

Draft Agenda
Ward 6 NPA Meeting
December 6th, 2018 from 6:45 to 9:00 PM
Greek Orthodox Church, 600 South Willard Street

6:45 - 7:00

Social Time and Refreshments

7:00 - 7:15

Approval of November Minutes, Public Forum

7:15 – 7:35

planBTV with Meghan Tuttle, Burlington Department of Planning and Zoning

Presentation followed by Q&A

The department has been working on the 2019 update to planBTV, which is the principal guide for land use and development issues in the city for the next 10-20 years. Between December 2018 and March 2019, the Planning Commission and City Council will be holding several public hearings to gather input and make revisions before readopting at the end of March. Meghan will share the draft plan and collect resident feedback to inform the Commission's and Council's refinements to the draft over the next several months.

7:35 – 8:00

**Status of Burlington Telecom and the Public Utilities Commission with:
Dean Corren, Sandra Baird, and Solveig Overby, Interveners in PUC Approval of BT Sale**

Panel discussion and Q&A

A group of six Burlington residents, who are also taxpayers and BT ratepayers, has filed with the Vermont Public Utility Commission (PUC) to intervene in the BT sale. The group is opposing approval primarily based on the City Charter (state law) requirement that taxpayers not pay for BT. The group asserts that the sale would lock in a multi-million-dollar charge to taxpayers.

8:00 – 9:00

Perspectives on Retail Marijuana Sales in Vermont with:

Janine Wright, Deputy Chief, Burlington Police Department

A staff person representing Heady Vermont

Barbara Rachelson, State Representative, Chittenden 6-6

Mary Sullivan, State Representative, Chittenden 6-5

Dr. David Rettew, Associate Professor of Psychiatry and Pediatrics, UVM College of Medicine

Statements from panel members followed by Q&A

Vermont's law to legalize recreational marijuana was passed by the legislature and signed into law by Gov. Scott in January 2018. Vermont is the only state that has legalized recreational weed without creating a legal retail market. In 2017, the Senate passed a bill to create a taxed and regulated retail market, but the bill did not pass in the House. Lawmakers tried to get a similar bill through the Senate again in 2018 but were not successful. Any sale of recreational marijuana is currently prohibited.

Neighborhood Planning Assembly, Ward 6
Greek Orthodox Church, 600 So. Willard St., Burlington, VT
December 6th, 2018
Start Time: 7:03 PM
End Time: 9:00 PM

npa committee: Michelle Mraz, Charles Simpson, Mary Riley, Matt Grady present, Gail Rafferty absent

Meeting opened at 7:03
Minutes from last meeting approved

Public forum

Donna Walters, Keep the Park Green

Donna came to ask for a vote of endorsement for a ballot item for the March election. All other npa's have taken a vote other than 5+6. Npa's 1-8, 2-3 and 4-7 all voted to put on ballot. Donna noted that the vote is advisory. She then read out the resolution, which can be found here:

<http://www.keeptheparkgreen.org/ballot.html?fbclid=IwAR0D03kpLxagjv1MNefYbH7KuM-vMc6KYsO0jyk0RejNVMEs8z2DYymkdq0>

The resolution is advisory for the city council, principally intended to give voters another opportunity to weigh in on the city hall park re-design. The primary objective of Keep the Park Green is to cancel the present plan and repair/maintain the park as it exists today, keep as many trees as reasonable, and so forth.

Q: what is the planned tree loss?

A: Total tree loss will be 28 trees, 7 already down

Q: puzzled about focus on loss of number of trees, community of trees more important, health of all trees, different ages needed. Also pavement will be porous (~10%), soil/erosion problems are worse than well designed portions of pavement. Changes seem reasonable.

A: once item is on the ballot, an issue campaign will take place to address questions/comments such as these

Statement from attendee: The present park is important part of historical district, but plan ignores that fact. We should be able to re-design park and still solve compaction/etc. problems without such radical change. In addition, there will be a very large oval area 2 tennis court size, open/blank space, which will disrupt the present culture of the park. Look to Taylor Park in St Albans as an example of modern adaptation

A vote was taken on the resolution: Of the 22 residents in attendance, 7 voted in favor of item on ballot, 4 were opposed

Meagan Tuttle, PlanBTV

<https://planbtv-burlingtonvt.opendata.arcgis.com/>

Meagan explained that the city updates the overall land use plan every 5-8 years. The plan is basically a long-term vision for city. This 2019 update is focused on interrelationship of issues such as housing, transportation, natural environment, economy, etc.

The plan is organized around the following important themes:

BTV as a distinctive city (landscape, buildings, values/engagement)

Features of this part of the plan include items such as protecting the lake, and strengthening the arts community, among other factors

BTV as a dynamic city

This theme addresses how we embrace challenges, BTV's importance as a center for jobs, and the many amenities the city provides. What are the goals that will allow us to continue to be a dynamic city, plan to reduce our environmental impact, be more resilient

BTV as an inclusive city

Meet the needs of all citizens...housing regardless of type/income, job opportunities, physically accessible. Fill gaps in housing ladder, encourage youth to participate in community.

BTV as a connected city

Decisions have connected impacts, need to think about how a decision in one area affects others. Transportation, internet, interpersonal relationships in neighborhoods, natural environment. Also have connections to local towns, larger NE area.

Land use plan

Plan to conserve (natural and open spaces, impacts of climate change)

Plan to sustain (strengthen the diverse neighborhoods we have, react to demographics)

Plan to grow (opportunities for re-purposing and infill in parts that are already experiencing growth, multi-modal corridors can be thought of in this way, consideration for downtown, south end enterprise area)

Plan for our future land use (institutions and eastern gateways), balance housing options for UVM, not just south campus, maybe trinity campus also, establish buffers around edges of institutions, but also some nice shared amenities where community can engage, not always walls.

What happens next?

Public hearings/workshops will happen in January, make sure plan responds to such input.

Also will share with city council, will have public hearings as well in feb/mar.

Want to re-adapt plan at end of march...www.burlingtonvt.planbvtv, can read / leave feedback.

Q: difference between previous and present plan? Seems broad brush

A: plan is organized differently; organized around themes instead of separate chapters...not a lot of major policy changes, heard specific actions items that have been incorporated, those are most of the changes

Q: parking addressed how?

A: there is one specific action looking at minimum requirements downtown, residential areas (the residential reqs might need to be re-calibrated)

Q: other policy changes?

A: there used to be 10 unique chapters in past plans, which led to a lot of duplication. This plan tries to reduce this redundancy.

Burlington Telecom Certificate of Public Good / Public Utilities Commission Panel

Eileen Blackwood, Sandy Baird, Solveig Overby, Dean Corren

Eileen Blackwood, city attorney

Eileen explained that the sale of BT is proceeding. Approval of the public utilities commission is required, and these proceedings are underway. Cable tv and phone need the certificate of public good, internet is not approved by puc. Technical hearings have happened, briefs have been filed, and the decision will probably occur sometime in January. The sale should close within 30 days after cpg is issued. The city has potential to purchase a portion of the entity, 7.5% representation, input/member on board as a result. The city council has asked whether this is allowable as part of the sale, and this question is also pending before the puc. There is a state statute that losses in operation of utilities cannot be borne by taxpayers, so that is why there is still a question whether this investment can be made. Waiting for puc ruling on this matter.

Sandy Baird, one of the members of a lawsuit filing against the sale to the puc

Sandy explained how she became involved over the administration/sale of BT over an issue of censorship (al jazeera english news removal). At the time only 2 networks in the country (buckeye ohio and BT) broadcast al jazeera. At the time, the city had requirements as a public utility to not be involved with censorship. There were many hearings, with many people wanting to keep the media providers out of censorship. Now that it has been sold to a private company, censorship can be allowed, media is hopelessly biased.

Solveig Overby, member of the lawsuit

Six citizens are intervening in the BT sale. The plaintiffs believe there is requirement to get back the \$16.9 million investment made as a loan to BT, so the case is limited to specify how the citizens will get this money back. Charter of city says that citizens cannot bear the loss of the sale of a utility. Hearing in september did not discuss this, city will receive \$5m of \$30.5m sale. She will provide documents to anyone interested.

Dean Corren, member of the lawsuit

Btv became aware of need to provide own telecom in late 80s. The city became a leader in the nation in green energy (including competitive cost) as an example of providing a city-run public utility. Legislation was passed in the 90s that allowed the city to pursue its own telecom. Voters overwhelmingly supported this path, and the legislature passed this law with the stipulation that requires that any money lost by such a utility will not be borne by taxpayers/ratepayers. The sale plan in 2014 was originally intended to recover the taxpayer money. After this 3-year process, a last-minute back room deal was made with a company that had previously been taken out of the bidding. Now that this sale is before the PUC, there's no commitment to repay taxpayers. The possible 7.5% local board representation would be local only, no representation with the ownership company in Indiana, no financial representation. City proposes to bypass state law with respect to \$16.9M, and the PUC has allowed testimony on this topic. Also, city has not done an appraisal of the value of BT, nothing that indicates they got the best deal. Bluewater put up \$6M, and will get \$10M additional profit. SO – the sale issue is not over. Dean also noted that it is expensive to file this lawsuit, any who would like to contribute are welcome.

Comments from Eileen

The city's position is that this sale is a huge success. BT has continued operation, settling the Citibank lawsuit allowed for this. City had defaulted on \$33M debt in 2014, and Citibank, could have taken all the assets of BT. City has saved millions of \$\$ as a result, through improved bond ratings, credit ratings. BT was able to go forward and be successful following settlement, people were unsure of the future before that. Sale was approved in 2014 by PUC, city has not owned the asset since then (Bluewater). Schurz was a bidder all along in the process.

Q: where is bluewater in this, do they own the assets?

A: bluewater is a petitioner in this case, city still operates BT, so the city and bluewater together are involved in the sale.

Statement: thanks to the interveners, they are doing a good job representing the interests of the BTV the citizens

Statement: thanks for the work, have been following for 2 years, frustrating process, seems like bluewater getting their money back is more important than citizens, disheartening

Panel: perspectives on retail cannabis sales in VT

Joey Donovan and Mary Sullivan, VT state legislature

Kathy Blume, Hady Vermont

Jan Wright, deputy chief, BPD

Dr. David Rettew, pediatric psychiatrist

Carter Neubieser, progressive party member / UVM student

Each panel member made a brief opening self-introduction:

Joey Donovan: has been supporting cannabis legalization for a number of years

Mary Sullivan: has strongly supported regulation/taxation of cannabis

Kathy Blum: She is focused on education about uses/misunderstanding about cannabis, and feels that retail sales are an opportunity for VT

Jan Wright: she is not in favor of legalization. Concerns include no safety measures for transportation, no oral fluids test. People are travelling under the influence, presently no way to detect. There are also concerns with respect to edibles market, will cause ER visits, hard to keep away from children.

Dave Rettew: generally speaking, has lots of concerns about the public health implications of an expanded market.

Carter Neubieser: the social justice aspect of decriminalization is appealing, as there are long standing cultural/racial disparities around the use of cannabis and enforcement of prohibition laws.

(A wide-ranging discussion between the audience and panelists then ensued, which I will do my best to capture here!)

Q: to the delegation from statehouse...Can we have a focus on local VT focus for production? In other words, don't become the 'Office Depot' of cannabis, do it in a 'vermonty' way. We have a state of farmers/gardeners, homegrown and not corporate, take business out of it, take the focus on tax revenue out of it.

Mary/Joey: not sure of the answer, but would VT growers be able to fulfil demand? (answer: almost certainly).

Kathy: thinks this would be a good idea for VT, healthy/local product, ethos of craft/homebrewing

Q: how could we insure all cannabis sold in the state is vermont grown?

Jan: this would be a very difficult enforcement problem. She also is concerned that children will have access, impact in years to come. Btv decriminalized cannabis possession years ago, there are racial disparities in enforcement, trying to limit this. Dept. of health would have to be involved in regulation, will require lots of resources.

Joey: the state has a commission that has been studying all aspects of these issues over the last 6 months, their report should be available when the new legislative session begins.

David: more cannabis stores in colorado than starbucks, low income areas/cities are especially impacted. Legalization made sense as social justice issue, but retail sales are a different matter.

Carter: shared that he presently is in recovery, does not smoke cannabis. Should not be flippant about simply making tax revenue. Easier to get cannabis illegally today than alcohol/cigarettes.

David: with plants in peoples living rooms, access will be exponentially easier

Carter: alcohol in homes too, up to responsible parenting

David: much warning measures about alcohol/tobacco, cannabis market does not have that downside stigma, message not in check, not responsible, lobbying spreading false/misleading info, no acknowledgement that cannabis not good for health.

Q: could some of the taxation be used for this education?

David: we don't recoup the societal costs through taxation, certainly not a 1:1 correlation

Q: should there be separation between cannabis and other legal drugs?

Kathy: cannabis very different influence than alcohol, disrupts coordination but not judgement as much. Road safety – thc in system lingers for some time, even when not impaired, correlation is not equal to causation. There was a recent story of a bus driver failing a blood test for thc, but the driver was not impaired, as thc is present in the bloodstream for several days after initial use.

David: is cannabis often an 'and' substance, being used with alcohol and other drugs.

Jan: once we test for alcohol and find a suspect is already impaired, we stop testing right then, that's enough, so don't have those kinds of data about combinations of impairment.

Carter: taxpayer dollars and commercialization...he would hope we could avoid large scale wal-mart style sales. Also notes that early demonization of cannabis usage was politically/racially based.

Kathy: Harry Anslinger was the architect of that demonization as commissioner of the federal bureau of narcotics, started using the term marijuana as a pejorative term.

Joey: alcohol prohibition did not turn out well for US, have to be realistic, Colorado is not a good model for VT, edibles not a good choice, she is looking forward to the VT commission's report, should be good research and provide good guidance.

Kathy: positive/proactive solutions possible, Iceland had large teen drinking problem, drug use...made remarkable afterschool programs in response, social solutions are needed as well as legislative

David: the leader of this Iceland pgm is coming to UVM, they are not in favor of commercialization

Carter: have to be careful of corrupting influence of money...establish local market. There's a political motive to demonize grass roots organizers.

David: hard to see how to stop this corrupting influence of money...for example, John Boehner now part of a cannabis commercialization company (!)

Joey: could have agency stores

Mary: we're having a hard time raising the age for tobacco purchase from 18->21. Portugal has a good story about legalizing drugs and dealing with it. We are adding acceptable conditions for the use of medical cannabis every year.

Jan: hypocritical to accept tobacco \$\$ for lawsuit/education, but still propose legalizing cannabis. Would like to see education first, before retail sales begin, get a better handle on the negative societal effects.

David: central message? Mental health, link with psychosis. Also cognitive affects, demotivation. We should not expect to have an overall public health benefit from retail sales.

Q: how can we maintain this criminal element to cannabis, discriminating against people who do not grow their own?

Kathy: VT already very high per-capita consumption, question is how can an individual have access if they are not a grower, agree this is a problem.

David: there's a benefit of decriminalization but lots of negative effects that he sees every day. Many people of course use with no problems, but performance degrading...people fizzle out, rather than explode.

Carter: would you say that alcohol has the same effects?

David: problems come with acute intoxication, cannabis problems are chronic use, loss of motivation, alcohol does this too. Noting that prohibition of one substance vs. another is a double standard is a valid argument. However, you see more problems in states with legalization, that's real.

Carter: can you OD and die? David, yes, cardiac events have occurred.

Q: should the state have a financial interest in detrimental behavior? Forces the state to support negative behavior, addiction.

David: scientific consensus is that cannabis is addictive, less than opiates and nicotine, but higher proportion end up having trouble (rand corporation study), 9% will become dependent

Jan: cannabis laced with fentanyl is a major issue law enforcement and medical professionals are dealing with now. The large sums of money involved have driven some home invasion events. Since

still a federal controlled substance, banks cannot be involved, so economy will be cash driven. How will the money be handled, millions of \$\$, ripe target for crime.

Q: will black market be driven underground?

Jan: anticipates there will still be many opportunities to buy non-state sanctioned cannabis, black market will likely thrive.

Panel and meeting adjourned at 9pm.

Respectfully submitted,

Matt Grady

Ward6 NPA Committee Member