Street, or Cherry Street used for vehicular traffic, the director of public works or his or her designee shall not issue a permit until the executive director of the Church Street Marketplace department approves of such obstruction. In the inner two (2) pedestrian blocks of the marketplace district, the executive director of the Church Street Marketplace department shall have exclusive jurisdiction to issue permits.

Required Documentation

 Certificate of Insurance 

☐

 Insurance Expiration Date

—

 Endorsement of Additional Insured 

☐

 Endorsement for Cancellation 

☐

 Site Map or Photograph(s) 

☐

Reporting

 Encumbrance For:

—

City Department Review

 Attorney Sign Off 

☐

 Attorney Sign Off Date

—

 Right-of-Way Sign Off 

☐

 Right-of-Way Sign Off Date

—

City Council Review

 City Council Meeting Date

—

 City Council Approval 

☐

City Council Approval Date

—

Attachments

- **Encumbrance Policy Cancellation July 2024.pdf**
Encumbrance Policy Cancellation July 2024.pdf
Uploaded by Spencer Richland on Jul 10, 2025 at 3:09 PM
- **Encumbrance Certificate of Insurance July 2025.pdf**
Encumbrance Certificate of Insurance July 2025.pdf
Uploaded by Spencer Richland on Jul 10, 2025 at 3:10 PM
- **Encumbrance Policy Changes July 2025.pdf**
Encumbrance Policy Changes July 2025.pdf
Uploaded by Spencer Richland on Jul 10, 2025 at 3:11 PM
- **PXL_20250621_214251673.jpg**
PXL_20250621_214251673.jpg
Uploaded by Spencer Richland on Jul 10, 2025 at 3:12 PM

Record Activity

Spencer Richland started a draft Record	06/04/2025 at 1:00 pm
Spencer Richland added file Encumbrance Policy Cancellation July 2024.pdf	07/10/2025 at 3:09 pm
Spencer Richland added file Encumbrance Certificate of Insurance July 2025.pdf	07/10/2025 at 3:10 pm
Spencer Richland added file Encumbrance Policy Changes July 2025.pdf	07/10/2025 at 3:11 pm
Spencer Richland added file PXL_20250621_214251673.jpg	07/10/2025 at 3:12 pm
Spencer Richland submitted Record REN-25-11	07/10/2025 at 3:13 pm

OpenGov system altered payment step Encumbrance Fee Payment, changed status from Inactive to Active on Record REN-25-11	07/10/2025 at 3:13 pm
OpenGov system completed payment step Encumbrance Fee Payment on Record REN-25-11	07/10/2025 at 3:29 pm
OpenGov system altered approval step City Council Approval, changed status from Inactive to Active on Record REN-25-11	07/10/2025 at 3:29 pm
OpenGov system assigned approval step City Council Approval to Alice Schwencke on Record REN-25-11	07/10/2025 at 3:29 pm

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
 Encumbrance Fee Payment	7/10/2025, 3:13:31 PM	7/10/2025, 3:29:43 PM	Spencer Richland	-	Completed
 City Council Approval	7/10/2025, 3:29:43 PM	-	Alice Schwencke	-	Active
 Encumbrance Permit Issuance	-	-	-	-	Inactive



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: License Committee/City Council

FROM: Alice Schwencke, Excavation Inspector, Department of Public Works

DATE: August 12th, 2025

CC: Laura Wheelock, P.E. City Engineer
Chapin Spencer, Director of Public Works.

RE: 131 Main Street - Encumbrance Application – Outdoor Seating

Request

License Committee

1. DPW respectfully requests that the License Committee approve the following motion:

To approve and recommend that the City Council approve the Encumbrance Application for The Gryphon, LLC, for the installation and use of an outdoor seating area at 131 Main Street and authorize the Mayor to execute a License Agreement—approved by the City Attorney's Office—on behalf of the City of Burlington for a term commencing on the date of execution and terminating on October 15th 2025.

City Council

1. DPW respectfully requests that the City Council approve the following motion:

To approve the Encumbrance Application for the Gryphon, LLC, for the installation of an outdoor seating at 131 Main Street and authorize the Mayor to execute a License Agreement—approved by the City Attorney's Office—on behalf of the City of Burlington for a term commencing on the date of execution and terminating on October 15, 2025.

Overview

The Department of Public Works (DPW) received a request from The Gryphon on June 20th, 2025 for the installation and use of an outdoor seating area located in the right-of-way in front of 131 Main Street.

The outdoor seating area meets all the requirements to occupy the Right of Way. The area will accommodate 4 tables and 16 seats. The outdoor seating will not obstruct or block any loading zones or handicap parking spaces, and will meet or exceed ADA standards for accessibility. The amenity will not interfere with municipal or utility maintenance or operations.

There will be a onetime fee discount of 100% to accommodate for the extensive Main Street Construction.

Schedule

The Gryphon, LLC requests the use of the ROW for between the property line and parking stalls at 131 Main Street. This encumbrance will commence on encumbrance approval date and terminate on October 15th,2025

Recommendation

It is the recommendation of DPW to support the use of this outdoor seating area under the terms of a License Agreement, in substantially the same form as the attached, between the City of Burlington and the Gryphon, LLC.

Thank you for consideration of this request, please do not hesitate to contact me directly at ASchwencke@burlingtonvt.gov or 802-495-6176.

ATTACHMENT: License Agreement (with exhibits)

Dear Licensing Committee Members,

The Department of Public Works recommends approval of the Encumbrance Permit Application submitted by The Gryphon, LLC for the use of public right-of-way at 131 Main Street. This recommendation is based on a thorough review of the application and is subject to the conditions outlined below and review by the City Attorney's Office.

The Gryphon, LLC is requesting this temporary encumbrance on the east side of St. Paul Street. Adjacent to The Gryphon business front. Per the recommendation of City Engineer Laura Wheelock and Associate Public Works Engineer Madeline Suender it was advised that a one time fee discount of 100% to be applied to the City Encumbrance application and square footage fees.

The proposed arrangement is in full compliance with the Burlington Code of Ordinances, specifically Section 27-31(a), which permits encumbrances exceeding 60 days with the approval of Licensing Committee Members. The Department of Public Works (DPW) recommends formalizing this through a structured License Agreement, inclusive of a one-year waiver of the encumbrance fee for the 2025 calendar year. This fee waiver is proposed to alleviate financial burdens associated with the extensive Main Street construction project, thereby supporting local businesses in managing operational challenges during this period.

We respectfully request that the Licensing Committee and City Council approve this proposal, contingent upon the aforementioned conditions and subject to review by the City Attorney's Office.

Thank you for your attention to this matter. Should you require further information, I am available at ASchwencke@burlingtonvt.gov or 802-865-7562.

Sincerely,

Alice Schwencke

Excavation Inspector

Department of Public Works

City of Burlington

aschwencke@burlingtonvt.gov

802-495-6176

ENCUMBRANCE PERMIT AND LICENSE AGREEMENT

The Gryphon, LLC
131 Main Street, Burlington VT

This Long-term Encumbrance Permit and License Agreement (“Agreement”) is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (“City”), and The Gryphon, LLC, a domestic limited liability company located at 131 Main Street, Burlington, Vermont 05401 (“Licensee”). The City and Licensee agree to the terms and conditions of this Agreement.

1. RECITALS

- A. Authority.** Authority to enter into this Agreement exists in the City Charter and Burlington City Ordinance 27-32. Required approvals, clearance, and coordination have been accomplished from and within each Party.
- B. Consideration.** The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Agreement.
- C. Background.** The City owns property, including the street and sidewalk right-of-way adjacent to 131 Main Street. The Licensee has received approval to install an outdoor seating area on the sidewalk of the public right-of-way adjacent to the premises.
- D. Purpose.** This Agreement sets forth the terms and conditions for the allowed use of the public right-of-way.

2. DEFINITIONS

- A. “Effective Date”** means the date on which this Agreement is approved and signed by the City as shown on the signature page of this Agreement.
- B. “Encumbrance Fee”** means the sum of the encumbrance application fee, and the square foot use fee annually set by the City.
- C. “Party”** means the City or Licensee and “Parties” means both the City and Licensee.
- D. “Premises”** means the right of way at or near the intersection of Main and St. Paul Streets as shown in the approved plan attached hereto as **Attachment C**.
- E. “Property”** means the outdoor seating area that is the subject of this Agreement.

3. EFFECTIVE DATE AND TERM

- A. Effective Date.** This Agreement shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Agreement before the Effective Date and shall have no obligation for any performance before the Effective Date or after the expiration or termination of this Agreement. Licensee’s obligations hereunder for indemnification, defense, and restoration of the Premises and other City property shall survive expiration or termination hereof.
- B. Term.** This Agreement shall commence on the Effective Date and expire on 9/15/25.
- C. Termination.** This Agreement may be terminated as set forth in this paragraph (C). Upon termination, Licensee shall remove—at its own expense—all objects, materials, and other

obstructions placed on the Premises. If Licensee refuses to promptly remove such obstructions, the City may remove all such obstructions and the Licensee shall be liable for all expenses of such removal.

- i. **Discontinued Use.** The City shall have the exclusive right to immediately terminate this Agreement should Licensee or a subsequent owner discontinue the licensed use of the premise.
- ii. **Termination for Convenience.** At any time prior to completion of services specified under this Agreement, the City may terminate the Agreement for any reason by submitting written notice via certified or registered mail to the Licensee, not less than fifteen (15) days prior to the termination date, of its intention to do so. The Licensee shall make no claim against the City by reason of such termination.
- iii. **Breach.** The City shall have the exclusive right to terminate this Agreement if Licensee is in breach of this Agreement. The City shall provide seven (7) days written notice in advance of the termination date.
- iv. **Non-Compliance.** If any of the License Conditions are not met to the satisfaction of the City, the Licensee will be responsible for restoration of the Premises, the sidewalk adjacent to the property, and any other City property damaged, destroyed, or otherwise affected by Licensee or its officers, employees, agents, customers/invitees, successors, or assigns, within seven (7) days of receiving written notice.
- v. **Renewal.** This agreement shall be renewable annually for a one (1) year term provided that Licensee submits a timely annual renewal application certifying that its renewal does not amend, modify or otherwise change the existing agreement, pays the requisite fees, and provides updated proof of insurance and all applicable endorsements, and provided that the Department of Public Works certifies that licensee is still in compliance with terms of this agreement.

4. GRANT OF LICENSE

The City hereby grants to Licensee a license to install an outdoor seating area for dining purposes within the Premises, totaling an area of approximately 150 square feet for the term set forth above. Licensee may use and shall maintain the outdoor seating area existing in the City's right-of-way.

5. LICENSE CONDITIONS

- A. **Maintenance.** Licensee shall maintain the outdoor seating to the satisfaction of the City, which includes maintaining it in a safe, proper, and working condition. Licensee shall be solely responsible for all costs associated with maintenance, upkeep, repair, and replacement of outdoor seating amenities.
- B. **Placement.** The featured seating shall be placed and maintained in accordance with all conditions set by the Department of Public Works in the approved plan (Attachment C) and shall not impede the City's or any other private or public utilities' ability to maintain the road, sidewalk, parking meters, greenbelt, utility infrastructure, or any other City or private property. The seating/amenity shall not cause an obstruction or inconvenience to members of the public accessing the road, sidewalk, parking meters, greenbelt or any other City or private property. The seating area shall be removed from the public right of way when not in use by the establishment.

Notwithstanding anything to the contrary herein, it is Licensee's obligation to ensure the approved plan complies with applicable laws, including the Americans with Disabilities Act, all applicable regulations and design standards promulgated thereunder, and other applicable disability access laws. Any analysis done by the City regarding compliance of the plan with applicable laws is for the City's sole and exclusive benefit, and Licensee shall not rely thereon. If the plan fails to comply with applicable laws, including disability access laws, then it is Licensee's obligation to comply with the law and to request the City's ratification of any change from the plan shown in Attachment C as soon as reasonably possible. An amendment to the plan in Attachment C to comply with applicable law shall require the written approval of the Public Works Director or designee without a formal amendment to this Agreement.

C. Appearance. Licensee shall pick up and sweep debris created by its use of the public right-of-way.

F. Emergency Access. In the event of an emergency relating to municipal operations, the City shall have the authority to remove or relocate the amenity to access any public infrastructure deemed necessary. Licensee shall be solely responsible for all cost associated with relocation of seating area, and returning the structure the approved location in this agreement.

6. PAYMENT FOR LICENSE

A. Encumbrance Fee. Licensee shall pay the City an Encumbrance Fee, as described in Attachment A.

B. Initial License Fee. By signing this Agreement, the Parties acknowledge that Licensee has paid the City the license fee for the period beginning April 30, 2025 and ending September 15th, 2025.

7. INSURANCE

A. Requirement. Licensee shall maintain throughout the term of this Agreement, and any subsequent extension or renewals, commercial general liability insurance from an insurance carrier rated A-:VII or higher by A.M. Best Co. and admitted in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of privileges granted by this Agreement in an amount not less than \$1,000,000 each occurrence. The City shall be named as an additional insured on such insurance policy on a primary, non-contributory basis.

B. Evidence. Prior to execution of this Agreement, Licensee shall furnish the City with a certificate of insurance and endorsement that includes the provision naming the City as an additional insured on a primary, non-contributory basis and waiving subrogation against the City. Licensee shall take all reasonable efforts to acquire an endorsement providing the City with thirty (30) days' written notification of cancellation. If such endorsement is not reasonably available, then Licensee shall provide the City with notification of any impending cancellations within three (3) days after receipt of such notice from its insurance carrier. The current certificate of insurance and applicable endorsements are attached to this Agreement as Attachment D.

C. Continuing Obligation. Licensee shall provide the City with an updated certificate of insurance and applicable endorsements annually on or before the certificate's stated expiration. It is the responsibility of Licensee to ensure that a current certificate of insurance is on file with the City at all times.

8. INDEMNIFICATION

Licensee shall indemnify, defend, and hold harmless the City, its officers, officials, agents, and employees from liability for any claims, suits, expenses, losses, judgments, penalties, fines, costs (including attorneys' fees and costs), and damages arising as a result of the Licensee's acts and/or omissions, and the acts and/or omissions of Licensee's officers, directors, employees, agents, contractors, subcontractors, customers/invitees, successors, or assigns arising from or related to Licensee's use of the Premises or in connection with this Agreement or the privileges granted to it under this Agreement, excepting claims arising from the City's gross negligence or willful misconduct. If the City, its officers, officials, agents, or employees are notified of any claims asserted against it to which this indemnification provision may apply, the City shall promptly thereafter notify the Licensee in writing that a claim to which the indemnification provision may apply has been received. Licensee shall promptly retain counsel and otherwise provide a complete defense against the entire claim or suit. The City retains the right to participate, at its own expense, in the defense of any claim, and to approve all proposed settlements of claims to which this provision applies. Under no conditions shall the City be obligated to indemnify the Licensee or any third party, nor shall the City be otherwise liable for expenses or reimbursement including attorney's fees, collection costs, or other costs, of the Licensee or any third party.

9. RESPONSIBILITY FOR SUPERVISION:

Licensee shall assume responsibility for general supervision of its contractors and any subcontractors, shall be solely responsible for all procedures, methods, and work, and shall be responsible to the City for all acts or omissions of its officers, employees, agents, contractors, subcontractors, or any other person related to any activity or work performed in connection with this Agreement or the privileges granted to Licensee under this Agreement.

10. PUBLIC RELATIONS

Throughout the performance of the work, the Licensee will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Licensee shall conduct themselves with propriety.

11. PERMITS

Licensee shall be responsible for obtaining all necessary City and/or State permits prior to performing any work on the Premises or in connection with this Agreement.

12. NUISANCES PROHIBITED

Licensee shall not—during the term of this Agreement—on or in the Premises, maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City ordinance, State or Federal statute, or controlling law, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

13. INSPECTION OF WORK

The City shall, at all times, have access to the Premises for the purposes of inspection and the Licensee shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Licensee shall permit the City or representative for the City the opportunity to inspect any plans, drawings, estimates, specifications, or other materials prepared or undertaken by the Licensee.

14. ASSIGNMENT OF RIGHTS

If Licensee sells the Property, Licensee may temporarily assign the privileges granted herein to the new owner of the Property for a period of sixty (60) days after closing. Any subsequent owner of the Property shall execute a new agreement with the City and provide proof of insurance within the sixty (60) day period. Failure to comply with this section shall constitute a discontinued use under §2.C.i of this Agreement.

15. LIMITATION OF RIGHTS; PROPERTY TAXES

Licensee acknowledges that no title, estate, leasehold, easement, or other property interest or other right is created other than that specifically defined and limited by this Agreement. Any property tax liability arising from this Agreement under Vermont law, notwithstanding the foregoing, shall be the sole responsibility of Licensee.

16. WAIVER

The City's failure or delay in exercising any right, power, or privilege under this Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, notwithstanding the passage of time. Waiver by the City may only occur through an expressed written waiver signed by an authorized representative of the City. No waiver of a breach of any of the covenants, agreements, or provisions contained in this Agreement shall be construed to be a waiver of any subsequent breach of the same or of any other provision in this Agreement.

17. ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties with respect to the subject matter of this Agreement. All prior representations and understandings related to Licensee's use of the specified portions of the City's right-of-way, oral or written, are merged into this Agreement. Prior or contemporaneous additions, deletions, or other changes to this Agreement shall not have any force or effect whatsoever, unless embodied herein.

18. MODIFICATION

Modifications to this Agreement shall only be valid if agreed to in a formal written amendment to this Agreement, properly executed and approved by the Parties.

19. THIRD PARTY BENEFICIARIES

This Agreement does not confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Agreement are incidental to this Agreement and do not create any right for such third parties.

20. MISCELLANEOUS

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder shall remain in effect as necessary to effectuate the original intent of the Parties as closely as possible; provided, however, that if any provision hereof relating to indemnification or defense for the protection of the City and its taxpayers is held to be invalid and unenforceable, then this Agreement shall have no further prospective force or effect, but it shall be enforced to the fullest extent allowed by law for the protection of the City and its taxpayers with respect to prior transactions and

occurrences. This Agreement shall be construed according to Vermont law, notwithstanding conflicts of law principles, and venue for any dispute arising from this Agreement shall be proper in Chittenden County, Vermont, notwithstanding any other law. This Agreement shall not be construed its drafter. In case of any dispute arising from this Agreement, the prevailing party shall be entitled to attorneys' fees and costs.

21. ATTACHMENTS

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

- A. Attachment A:** Licensee's Application
- B. Attachment B:** Department of Public Works Encumbrance Recommendation Form
- C. Attachment C:** Photographs and Sketches of Encroachment
- D. Attachment D:** Certificate of Insurance

22. ORDER OF PRECEDENT

This Agreement shall control over any conflicting attachment.

— *Signature Page Follows* —

23. SIGNATURE PAGE

Persons signing for the Parties hereby swear and affirm that they are authorized to act on behalf of their respective Party and acknowledge that the other Party is relying on their representations to that effect. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement may be executed electronically, and an electronic copy or other facsimile shall be treated as an original.

The Parties hereto have executed this Agreement

LICENSEE
The Gryphon, LLC

By: _____
Thomas Chadwick (owner)

Date: _____

CITY OF BURLINGTON

By: _____
Mayor Emma Mulvaney-Stanak

Date: _____

REN-25-10

ROW Encumbrance
Permit

Status: Active
Submitted On: 6/20/2025

Primary Location

131 Main Street Unit C-2B
Burlington, VT 05401

Owner

GRYPHONRE LLC
PO BOX 1973 NEW LONDON, NH
05257

Applicant

 Thomas Chadwick
 603-454-8754
 tchadwick42@gmail.com
 PO Box 1973
New London, NH 03257

Right-of-Way Encumbrance Application

Type of Encumbrance Requested*

Renewal ?*

Seating / Sign / Structure / Amenity
Encumbrance

No

Encumbrance Description* 

15x10 area on the corner of Main and St Paul

Location of Encumbrance * 

Corner of Main and St Paul

The length of Long-Term Encumbrances (years) are negotiated on a case-by-case basis, and may be renewed at the request of the applicant.

Encumbrance Term (Years)

Encumbrance Start Date

1

06/20/2025

Encumbrance End Date

Area Encumbered (Square Feet)

10/31/2025

150

Number of Tables

4

Number of Chairs

16

Company Information

Company Name

The Gryphon

DBA Name**Phone**

6034548754

FAX**Street Address**

131 Main St

City, State Zip

Burlington 05401

Email ?

tchadwick42@gmail.com

Instructions

Please Attach:

1. Certificate of Liability Insurance with holder as the "CITY OF BURLINGTON, BURLINGTON PUBLIC WORKS, ENCUMBRANCE APPLICATION DEPT., 645 PINE ST, BURLINGTON, VT 05401".
2. Endorsement to Insurance Policy (separate from the Certificate of Insurance) listing the Cancellation Policy as 15 notice for non-payment or 45 days for any other reason.
3. Endorsement to Insurance Policy (separate from the Certificate of Insurance) specifically listing the City as Additional Insured.
4. Sketch, photo, or blueprint of what you are proposing.
5. Check for Total Amount Due. (\$25 Application fee + \$1 per square foot)

Encumbrance Not Valid until Permit is Issued. Permit will be Issued after City Council Approval.

Please Attach:

1. Certificate of Liability Insurance with holder as the "CITY OF BURLINGTON, BURLINGTON PUBLIC WORKS, ENCUMBRANCE APPLICATION DEPT., 645 PINE ST, BURLINGTON, VT 05401".
2. Endorsement to Insurance Policy (separate from the Certificate of Insurance) listing the Cancellation Policy as 15 notice for non-payment or 45 days for any other reason.
3. Endorsement to Insurance Policy (separate from the Certificate of Insurance) specifically listing the City as Additional Insured.
4. Sketch, photo, or blueprint of what you are proposing.
5. Check for Total Amount Due. (\$25 Application fee + \$1 square foot)

Permit will be Issued after City Council Approval. Permit Not Valid until Fee Payment is Received.

Please Attach:

1. Certificate of Liability Insurance with holder as the "CITY OF BURLINGTON, BURLINGTON PUBLIC WORKS, ENCUMBRANCE APPLICATION DEPT., 645 PINE ST, BURLINGTON, VT 05401".
2. Endorsement to Insurance Policy (separate from the Certificate of Insurance) listing the Cancellation Policy as 15 notice for non-payment or 45 days for any other reason.
3. Endorsement to Insurance Policy (separate from the Certificate of Insurance) specifically listing the City as Additional Insured.
4. Sketch, photo, or blueprint of what you are proposing.
5. Check for Total Amount Due. (\$25 Application fee + \$1 per square foot)

Permit will be Issued after City Council Approval. Permit Not Valid until Fee Payment is Received.

Application Fee: \$25 + \$1 per square foot encumbered.

Jurisdiction BCO 27-31(a)

It shall be unlawful for any person, firm or corporation to temporarily obstruct a street or sidewalk without first obtaining a written permit therefor from the director of public works or his or her designee, except as hereinafter provided.

Within the Church Street Marketplace District on any portion of Church Street, College Street, Bank Street, or Cherry Street used for vehicular traffic, the director of public works or his or her designee shall not issue a permit until the executive director of the Church Street Marketplace department approves of such obstruction. In the inner two (2) pedestrian blocks of the marketplace district, the executive director of the Church Street Marketplace department shall have exclusive jurisdiction to issue permits.

Required Documentation

 Certificate of Insurance 

☐

 Insurance Expiration Date

—

 Endorsement of Additional Insured 

☐

 Endorsement for Cancellation 

☐

 Site Map or Photograph(s) 

☐

Reporting

 Encumbrance For:

—

City Department Review

 Attorney Sign Off 

☐

 Attorney Sign Off Date

—

 Right-of-Way Sign Off 

☐

 Right-of-Way Sign Off Date

—

City Council Review

 City Council Meeting Date

—

 City Council Approval 

☐

 City Council Approval Date

—

Attachments



IMG_1827.jpeg
IMG_1827.jpeg
Uploaded by Thomas Chadwick on Jun 20, 2025 at 10:15 AM

Record Activity

Thomas Chadwick started a draft Record	06/20/2025 at 10:05 am
Thomas Chadwick added file IMG_1827.jpeg	06/20/2025 at 10:15 am
Thomas Chadwick submitted Record REN-25-10	06/20/2025 at 10:17 am
OpenGov system altered payment step Encumbrance Fee Payment, changed status from Inactive to Active on Record REN-25-10	06/20/2025 at 10:17 am

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
 Encumbrance Fee Payment	6/20/2025, 10:17:04 AM	-	Thomas Chadwick	-	Active
 City Council Approval	-	-	-	-	Inactive
 Encumbrance Permit Issuance	-	-	-	-	Inactive



GRYPREL-01

NPAVLIKOWSKI

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/20/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HUB International New England 2 Railroad Str Essex Junction, VT 05452	CONTACT NAME: John St. Louis PHONE (A/C, No, Ext): (802) 876-1319 FAX (A/C, No): E-MAIL ADDRESS: john.stlouis@hubinternational.com
	INSURER(S) AFFORDING COVERAGE INSURER A : Union Mutual Fire Insurance Company INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :
INSURED Gryphon RE, LLC PO Box 1973 New London, NH 03257	NAIC # 25860

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		BOP0229744	8/14/2024	8/14/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
When required by written contract, City of Burlington, Burlington Public Works, Encumbrance Application Department is included as Additional Insured with respect to General Liability. 30 Days Notice of Cancellation applies.
Endorsements will follow once processed by the carrier.

CERTIFICATE HOLDER

CANCELLATION

City of Burlington Burlington Public Works Encumbrance Application Department 645 Pine Street Burlington, VT 05401	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---





DEPARTMENT OF PUBLIC WORKS
645 PINE STREET
BURLINGTON, VT 05401
Voice: (802) 863-9094 Ext 3 Fax: (802) 863-0466
Email: dpwpinecustomerservice@burlingtonvt.gov

DPW ENCUMBRANCE RECOMMENDATION FORM

DBA NAME: The Gryphon, LLC DATE: 8/13/25
COMPANY NAME: The Gryphon, LLC PHONE: 802-489-5699
CONTACT NAME: Thomas Chadwick EMAIL: tchadwick42@gmail.com
MAILING ADDRESS: 131 Main Street , Burlington VT 05403
LOCATION OF ENCUMBRANCE: 131 Main Street, Burlington VT 05403

FOR LONG-TERM ENCUMBRANCE, TABLE AND CHAIR ENCUMBRANCE, AND CONSTRUCTION ENCUMBRANCE

1. All encumbrances should be located on private property, if possible. In the opinion of the Excavation Inspector, is there an available alternative location for the requested encumbrance on private property?

YES []

NO ☒

2. Will there be sufficient width for plows, pedestrian access, and ADA requirements if the proposed encumbrance is added to the sidewalk/roadway/greenbelt?

YES []

NO ☒

3. Additional Comments: _____

The Gryphon is to obstruct sidewalk on Main Street, with a 120 Square Feet outdoor seating area.

4. Has this business remained in compliance to date (RENEWALS ONLY)?

YES []

NO []

5. Describe the encumbrance, including square footage and location of items: _____
Occupation of 120 square feet of the sidewalk on the South Side of Main Street.

BELOW THIS LINE – DEPARTMENT OF PUBLIC WORKS OFFICE USE ONLY

Approved: Yes ☒ No [] If no, reason: _____
Signature: Alice Schwencke Date: 8/13/25



MEMORANDUM

TO: City Council

FROM: Martin Lee, PE DPW Water Resources Engineering Manager
Megan Moir, Division Director Water Resources

CC: Chapin Spencer, DPW Director

DATE: August 25, 2025

RE: Stage 1 Wastewater Treatment Plant Improvements – Construction Manager at Risk (CMAR) Update

INTRODUCTION:

The Department of Public Works (“DPW”) and its Water Resources Division are providing an update on using the Construction Manager at Risk (CMAR) project delivery method for the Stage 1 Wastewater Treatment Plant Improvements project. As part of the Council’s resolution to advance the LAKE Bond to voters earlier this year, DPW agreed to provide this update to City Council during August 2025. CMAR was recommended by the design engineer that did a third-party review of preliminary engineering work. CMAR is likely in Burlington’s best interest because it provides benefits for a complex project that a standard design-bid-build project delivery approach does not. Benefits include open book cost estimating early in the project, value engineering during design, coordination with operations staff during design to ensure wastewater plant permit compliance during construction. Value engineering is a systematic approach focused on maximizing the value of a product, project, or service by optimizing its functionality while minimizing costs. Because construction management involves a systematic coordination of design and construction, the process typically cuts down on the number of change orders required to complete a project, which is another way in which construction management helps to control costs. In this memo we will provide a brief overview of CMAR and an update on the progress we are making to implement CMAR for the Stage 1 Wastewater Treatment Plant Improvements project.

CMAR BACKGROUND:

CMAR is a project delivery method where the owner hires a Construction Manager during the design phase. The Construction Manager provides preconstruction services, helps with cost estimates and constructability reviews, and acts as the general contractor. The Construction Manager assumes the risk of delivering the project within a Guaranteed Maximum Price. The Construction Manager provides open book accounting which allows for interactive and up to date cost estimating. The Construction Manager would be the third-party reviewer that we need for the final design phase of the project. The added benefit of having the Construction Manager as the cost estimator is that there is a smaller

chance of cost overruns that would upset the momentum of the project versus the scenario where a design-bid-build project comes in significantly over budget on bid day.

Having the Construction Manager on board during the design phase allows for collaboration early on to help with constructability. Review of the design by the Construction Manager will provide value engineering throughout the project, contributing to affordability. The Construction Manager can comment on subcontractor availability and procurement. This is a benefit for a large complex facility like a wastewater treatment plant where design and logistics need to align tightly. The wastewater plant needs to continue operating and meeting effluent permit requirements for the duration of the project. This means sequencing work appropriately is a must and contractor collaboration with the wastewater operations team during design is valuable.

CMAR is well suited to adapt to funding requirements and funding availability. Stage 1 Wastewater Treatment Plant Improvements will cost approximately \$124,000,000 and will have multiple sources of funding. The many funding sources have specific requirements such as the Build America, Buy America Act which is managed by both the State Revolving Fund (SRF) and the Environmental Protection Agency (EPA). Costs of the project may need to be strategically sequenced based on the availability of different funding sources. Having a Construction Manager will more readily allow for this versus a typical design-bid-build project. CMAR is a project delivery method that is used successfully for EPA SRF projects throughout the country including EPA's northeast Region 1, of which Vermont is a part however CMAR has not yet been used in Vermont for SRF projects.

PROGRESS ON CMAR IMPLEMENTATION:

Burlington DPW has been coordinating with the Water Investment Division (WID) of the Vermont Agency of Natural Resources (ANR) regarding the use of CMAR for this project. Since it has not been used before, WID needs to fully review CMAR to ensure the project delivery method is eligible for the SRF program and WID needs to ensure this project delivery type can be managed by the State SRF program. Burlington DPW and Wright Pierce have had three meetings with folks from WID to review CMAR in 2025.

At an early meeting in June 2025 WID staff initially expressed concern that they do not have experience with CMAR and they would need time to train which would significantly increase their workload which could negatively impact their ability to serve other communities. While these are understandable concerns, WRD remains committed to pursuing a positive eligibility determination for this project delivery method. Since that June 2025 meeting with WID staff, Burlington DPW and the City's consulting engineer have met with ANR leadership to garner additional support for using CMAR. Recent follow up conversations with WID staff have been more positive. A productive working meeting to discuss logistics of CMAR implementation was held on August 13, 2025 with WID staff, Burlington DPW, and the City's engineer firm Wright Pierce. As a result of that meeting, the State has issued a memo to Burlington regarding the use of CMAR (attached). The memo indicates that the State sees a viable path forward to incorporate CMAR into the State's funding program. The State has additional review work to complete prior to giving final approval of CMAR. The additional review work includes

reviewing the contract template for CMAR to determine compliance with State Statute.

WRD staff continue to believe that CMAR should be an eligible method, given that it has been used for other SRF projects in New England. The following are known active and/or completed CMAR wastewater SRF projects in EPA Region 1:

- Saco, ME, Water Resource Recovery Facility Upgrade Project (\$50 M)
- Gloucester, MA, WPCF Improvements & Secondary Upgrade (\$100-150 M)
- Windham, ME, North Windham Sewer Project (\$41 M)
- Brunswick, ME, Wastewater Treatment Facility Upgrade (\$15 M)

Additionally, other State and municipal non-SRF projects use CMAR. The Burlington School District is using a CMAR approach for the Burlington High School construction and DPW Water Resources reached out to a member of the project management consulting company for the project team to get information regarding CMAR and how the project is doing. Overall, the project is doing well and information from the Burlington High School team has been used in part for this memo.

Burlington DPW has been in close contact with the City Attorney's Office regarding the use of CMAR. CMAR is allowed per Burlington's purchasing policy and the information we have on hand leads us to believe that it can be implemented successfully for SRF projects. The current design contract with Wright Pierce for 30% of the final design for the Stage 1 Wastewater Treatment Plant Improvements project provides flexibility related to whether CMAR is used or not.

In summary, DPW remains highly interested in utilizing a CMAR approach for the Stage 1 Wastewater Treatment Plant Improvements project, but additional work is needed with the State and other partners to enable us to make a final decision. DPW is hopeful that a go/no-go decision on CMAR can be determined by the end of 2025 so that the appropriate project delivery method can be solidified and subsequent contracts can be bid and awarded. Given that the City Council will need to approve future contracts for the Stage 1 Wastewater Treatment Plant Improvements, and given the magnitude of the overall work, DPW will update the Council through the Transportation, Energy & Utilities Committee by February 2026 on the continued project delivery method selection process.

Please don't hesitate to reach out to any of us to request additional information.

MOTIONS:

The Department of Public Works' Water Resources Division respectfully requests that the City Council approve the following motion:

City Council Actions:

"To accept the communication."

Memorandum

To: Megan Moir, Division Director, Water Resources, Burlington Public Works Department

From: Emily Bird, Division Director, Water Investment Division (WID), Vermont DEC

Date: August 20, 2025

Subject: Assessment of Construction Manager at Risk (CMAR) compatibility with the Vermont State Revolving Fund (SRF)

Current Status

At the request of the City of Burlington and its engineering consultant (Wright-Pierce), Vermont DEC's Water Investment Division (WID) – Design and Construction Engineering Section is conducting an evaluation to determine how the Construction Manager at Risk (CMAR) project delivery method may be integrated within existing state and federal funding requirements for Burlington's Wastewater Treatment Facility Upgrades. WID recognizes the potential benefits of CMAR for cost certainty and reduced change orders during construction. WID's initial findings suggest a viable path forward to incorporate CMAR into WID's funding program for appropriate projects.

Because CMAR represents an alternative to the traditional design-bid-build procurement method, there are some standard Vermont SRF Program procedures and milestones that do not align directly with the CMAR approach. Given the potential implications for WID's funding requirements and project oversight responsibilities, the comprehensive approach WID is taking, outlined in this memo, will ensure that any decision is well-informed and in the best interests of both the SRF program and the municipalities WID serves.

Assessment Activities Completed

- Discussion with EPA Region 1 regarding eligibility of CMAR on CWSRF funded projects. EPA provided a white paper on CMAR projects and an indication that CMAR is compatible with SRF Funding.
- Conversation with Maine Department of Environmental Protection (DEP) about

its recent experience with CMAR projects, including:

- How Maine DEP incorporated CMAR into its funding framework;
 - What benefits or issues Maine DEP have found; and
 - Understanding how Maine DEP made sure the CWSRF requirements were implemented properly.
- Workshop/discussion led by Wright-Pierce with project stakeholders (VT DEC, Burlington DPW, and Wright-Pierce (Engineer of Record)) to review general CMAR project steps and tasks, including roles and responsibilities, timing, and milestones/deliverables as they impact when loans can be executed.

Legal Review

- DEC General Counsel's initial legal review indicates that CMAR is likely compatible with existing statute. This determination requires that the CMAR model can be implemented to be consistent with standard deliverable timing and when loans can be issued.
 - Specifically having all permits, licenses, and approvals in place before a construction loan can be issued.
- The EJCDC CMAR contract will require full review by DEC Office of General Counsel prior to execution, which should be factored into the timeline for this effort.

Remaining Review and Implementation Requirements

- From what WID has learned to date, successful CMAR projects require a clear project scope, full funding picture, and regular communication between all parties/stakeholders (VT DEC, Burlington DPW, Wright-Pierce (Engineer of Record), and the firm providing the CMAR services). This will likely require weekly meetings with WID through design and construction kick-off.
- WID's funding oversight relies on clear delineation of responsibilities for project delivery and compliance with funding requirements. Use of the CMAR project delivery method will require:
 - Implementing federal crosscutter and procurement requirements;
 - Defining accountability for design errors and constructability issues resulting in change orders;
 - Establishing clear communication protocols with all project stakeholders listed above; and

- Establishing a clear and consistent understanding of project scope, location, and anticipated costs with all project stakeholders listed above.

WID believes there is likely a path forward to incorporate CMAR into its funding program for projects of a certain size and scope, such as the proposed Burlington “WWTPs Upgrade Stage 1” project. WID retains discretion to require the traditional design-bid-build if at any point it appears that CMAR may not meet statutory requirements or serve the State’s best interests with respect to administering these funding programs.

Next Steps

DEC Office of General Counsel must review the EJCDC CMAR contract template to determine compliance with statute and to make its final policy decision on use of CMAR.

WID is aware of the City’s desire to have an executed contract with the CMAR by January 2026. WID will continue to actively engage with the project stakeholders in support of this timeline.

Board of Finance and City Council Submission Checklist

Version: April 2025

Department: DPW – Water Resources Submitter: Martin Lee

Title/Subject: Stage 1 Wastewater Treatment Plant Improvements - CMAR Update

Approval Requested:

☐ Board of Finance

☒ City Council

☐ Both BOF and Council

Meeting Date:

[Click or tap to enter a date.](#)

8/25/2025

[Click or tap to enter a date.](#)

Instructions

1. This form must be completed by the person submitting the materials.
2. This form must be sent with the final submission of materials in advance of the meeting.
3. Do not indicate that a sign-off was received until it has actually been obtained.
4. Commission reports and presentations do not need to be reviewed by the CAO or Attorneys.
5. Name the reviewing Attorney or HR Manager in the Note column.

Signoff Needed	Received?	Approval Date	Note
Department Head	Yes	8/18/2025	Chapin Spencer
Mayor's Office	Yes	8/20/2025	Erin Jacobsen
Board/Commission	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and contracts or legal documents	Yes	8/19/2025	Erik Ramakrishnan
City Attorney's Office for memo and motion(s) or resolution(s)	Yes	8/19/2025	Erik Ramakrishnan
CAO for budget, financing, and memo	Yes	8/19/2025	Katherine Schad
Human Resources, if personnel action or policy	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if IT-related	N/A	Click or tap to enter a date.	Click or tap here to enter text.



Fee \$25.00

May 1, 2025 ---- April 30, 2026

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

☐ Indoor

☒ Outdoor

**PART I
ORGANIZATION**

All information in this section is required

1. Corporation/Sole Proprietor name: Outdoor Art Hop Wood Sculpture - Aweigh
2. D/B/A (Business Name) High Desert Light & Sound 3. Bus. Phone (802)-310-6791
4. Business Address_345 Pine Street
5. Mailing Address _345 Pine Street
6. Contact person _Michael R Haseck_ 7. Contact Phone __802-310-6791
8. Email contact address __michael.haseck@gmail.com

**PART II
OPERATION**

1. Do you currently have a Liquor License? Yes or **No**
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or **No**
3. Proposed Date(s) for this Special Event Sept 5th-7th
4. Proposed Hours for this Special Event 5pm-12pm 10pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
It will be placed the the lawn opposite the etnrance of 345 Pine St

For this Proposed location please answer the following questions:

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

\$25.00

pdch# 0800005576
20 8/8/25

(Continued on back)

PART III DESCRIPTION OF ENTERTAINMENT

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

Description _____
 There will be DJ's playing 30-1hr timeslots at the Anchor while the ART Hop event
 is going on Sept 5th-7th

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

DATE SIGNED: 7/30/2025

SIGNATURE OF APPLICANT Michael Haseck

PRINT NAME: Michael Haseck

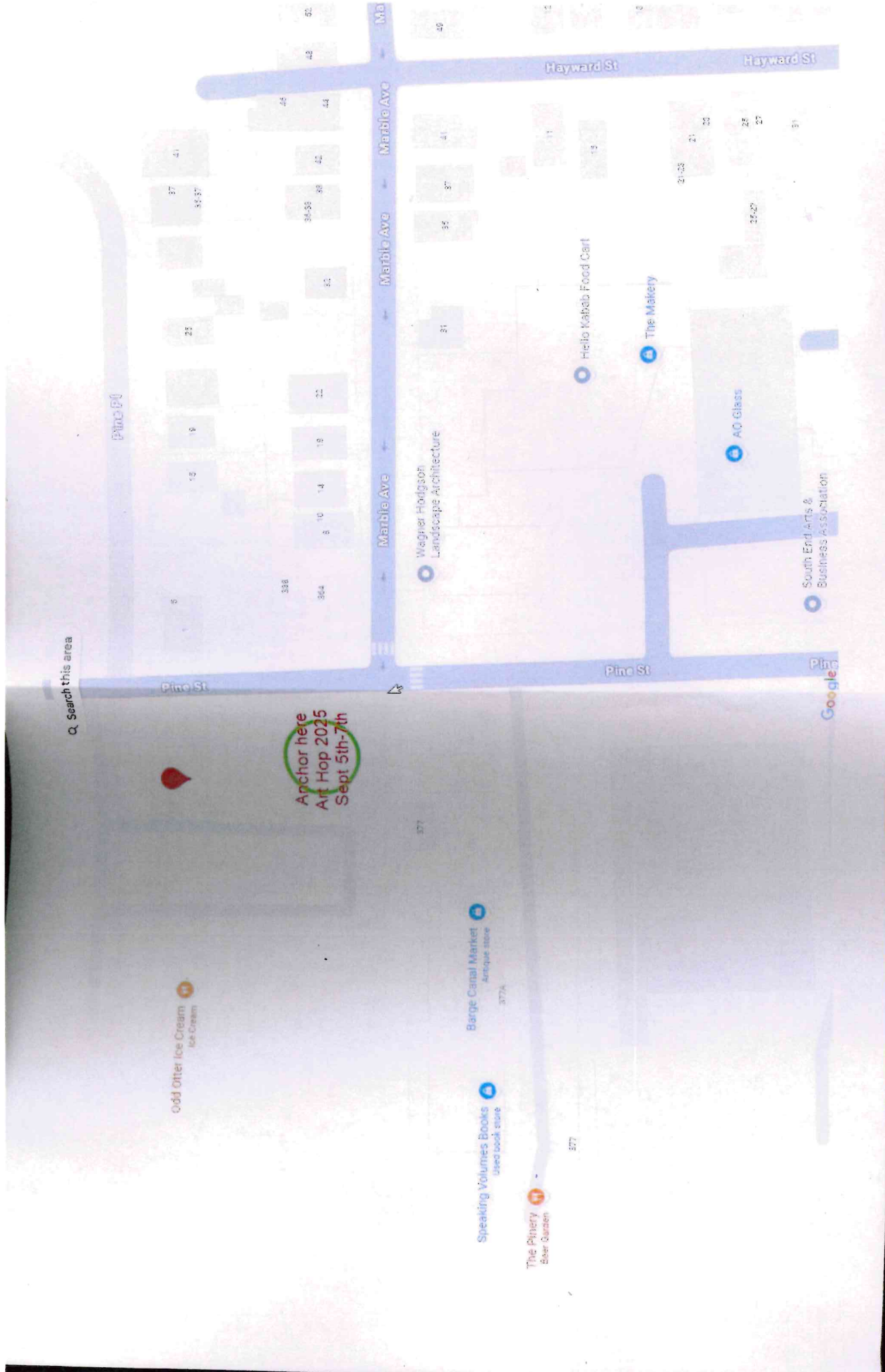
RELATIONSHIP TO BUSINESS None, Outside placement Sculpture.

OFFICE USE ONLY

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

At their meeting of 08/20/25, the Burlington City Council License Committee recommended
 Approval X Denial _____

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





Fee \$25.00

May 1, 2025 ---- April 30, 2026

CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION

☒ Indoor

☒ Outdoor

PART I
ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name South End Arts + Business Assoc.
2. D/B/A (Business Name) SEABA 3. Bus. Phone 802-578-2512
4. Business Address 28 Howard St, Ste 303, Burlington, VT 05401
5. Mailing Address same
6. Contact person Christy Michell 7. Contact Phone 802-578-2512
8. Email contact address director@seaba.com

PART II
OPERATION

1. Do you currently have a Liquor License? Yes or **No**
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or **No**
3. Proposed Date(s) for this Special Event Sept. 5, 6, & 7, 2025
4. Proposed Hours: Sept 5, 5-10pm Sept 6, 10am-10pm Sept 7, 11am-4pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way

South End Arts District along Pine Street from Maple to Flynn Ave

Pine Street Closure on Friday, Sept 5th only, from 5-10pm from Kilburn to Howard.

For this Proposed location please answer the following questions:

- a) Occupancy Load 2 - 5,000 b) # of Restrooms many c) # of Egresses outdoors
- d) Date of last Fire/Safety Check Sept 2024 e) Dancing by Patrons? Yes or **No**
- f) Amplified Music? **Yes** or No g) Will additional staff and/or security be required? **Yes** or No

(Continued on back)

PART III DESCRIPTION OF ENTERTAINMENT

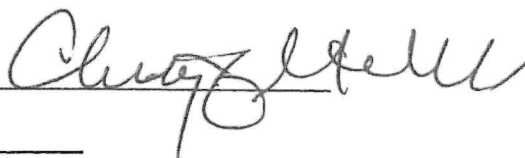
Please give DETAILED description of the type of entertainment for which you are applying:

Description: The 33rd Annual South End Art Hop is a promotion of all the South End Arts District has to offer! Small businesses and art studios open their doors to the public over the three day arts festival. The event has up to 100 sites to visit, food trucks in dedicated parking lots, an artist market at the Dealer parking lot at Howard and Pine on Saturday from 10-4pm, and a Kids Hop event in the Farmers Market on Saturday from 9am - 2pm. With the help of Green Mountain flaggers, crossing guards, Chocolate Thunder security, and Burlington Fire & Police, Pine Street closes to cars on Friday night only, September 5th from 5-10pm from Kilburn to Howard Street with both of those roads staying open, acting as a detour to St. Paul Street and around back to Pine. The STRUT! Fashion show will take place during the closure in front of Hulbert Supply at 332 Pine along approx 80' of roadway with no runway, no large stage, no tents, or objects that cannot be moved quickly. There will be 200 - 300 folding chairs to flank the "street runway" yellow line for viewers. We have spoken with Burlington Fire about this plan, and will adjust as needed for safety. See attached diagram. Thanks for your support!

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

DATE SIGNED: 7/31/2025

SIGNATURE OF APPLICANT



PRINT NAME: Christy Mitchell

RELATIONSHIP TO BUSINESS Executive Director

OFFICE USE ONLY

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

At their meeting of 8/20/25, the Burlington City Council License Committee recommended

Approval X

Denial _____

is amended, see attached

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

Amendment to Agenda Item 4.3.

Indoor:

400 Pine Street, Burlington, VT

STRUT! Fashion Show

Friday, September 5th from 7:30 - 9pm

Amplified music, no dancing, seating max 300

6 bathrooms

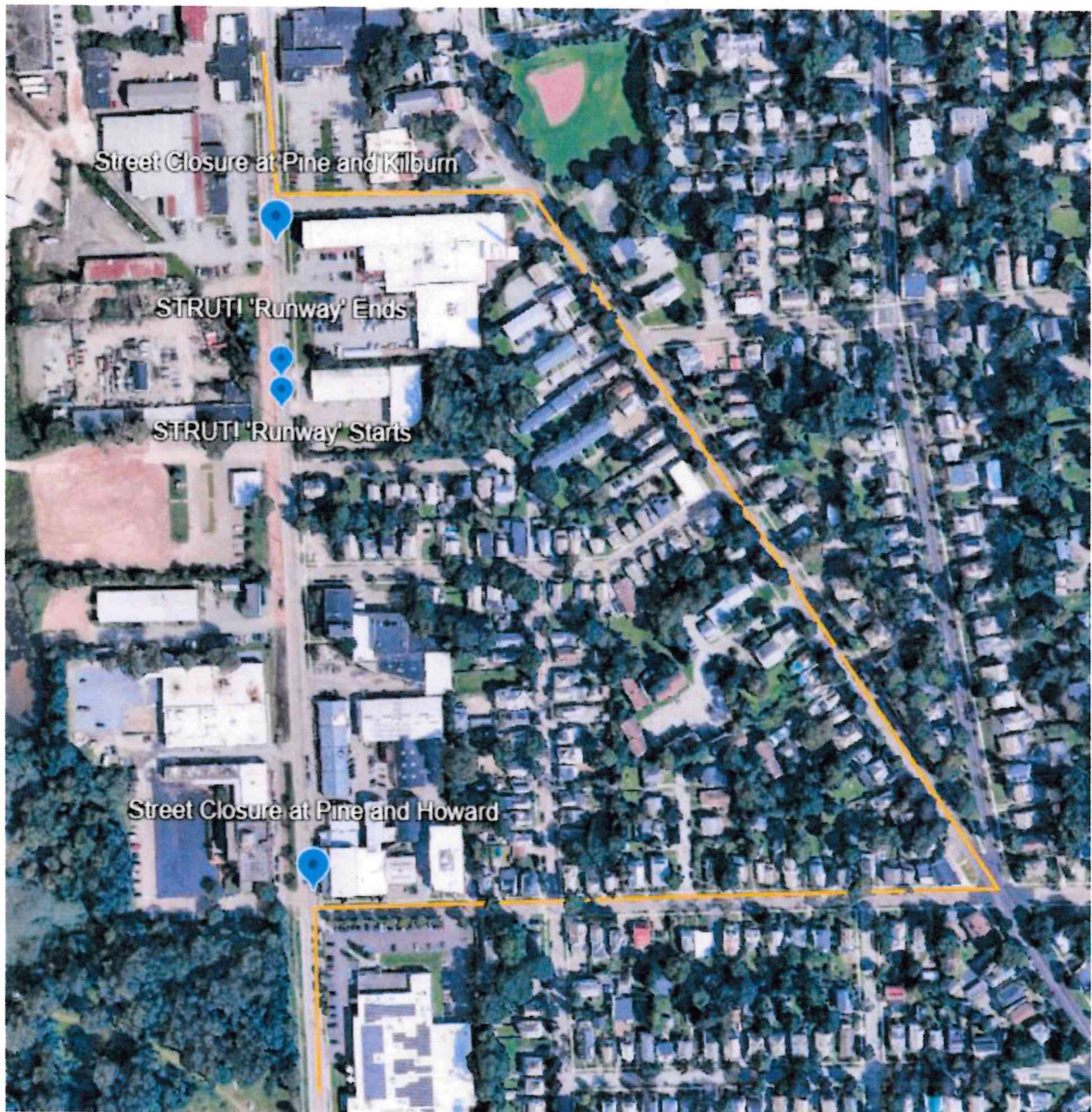
Licensed bar by Orleans Events

2 security from Chocolate Thunder + 2 door attendees

400 Pine Street Building open for artist market:

Saturday, Sept 6th from 10am - 6pm

Sunday, Sept 7th from 11am - 4pm



Pine Street Closure Map, from Kilburn to Howard from 5-10pm on Friday, Sept 5th, 2025
Both streets stay open with a detour to St. Paul with flaggers.

STRUT! Fashion Show along 80' in the closed roadway from 7:30 – 10pm



Fee \$25.00

May 1, 2025 ---- April 30, 2026

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

☐ Indoor

☒ Outdoor

**PART I
ORGANIZATION**

All information in this section is required

1. Corporation/Sole Proprietor name Adam Osha
2. D/B/A (Business Name) Genesis Vermont
3. Bus. Phone 802-236-6355
4. Business Address N/A
5. Mailing Address 339 ST. Paul Street^{#5}, Burlington VT, 05401
6. Contact person Adam Osha
7. Contact Phone 802-236-6355
8. Email contact address genesisvermont@gmail.com

**PART II
OPERATION**

1. Do you currently have a Liquor License? Yes or No - No alcohol at event
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No
3. Proposed Date(s) for this Special Event October 3, 2025
4. Proposed Hours for this Special Event 5-10pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
420 Pine Street. The venue is behind Artsriot and right outside of Aiven Studios (venue owners). They held Art Hop events here last year.

For this Proposed location please answer the following questions:

- a) Occupancy Load expect 3-500 ^{1,000 + capacity at most}
- b) # of Restrooms 2
- c) # of Egresses 3 exits leading to back of parking lots
- d) Date of last Fire/Safety Check at most unsure not used for Art Hop last year
- e) Dancing by Patrons? Yes or No
- f) Amplified Music? Yes or No
- g) Will additional staff and/or security be required? Yes or No

(Continued on back)

PART III DESCRIPTION OF ENTERTAINMENT

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

Description This event will be a free community event featuring Live Music Artists, food trucks, and vendors. With many venues closing in town, we are getting creative with our next venture. The event will also be a fundraiser and be accepting donations for a cause of our choice, currently considering NAMI or DREAM. All food trucks will be legal and licensed, and we will provide bathrooms, trashes, and security via Chocolate Thunder. Since the event is free, we are securing donations from local businesses to pay artists. So far our sponsors are Heybud, Sticky Brand, Healthy Living, and Haute and Heady.

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

DATE SIGNED: 7/3/25

SIGNATURE OF APPLICANT adam osha

PRINT NAME: Adam Osha

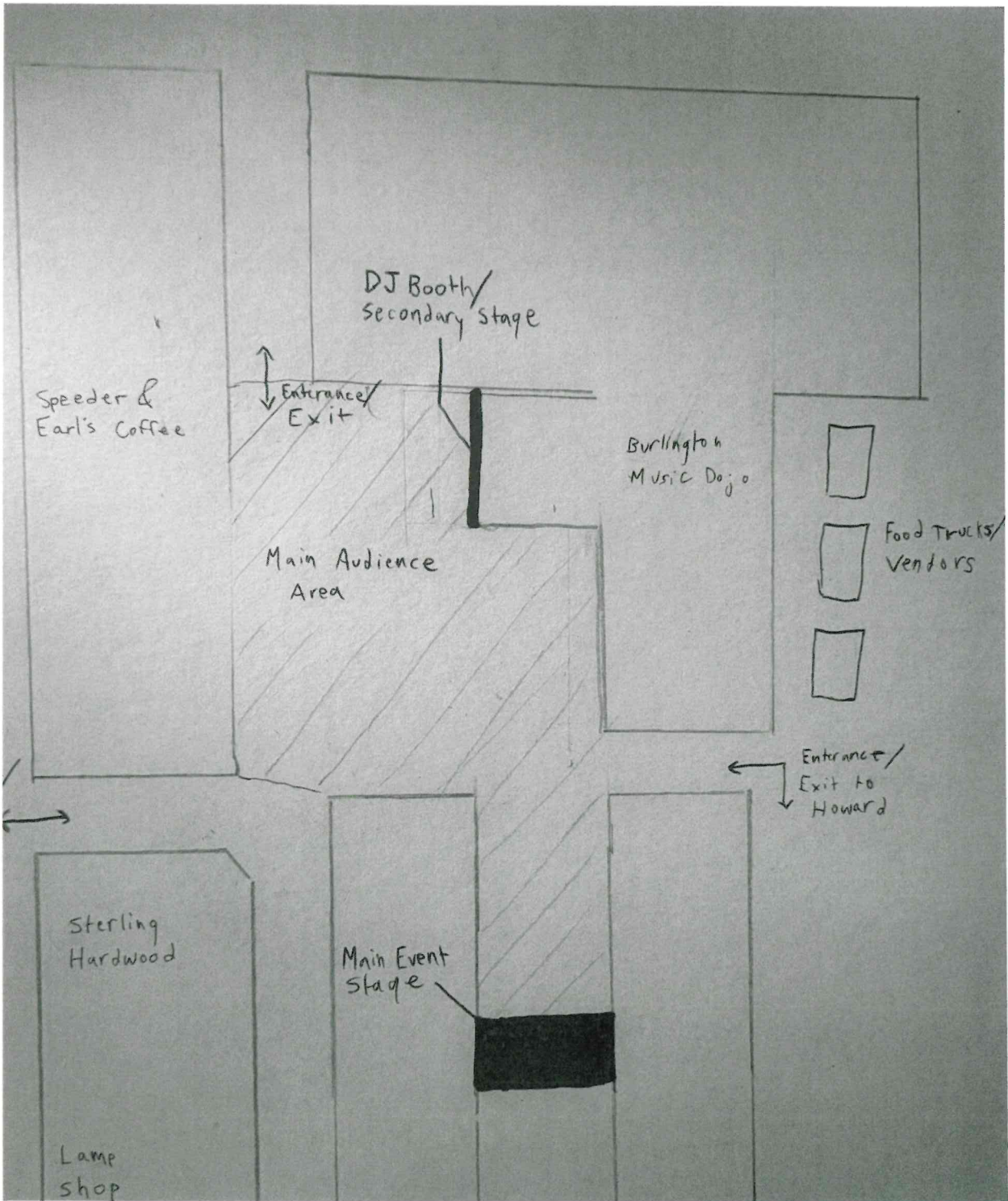
RELATIONSHIP TO BUSINESS Owner

OFFICE USE ONLY

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

At their meeting of 8/20/25, the Burlington City Council License Committee recommended
 Approval ☒ Denial ☐ * contingent upon Fire Marshal approval

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



Lori Olberg

From: JOHN HUGHES <jhughes55@comcast.net>
Sent: Wednesday, August 13, 2025 3:42 PM
To: burlingtontownclerk
Subject: Burlington Downtown

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

Dear Burlington,

My wife and I spent a lovely weekend in and around your town last weekend. (We live in Washington, D.C.) We so enjoyed walking on your downtown pedestrian/shopping plaza, and then we went down and walked on your lovely waterfront. In between we were shocked to see a park the size of a city block full of people openly doing and trading drugs. Many of them were zonked out. Many clearly needed mental health services. Many were clearly unhoused.

We are familiar with these urban problems -- we see much of what I describe in our hometown, though it is more spread out here, not so concentrated. We never expected to see this in such a significant way in downtown Burlington, Vermont, of all places.

I'm not a Burlington voter or taxpayer, just an out-of-town visitor, so you might well ignore what I have to say. But if I was a member of the Burlington government I would work strenuously to address the problems on display in this park. If tourism is a significant part in what Burlington has to offer, and wants to offer, you risk losing it, based on what I witnessed last weekend. If I was a downtown resident, or a downtown business, I certainly would get in the ear of my city council representative.

Again, we have many of these same problems down here in Washington. They are tough to solve. I understand all of that. But the concentration of it in otherwise bucolic Burlington was a shock to me.

Thanks for listening!

Sincerely,

John Hughes
Washington, DC

Lori Olberg

From: Sharon Cross <sharonbobcross@icloud.com>
Sent: Tuesday, August 19, 2025 5:23 PM
To: burlingtontownclerk
Subject: Shopping in Burlington

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

So, another person has been killed in Burlington, and you blame the lack of people shopping on tariffs?! We used to go to Burlington to go out to eat and go shopping at least once a week. I am terrified now to go there! We did absolutely NO Christmas shopping there last Christmas and will not this year either. Your stores are nothing like they were and I refuse to shop there. Thank goodness Plattsburgh is so close. My safety is more important than your hoodlums, drug addicts and the homeless. Maybe if you stop giving them everything they will get a job! No one handed me anything I wanted, I worked my entire life and it sickens me that you think they should be given everything. Anyway, you won't see me or any of our friends in Burlington, the cesspool of Vermont. Wait until parents stop sending their kids to college out of fear.

Lori Olberg

From: Erhard Mahnke <erhardm@burlingtontelecom.net>
Sent: Monday, August 4, 2025 5:27 PM
To: Mayor's Office; Benjamin Traverse; Mark Barlow; Gene Bergman; Sarah Carpenter; Melo Grant; Marek Broderick; Carter Neubieser; Joe Kane; Becca Brown McKnight; Evan Litwin; Buddy Singh; Allie Schachter
Subject: Dismayed by unilateral Council action on Food not Bombs/Food not Cops

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

[Lori, Please add to Consent Agenda if not too late. Thanks!]

Dear Mayor, Council President Travers, and City Councilors,

Earlier this summer, I was deeply dismayed by the unilateral efforts of the City Council's Democratic majority (including my own East District City Councilor) to force the relocation of Food not Bombs/Cops from their relatively out-of-the way-location at the parking garage – over the objections of the Mayor and their Progressive colleagues and even after a bi-partisan compromise had been reached. Talk about snatching defeat from the jaws of victory!

As a Burlington resident and longtime advocate for affordable housing and ending homelessness, I strongly supported this group's daily volunteer efforts outside the parking garage off Cherry Street to help provide for the basic needs of our less fortunate neighbors. In fact, I was thrilled to be part of a band that helped them celebrate their fifth anniversary at the parking garage earlier this year.

I hope you all had the opportunity to read a July 22, 2025 op-ed in VTDigger by well-regarded Vermont constitutional lawyer Jay Diaz: "Why Burlington should protect Food Not Bombs/Food Not Cops" (<https://vtdigger.org/2025/07/22/jay-diaz-why-burlington-should-protect-food-not-bombs-food-not-cops/>). Jay argues cogently – and I believe correctly -- that the distribution of free food to our unhoused neighbors by Food not Bombs/Food not Cops in City Hall Park is constitutionally protected free speech. As such, the City would be well advised not to try to force its removal from yet another location. Hopefully, this time, a workable compromise can be reached.

In a time that requires all people of good will to resist autocracy and government overreach by President Trump and his minions, I applaud Food not Bombs'/Cops' gutsy move to the far more accessible and visible – and constitutionally protected -- location in City Hall Park. We should all be careful what we wish for and beware of unintended consequences!

Thanks for listening,
~erhard

Erhard Mahnke
Ward 1 Resident
60 Grove Street
Burlington, VT
(802) 233-2902 (cell)

Regarding CSWD Alternate Resignation

Please consider this my official resignation from the CSWD board. I will be joining the GMT board as an alternate.

Let me know if you need anything else at this time.

Matt Kobzik

July 14, 2025

Dear Mayor Mulvaney-Stanak and Burlington City Council,

I am writing in good faith as a resident of Ward 2 to express confusion and concern regarding an evident lack of support for the City of Burlington's Office of Racial Equity, Inclusion, and Belonging (REIB). This is in follow-up to remarks I made at the June 2, 2025 City Council meeting.

In September 2019, City Council first created the position of Diversity, Equity, and Inclusion Director and in February 2020 the REIB was created. With these two steps, it appeared as though our City was actively working toward a tangible and meaningful priority on equity, diversity, and inclusion. However, over the past five years, the REIB has been gradually undermined and underfunded. I believe that the REIB plays an integral role in continuing to develop a city which is protective and supportive of all of its inhabitants, particularly those who continue to be marginalized. That is why I ask that the following items be addressed as soon as possible:

First, I am calling for Interim Director Christian Berry to be officially appointed as the Director of the Office of Racial Equity, Inclusion, and Belonging. Having worked alongside Christian in a previous career, I witnessed the dedication and vision she brings to all her endeavors. She is a consummate professional who values open communication and thoughtful discourse. She challenges herself and those around her to ask tough questions to spur positive growth and development. Ms. Berry was announced as the interim director for REIB on December 10, 2024, though her work to fill that role started before Thanksgiving 2024. In the months that have followed, I have witnessed as Ms. Berry has tenaciously worked to re-envision and strengthen the office's mission and structure. Despite this, she has still not been officially appointed to the position she's been doing for ~9 months and it was opened to a national search, despite bipartisan support for Ms. Berry. In that timeframe, two other City directors have been appointed, including Kara Alnasrawi as Director of CEDO on May 14 and Samantha McGinnis as Director of the Church Street Marketplace on June 2. Were these positions filled after a national search as has been the case with the new REIB Director? I am not well-versed in the process for appointing and reappointing department heads and was unable to locate the information in our City Chart, so I'm

uncertain if the process for each department is different, and if so, why that would be the case. I would be grateful to get more information on that if you are able to supply it.

In the State of the City 2025 address Mayor Mulvaney-Stanak stated, “This department deserves and requires stability, continuity, and clarity.” My feeling is that stability and continuity are exactly what Ms. Berry’s appointment as director would bring to the REIB. The clarity that the REIB so desperately needs but which is currently being withheld, needs to come from city leadership. In response to the departure of former REIB Director Tyeastia Green, Mayor Mulvaney-Stanak [wrote a letter](#) to then-mayor Weinberger and the City Council on August 16, 2023, highlighting concerns for the lack of support for the REIB. In the letter the Mayor voiced concern regarding the “racist double standard and differential treatment of city department heads” and commented on our “city’s harmful inability to support BIPOC leaders, specifically Black women.” Unfortunately, it seems like this trend is continuing even now, ~2 years later, as yet another Black woman leader is being actively overlooked.

Second, I am asking for the REIB to be fully staffed and funded with a detailed action plan and timeline including tangible milestones to be shared with the public. The budget for the REIB has shrunk from \$1,822,813 in FY23 to \$1,699,318 in FY24 to only \$715,568 in FY25. This is a concerning trend that cannot continue in a climate where the federal government is actively attacking diversity, equity, and inclusion initiatives at all levels. As the Mayor stated in her August 2023 letter, “If racial equity, inclusion and belonging is truly a priority for the city, the City must leverage resources to create a vibrant and successful city department.” A similarly alarming trend is evident in the reduction in REIB staff from 15 in 2020 to only 3 (as of this month) in 2025. It is unreasonable to expect that an office, which is tasked with educating and training city officials, guiding policy, developing community resources, leading mentorship programs, and more for a city of ~44,500, can operate effectively and efficiently with only 3 employees. I am aware that, given our tenuous economic climate, there have had to be job cuts made across the city. I understand that our City leadership is struggling to balance its many needs with a budget deficit that was inherited. However, the fact that the REIB has been actively stopped from filling their open positions over the past several months, sends a message that the initiatives of the REIB are not a priority for the City.

In this current environment of increasing division, instability, and injustice, our City must strive to learn, grow, repair, heal, and actively be better. We all must work harder to support and strengthen the interwoven fabric of this City and our citizens' many identities. Thank you for your attention to these matters and your continued service to our City and its inhabitants.

Sincerely,
Michelle Bookless

Dear Mayor Mulvaney-Stanak,

Thank you for taking the time to meet with me, and other Burlington business owners, recently. During that meeting, I mostly remained silent as the focus was on the challenges of running a business downtown, which Rhino is not. However, I did speak up at the end to voice my support for the sustainability of the Office of Racial Equity, Inclusion, and Belonging (REIB). I'm writing to follow up on questions I, and many others in the community, have raised over the past several months regarding the future of the office, especially as it relates to the hiring process of the Director and that of the open staff positions. While you have expressed a commitment to this office and its mission, I remain concerned that we have yet to see clear, actionable steps that reflect that commitment.

At this critical moment, I urge you to:

1. **Appoint Interim Director Christian Berry as the permanent Director of REIB and end the open search process.** Her leadership and continuity are essential to maintaining community trust and momentum. It's concerning that she is being held to a different process than other recent appointments you've made.
2. Share a concrete action plan and timeline for chartering the REIB office. This will solidify the office's place in city government and ensure its long-term stability.
3. Provide an action plan and timeline—with tangible and visible milestones—for filling vacancies and ensuring the REIB office is fully staffed and adequately funded.

These steps are necessary to demonstrate that racial equity and justice are not just stated values, but operational priorities for your administration. I hope you will respond with clarity and urgency.

Thank you for your attention to this matter. I look forward to your

reply. Sincerely,

Rooney Castle

President/CEO of Rhino Foods

Open letter from Emma Kouri regarding the office of REIB

Dear Mayor Emma and City Council,

I am writing this letter in support of our REIB office and function, in the spirit of healing and building real and sustainable loving community for Burlington. My asks are that you:

1. Appoint interim Director Christian Berry the permanent head of REIB.
2. Share an action plan and timeline around chartering the REIB office.
3. Share an action plan, with tangible and visible milestones, for filling vacancies and ensuring this office is fully staffed and funded, with the Director having full autonomy and transparency on the allocation & use of those funds.
4. Share an action plan and timeline around training for our city leadership to navigate difficult conversations and address polarizing issues such as houselessness, community safety, and belonging.

Our city is hurting and in desperate need of healing. We have issues with safety, belonging, access to resources, and systemic racism all contributing to a public health emergency. We have polarized views and difficult conversations to navigate as we collectively address these issues. The rupture between city councilors in the last REIB committee meeting and the last city council meeting is a testament to how much we need this function, not just for our community but also to support our leaders in City Hall as they navigate these difficult conversations and search for common ground on sustainable solutions.

This office, its function, and its Black female Director need to be taken seriously for once. They need to be revered, honored, given support and space.

I noted with interest the April 7th comments of Mayor Emma around her commitment to REIB, but I am not seeing visible actions that support her remarks. More recently, during the Juneteenth celebration, I noted that Mayor Emma announced she will charter the office and protect the funds allocated to it; that she had secured them in the general fund so they would not be at risk of Federal cuts. It's a great start, but we need more than that. This office needs to be given the support and respect it deserves, yet has never gotten.

Under this administration, the office has been in a constant state of instability, facing uncertainty and lack of support that no Department head should have to face alone. At the same time, as can be seen and felt in the city every day, we need the function of this office more than ever. Director Berry has been leading it alone for months and is in fact the only constant and focused presence. We need her and we need this office!

Several new Department Heads have recently been selected by the Mayor including the new fire chief, the new Director of CEDO, and the new Director of the Church Street

Marketplace – all appointed without doing an open search. I have absolutely no issue with those appointments, or the fact that The Mayor chose them without a search. The problem is that, in parallel, there IS a search being conducted for a permanent REIB director, when we have had a competent leader, from Vermont and with lived experience with oppression, in the role for over 7 months. Director Berry has bipartisan support for being the permanent director, being praised for the wisdom, expertise, and stability she is bringing to the office, and has been operating at full function with 3 unfilled vacancies the entire time. She has created the position as it exists today and has been executing it with professionalism, commitment, and grace all while carrying the burdens of vacancies, shifting budgets, lack of autonomy and transparency from those around her, and an uncertain future. Why is she being forced to undergo this process and continued existence in limbo when it is not required?

On top of this, a prominent elected official Katherine Schad continues to make [expensive errors](#) in accounting and is not held accountable in any visible way. And yet, the REIB office has been invasively scrutinized since day one, with previous Director Tyeastia Green being held accountable and had her career and reputation publicly destroyed for funds that were spent when she was no longer an employee of the city.

I would like to name the inequities in these processes, name the confusion and harm they are causing, and the continued and blatant lack of support for Black female leaders by the city of Burlington (we are still waiting on justice for Tyeastia Green). The Burlington community sees and is disturbed by such incongruence.

The contrasts are striking, and it starts to look personal. It starts to look strategic and intentional. It starts to look systemic. It starts to look like a system painfully unaware that it is desperately in need of the REIB function.

We cannot afford as a city to have this office exist as a symbol, as a performance, as a box-checking exercise. It is absolutely essential for our collective healing and safety that it is revered and empowered. We all need to demonstrate vulnerability and acknowledge the collective need. Please show your commitment and action plan in tangible ways to bring support and stability to this office and to this Black female leader!

Dr. Emma Kouri

Ward 6

Dear Mayor Mulvaney-Stanak and the Burlington City Council,

I'm writing to you today in the spirit of open collaboration to ask for your attention and action on the following items:

1. To name the REIB interim Director Christian Berry as the permanent head of REIB and terminate the open search.
2. To share an action plan and timeline around chartering the office.
3. To share an action plan and timeline, with tangible and visible milestones, for filling vacancies and ensuring the REIB office is fully staffed and funded.

First I would like to speak to my request to appoint Christian Berry as the Director of the city's REIB office. I have known Ms. Berry for many years and she has always exemplified a deep passion for the work of equity, inclusion, and belonging that is strengthened by her professionalism, equanimity, and compassion. I recently had the opportunity to work with Ms. Berry directly when the business I operate decided to sponsor the 2025 Juneteenth celebration in Burlington. Ms. Berry and her small team showed themselves to be organized and hyper-focused on their goals, but also very warm and easy to work with - a combination I do not find coming together often.

Ms. Berry has brought a calm and measured presence to the REIB office during her time as interim director - something that is sorely needed at all levels of government at this time. I believe her appointment to Director of the REIB Office will provide our city with a steady, competent leader providing essential service to all inhabitants of Burlington, particularly the under-represented and lesser voiced individuals among the city's BIPOC, LGBTQ+, and refugee and resettlement populations.

The time to be increasing our levels of service and inclusion to our city's marginalized populations is not at some vague point in the future - the need is now and it is urgent. Every day individuals are ensnared and imprisoned without due process by federal ICE raids specifically using racial targeting to meet arbitrary federal quotas intended to stoke

fear, garner political support, and satiate racist and anti-social desires. Our city requires a fully staffed and funded REIB office to ensure a wide array of services are available, not the least of which that information and support services are accessible to all members of our community to aid them in keeping themselves and their families safe and ensuring they continue to grow and be a thriving part of our city.

It is not lost on myself, or most in our community, that Burlington faces certain significant financial challenges at this moment. While we must make responsible financial decisions, we must also prioritize the essential service of the REIB office, particularly in regards to its proportionately tiny budget in comparison to the city's over \$100M annual operating budget. Massive cuts to REIB in recent years have had a near-zero effect on the city's overall budget. It is like cutting out an annual automobile oil change from the total budget of a two income household - it makes almost no difference in the moment but the long term costs are enormous when the engine seizes up and stops working.

I believe it is essential for Burlington to fully staff and fund our REIB office as a fundamental statement of our shared morals and aspirations. In the few years after the murder of George Floyd in 2020 awareness and action to implement DEI programs across the US business and government landscape surged. People's eyes were opened and a popular consensus formed in favor of DEI. In the subsequent years, our culture's pervasive political and business voices slowly denigrated the work of DEI offices until the broad popular view turned against DEI. It is said that the test of character is not doing what is right when it is easy, but to continue to do it when it's hard. That is the decision point where we stand now.

I believe that the future we will arrive at, either sooner or later depending on our choices, is one where all beings thrive in a culture of unity, fairness, and care for others and the Earth. Imagine our city, our state, or our world as a spaceship tenuously traveling through the unknown void of space. Each of us in our daily work tends to an essential function to keep our ship oriented in order to support our collective lives. But whose job is it to check on each other? To make sure that those working to keep us aligned and safe are themselves safe and cared for? That we are not on the verge of

losing someone who is vital to our collective wellbeing? That is what I see the role of REIB to be. They are the ones who check in on all of us, particularly those of our community in the most vulnerable positions.

So I ask, when will we formalize a strong competent leader in Ms. Berry to the position she already performs with grace and strength? When will we charter the REIB office and ensure its perpetuation as a core element of our city? And when will we fund the REIB office at a level that recognizes its importance in building the community that makes our words and aspirations for a community that is just, equitable, and inclusive a reality that we can live in each day?

Thank you very much for your time and I look forward to watching how the Council and Mayor act in these regards.

In the spirit of unity and collaboration,

Ethan Thompson

Dear Mayor and Councilors,

Almost exactly five years ago, Burlington declared racism a public health emergency and pledged more extensive and ongoing efforts to eradicate it. In recent years, however, those initiatives have been dramatically scaled back at the City level. No where has this been more pronounced than in the Racial, Equity, Inclusion and Belonging Office, where former Director Green was mobbed, financial support has dwindled, staffing has been cut, programs have been curtailed, leadership has continually turned over, and there's been a lack of clarity as to if and when its role will ever be codified in the City Charter. We need decisive action from this administration and this Council if we are truly serious about eradicating systemic racism.

We cannot move forward in good faith without repairing the deep harm that was done to former Director Green by Mayor Weinberger, Mayor Mulvaney-Stanak, and other City officials. It is disgraceful that the City and the individuals responsible have yet to take responsibility for destroying Tyeastia's reputation even though she did nothing wrong. Too late is better than never. **Come back to the table and reach a fair settlement that is truly commensurate with the damage so many in the City have done.**

Since Director Green resigned in February 2022, there has not been consistent REIB leadership. That instability has been exacerbated by the Mayor's failure to name current Interim Director Christian Berry as the permanent Director. Christian has navigated constantly shifting terrain with skill, grace, and, most importantly, unflinching commitment to dismantling white supremacy culture in our community. Even though Interim Director Berry has consistently proven herself, Mayor Mulvaney-Stanak has yet to appoint her as the permanent Director and has instead opted to do a national search. During the same period, the Mayor appointed several other white employees to leadership roles within the City without doing any searches. **You can and should correct this glaringly inequitable treatment by making Interim Director Berry the permanent Director.**

Interim Director Berry cannot do this unbelievably challenging work with current REIB staffing levels. Having only one other REIB staff member as we currently do is wholly inadequate to the task of uprooting systemic racism. As a result, programs like Juneteenth have been significantly curtailed, anti-racism trainings across City government have been largely scrapped, and City funded grants have been eliminated among many other impacts. It doesn't have to be this way. Despite challenging budgetary conditions, you still have choices as evidenced by the \$45,000 in this year's budget for free parking or the \$10,000 you recently found to move the free lunch program. How you choose to distribute public resources is one of the clearest indications of your values. **Demonstrate your commitment to ending systemic racism by redoubling the City's investment in its eradication by fully staffing the REIB office.**

None of this work can continue if the Racial, Equity, Inclusion and Belonging Office's future is insecure. Unlike other City departments, REIB is not codified in the Charter. Consequently, the department's continued existence remains at the whims of shifting political and budgetary priorities and could be folded into another department or eliminated altogether. I was heartened

to hear that the Mayor and others on the Council support chartering REIB, yet much work remains. **Share when and how you plan to move this crucial effort forward. This cannot become another broken promise.**

When the City declared racism a public health emergency 5 years ago, it committed Burlington, “to the sustained and deep work of eradicating systemic racism as organizations, actively fighting racist practices and participating in the creation of more just and equitable systems.” On that day, the City, alongside countless other organizations, announced immediate and specific actions to confront the emergency. Now, community members from across our city have brought forward similarly immediate and specific actions that the City can take to address systemic racism. The question remains if, when and how you will answer the call.

Max Tracy
Ward 2

Hello, my name is Charlotte Safran, and I am writing to urge you to appoint Christian Berry as permanent Director of the Office of Racial Equity, Inclusion, and Belonging for the City of Burlington.

We are living in the midst of a public health crisis, fueled by systemic racism, growing economic hardship, fractured trust, and the deep ache of disconnection. We are struggling with safety, belonging, access to resources, and the weight of injustice. As Audre Lorde reminds us, *“There is no such thing as a single-issue struggle because we do not live single-issue lives.”* Continuing to center racial equity, inclusion, and belonging is not a side project but rather imperative to the healing and future of Burlington.

The REIB office is a structural necessity. It is one of the few spaces in our city government designed to hold and address the intersections of harm, hope, and transformation. In a time of rupture and reckoning among our city and its leaders, this office has remained a grounding presence because of the commitment of Interim Director Christian Berry.

Director Berry has brought stability, wisdom, and a deep well of lived experience to this role. For the past seven months, she has held this department with grace and strength despite ongoing vacancies and under-resourcing. She is a Vermonter, she has earned bipartisan respect, and yet, unlike recent department heads who were appointed without open searches, she has not been named to the permanent role.

This is confusing. It feels inequitable. And it continues a troubling pattern of undermining Black women leaders in Burlington. We are still waiting for justice for Tyeastia Green. Let us not repeat history.

I am asking you to take action that aligns with your stated values:

1. Appoint Interim Director Christian Berry as the permanent Director of the REIB office.
2. Share a public timeline and action plan for chartering the REIB office.
3. Fill the vacancies in the department with urgency and care, and ensure the office is fully resourced.
4. Provide leadership training across City Hall to equip our elected officials and city staff to engage in the hard, necessary conversations around safety, belonging, houselessness, and community wellness.

We need radical healing. And that healing starts here—in how we lead, how we show up for each other, and how we choose to invest in those doing the work of repair. Director Berry is already leading us forward. Let’s not delay justice or withhold stability any longer.

Thank you.

Dear Mayor Mulvaney-Stanak,

I want to start by thanking you for your service to this community and your leadership. I also want to make use of my voice and influence, in the ways that I can, to best serve and support our community. To that end, I am adding my name to the list of folks reaching out and asking for action concerning the office of Racial Equity, Inclusion, and Belonging. I believe the REIB to be one of the strongest vehicles the City has in continuing focused efforts to make Burlington a place that makes the most sense for as many people as possible. I am concerned with the lack of continuity, staffing, and legacy that the office carries of turning over Black women in leadership. I really hope the next appointment will be a lasting one and do believe we have the right person to lead the office in Christian Berry.

At this critical moment, I urge you to:

1. Appoint Interim Director Christian Berry as the permanent Director of REIB and end the open search process. She has mended relationships, brought stability to the office, and reestablished trust across the community- all with limited staffing and resources. From the outside, it appears as though Christian is being held to a different process than other appointments being made in similar positions across the City, and that is concerning.
2. Share a concrete action plan and timeline for chartering the REIB office. This is essential in providing stability and sustainability to this critical office.
3. Provide an action plan and timeline—with tangible and visible milestones—for filling vacancies and ensuring the REIB office is fully staffed and adequately funded. This work is hard enough as is, doing it with a fraction of the total staff is a near impossible task. Our commitments to the values this office represents must be in action and in resources as much as in words.

I hope with renewed support and commitment to this office and its leadership, we can continue to make this place the best version of itself.

In community,

Emiliano Void

A handwritten signature in dark ink, appearing to read 'Emiliano Void', with a long horizontal flourish extending to the right.

July 7, 2025

To Mayor Emma and Burlington City Council:

I am writing to add my voice to the many in our city who have been calling for more support for our city's Racial Equity, Inclusion, and Belonging (REIB) office.

Thank you for the time you put into your work for Burlington. I offer my thoughts in good faith that you have the best intentions for our city and the people who live here. I want to be up front and share my frustrations and confusion about the lack of follow through and support for the REIB office, and I hope you will respond with action.

As far as I can see supporting REIB in our city is within reach, in-line with the city leaders' stated values, and beneficial for all Burlingtonians. I do not understand why more decisive action has not been taken, and I ask that the following be addressed as quickly as possible:

1. Appoint interim Director Christian Berry as Director of the REIB department.

I am confused as to which city departments require an open search process to hire directors and which departments get directors quickly appointed by the mayor's office. Interim Director Berry has shown the skills and drive to do the job. She has offered stability and vision for the department despite being under the extremely extraneous circumstances of constant departmental transition and a prolonged period of being understaffed. She has bipartisan support on the council. Why is she not being appointed?

2. Expedite the process of appointing Christian Berry as the director so that you can fully staff the REIB as quickly as possible. I heard at coffee with the mayor that staffing is not complete because we don't have a permanent director. This is frustrating because we absolutely should - as Interim Director Berry is qualified and has widespread support.

3. Provide a clear timeline and process for establishing the REIB office in the city charter. It benefits all Burlingtonians to have an office dedicated to helping you (and future leaders) better understand the impact of your decisions. The REIB also serves us all by creating ways to improve city programming and policies to be more inclusive and responsive to the historical and present impacts of racism in our city. Our federal government is trying to dismantle equity efforts and offices like REIB. It would help to know your goals for adding the REIB office

to the charter and where we are in the process.

4. **Please plan and share a process to improve the dynamics on the city council.** You are all humans who have flaws and make mistakes. You are also all humans who have skills and ideas about how to help our city. We in Burlington are missing the benefits of your skills and ideas because so much time is spent blaming, being defensive, and undercutting each other's work. I have seen this dynamic online and in public meetings. It is hurting our city and keeping us from finding the next best step forward for really challenging issues. Burlington needs your success. What have you tried and what will you try next to improve collegueship and collaboration across parties?

Thank you for reading and I look forward to your response.

Liz Clements

Ward 5

Dear Burlington municipal leaders,

I'm writing to express strong support for the Office of Racial Equity, Inclusion, and Belonging (REIB) and for Interim Director Christian Berry's leadership. This office is a vital part of our city's commitment to equity and justice, and its future deserves our collective investment and attention.

Under the current administration, we have seen the departure of multiple women of color in leadership roles—including the former HR Director, two REIB Directors, and now we risk losing Director Berry as well, as she has been shouldering multiple FTEs worth of work for almost a year now. This pattern is deeply concerning. It sends a message—intended or not—that our city does not yet know how to retain or support BIPOC leaders (especially women) doing the hard work of equity and institutional change.

I urge you to take the following concrete steps:

1. **Name Interim Director Christian Berry as the permanent head of REIB and end the open search process.** Christian has shown steady, principled leadership through an incredibly challenging time. Her knowledge, relationships, and vision are exactly what this moment requires.
2. **Share an action plan and timeline for chartering the REIB Office.** This work must be embedded and protected in our city's structure—not left vulnerable to shifting political winds.
3. **Commit to a fully staffed and funded REIB Office, and share a plan with visible milestones to fill current vacancies.** This office cannot meet its mandate without adequate personnel and resourcing.
4. **Provide a timeline and plan for training city leadership to navigate polarization and build the skills for productive, accountable dialogue—especially around issues like houselessness and public safety.** Our current civic climate is fractured and deeply painful. The REIB Office is designed to help our community face exactly these kinds of hard conversations with compassion, rigor, and shared humanity.

This is a moment that calls for courageous leadership. Naming Christian Berry Director, investing in the REIB, and moving forward with transparency and urgency will send a powerful signal that our city is serious about equity—not just in words, but in practice.

Thank you for your time and your service to our community.

Sincerely,

Sara Chesbrough, Ward 5

July 10, 2025

Dear Mayor Emma & Burlington City Council,

I am writing as a Ward 2 resident, and an English teacher at Burlington High School. I love Burlington and love getting to work with our amazing youth. Out of support for my students and the futures I want them to find here, I am writing to ask for some answers about the Racial Equity & Inclusion Board.

I'd first like to see the city name Christian Berry as director of the REIB. Interim Director Berry has met with me and other educators at Burlington High School about ways her office can support our students and that we can work together to support Burlington as a city where all of our students can see themselves having vibrant futures. I was thrilled when the REIB office reached out to us, and have been upset to learn that Director Berry's position has remained interim. She was professional, creative, and visionary when she met with me, and it feels unfair to leave so much uncertainty for her. I'm worried she will not want to stay if this continues, and she is someone I'm so proud to have as a director in our city. She is collaborative and a joy to work with.

Secondly, I'd like to see the REIB fully-staffed, so that some of the dreams for supporting our students (among many others!) can be realized. It appears that there are still a number of positions open in this office. It feels like the moment in history to be investing in this board, not keeping it understaffed. I want to be part of a city that does not shy away from embracing all the cultures that live here, and a city that continues to bravely stand up for Black lives. I want to give you my full vote of confidence to fill these spots and invest in supporting our Black and brown residents.

Lastly, I'd love to see more training for city officials around discussing and facilitating conversations around the polarizing issues in our city (unhoused folks, public safety in particular). It feels difficult and often toxic to be part of these discussions, like we've all dug in too far and are afraid of each other. Your job is quite difficult at times, and I want you to be better supported by good training to keep us moving together as a city.

Please reach out if I can support the city as you support the REIB to be its full, best self. Thank you for your service to Burlington, and for your consideration.

Jory Hearst
9 Convent Sq, BVT
jory.hearst@gmail.com

To: Mayor Mulvaney-Stanak and Burlington City Council Members

Subject: Support for Director Christian Berry and the REIB Office

Dear Mayor Mulvaney-Stanak and Council Members,

As a longtime Burlington resident, parent, business leader and taxpayer, I'm writing today to urge you to name Interim Director Christian Berry as the permanent head of the Racial Equity, Inclusion and Belonging (REIB) Office and to terminate the current open search.

I had the opportunity to meet Director Berry at this year's Juneteenth festival, and I was deeply struck by her calm, capable and compassionate leadership. Despite the weight of organizing a major event amid budget cuts, she created a celebration that brought our community together in powerful ways. This event brought folks downtown for a positive, enriching experience during a time when endless construction and safety concerns are keeping people away. Not only that, but she pulled it off with just 1/5th of the previous years' Juneteenth budget. By raising \$20K through partnerships with local community leaders, she ensured that this critical gathering for healing and joy still happened. That kind of commitment and collaborative spirit is exactly what our city needs right now.

We are in a moment of deep division, hurt and instability—especially in the very office designed to help us navigate such challenges. The REIB office has been strained by turnover and underfunding. Yet in the face of this, Director Berry has brought steadiness, wisdom and integrity to her role. She has continued the vital work of the office despite being blocked from filling vacancies, and she has earned the respect of community members and business leaders alike.

As someone who has spent over two decades investing in this city, both financially and emotionally, I supported your campaign, Mayor Mulvaney-Stanak, because of your promises to center racial justice and community healing. I've grown weary of toxic politics that undermine the very people trying to make Burlington better. When we finally have a Black woman leader in place who is doing the work and doing it well, the answer should be to lift her up, not hold her back.

I understand the value of due diligence in hiring—especially in public roles—but I also know what instability costs. We need to stop perpetuating the cycle of burnout and turnover. When you have someone already in the role who is qualified, trusted and effective, you do everything in your power to keep them.

I am not only urging that Director Berry be permanently appointed, but am also calling for an action plan that:

- Charters the REIB office to ensure its permanence,

- Commits to fully staffing and funding it,
- Outlines a training strategy for city leaders to handle difficult conversations around houselessness, safety and systemic inequities.

The REIB office was created to lead Burlington toward equity and healing. But it cannot fulfill that purpose without real support from city leadership. Your actions in this moment will show us whether your commitments to justice are words or values you truly intend to uphold.

Sincerely,

Penelope Wall

Ward 8

Greetings, Mayor Mulvaney-Stanak and members of Burlington City Council,

I write to you as someone who has worked as a consultant, strategist and organizer for almost 30 years on the body of knowledge and practice that is Diversity, Equity and Inclusion (DEI) and racial equity. My ongoing work with the White Affinity Space of the Social Equity Caucus of the Vermont Legislature and my role on the Executive Committee for the Windham County Branch of the NAACP along with my professional work has offered me numerous opportunities to witness the impact of white supremacy culture and systemic racism in our Vermont communities. Burlington is not alone in its challenges to disrupt and address the ongoing impact on our most marginalized community members. I am asking that you, in your positions of power and authority, examine this pattern, and I am calling for your accountability.

A pervasive issue of systemic racism that is deeply troubling to me is the continued and consistent pattern of systematic marginalization, exclusion, and dehumanization of women of color in positions of power and leadership in this state. This has never been more evident than in your city's government, which continues to struggle with retaining Black women in positions of authority and leadership. I do not pretend to know all of the specific details of the situations that have unfolded with previous Black femmes who have worked in positions of leadership in your city. However, I do have a deep understanding of how systemic racism and the culture of whiteness in Vermont continues to shape, impact and ultimately harm brilliant, highly skilled, and creative women of color.

As other Burlington community members have stated in recent letters and comments at City Council meetings, it is time for the leadership of the City of Burlington to name Interim Director Christian Berry the permanent head of The Office of Racial Equity, Inclusion and Belonging and terminate the open search. As leaders who claim to be committed to racial justice, show your unwavering support for the REIB Office by giving Director Berry the respect and professional courtesy that she has worked tirelessly for and is owed. The Mayor and other City Council members ran on a racial justice platform and made a variety of promises, which have not been delivered. Why? What is preventing you from following through on those promises of disrupting white supremacy culture in your city government and ensuring that women of color in leadership are supported and retained? With the support of my team from the Vermont Partnership for Fairness and Diversity, The City of Burlington was the first municipality in the state to develop and implement a Diversity and Equity Strategic Plan in 2014, addressing the systemic racism within city government and crafting a plan of action forward. Do not let that work end as a checked box. Historically, Burlington has been seen as a leader in this effort and now Burlingtonians and other citizens across the state who have supported racial

justice work want to see actions toward change. (If you haven't read the Strategic Plan, I highly recommend that you refer back to it for further guidance.)

I offer some questions for you to reflect on as you move forward in your efforts towards racial equity and justice in your beloved City:

- Has the City Council, the Mayor's staff and City leadership been trained in using an equity lens and building internal equity literacy to ensure that you are centering those most impacted by the policies and practices that the City develops and implements? If so, how are the results of that training being assessed?
- Are you comfortable and willing to name internally as colleagues when there is a lack of alignment between the City's values of equity and justice to what is actually implemented and operationalized on the ground for the people of this community? What does that accountability look like?

These questions will call upon you to examine whether you have the courage to respond to the demands and the hopes for creating stability within the REIB Office. The City leadership and the City Council are responsible and accountable to the people of your community, especially as privileged individuals in positions of power and influence. You must wrestle with your own positionality in this work. Bryan Stevenson of the Equal Justice Initiative says "We cannot heal what we don't feel." Disrupting the culture of white supremacy that exists in your city will be the hardest work you will ever engage in; it will also be the most liberatory and powerful work that will benefit your whole community.

Those of us in the struggle with you look forward to your response.

BEFORE THE BURLINGTON CITY COUNCIL

COMMENTS OF UBER TECHNOLOGIES, INC. re CITY FEES

August 4, 2025

Good evening Council Members, my name is Katie Franger and I work on Uber's policy team. Thank you for providing this opportunity to speak with you today.

I want to start by thanking the City for acknowledging the change that occurred on July 1st. Specifically, **Subsection B of Title 23, Section 754 of the Vermont Statutes**, which previously granted the City of Burlington certain authority, was repealed by its own terms. This particular provision previously empowered the City of Burlington to adopt local ordinances regulating transportation network companies like Uber.

With its repeal as of July 1st, all provisions of the City's Vehicle For Hire Ordinance that are inconsistent with state law are preempted. We look forward to working together with City officials to ensure local operations align with the state-mandated framework.

In the spirit of cooperation, in the last month, I have spoken with numerous city officials to understand the City's views on how the repeal of Section 754(b) affects the regulation of ridesharing in Burlington, including at the Vehicle For Hire Licensing Board's July 9th meeting.

We have sought written guidance from the City over the last month to ensure continued smooth operations in the City. To date, all we have been told is that the City believes it maintains the authority to continue to charge a supplemental per-trip business license fee - an increase to which is being considered by the Council here today. We are still seeking the City's views on the remainder of the sunset Ordinance, including the City's permitting process, driver background check standards, vehicle requirements, and oversight of company records.

We are concerned that the proposed increase in the per trip fee is not for the express purpose of administering the vehicle-for-hire ordinance, the current status of which is uncertain. This proposed increase shifts the nature of the charge from supporting the vehicle-for-hire system, to what is effectively a general revenue tax.

Just because the City believes it retains the authority to charge and to increase the fee **does not mean an increase is good policy**. I simply ask for the City and Council to recognize that at a time when people are already navigating rising costs across the board, increasing transportation prices would place an additional, unnecessary burden on members of this community.

On a separate but related note, I would also like to thank the Airport authority for agreeing to work together to update our existing operating agreement to make sure it appropriately reflects the changes to services and offerings for travelers.

Uber remains deeply committed to empowering Burlington's drivers with flexible income opportunities and ensuring residents have access to safe, reliable, and affordable transportation. We will continue to fully comply with all applicable Vermont state laws, both here in Burlington and across the state. As always, we are eager to maintain an open dialogue with the City and to collaborate with the legislature to proactively address any concerns raised by local stakeholders.

Cc

Hon. Emma Mulvaney-Stanak, Mayor

Katherine Schad, Chief Administrative Officer

Stephen Hamlin, Member, Vehicle for Hire Licensing Board

Paul Hines, Member, Vehicle for Hire Licensing Board

MAD RIVER

DISTILLERS

August 11, 2025

Dear Mayor Mulvaney-Stanak and City Council Members,

Our Vermont-based business, Mad River Distillers, opened our flagship tasting room and retail store in Burlington the Spring of 2016. We are a tourist-facing small business located at 137 St. Paul Street, at the corner of Main and St. Paul – diagonal from the Flynn Theater and directly across from City Hall Park.

Through a combination of hard work, responding to customer feedback, and establishing our storefront as a highly-rated destination on websites such as *Trip Advisor*, we have managed to grow the business in our Burlington location every consecutive year until 2024, which saw a moderate but worrying decline.

Since January 1, 2025, our business revenue is down 50%. This is not due to market trends, weather, or competition. It is due to the declining business environment in downtown Burlington. A recent Saturday afternoon illustrated the point perfectly, it was 75 degrees and sunny, with a nice breeze blowing off the lake, and what would previously have been a day that easily would have seen 75-100 customers visit our tasting room capped out at 16. Our neighbors reported the same disappointing results. There were no lines and no wait times for tables at restaurants and cafes around the park, just a lot of anxious employees looking down the street to see if a crowd of tourists would magically appear. The owner of neighboring business *Drink* ensured that I was safely able to get in my car at the end of the night, as there was an intoxicated individual careening shirtless around our back parking lot, weaving in and out of cars.

The well-documented combination of disruptive, years-long construction boondoggles, a severely-diminished sense of public safety, and the visible, unchecked presence of individuals struggling with homelessness and addiction has created a hostile environment for tourism, commerce, and employees alike. The atmosphere downtown is not just unpleasant - it is actively driving people away. And that includes not only tourist traffic, but also locals and employees, too.

Our visitors routinely ask staff about the individuals loitering in and around the park, rather than our award-winning products. Longtime local customers now avoid the area and express their regret. Hotels no longer recommend that their guests stroll around the downtown business district. The reduction in traffic and tips leads to fewer scheduled hours, which in turn leads to less income for my employees- I've lost three valued long-term employees in the last six months – each of them citing their unwillingness to continue working across from City Hall Park as a primary reason for leaving.

This is a business crisis, and it requires urgent action—not more task forces, studies, or theoretical five-year plans. Our downtown core cannot sustain itself if the message it sends to visitors and residents alike is: “You’re not welcome here, you're not safe here, and we don’t care.” Mad River Distillers, like a lot of other impacted businesses, does more than generate revenue for ourselves and income for our employees- we showcase Vermont products and lifestyle thereby encouraging tourists to visit and visitors to consider relocating. That is a huge benefit to the city and the state.

We need leadership to acknowledge the dual reality: that our vulnerable populations deserve compassion and that our central business district must remain welcoming and functional. Once Burlington loses its reputation as a destination, it's not going to come back.

156 Cold Spring Farm Rd. Warren, VT 05674 Tel: 802-496-6973
www.madriverdistillers.com

It is not mutually exclusive to provide services and support to those in need while also implementing common-sense policies that discourage open drug use, defecation and loitering in our most vital economic corridor. This is the face of downtown Burlington, and right now that face is a person passed out face-down on the pavement. A Boston TV station recently aired a segment about the decline of Burlington, and in the video was a naked man weaving across the four-way intersection – with our storefront and logo clearly visible in the background!

The question we pose is simple: Why is the City of Burlington continuing to allow City Hall Park – our front yard and what should be the shining gem of a multi-million-dollar downtown revision - to serve as the epicenter of this crisis?

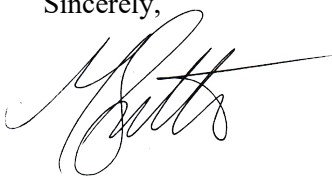
Why not encourage service providers, resource hubs, and support infrastructure to operate in other parts of town where those who need help can receive it without paralyzing the economic and cultural heart of Burlington? The current messaging is that the taxpaying businesses that cater to our city's visitors are second fiddle to the hundred or so estimated residents in crisis, who depend on the business tax revenue to fund their crisis services! Our priorities are all wrong.

Downtown businesses are fighting for survival. Right now. We are losing tourists, customers and employees on a daily basis.

Burlington is at the precipice of losing its reputation as a livable, welcoming, and economically vibrant city, it will not come back easily. Or possibly, at all. It will be empty storefronts, graffiti and boarded-up windows. It will be out-of-town businesses no longer sending employees to stay in downtown hotels. It will mean students no longer renting downtown apartments. And Burlington will cease to be a destination for anyone, including parents of students checking out potential college destinations. We are on the verge of all of those things happening. Right now.

We urge the City to act decisively – today - to reclaim and revitalize the downtown for everyone's benefit. Stop allowing that 100 or so disruptive members of the community at the core of the problem to continue using the downtown business district as their living room, bathroom and ashtray. The police know them by name, the workers know them by sight, why are they allowed to continue to hold an entire city for ransom?

Sincerely,

A handwritten signature in black ink, appearing to read 'Mimi Buttenheim', with a stylized, flowing script.

Mimi Buttenheim
President

Mad River Distillers
137 St. Paul Street
Burlington, VT 05401



2025 Sponsorship Report for City of Burlington

August 6, 2025



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Executive Summary

The 2025 M&T Bank Vermont City Marathon & Relay (VCM) exceeded expectations, drawing strong participation and engagement:

- An average increase of more than 10% in registrations.
- The largest demographic increase amongst marathoners was in the 18–29-year-old range and the largest increase based on experience was in first-time marathoners, consistent with the current third running boom and M&T Bank VCM being regarded as one of the best marathons for beginners.
- Marathon registration representation from 44 states and Washington D.C.
- There were 6.5 billion earned media impressions.
- The 2025 M&T Bank VCM continued to deliver on its existing reputation of being well organized, with amazing crowd support and community vibes.

“So well organized [and] friendly volunteers [on] course[.]”

“Overall a very well organized race. I would recommend it!”

“A BIG thank you to all the volunteers - everyone was so friendly and [they] all had big smiles on their faces[.]”

“One of my favorite sporting events because it's run so well, and includes thousands of people, participating, volunteering, cheering, sponsoring, etc. Change nothing - you've perfected this event.”

“Volunteers were amazing! Community is great!”

“Overall[,] I thought the race was quite well organized! The course was clearly marked, there were lots of aid stations, and the vibe was a lot of fun with all the spectators and the live music along the course.”

Post-Race Survey Feedback

Registrant Metrics

M&T Bank VCM – Registrant Metrics

Raw Numbers of Registrants (note these are team registrations):

	2023	2024	2025
Marathon	1,612	1,751	1,911
3 to 5-Person Teams	411	437	476
2-Person Teams	467	425	501
Youth Events	361	476	568

Percentage Growth:

	'23-'24	'24-'25	'23-'25
Marathon	8.62%	9.14%	18.55%
3 to 5-Person Teams	6.33%	8.92%	15.82%
2-Person Teams	-8.99%	17.88%	7.28%
Youth Events	31.86%	19.33%	57.34%

M&T Bank VCM – Registrant Metrics

Raw Numbers of Registrants (note includes captains and teammates):

	2023	2024	2025
Marathon	1,612	1,751	1,911
3 to 5-Person Relay	1,872	1,914	2,081
2-Person Relay	941	866	1,010
Total (exc. WC)	4,425	4,531	5,002
Youth Events	361	476	568

Percentage Growth:

	'23-'24	'24-'25	'23-'25
Marathon	8.62%	9.14%	18.55%
3 to 5-Person Relay	2.24%	8.73%	11.16%
2-Person Relay	-7.97%	16.63%	7.33%
Total (exc. WC)	2.40%	10.40%	13.04%
Youth Events	31.86%	19.33%	57.34%

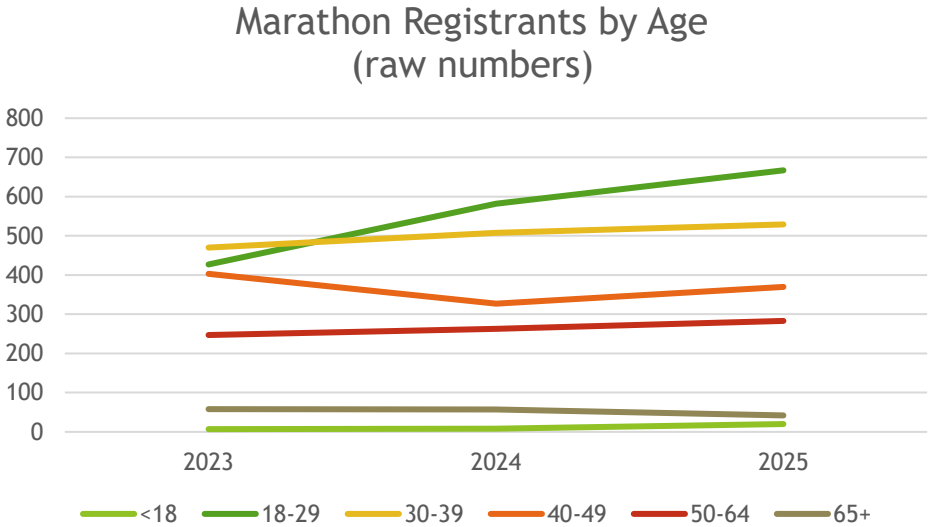
M&T Bank VCM - Registrant Metrics

Marathon Registrants by Age:
Raw Numbers

	2023	2024	2025
<18	7	8	20
18-29	427	582	667
30-39	470	508	529
40-49	403	327	370
50-64	247	263	283
65+	58	57	42
Unknown	0	6	0

Percentages

	2023	2024	2025
<18	0.43%	0.46%	1.05%
18-29	26.49%	33.24%	34.90%
30-39	29.16%	29.01%	27.68%
40-49	25.00%	18.68%	19.36%
50-64	15.32%	15.02%	14.81%
65+	3.60%	3.26%	2.20%
Unknown	0.00%	0.34%	0.00%



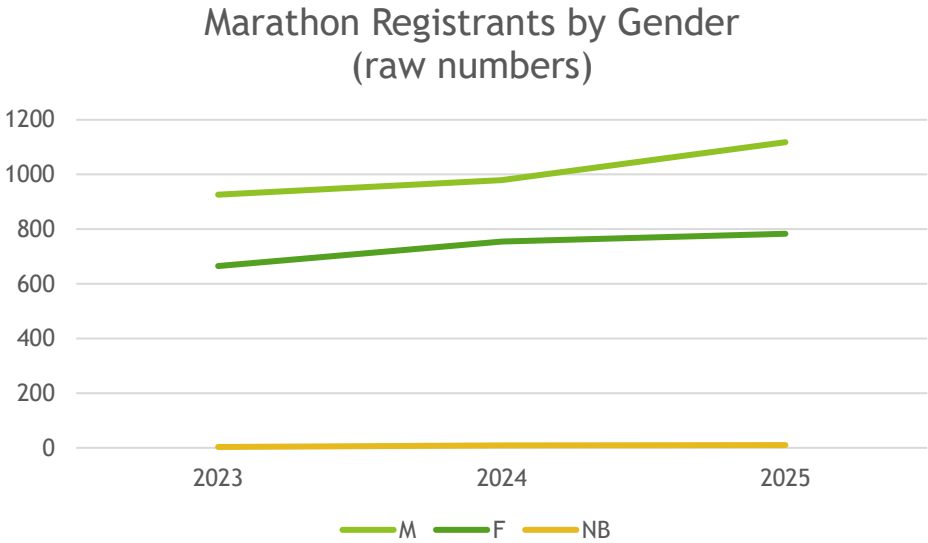
M&T Bank VCM - Registrant Metrics

Marathon Registrants by Gender:
Raw Numbers

	2023	2024	2025
M	926	979	1118
F	665	755	783
NB	3	9	10
Unknown	18	8	0

Percentages

	2023	2024	2025
M	57.44%	55.91%	58.50%
F	41.25%	43.12%	40.97%
NB	0.19%	0.51%	0.52%
Unknown	1.12%	0.46%	0.00%



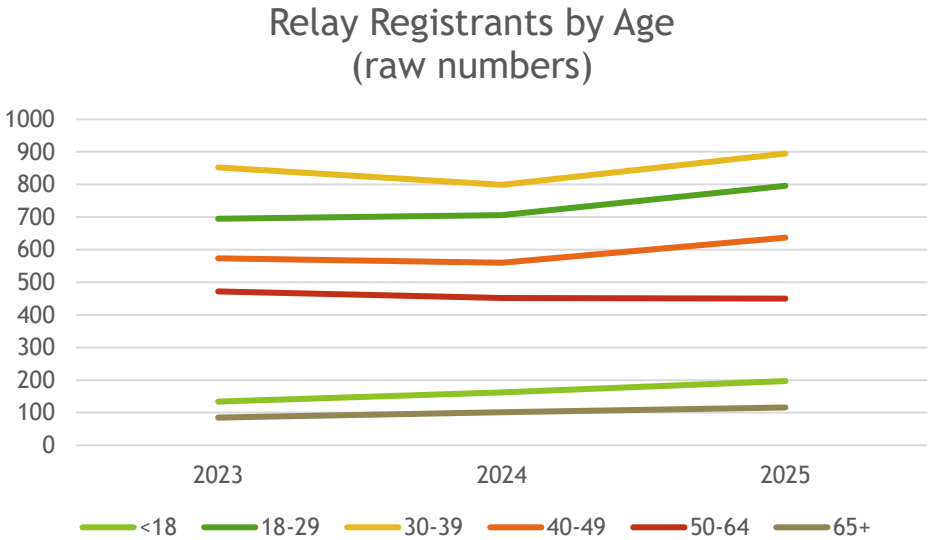
M&T Bank VCM - Registrant Metrics

Relay Registrants by Age:
Raw Numbers

	2023	2024	2025
<18	134	162	197
18-29	695	706	796
30-39	852	799	895
40-49	574	560	637
50-64	472	452	450
65+	85	101	116
Unknown	1	0	0

Percentages

	2023	2024	2025
<18	4.76%	5.83%	6.37%
18-29	24.71%	25.40%	25.75%
30-39	30.29%	28.74%	28.96%
40-49	20.41%	20.14%	20.61%
50-64	16.78%	16.26%	14.56%
65+	3.02%	3.63%	3.75%
Unknown	0.00%	0.00%	0.00%



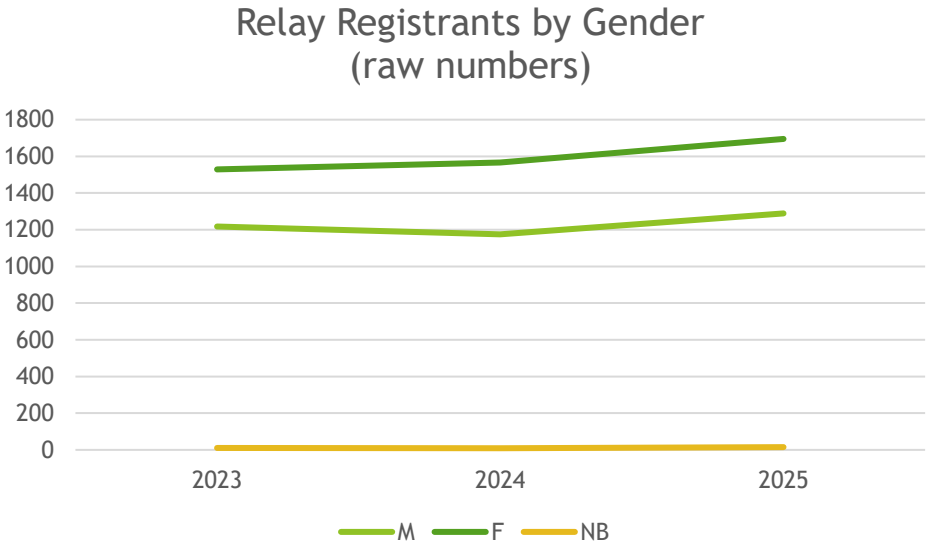
M&T Bank VCM - Registrant Metrics

Relay Registrants by Gender:
Raw Numbers

	2023	2024	2025
M	1218	1175	1289
F	1529	1567	1695
NB	10	9	15
Unknown	56	29	92

Percentages

	2023	2024	2025
M	43.30%	42.27%	41.70%
F	54.35%	56.37%	54.84%
NB	0.36%	0.32%	0.49%
Unknown	1.99%	1.04%	2.98%



M&T Bank VCM – Registrant Metrics

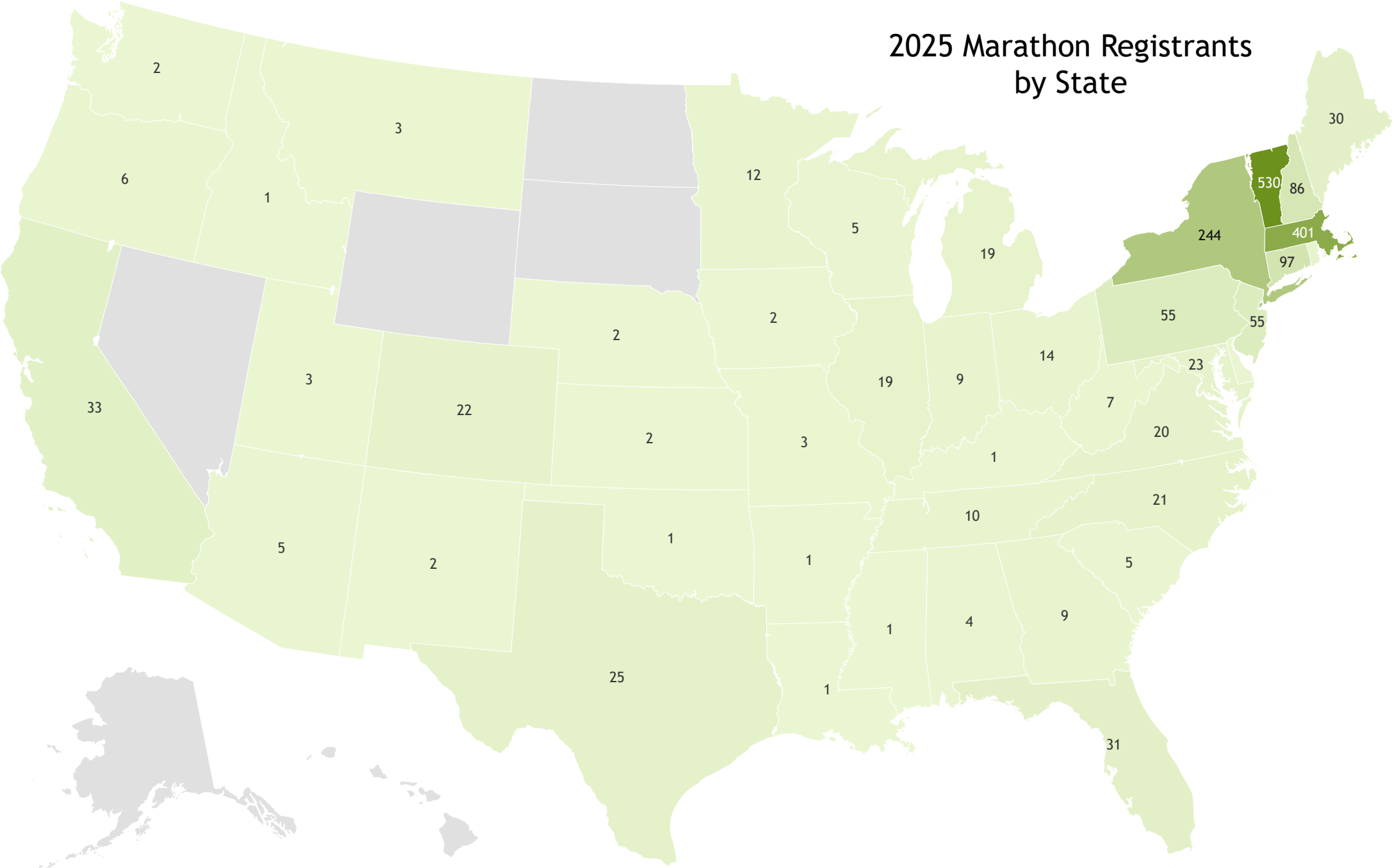
Marathon Registrants by State: Raw Numbers

State	2023	2024	2025
VT	467	486	530
MA	311	420	401
NY	211	195	244
CT	75	102	97
NH	97	83	86
NJ	39	52	55
PA	47	50	55
ME	23	32	30

Percentages

State	2023	2024	2025
VT	29.43%	28.35%	28.46%
MA	19.60%	24.50%	21.54%
NY	13.30%	11.38%	13.10%
CT	4.73%	5.95%	5.21%
NH	6.11%	4.84%	4.62%
NJ	2.46%	3.03%	2.95%
PA	2.96%	2.92%	2.95%
ME	1.45%	1.87%	1.61%

2025 Marathon Registrants by State



M&T Bank VCM - Registrant Metrics

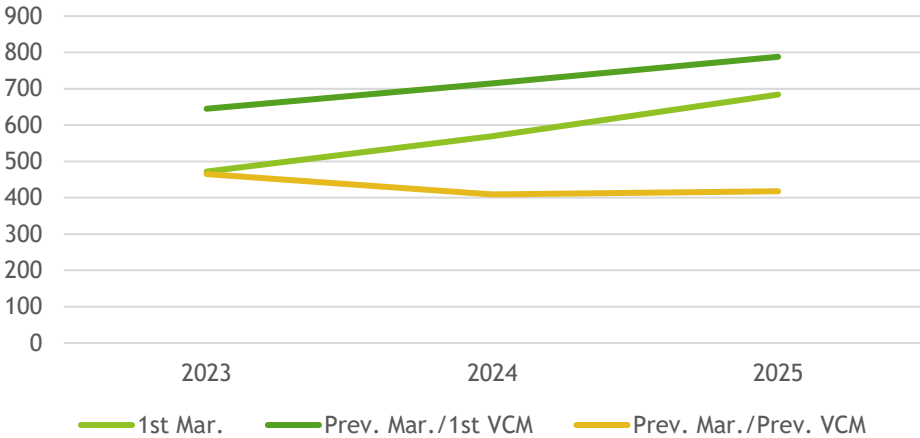
Marathon Registrants Experience Level:
Raw Numbers

	2023	2024	2025
1 st Mar.	472	569	684
Prev. Mar./ 1 st VCM	645	715	788
Prev. Mar/ Prev. VCM	465	409	418

Percentages

	2023	2024	2025
1 st Mar.	29.8%	33.6%	36.2%
Prev. Mar./ 1 st VCM	40.8%	42.2%	41.7%
Prev. Mar/ Prev. VCM	29.4%	24.2%	22.1%

Marathon Registrants by Experience Level
(raw numbers)



Volunteer Metrics

M&T Bank VCM – Volunteer Metrics

Volunteer Slots Filled:

Task Category	Number of Slots
Aid Station	140
Bike	13
Community Support	1
Course Monitor	55
Expo	123
Finish Line	9
Green Team	20
Ham Radio	12
Med. Team	64
Racers' Services	32
REZ	24
Setup/Break Down	7
Volunteers' Services	4
Youth Events	38
TOTAL	542

Notes:

- Does not include M&T Bank volunteers, on-course entertainment, or majority of the members of the Race Committee. While integral, these volunteers do not always register through the Volunteer Portal, making it more difficult to track.
- There were 486 unique volunteers that filled these 542 volunteer slots.
- Despite bringing on a Volunteer Coordinator who was instrumental in volunteer recruitment, the number of volunteers could be increased significantly, and the current volunteer pool will be a barrier to future growth.

Media & Marketing Metrics

M&T Bank VCM - Executive Summary of Media & Marketing Metrics

TOTAL BRAND IMPRESSIONS: 6,503,848,780

- **6.5 billion** circulation from PR/Media Placements (up from 216.7 million over a similar period)
- **1,301,675** brand impressions from Social Media (Paid & Organic) (up from 540,838 over a similar period)
- **1,890,523** brand impressions from Print & Digital Advertising (down from 5,333,564 over a similar period*)
- **656,582** brand impressions from Email Marketing (up from 280,892 over a similar period)

* For 2024, we paid for a multi-week advertising campaign with NBC5 in May that increased impressions, but from which we did not see any measurable result in terms of race registrations, volunteer signups, and the like. We decided against pursuing this as a tactic for 2025 and instead sought to maximize our media partnership with NBC5, which delivered for us in 2025 in terms of reach and ongoing exposure (captured under PR/Media Placements).



M&T Bank VCM - Organic Media (Public Relations) Metrics

TOTAL PLACEMENTS: 70 |
TOTAL CIRCULATION: 6.5 billion

- Local media stories picked up by MSN (Circulation: 153 million) & Yahoo! (Circulation: 25M)
- 3 stories placed with *Burlington Free Press* (Major Vermont daily newspaper)
 - Media Outlet Circulation: 32,809
- 1 story placed with *Seven Days* (Major Vermont alternative weekly paper)
 - Media Outlet Circulation: 35,976
- 3 stories placed with *Vermont Business Magazine* (Vermont statewide business magazine)
 - Media Outlet Circulation: 4,036
- 5 stories placed with WCAX-TV (Vermont CBS affiliate)
 - Media Outlet Circulation: 942,906

[CONTINUED ON NEXT SLIDE]



M&T Bank VCM - Organic Media (Public Relations) Metrics

TOTAL PLACEMENTS: 70 |
TOTAL CIRCULATION: 6.5 billion
[CONTINUED FROM PRIOR SLIDE]

- 27 stories placed with and live race-day coverage on *WPTZ-TV* (Vermont/Northern NY NBC affiliate)
 - Media Outlet Circulation: 473,036
- 3 stories placed with *WVNY-TV* (Vermont ABC and FOX affiliate)
 - Media Outlet Circulation: 62,534 (Includes Performance Foodservice Minute)
- Additional local & trade publication coverage (St. Albans Messenger, Williston Observer, Rutland Herald, Bennington Banner, Sportskeeda, and others)
- Travels with Charlie (WDEV-AM/FM) - Interview with Emily Halnon & RunVermont
 - Media Outlet Circulation: 40,000
- The Morning Drive (WVMT-AM) - Interview with M&T Bank & RunVermont
 - Media Outlet Circulation: 5,200
- Vermont Edition (Vermont Public) - Interview with Emily Halnon
 - Media Outlet Circulation: 200,000

Note: Media stories placed between December 2024 and June 2025

M&T Bank VCM - Organic Social Media Metrics

TOTAL ORGANIC SOCIAL BRAND IMPRESSIONS: 478,675

- **55,675** impressions from M&T Bank Vermont City Marathon & Relay Facebook page
- **423,000** impressions from RunVermont Facebook and Instagram pages

Note: This is for the period of October 2024 through May 2025

M&T Bank VCM - Paid Social Media Metrics

TOTAL PAID SOCIAL AD CAMPAIGN IMPRESSIONS: 823,000

Note: Advertising campaigns ran from October 2024 through December 2024 (leading up to the first registration price increase on January 1, 2025), January 2025 through March 2025 (leading up to the second registration price increase on March 16, 2025), and April 2025 through May 2025 (leading up to the race, covering final registration price increases, included a video advertisement)

M&T Bank VCM - Samples of Top Performing Social Media Posts

Vermont City Marathon
November 1, 2024 · 🌐

REGISTRATION IS NOW OPEN for the 2025 M&T Bank Vermont City Marathon & Half Marathon Unplugged!

Believe it or not, race day is closer than you think! 🏃 Secure your spot now and start prepping for an unforgettable race!

Race over to this link to register:

<https://runsignup.com/.../Burlington/VermontCityMarathon...>



👍❤️ 34 10 comments 7 shares

Like

Comment

Send

Share

Most relevant ▼

RunVermont
Published by Emily Woodwell-West
January 27 · 🌐

We're grateful for the unwavering support M&T Bank in helping us bring incredible experiences to the Vermont community. 🏃💚

F... See more



RunVermont
Published by Alex Tursi
May 25 at 7:41 PM · 🌐

THANK YOU to every participant, volunteer, and supporter who made the 2025 M&T Bank Vermont City Marathon & Relay unforgettable.... See more



4,000 total impressions

3,700 total impressions

35,300 total impressions
(boosted)

Vermont City Marathon

Meet Savannah and Alicia, twin sisters from Colchester, Vermont, who are preparing to run their first-ever marathon this year—the [M&T Bank Vermont City Marathon](#)!

Born and raised in the Green Mountain State, they've shared a lifelong bond and a passion for running. Starting as three-sport athletes in high school, they transitioned to track and cross country at UVM and have been running together ever since.

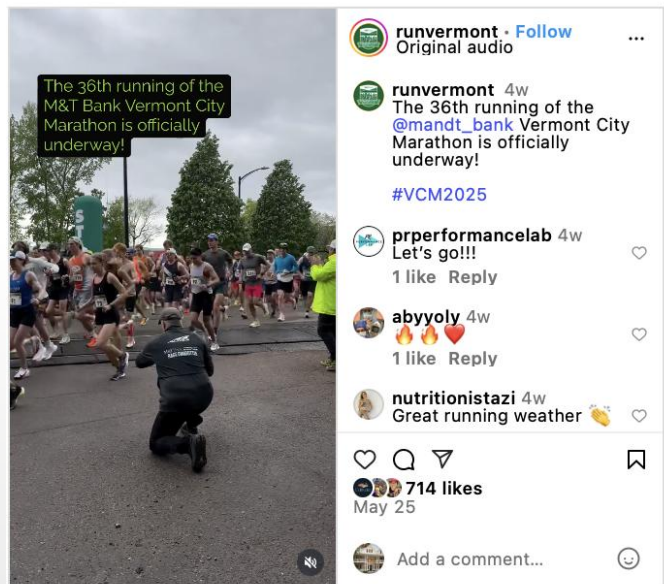
For Savannah and Alicia, running is about more than fitness—it's about connection, resilience, and joy. "We've always loved the Vermont City Marathon," Alicia shared. "We started volunteering at the finish line in high school and were inspired by the energy and sense of community. Now, it feels special to be running it together as our first marathon."

Through injuries, the challenges of pandemic training, and life's transitions, they've stayed committed to their sport and to each other. This year, they're turning their long-held dream into reality, tackling 26.2 miles in their home state.

Let's cheer Savannah and Alicia on as they take this step together! 🍀🏃‍♀️



9,800 total impressions



11,600 total impressions



15,100 total impressions

M&T Bank VCM - Samples of More Consistent Branding



Untapped

OFFICIAL
ENERGY GEL



half marathon
unplugged
UNVERMONT



wasted*

OFFICIAL
PORTA POTTY



INTRODUCING

VERMONT CITY
TWO MILE



OFFICIAL
SHOE SPONSOR



M&T Bank VCM - Advertising Metrics

TOTAL ADVERTISING BRAND IMPRESSIONS: 1,890,523

- North Avenue News: **32,500** impressions
(advertisements in March and May issues)
- Adirondack Sports & Fitness: **75,000** impressions
(advertisements in January, March, and April issues)
- Marathon Guide: **1,783,023** impressions
(digital advertisements from November 2024 through January 2025)



RUN. CHEER. VOLUNTEER.

Memorial Day Weekend 2025

5.23 - 5.25

VERMONT CITY MARATHON & RELAY

SCAN TO RUN

COME AND CHEER!

SCAN TO VOLUNTEER

www.runvermont.org

©2025 M&T Bank. Member FDIC.

STREET CLOSURES AND DELAYS

MAP KEY

North Avenue News Advertisement

M&T Bank

VERMONT CITY MARATHON & RELAY

Sunday, 5.25.25

Burlington, VT

Relay legs between 2.8 & 13.1 miles!

Register Here

RunVermont.org

Adirondack Sports & Fitness Advertisement

M&T Bank VCM - Email Metrics

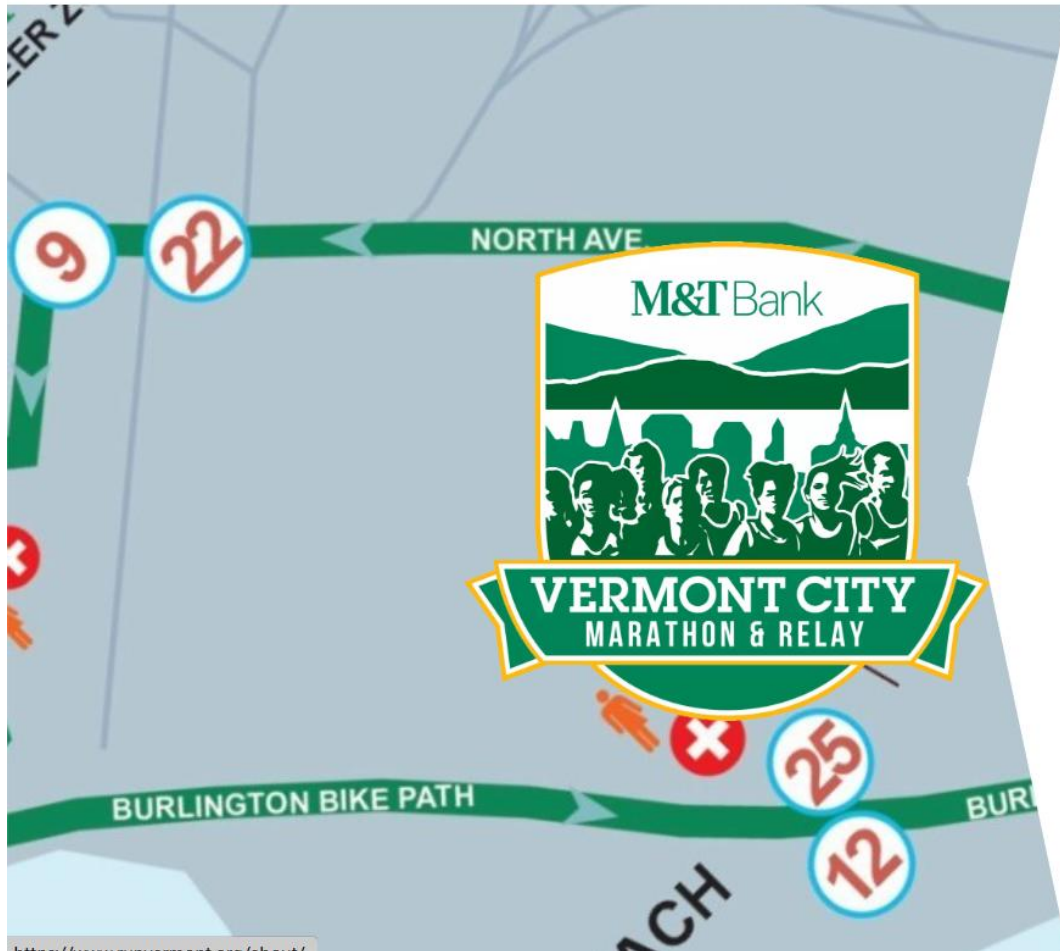
TOTAL EMAIL BRAND IMPRESSIONS: 656,582

- RunVermont email opens: **656,582**
- Includes emails sent through the email platforms for RunVermont and for the M&T Bank Vermont City Marathon & Relay, both hosted through RunSignup

Note: This is for the period of October 2024 through May 2025

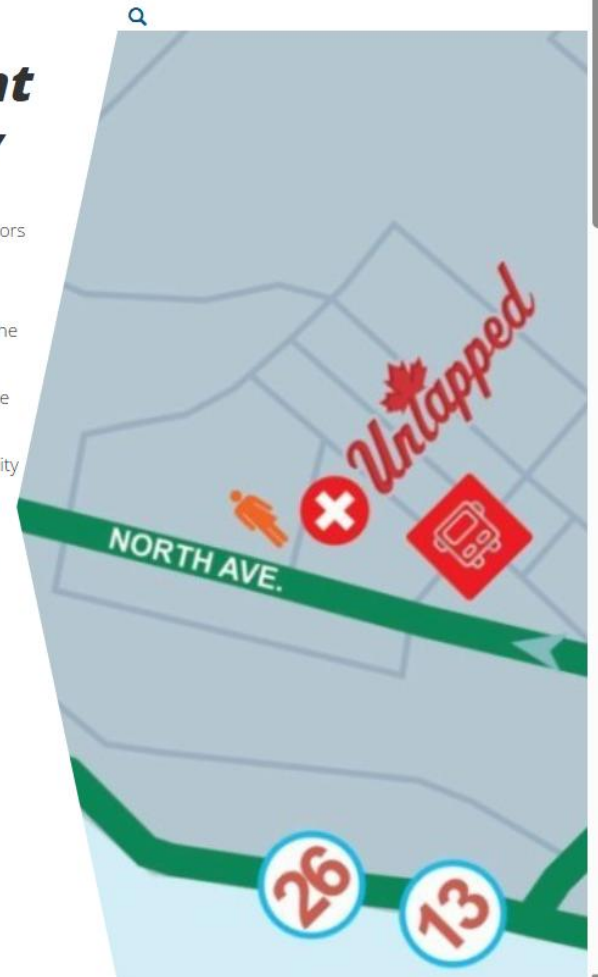
RunVermont Website Enhancements

- Removed photographs that included branding from prior title sponsors of the Vermont City Marathon & Relay (VCM) unless there was a reason to preserve the legacy branding.
- Updated or created race course and closure maps.
- Started posting newsletters to blog in a searchable format.
- Added links to pages about the M&T Bank VCM to homepage.
- Reposted missing results and links to results for all current races.
- Brought back invited runner and pacer profiles, added invited mascot profiles.
- Utilized consistent square branding across all pages, including for all pages for the M&T Bank VCM.
- Included more details on race amenities.
- Updated section on Things to Do.

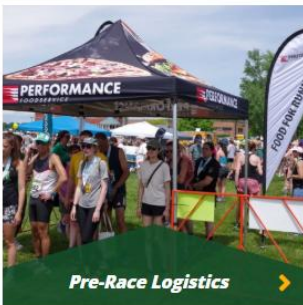


The M&T Bank Vermont City Marathon & Relay

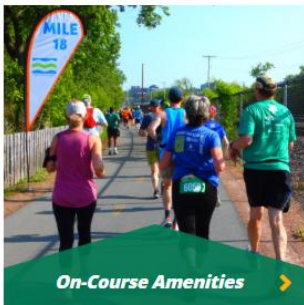
Every Memorial Day Weekend, more than 5,000 runners, 20,000 spectators and 800 volunteers come to Burlington, Vermont for the M&T Bank Vermont City Marathon & Relay - the third largest marathon in New England and both the second largest marathon relay in the nation and the largest single-day sporting event in Vermont. The course design allows spectators to easily see runners at various points during the race and the electrifying energy brought from the Taiko drummers, Burlington neighborhoods, and the Church Street Marketplace provides a community experience unlike any other marathon event. The course takes runners along the Adirondack and Green Mountain-framed shores of Lake Champlain for unmatched scenic beauty. Join us for the 2026 M&T Bank Vermont City Marathon & Relay on **Sunday, May 24, 2026**.

[Register](#)[All the Details](#)[Just the Relay Details](#)[Order a Custom Thuja Hoodie](#)

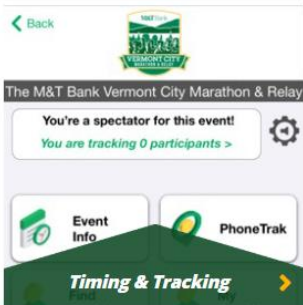
Everything you need to know for race day as a participant or spectator. If you do not see the information that you are looking for you should email info@runvermont.org.



Pre-Race Logistics



On-Course Amenities



Timing & Tracking



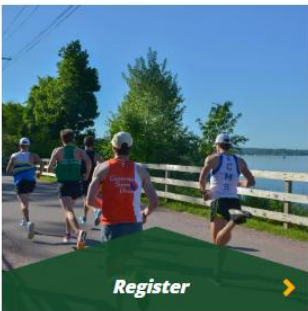
Pace Team



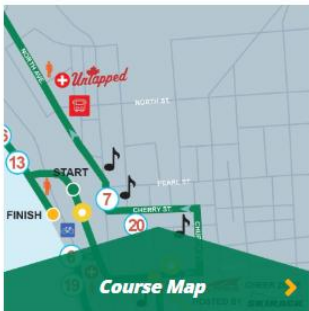
Post-Race Amenities



Transportation & Street Closures



Register



Course Map



Race Day Essentials



Relay Details



Resources & FAQs



Lodging

The RunVermont Pulse -- June 2025 Edition

, Jun 26, 2025

In this edition of the RunVermont Pulse: 1. Summer Series First Sweat Recap: A Family Affair for All Ages 2. M&T Bank Vermont City Marathon by the Numbers 3. Sustainability Stories: Plastic Benches and Double-Use Cups 4. Sports & Fitness Expo Sustainability Panel and Last Call for M&T Bank Vermont City Marathon Thuja Hoodies 5. Vermont City Two Mile and Mini Marathon Recap 6. Sponsor Shoutout: Soulmate Brewing Lee Krohn Photography Summer ... [More](#)

Category: [M&T Bank](#) [Featured](#) [Local News](#) [T25](#) [Marathon](#) [Sponsors](#) [Vermont City Marathon](#) [Vermont City Marathon Relay](#) [Volunteer](#) [Volunteers](#) [Tags](#)

Why You Should Participate in a Running Race Series: Learn More

, Jun 17, 2025

Are you looking to take your running to the next level, find new motivation, or simply expand your community? At RunVermont, we believe that participating in a race series offers an unparalleled experience beyond just a single event. With numerous running races in Vermont throughout the year, joining a series can keep you motivated and transform your training, provide a ... [More](#)

Category: [M&T Bank](#) [Featured](#) [Training](#) [Tags](#)

RunVermont Announces Official Results of the M&T Bank Vermont City Marathon

, Jun 11, 2025

RunVermont Announces Official Results of the 2025 M&T Bank Vermont City Marathon & Relay RunVermont's 36th annual M&T Bank Vermont City Marathon & Relay, Vermont's largest single-day sporting event, took place on May 25, 2025. There were more than 5,000 athletes registered for the individual marathon and 2-person and 3 to 5-person relay events and thousands of spectators cheering them on along ... [More](#)

Category: [Featured](#) [Marathon](#) [News](#) [Public Relations](#) [Vermont City Marathon](#) [Vermont City Marathon Relay](#) [Tags](#)

The 2025 M&T Bank Community Spirit Award

, May 07, 2025

Vote for the Winner of the 2025 M&T Bank Community Spirit Award! The famous marathon neighborhood cheering squads are gearing up, but only one can take home the 2025 M&T Bank Community Spirit Award! M&T Bank is proud to sponsor the 2025 Community Spirit Award given to the Burlington neighborhood that: Does something to keep the runners going Cheers the loudest Has the ... [More](#)

Category: [Featured](#) [Marathon](#) [Sponsors](#) [Vermont City Marathon](#) [Vermont City Marathon Course](#) [Vermont City Marathon Relay](#) [Tags](#)

The RunVermont Pulse -- April 2025 Edition

, Apr 18, 2025

Friday, April 18th, 2025 The RunVermont Pulse In this edition of the RunVermont Pulse: 1. Connelly's Corner - Half Marathon Unplugged 2. Altra Kickoff Recap 3. Merch Alert! 4. Memorial Day Weekend Youth Event Countdown 5. Runner Spotlight - 70 Marathons, 50 States, 70 Years (Almost) 6. Volunteer Spotlight - Ann Kaiser and M&T Bank 7. Sponsor Shoutouts and new M&T Bank Vermont City Marathon Map Connelly's Corner The return of ... [More](#)

Category: [Featured](#) [Half Marathon](#) [Half Marathon Unplugged](#) [Marathon](#) [Marathon](#) [Vermont City Marathon](#) [Vermont City Marathon Course](#) [Vermont City Marathon Relay](#) [Volunteer](#) [Volunteers](#) [Tags](#)

On-Course Amenities

Mile Markers | Aid Stations | Music | Cheer Zones

Mile Markers:

Mile marker signs are positioned every mile on the course.

Aid Stations:

Aid Stations have trained medical staff, radio operators, and Wasted* porta potties. All Aid Stations offer plain water and lemon-lime Gatorade. We are extremely grateful to the Road Runners Club of America and their Championship Program which offers Gatorade to races! As of Winter 2025, we are anticipating Gatorade Endurance Formula.

Endurance Formula is a specialty product designed for endurance athletes during competition. It has nearly twice the sodium (200mg/serving) and 3x the potassium (90mg/serving) compared to the original Gatorade formula.

The Aid Station at mile 7.5/20.6 will offer food products such as orange slices (product mix varies by year) provided by Performance Foodservice and UnTapped All Natural Athletic Fuel energy gels in Pure Maple, Coffee (27 mg caffeine), and Salted Citrus (100 mg sodium) varieties.



Things to Do:

Hello Burlington

Check out [Hello Burlington](#) for information on places to stay and eat, things to do, and a calendar of events.



Vermont Brewers Association

Check out the Vermont Brewers Association for a comprehensive [list of breweries](#) across the state. Whether you're exploring local favorites or trying something new, you'll find a variety of craft beers made with quality and care. Enjoy Beer Worth Finding and make sure to track your brewery explorations by using the VBA [brewery challenge app](#).



ECHO, Leahy Center for Lake Champlain

Neighbor to RunVermont and the M&T Bank Vermont City Marathon & Relay, [ECHO Leahy Center for Lake Champlain](#) is Vermont's science and nature museum on the Burlington Waterfront with the mission to inspire everyone and engage families in the joy of scientific discovery, wonder of nature, and care of Lake Champlain, through 100 science interactives; 50 live species of fish, reptiles, and amphibians; changing exhibits; and 3D theater. Not only is this worthy of a stop on any weekend trip to Burlington, but ECHO will be OPEN during the 2025 M&T Bank Vermont City Marathon (and so will Champ's Legendary Creemee Stand run by ECHO). ECHO is an [Association of Science and Technology Centers \(ASTC\)](#) member, so chances are good that if you are a member of a science museum in your home state your membership will provide you with free admission to ECHO.



Bike & Boat Rentals

Spend an afternoon pedaling the 12-mile Island Line bike trail up and down the Burlington Bike Path and out onto the causeway in the middle of Lake Champlain if you choose. Bike rentals available at [Local Motion](#). Rent a dinghy at the

[Community Sailing Center](#) and spend the afternoon tacking around Burlington Bay.

Shelburne Farms

This [historic 1,400 acre working farm](#) is a National Historic Landmark and a non-profit environmental education center. Visitors may enjoy the walking trails, children's farmyard, inn, restaurant, property tours and special events.

Additional Places of interest:

[Ben And Jerry's](#)

[Birds of Vermont Museum](#)

[Cabot Creamery](#)

[Echo Center](#)

[Ethan Allen Homestead](#)

[Flynn Center for the Performing Arts](#)

[Lake Champlain Islands Chamber of Commerce](#)

[Lake Champlain Maritime Museum](#)

[Lake Champlain Regional Chamber of Commerce](#)

[Lake Champlain Transportation](#)

[Shelburne Farms](#)

[Shelburne Museum](#)

[Spirit of Ethan Allen](#)

[Vermont Chamber of Commerce](#)

[Vermont Teddy Bear Company](#)

[Vermont Department of Tourism](#)

STREET CLOSURES AND DELAYS



Activation Metrics

M&T Bank VCM - Sports & Fitness Expo Exposure Metrics

- Total Attendees: Estimated at 5,000 to 10,000 (participants, friends, family, exhibitors, volunteers, members of the public attending live programming, etc.)
- Marathon Bib Pickups: Approximately 1,600 bibs
- Relay Team Bib Pickups: Bibs for approximately 900 teams (even split between 3-5 and 2-person relay teams)

Note: 2025 included live programming at the Sports & Fitness Expo (screening of the documentary *Running the 802*, Trailside (minus the trail) Chat with Emily Halnon and Aliza Lapierre, and a sustainability panel with RunVermont partners). There were also more than 30 exhibitors occupying more than 40 booths.







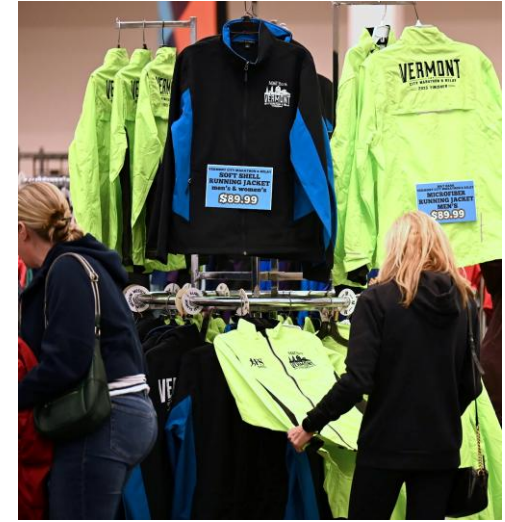
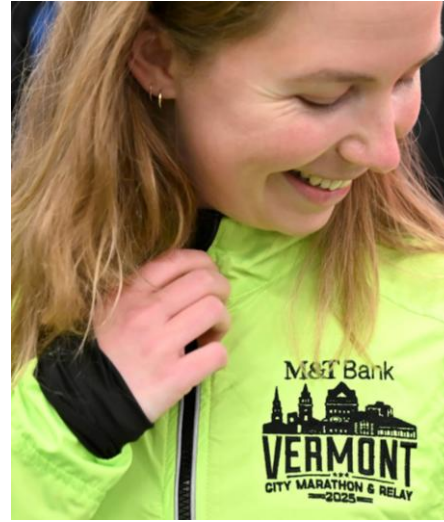
M&T Bank VCM - Race-Day Exposure Metrics

- Total Attendees: Estimated at 15,000 to 20,000 (participants, friends, family, exhibitors, volunteers, members of the public attending live programming, etc.)
- Bibs, Medals & Awards: Approximately 10,000
- Race Shirts & Jackets: Approximately 5,500 (volunteers, participants, and members of Race Committee, staff, and Board)
- Official Merchandise: Sold by National Running Center and Thuja Outdoor Clothing at Sports & Fitness Expo and online, multiple options, styles, and price points and estimated at more than \$30,000 in sales
- Athlete Appreciation Zone Items & Race Logo Cowbells: Approximately 5,000
- Banners & Signage: At high-exposure locations, including Waterfront Park, Church Street, hotels, and retail locations









M&T Bank VCM - MarathonFoto Exposure Metrics

- Open rate for MarathonFoto email to registrants: **87.17%**.
- Click rate for MarathonFoto email to registrants: **67.61%**.
- Links to download photos in multiple places on RunVermont website and included in multiple RunVermont emails to registrants.
- All downloads from MarathonFoto include the M&T Bank Vermont City Marathon & Relay race logo along with the logo of the M&T Bank Vermont City Marathon & Relay Memory Partner (Kinney Drugs).
- In the approximately one month following the M&T Bank Vermont City Marathon & Relay there were **11,830 photo downloads** from MarathonFoto.

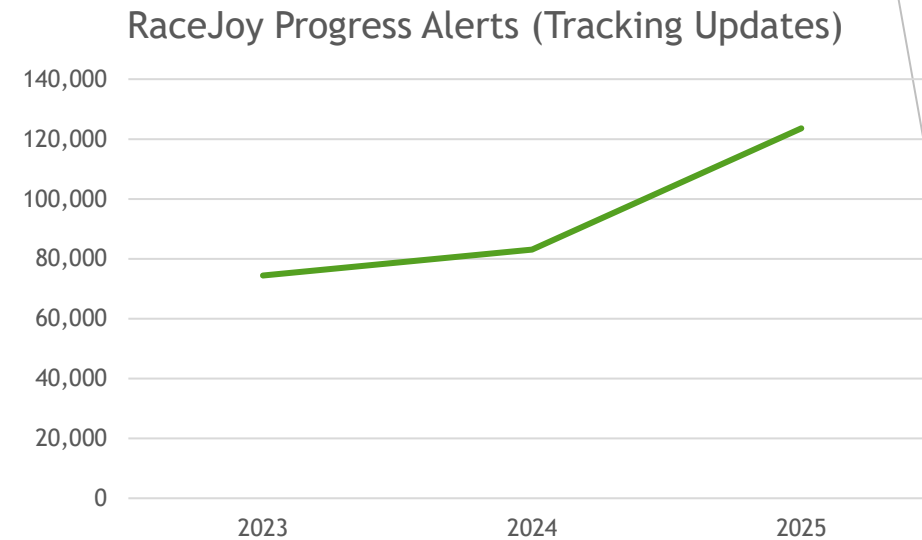
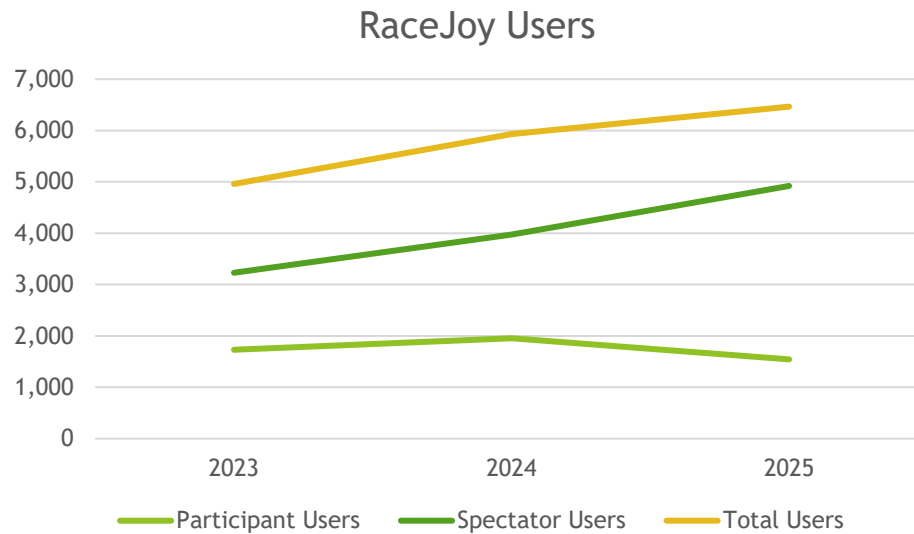


M&T Bank VCM - RaceJoy Metrics

- Increase in spectator usage, potentially fueled by chip tracking in 2025.
- Decrease in participant usage in 2025, most likely fueled by chip tracking in 2025 (no longer need to carry a cell phone in order to be trackable).
- Carrying a phone still enhances the RaceJoy experience and allows for GPS tracking updates every mile, but fewer participant users mean fewer recipients of cheers.
- Chip tracking in 2025 improved the ability of RunVermont staff to track participants, which yielded a 100% success rate for having the finisher's tape out at the right time.

	2023	2024	2025
Participant Users	1,729	1,955	1,544
Spectator Users	3,231	3,975	4,921
Total Users	4,960	5,930	6,465
Cheers Delivered	10,167	11,361	10,381
Progress Alerts	74,412	83,081	123,570

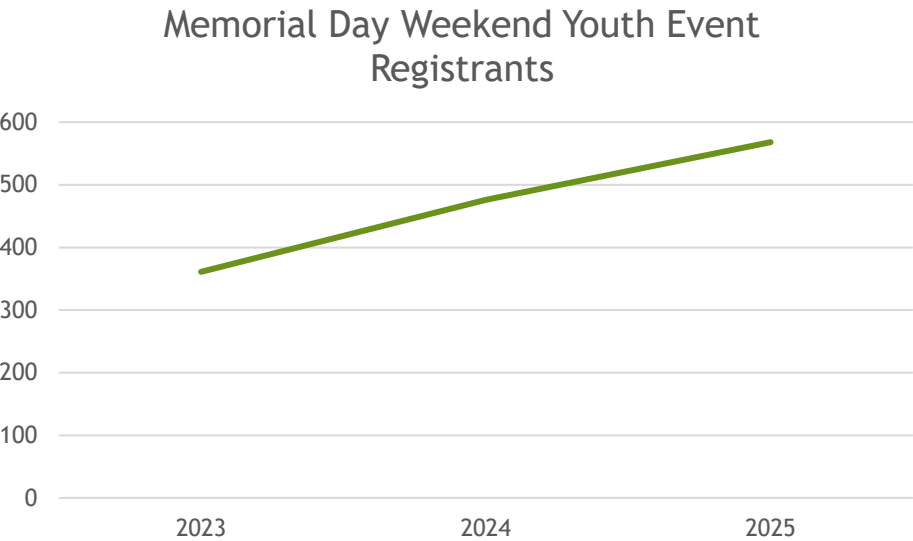
M&T Bank VCM - RaceJoy Metrics



- Enhancements to what was included on RaceJoy map in 2025 (cheer zones, entertainment, and hotels).

RunVermont Memorial Day Weekend Youth Events - Registrant Metrics

RunVermont Memorial Day Weekend Youth Events - Registrant Metrics



Percentage Growth:

	'23-'24	'24-'25	'23-'25
Half Mile	20.65%	3.21%	24.52%
Mile	46.11%	26.23%	84.43%
2 Mile	15.38%	48.89%	71.79%



Questions? Please contact:

Anthea Dexter-Cooper (she/her)
Executive Director, RunVermont
(802) 863-8412 | (917) 520-6105
anthea@runvermont.org

Alexandra Tursi
Founder and CEO, Cultivate
(802) 777-6737
alex@cultivatepr.co

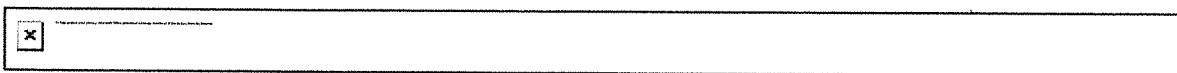
Lori Olberg

FOR INFORMATION ONLY

From: VLCT Weekly Legislative Report <info@vlct.org>
Sent: Friday, August 1, 2025 10:33 AM
To: Lori Olberg
Subject: 2025 Wrap-Up: Summer Update

'25 AUG 1 4 10:33

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



As we noted in June in the first part of our annual Legislative Wrap-Up, the 2025 session of the Vermont General Assembly was long and busy, and legislative actions included some major wins for municipal government in addition to generational changes to the state's systems for infrastructure funding, education finance, and housing creation.

In this Wrap-Up Summer Update, we explain 2025 summer study committee work, discuss unfinished business that VLCT will take up in the second half of the biennium, and recap some of the VLCT Advocacy team's major successes in blocking poorly conceived legislative proposals that could have created big problems for local government. We also point out several ways for VLCT members to provide a municipal perspective on state-level advisory commissions and work groups.

As always, please stay in touch. We value your ideas, feedback, and concerns.

Read the Summer Update of our 2025 Legislative Wrap-Up

This week at VLCT
>>>

Opioid Settlement
Advisory Committee
Needs You

Early Bird
Registration for Town
Fair 2025!

Enter the Town Report
Contest

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



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

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Lori Olberg

From: VLCT Events & Trainings <info@vlct.org>
Sent: Monday, August 4, 2025 7:38 AM
To: Lori Olberg
Subject: August VLCT Training

25 AUG 4 AM 11:51

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

August Training & Events

Have you been struggling to keep track of all the events, chats, meet-ups, and trainings VLCT offers? You can use this email, which arrives the first Monday of each month, to plan what you'd like to attend.

x

MON	TUE	WED	THU	FRI
8/4	8/5	8/6	8/7	8/8
	10 - 11:30 AM Grant Basics: The Application			
8/11	8/12	8/13	8/14	8/15
8/18	8/19	8/20	8/21	8/22
		1:30 - 2:30 PM Unemployment Best Practices		
8/25	8/26	8/27	8/28	8/29
			9:00 - 9:45 AM Muni Morning + Money Matters: Tools & Tips for Capital and Operating Budgets	Town Fair Early Bird Rate Ends!

Visit vlct.org/events

Event dates or topics may change. Please refer to vlct.org/events for the most current information.

[View as Webpage](#)

Lori Olberg

From: VLCT <info@vlct.org>
Sent: Tuesday, August 5, 2025 10:23 AM
To: Lori Olberg
Subject: It's Time to Register for Town Fair!

'25 AUG 5 PM 1:56

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



Town Fair Registration is Open!

NextGen Vermont: Navigating 21st Century Governance

October 8 | DoubleTree by Hilton, South Burlington
vlct.org/townfair

Join municipal officials from across the state for **Town Fair 2025**, VLCT's annual flagship event celebrating local leadership, community collaboration, and the future of municipal governance in Vermont.

This year's theme, **NextGen Vermont: Navigating 21st Century Governance**, explores how towns and cities can rise to today's challenges and embrace the opportunities ahead. Town Fair has something for everyone - from digital innovation to workforce transformation to inclusive civic engagement.

REGISTER

Pricing

October 8 - Town Fair | S. Burlington

Early Bird (ends Aug 31): **\$99**

Regular (begins Sep 1): **\$119**

Town Fair is where Vermont towns and cities come together to learn, connect, and lead forward.

Highlights include:

- A full hot breakfast with **roundtable discussions** to kickstart the day
- A powerful keynote by **Tami Pyfer of The Dignity Index**, examining how local government leaders can help bridge the political and cultural divisions within communities

FOR INFORMATION ONLY

Lori Olberg

From: Act250.Essex@vermont.gov
Sent: Tuesday, August 5, 2025 5:06 PM
To: dmullin@vermonthabitat.org; dmullin@vermonthabitat.org;
 dmullin@vermonthabitat.org; astout@legvt.com; heterodoxguy@gmail.com;
 Act250.Agenda@vermont.gov; Benjamin Traverse; Andrew Montroll;
 permitting@ccrpcvt.org; Act250.Essex@vermont.gov; burlingtontownclerk; Sarah
 Montgomery; Lori Olberg; James.eikenberry@usda.gov; info@winooskinrcd.org;
 john.gobeille@vermont.gov; toni.mikula@vermont.gov;
 josh.castonguay@greenmountainpower.com; efficiency@vermontgas.com;
 pics@veic.org; anr.act250@vermont.gov; barry.murphy@vermont.gov;
 PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov;
 ACCD.ProjectReview@vermont.gov; Stephanie.Monaghan@vermont.gov
Subject: 4C0122-12 Major (Hearing) Notice, and Hearing Sign
Attachments: hearing_sign 4C0122-12.pdf; Major_Notice 4C0122-12.pdf

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

Attached, please find the following documents: (1) Act 250 Notice for Application 4C0122-12 and Certificate of Service; and (2) Sign. Please note that per 10 V.S.A. § 6084(f), the applicant is required to post this sign on the subject property in a visible location no less than 14 days prior to the first prehearing conference or hearing, and until the permit is issued or denied. It is the responsibility of the applicant to keep the sign in legible condition throughout the duration of posting.

Adriene Katz | District Technician
 Land Use Review Board
 District 4 Environmental Commission
 111 West Street
 Essex Junction, VT 05452
 (802) 879-5670
<https://act250.vermont.gov>

Emails and other written or recorded information produced or acquired in the course of public agency business are public records and may be subject to public examination under Vermont's Public Records Act.

FOR INTERNAL USE ONLY

Lori Olberg

From: VLCT Weekly Legislative Report <info@vlct.org>
Sent: Wednesday, August 6, 2025 7:06 AM
To: Lori Olberg
Subject: Reminder: 2025 Wrap-Up: Summer Update

25 AUG 6 9:13

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



As we noted in June in the first part of our annual Legislative Wrap-Up, the 2025 session of the Vermont General Assembly was long and busy, and legislative actions included some major wins for municipal government in addition to generational changes to the state's systems for infrastructure funding, education finance, and housing creation.

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Read the Summer Update of our 2025 Legislative Wrap-Up

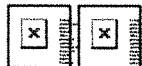
This week at VLCT
>>>

Opioid Settlement
Advisory Committee
Needs You

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Lori Olberg

From: Act250.Essex@vermont.gov
Sent: Wednesday, August 6, 2025 12:45 PM
To: adres@watershedca.com; markjohnsonekl@gmail.com; Benjamin Traverse; Andrew Montroll; permitting@ccrpcvt.org; anr.act250@vermont.gov; burlingtontownclerk; Sarah Montgomery; Lori Olberg; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; act250.legal@vermont.gov; act250.agenda@vermont.gov; Act250.Essex@vermont.gov; Stephanie.Monaghan@vermont.gov
Subject: JO 4-466 Jurisdictional Opinion
Attachments: JO 4-466.pdf

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

Attached is the Act 250 JO 4-466.

Elaine McDevitt | District Technician
Land Use Review Board
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
802-786-5920
<https://act250.vermont.gov>

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25 AUG 7 AM 10:56

FOR INFORMATION ONLY

Lori Olberg

From: Ferraro, Aaron <Aaron.Ferraro@vermont.gov>
Sent: Thursday, August 7, 2025 10:47 AM
To: jovialking@gmail.com
Cc: Gratz, Sara; Act250 - Essex; burlingtontownclerk; Alex Huizenga
Subject: Operational Stormwater permit 9758-9050 termination/revocation
Attachments: 9758-9050_revocation.pdf

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

FOR INFORMATION ONLY
25 AUG 7 AM 10:56
25 AUG 7 AM 10:56

Hi Jovial,

Your request to terminate State of Vermont operational stormwater permit 9758-9050 has been processed. See attached letter for your records.

Thanks,

Aaron Ferraro (he/him) | Environmental Analyst
Vermont Agency of Natural Resources
1 National Life Drive, Davis 3 | Montpelier, VT 05620-3522
802-490-6168 | Aaron.Ferraro@vermont.gov
anr.vermont.gov

There are times when I may be working at a field location, teleworking, or working from another office location. I am available to connect by phone and email. I am also available to connect in-person upon request.



VLCT.ORG/TF25



CONNECT WITH COLLEAGUES

Training tracks for:

- Clerks and Treasurers
- Listers and Assessors
- Highway and Road officials
- Town Managers and Administrators
- Selectboard/City Council Members

October 8

DoubleTree by Hilton
South Burlington

FOR INFORMATION ONLY



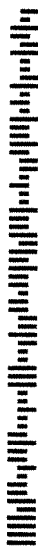
Vermont League of Cities and Towns

89 Main Street, Suite 4
Montpelier, VT 05602

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

25 MAY 2013

3 1



City Council
Burlington City
149 Church St
Burlington VT 05401-8429

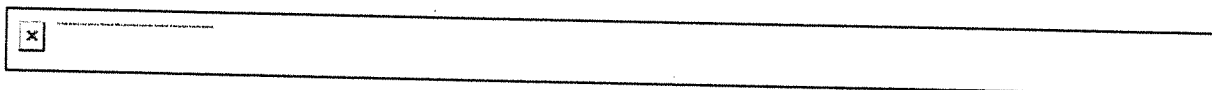
PRSRT STD
U.S. Postage
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Burlington, VT
Permit No. 253

Lori Olberg

From: VLCT News <info@vlct.org>
Sent: Tuesday, August 12, 2025 3:47 PM
To: Lori Olberg
Subject: Town Report Contest, TWO Budget-Related Trainings, Safety When Hanging Decorative Banners, and more

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

OFFICE OF THE CLERK
CITY OF BURLINGTON
100 STATE STREET
BURLINGTON, VT 05401
(802) 255-2000
www.cityofburlington.com

[News](#)[Resources](#)[Events](#)[Advocacy](#)[Jobs](#)

Register now to get the Early Bird rate for Town Fair in South Burlington on Wednesday October 8. The theme is NextGen Vermont: Navigating 21st Century Governance. The keynote speech on embracing dignity in discourse, trainings in five career tracks, and the awards lunch will all be bookended by the breakfast roundtables and the grand raffle.

Announcements & Updates

Nominate Your Town Report for Our New Contest!

Enter your 2024 Town Report by 8/15 for it to be judged according to five criteria in one of three population tiers. The top three winners in each tier will be finalists for the Members Choice Award to be presented at Town Fair.

State Sets Minimum Threshold for Holding Tax Sales

A very small part of the very large Act 73 of 2025 adds to the property tax sale process the requirement that the property must have at least \$1,500.00 in unpaid taxes.

Flood Damage Tax Abatement Reimbursements Extended to 11/17

If certain criteria are met, a municipality may request reimbursement from the state for state education property taxes that the municipality abated for the taxpayer. Find the explanation and review the eligibility criteria to see if your town can apply.

Help For Employers That Might Have Violated FLSA or FMLA

The Wage and Hour Division (WHD) of the U.S. Department of Labor offers the Payroll Audit Independent Determination (PAID) program to help employers resolve potential minimum wage and overtime violations under the Fair Labor Standards Act (FLSA), as well as certain potential violations under the Family and Medical Leave Act (FMLA).

Key Changes to Energy Tax Incentives Used by Municipalities

The One Big Beautiful Bill Act introduced major changes to federal energy tax incentives, with important implications for local governments and municipal energy efforts.

IRS Help Is Available for Claiming Energy Tax Incentives

The IRS is offering virtual office hours on six dates – one a month, starting on 8/20 – to answer your questions about the Elective Pay pre-filing registration process. Registration is required.

'25 AUG 14 AM 9:23

Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Wednesday, August 13, 2025 5:11 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

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

You are receiving this message because you have been signed up to receive email notifications via the Vermont Agency of Natural Resources' Environmental Notice Bulletin (ENB). These notifications are intended to inform you of environmental activities relevant to your town or organization based on location or activity type.

Below are current activities for which you have been signed up to receive notifications. To view the details of these activities please visit the ENB. When one or more activities that match your specific criteria is posted to ENB, you will receive a single email notification compiling the information. If you have been signed up to receive updates step-by-step throughout the review process for these activities the updates will appear in the second half of the email.

To modify the subscription, please contact the staff person listed on the individual activity page or the ENB Administrator at anr.enbadministrator@vermont.gov.

Regards,
ENB Support
Vermont Agency of Natural Resources

New Activities

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Status
Individual Stormwater Discharge Permit (INDS)	HULA Permit	8275-INDS.AR	Lakeside Ovens, LLC	Burlington	In Review

Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Monday, August 18, 2025 5:13 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

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

All requests for information should be directed to the staff person listed on the individual activity page or the ENB Administrator at anr.enbadministrator@vermont.gov.
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Regards,
 ENB Support
 Vermont Agency of Natural Resources

New Activities

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Status
Plan for Primary Battery Stewardship	Vermont Battery Stewardship Plan			Statewide	Draft Decision - Public Comment Period

Changes to Activities I'm Following

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Most Recent Update	Date	Status
Plan for Primary Battery Stewardship	Vermont Battery Stewardship Plan			Statewide	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.	2025-08-18	Draft Decision - Public Comment Period

25 AUG 20 4:09:02

FOR INFORMATION ONLY

Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Tuesday, August 19, 2025 5:13 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

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

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

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	Diamond Rock Burlington Tenant, LLC	2631-18438	Diamond Rock Burlington Tenant, LLC	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.	2025-08-19	Final Decision Reached - Appeal Period
Category 1 Underground Storage Tank - Operating/Renewal	Burlington Sunoco 60-B6	1185-18456	Burlington Sunoco 60-B6	Burlington	The administrative record set for this activity has been modified. Please visit the ENB to view the activity profile. The administrative record set for this activity has been modified. Please visit the ENB to view the activity profile.	2025-08-19	Draft Decision - Public Comment Period

Resolution Relating to

APPROVING THE PLEDGING OF THE CREDIT OF THE CITY IN ANTICIPATION OF THE RECEIPT OF REVENUE FROM THE TRAFFIC DIVISION OF THE PUBLIC WORKS DEPARTMENT

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, pursuant to Section 62(a) of the Charter of the City of Burlington (the “City”), the credit
2 of the City may be pledged by temporary borrowing in anticipation of the receipt of revenue from the City’s
3 Traffic Division of the Public Works Department (the “Traffic Division”) for such division’s ordinary running
4 expenses during times in any fiscal year when there are not sufficient funds on hand to the credit of the Traffic
5 Division for the payment of such bills and accounts, or sufficient unappropriated funds in the City’s treasury
6 from which such accounts may be paid pending the receipt of revenues of the division sufficient to pay such
7 bills and accounts; and

8 WHEREAS, Section 62(a) of the Charter of the City permits the City to secure a temporary loan with a
9 pledge of its full faith and credit, and to commit to pay such temporary loan from the receipts from the
10 collection of the installment of property taxes or other taxes next falling due after the making of the loan or
11 other legally available sources; and

12 WHEREAS, the Parking Facilities Fund (General Ledger Account 265) (the “Parking Fund”) is funded
13 by parking garage and lot revenues and supports the operation and maintenance of the garages, and lots
14 managed by the City’s Public Works Department, utilizing no tax revenues; and

15 WHEREAS, revenues from garages and lots operated by the Public Works Department, after taking
16 into account the costs of maintenance and operation, have decreased resulting in a significant budget shortfall;
17 and

18 WHEREAS, existing Parking Fund balance has been used and a shortfall remains and is projected to
19 linger through Fiscal Year 2026, although the fund is expected to show a net positive in Fiscal Year 2025; and

20 WHEREAS, by resolution adopted September 9, 2024, the City Council authorized the issuance of a
21 temporary borrowing in the amount not to exceed \$2,500,000 in order to pay the ordinary running expenses of
22 the Traffic Division, and in particular the Parking Fund, as there will not be sufficient funds on hand to the
23 credit of the Parking Fund for the payment of such bills and accounts; and

APPROVING THE PLEDGING OF THE CREDIT OF THE CITY IN
ANTICIPATION OF THE RECEIPT OF REVENUE FROM THE TRAFFIC
DIVISION OF THE PUBLIC WORKS DEPARTMENT

24 WHEREAS, pursuant to such authorization, the City issued its \$2,500,000 General Obligation
25 Revenue Anticipation Note Traffic Division, Series 2024 (Taxable), which matures September 12, 2025; (the
26 “Prior Note”); and

27 WHEREAS, the Director of the Public Works Department has requested that the City renew such
28 temporary loan in a principal amount of not to exceed \$2,500,000 in anticipation of revenues of the Parking
29 Fund in order to be able to pay the ordinary expenses of the Traffic Division, while the Public Works
30 Department explores methods to improve the balance of the Parking Fund;

31 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, Vermont, as
32 follows:

33 The Chief Administrative Officer is authorized to negotiate the terms and conditions with one or more
34 qualified banks or other financial institutions to provide a loan in the maximum principal amount of up to
35 \$2,500,000 to refinance the Prior Note and to provide working capital for the Traffic Division;
36 The City is hereby authorized and directed to borrow an amount not to exceed \$2,500,000 from a reputable
37 bank or commercial lender as the Chief Administrative Officer may approve (the “Loan”), and to issue a
38 revenue anticipation note and pledge the credit of the City for the repayment thereof (the “Note”), for the
39 purpose of refinancing the Prior Note and providing working capital for the Parking Fund. The Note shall be a
40 general obligation of the City and shall mature within one year from the date it is extended to the City. The
41 Loan shall be paid from the revenues received by the Parking Fund and if such amount is insufficient to pay
42 the Loan, the Loan may be repaid with tax revenues or other legally available funds. If the funds in the
43 Parking Fund are insufficient to repay the Loan, the Traffic Division will return to the City Council in a timely
44 fashion to resolve the issue. The Loan may be made on a draw-down basis, repaid and re-borrowed during
45 such one-year period as needed in order to pay the ordinary running expenses of the Traffic Division. The true
46 interest cost for the Loan as determined by the Chief Administrative Officer, the Director of Finance, or the
47 Assistant Director of Finance shall not exceed seven and one-half percent (7.50%) per annum;
48 In the event that the true interest cost of the Loan would exceed seven and one-half percent (7.50%) per
49 annum, the prior approval of the City’s Board of Finance shall be required; and

50 The Mayor and Chief Administrative Officer are, and each one of them is, hereby authorized and
51 empowered to execute and deliver the Note in the maximum principal amount of the Loan, together with any
52 renewal notes, as and when the Loan is renewed, if applicable. The Mayor and Chief Administrative Officer,
53 Director of Finance, and the Assistant Director of Finance, are, and each one of them is, hereby authorized and
54 empowered to execute and deliver (i) a loan agreement with the lender to evidence the Loan and the

55 repayment thereof, (ii) such documents and instruments as the lender may request in connection with the
56 Loan, in such form and with such terms as they deem necessary and in the City's best interest, and (iii) such
57 other documents and instruments necessary or convenient in connection with the Loan, subject to prior review
58 by the City Attorney or bond counsel to the City.

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TM/Resolutions 2025/*Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue From the Traffic Division of the
Public Works Department*
8/21/25



OFFICE OF THE CLERK/TREASURER City of Burlington

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

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

To: Board of Finance and City Council
From: Bradley, Kukenberger, Director of Finance
Darlene Bayko, Assistant Director of Finance
Chapin Spencer, Public Works Director
Re: \$2.5M Revenue Anticipation Note
Date: August 25, 2025

Background:

As has been noted previously to these bodies, the Parking Facilities Fund (Fund 265) revenues were severely reduced, and in fact fell to nothing for many months during COVID. In total, this generated a loss of approximately \$1 million. This operating loss caused the Parking Facilities Fund to not meet the Debt Service Coverage Ratio requirements for its long-term bank loan issued on December 3, 2019. To avoid breaching a condition of our loan and causing a non-compliance issue with our lender and also potentially a negative effect to the City's Moody's credit rating, the City paid off this \$3.5 million loan on June 4, 2021.

In summary:

Parking Fund Balance – start of FY'21	\$1.2M
COVID Losses	(\$1.0M)
<u>Debt Payment</u>	<u>(\$3.5M)</u>
Deficit	(\$3.3M)

To handle the \$3.3M deficit, in May 2022, the City used \$1M of ARPA funds to cover COVID losses and Board of Finance and City Council approved a \$2.5M Revenue Anticipation Note (RAN) to handle the rest of the debt. This original RAN had a one-year term but was authorized by the Council in August 2023 to be renewed for an additional year. In August of 2024, this council authorized another year of interest only payments for another RAN. Given the Parking Facilities Fund COVID recovery has been slow, the CT office, the Department of Public Works (DPW) and the City's financial advisors, recommend renewing the RAN for an additional year. The City is finalizing details and will select a RAN with an interest rate below 7.5%.

While FY25 numbers are still being finalized, the Parking Facilities Fund is expected to show a net positive of around \$400,000. This positive change, along with an additional one-year note will allow the CT office and DPW to continue to work on their recovery strategy and multi-year plans that will position the City to secure a longer-term debt instrument that the Parking Facilities Fund can sustainably pay off.

The Parking Facilities Fund has budgeted for the required interest payments in the FY26 budget. Feel free to reach out with any questions.

MOTION:

BOF:

To approve and recommend that the City Council waive the reading and to adopt the proposed resolution approving the renewal of an existing revenue anticipation note for the Parking Facilities Fund, in an amount not to exceed \$2.5 Million and with an interest rate not to exceed 7.5%.

City Council:

To waive the reading and to adopt the proposed resolution approving the renewal of an existing revenue anticipation note for the Parking Facilities Fund, in an amount not to exceed \$2.5 Million and with an interest rate not to exceed 7.5%.

Board of Finance and City Council Submission ChecklistBrad Kukenberger, Director of
Finance/Darlene Bayko, Asst.Department: Clerk Treasurer Office Submitter: Director of FinanceTitle/Subject: \$2.5MM Parking Revenue Anticipation Note

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	8/25/2025

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	08/18/25	Katherine Schad
Mayor's Office informed and approved memo	Yes	08/20/25	Erin Jacobsen
Board/Commission, if required	Yes	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	8/18/2025	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	8/18/2025	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?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	N/A	
Draft Resolution or Motion?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	

Resolution Relating to

APPROVING THE PLEDGING OF THE CREDIT OF THE
CITY IN ANTICIPATION OF THE RECEIPT OF REVENUE
FROM THE TRAFFIC DIVISION OF THE PUBLIC WORKS
DEPARTMENT

RESOLUTION 3.29

Sponsor(s): Bd. of Finance

Introduced: 08/25/25

Referred to: _____

Action: adopted

Date: 08/25/25

Signed by Mayor: 08/28/25

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, pursuant to Section 62(a) of the Charter of the City of Burlington (the “City”), the credit
2 of the City may be pledged by temporary borrowing in anticipation of the receipt of revenue from the City’s
3 Traffic Division of the Public Works Department (the “Traffic Division”) for such division’s ordinary running
4 expenses during times in any fiscal year when there are not sufficient funds on hand to the credit of the Traffic
5 Division for the payment of such bills and accounts, or sufficient unappropriated funds in the City’s treasury
6 from which such accounts may be paid pending the receipt of revenues of the division sufficient to pay such
7 bills and accounts; and

8 WHEREAS, Section 62(a) of the Charter of the City permits the City to secure a temporary loan with a
9 pledge of its full faith and credit, and to commit to pay such temporary loan from the receipts from the
10 collection of the installment of property taxes or other taxes next falling due after the making of the loan or
11 other legally available sources; and

12 WHEREAS, the Parking Facilities Fund (General Ledger Account 265) (the “Parking Fund”) is funded
13 by parking garage and lot revenues and supports the operation and maintenance of the garages, and lots
14 managed by the City’s Public Works Department, utilizing no tax revenues; and

15 WHEREAS, revenues from garages and lots operated by the Public Works Department, after taking
16 into account the costs of maintenance and operation, have decreased resulting in a significant budget shortfall;
17 and

18 WHEREAS, existing Parking Fund balance has been used and a shortfall remains and is projected to
19 linger through Fiscal Year 2026, although the fund is expected to show a net positive in Fiscal Year 2025; and

20 WHEREAS, by resolution adopted September 9, 2024, the City Council authorized the issuance of a
21 temporary borrowing in the amount not to exceed \$2,500,000 in order to pay the ordinary running expenses of
22 the Traffic Division, and in particular the Parking Fund, as there will not be sufficient funds on hand to the
23 credit of the Parking Fund for the payment of such bills and accounts; and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

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

Adopted by the City Council

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

..... Clerk

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

..... Mayor

Vol. Page

* * * * *

APPROVING THE PLEDGING OF THE CREDIT OF THE CITY IN
ANTICIPATION OF THE RECEIPT OF REVENUE FROM THE TRAFFIC
DIVISION OF THE PUBLIC WORKS DEPARTMENT

WHEREAS, pursuant to such authorization, the City issued its \$2,500,000 General Obligation Revenue Anticipation Note Traffic Division, Series 2024 (Taxable), which matures September 12, 2025; (the “Prior Note”); and

WHEREAS, the Director of the Public Works Department has requested that the City renew such temporary loan in a principal amount of not to exceed \$2,500,000 in anticipation of revenues of the Parking Fund in order to be able to pay the ordinary expenses of the Traffic Division, while the Public Works Department explores methods to improve the balance of the Parking Fund;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, Vermont, as follows:

The Chief Administrative Officer is authorized to negotiate the terms and conditions with one or more qualified banks or other financial institutions to provide a loan in the maximum principal amount of up to \$2,500,000 to refinance the Prior Note and to provide working capital for the Traffic Division; The City is hereby authorized and directed to borrow an amount not to exceed \$2,500,000 from a reputable bank or commercial lender as the Chief Administrative Officer may approve (the “Loan”), and to issue a revenue anticipation note and pledge the credit of the City for the repayment thereof (the “Note”), for the purpose of refinancing the Prior Note and providing working capital for the Parking Fund. The Note shall be a general obligation of the City and shall mature within one year from the date it is extended to the City. The Loan shall be paid from the revenues received by the Parking Fund and if such amount is insufficient to pay the Loan, the Loan may be repaid with tax revenues or other legally available funds. If the funds in the Parking Fund are insufficient to repay the Loan, the Traffic Division will return to the City Council in a timely fashion to resolve the issue. The Loan may be made on a draw-down basis, repaid and re-borrowed during such one-year period as needed in order to pay the ordinary running expenses of the Traffic Division. The true interest cost for the Loan as determined by the Chief Administrative Officer, the Director of Finance, or the Assistant Director of Finance shall not exceed seven and one-half percent (7.50%) per annum; In the event that the true interest cost of the Loan would exceed seven and one-half percent (7.50%) per annum, the prior approval of the City’s Board of Finance shall be required; and

The Mayor and Chief Administrative Officer are, and each one of them is, hereby authorized and empowered to execute and deliver the Note in the maximum principal amount of the Loan, together with any renewal notes, as and when the Loan is renewed, if applicable. The Mayor and Chief Administrative Officer, Director of Finance, and the Assistant Director of Finance, are, and each one of them is, hereby authorized and empowered to execute and deliver (i) a loan agreement with the lender to evidence the Loan and the

* * * * *

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

* * * * *

APPROVING THE PLEDGING OF THE CREDIT OF THE CITY IN
ANTICIPATION OF THE RECEIPT OF REVENUE FROM THE TRAFFIC
DIVISION OF THE PUBLIC WORKS DEPARTMENT

repayment thereof, (ii) such documents and instruments as the lender may request in connection with the
Loan, in such form and with such terms as they deem necessary and in the City's best interest, and (iii) such
other documents and instruments necessary or convenient in connection with the Loan, subject to prior review
by the City Attorney or bond counsel to the City.

TM/Resolutions 2025/*Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue From the Traffic Division of the
Public Works Department*
8/21/25

* * * * *

DISTRIBUTION:

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

CT, Darleme Bayko

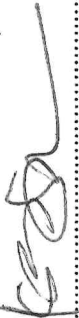
ORIGINAL

RESOLUTION RELATING TO

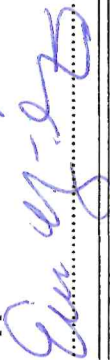
Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of
Revenue From The Traffic Division Of The Public Works Department

Adopted by the City Council

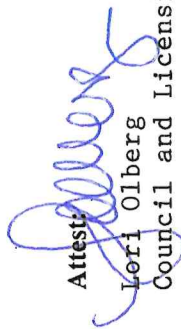
August 25 20 25

 Clerk

Approved..... Aug 28 20 25

 Mayor

Vol. Page

Attest:

Leri Olberg
Council and Licensing Coordinator

* * * * *

Resolution Relating to

AUTHORIZATION FOR UP TO \$518,600 STEP II LOAN FROM VERMONT CLEAN WATER STATE REVOLVING FUND, FOR AN ENGINEERING CONTRACT WITH WRIGHT PIERCE FOR UP TO \$70,000 AND FOR AN AMENDED ENGINEERING CONTRACT WITH STANTEC FOR AN ADDITIONAL AMOUNT UP TO \$50,000 FOR THE UPSIZED SEWER ON CHERRY STREET PROJECT

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, the State of Vermont Clean Water State Revolving Fund (“CWSRF”) provides loans for
2 planning and preliminary engineering (Step I) and final design engineering (Step II) of municipal wastewater
3 and stormwater system projects; and

4 WHEREAS, the City has determined the need to replace and upsize the sewer main on Cherry Street as
5 part of a bigger project to convey wastewater flows from the East Wastewater Plant to the Main Wastewater
6 Plant as well as to accommodate future development along Cherry Street (the “Project”); and

7 WHEREAS, at an annual meeting of the City of Burlington (the “City”) held on March 4, 2025, the
8 voters of the City approved borrowing up to a principal amount not to exceed \$152,000,000 in the aggregate,
9 for the purpose of paying for (i) capital additions and improvements to the City’s wastewater and stormwater
10 systems, including the City’s wastewater treatment plants, pump stations and collection system, the
11 stormwater treatment and collection system, combined sewer outflow mitigation projects, stormwater outfall
12 rehabilitation, and (ii) funding a debt service reserve fund and paying costs of issuance; and

13 WHEREAS, the Project is part of the capital additions and improvements authorized by the voters at
14 said annual meeting; and

15 WHEREAS, the City Council has previously authorized a Step I loan for Preliminary Engineering
16 (RF1-332-1.0) in a principal amount not to exceed \$398,600 for the Project pursuant to a resolution adopted
17 on August 15, 2022; and

18 WHEREAS, the next phase of the Project is completion of Final Design work for upsizing the sewer
19 on Cherry Street which is a portion of the larger project that is part of RF1-332-1.0; and

20 WHEREAS, the City has followed a competitive qualifications based procurement process required by
21 the State and selected Wright Pierce as the most qualified contractor for the hydraulic engineering of this
22 Project; and

23 WHEREAS, this phase of final design is estimated to require a total contract authorization of \$70,000
24 with Wright Pierce; and

25 WHEREAS, the City has followed a competitive qualifications based procurement process required by
26 the State and selected Stantec as the most qualified contractor for the design engineering of this Project; and

Resolution Relating to

AUTHORIZATION FOR UP TO \$518,600 STEP II LOAN FROM VERMONT CLEAN WATER STATE REVOLVING FUND, FOR AN ENGINEERING CONTRACT WITH WRIGHT PIERCE FOR UP TO \$70,000 AND FOR AN AMENDED ENGINEERING CONTRACT WITH STANTEC FOR AN ADDITIONAL AMOUNT UP TO \$50,000 FOR THE UPSIZED SEWER ON CHERRY STREET PROJECT

27 WHEREAS, this phase of final design is estimated to require an amendment of an additional \$50,000
28 to an existing contract amount of \$2,217,249 for a total contract authorization of \$2,267,249 with Stantec; and

29 WHEREAS, the Project is eligible for a Step II State of Vermont CWSRF Final Design Loan totaling
30 \$518,600 (inclusive of the Step I loan amount); and

31 WHEREAS, the standard CWSRF Loan terms for projects of this type are up to 10 years at 0%
32 interest;

33 NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Director of Public Works,
34 or his designee, to complete the Step II Loan Application for Revolving Loan Funds Revolving Loan Funds
35 under 24 V.S.A. Chapter 120 and to apply to the Vermont CWSRF and Vermont Bond Bank (the “Bank”) for
36 the financing of a loan in a principal amount not to exceed \$518,600 (the “Loan”) subject to final review and
37 approval by the Chief Administrative Officer, Director of Finance, and City Attorney’s Office; and

38 BE IT FURTHER RESOLVED that the City Council authorizes the Director of Public Works to execute
39 an Engineering Services Agreement with Wright Pierce for hydraulic engineering for a total authorized
40 expenditure not to exceed \$70,000, subject to review and approval by the City Attorney’s Office; and

41 BE IT FURTHER RESOLVED that the City Council authorizes the Director of Public Works to execute
42 an amendment to the Engineering Services Agreement with Stantec for final design in an additional amount not
43 to exceed \$50,000, for a total authorized expenditure not to exceed \$2,267,249, subject to review and approval
44 by the City Attorney’s Office; and

45 BE IT FURTHER RESOLVED that the City Council authorizes the Mayor, Chief Administrative
46 Officer, Director of Finance, and Assistant Director of Finance (the “Authorized Officers”), individually or
47 collectively, to execute and deliver: (i) a loan agreement with the Bond Bank to evidence the Loan and the
48 repayment thereof; (ii) one or more bond(s) or promissory note(s) in an aggregate principal amount not to exceed
49 the Loan; (iii) such documents and instruments as the Bond Bank may request in connection with the Loan, in
50 such form and with such terms as they deem necessary and in the City’s best interest; and (iv) such other
51 documents and instruments necessary or convenient in connection with the Loan, all subject to the prior review
52 and approval of the City Attorney’s Office; and

53 BE IT FURTHER RESOLVED that the City Council designates the following City staff member as an
54 alternate authorized representatives of the Project with authority to execute administrative or reimbursement
55 documents, and other ancillary documents other than the loan application or loan agreements: Department of
56 Public Works Water Resources Division Director, Megan Moir.



CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

WATER RESOURCES DIVISION
234 PENNY LANE
BURLINGTON, VT 05401
802.863.4501 P
WWW.BURLINGTONVT.GOV/DPW

CHAPIN SPENCER
PUBLIC WORKS DEPARTMENT DIRECTOR

MEGAN MOIR
WATER RESOURCES DIVISION DIRECTOR

MEMORANDUM

TO: Board of Finance/City Council

FROM: Martin Lee, PE, Water Resources Engineering Manager
Michael V. Schramm, PE, Water Resources Engineer

DATE: August 25, 2025

CC: Chapin Spencer, DPW Director
Megan Moir, DPW Division Director – Water Resources
Laura Wheelock, DPW Division Director – Technical Services

RE: Upsized Sewer on Cherry Street Contract & CWSRF Loan Authorization

REQUEST:

The Department of Public Works (DPW) and its Water Resources Division (WRD) are seeking authorization to execute an engineering services agreement with Wright Pierce (WP) for up to \$70,000 and an engineering services agreement amendment with Stantec for an additional amount up to \$50,000 for services related to the planning and design of an upsized sewer on Cherry Street. In addition, DPW-WRD are seeking authorization to execute a State Revolving Fund (SRF) loan amendment increase of \$120,000 for a total principal amount not to exceed \$518,600 to fund the identified engineering services of Wright Pierce and Stantec.

BACKGROUND:

In 2014, the suburban-style mall that disconnected Bank and Cherry Streets was purchased and later demolished. The CityPlace Burlington developers (formerly the BTC Mall Associates) subdivided this main parcel, transferred ownership of the clipped sections of Pine Street and St Paul Street to the City, and committed to a public-private partnership to rebuild these streets, reconnect Bank and Cherry Streets, and coordinate street and sidewalk improvements in all directions. As you are aware from other City efforts, the City of Burlington has entered into an agreement with the Vermont Agency of Transportation¹ to develop a project to rebuild Bank Street and Cherry Street, and build one new block of Saint Paul Street and one new block of Pine Street to the Burlington Great Streets Standards.

¹ <https://burlingtonvt.portal.civicclerk.com/event/6933/files/attachment/2885>

Plans have advanced into preliminary and final design. Water Resources has evaluated the project corridor to consider water resources infrastructure needs including: accommodations for future growth in the project corridor, projected future flow from East Wastewater Treatment Plant (WWTP) through the project corridor, updated design standards, and asset management recommendations to replace infrastructure. In March 2024, the City executed an engineering services agreement for design engineering services with Stantec for the CDS Cherry Street and RAISE Reconnecting Downtown (#CA0811 Burlington CDS CD23(1) - VTrans Grant #CA0811) project.

Wright Pierce (WP) has been working with the City since 2019 on planning and design of the City's wastewater treatment and collection systems upgrades. DPW-WRD is pursuing the consolidation of the City's three (3) existing wastewater treatment plants to two (2), with the pumping of wastewater flows that are currently treated at the East WWTP to Main WWTP as presented in Preliminary Engineering Report developed by WP. The preferred route for the redirected East WWTP flow includes a gravity sewer segment under Cherry Street from South Winooski Avenue to Battery Street. DPW-WRD would like to take advantage of the opportunity that the ongoing Great Street work planned for Cherry Street offers by designing and installing an upsized gravity sewer pipe under Cherry Street that would be adequate to convey wastewater flows from East WWTP to Main WWTP, in addition to existing and future wastewater flows generated within the Cherry Street sewer collection area. The March 2025 Sustainable Infrastructure Plan (Lake Bond) bond authorization vote included funds for this project.

To this end, DPW-WRD is requesting authorization to advance engineering scopes of work with both Wright-Pierce and Stantec. WP's scope includes hydraulic model and design support services for the evaluation of the existing hydraulic model for the Main WWTP sewer collection system to identify potential impacts of pumping up to 3 million gallons per day (MGD) of flow from the East WWTP to the north end of the Main WWTP sewer collection system. Stantec's scope includes design updates for the proposed sewer main along Cherry Street based on design input from hydraulic modeling work to be completed by WP. This project has a tight schedule with bid ready CDS Cherry Street documents due by June 2026 to meet Federal grant requirements. Given the additional work needed prior to June 2026 (right-of-way plans and clearance, final plans, federal sign off), we are seeking concurrent action from the Board of Finance and the City Council.

WP's component of this work will be structured as a new discrete engineering services agreement. Stantec's component of this work will be a Change Order to the existing CDS Cherry Street and RAISE Reconnecting Downtown engineering agreement bringing the total agreement value to \$2,267,249 (with inclusion of the proposed \$50,000 Change Order). DPW-WRD continues to coordinate with the Vermont Agency of Natural Resources Department of Environmental Conservation Water Investment Division, Water Infrastructure Finance Program for the potential inclusion of both the WP and Stantec components of this work for the State Revolving Fund (SRF) program. Based on correspondence with the WIF Program staff to-date, DPW-WRD anticipates that both engineering services components will be deemed eligible for funding through the SRF program. If deemed eligible and authorization is granted by Council, DPW-WRD staff will work with the City Attorney's office to prepare SRF Loan amendment documentation for execution. If one or both projects are not deemed eligible for SRF Loans, this

essential work will be paid for with available FY26 capital wastewater (Fund 480) funds.

PROJECT COST AND LOAN SUMMARY:

Water quality and rate affordability guide every decision we make. Therefore, we are advancing work through loans from the Clean Water State Revolving Fund (“CWSRF”) to the extent feasible. The CWSRF carries specific requirements during procurement, design, and construction phases of projects. While this adds some time on the front end, the advantages over a publicly offered bond include a lower borrowing cost (2% administration fee), potential access to subsidy and pollution control grants, repayment periods that can extend beyond 20 years where appropriate for longer life infrastructure, and a delayed repayment period (1 year from the completion of construction) which gives us some flexibility in budgeting for debt service. These benefits result in mitigated rate increases for our residents and customers.

The following summary table outlines the costs that comprise the total CWSRF Loan amounts for which we are seeking approval. We have estimated not-to-exceed (NTE) values for our loan applications to ensure there is contingency to make reasonable scope of work adjustments during the final review of the scope by the State.

Cost Table for CWSRF Loan RF1-332

Item	Estimated Costs	Total Amended Loan Value
Step I costs already approved. NOTE: This Step 1 work includes more than just the Cherry Street Upsizing project.	\$398,600	\$518,600
Step II: Stantec Engineering	\$50,000	
Step II: Wright Pierce Engineering	\$70,000	

Once authorized by the Board of Finance and City Council, WRD will apply for the SRF loans. The loan application process requires the execution of any contracts prior to the loan application. While for larger projects WRD often waits until the loan execution to advance work and incur debt, given the tight timeline for this project, WRD will be advancing work immediately upon submission of the loan application. This is allowable under the SRF process, and the Wastewater Fund has sufficient funds available to cover these costs should there be delays in the loan issuance.

This Step II loan will be rolled into a future CWSRF Step III Construction loan authorized under the 2025 Lake Bond. Repayment of that loan will not occur until 1 year after the completion of construction. The rate impacts of this borrowing are included in the long-term rate planning previously presented by WRD (the approximate 89% rate increase over 5 years).

MOTIONS:

The Department of Public Works’ Water Resources Division respectfully requests that the Board of Finance and City Council approve the following motions:

Board of Finance Actions:

1. “To approve and recommend that the City Council adopt the attached resolution authorizing a Step II amended loan from the Vermont Clean Water State Revolving fund in a principal amount not to exceed \$518,600, an amended contract with Stantec for an additional

amount up to \$50,000, and an up to \$70,000 contract with Wright Pierce for the Upsized Sewer on Cherry Street project as more specifically set forth in the attached resolution.”

City Council Actions:

1. “To waive the reading and adopt the attached resolution authorizing a Step II amended loan from the Vermont Clean Water State Revolving fund in a principal amount not to exceed \$518,600, an amended contract with Stantec for an additional amount up to \$50,000, and an up to \$70,000 contract with Wright Pierce for the Upsized Sewer on Cherry Street project as more specifically set forth in the attached resolution.”

Thank you for your consideration of this request.

Board of Finance and City Council Submission Checklist

Version: April 2025

Department: DPW – Water Resources Submitter: Martin Lee

Title/Subject: Upsized Sewer on Cherry Street Contract & CWSRF Loan Authorization

Approval Requested:

☐ Board of Finance

☐ City Council

☒ Both BOF and Council

Meeting Date:

Click or tap to enter a date.

Click or tap to enter a date.

8/25/2025

Instructions

1. This form must be completed by the person submitting the materials.
2. This form must be sent with the final submission of materials in advance of the meeting.
3. Do not indicate that a sign-off was received until it has actually been obtained.
4. Commission reports and presentations do not need to be reviewed by the CAO or Attorneys.
5. Name the reviewing Attorney or HR Manager in the Note column.

Signoff Needed	Received?	Approval Date	Note
Department Head	Yes	8/18/2025	Chapin Spencer
Mayor's Office	Yes	8/20/2025	Erin Jacobsen
Board/Commission	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and contracts or legal documents	Yes	8/19/2025	Erik Ramakrishnan
City Attorney's Office for memo and motion(s) or resolution(s)	Yes	8/19/2025	Erik Ramakrishnan
CAO for budget, financing, and memo	Yes	8/19/2025	Katherine Schad
Human Resources, if personnel action or policy	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if IT-related	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Resolution Relating to

RESOLUTION 3.30

AUTHORIZATION FOR UP TO \$518,600 STEP II LOAN FROM VERMONT CLEAN WATER STATE REVOLVING FUND, FOR AN ENGINEERING CONTRACT WITH WRIGHT PIERCE FOR UP TO \$70,000 AND FOR AN AMENDED ENGINEERING CONTRACT WITH STANTEC FOR AN ADDITIONAL AMOUNT UP TO \$50,000 FOR THE UPSIZED SEWER ON CHERRY STREET PROJECT

Sponsor(s): Bd. of Finance

Introduced: 08/25/25

Referred to: _____

Action: adopted

Date: 08/25/25

Signed by Mayor: 08/28/25

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 State of Vermont Clean Water State Revolving Fund (“CWSRF”) provides loans for
2 planning and preliminary engineering (Step I) and final design engineering (Step II) of municipal wastewater
3 and stormwater system projects; and

4 WHEREAS, the City has determined the need to replace and upsize the sewer main on Cherry Street as
5 part of a bigger project to convey wastewater flows from the East Wastewater Plant to the Main Wastewater
6 Plant as well as to accommodate future development along Cherry Street (the “Project”); and

7 WHEREAS, at an annual meeting of the City of Burlington (the “City”) held on March 4, 2025, the
8 voters of the City approved borrowing up to a principal amount not to exceed \$152,000,000 in the aggregate,
9 for the purpose of paying for (i) capital additions and improvements to the City’s wastewater and stormwater
10 systems, including the City’s wastewater treatment plants, pump stations and collection system, the
11 stormwater treatment and collection system, combined sewer outflow mitigation projects, stormwater outfall
12 rehabilitation, and (ii) funding a debt service reserve fund and paying costs of issuance; and

13 WHEREAS, the Project is part of the capital additions and improvements authorized by the voters at
14 said annual meeting; and

15 WHEREAS, the City Council has previously authorized a Step I loan for Preliminary Engineering
16 (RF1-332-1.0) in a principal amount not to exceed \$398,600 for the Project pursuant to a resolution adopted
17 on August 15, 2022; and

18 WHEREAS, the next phase of the Project is completion of Final Design work for upsizing the sewer
19 on Cherry Street which is a portion of the larger project that is part of RF1-332-1.0; and

20 WHEREAS, the City has followed a competitive qualifications based procurement process required by
21 the State and selected Wright Pierce as the most qualified contractor for the hydraulic engineering of this
22 Project; and

23 WHEREAS, this phase of final design is estimated to require a total contract authorization of \$70,000
24 with Wright Pierce; and

25 WHEREAS, the City has followed a competitive qualifications based procurement process required by
26 the State and selected Stantec as the most qualified contractor for the design engineering of this Project; and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

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

Adopted by the City Council

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

..... Clerk

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

..... Mayor

Vol. Page

* * * * *

Resolution Relating to

AUTHORIZATION FOR UP TO \$518,600 STEP II LOAN FROM VERMONT CLEAN WATER STATE REVOLVING FUND, FOR AN ENGINEERING CONTRACT WITH WRIGHT PIERCE FOR UP TO \$70,000 AND FOR AN AMENDED ENGINEERING CONTRACT WITH STANTEC FOR AN ADDITIONAL AMOUNT UP TO \$50,000 FOR THE UPSIZED SEWER ON CHERRY STREET PROJECT

WHEREAS, this phase of final design is estimated to require an amendment of an additional \$50,000 to an existing contract amount of \$2,217,249 for a total contract authorization of \$2,267,249 with Stantec; and

WHEREAS, the Project is eligible for a Step II State of Vermont CWSRF Final Design Loan totaling \$518,600 (inclusive of the Step I loan amount); and

WHEREAS, the standard CWSRF Loan terms for projects of this type are up to 10 years at 0% interest;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Director of Public Works, or his designee, to complete the Step II Loan Application for Revolving Loan Funds Revolving Loan Funds under 24 V.S.A. Chapter 120 and to apply to the Vermont CWSRF and Vermont Bond Bank (the "Bank") for the financing of a loan in a principal amount not to exceed \$518,600 (the "Loan") subject to final review and approval by the Chief Administrative Officer, Director of Finance, and City Attorney's Office; and

BE IT FURTHER RESOLVED that the City Council authorizes the Director of Public Works to execute an Engineering Services Agreement with Wright Pierce for hydraulic engineering for a total authorized expenditure not to exceed \$70,000, subject to review and approval by the City Attorney's Office; and

BE IT FURTHER RESOLVED that the City Council authorizes the Director of Public Works to execute an amendment to the Engineering Services Agreement with Stantec for final design in an additional amount not to exceed \$50,000, for a total authorized expenditure not to exceed \$2,267,249, subject to review and approval by the City Attorney's Office; and

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor, Chief Administrative Officer, Director of Finance, and Assistant Director of Finance (the "Authorized Officers"), individually or collectively, to execute and deliver: (i) a loan agreement with the Bond Bank to evidence the Loan and the repayment thereof; (ii) one or more bond(s) or promissory note(s) in an aggregate principal amount not to exceed the Loan; (iii) such documents and instruments as the Bond Bank may request in connection with the Loan, in such form and with such terms as they deem necessary and in the City's best interest; and (iv) such other documents and instruments necessary or convenient in connection with the Loan, all subject to the prior review and approval of the City Attorney's Office; and

BE IT FURTHER RESOLVED that the City Council designates the following City staff member as an alternate authorized representatives of the Project with authority to execute administrative or reimbursement documents, and other ancillary documents other than the loan application or loan agreements: Department of Public Works Water Resources Division Director, Megan Moir.

* * * * *

DISTRIBUTION:

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

DPW Water Resources

ORIGINAL

RESOLUTION RELATING TO

Authorization For Up To \$518,600 Step II Loan From Vermont Clean Water State
Revolving Fund For An Engineering Contract With Wright Pierce For Up To \$70,000 And
For An Amended Engineering Contract With Stantec For An Additional Amount Up To
\$50,000 For The Upsized Sewer On Cherry Street Project

Adopted by the City Council

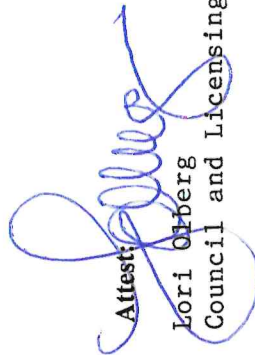
August 25 20 25

 Clerk

Approved..... Aug 28 20 25

 Mayor

Vol. Page

Attest: 
Lori Orberg
Council and Licensing Coordinator

* * * * *

August 17, 2025

City Council of Burlington, Vermont
City Hall
149 Church Street
Burlington, Vermont 05401

Dear Councilors:

I write as someone who is concerned about the way in which the recent (May 2025) “reduction in force” (RIF) layoffs were handled by the current city administration. We could discuss the merits of the decisions about who to fire, but for now, I want to impress upon the Council the unnecessarily cruel process by which city staff were laid off. I assume the Council has an interest in the City’s policies and practices, being fundamentally humane, and for the City to provide a desirable workplace environment.

As a former leader in the faculty union at UVM for many years, and a former administrator in the College of Arts & Sciences, I have seen both sides of layoffs. I have observed layoffs during a reduction in force; it was painful. But we followed best practice, paid attention to the human impact, and expressed sincere gratitude for the years of service as well as regret over the terrible situation. Everyone shook hands at the end, and everyone left with their dignity intact. No one was escorted out with a box of their stuff. They were treated as the trusted professionals they had been for many years. It isn’t rocket science, just common sense and simple respect.

The Mayor has said she did not have a “roadmap” for how to do the reduction in force. I find it surprising that this assertion has not been challenged. The Vermont Department of Labor has a document on its website about how best to conduct layoffs. Indeed, I did a five-second AI search on “best practices for doing layoffs during a ‘reduction in force’ (RIF)” which generated a detailed list quite at odds with virtually every step of the administration’s process. For one thing, best practice includes trying to avoid layoffs entirely, such as:

- offering voluntary separation/early retirements deals
- considering alternatives, such as pay cuts across the board
- asking department heads for other cost-cutting ideas

However, if layoffs are deemed necessary, one basic principle is “last in, first out,” meaning that most recent hires would be laid off first; this demonstrates the fundamental labor principle of valuing seniority and honoring years of service. A “pro-labor” administration should embrace these principles.

In addition, best practice includes compassionate and clear communication about the rationale, the data used to determine selection, and expression of concern for the wellbeing of those laid off and those who remain. Finally, many of the best practice documents I reviewed suggested allowing people to remove their things at a more private time (e.g., a weekend or evening) and, of course, thanking them for their service.

I have spoken with many of the staff directly and indirectly impacted by the RIF. Let me walk you through the process that occurred in the recent City layoffs in order to give the Council a clearer picture of the contrast to best practice...

- 1) Although the Mayor says she had signaled there would be layoffs, there was no formal communication with City staff about them, when to expect them, the reasoning (other than a deficit), the service inventory analysis, or any data or information whatsoever about the decisions or the process for making them. Affected staff were given no information about how the decisions were made. They were simply told that they were among those to be “rified.” That is simply bad practice and undermines the Mayor’s claim to valuing transparency. It also makes suspect the assertion that decisions were “data driven.”
- 2) Some people received a mysterious calendar invitation (for May 8) for a meeting attended only by a representative from Human Resources and their current department head. No one from the Mayor’s team even bothered to attend the meetings. My understanding is that this was the case for all the people laid off. For such a significant event, after decades of service, what rationale could the Mayor or the team provide for not being present? You would think, as a show of respect, the decision-makers would be part of the meetings. At the same time that the CEDO layoffs were happening, the Mayor and her staff occupied the space on the other side of the wall, a few feet away.
- 3) Some staff were asked to stay until the end of June to help with the transition. What is interesting about this is that they were needed to train the remaining staff in their duties. Clearly, the tasks were not redundant or given to people already trained and ready to go. That makes the entire rationale for the decision to let them go suspect. Again, transparency might help dispel some of this suspicion.
- 4) Some of those laid off were given a box and marched out of the building. These are people who were trusted just the day before and were not laid off for cause! The protocol was explained as necessary because these loyal staff members might engage in sabotage. How demeaning to seasoned professionals after decades of service. (Oddly, the three laid off staff members at CEDO who were asked to stay on for six weeks were not feared to be saboteurs; this is insulting to those who were treated otherwise). Human resource professionals should or could have advised the Mayor that walking people out in such a humiliating fashion is not necessary in this kind of situation. Even then, many employers don’t resort to this humiliating treatment. Imagine the harm inflicted on those who were treated as though they had done something wrong.
- 5) Since the time of the layoffs--***and this is the truly incredible part of the story***—the Mayor has not spoken to those affected directly. She has in fact acted as though nothing happened at all. She has not expressed her regret over the situation, nor has she in any way thanked them for their years of service. This has caused unnecessary harm. Even after some long-term staff came to public forum during a City Council meeting to express

how painful and humiliating the process was--in other words, expressed the degree of harm inflicted by the process--has there been any effort to mitigate that harm? An apology? A thank you for years of service?

I wonder what possible reason the Mayor could conceive for not thanking people for their service, given that this was a RIF rather than a firing for cause. Everyone could have left with their dignity intact. Such a small gesture would cost the administration nothing, but matter so much to those laid off after many years of public service.

Imagine the impact this would have on a person after 20, 30, 40 years, left scratching their head trying to understand why the administration would show such disdain for its long-serving employees. ***I cannot emphasize this enough: these choices caused harm for the people laid off. After decades of service, they wonder if their contributions were valued at all.***

If the administration can't meet that basic standard of decency and humanity toward all people (which is fundamental to progressive principles by the way), or recognize their error, I believe the Council should hold them accountable. To that end, there are a few actions I would ask the Council to consider:

- 1) Task the City with creating a "roadmap"—a layoff protocol which outlines each step of the process that must be followed in future layoffs. These should include common sense and humane practices.
- 2) Apologize on behalf of the City, and more importantly, thank each of the individuals for their dedicated service over many decades. At the same time, the Council could issue a statement condemning the unnecessary and unacceptably cruel treatment of City employees.
- 3) Ask the Community Justice Center to facilitate a restorative process to repair the harm done. The restorative process could include the Mayor and her team, Human Resources personnel, and those affected. This could create a place for healing so that some of the damage done could be mitigated somewhat. If the Mayor is unwilling to do that, I think this would indicate a lack of basic human decency that should be troubling to the Council and voters.

The Council and the administration should also be very concerned about the morale among the remaining staff. The process they witnessed showed them that this administration does not value its staff.

If the Council does nothing, it will read as if the entire leadership of the City of Burlington simply shrugs at callous indifference on the part of the administration. It would signal that literally no one in the entire administration of the City cares about long-serving, loyal employees. I would imagine the City would not wish to echo the national political landscape wherein elected officials are complicit in practices and behaviors they know are simply wrong.

I urge the Council to consider an appropriate formal response, since, apparently, the administration cannot be relied upon to do the right thing.

Thank you for your time and your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kathy Fox', with a stylized, cursive script.

Kathy Fox
South Burlington, VT
kfoxvt@gmail.com

Resolution Relating to

WELCOMING PRESIDENT MARLENE TROMP, RE-
AFFIRMING OUR LONGSTANDING PARTNERSHIP
WITH THE UNIVERSITY OF VERMONT, AND
ACKNOWLEDGING OUR SHARED COMMITMENT TO
AFFORDABLE, SAFE, AND HIGH-QUALITY HOUSING
FOR STUDENTS

RESOLUTION_____

Sponsor(s): Councilor(s) Schachter,
Broderick, McKnight, Neubieser, and
Singh
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, Marlene Tromp was sworn in as the 28th President of the University of Vermont on July
- 2
- 1, 2025, after previously serving as professor of English and president of Idaho’s Boise State University since
- 3
- 2019; and
- 4
- WHEREAS, the City of Burlington values its longstanding relationship with the University of
- 5
- Vermont and acknowledges that the well-being of our city and the university are intertwined, as evidenced by
- 6
- the ways in which we collectively contribute to Burlington’s economic vitality, cultural and artistic
- 7
- environment, workforce, and innovative approaches to addressing complex challenges; and
- 8
- WHEREAS, the City of Burlington and University of Vermont have a shared interest in ensuring that
- 9
- all students can thrive during their time at the University of Vermont, including through access to ample
- 10
- affordable, safe, and high-quality housing; and
- 11
- WHEREAS, the City of Burlington is committed to working collaboratively with the University of
- 12
- Vermont to craft solutions to our shared challenges, particularly around housing, safety, and well-being; and
- 13
- WHEREAS, the University of Vermont added 689 University-affiliated housing units between 2019
- 14
- and 2025; and
- 15
- WHEREAS, in 2023 the University of Vermont and City of Burlington were actively working on but
- 16
- never finalized a Memorandum of Understanding (MOU) regarding the development of additional student
- 17
- housing; and
- 18
- WHEREAS, the University of Vermont and City of Burlington recently extended through June 30,
- 19
- 2026 an agreement dated June 24, 2019 in which the University made an annual financial commitment to the
- 20
- City in exchange for municipally provided services that directly benefit University students, staff, and visitors;
- 21
- NOW, THEREFORE, BE IT RESOLVED that the City of Burlington wishes to extend a warm
- 22
- welcome to President Tromp and thank her for her commitment to our flagship public university; and
- 23
- BE IT FURTHER RESOLVED that the City Council affirms its appreciation for the University of
- 24
- Vermont and the ways in which it contributes to the vibrancy of our community; and

WELCOMING PRESIDENT MARLENE TROMP, RE-AFFIRMING OUR
LONGSTANDING PARTNERSHIP WITH THE UNIVERSITY OF
VERMONT, AND ACKNOWLEDGING OUR SHARED COMMITMENT TO
AFFORDABLE, SAFE, AND HIGH-QUALITY HOUSING FOR STUDENTS

BE IT FURTHER RESOLVED that the City Council affirms its interest in partnering with the University of Vermont to ensure ample affordable, safe, and high-quality housing for students and staff; and

BE IT FURTHER RESOLVED that the City Council encourages the Mayor's Administration and University of Vermont under President Tromp's leadership to revisit the 2023 Housing MOU and fee-for-service agreement referenced above; and

BE IT FURTHER RESOLVED that in revisiting the Housing MOU, the City Council expresses its support for thoughtful amendments to the City's Comprehensive Development Ordinance, opening up additional opportunities for the construction of student housing if the University of Vermont makes reasonable commitments to housing more undergraduate and graduate students and staff; and

BE IT FURTHER RESOLVED that in revisiting the Housing MOU, the City Council expresses its support for a comprehensive area plan for Burlington's East End, which shall include all portions of the University of Vermont's campus and surrounding neighborhoods, for the purposes of establishing a long-term policy framework for the continued mutual benefit of the City and University; and

BE IT FURTHER RESOLVED that in revisiting the Housing MOU, the City Council encourages the University of Vermont and City to collect direct feedback from University students and staff as part of the planning process; and

BE IT FURTHER RESOLVED that the Mayor's Administration shall provide an update to City Council on collaborative solutions to our shared goals on housing, safety, and well-being by the end of this calendar year.

AS/Resolutions 2025/*Welcoming President Tromp*
August 19, 2025

Resolution Relating to

WELCOMING PRESIDENT MARLENE TROMP, RE-AFFIRMING OUR LONGSTANDING PARTNERSHIP WITH THE UNIVERSITY OF VERMONT, AND ACKNOWLEDGING OUR SHARED COMMITMENT TO AFFORDABLE, SAFE, AND HIGH-QUALITY HOUSING FOR STUDENTS

RESOLUTION 4.1

Sponsor(s): Councilor(s) Schachter, Broderick, McKnight, Neubieser, and Singh

Introduced: 08/25/25

Referred to: _____

Action: adopted as amended

Date: 08/25/25

Signed by Mayor: 08/28/25

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, Marlene Tromp was sworn in as the 28th President of the University of Vermont on July
2 1, 2025, after previously serving as professor of English and president of Idaho's Boise State University since
3 2019; and
- 4 WHEREAS, the City of Burlington values its longstanding relationship with the University of
5 Vermont and acknowledges that the well-being of our city and the university are intertwined, as evidenced by
6 the ways in which we collectively contribute to Burlington's economic vitality, cultural and artistic
7 environment, workforce, and innovative approaches to addressing complex challenges; and
- 8 WHEREAS, the City of Burlington and University of Vermont have a shared interest in ensuring that
9 all students can thrive during their time at the University of Vermont, including through access to ample
10 affordable, safe, and high-quality housing; and
- 11 WHEREAS, the City of Burlington is committed to working collaboratively with the University of
12 Vermont to craft solutions to our shared challenges, particularly around housing, safety, and well-being; and
- 13 WHEREAS, the University of Vermont added 689 University-affiliated housing units between 2019
14 and 2025; and
- 15 WHEREAS, in 2023 the University of Vermont and City of Burlington were actively working on but
16 never finalized a Memorandum of Understanding (MOU) regarding the development of additional student
17 housing; and
- 18 WHEREAS, the University of Vermont and City of Burlington recently extended through June 30,
19 2026 an agreement dated June 24, 2019 in which the University made an annual financial commitment to the
20 City in exchange for municipally provided services that directly benefit University students, staff, and visitors;
- 21 NOW, THEREFORE, BE IT RESOLVED that the City of Burlington wishes to extend a warm
22 welcome to President Tromp and thank her for her commitment to our flagship public university; and
- 23 BE IT FURTHER RESOLVED that the City Council affirms its appreciation for the University of
24 Vermont and the ways in which it contributes to the vibrancy of our community; and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

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.....
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Adopted by the City Council

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

..... Clerk

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

..... Mayor

Vol. Page

* * * * *

WELCOMING PRESIDENT MARLENE TROMP, RE-AFFIRMING OUR
LONGSTANDING PARTNERSHIP WITH THE UNIVERSITY OF
VERMONT, AND ACKNOWLEDGING OUR SHARED COMMITMENT TO
AFFORDABLE, SAFE, AND HIGH-QUALITY HOUSING FOR STUDENTS

BE IT FURTHER RESOLVED that the City Council affirms its interest in partnering with the
University of Vermont to ensure ample affordable, safe, and high-quality housing for students and staff; and

BE IT FURTHER RESOLVED that the City Council encourages the Mayor's Administration and
University of Vermont under President Tromp's leadership to revisit the 2023 Housing MOU and fee-for-
service agreement referenced above; and

BE IT FURTHER RESOLVED that in revisiting the Housing MOU, the City Council expresses its
support for thoughtful amendments to the City's Comprehensive Development Ordinance, opening up
additional opportunities for the construction of student housing if the University of Vermont makes reasonable
commitments to housing more undergraduate and graduate students and staff; and

BE IT FURTHER RESOLVED that in revisiting the Housing MOU, the City Council expresses its
support for a comprehensive area plan for Burlington's neighborhoods, which shall include all portions of the
University of Vermont's campus and surrounding neighborhoods, for the purposes of establishing a long-term
policy framework for the continued mutual benefit of the City and University; and

BE IT FURTHER RESOLVED that in revisiting the Housing MOU, the City Council encourages the
University of Vermont and City to collect direct feedback from University students and staff as part of the
planning process; and

BE IT FURTHER RESOLVED that the Mayor's Administration shall provide an update to City
Council on collaborative solutions to our shared goals on housing, safety, and well-being by the end of this
calendar year.

AS/Resolutions 2025/*Welcoming President Tromp*
August 19, 2025

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

Welcoming President Marlene Tromp, Re-affirming Our Longstanding Partnership With
The University Of Vermont, And Acknowledging Our Shared Commitment To Affordable,
Safe, And High-Quality Housing For Students

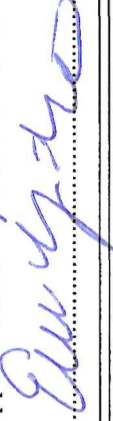
.....

Adopted by the City Council

August 25....., 20 25.....

 Clerk

Approved..... Aug 28....., 20 25.....

 Mayor

Attest:

Vol. Page

* * * * *

Resolution Relating to

ACT 250 JURISDICTION
TIER 1B STATUS

RESOLUTION_____

Sponsor(s): 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, in accordance with Vermont law, 10 V.S.A. § 6033, a municipality may request Tier 1B area status for the purposes of Act 250 jurisdiction; and

WHEREAS, the Chittenden County Regional Planning Commission may seek approval of Tier 1B area status from the Vermont Land Use Review Board on the municipality’s behalf; and

WHEREAS, the City of Burlington has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350; and

WHEREAS, the City of Burlington has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442; and

WHEREAS, the proposed Tier 1B area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development; and

WHEREAS, the City of Burlington has adopted flood hazard and river corridor bylaws applicable to the entire municipality; and

WHEREAS, the City of Burlington has water supply, wastewater infrastructure, or soils that can accommodate a community wastewater disposal system for compact housing development in the proposed Tier 1B area; and

WHEREAS, the City of Burlington has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area;

NOW, THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests that the Chittenden County Regional Planning Commission seek the Land Use Review Board’s approval to have the Downtown Centers, Village Centers, and Planned Growth Areas qualify and be mapped for Act 250 Tier 1B area status.

MEMORANDUM

To: Burlington City Council
Copy: Charles Dillard, Director of City Planning
From: Kate McCarthy, CCRPC Senior Planner, and Taylor Newton, Planning Program Director
Date: August 18, 2025
Re: Act 181 – Regional Future Land Use Map, Housing Targets, and Act 250 Tier 1B feedback

There are three connected topics contained within this agenda item. Each is addressed below. Chittenden County Regional Planning Commission (CCRPC) staff will be present to answer questions.

Background

Acts 47 and 181 laid out new requirements for regional planning commissions (RPCs) that connect to local planning. One change is that the State has set a new, common format for regional Future Land Use Maps, which now tie to optional Act 250 exemptions and to State investments through the Community Investment Board (the former Downtown Board). Act 47 also assigned housing targets to each regional planning commission and tasked RPCs with allocating these to the municipal level.

CCRPC staff attended a Burlington Planning Commission meeting in February to present the first draft of the Future Land Use Map using the [eleven statewide categories](#) and their [associated statutory criteria](#), and share an outreach plan. CCRPC and City staff also worked together to seek feedback at numerous events, through a survey, and with City departments. Please see “Attachment A: Engagement Activities” for a full summary. In addition, since February of 2025, CCRPC has held engagement events throughout the region including attending events and hosting focus groups, publicizing CCRPC’s online input tool through Front Porch Forum, a survey of mobile home park residents, language-specific focus groups with translation, and posting flyers. CCRPC is refining the new Future Land Use map based on this community input.

Each of CCRPC’s member municipalities will receive regional summaries of public comments and comments specific to the municipality in question.

Regional Future Land Use Map

In addition to reviewing a draft map at the PC and City Council meetings, CCRPC released the public-facing draft map and housing targets in late March. Burlington had an additional public comment period from May through July 2025, collecting input via an online map and survey on the City’s Act 181 website. Once finalized and adopted by CCRPC’s Board, the map will be submitted to the State’s new Land Use Review Board for review and eventual approval.

The Regional Future Land Use Map is relevant to local planning in a few ways:

- As before, municipal plans need to be consistent with the Regional Plan.

- Certain land use categories on the Regional Future Land Use Map will be eligible for the updated Community Investment Program.
 - Downtowns and Village Centers are eligible for multiple levels of the “Center” designation, with different “Steps” reflecting the level of change and investment the community desires.
 - Planned Growth Areas and Village Areas are eligible for the “Neighborhood” designation, which focuses on enabling residential development to support the associated Center.
- Downtown Centers and Village Centers, Planned Growth Areas, and Village Areas are eligible for Act 250 Tier 1B and Tier 1A exemption status; it is the town’s choice whether to “opt in.”

Based on outreach and public feedback, CCRPC has made several changes in response to feedback received. These include:

- Removing the previously proposed “Village Center” around the Champlain Elementary School.
- Ensuring that all areas within the river corridor were in the “Rural Conservation” category.
- Categorizing larger conserved public lands and parks as “Rural Conservation,” rather than “Planned Growth Area.”
- Adding the South End Innovation district as a Downtown Center.

A key point we want to highlight is that the map represents high-level, regional planning, and is not a zoning map. The Regional Future Use Map does not have the same level of specificity as the municipal plan or the municipal zoning map. Planned Growth Areas, for example, may include locally identified and regulated parks and habitat blocks, or may include both residential and commercial zoning districts of different kinds. **What happens on each individual parcel will ultimately be determined by landowner preference and choice, and local zoning. Furthermore, the map will continue to be reviewed in the coming months by CCRPC’s Board, the Land Use Review Board and state agencies, and through the RPC’s public hearings. There may be additional changes resulting from these processes.**

City Council action:

No action required. City Councilors are invited to ask questions about the draft map.

Act 250 Tier 1B Opt-In

Under Act 181, the Regional Planning Commission identified areas eligible for Act 250 Tier 1B status in the Future Land Use Map. The local legislative body decides whether to opt-in for Tier 1B status before the RPC submits a request to the Land Use Review Board.

Implications

Tier 1B status extends the present [Interim Act 250 exemptions in Act 181](#) and aligns their geographic boundaries to the Regional Future Land Use Map. If a municipality requests Tier 1B status for an area, new housing development projects in those areas consisting of 50 or fewer dwelling units on 10 acres

or less are exempt from Act 250.

Interim exemptions have been in place for the past year. Without Tier 1B status, the interim exemptions will expire upon LURB approval of the Regional Plan and all areas subject to the interim exemptions will revert to prior Act 250 thresholds [projects with 10 or more homes, including any other projects from the same developer within 5 miles within 5 years prior.

Tier 1B status does not override local zoning. Burlington's zoning bylaws still reflect and implement local priorities on a parcel-by-parcel basis.

City Council Action:

The City Council may consider opting in to Tier 1B. This is not required. If the City Council decides to opt-in to the Act 250 Tier 1B Exemption, a sample resolution document is attached.

Act 47 & 181 Housing Targets

As established under Act 47, this winter the Vermont Department of Housing and Community Development released a State [Housing Needs Assessment](#) and [Housing Targets for each region](#) for 2030 and 2050. Under the Act, Regional Planning Commissions must allocate the regional housing target to the municipal level, and municipalities must incorporate the targets into municipal plans. Enclosed with your packet are the municipal housing targets and a summary of the methodology. The focus has been on the 2050 "middle" target, which represent a meaningful planning target for the region and municipalities. City staff discussed these targets with the City Council at previous meetings in the context of other planning and development projects.

Methodology

The region's cities and towns were divided into three categories, with separate methodologies for each. The approaches for the region's cities, the mixed urban/rural towns, and the rural towns reflects their different infrastructure capacities and land use patterns. The methodology allocates housing in a way that builds our resilience as a region and within each community - environmental, fiscal, economic, and social. It also lays out a roadmap for thoughtful infrastructure investment over the next 25 years. Importantly, the targets do not assume that every municipality has the capacity for the entire target today. The targets are a 25-year plan for a strategic approach to investment.

Urban Communities

The Region's four cities (Burlington, South Burlington, Essex Junction, and Winooski) are presently home to 47% of all housing in our region. The draft housing targets allocate 60% of new housing to these areas, 35% to mixed urban and rural communities, and 5% to rural communities.

These targets, while ambitious, align closely with the City's existing land use policies and planning efforts. The municipal plan must include actions to reach the targets. Taking advantage of the benefits of the Community Investment Program and requesting Tier 1B exemption are two examples of actions that would advance this goal and potentially others in the municipal plan. You may identify other or

additional actions in your upcoming municipal plan update.

City Council Action

No action required. The City Council is welcome to ask questions regarding the methodology and next steps.

Attachment A: Engagement Activities

Below is a brief overview of the public engagement activities conducted or coordinated by CCRPC, including dates, formats (e.g., public meetings, surveys, workshops), and the number of participants.

Date	Activity	Attendees	Engagement Methods	Staff
9/23/2024	City Council meeting	30	Municipal Selectboard	Charlie Baker
12/19/24	Initial meeting with municipal staff		Municipal Staff	Kate McCarthy, Maya Balassa
2/11/2025	Planning Commission meeting	19	Municipal Planning Commission	Kate McCarthy, Taylor Newton
5/14/2025 - 4:30-6:30pm	Open Space Plan Open House	20	Community Meeting or Event (Municipal)	Kate McCarthy
6/24/2025	Mapping Workshop	5	Municipal Planning Commission	Kate McCarthy
7/12/2025	Tabling at the Burlington Farmers Market	40	Other	City planning staff
7/14/2025	City Council Work Session	29	Municipal Selectboard	Kate McCarthy, Charlie Baker
8/25/2025	Burlington City Council	TBD	Municipal Selectboard	Kate McCarthy, Charlie Baker

City Outreach

Date	Communication Type	# of recipients/ views
6/2/25	City Website: The Office of City Planning has hosted a webpage devoted to Act 181 and the draft Future Land Use Map. The webpage includes links to CCRPC resources, a static map, and online survey.	Information Unavailable
6/18/25	Front Porch Forum + City Calendar: Office of City Planning added the Community Mapping Workshop Event to the Front Porch Forum and City calendars.	Information Unavailable
6/24/25	E-Newsletter: Office of City Planning sent out an email blast dedicated to Act 181 and the Community Mapping Workshop.	1,312
6/26/25	Online Survey: Office of City Planning created and launched an interactive online mapping tool that allows participants to submit comments.	9 responses
7/2/25	Social Media: Office of City Planning created and posted a graphic about Act 181 and feedback opportunities on their Instagram page, which was then re-shared by other departments, organizations, and City Councilors.	406 views
7/8/25	E-Newsletter: Office of City Planning included information about Act 181 and the online survey in the department's newsletter blast.	1,399

7/14/25	Front Porch Forum: Announcement posted by Office of City Planning notifying residents about Act 181 and the online survey.	Information Unavailable
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Other public engagement included:

- *Collaboration between City departments:* The Office of City Planning facilitated multiple meetings with the Departments of Permitting and Inspections (DPI) and Public Works (DPW), in addition to briefing and collecting feedback from the Mayor's Office.
 - City Planning staff engaged DPI primarily to understand the ramifications of Tier 1A designation, specifically the Department's position on and capacity in Burlington assuming responsibility for existing Act 250 conditions.
 - Planning staff engaged the leadership of DPW, including its Director and the Director of DPW's Water Resources Division, to collect feedback, including any concerns, regarding the draft future land use map and the City's long-term capacity to serve growth with water/sewer and transportation infrastructure.
 - The Mayor's office was engaged, primarily to contextualize the future land use map within the larger policy framework in place to address Burlington's severe housing shortage and to understand the Administration's position on areas designated as eligible for Tiers 1A/B and those designated as conservation areas.
- *Presentations at Neighborhood Planning Assemblies:* The Office of City Planning did not engage with all Neighborhood Planning Assemblies, instead prioritizing a more broad-based effort that acknowledges the inconsistent, and in some cases, limited, reach of the NPAs. However, City Planning staff did engage with select NPAs on Acts 181 and 47 while engaging on related planning initiatives.

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/cityplanning

*Andy Montroll, Chair
Alex Friend, Vice Chair
Michael Gaughan
Erhard Mahnke
Ryan Nick
Erin Malone
Julia Randall*

TO: Burlington City Council
FROM: Andy Montroll, Chair, Burlington Planning Commission
DATE: August 25, 2025
RE: Act 181 – Regional Future Land Use Map and Act 250 Tier 1B

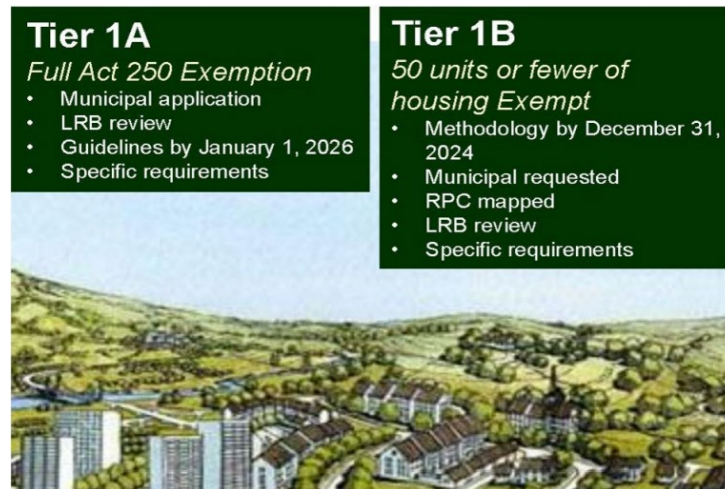
I am submitting this communication on behalf of Burlington Planning Commission with the intent to provide the City Council with the Commission's perspective on the proposed Regional Future Land Use Map, including areas eligible for Act 250 Tier 1B exemption. The Commission has been engaged with CCRPC and Office of City Planning staff since February and this letter reflects the Commission's understanding of community and City staff feedback over the last 7 months.

Background

To advance the State's mission to house its residents, and to ensure an adequate supply of safe, affordable housing in locations that keep transportation costs low and our communities planned in an sustainable and equitable manner, Vermont has adopted two significant pieces of legislation:

- Act 47 (the HOME Act), which introduced new requirements for regional and municipal plans. One of the Act's primary rules requires that each Regional Planning Commission and municipality must include housing targets for 2030 and 2050. Attached in the agenda packet are documents produced by the Chittenden County Regional Planning Commission (CCRPC) that include the targets and a summary of the methodology used in determining the targets.
- Act 181 makes significant changes to the State's planning framework, most prominently in the following two ways:
 - Each municipality's comprehensive plan, including planBTV, must be consistent with the regional plan and associated Future Land Use Map
 - It establishes a new location-based process for Act 250 jurisdictional control and designated centers. The Act's tiered approach intends to streamline environmental review and promote smart growth policies across the state.

The Future Land Use Map categorizes Burlington's land as Downtown Center, Village Center, Planned Growth Area, Rural Agriculture & Forestry, or Rural Conservation. The first three of those categories - Downtown Center, Village Center, and Planned Growth Areas, will become either Tier 1A or Tier 1B, which are described in the graphic below.



Related to the Act 181 Future Land Use Map but not the subject of the work session is Burlington's 2050 housing target.

The recently released Housing Needs Assessment and Housing Targets establishes housing targets for the state and each region for 2030 and 2050. Each Regional Planning Commission is responsible for allocating the regional target to its municipalities. Ultimately, these targets must be included in future comprehensive plans.

Planning Commission Feedback

During the Planning Commission's meeting on February 11th, representatives from the CCRPC provided an overview of Act 181 and the initial draft of the map. At that meeting, Planning Commissioners asked questions regarding the differences in the new Act 181 Framework and the state housing targets, while also offering feedback on the Future Land Use Map. They identified several areas of the map that they believed required further review, particularly requesting that the South End Innovation District and Cambrian Rise be designated as part of the Downtown Center.

Furthermore, Commissioners asked questions about how the map addresses the Residential Corridor, Neighborhood Mixed Use, and Neighborhood Activity Center zoning districts, specifically related to how this regional plan would incorporate commercial activities in predominantly residential Planned Growth Areas. CCRPC Staff reassured the Planning Commissioners that though these districts are not Downtown or Village Centers, the Planned Growth Areas could still be eligible for Tier 1A status.

Additionally, Commissioners requested that CCRPC staff consider the impact of the map on the University of Vermont (UVM) and other larger educational institutions.

City Planning staff more recently updated the Commission at its April 8th meeting. Additionally, Director Charles Dillard has provided updates to the Commission at various points in his biweekly reports to the Commission. Finally, the June 24th PC meeting was cancelled to allow Commissioners time to attend a Community Mapping Workshop.

Commission Support of Act 181 Regional Future Land Use Map

The Planning Commission supports the proposed draft of the Future Land Use Map and believes that the categories established during this process align with the overarching city and regional

planning goals. The Commission feels that these categories accurately represent the growth patterns supported under the current zoning districts. As stated by CCRPC in their memo to City Council, the Future Land Use map will undergo further review in the coming months by the CCRPC's Board, the State's Land Use Review Board, and other state agencies through the public hearing process led by the Regional Planning Commission. This review process may result in additional changes to the Future Land Use Map and also provides opportunities to incorporate feedback from the City and its residents.

Further, the Planning Commission supports the request for Tier 1B status for all eligible areas identified in the Future Land Use Map.

The Planning Commission acknowledges that the Future Land Use Map and Act 47 housing targets intend to address the state's and City's need for accelerated housing supply, but also notes that these high-level planning tools do not address the multiple subsets of the population for whom housing of greatest need, including lower income households, families and seniors, among others. The Commission looks forward to identifying strategies to address these more specific housing challenges in upcoming planning processes.

Tier 1A Eligibility & Next Steps

The Future Land Use Map provides a starting point for future discussions about Tier 1A exemptions. The Planning Commission acknowledges that Downtown Centers, Village Centers, and Planned Growth Areas are eligible for Tier 1A status. Guidelines for municipalities on how to apply for Tier 1A status will be provided by the Land Use Review Board in January 2026. Following the approval of the ECOS Regional Plan in June 2026, municipalities will be able to submit their applications for Tier 1A status.

In the meantime, the Planning Commission will continue to consider and identify areas that, through Tier 1A Status, have the capacity to support City and Regional planning goals.

CHITTENDEN COUNTY DRAFT FUTURE LAND USE MAP

Chittenden County Regional Planning Commission (CCRPC) is working with cities and towns to create a regional Future Land Use Map. This map, once adopted, will generally guide how land in the region will be used in the future. The land use categories on the map are defined in state law and CCRPC is tasked with determining how the land use categories apply in the region.

HOW WILL THIS IMPACT ME?

Through planning, your town or city prioritizes how land is used and shared. Land use maps and planning impact where houses and other development are built, as well as where natural resources are protected.

LEARN MORE AND SHARE YOUR IDEAS!

You can participate in community discussions and decisions that shape your town or city. Before commenting on the map, please review the 5-minute video or brief handout available at ccrpcvt.org/ecos-engagement. Then, provide comments on this proposed future land use for Burlington by emailing Sarah Morgan at smorgan@burlingtonvt.gov.

Note: You may notice areas such as parks, cemeteries, schools, and golf courses, categorized as Planned Growth Areas, since these land uses are part of the overall neighborhood fabric. This doesn't require development in these areas; local zoning and the property owner's preferences guide what happens on a given parcel.

Legend

Special Flood

Hazard Area or River Corridor

Municipal Boundary

Property Boundary

River or Stream

Lake or Pond

Future Land Use Area

Downtown Center

Village Center

Planned Growth Area

Village Area

Enterprise Area

Transition / Infill Area

Resource-Based Recreation Area

Rural General

Rural Ag and Forestry

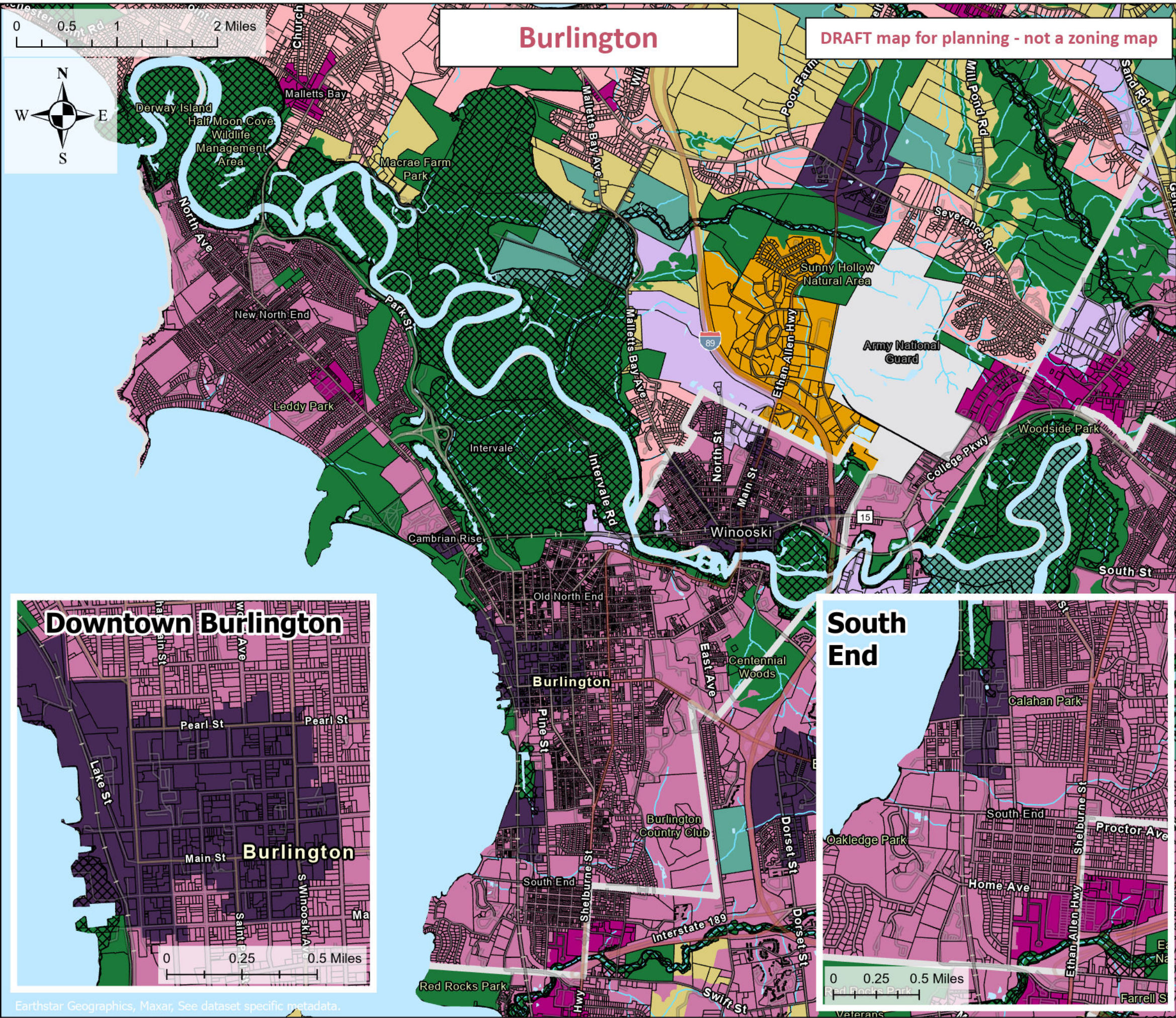
Rural Conservation

Hamlet

Airport & Camp

Johnson & Ethan Allen Firing Range

CHITTENDEN COUNTY RPC
Communities Planning Together



Board of Finance and City Council Submission Checklist

Version: April 2025

Department: Office of City Planning Submitter: Charles Dillard

Title/Subject: Act 181 Regional Future Land Use Map

Approval Requested:

- ☐ Board of Finance
☒ City Council
☐ Both BOF and Council

Meeting Date:

[Click or tap to enter a date.](#)

8/25/2025

[Click or tap to enter a date.](#)

Instructions

1. This form must be completed by the person submitting the materials.
2. This form must be sent with the final submission of materials in advance of the meeting.
3. Do not indicate that a sign-off was received until it has actually been obtained.
4. Commission reports and presentations do not need to be reviewed by the CAO or Attorneys.
5. Name the reviewing Attorney or HR Manager in the Note column.

Signoff Needed	Received?	Approval Date	Note
Department Head	Yes	8/18/2025	Charles Dillard
Mayor's Office	Yes	8/20/2025	Erin Jacobsen
Board/Commission	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and contracts or legal documents	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and motion(s) or resolution(s)	Yes	8/21/2025	Kim Sturtevant
CAO for budget, financing, and memo	Yes	8/19/2025	Katherine Schad
Human Resources, if personnel action or policy	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if IT-related	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Resolution Relating to

ACT 250 JURISDICTION
TIER 1B STATUS

RESOLUTION 4.2

Sponsor(s): Councilor Traverse

Introduced: 08/25/25

Referred to: _____

Action: adopted

Date: 08/25/25

Signed by Mayor: 08/28/25

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, in accordance with Vermont law, 10 V.S.A. § 6033, a municipality may request Tier 1B
2 area status for the purposes of Act 250 jurisdiction; and

3 WHEREAS, the Chittenden County Regional Planning Commission may seek approval of Tier 1B
4 area status from the Vermont Land Use Review Board on the municipality's behalf; and

5 WHEREAS, the City of Burlington has a duly adopted and approved plan and a planning process that
6 is confirmed in accordance with 24 V.S.A. § 4350; and

7 WHEREAS, the City of Burlington has adopted permanent zoning and subdivision bylaws in
8 accordance with 24 V.S.A. §§ 4414, 4418, and 4442; and

9 WHEREAS, the proposed Tier 1B area excludes identified flood hazard and fluvial erosion areas,
10 except those areas containing preexisting development in areas suitable for infill development; and

11 WHEREAS, the City of Burlington has adopted flood hazard and river corridor bylaws applicable to
12 the entire municipality; and

13 WHEREAS, the City of Burlington has water supply, wastewater infrastructure, or soils that can
14 accommodate a community wastewater disposal system for compact housing development in the proposed
15 Tier 1B area; and

16 WHEREAS, the City of Burlington has municipal staff, municipal officials, or contracted capacity
17 adequate to support development review and zoning administration in the Tier 1B area;

18 NOW, THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests that the
19 Chittenden County Regional Planning Commission seek the Land Use Review Board's approval to have the
20 Downtown Centers, Village Centers, and Planned Growth Areas qualify and be mapped for Act 250 Tier 1B
21 area status.

22
23 KS/Resolutions 2025/Tier 1B Status
24 8/21/25

* * * * *

DISTRIBUTION:

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

Planning Director Dillard

ORIGINAL

RESOLUTION RELATING TO

Act 250 Jurisdiction Tier 1B Status

Adopted by the City Council

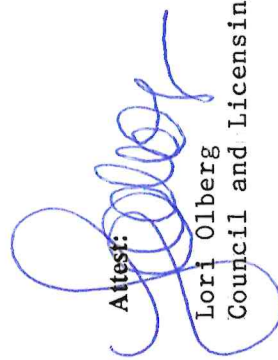
August 25....., 2025.....

 Clerk

Approved....., 2025.....

 Mayor

Attest:



Lori Olberg
Council and Licensing Coordinator

Vol. Page

* * * * *

Resolution Relating to

RATIFICATION OF TENTATIVE AGREEMENT AND
AUTHORIZATION TO EXECUTE COLLECTIVE
BARGAINING AGREEMENT BETWEEN THE CITY OF
BURLINGTON AND FOP BPOA #021 (July 1, 2025 – June
30, 2028)

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:

That WHEREAS, the City and the Fraternal Order of Police, City of Burlington Police Association Lodge
#021 (FOP) have been negotiating the terms and conditions of a successor agreement to the Collective
Bargaining Agreement that expired on June 30, 2025; and

WHEREAS, the negotiating teams of the parties have reached a Tentative Agreement for a new three
year agreement, retroactively effective July 1, 2025 (unless otherwise specified); and

WHEREAS, the Fraternal Order of Police, City of Burlington Police Association Lodge #021 has
ratified this Tentative Agreement on July 23, 2025;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby ratifies and authorizes Mayor
Emma Mulvaney-Stanak to execute a Collective Bargaining Agreement between the City and the FOP for a
three year period retroactively from July 1, 2025 to June 30, 2028, in substantially the form attached hereto,
subject to the final review and approval of the City Attorney and Chief Administrative Officer

Resolutions 2025/RATIFICATION OF TENTATIVE AGREEMENT AND AUTHORIZATION TO EXECUTE COLLECTIVE BARGAINING
AGREEMENT BETWEEN THE CITY OF BURLINGTON AND FOP BPOA #021 (July 1, 2025 – June 30, 2028)
08/04/2025

HUMAN RESOURCES DEPARTMENT
CITY OF BURLINGTON

200 Church Street, Suite 102, Burlington, VT 05401

Phone: (802) 865-7145

Fax (802) 864-1777

Vermont Relay: 7-1-1 or 800-253-0191



To: Board of Finance
City Council

From: Lynn Reagan, Interim Director of Human Resources
Jessica Brown, City Attorney
Joe Corrow, President of BPOA, Lodge #021

Date: August 21, 2025

Re: Ratification of tentative agreement

The City has concluded negotiations with the Burlington Police Officer Association (BPOA) regarding the collective bargaining agreement covering the period of July 1, 2025 to June 30, 2028. A tentative agreement has been reached and was unanimously voted in favor by the members of the BPOA on July 23, 2025.

A summary of the changes are outlined in the attached Memorandum of Agreement which include the key articles on wages, healthcare and lateral recruitment.

Thank you

Final
MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA), entered into by and between the Fraternal Order of Police, City of Burlington Police Association Lodge #021, hereinafter "FOP" and the City of Burlington, Vermont, hereinafter "City" is the product of collective bargaining conducted pursuant to the provisions of the Vermont Municipal Labor Relations Act, for the purpose of reaching a successor collective-bargaining agreement to the July 1, 2022– June 30, 2025 collective-bargaining agreement. The successor collective-bargaining agreement shall be effective from July 1, 2025 – June 30, 2028. Except where specifically amended by the provisions and conditions of this MOA, all terms and provisions and conditions of the agreement in effect June 30, 2025, are to remain in full force and are incorporated into this MOA are effective upon ratification by the FOP and by the City Council, unless specifically stated otherwise.

ARTICLE II - NON-DISCRIMINATION

2.1 Neither the City nor the Union shall discriminate against any employee covered by this Agreement in a manner which would violate any applicable laws because of that employee's race, religion, creed, color, national origin, age, sex, sexual orientation, gender identity, pregnancy, physical or mental health disability that may be accommodated reasonably, place of birth, use of family or medical leave, military obligation or veteran status, or any other protected characteristic under Vermont or federal law.

ARTICLE VI - PROBATION AND PROBATIONARY PERIODS

6.4 Employment Contract **(section removed from the collective bargaining agreement (CBA))**

ARTICLE VII - FILLING OF VACANCIES

7.4 Regular and Senior Police Officer. After completion of the probationary period, a new employee shall assume the position of full-time police officer. After the completion of three five (5) years of continuous service (including the probationary year), an officer shall assume the title of senior police officer. The title of senior police officer shall not be considered a promotion but shall represent that the officer has completed the requisite years of service with the Department to assume such title.

7.6 Employees with more than three years' law enforcement experience, including at least one year with the Department, shall be eligible to be assigned as Field Training Officers. They will be responsible for performing the related duties of a Field Training Officer when assigned to train a new employee. Field Training Officers will receive a minimum of thirty-two (32) hours of related training at an

approved training course. In the event of a lack of qualified Field Training Officers, the Department may delegate the related field training responsibilities to other employees with more than three years' time in service with the Department. If no qualified Field Training Officer is on shift with a trainee, the Officer in Charge shall assign the trainee to observe another officer. To be selected as a Field Training Officer after execution of this agreement, an officer must submit and management will consider the following: the candidate's evaluations, referrals from supervisors, the candidate's written knowledge test, and the candidate's successful score on a patrol procedures practical exam drafted -by consensus of the Department and Union experts in the field, with the final approval of the Chief. Officers exercising field training officer responsibility or assigned an officer in training shall be paid an extra \$~~50.00~~ \$100.00 for each day of such duty.

ARTICLE IX - RATES OF PAY

9.1 Effective retroactive to July 1, 202~~25~~, for those employees on -the Department payroll as of the date of execution of this Agreement, a ~~cost of living~~cost-of-living adjustment (COLA) shall be applied to base pay as follows:

For FY2~~63~~ (July 1, 202~~52~~ to June 30, 202~~63~~) ~~124.75~~%

For FY2~~74~~ (July 1, 202~~63~~ to June 30, 202~~74~~) ~~54.75~~%

For FY2~~85~~ (July 1, 202~~74~~ to June 30, 202~~85~~) ~~35.5~~%

9.3 Commencing March 27, 2006, there shall be a shift differential in the amount of \$1.30 per hour for all regularly scheduled evening shift hours. There shall be a shift ~~differential in~~indifferential in the amount of \$1.45 for all regularly scheduled midnight shift hours and commencing on the date of execution of this agreement, for any airport shift hours prior to 7:00 am. There shall be a shift differential in the amount of \$1.00 per hour for all regularly scheduled day shifts worked on Saturdays and Sundays. ~~Shift differentials shall not apply when an employee is on any paid or unpaid leave or for hours worked on callbacks.~~

Shift differentials shall apply only to time actually worked on regularly scheduled eligible shifts, and ~~to sick leave taken in lieu of time actually worked on a regularly eligible rescheduled shifts. shall not apply when an employee is on any paid or unpaid leave. Shift differentials shall not apply for an employee's or for~~ hours worked on callbacks, nor shall they apply to employees regularly scheduled to work day shift, regardless of the hours actually assigned and worked on day shift.

9.4 Effective ~~retroactive to~~ July 1, 20~~25~~¹⁶, ~~for those detectives on the Department payroll as of August 29, 2016,~~ detectives, including those assigned to CUSI, shall be eligible for on-call pay in the amount of \$~~600~~²⁰⁰ per week (in addition to any pay for time actually worked during that period) for each week they are scheduled to be on call. Detectives on call are expected to be available by phone immediately and able to respond to a scene in a timely manner during the on-call period.

9.5 Former Law Enforcement Experience Incentive.

The Chief or the Chiefs designee may adjust the entry level pay step level for new employees or for former employees of the Burlington Police Department who may seek reemployment, based on their relevant prior law enforcement experience. Subject to ~~limitations set~~^{limitations set} forth below, one (1) step may be credited for every one (1) year of relevant prior full time law enforcement experience to include Municipal, State, Federal and Military Police. However, under no circumstances shall a new employee be placed beyond pay step ~~7~~¹⁰ of the wage scale. Returning employees may be placed on the wage scale based upon prior years of BPD service.

ARTICLE X - HOURS OF WORK

10.4 The City agrees to allow one-half (1/2) hour with pay at time and one-half the employee's regular rate after twelve (12) consecutive hours of work in the same workday. An additional one-half (1/2) hour with pay at time and one-half the employee's regular rate, will be provided after ~~each four (4) hour period following twelve (12) consecutive hours of work~~ fifteen (15) consecutive hours in the same work day. An additional one-half (½) hour with pay at time and one-half the employee's regular rate will be provided after each four (4) hour period following fifteen consecutive hours in the same work day. The previous provisions shall not apply if the overtime work is completed and/or the employee is dismissed at the end of any period for which the employee would otherwise be entitled to such compensation.

10.4A Shift Caps/Minimum Time-off Periods Between Shifts (new section)

1. Voluntary Shift Limitations: no employee shall work a voluntary shift in excess of fifteen (15) consecutive hours in the same work day

2. Extended Shift Compensation: Any employee who works an extended shift shall be compensated as outlined in Section 10.4 of this agreement.

a. Operational Necessity Exception: In circumstances where an employee is required to work beyond fifteen (15) consecutive hours due to an operational necessity, the voluntary shift limitation in Section 1 shall not apply. Operational necessity includes but is not limited to: assisting with major or critical incidents as determined by the OIC, holdovers due to limited staffing, or emergencies as determined by the Chief of Police or the highest ranking officer on duty.

3. Time-off Period and Administrative Leave: Any employee held over past fifteen (15) consecutive hours due to an operational necessity shall be granted a minimum period of nine (9) hours off before returning to duty. Upon return, the employee shall conclude their shift at the originally scheduled end time. Any hours not worked due to this adjusted schedule shall be compensated as administrative leave by the employer.

10.9 Scheduling

E. Intradepartmental Transfers.

Transfer assignments, an assignment of one (1) year or more, shall be made by the Chief pursuant to the following procedure:

1. The Chief will inform the Association that an opening will be posted, and then a notice announcing the opening shall be posted within the Department.

a. Chief's Assignments: For those officers performing an assignment that directly reports to the Chief, the notice will describe the length (which may not exceed three (3) consecutive years) and nature of the assignment and will not be subject to the rest of the provisions of ~~this subsection.~~ Article 10.9E. Assignments directly reporting to the Chief will be limited to up to three (3) -sworn personnel at a time and ~~will not~~ will not take the assigned employees out of the bargaining unit. Assignments directly reporting to the Chief shall be selected by them in their sole determination and discretion.

b. Interested employees with a minimum of three (3) years of service, at least one (1) year of which must be Burlington Police Department Service at the time of the posting, who are not otherwise ineligible for such assignments, shall submit a letter of intent to be considered a candidate for the Chief's assignment, if the Chief determines a process is necessary.

5. Temporary Transfer Assignments: An assignment of less than one (1) year shall be considered a temporary transfer assignment. In order to be eligible for a temporary transfer assignment, an employee must have a minimum of three (3) years of law enforcement experience, with at least one (1) year Burlington Police Department experience. When a temporary transfer assignment becomes available, it shall be posted within the Department and employees will be given the opportunity to express interest in the assignment, although the assignment may be filled unilaterally by the Chief. If no eligible employee expresses interest in a temporary transfer assignment, an employee who would not otherwise be eligible may be assigned. Once an employee has completed a temporary transfer assignment, the employee will not be eligible for another temporary transfer assignment until a time period equal to the length of the employee's last temporary transfer assignment has passed. ~~If not eligible employee expresses interest in a Temporary Transfer Assignment, an employee who would not otherwise be eligible may be assigned.~~ Employees who have completed temporary transfer assignments are eligible for transfer assignments once they have completed or separated from their current temporary assignment.

H. Airport Staffing

All law enforcement work required by the FAA, TSA, or other federal or state entities at the Patrick Leahy Burlington International Airport (BIA) and all other police work requested by BIA shall be provided by police officers of the Burlington Police Department, when and if feasible and staffing at other locations within the City allows, as determined by the Chief of Police. All officers assigned to BIA shall have the same standard minimum hours as they would in another shift in the City. Officers shall bid for shifts at BIA consistent with current practice for full-time assignments. Any specialized training to comply with current FAA or TSA requirements will be provided by the Department.

The ~~Department~~City will staff the BIA as required by the FAA or TSA and requested by airport personnel when staffing within the Department allows, but in any event with no less than ~~six~~four full-time assignments. If the BIA requires additional sworn officers per regulation, the BIA can contract these services with outside agencies meeting the minimum requirements as set by the Chief of Police. The Burlington Police Department has the right to first refusal when staffing the BIA. If the BIA needs to contract services with an outside agency due to t-he Burlington Police

Department not having available staffing, the BIA and Deputy Chief of Operations will evaluate the staffing needs prior to the start of each tour. Any request to reduce staffing below this level will be subject to future bargaining.

Officers assigned to BIA will follow the procedures outlined in Section 10.9 above except that:

1. An officer assigned to BIA may remain in that assignment for up to two consecutive years.
2. An officer may stay on the same shift for two consecutive tours, then move to another shift within the airport.
3. An officer remaining at the airport for two years must return to Uniform Services downtown and remain there for two tours before reapplying to the airport.

ARTICLE XIII - LEAVES

SICK LEAVE

- c. Employees may use accrued sick leave to care for a parent, grandparent, spouse, domestic partner, child, brother, sister, parent-in-law, grandchild, foster child, or household member because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

- d. (line left blank on purpose)

- e. Sick/Vacation Time Donation Program
Employees covered under this agreement may voluntarily donate accrued sick or vacation leave to another employee within the bargaining unit who is experiencing a qualifying hardship or emergency, subject to the following conditions and limitations:

1. Eligibility for Donation:

Sick or vacation leave donations may be made to a sick leave pool to be used by an employee who:

Is suffering from a serious health condition or injury, or whose immediate family member (as defined under the Family and Medical Leave Act or Vermont Parental and Family Leave Act) has a serious health condition requiring the employee's care and has exhausted all of their accumulated sick leave, has exhausted all but one (1) week of their vacation leave, and has a reasonable expectation of returning to work within three (3) months of their last paid and/or

vacation leave day and is not currently receiving workers' compensation benefits.

2. Donation Process:

- The maximum amount of leave that can be donated by one employee in a calendar year shall not exceed one-hundred twenty (120) hours, unless otherwise approved by the Chief or their designee.

- Any employee may donate sick leave or vacation leave time to the pool but must have at least one (1) week of vacation and one (1) week of sick time remaining after any donation.

- Donations may be made any time throughout the year and must be made in blocks of eight (8) hours.

- The sick leave pool will accumulate from year to year, rolling over on a fiscal year basis.

- The identity of the donors and recipients shall remain confidential.

3. Limits on Usage by Recipient

- Donated sick or vacation leave may only be used for the purposes outlined in Sections 13.1(a) and 13.17 of the CBA.

- Recipients may not receive more donated leave than is reasonably necessary to cover the duration of the hardship or emergency.

4. Approval and Administration

- Requests for donated leave shall be reviewed and approved by the Department Head and the Director of Human Resources, or their designees, to ensure compliance with this policy and applicable laws.

- The program shall be administered in a manner consistent with the requirements of Vermont labor law, including ensuring that participation is strictly voluntary and that there is no coercion or undue pressure placed on employees to donate.

229 5. No Cash-Out or Reimbursement

230 - Donated sick/vacation leave has no cash value and cannot be cashed out or reinstated
 231 to the donor once transferred.

232
 233 WELLNESS BONUS

234 13.4 c Completion of annual online risk assessment/~~Know Your Numbers campaign~~ by the stated
 235 deadline -- \$100.00. Deadline will be identified each year no less than three (3) months after start of fiscal
 236 year.

237
 238 BEREAVEMENT LEAVE

239 13.11 The purpose of bereavement leave is to enable an employee to take care of personal
 240 arrangements, ~~and problems caused by death of an immediate member of their family and to relieve~~
 241 ~~the employee of the concern over loss of earnings on the regularly scheduled work days immediately~~
 242 ~~following the death. and attend funeral services, and have adequate time for emotional grieving~~
 243 following the death of a family member. If a death and/or funeral occurs during the employee's

244 vacation, additional vacation days to make up for those used for bereavement leave will be granted.

245 13.12 Upon the death of an employee's spouse, child/step-child or domestic partner, the
 246 employee may ~~request request~~, and the Department Head will grant bereavement leave of up to ten
 247 (10) working days immediately following such death without loss of pay. This leave may be taken
 248 consecutively or non-consecutively within 30 calendar days of the death to accommodate travel or
 249 delayed funeral arrangements. Domestic partnership shall be recognized for purposes of this Section
 250 when it is determined by the Department Head that the criteria established by the City for
 251 recognizing domestic partnerships to establish eligibility for employee- benefits can be met.

252 13.13 Upon the death of an employee's parent, the employee may request up to and the
 253 Department Head will grant bereavement leave up to five (5) working days immediately following
 254 such death without loss of pay. This leave may be taken consecutively or non-consecutively within 30
 255 calendar days of the death to accommodate travel or delayed funeral arrangements.

256 13.14 The Department head will grant, upon the request of an employee, up to three (3)
 257 working days bereavement leave without loss of pay upon the death in the employee's immediate
 258 family of the employee's stepmother, stepfather, foster mother, foster father, father-in-law,
 259 mother-in-law, grandmother, grandfather, sister, brother, or other relative living in the same
 260 household, or upon the death of the employee's aunt, uncle, cousin, brother-in-law, or sister-in law.

This leave may be taken consecutively or non-consecutively within 30 calendar days of the death to accommodate travel or delayed funeral arrangements.

13.15 Upon the request of the employee, the Department Head may grant up to one day leave with pay for the employee or their spouse to attend the funeral of a personal friend or member of the employee's or their spouse's or domestic partner's family not mentioned herein.

13.16 Notwithstanding the above, the Chief may authorize additional bereavement leave based upon individual employee circumstances such as extended travel requirements or delayed funeral arrangements. An employee, in addition to the above defined leave, may utilize vacation to supplement bereavement- leave.

- a. In cases where an employee requires additional time for grieving or to attend to family matters related to the death, they may request to use accrued sick leave or unpaid leave, subject to approval by the Department Head.

ARTICLE XIV EMPLOYMENT BENEFITS

HEALTH BENEFITS

14.3 The City is currently self-insured for health insurance with a third-party administrator that handles review and payment of claims, with benefits as described in the benefit summary plan documents posted on the City Human Resources web page. ~~materials attached as Appendix E, which includes the changes to prescription co-pays as noted. The City also currently offers dental benefits through Delta Dental.~~ The City may alter the sponsorship carrier of the health care plan so long as the benefits and employee contributions are substantially equivalent to those outlined ~~in this section and Appendix E~~ on the City Human Resources web page.

14.5 Employees shall contribute a set percentage of the total cost of the City's Health Fund Budget (Fund 150) ("the total cost of healthcare benefits") by withholding of a percentage of their wages, said contribution to be made on a pre-tax basis, based on the following schedule:

~~20% of the total cost of healthcare benefits.~~

Employees shall contribute 20% of the total cost of healthcare benefits, provided that

~~Notwithstanding the above, during the term of this contract,~~ the individual employee contribution shall not exceed 6.5% of the employee's wages.

Healthcare benefit costs shall be based on the applicable premium tier for each employee, as follows, effective July 1, 2025:

- Single coverage: \$949.03/month
- Single + 1 coverage: \$1803.16/month
- Family coverage: \$2,657.29/month

Premium rates shall be calculated annually by the City's benefit plan advisor based on plan renewal information, and information and updated accordingly each fiscal year.

~~In addition, if at the end of each fiscal year, the total contractual contribution made by all employees exceeds 20%, the overage will be credited to the total employee contribution in the following fiscal year, thus reducing the percentage of wages required from employees that next FY.~~

14.7 An employee who has available from another source basic medical, hospitalization, surgical insurance and major medical coverage shall have the option of dropping coverage under the City's health insurance program and receiving in lieu thereof an annual payment in the amount of \$800.00. ~~Payment may be in cash, or deposited in the employee's flexible spending account. An employee must be covered by City health insurance for at least twelve (12) months prior to electing to use this buyout.~~ An employee exercising this option must furnish to the City proof of alternative adequate health insurance coverage and must not be receiving health insurance coverage as a covered dependent through the City of Burlington. This election must be made by the employee annually on a form to be provided by the City. The form will contain a disclosure warning the employee of the risks of dropping the City's health insurance program in favor of the cash-out option. If the employee has a spouse covered under the City's health insurance program, the employee may not elect this cash-out option unless the employee's spouse signs and delivers to the City a written consent thereto. If the employee is under a legal obligation to provide health insurance through the program for the benefit of children or a former spouse pursuant to a court order or otherwise, the employee may not elect this cash-out option without the consent of the court, former spouse and/or guardian of the children. The City will make available to all bargaining unit employees an individual knowledgeable about health insurance benefits to counsel and advise those employees interested in electing this cash-out option. Any employee who has elected this cash-out option may cancel it if the alternative coverage from the other source should become unavailable to that employee at any time. The cash payment called for under this option shall be payable by the City to the employee in ~~monthly~~weekly installments.

LIFE

14.9 The City shall provide each eligible employee with a paid group life insurance policy in an amount equal to ~~two-four~~(42) times the employee's salary at the time of death up to a maximum of \$~~41~~00,000. The City shall also provide accidental death and dismemberment coverage for eligible employees. In the event of an accidental death occurring in the employee's line of duty, the employee's survivor(s) shall receive an amount equal to four (4) times the employee's annual salary, to a maximum of \$200,000. The City reserves the right to provide this life insurance through a self-insured plan or under a group insurance policy or policies issued by an insurance company or insurance companies selected by the City.

PENSION

14.22 The City shall keep in effect a Retirement Ordinance throughout the duration of this Agreement. The benefit levels provided therein shall remain unchanged from those that existed on June 30, 1991, except ~~as follows~~as follows:

A. All BPOA Employees:

1. Employees shall contribute to the Burlington Employees' Retirement System (BERS) a percentage of their base salary plus certain wages due as overtime compensation as defined below in subsection a, together known as "eligible wages". The total contribution required from both the City (the Actuarially Determined Employer Contribution (ADEC)) and employees will be based on the annual system valuation prepared by the City's actuaries.

Employees shall contribute a percentage so that all employees are contributing 30% (and the City is contributing 70%) of the total contribution required. Notwithstanding, the employee contribution rate is currently 17.610% of eligible wages and shall be capped at this percentage moving forward.

a. Pensionable Overtime. In addition to the regular compensation and benefits provided under this Agreement, employees shall be eligible for pensionable overtime compensation, subject to the following conditions.

i. Eligibility. Overtime hours worked by employees during a calendar year may be included as pensionable earnings, provided the total pensionable overtime compensation does not exceed 10% of the employee's annual base salary for that calendar year.

- ii. Cap on Pensionable Overtime. The maximum amount of pensionable overtime compensation recognized for retirement purposes shall be calculated based on 10% of the employee's annual base salary. Overtime exceeding this cap shall not be included in pensionable earnings.
- iii. Reporting and Contributions. Overtime earnings eligible for pension contributions under this subsection shall be reported to the applicable pension plan administrator. Both the City and the employee shall contribute to the pension plan for pensionable overtime at the rates established for regular pension earnings, in accordance with this Article.
- iv. Administration. The City and Union shall establish procedures to monitor and document pensionable overtime earnings and ensure compliance with the established cap on the same. Employees shall be provided an annual benefit statement detailing their pensionable overtime contributions.

23. 14.24 Pension Buy-in for Lateral Officers.
Lateral officers joining the Burlington Police Department, as well as those currently employed, shall have the option to buy into the Burlington Employees' Retirement System (BERS) to receive credit for prior eligible law enforcement service, subject to the following conditions:

24. Eligibility:

- a. The officer must have been a contributing member of a previous government retirement system covering law enforcement personnel.
- b. The officer's prior service must be verified as full-time law enforcement service equivalent to positions within the Burlington Police Department.

25. Buy-In Conditions:

- a. Eligible officers joining the police department may purchase up to eight (8) years of prior law enforcement service credit.
- b. Currently employed officers who previously joined from another police department may purchase up to five (5) years of prior law enforcement service credit.

- c. The cost of the buy-in shall be calculated by the City's actuaries based on the officer's current salary, the number of years being purchased, and the applicable contribution rates for both the officer and the City.

26. Payment Options:

- a. Officers may pay the buy-in cost in a lump sum or through payroll deductions over a period not exceeding five (5) years.
- b. Payments made under this provision shall not exceed IRS limitations or other applicable legal requirements for pension contributions.

27. Service Credit and Pension Calculations:

- a. Purchased service credit will be applied only after full payment is received.
- b. The service credit shall count toward both vesting and pension benefit calculations under the BERS rules.

28. Administrative Process:

- a. Lateral officers, whether newly hired or currently employed, interested in the buy-in option must submit a written request within six (6) months of their date of hire or within six (6) months of the effective date of this provision for current employees.
- b. The City shall provide the officer with the actuarially determined cost and available payment options within 60 days of the request.

29. Limitations:

30. This provision does not apply to service rendered in non-law enforcement capacities or service outside of public employment. Employees must certify and show proof upon request that they have released any benefit interest in a prior employer's pension program before commencing the buy-in process.

ARTICLE XVII - UNIFORMS AND EQUIPMENT

17.6 In addition to the aforementioned uniforms and equipment, employees will be reimbursed up to \$~~120.00~~350.00 once every ~~twenty four (24)~~twelve (12) months for the purchase of equipment for Department use. Reimbursement shall be through a voucher/receipt system established by the Department's Office Manager, with payment to the employee to be made not later than three (3) weeks following date of submission of receipt to the Department.

ARTICLE XX – GLOBAL POSITION SYSTEM UTILAZATION

1. The City may use Automatic Vehicle Location, telematics, and Global Position System (GPS) and any evolution of these technologies for operational and programmatic purposes on certain City vehicles.
2. Monitoring of employees will be limited to legitimate operational/business purposes.
3. City will provide notice to affected employees of automatic vehicle location systems in their City vehicles. Employees will acknowledge receipt of this notice in writing.
4. The City will provide forty-five (45) days' notice to BPOA of its intent to utilize any new technology, not identified above, that may impact terms and conditions of employment. BPOA may, during this forty-five (45) day period, request to engage in bargaining over the impact of the City's decision.
5. Data from electronic monitoring systems may only be utilized as part of a disciplinary investigation into serious misconduct and/or to discipline employees for mid and high-level infractions. Such data may only be accessed and ~~utilized~~utilized when a complaint of serious misconduct brings an ~~employee's~~employee's conduct into question. Management may not proactively monitor the telematic data of GPS locations of employees for any disciplinary purpose whatsoever~~y~~.
6. Telematics data shall not be used for low or mid level infractions, routine performance issues, or administrative violations that do not rise to the level of serious misconduct.

SIDE LETTER

The parties agree that for a period of 18 months from the date of this MOA, Article 10.9(H) will be revised by deleting the phrase “and requested by airport personnel”. After the expiration of 18 months, the language will revert back to the current language. The Union agrees to withdraw its pending grievance.

APPENDIX A – PAY PLAN

STEP	FY236	FY247	FY258
1	70,936.03 <u>80,361.39</u>	74,482.83 <u>84,178.55</u>	76,717.32 <u>88,808.37</u>
2	71,716.32 <u>81,245.36</u>	75,302.14 <u>85,104.51</u>	77,561.20 <u>89,785.26</u>
3	72,505.20 <u>82,139.06</u>	76,130.47 <u>86,040.67</u>	78,414.38 <u>90,772.90</u>
4	73,302.76 <u>83,042.59</u>	76,967.89 <u>86,987.11</u>	79,276.93 <u>91,771.40</u>
5	74,109.09 <u>83,956.06</u>	77,814.54 <u>87,943.97</u>	80,148.98 <u>92,780.89</u>
6	74,924.29 <u>84,879.58</u>	78,670.51 <u>88,911.36</u>	81,030.62 <u>93,801.48</u>
7	75,898.31 <u>85,983.02</u>	79,693.23 <u>90,067.21</u>	82,084.02 <u>95,020.91</u>
8	78,175.26 <u>85,562.51</u>	82,084.02 <u>92,769.22</u>	84,546.54 <u>97,871.53</u>
9	79,347.90 <u>89,890.96</u>	83,315.30 <u>94,160.78</u>	85,814.75 <u>99,339.62</u>
10	80,538.11 <u>91,239.31</u>	84,565.02 <u>95,573.18</u>	87,101.97 <u>100,829.71</u>

11	82,644.16 <u>93,625.19</u>	86,776.37 <u>98,072.39</u>	89,379.66 <u>103,466.37</u>
12	85,135.67 <u>96,447.75</u>	89,392.45 <u>101,029.02</u>	92,074.23 <u>106,585.62</u>
13	86,834.42 <u>98,372.22</u>	91,176.14 <u>103,044.90</u>	93,911.42 <u>108,712.36</u>
14	88,561.48 <u>100,328.75</u>	92,989.55 <u>105,094.37</u>	95,779.24 <u>110,874.56</u>
15	91,840.00 <u>104,042.90</u>	96,432.00 <u>108,984.93</u>	99,324.96 <u>114,979.10</u>

441

442

BURLINGTON POLICE OFFICERS' ASSOCIATION

DUES CERTIFICATION

I hereby certify that the regular dues of the Burlington Police Officers' Association are currently established at \$25.00 per week.

Date: _____

Duly Authorized Representative
Burlington Police Officers Association
Joseph Corrow

443

444

445 Pages to be Removed

446 Delta Dental – Outline of Benefits

447 Appendix E – SUMMARY OF HEALTHCARE BENEFITS – Cigna Benefit Summary

448

City of Burlington

Summary of MOA with Police Union

Subject to Ratification by the Union and by City Council

July 18, 2025

Below is a brief summary of the highlights of the Tentative Agreements reached with the police union. For details, please see the attached MOA.

Economics

Increase FTO pay from \$50 to \$100 (lines 34-47)

Wages – 4.75, 4.75, 5.5 (lines 49-55)

Documented shift differential to be paid on eligible sick hour usage (lines 57-68)

Increase Detective on-call pay \$200 per week to \$600 per week (lines 69-73)

Increase step placement for employees with relevant experience, Step 7 to Step 10 (lines 75-82)

Retention Pay (lines 84-91)

Increase in number of hours worked (12 to 15) in order to receive one-half hour with pay (lines 95-102)

Shift caps/minimum time off periods (lines 104-121)

Travel Pay (lines 123-131)

Sick Leave – language to include domestic partner (lines 197-201)

Sick donation program (lines 203-250)

Bereavement Leave – inclusion of step-child (line 245)

Transition health care cost from a percent to tiers (lines 304-321)

Medical Opt-out payment eligibility and payment (lines 323-342)

City paid life insurance increase amount (lines 345-352)

Pensionable overtime and buy-in (lines 358-427)

Uniform and equipment increase from \$120 to \$350 (lines 430-434)

Non-Economics

Non-Discrimination: Update language to reflect Vermont and Federal law (lines 15-21)

Employment Contract – remove section from CBA (lines 24)

Filling of Vacancies: Updated language reflecting number of years from previous CBA. CBA read three and it should have been five (lines 27-32)

Intradepartmental Transfers: Chief's assignment, length of service (lines 133-166)

Airport Staffing: Chief of Police will determine feasible staffing (lines 168-193)

Wellness Bonus: Removal of the Know your Numbers Campaign, no longer an active program (line 253)

Bereavement Leave: Language clean-up on when it can be used (lines 258-291)

Health Benefits: Removed summary plan descriptions for both Cigna and Delta dental and will direct employees to City web page. (lines 295-302 and

Global Position system: Installation of fleet telematics in City vehicles (lines 436-451)

Side letter removal: Old language related to Article 10.9 (lines 454-456)

Resolution Relating to

RATIFICATION OF TENTATIVE AGREEMENT AND
AUTHORIZATION TO EXECUTE COLLECTIVE
BARGAINING AGREEMENT BETWEEN THE CITY OF
BURLINGTON AND FOP BPOA #021 (July 1, 2025 – June
30, 2028)

RESOLUTION 4.3

Sponsor(s): Bd. of Finance

Introduced: 08/25/25

Referred to: _____

Action: adopted

Date: 08/25/25

Signed by Mayor: 08/28/25

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 City and the Fraternal Order of Police, City of Burlington Police Association Lodge
2 #021 (FOP) have been negotiating the terms and conditions of a successor agreement to the Collective
3 Bargaining Agreement that expired on June 30, 2025; and

4 WHEREAS, the negotiating teams of the parties have reached a Tentative Agreement for a new three
5 year agreement, retroactively effective July 1, 2025 (unless otherwise specified); and

6 WHEREAS, the Fraternal Order of Police, City of Burlington Police Association Lodge #021 has
7 ratified this Tentative Agreement on July 23, 2025;

8 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby ratifies and authorizes Mayor
9 Emma Mulvaney-Stanak to execute a Collective Bargaining Agreement between the City and the FOP for a
10 three year period retroactively from July 1, 2025 to June 30, 2028, in substantially the form attached hereto,
11 subject to the final review and approval of the City Attorney and Chief Administrative Officer

12
13
14 Resolutions 2025/RATIFICATION OF TENTATIVE AGREEMENT AND AUTHORIZATION TO EXECUTE COLLECTIVE BARGAINING
15 AGREEMENT BETWEEN THE CITY OF BURLINGTON AND FOP BPOA #021 (July 1, 2025 – June 30, 2028)
16 08/04/2025

* * * * *

DISTRIBUTION:

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

Interim Police Chief Burke

* * * * *

ORIGINAL

RESOLUTION RELATING TO

Ratification Of Tentative Agreement And Authorization To Execute Collective
Bargaining Agreement Between The City Of Burlington And FOP BPOA #021(July 1, 2025-
June 30, 2028)

.....

Adopted by the City Council

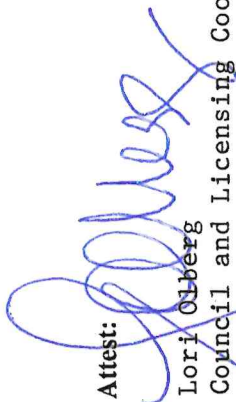
August 25 20 25

 Clerk

Approved..... Aug 28, 20 25

 Mayor

Vol. Page

Attest:

Lori Olberg
Council and Licensing Coordinator

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

ESTABLISHING CITY CIRCLE
BCO Chapter 1, Section 10

ORDINANCE _____

Sponsor: Office of the City Attorney,
Ordinance Committee
Public Hearing Dates: _____

First reading: _____
Referred to: _____
Rules suspended and placed in all
Stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

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

That Chapter 1, General Provisions, of the Code of Ordinances of the City of Burlington be and is hereby amended by amending Section 10, Prosecution Where Different Penalties Exist for Same Offense; to include a new subsection regarding City Circle to read as follows:

1-10 Prosecution and City Circle ~~where different penalties exist for same offense.~~

(a) Prosecution where different penalties exist for same offense. In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the city, the city attorney may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

(b) City Circle. The Office of the City Attorney, in consultation with the Community Justice Center shall create a restorative justice program to address criminal and civil ordinance violations in the city of Burlington. This program shall be referred to as the "City Circle."

(1) Rules and Regulations. The Community Justice Center shall consult with the City Attorney's Office to establish the rules and regulations which will govern this restorative justice program. Such rules and regulations, and any future amendments thereto, shall be subject to approval by the City Council. Once approved, the rules and regulations shall be posted on the webpage maintained by the Community Justice Center.

(2) Citations. A person who is found by a Law Enforcement Officer to be in violation of Burlington Code of Ordinances 21-24; 21-29; 21-30; 21-37; 21-38; 21-45; 21-46; 21-47; 21-48; 21-49; or any other ordinance as deemed appropriate by the Office of the City Attorney in consultation with the Community Justice Center shall be issued both a citation informing them of the ordinance that they have violated as well as a citation informing them that they must report to the next meeting of the City Circle. The City Circle citation is to include the time and place in which the City Circle is to occur.

(3) Meetings. City Circle Meetings shall be held on a weekly basis at a location to be determined by the City Attorney and the Community Justice Center.

(4) Failure to attend. If an individual fails to attend their City Circle meeting as scheduled, civil ordinance violations will be forwarded to the Judicial Bureau. Criminal ordinance violations will be forwarded to the Superior Court, and the individual will be expected to appear for an arraignment on a misdemeanor violation of city ordinance. If the individual fails to appear at Superior Court, the assigned prosecuting attorney may request a warrant.

* Material stricken out deleted.

** Material underlined added.

EW/Ordinances 2025/City Circle/BCO Ch. 1, Subsection 10

Sec. 1-10

7/17/2025

JESSICA C. BROWN, ESQ.
City Attorney
KIMBERLEE J. STURTEVANT, ESQ.
ACA, Director of Litigation
HAYLEY I. McCLENAHAN, ESQ.
Assistant City Attorney
ERIK RAMAKRISHNAN, ESQ.
ACA, Director of Gen. Gov't
& Transactional Servs.
EMMETT WOOD, ESQ.
Assistant City Attorney



149 Church Street
Burlington, VT 05401-8489
Phone: (802) 865-7121
Fax: (802) 865-7123
TTY: (802) 865-7142

CITY OF BURLINGTON, VERMONT
OFFICE OF
THE CITY ATTORNEY
AND
CORPORATION COUNSEL

Date: 8/25/25

To: Burlington City Council

From: Jessica Brown, City Attorney; Emmett Wood, Assistant City Attorney; Becky Penberthy, Burlington Community Justice Center

Re: Update on Proposed City Circle Ordinance

Introduction:

At the July 14, 2025, City Council meeting, the Council waived the first reading of the “City Circle” ordinance and referred the ordinance to the Ordinance Committee. The Ordinance Committee discussed the City Circle ordinance at their July 17, 2025, meeting and voted to refer the ordinance back to the full Council for a second reading and a vote on adopting the ordinance.

In response to feedback and questions, the ordinance was amended to indicate that both criminal and civil ordinance violations may be referred to the City Circle. Many civil ordinance violations, already listed in the ordinance code, allow for a restorative response. However, no rapid restorative response program has previously been developed for the majority of civil ordinance violations. The Burlington Community Justice Center (BCJC) receives funding from the Vermont Attorney General’s Office to facilitate rapid response restorative justice programs for individuals facing criminal charges. Some City funding will be required to allow for civil ordinance violations to be referred to the City Circle.

The Attorney General's Office has agreed to allow the BCJC to use existing funding, on a pilot basis for the remainder of this fiscal year, to accept referrals of criminal municipal ordinance violations to City Circle. The BCJC will be required to submit data, on a quarterly basis, tracking municipal referrals.

For purposes of managing resources and evaluating efficacy, this pilot version of City Circle will accept cases for municipal violations committed in the Downtown Improvement District.¹

If adopted at tonight's Council meeting, the City Circle ordinance will be published in approximately three weeks, allowing for City Circle to begin in late September. Prior to that time, the City Attorney's Office and the BCJC will be working with City staff to identify a regular time and location in which City Circle will be held and will work with the Burlington Police Department to develop the City Circle referral protocol. In addition, the BCJC will be recruiting and training volunteers to serve as City Circle panelists, with a focus on recruiting volunteers who are stakeholders in the downtown area and who are eager to participate in creating and nurturing the community they want downtown Burlington to be.

City Circle Legal Process:

When an individual is served with a municipal ordinance violation, the charging document (i.e., the ticket) will inform the person of whether the violation is being charged as a civil violation or a criminal violation and will include the specific ordinance title and code number, which will provide notice of the potential penalties.

Once City Circle is approved and established, in addition to notice of an ordinance violation, the individual will also receive notice to appear at the next City Circle meeting date. All municipal violation tickets will be forwarded to the City Attorney's Office and will be held in abeyance pending engagement and completion of City Circle. (See below for additional information on the Circle process for individuals who choose to participate.)

If an individual does not appear at the next City Circle meeting, the City Attorney's Office will have various options, including:

- Enlisting community partners (e.g., CSLs and CARE team members, Howard Center Street Outreach staff, etc.) to encourage the individual to engage with City Circle as soon as possible;

¹ Per City Charter Article 89, Section 321, the Downtown Improvement District is bounded by the shoreline of Lake Champlain on the west, the north property lines of properties fronting on Pearl Street on the north, the east property lines of properties fronting South Winooski Avenue on the east, and the south property lines of properties fronting on Main Street to the intersection of Battery Street and then extending southerly to include properties fronting on Maple Street, on the south. The entirety of the Church Street Marketplace District is included within the Downtown Improvement District.

- Filing civil ordinance violation tickets with the Judicial Bureau for adjudication;
- Filing criminal ordinance violation tickets in the Superior Court for adjudication.

Under no circumstances will municipal ordinance violations filed with the City Attorney's Office be transferred to the Chittenden County State's Attorney's Office. The City Attorney's Office will exercise its discretion whether to prosecute criminal ordinance violations in Superior Court, including whether or not to request daytime bench warrants, or cite-and-release warrants, for individuals who do not engage with City Circle and do not appear at Court for arraignment. On the occasions that the City Attorney's Office files a criminal ordinance violation in the Superior Court, the prosecuting Assistant City Attorney will have the discretion to refer the case to the Burlington Community Justice Center for a City Circle process, Diversion, or other restorative response. The primary objective will always be to support people to engage with City Circle to take accountability for any conduct that has harmed the community, to address the needs of any directly or indirectly impacted parties, and to discuss ways to meet the responsible party's needs such that similar harm will not recur.

Upon successful completion of a City Circle restorative agreement developed by City Circle facilitators, any impacted parties, and the responsible party, the municipal ordinance violation(s) will be dismissed/voided.

City Circle Restorative Process:

Upon arrival at City Circle, the ticketed person will meet with a staff member from the Burlington Community Justice Center (BCJC) to learn about the process. The staff member determines readiness for participation. Both youth and adults are eligible to participate. Youth processes may differ from adult processes.

Victims are notified that the incident was referred to City Circle by the person issuing the ticket and by BCJC. BCJC reaches out to all victims. Victims may choose to participate in the Circle. Regardless of whether or not a victim participates in the Circle process, they are offered support from a BCJC staff person.

As part of the Circle process, ticketed persons are required to take responsibility for their actions. Responsible parties are supported by Circle facilitators to take accountability, make amends to those impacted, repair any harm done to the degree that it is possible, and to take steps to address any underlying

causes that contributed to their actions. The responsible party, BCJC staff, trained community volunteers, victims who were directly impacted, and, in some cases, support people, Cultural Advocates, and interpreters may be present at the circle.

All in the Circle work together to develop a restorative agreement that the person completes in order for their ticket to be dismissed. Progress on the agreement is tracked by BCJC. The process is confidential by State Law and can only be attended by those mentioned in this section.

In situations where the BCJC is not able to contact the ticketed person, they do not attend the Circle, or they fail to complete the restorative agreement, the incident is referred to the City Attorney's Office for further action.

Proposed Motion (Second Reading): Waive the reading and adopt the ordinance.

Board of Finance and City Council Submission Checklist

Version: April 2025

Department: City Attorney Submitter: Jessica Brown

Title/Subject: City Circle Ordinance

Approval Requested:

- ☐ Board of Finance
☒ City Council
☐ Both BOF and Council

Meeting Date:

[Click or tap to enter a date.](#)

8/25/2025

[Click or tap to enter a date.](#)

Instructions

1. This form must be completed by the person submitting the materials.
2. This form must be sent with the final submission of materials in advance of the meeting.
3. Do not indicate that a sign-off was received until it has actually been obtained.
4. Commission reports and presentations do not need to be reviewed by the CAO or Attorneys.
5. Name the reviewing Attorney or HR Manager in the Note column.

Signoff Needed	Received?	Approval Date	Note
Department Head	Yes	8/20/2025	Jessica Brown
Mayor's Office	Yes	8/20/2025	Erin Jacobsen
Board/Commission	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and contracts or legal documents	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and motion(s) or resolution(s)	Yes	8/20/2025	Jessica Brown
CAO for budget, financing, and memo	Yes	8/20/2025	Katherine Schad
Human Resources, if personnel action or policy	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if IT-related	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

CITY OF BURLINGTON

ORDINANCE 4.4

Sponsor: Office of the City Attorney,
Ordinance Committee

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

ESTABLISHING CITY CIRCLE
BCO Chapter 1, Section 10

First reading: 07/14/25
Referred to: Ordinance Committee

Rules suspended and placed in all
Stages of passage: _____

Second reading: 08/25/25

Action: adopted

Date: 08/25/25

Signed by Mayor: 08/28/25

Published: 09/03/25

Effective: 09/23/25

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

That Chapter 1, General Provisions, of the Code of Ordinances of the City of Burlington be and is hereby amended by amending Section 10, Prosecution Where Different Penalties Exist for Same Offense; to include a new subsection regarding City Circle to read as follows:

1-10 Prosecution and City Circle~~where different penalties exist for same offense.~~

(a) Prosecution where different penalties exist for same offense. In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the city, the city attorney may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

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(2) Citations. A person who is found by a Law Enforcement Officer to be in violation of Burlington Code of Ordinances 21-24; 21-29; 21-30; 21-37; 21-38; 21-45; 21-46; 21-47; 21-48; 21-49; or any other ordinance as deemed appropriate by the Office of the City Attorney in consultation with the Community Justice Center shall be issued both a citation informing them of the ordinance that they have violated as well as a citation informing them that they must report to the next meeting of the City Circle. The City Circle citation is to include the time and place in which the City Circle is to occur.

(3) Meetings. City Circle Meetings shall be held on a weekly basis at a location to be determined by the City Attorney and the Community Justice Center.

ORIGINAL

AN ORDINANCE
IN RELATION TO

Introduced by

Councilor

Read in City Council first time

_____, 20_____.

Attest,

_____, Clerk.

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

_____, 20_____.

Attest,

_____, Clerk.

Read in City Council second time

_____, 20_____.

Attest,

_____, Clerk.

Passed in City Council at meeting held

_____, 20_____.

Attest,

_____, Clerk.

Approved _____, 20_____.

_____, Mayor.

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

And the within Ordinance was ordered published for _____ day,

namely the _____ day of _____, 20_____.

Adopted _____ Published _____ Effective _____
_____, City Clerk

Attest:

Distribution

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

* * * * *

* * * * *

31
32 (4) Failure to attend. If an individual fails to attend their City Circle meeting as scheduled, civil
33 ordinance violations will be forwarded to the Judicial Bureau. Criminal ordinance violations will be
34 forwarded to the Superior Court, and the individual will be expected to appear for an arraignment on a
35 misdemeanor violation of city ordinance. If the individual fails to appear at Superior Court, the assigned
36 prosecuting attorney may request a warrant.
37
38
39

40 * Material stricken out deleted.

41 ** Material underlined added.
42

43 EW/Ordinances 2025/City Circle/BCO Ch. 1, Subsection 10

44 Sec. 1-10

45 7/17/2025

ORIGINAL

AN ORDINANCE IN RELATION TO

Establishing City Circle BCO Chapter 1, Section 1

Introduced by Office of the city Attorney,

Committee Ordinance Committee

Read in City Council first time

July 14, 20 25

Attest, [Signature], Clerk.

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

_____, 20 ____.

Attest, _____, Clerk.

Read in City Council second time

August 25, 20 25

Attest, [Signature], Clerk.

Passed in City Council at meeting held

August 25, 20 25

Attest, [Signature], Clerk.

Approved August 28, 20 25
Emily [Signature], Mayor.

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

And the within Ordinance was ordered published for _____ day,
Wednesday

namely the 3rd day of September, 20 25

Adopted 08/25/25 Published 09/03/25 Effective 09/23/25

[Signature]
CAO, City Clerk

Distribution

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

City Attorney's Office

Attest:

[Signature]
Lori Olberg
Council and Licensing Coordinator

Resolution Relating to

A SAFE AND ACCESSIBLE CITY HALL PARK

RESOLUTION_____
Sponsors: 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:

- 1 WHEREAS, the City of Burlington, with the charitable assistance of the Pomerleau Family
2 Foundation, invested millions of dollars to revive City Hall Park as a more accessible, family-friendly
3 gathering space; and
- 4 WHEREAS, since the reopening of City Hall Park in October 2020, while many families, children,
5 residents, and visitors have enjoyed this revived space, the area has been increasingly impacted by criminality
6 and other unwelcoming behaviors, which have discouraged park users and caused harm to surrounding
7 businesses and downtown events; and
- 8 WHEREAS, acts of violence, drug trafficking, open drug use, the fencing of stolen goods, disorderly
9 conduct, unlawful mischief, and similarly unacceptable incidents are far too commonplace in Burlington’s
10 central square and must end; and
- 11 WHEREAS, while City Hall Park is supposed to be closed for public use from 12:00 midnight until
12 6:00 a.m. on a daily basis, individuals regularly remain in the park during closing hours; and
- 13 WHEREAS, as Burlington continues to face significant public safety issues in City Hall Park, the
14 surrounding downtown, and around the City, the City Council and Mayor have consistently reaffirmed their
15 support for a greater presence of public safety personnel and, to support that end, a more fully staffed
16 Burlington Police Department; and
- 17 WHEREAS, upon assuming the role as Interim Chief of Police, Chief Shawn Burke redeployed sworn
18 officers and other BPD professionals to increase visibility in the downtown beginning in April 2025,
19 increasing downtown foot patrols to more than 3800 patrols between April and August 2025, which is a 160%
20 increase over the same timeframe last year and more than any yearly total of downtown patrols for the years
21 2020-2024; and

22 WHEREAS, recognizing the current staffing constraints at the Burlington Police Department, the City
23 Council and Mayor have continuously supported the use of supplemental contracted public safety personnel
24 and special overtime for Burlington police officers when necessary; and

25 WHEREAS, the Mayor’s community safety strategy developed a coordinated “hot spots” intervention
26 strategy in July 2024 to identify and reduce the number of safety and illegal activities taking place in and
27 around the downtown with documented improvements in and around the Fletcher Free Library and
28 Marketplace Garage; and

29 WHEREAS, notwithstanding these efforts, a clear need for a more consistent presence of law
30 enforcement officers and public safety personnel in remaining “hot spots” in the City, including City Hall Park
31 remains; and

32 WHEREAS, the Mayor’s Administration launched the Situation Table in June 2025 as a new initiative
33 to reduce the risk level of individuals who are likely to harm themselves or others by using a methodology
34 used by several other cities in the United States and Canada; and

35 WHEREAS, in cities who have used the Situation Table, including Springfield, Bennington, and
36 Brattleboro, Vermont, individuals involved in the justice system, emergency department visits, and overdose
37 deaths have all decreased; and

38 WHEREAS, the Situation Table began taking referrals of cases in mid July 2025 and has engaged 13
39 cases thus far, on which approximately 40 different state and local providers are coordinating to start reducing
40 risk factors in some of our most challenging situations facing the community; and

41 WHEREAS the City Council support the Mayor’s Administration proposal for a new local
42 accountability initiative called City Circle to create a more immediate and consistent accountability system for
43 individuals who violate local municipal ordinances by allowing individuals to resolve tickets by using the
44 Community Justice Center restorative justice system; and

45 WHEREAS if the individual chooses not to resolve their ticket through restorative justice means, City
46 Circle will refer the ticket to the criminal court system; and

47 NOW, THEREFORE, BE IT RESOLVED, the City of Burlington shall continue to make all
48 reasonable efforts to: (1) maintain a presence of public safety personnel in City Hall Park; (2) honor City Hall
49 Park’s posted operating hours; and (3) enforce all applicable statutes, ordinances, and regulations to address
50 criminality and other unwelcoming behaviors in City Hall Park; and

51 BE IT FURTHER RESOLVED, authorized public safety personnel are encouraged to utilize the
52 provisions of Burlington’s ordinances that allow for “no trespass” orders; and

53 BE IT FURTHER RESOLVED, the Mayor's Administration will review national best practices for
54 new strategies not utilized yet in the City to resolve non-violent illegal and anti-social behavior in public
55 spaces, including new community health based strategies to reduce open illegal drug use; and

56 BE IT FURTHER RESOLVED, the City of Burlington requests the following specific actions by the
57 State of Vermont and Governor Phil Scott to support Burlington addressing these chronic safety and health
58 challenges: (1) Convene a county-wide committee of local, county and state law enforcement agencies to
59 develop coordinated responses to low-level drug trafficking involving Vermonters who are engaging in drug
60 activity in and around Burlington; (2) Convene youth service providers, schools, and staff from the Agency of
61 Human Services to specifically examine trends among juveniles engaged in violence, drugs, and gun
62 possession to identify strategies to interrupt these trends for at-risk juveniles; and (3) Convene a public health
63 strategy discussion between members of the Department of Health and Department of Mental Health to
64 examine how to remove barriers to treatment and address limited capacity to existing drug treatment centers to
65 support people living with substance use disorder finding easier pathways to treatment and recovery; and

66 BE IT FURTHER RESOLVED, that no later than the City Council meeting on September 29, 2025,
67 the Mayor's Administration and Burlington Police Department shall provide the City Council a report
68 detailing the extent to which current staffing levels at the Burlington Police Department, coupled with
69 currently contracted public safety personnel, are able to accomplish the goals of this Resolution; and

70 BE IT FURTHER RESOLVED, to the extent this report identifies any gaps in coverage that impede
71 the goals of this Resolution, the Mayor's Administration and Burlington Police Department shall provide
72 recommendations on how these gaps may be timely addressed, including, but not limited to, consideration of
73 additional contracted public safety personnel, special overtime for Burlington police officers, or the extent to
74 which Burlington may request specific support from the State of Vermont.

Resolution Relating to

A SAFE AND ACCESSIBLE CITY HALL PARK

RESOLUTION 4.5

Sponsors: Councilor *Traverse*

Introduced: 08/25/25

Referred to: _____

Action: adopted

Date: 08/25/25

Signed by Mayor: 08/28/25

CITY OF BURLINGTON

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

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1 WHEREAS, the City of Burlington, with the charitable assistance of the Pomerleau Family
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3 gathering space; and

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5 residents, and visitors have enjoyed this revived space, the area has been increasingly impacted by criminality
6 and other unwelcoming behaviors, which have discouraged park users and caused harm to surrounding
7 businesses and downtown events; and

8 WHEREAS, acts of violence, drug trafficking, open drug use, the fencing of stolen goods, disorderly
9 conduct, unlawful mischief, and similarly unacceptable incidents are far too commonplace in Burlington's
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15 support for a greater presence of public safety personnel and, to support that end, a more fully staffed
16 Burlington Police Department; and

17 WHEREAS, upon assuming the role as Interim Chief of Police, Chief Shawn Burke redeployed sworn
18 officers and other BPD professionals to increase visibility in the downtown beginning in April 2025,
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21 2020-2024; and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

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

Adopted by the City Council

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

..... Clerk

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

..... Mayor

Vol. Page

* * * * *

22 WHEREAS, recognizing the current staffing constraints at the Burlington Police Department, the City
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* * * * *

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ORIGINAL

RESOLUTION RELATING TO

.....
.....
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Adopted by the City Council

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

..... Clerk

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

..... Mayor

Vol. Page

* * * * *

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* * * * *

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has been sent to the following
department(s) on

Mayor's Office
BPD

ORIGINAL

RESOLUTION RELATING TO

A Safe And Accessible City Hall Park

Adopted by the City Council

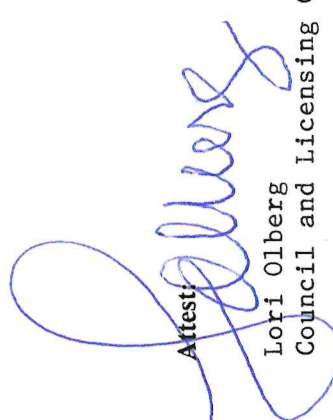
August 25....., 20 25.....

 Clerk

Approved..... Aug 28 20 25.....

 Mayor

Vol. Page


Lori Olberg
Council and Licensing Coordinator

* * * * *



Office of Mayor Emma Mulvaney-Stanak

MEMORANDUM

To: City Council
From: Mayor Emma Mulvaney-Stanak
Date: August 25, 2025
Re: Mayor's Update to City Council

Please find below a written summary of Mayor Updates for August, 25, 2025.

General Updates:

Mayor's Office Staffing Changes: Sawyer Totten completed his temporary roll in the Mayor's office on August 22. We thank him for his stellar work over the last three weeks and wish him well as he returns to college for his senior year. We welcomed Sam Powers, recent UVM graduate, in the role as our new temporary administrative/constituent services assistant as we prepare to post to hire for the permanent new employee.

REIB Director: We held the second round of REIB director interviews for the three finalists over the last two weeks and will be selecting a finalist this week. I plan to bring the recommended candidate to the City Council for the confirmation process in September. We had a robust and competitive applicant pool.

BPRW Director: We are beginning the first review of applicants for the Burlington Parks Recreation and Waterfront Director position. The advisory committee includes representatives from the City Council, BPRW Commission, BPRW staff, AFSCME union leaders, and the Mayor's senior leadership team. The top 2-3 applicants will be recommended to advance to the second and final round with the Mayor later in September.

Department FY26 Goal Setting: We are mid-way through our annual process of setting goals and indicators for each city department. We started this process in my first year as Mayor to provide each department strategic direction for the upcoming year to address challenges and opportunities facing our departments and also cross-department efforts to help advance our three city priorities on housing, climate, and community safety. This year we added a reflective step of looking at the FY25 goals, assessing what was able to be accomplished or not and used that information to inform FY26 goals. Human Resources also created demographic analysis for each department on employee hiring and retention trends from the last year. This analysis helped each department head to reflect on these trends to help inform different strategies to continue our work to diversify our workforce and build a more inclusive workplace for people who are less represented in our workforce. As we did last year, we will summarize the final goals and share with Council in October.

Housing

As part of the **Bloomberg Harvard City Leadership Initiative** – a year long program I was selected to be part of as part of an international mayors' cohort – two of my senior leaders attended a week-long conference alongside city staff selected by their mayors. I sent my Chief of Staff, Erin Jacobsen, and CEDO Director, Kara Alnasrawi, as our focus is on how to accelerate our housing priority to create ample, affordable and safe housing in the city. The Bloomberg Harvard team will be visiting Burlington three times over the next year to provide resources and collaborative support to bolster our work. I look forward to this unique opportunity to grow the City's innovation skills and tap national/international networks to collaborate on targeted solutions to our housing crisis. This is a free program offered to the city.

On August 13th, 2025 my **op-ed on the state of our homelessness crisis** and my response to the President's Executive Order on homelessness was published in VT Digger. [Please read my call](#) for greater support and more meaningful partnership from the State of Vermont in the hard work of addressing this statewide crisis falling to municipalities.

Community Safety

We finalized a **MOU between the Burlington School District and Burlington Police Department** to create clear lines of communication and coordination to support safety needs for our schools. This was a requested step out of the BSD Taskforce from a few years ago when reviewing the use of School Resources Officers within schools. The Taskforce recommended removing SROs from the schools and replacing them with a new coordinated agreement between the BPD and BSD which is reflected in the MOU.

We continue to work with IACP, the national firm hired to assist the City in the **hiring of the permanent police chief**. Our next step will be to develop a community survey and stakeholder conversations to help inform the city priorities in the candidate profile. Ingrid Jonas, Senior Advisor on Community Safety, is the lead for the Mayor's Office in the hiring process and coordinating with IACP. We will engage city councilors and the police commission as part of the stakeholder conversations.

We continue our work to open the state's first **overdose prevention center**. You can read more about the status of the work and steps ahead on my webpage. We offer a new FAQ for the public to help answer questions and clarify basic information about what an OPC is and how we plan to engage the community in the site selection process. We held a meeting this week with our service provider—Vermonters for Criminal Justice Reform—as a pre-grant award coordination meeting and recently received the official contract from the State of Vermont to finalize funding and grant parameters. Theresa Veniza, my Specialist on OPC Implementation, continues to lead this work and provided more of a [summary](#) on this work in a memo to City Council on August 25th, 2025. We will bring more updates to Council at a September meeting.

Other Highlights

On September 5, I will join a **delegation of Vermont Mayors and travel to Quebec** to meet with our municipal counterparts. This is an effort organized by the Vermont Mayors' Coalition and the Vermont League of Cities and Towns to find more tangible ways to connect our communities and economies. We are purposely traveling to Granby, Canada to express our support for our Canadian neighbors and oppose the harmful rhetoric and tariff policies coming from the President. I will report back to Council on the outcome of these meetings at your next meeting.

We continue to work with Leahy Burlington International Airport and our City Attorney's Office in our work to **support ICE-detained individuals connecting to legal representation**. While some individuals are moved through our airport, we know many others are passing through the Vermont corrections system and traveling out on other modes of transportation. We posted in the Council agenda packet a summary of limitations in the city's authority to regulate federal spaces within the airport due to TSA and FAA regulations.

We held a **2025 legislative debrief** with our legislative delegation. I am appreciative that we had almost all of Burlington's state representatives and senators in attendance to reflect back on what we were able to advance from our city's legislative priorities and the work ahead. Unfortunately, none of Burlington's charter change requests fully advanced yet this biennium requiring some additional work to find a successful path forward.

I also held meetings with **BIPOC community leaders** to discuss our policing practices and policies alongside Chief Burke, Councilor Grant, and Councilor Singh. We focused on sharing information on the upcoming chief of police hiring process, work ahead of us to look at our use of force policies and practices, and our community outreach work to rebuild trust with immigrant and refugee communities and BIPOC communities. We also listened to feedback on the unintended but real impacts of increase of police presence in our downtown for some folks in our BIPOC community. While our increased police presence is focused on helping stabilize certain hot spot locations, especially at City Hall Park, this was a good conversation to explore our implicit bias training and community policing methods and where we still need to improve to be responsive to valid concerns.

I held a **Business Town Hall** with approximately 150 businesses to discuss community safety and downtown trends. I was joined by several department heads, including our CEDO Director, Chief of Police, Chief of Fire, DPW Director, and my three specialists on homelessness, community safety, and OPC implementation. We continue to engage our business and downtown community to listen to concerns, share our strategies, including new strategies coming online (Situation Table and City Circle), and ask for support for partnerships to help find sustained solutions to our complex challenges.

Department Updates

Attorney's Office:

- The City Circle Ordinance passed out of Ordinance Committee and is on the August 25th City Council agenda for final adoption. We hope to have the program up and running in early Fall (Sept./Oct.).
- We've had several variations on meetings about new/emerging federal grant application certification requirements related to DEI and other prohibitions, cooperation with ICE activity, etc. We will look to brief the City Council on this at a meeting in September.
- The City Attorney's Office is organizing a Charter Summit to begin review of our charter for efficiencies, points of clarity, and other improvements. The last update was nearly 75 years ago.

BCA:

- Finding underwriting support for Grief Exhibition (Do We Say Goodbye? at the BCA Center and Highlight 2025
- Working with Hula and Jonathan Rose Co. on defining our role with artist housing in Phase 1 of SECORD
- Preparing for Art Hop and the opening of the BCA Community Room at 405 Pine St

BED:

- Power Supply – BED working on a potential extension of our contract with Sheffield Wind in Vermont.
- McNeil studies – Velerity developing their analysis, not ready for presentation in yet but will provide update at a future TEUC meeting.
- [4th Annual Net Zero Energy Festival](#) – The 4th annual Net Zero Energy Festival will take place 10am-2pm Saturday September 6th, during the popular ArtHop event this year for the first time. We'll have Mike and Mary broadcasting live on Star 92.9, a performance from Sambatucada, fossil fuel free food trucks, e-bike test rides, EV displays, our Electric bucket truck on-site, a visit from CHAMP, raffles, energy expert vendors to discuss heat pumps and weatherization and solar energy, an induction cooking demonstration, kids games and art activities, and more!
- Testing renewable diesel – In September BED will be working with the state to test whether our gas turbine unit on the waterfront can operate on R99, which is 99% renewable diesel. Currently the unit, which operates sparingly (during high price events and grid reliability events) and not to serve customer load, runs on a mix of B20 (20% biodiesel and 80% oil). It previously ran on 100% oil, but BED has been working to convert the unit to renewable and lower carbon energy. R99 is a non-fossil based renewable diesel, and has been highlighted as a drop in, far lower greenhouse gas emission replacement for fossil fuel based diesel in states like [Oregon](#), [California](#), and [Hawaii](#). Pending the testing in September, BED will consider next steps towards reducing fossil fuel use and greenhouse gas emissions from the gas turbine.
- Moduly Pilot – BED has filed the documents needed to advance this residential battery storage pilot with the PUC, following BOF and Council approval on 8/4.

BTV/Airport:

- Brought a new GSA/TSA lease agreement (for TSA offices), re-written Deputy Director Job Description, and the authorization to accept a grant from DOD for noise mitigation to Board of Finance on August 25th and the subsequent City council meeting afterwards. All other grants have been awarded to the airport for this year however we will be applying in October for another round of Airport funds for our terminal.
- Airport Commission's annual report has been sent to the City Council in August, which was just written and approved by the AC last week.

CEDO:

- "Twilight Block Party" in CHP – occurs every other Saturday
- Marketplace "Party on the Bricks" -- Thursdays from 5:30 – 8:00 pm (rotating blocks)
- Final Firetruck Pull to support Outright Vermont – September 27th

City Planning:

- Discussing planBTV: NNE and Historic Preservation Plan with PC, DRB, DAB, Parks Board
- We have made an offer to a Senior Planner candidate

DFA:

- IT: The data-driven RFP Bloomberg class is underway and is very productive. We've pulled in other departments to help us develop specifics to improve city RFP drafting.

- IT: Our work with the BPD IT integration continues. We've received the new G5 licenses we need to bring them live into our O365 environment, and we have new firewalls on order. We're working to support two more IT staff to in completing their CJIS certifications to fully integrate BPD IT into the City's larger IT support work.
- IT: On April 26, 2026 the new website accessibility laws go into effect. The Website governance committee will be working with everyone between now and then to make sure our pages (including images, attachments, etc.) meet those new requirements so we can continue to provide an equitable website experience to all users, and to stay out of the crosshairs of lawsuits brought due to sub-standard accessibility.
- Clerk: Airport taking over issuing Vehicle for Hire Business and Driver Licenses in order to streamline processes and improve ability to monitor ordinance compliance. General Vehicle for Hire Administration will remain with the Clerk's office.
- Clerk: Onboarding new NPA Public Engagement Specialist, Barbara Turnbull
- Clerk: Staff transitions happening within the CT Customer Service Team. Charity Lee Wright recently joined, and we are in the hiring process for another vacant Customer Service Associate position.
- Finance: DFA Finance primary focus in the near-term is working to clarify roles and responsibilities, both within Finance and in the acutely affected departments, following the re-organization this spring. Of note, we have invited staff to review job descriptions. The goal is to submit a package to HR to review such job descriptions that need to change based on new/different responsibilities. AFSCME has been made aware of this request from staff, although we expect them to reach out for explanation and clarification of this process.
- Finance: WTF TIF \$197K error identified in audit several years ago is coming to BOF and CC for final resolution
- Finance: Developing a report for councilors showing Gross Receipts sales and revenue data by City ward to better analyze when/how/where sales volumes trends are changing.

DPW:

- Bringing GMT assessment methodology study to the TEUC in August
- **Main Street are now fully open on nights and weekends as of Aug 15!**
- We are continuing to manage and communicate through taste and odor concerns with our potable water. [Water Resources | Burlington, VT](#)
- DPW has been hearing from downtown businesses with concern about future construction impacts from the Great Streets Bank & Cherry project. We've attended a meeting with Cherry St businesses and will be seeking to meet with the TEUC in September to discuss mitigation strategies including potential phasing.
- Thanks for the Council's support of the FY'26 fleet purchases that were approved last meeting. We have already put the vehicles out to bid.

FIRE:

- Coordinating between Burlington and South Burlington to improve airport phase responses.
- 8/27/25 Coast Guard Drill at waterfront
- October 5, October 22, and November 5 are the shift wide live burns at the Vermont Fire Academy. (Grant Funded)
- Working with team on new Public Safety Building Concepts
 - a. Contract Negotiation
 - b. Working with team on new Public Safety Building Concepts
 - c. Situation Table

Fletcher Free Library:

- Our Preservation Project continues to go well. Our expected date of completion is mid-December. Library service disruptions have been minimal.
- Assisting with fundraising for our \$35M remodeling project. There have been good meetings and our committee is very engaged. Several events are being planned for the fall to help engage donors.
- Hiring our part-time Security position

POLICE:

- CBA – Council ratification vote
- Pre-charge diversion implementation with CJC
- Future of the CARES program
- Policy guidance – CSL as primary responders
- Implementation of a new Online Incident Reporting application and process.

PARKS:

- Position Reclass of Marina Manager & Deputy Harbormaster
- Grand Point North Concert Event: September 12-14. Grace Potter returns to Waterfront Park with the Vermont Symphony Orchestra to kick off the Concert series. 3 nights of live music on the Waterfront, can't beat it!
- CORE program transition work is being finalized. Parks staff worked with SSTA and CORE participants to help folks in-need of transportation to Heineberg Senior Center. Parks is also working with participants who want to receive meals on wheels with the sign-up process. Looking ahead the City and Heineberg will revisit the MOU that governs terms around a van that Heineberg and the City share. The City will convene meetings with stakeholders to discuss the Aging Council recommendations and how we can collectively take them up and seek the Council's advice on revising current Adult Programs.

Permitting & Inspections:

- Vacant building fees billed tracked higher in the first month by a few thousand dollars indicating initial success in higher fees. More to come at the end of the quarter, September 30th.
- Zoning Permits were issued for demolition and redevelopment of 3 and 5 story mixed use buildings at 49 Church and 101 Cherry Street. These were in application phase over a year. Building Permits will still need to be issued for the projects. The projects have 21 and 28 new units for development at the two sites.

REIB:

- Burlington City & Lake Semester collaboration and introduction to Social Justice workshop
- Recruitment, Retention, & Representation Meeting with HR
- Charter Change Committee Meeting (REIB Charter Discussion) Monday, September 15th at 1PM

Community Engagement by the Mayor:

- 8/7: Mayor Meet Up at The Bagel Cafe for the North District
- 8/7: Quarterly Union Meeting
- 8/7: Met with BIPOC stakeholders
- 8/14: Virtual Vermont Mayoral Coalition meeting
- 8/19: Held a virtual Business Town Hall with Burlington business owners
- 8/19: Held a legislative debrief meeting with the Burlington legislative delegation
- 8/20: Mayor Meet Up at Zero Gravity for the South District
- 8/22: Mayor Meet Up at the Fletcher Free Library for the East District
- 8/23: Commemoration of First African Landing Day
- 8/28: Faith Leaders Dialogue Circle



Office of Mayor Emma Mulvaney-Stanak

149 CHURCH STREET • BURLINGTON, VT 05401 • (802) 865-7272

MEMORANDUM

To: Mayor Mulvaney-Stanak
From: Ingrid Jonas, Community Safety Advisor;
Shawn Burke, Chief, Burlington Police Department
Date: August 25, 2025
Subject: Best Practices for Addressing Homelessness, Mental Illness, and Drug Use in Public Places

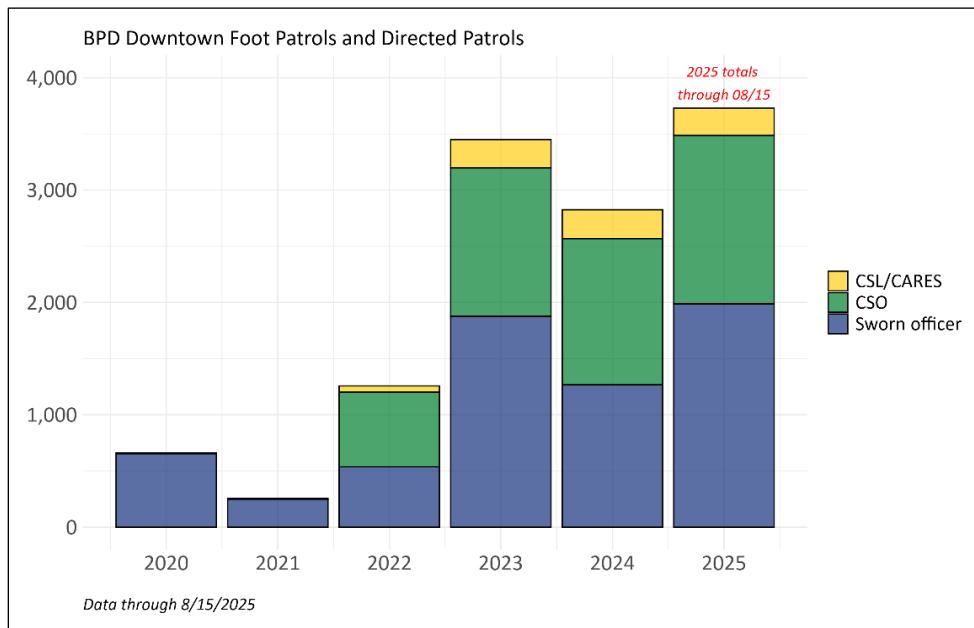
Witnessing open drug use, untreated mental illness, and homelessness in public places can be highly distressing. Community members often report feeling unsafe and experiencing compassion fatigue, which can lead to avoidance of certain public spaces and feelings of frustration, helplessness, and hostility, not only toward those who are visibly experiencing health issues, but also toward systems, and institutions. Additionally, the perception that some people are a source of discomfort can lead to their dehumanization and further stigmatization, and discourage accessing services.

Effective policy responses must acknowledge both the negative impact of these complex issues and the need for productive, effective, and humane responses.

There is ample data to show that addressing crime and disorder related to unmet social service needs without integrating permanent housing, medical and mental health services, and harm reduction strategies, leads to cyclical displacement, health harms, and erosion of support systems. Research strongly indicates that while enforcement actions like sweeps or encampment clearances may offer short-term visible improvements, they consistently fail to produce meaningful long-term change.¹

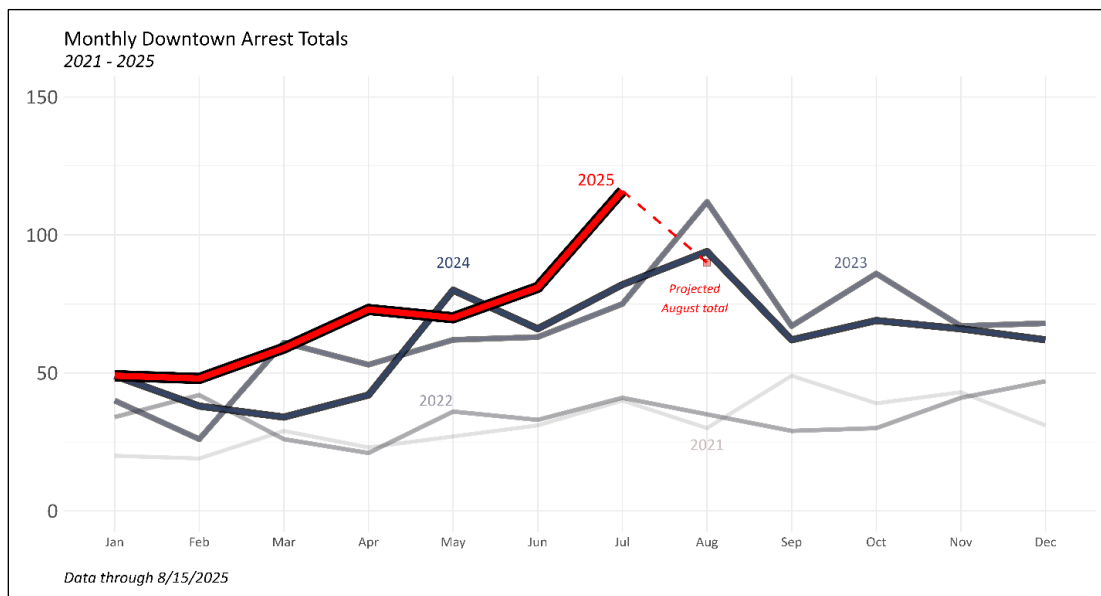
Burlington Police Department data confirms the limitations of enforcement and the criminal legal system. As shown in the below graph, the BPD has significantly invested their available human resources in the downtown district this summer.

¹ <https://nhchc.org/study-shows-involuntary-displacement-of-people-experiencing-homelessness-may-cause-significant-spikes-in-mortality-overdoses-and-hospitalizations>



The above graph shows the increase in foot patrols and directed patrols for the past five calendar years. Numbers for 2025 reflect data through August 15.

The underlying cause of much of the disorder in the downtown district involves individuals with unmet social service needs who are treatment- or service-resistant; enforcement alone will not be effective with this population. According to BPD data, two of the leading arrest types in 2025 are Violation of Pre-Trial Conditions of Release and Unlawful Trespass. In 2025, the BPD has arrested more people for violation of their pre-trial conditions of release than in all of 2024, which affirms that enforcement alone is not effective.



The above graph shows total arrests in the Downtown by year. Top arrest categories for 2025 include Violation of Conditions of Release and Unlawful Trespass.

The proposed City Circle Initiative, which includes both restorative and criminal legal options for violations of certain Burlington City Ordinances, will be a useful tool in addressing behavior in the downtown district. Ultimately, the efficacy of this change will be measured with outcome data.

Best Practices and Implementation in Burlington

Small cities across the country are adopting integrated, community-based approaches to addressing the complex intersection of homelessness, mental illness, and drug use in public spaces. A recognized best practice is the creation of multidisciplinary outreach teams that include mental health professionals, substance use counselors, social workers, and law enforcement with crisis intervention training. These teams proactively engage individuals to connect them with housing, treatment, and recovery resources, reducing reliance on emergency services and the criminal justice system.

A 2019 report by National League of Cities identified challenges and offered recommendations for cities to replicate and scale successful initiatives to address mental health, substance use, and homelessness (Report entitled: [Spreading and Scaling Innovative City Approaches to Address Mental Health, Substance Use and Homelessness](#)). The report summary indicated that gaps in systems investment, especially in health and social services, are critical contributors to safety challenges.

- **Recommendation:** Cross-system approaches show promise to produce better outcomes for vulnerable populations during emergency response and crisis stabilization efforts. Mental illness, substance use disorder (SUD) and homelessness pose significant, interconnected challenges for cities.² Several cities across the country are using cross-system collaboration to expand access to services and supports. They work towards developing more effective emergency response and crisis stabilization efforts to help support individuals with mental illness, substance use disorder and/or those experiencing homelessness.²
 - **City of Burlington:** These approaches align with the work of Burlington's Patrol Officers, Community Support Liaisons, Community Service Officers, Community Response Team, and the Howard Center's outreach programs, which collaborate closely with police to address issues more holistically.
- **Recommendation:** Shifting the mindsets of policymakers and service providers away from arrest or hospitalization toward a community health approach and employing effective collaborations at all levels of government are especially important steps towards implementing effective programming.²
 - **City of Burlington:** One example of this multi-disciplinary collaboration approach is being implemented through Situation Tables—first adopted in Canada and the U.S.—and now increasingly used in Vermont communities, including Burlington, with funding and support from the Vermont Department of Public Safety.
- **Recommendation:** Another effective strategy is the development of low-barrier, supportive housing options, particularly those that follow a "Housing First" model. This approach prioritizes providing stable housing without preconditions, followed by voluntary services for mental health and substance use treatment. Additionally, cities are investing in coordinated entry (CE) systems, harm reduction programs,

² Executive Summary: Spreading and Scaling Innovative City Approaches to Address Mental Health, Substance Use and Homelessness, National League of Cities, 2019

and peer support networks to ensure that the most vulnerable individuals receive appropriate and timely care.³

- **City of Burlington:** The City serves in a leadership role within the Chittenden County Homeless Alliance, which relies on national best practices, centering the voices of those with lived experience to shape policy. The City made a 3-year \$250,000 grant to bolster our local CE system, improve data quality, and track outcomes related to engagement and housing placement. City staff lead community conversations, promoting expanded capacity for low-barrier shelter, which prioritizes the housing first approach. Finally, the City serves as the Continuum of Care Collaborative Applicant for permanent supportive and rapid re-housing programs which utilize our CE system and further our commitment to permanent low-barrier housing options.

Investment in mental health and treatment for substance use disorder infrastructure are also needed. These practices promote public safety and health and demonstrate long-term cost savings by reducing emergency room visits, overdose rates, and incarceration.

Conversely, punitive measures without follow-up support, and criminalizing drug use or behaviors linked to mental illness have consistently proven ineffective. These actions often displace individuals without addressing root causes, disrupt service engagement, and can deepen cycles of addiction and instability. Enforcement-only approaches increase strain on police and emergency systems while failing to produce lasting or humane solutions.³

There are two policy areas in development to better address the crime and disorder in City Hall Park. First, the Police Department will be implementing a new response protocol for Community Support Liaisons and Howard Street Outreach workers. Soon these entities will be the primary responders to four specific call types: Mental Health, Overdose, Welfare Checks, and Suicidal Persons as danger acuity allows. If a reported incident involves violence or other physical risk factors a co-response of these professionals with a sworn officer will occur.

Second, the proposed City Circle ordinance change to include restorative and criminal legal options for violations of certain Burlington City Ordinances will be a useful tool in addressing behavior in the downtown district. Ultimately the efficacy of this change will be measured with outcome data.

State and federal leaders interested in supporting cities play a key role in the replication and scaling of emergency response and crisis stabilization initiatives for vulnerable populations.³ The City should continue to seek collaboration with and resources from state and federal partners in line with best practices. As well, we will continue to research and examine peer communities that are developing and implementing multi-disciplinary response systems to address SUD, mental illness, and/or homelessness.

³ https://endhomelessness.org/wp-content/uploads/2025/02/CriminalizingWorsensTheCrisis_NAEH_2-4-25.pdf



Office of Mayor Emma Mulvaney-Stanak

149 CHURCH STREET • BURLINGTON, VT 05401 • (802) 865-7272

MEMORANDUM

From: Theresa Vezina, Special Assistant, OPC Implementation
CC: Mayor Emma Mulvaney-Stanak
Date: August 25, 2025
Subject: Overdose Prevention Center (OPC) Implementation Update

Additional Updates for the 8/25/25 City Council Memo

- The City has received the draft contract from the VDH.
- VCJR and the City team met on 8/25/25 for a pre-award meeting to discuss outstanding items needed for contracting.
- Meetings with the City Attorney and DFA have been scheduled for this Thursday 8/28/25 to expedite the review to move forward with an executed contract as soon as possible.
- Meeting request went out to VCJR for Weds. 9/3/25 or Friday 9/5/25 to negotiate the subrecipient award contract for execution.

Next Steps

- Finalize state contract execution and City subrecipient agreement with VCJR.
- **Submit state contract and City subrecipient agreement with VCJR to the Board of Finance and City Council for approval as soon as possible.**
- Begin work with PIRE on the Service Assessment and establish regular meetings with the required Administrative Body of VCJR.
- Launch structured community engagement (forums, listening sessions, stakeholder meetings with PIRE & VCJR).
- Revise and finalize VCJR's budget; confirm Phase 1 personnel expenses.
- Submit first invoices once contracts are fully executed.
- Discussion with the Office of City Planning, Planning Commission and City Council about zoning.
- Work with Mayor's Office and BOF to develop a long-term staffing strategy that includes grant management needs and project oversight.

Commitment to Implementation

The City and VCJR remain fully committed to launching Vermont's first OPC. This phased, collaborative approach ensures sustainability, transparency, and community engagement while addressing urgent public health needs.



Office of Mayor Emma Mulvaney-Stanak

149 CHURCH STREET • BURLINGTON, VT 05401 • (802) 865-7272

MEMORANDUM

From: Theresa Vezina, Special Assistant, OPC Implementation
CC: Mayor Emma Mulvaney-Stanak
Date: August 25, 2025
Subject: Overdose Prevention Center (OPC) Implementation Update

Background

Following the passage of Act 178 in June 2024, the City of Burlington has been working to implement Vermont's first Overdose Prevention Center (OPC). Since the last update, significant progress has been made in identifying the City's partner to establish and operate the OPC. We have developed a phased approach to implementation.

- September 2024: Vermont Department of Health released OPC Operating Guidelines.
- November 2024: The City hired a Special Assistant on OPC Implementation.
- February 2025: The City issued a Request for Letters of Intent (LOI) and convened a diverse committee to review submissions.
- March 5, 2025: The City selected Vermonters for Criminal Justice Reform (VCJR) as the key partner for OPC implementation.
- March 6, 2025: VCJR was officially invited to collaborate with the City in developing the formal phased proposal.
- April 14, 2025: City Council approved the submission of the phased proposal to the Vermont Department of Health.
- April 29, 2025: Vermont Department of Health formally accepted the City's submission.
- May-July 2025: Pre-contract work began between the City and VDH and the City began initial conversations with VCJR requesting Certificate of Insurance (COI), budget & budget narrative. The City shared three key documents for VCJR to review; the budget & reconciliation templates & workplan template.
- June 23, 2025: The City submitted its COI to VDH for review
- July 29, 2025: The City received word that the COI had been approved, along with a second confirmation that the contract would be back-dated to July 1, 2025.

Progress & Successes to Date

- VCJR was formally engaged as the OPC provider following a competitive and transparent selection process.
- The City successfully met all requirements outlined in Act 178, including City Council approval and submission of the Project Proposal and Compliance Plan, which VDH accepted April 29, 2025.
- The City secured FY26 opioid settlement funding through the 2025 legislative session, allowing for the negotiation of a two-year, \$2.2M contract with VDH covering July 2025–July 2027, structured with phased deliverables.
- The City received confirmation that the State grant agreement will be back-dated to July 1, 2025, allowing project-related expenses to be reimbursed prior to the execution of the contract.

- To maintain project momentum during contract delays, the City executed a [Small Vendor Agreement with Pacific Institute for Research and Evaluation \(PIRE\)](#), enabling the Service Assessment work to begin on July 29, 2025.
- [OPC Implementation Webpage](#) was launched (August 1, 2025), featuring FAQs, an “Ask a Question” tool, and real-time updates.
- Grant Coordination structures are being established and include regular internal meetings between Special Assistant, City Attorney, Mayor’s Office and Dept. Of Finance & Administration (DFA), biweekly meetings with VCJR and Project Weber Renew; and
- VCJR has external contractors lined up to support readiness once the subaward is finalized.
- VCJR contracted with Kate O’Neil to support OPC Implementation. She began on Aug. 18, 2025. Regular weekly meetings with the Special Assistant are in place.
- VCJR contracted with real estate broker, Mike Simoneau to support development of the site acquisition plan and future work on location selection.

Challenges

- Contract Execution Delays: Insurance requirement review delayed the draft state contract beyond July 1, 2025. The City’s COI was submitted on June 23 and approved by VDH on July 29.
- Impact on VCJR Timeline: A draft of the subaward agreement was shared with VCJR for initial review on July 31, 2025. Until the City has a fully executed contract with the State we will not be able to enter into the subaward agreement.
- Creating shared understanding of workflow and communication needs as we further clarified the City’s role in implementation and grant management. We continue to develop structure and systems for efficiency going forward.

Next Steps

- Finalize state contract execution and City subrecipient agreement with VCJR.
- Submit state contract and City subrecipient agreement with VCJR to the Board of Finance and City Council for approval.
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**Statement: Mayor Mulvaney-Stanak and Director Longo on ICE Operations at Leahy BTV
August 8, 2025**

We want to ensure that people have accurate information to clarify what the City has authority over at the municipally owned and operated Patrick Leahy Burlington International Airport.

While the City has oversight of and carries out certain operations at Leahy BTV, federal agencies including the FAA, Homeland Security, TSA, and ICE have certain legal authority related to their own operations, which include access to both public and secure areas within the airport.

As a City, we are working within our authority to adapt and make sure we can facilitate folks having access to legal representation

We want to emphasize that no Airport employees nor Burlington Police Department personnel have been involved in any of these ICE detentions or operations at Leahy BTV.

We recognize and share the concern and distress expressed by Burlingtonians and Vermonters related to ICE Operations in our state and at the Airport. We will continue to do what we can within our legal authority to facilitate people accessing legal representation in public spaces.

###

MEMORANDUM

TO: Nic Longo
Director of Aviation
Patrick Leahy Burlington International Airport

FROM: KAPLAN KIRSCH LLP

DATE: June 25, 2025

SUBJECT: Immigration and Customs Enforcement (ICE)

We understand that the United States Department of Homeland Security (DHS) and its Immigration and Customs Enforcement (ICE) have been conducting certain operations at the Patrick Leahy Burlington International Airport (the Airport), including charter flights for transporting detainees and escorting detainees through the Airport terminal for boarding commercial flights.

You have requested a summary of the City of Burlington's (City) legal obligations as they pertain to ICE operations at the Airport. The City's obligations are immensely complicated and changing in real time as litigation proceeds on various fronts challenging the administration's changes to how local government like the City are directed to interact with ICE. We have provided a *high-level* summary of the applicable law and recent developments below. However, this overview is intended only as a summary and may not contain the level of detail to evaluate any particular course of action. It is critically important to stress the dynamic nature of the law – many of the conclusions could change any day in light of pending litigation.

1. ICE has the broad legal authority to enforce federal immigration law and operate at and through the public areas of the Airport.

- a. ICE agents are federal law enforcement officers and are authorized to:¹
 - i. enforce federal laws and regulations for the protection of persons and property;
 - ii. carry firearms;
 - iii. make arrests without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;
 - iv. serve warrants and subpoenas;
 - v. conduct investigations, on and off the property, of offenses that may have been committed against property owned or occupied by the Federal Government or persons on such property, which includes airports as federal grant recipients/obligated properties.
- b. ICE agents have broad authority for inspection and removal of arriving undocumented persons.²
- c. ICE agents also have broad authority for immigration enforcement, including to interrogate, detain, search, and in some cases arrest persons they know or believe to be in the country illegally (or attempting to enter illegally).³

2. The City is extremely limited in its authority to control ICE's access to most areas of the Airport terminal or its aeronautical operations, and criminal penalties may apply for interference with ICE operations.

- a. The City cannot prohibit ICE officials' access to non-secure, public areas of the Airport. The City has no authority to bar federal law enforcement officers in the performance of their duties in these areas, and any attempt to do so would likely violate the intergovernmental immunity doctrine (an outgrowth of the Supremacy Clause of the U.S. Constitution).
- b. The same analysis applies to the secured, public areas of the Airport (e.g., gate areas and passenger hold rooms).

¹ 40 CFR Part 1315.

² 8 U.S.C. § 1225.

³ 8 U.S.C. § 1357.

- i. Additionally, access to these areas is regulated by the Transportation Security Administration (TSA), which is also housed under DHS.
 - ii. TSA oversees airport security and approves (or denies) the City's Airport Security Program (ASP). TSA also has the authority to withdraw approval of an ASP.
 - iii. Any attempt to prevent ICE from entering the secured side of the Airport would require an amendment to the ASP. Since TSA has to approve all ASP amendments, that approval would be extremely unlikely. (There may be limited instances where the City can regulate ICE officials' access for safety and public health, but those regulations cannot impede ICE official duties. See discussion below.)
- c. Courts have repeatedly found that except in limited instances not applicable here, airport sponsors cannot prohibit aeronautical activities (like charter flights) under federal law and airport sponsor grant assurances. Any attempt to restrict or prohibit flights operated by ICE would not be enforceable.
- d. One court has found that a local government airport operator also cannot prohibit its fixed-base operator from servicing flights operated by a private charter operator under contract with ICE.⁴
- e. Sponsors or individuals may be subject to criminal liability for interfering with ICE operations.
 - i. 18 U.S.C. § 111 makes it unlawful to interfere with any federal officer engaged in the performance of official duties. Persons who attempt to prohibit immigration officers from enforcing the Immigration and Nationality Act may be liable to criminal prosecution.
 - ii. 18 U.S.C. § 1505 makes it unlawful to impede any pending proceeding before any department or agency of the United States. Individuals who deliberately interfere with efforts to execute a final order of removal may be liable to criminal prosecution for hindering the due and proper administration of the law under which immigration proceedings are conducted.
 - iii. 18 U.S.C. § 372 makes it unlawful to conspire to prevent federal officers from discharging their duties or to retaliate against them for so doing. Any group of individuals who form a plan specifically aimed at prohibiting

⁴ *United States v. King Cnty.*, 122 F.4th 740 (9th Cir. 2024).

federal immigration officers from executing orders of removal may be liable to criminal prosecution.

3. The City may potentially adopt generally applicable rules and regulations that could have some effect on ICE operations.

- a. Although the City may not directly regulate ICE, it still retains the proprietary power to regulate property and conduct at the Airport.
- b. Generally applicable and nondiscriminatory rules and regulations that could affect ICE and its operations – but are not specifically targeted at ICE or its operations – *may* be enforceable. For example:
 - i. Vehicular rules (e.g., no parking in certain areas)
 - ii. Limitations on access to restricted, non-public areas (e.g., tenant exclusive areas, Airport offices, portions of the airfield, etc.)
 - iii. Safety regulations concerning the manner of operating on the airfield (e.g., vehicle driving rules; pedestrian rules, aircraft parking regulations)
 - iv. Limitations on the servicing of charter flights if such servicing is likely to disrupt airport operations

4. The City’s affirmative obligation to cooperate with ICE is uncertain and the subject of current litigation, but there is greater federal scrutiny on sanctuary jurisdictions.

- a. The current administration has taken the position that local governments have the obligation to “cooperate” with ICE as a condition of *existing* federal grant funds signed in previous fiscal years.⁵
- b. The DOT has added language to *new* grant agreements that, upon signature by the grantee, would explicitly require recipients to “cooperate” with ICE in the enforcement of Federal immigration law.⁶ These new grant requirements have been challenged in at several federal court cases.

⁵ Letter from DOT Secretary Sean Duffy to All Recipients of U.S. Department of Transportation Funding (Apr. 24, 2025), available at <https://www.transportation.gov/sites/dot.gov/files/2025-04/Follow%20the%20Law%20Letter%20to%20Applicants%204.24.25.pdf>, (“[Y]our legal obligations require cooperation generally with Federal authorities in the enforcement of Federal law, including cooperating with and not impeding [ICE] and other Federal offices and components of [DHS] in the enforcement of Federal immigration law.”).

⁶ We understand that the City has *not* yet signed a new grant agreement containing this condition.

- c. It is not clear how the administration interprets “cooperate” in this context, but it likely is broader than the existing statutory prohibition on interference with law enforcement, and the administration may be attempting to impose more affirmative obligations.
 - i. For example, in a case filed by the administration against the state of New York, *United States v. New York*, DOJ claimed New York’s “Green Light Laws”, which prevent the sharing of certain DMV information with ICE such as address, phone number, etc., violate 8 U.S.C. § 1373.⁷ The complaint also alleges that notifying individuals of ICE warrants is an interference in federal immigration enforcement. The information withheld from ICE under the Green Light Laws does not include information regarding immigration status, a far broader interpretation of § 1373 than previous courts have found.⁸
- d. The administration has targeted “sanctuary jurisdictions” for their alleged interference or refusal to affirmatively cooperate with ICE investigations *even outside the federal funding context*, broadly threatening civil and criminal penalties.⁹
 - i. DHS has listed both the State of Vermont and the City of Burlington as sanctuary jurisdictions on a now-deleted list published in late May, 2025.¹⁰

5. Recent litigation may limit some of the obligations to cooperate with ICE.

- a. On June 19, 2025, a federal court enjoined the enforcement of *both* the interpretation of existing grant conditions to require cooperation with ICE *and* the inclusion of the immigration-related conditions in new grant agreements.¹¹ The court order applies in 20 states (*including Vermont*). The court order prohibits DOT

⁷ Case No. 1:25-CV-0205 (N.D. N.Y. 2025).

⁸ See *United States v. California*, No. 18-16496 (9th Cir. 2019) (“§ 1373, by its terms, only concerned information strictly pertaining to immigration status (i.e. what one’s immigration status is)”) (internal quotations and citations omitted).

⁹ See Executive Order 14159, *Protecting the American People Against Invasion* (Jan. 20, 2025) (“The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of Federal law enforcement operations, do not receive access to Federal funds. Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction’s practices that interfere with the enforcement of Federal law.”).

¹⁰ The list remains available via an archived web page, <http://web.archive.org/web/20250530130245/https://www.dhs.gov/sanctuary-jurisdictions>.

¹¹ *State of California v. U.S. Dep’t of Transportation*, Case No. 1:25-cv-00208 (D. RI) (order entered June 19, 2025).

(and FAA) from withdrawing federal grant funds or refusing to issue grants on the basis of non-cooperation with ICE. Litigation will continue around these issues and it is not clear how the administration intends to proceed.

- i. The administration has not stated whether it will appeal but it generally does so for preliminary injunctions and has done so in another pending case.
- ii. The complexity of litigation means that FAA might need to have different grant agreements for different airport sponsors – an administrative burden which is likely to delay issuance of grant offers by many Airport District Offices.