CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

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

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

To: Amy Bovee, Clerks Office
From: Chapin Spencer, Director
Date: September 11, 2014
Re: Public Works Commission Agenda

Please find information below regarding the next Commission Meeting.

Date: **September 17, 2014**
Time: 6:30 – 9:00 p.m.
Place: 645 Pine Street – Main Conference Room

A G E N D A

ITEM		
1		Agenda
2	5 Min	Thanks to Outgoing Commissioner - Mark Porter
3	10 Min	Public Forum
4	5 Min	Consent Agenda 4.10 Hyde St. Stop Sign Removal
5	40 Min	233 St. Paul St Trades Appeal 5.10 Communication, N. Baldwin & Appellant 5.20 Discussion 5.30 Decision

Non-Discrimination
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 or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.

6 40 Min 49 Curtis Ave Trades Appeal
- 6.10 Communication, N. Baldwin & Appellant
- 6.20 Discussion
- 6.30 Decision

7 20 Min CSWD Consolidated Collection Study
- 7.10 Presentation, T. Moreau
- 7.20 Discussion

8 10 Min Fiscal Year 2015 Street Reconstruction Program Update
- 8.10 Oral Communication, L. Wheelock
- 8.20 Discussion

9 Minutes of July 16, 2014

10 10 Min Director’s Report

11 Commissioner Communications

12 Executive Session for Deliberation of Appeals

13 Adjournment & Next Meeting Date – October 15, 2014

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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

TO: PUBLIC WORKS COMMISSION
FM: CHAPIN SPENCER, DIRECTOR
DATE: SEPTEMBER 11, 2014
RE: PUBLIC WORKS COMMISSION MEETING

Enclosed is the following information for the meeting on September 17, 2014 at 6:30 PM at 645 Pine St, Main Conference Room.

1. Agenda
2. Consent Agenda
3. 233 St. Paul St Trades Appeal
4. 49 Curtis Ave Trades Appeal
5. Minutes of 7-16-14

Non-Discrimination
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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

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To: Amy Bovee, Clerks Office
From: Chapin Spencer, Director
Date: September 11, 2014
Re: Public Works Commission Agenda

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Time: 6:30 – 9:00 p.m.
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9 Minutes of July 16, 2014

10 10 Min Director’s Report

11 Commissioner Communications

12 Executive Session for Deliberation of Appeals

13 Adjournment & Next Meeting Date – October 15, 2014

M E M O R A N D U M

September 5, 2014

TO: Public Works Commission

FROM: Nicole Losch

CC: William Burns and Colin Brett, Public Works

RE: Hyde Street Stop Sign Removal and No Parking

BACKGROUND

Through a traffic calming project initiated by residents, Hyde Street at North Willard Street has been closed to motor vehicle traffic. Due to the closure of this block of Hyde Street, the northbound stop sign at North Willard Street will be unnecessary. In addition, a new curbline will be created but parking should be restricted to ensure access to adjacent driveways.

Figure 1 includes a map of the area.

RECOMMENDATIONS

Item 1: Staff recommends the Commission amend the current stop sign locations to remove the stop sign at the intersection of Hyde Street and Spring Street, causing traffic on Hyde Street to stop.

Item 2: Staff recommends the Commission enact “No Parking” on the west side of North Willard Street beginning 135’ north of Archibald Street extending 65’ north.

Item 3: Staff recommends the Commission enact “No Parking” on the east side Hyde Street beginning 150’ north of Archibald Street and continuing 35’ north.

Figure 1: Hyde Street regulatory changes

RECEIVED
APR - 7 2014
BURLINGTON PUBLIC WORKS

04-06-14

Norm Baldwin

Please accept this letter as a formal appeal of the mechanical inspectors decision to "reject" this permit application.

Sincerely

Chris Khamsi
802-222-6080

BURLINGTON, VT PUBLIC WORKS

ISD 3

PLUMBING (PP) PERMIT APPLICATION

TO BE COMPLETED BY ALL PERSONS SEEKING A PERMIT FOR CONSTRUCTION WITHIN THE CITY LIMITS PURSUANT CHAPTERS 8 CODE OF ORDINANCES. (SEE INSTRUCTIONS ON BACK BEFORE COMPLETING)
www.burlingtonvt.gov/dpw

IDENTIFICATION

Please Print or Type

JOB SITE LOCATION: STREET NUMBER AND STREET ADDRESS

233 St Paul Street

PROPERTY OWNER NAME

Chris C. Khamnei

PROPERTY OWNER'S ADDRESS (IF DIFFERENT FROM JOB SITE LOCATION)

Same

REQUIRED

BUILDING PERMIT NUMBER _____ (IF APPLICABLE, FOR THIS PROJECT)

PERMIT TYPE (CHECK ALL THAT APPLY)

☒ GENERAL PLUMBING ☐ OTHER _____

HAVE YOU OBTAINED A ZONING PERMIT (IF APPLICABLE)

☐ YES (Please Attach Copy of Permit)
☐ NO

DESCRIPTION OF YOUR WORK

Repair present pipe configuration in basement for all eleven units. 1 D

Retail Liquor Not Applic.

CONTRACTOR NAME (IF DIFFERENT FROM PROPERTY OWNER)	DATE CONSTRUCTION WORK WILL BEGIN	ESTIMATED COST OF PROJECT
Same		

CONTRACTOR ADDRESS (IF DIFFERENT FROM PROPERTY ADDRESS)	CITY/TOWN	STATE	ZIP CODE

CONTACT PERSON	TRADE LICENSE # (if applicable)	TELEPHONE #
	N/A	802 222 6080

THE PERMITS ATTACHED TO THE APPLICATIONS MUST BE SIGNED AND PAID FOR WITHIN THREE BUSINESS DAYS OR THE PERMIT WILL BE PULLED AND CANCELLED.

I further certify that this document has been examined by me, and is, to the best of my knowledge and belief, true, correct, and complete.

DO NOT SEND PAYMENT WITH YOUR PERMIT APPLICATIONS

SIGN HERE ▶ Chris Khamnei — Signature of Owner or Authorized Representative

Owner/Maintenance — Title

4-6-14 — Date

ISD-1(08/09) *After you complete this form, mail it to: Inspection Services Division, DPW, Box 849, Burlington, VT 05402-0849; or fax to: 863-0466*

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street
Post Office Box 849
Burlington, Vermont 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Norman J. Baldwin, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS
CITY ENGINEER

August 8, 2014

Chris Khamnei
199 South Union Street, Unit #0
Burlington, Vermont 05401

NOTICE OF HEARING

Pursuant to Burlington Code of Ordinances Chapter 25 Plumbing, the **Public Works Commission** will hold a hearing related to an appeal of the Plumbing Inspector's decision to deny the appellant the issuance of a plumbing permit. This issue will be heard **6:30 p.m. on Wednesday, September 17, 2014 in the Front Conference Room of the Department of Public Works at 645 Pine Street** in Burlington, Vermont.

In order to expeditiously hear this appeal, the Commission needs and hereby notifies you as the appellant to provide it with a short and concise statement outlining the specific items to be heard and addressed by the Commission. This statement must also specific the factual or legal basis of the appeal.

Each party will be given the opportunity to present the facts, as they believe them to be, and to make legal arguments. The Commission will hear testimony and take documentary evidence in support of each party's position.

You are welcome to provide supporting documentary evidence in advance of the hearing. The Commission packet is scheduled to go out Tuesday, September 9, 2014 at noon, I would ask that you provide our office with your **documents no later than Monday, September 8, 2014 at 4:30 p.m.. Witnesses must be present**; the Commission will not accept written statements from absent witnesses, even in affidavit form. The Commission will resolve disputed questions of fact and apply the law governing the situation to those facts. If you intend to present documentary evidence, please bring 8 copies of each document to the hearing.

If you are the person who requested the hearing and you fail to appear, your case will be dismissed. If there are special circumstances as to why you cannot appear in person for a hearing, please call 863-9094. Postponement of your case will be permitted only for good cause. If settlement is reached, please notify the Commission immediately.

If you have any questions, please call 863-9094.

Sincerely,

Norman J. Baldwin, P.E.
Assistant Director of Public Works

cc: Eugene Bergman, Assistant City Attorney
Chapin Spencer, Director of Public Works
Valerie Ducharme, Customer Service Representative
John Ryan, Plumbing Inspector

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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CHRIS KHAMNEI
199 SO. UNION ST., UNIT #0
BURLINGTON VT
05401

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CHRIS KHAMNEI
199 SOUTH UNION ST, #0
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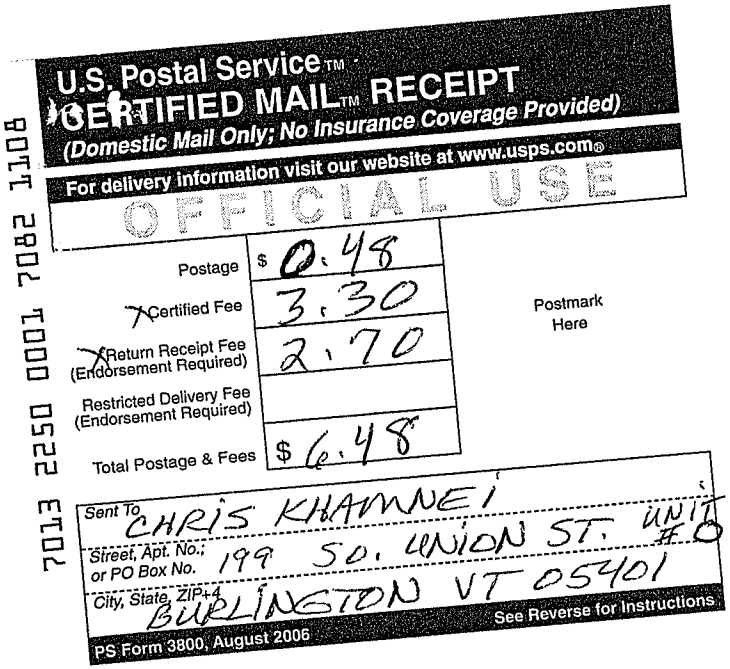

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NORMAN J. BALDWIN, P.E.
ASSIST. DIR., PUBLIC WORKS
645 PINE ST.
P.O. BOX 849
BURLINGTON VT 05402-0849

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☐ Addressee

B. Received by (Printed Name) Dan C Mellen
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DEPARTMENT OF PUBLIC WORKS

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Burlington, VT 05401
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Chapin Spencer
DIRECTOR OF PUBLIC WORKS
Norman Baldwin
Assistant Director, City Engineer, DPW/ISD

DPW/ISD
Inspection Services *Division*

To: Public Works Commission
From: Brad Biggie/City Building Inspector
Subject: Adam & Jamie Holt Appeal of Non-habitable basement
September 11, 2014

The details of this memo are in reference to a decision made by the office of the City Building Inspector regarding the issue of listing the basement at 49 Curtis Ave. owned by Adam and Jamie Holt as a non-habitable space due to the following violations:

- The work done to finish the basement space was conducted without a Zoning Permit for change of use, without a Building Permit or Electrical Permit(as required by Chapter 8 of the City Code of Ordinances) to verify structural and life safety elements per the Vermont Fire & Building Safety Code.
- Lack of an approved second means of egress respective to Chapter 24 of NFPA 101 section 24.2.2.3.3 "It shall be an outside window or door operable from the inside without the use of tools, keys, or special effort and shall provide a clear opening of not less than 5.7 sq. ft.. The width shall not be less than 20 in., and the height shall be not less than 24 in.. The bottom of the opening shall be not more than 44 in. above the floor. Such means of escape shall be acceptable where one of the following criteria is met:

  (1) The window shall be within 20 ft. of the finished ground level.
  (2) The window shall be directly accessible to fire department rescue apparatus as approved by the authority having jurisdiction.
  (3) The window or door shall open onto an exterior balcony
  (4) Windows having a sill height below the adjacent finished ground level shall be provided with a window well meeting all of the following criteria:
    (a) The window well shall have horizontal dimensions that allow the window to be fully opened.
    (b) The window well shall have an accessible net clear opening of not less than 9 sq. ft. with a length and width of not less than 36 in..
    (c) A window well with a vertical depth of more than 44 in. shall be equipped with an approved permanently affixed ladder or with steps meeting both of the following criteria:
    i. The ladder or steps shall not encroach more than 6 in. into the required dimensions of the window well.
    ii. The ladder or steps shall not be obstructed by the window."

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- Non-compliant ceiling height, where ceiling projections are concerned, respective to Chapter7 of NFPA 101 section 7.1.5.1 "Means of egress shall be designed and maintained to provide headroom in accordance with other sections of this code, and such headroom shall be not less than 7ft. 6 in., with projections from the ceiling not less than 6 ft. 8 in. with a tolerance of -3/4 in., above the finished floor, unless otherwise specified by any of the following:
  (1) In existing buildings, the ceiling height shall be not less than 7 ft. from the floor, with projections from the ceiling not less than 6 ft. 8 in. nominal above the floor.
  (2) Headroom in industrial equipment access areas as provided in 40.2.5.2 shall be permitted."

Norm Baldwin

From: Brad Biggie
Sent: Thursday, September 11, 2014 8:59 AM
To: Norm Baldwin
Subject: FW: 49 Curtis Ave Basement

Sincerely,

Bradley M. Biggie, Building Inspector
City of Burlington DPW/ISD
645 Pine St. Suite A
Burlington, VT 05401
Phone: 802-540-1739
Fax: 802-863-0466
E-Mail: bbiggie@burlingtonvt.gov
Web: www.burlingtonvt.gov

From: Adam Holt [mailto:adamlholt@gmail.com]
Sent: Thursday, September 11, 2014 8:47 AM
To: Brad Biggie
Subject: 49 Curtis Ave Basement

Brad,

Thank you, Ned, and Norm for taking the time to meet with me yesterday. I have a few follow-up questions regarding my basement.

1. What were to happen if I did nothing? Basement just be labeled Non-habitable?

2. Could I get an after the fact building permit for a dry storage climate controlled basement, then work towards bringing it up to code and zoned for occupancy? My most recent concern is Norm Baldwin's letter stating that the space potentially needs to be removed.

3. What are some potential options for a partitioned wall? Yesterday Ned mentioned a chain-linked fence?

I'm sorry for the taking your time with this, but just trying to figure out what to do.

Thank you,
Adam Holt
310-4862

Adam and Jamie Holt
49 Curtis Ave
Burlington VT 05408

7013 1090 0001 9645 2822

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7-14-14

Sent To Adam & Jamie Holt
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City, State, ZIP+4 Burlington VT 0540

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ATTN: Brad Biggie

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1. Article Addressed to:

Adam & Jamie Holt
49 Curtis Ave
Burlington VT 05408

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2. Article Number *(Transfer from service label)* 7013 2250 0001 7082 1115

PS Form 3811, July 2013 Domestic Return Receipt

Adam and Jamie Holt
49 Curtis Ave
Burlington, VT 05408

July 23, 2014

Chapin Spencer, Director of Public Works
645 A Pine St
Burlington, VT 05401

Dear Mr. Spencer,

This letter is written as an appeal in response to the letter written by Bradley Biggie, received on July 15, 2014 by certified mail. I have enclosed the USPS tracking information. Mr. Biggie's letter stated:

> Upon my framing inspection for your basement bathroom project it was brought to my attention that a significant basement remodel has taken place. After further review I have determined this project was conducted without the proper Zoning Permits, Building Permits, Electrical Permits, Plumbing or Mechanical Permits.
>
> Aside from the last of required permits, there are, but not limited to, deficiencies of Life Safety Codes such as:
>
> - An approved second means of egress
> - Minimum ceiling height of 7' with no projections less than 6'8'
> - Required interconnected smoke/CO2 detectors

I purchase and closed on 49 Curtis Ave. on March 14th 2012
49 Curtis Ave. was advertised and sold to me as:

- "rebuilt in 2004"
- "perfect home for entertaining"
- "Large finished basement"
- "Basement: Full, Interior Stairs, Partially Finished"
- 1,592 total finished sqft, with approximately 552 finished sqft below ground.

In addition:

- The house was sold in 2002 and 2005 to Stephen C. Daily with approximately 438 sqft of finished basement.
- After researching my basement I have determined that Jonathan and Holly Curry undertook an extensive basement remodel without obtaining the proper permits through the City of Burlington around 2008
- The home was sold to me under false pretenses by Erin Dupuis of Flat Fee Realty and Jonathan and Holly Curry of 33 Grey Meadow Dr., Burlington, VT 05408

- Prior to the 2014 basement bathroom project my estimated square footage was 548 sqft of finished basement, with 119.86 sqft underneath the 5'11" soffit projection covering the HVAC and House Support Beam.
- The house was purchased with interconnected CO detectors, which are currently in place and functional.

At this time I would like the City of Burlington to recognize that the basement remodel was completed prior to my ownership of the home, but it is my intention to work with the City of Burlington to have a safe home and maintain a clean title. I am very interested to hear what I need to do for this matter to come into compliance. I hope that the Building, Mechanical, Plumbing, and Electrical inspectors consider after-the-fact permits for the work done to the basement by the previous owners to bring my home up to code.

I would also appreciate it if the Public Works Board of Appeals reconsiders the decision to document my basement as a non-habitable space, however, if deemed non-habitable, then consider it for a dry, climate-controlled, storage basement.

Due to the recent addition of a permitted basement bathroom and the home's history of a garage fire, I would like to install an egress window in the near future and am currently looking for a contractor.

Thank you for your time,

Adam Holt
49 Curtis Ave
Burlington VT, 05408

Jamie Holt

Enclosure (1)

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Have questions? We're here to help.

Tracking Number: **70132250000170821115**

Product & Tracking Information

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Features:
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DATE & TIME	STATUS OF ITEM	LOCATION
July 15, 2014 , 1:06 pm	Delivered	**BURLINGTON, VT 05408**

Your item was delivered at 1:06 pm on July 15, 2014 in BURLINGTON, VT 05408.

July 15, 2014 , 8:18 am	Arrival at Unit	BURLINGTON, VT 05408
July 14, 2014 , 9:12 pm	Depart USPS Sort Facility	ESSEX JUNCTION, VT 05452
July 14, 2014 , 7:42 pm	Processed through USPS Sort Facility	ESSEX JUNCTION, VT 05452
July 14, 2014 , 5:40 pm	Depart Post Office	BURLINGTON, VT 05401
July 14, 2014 , 1:02 pm	Acceptance	BURLINGTON, VT 05401

Available Actions

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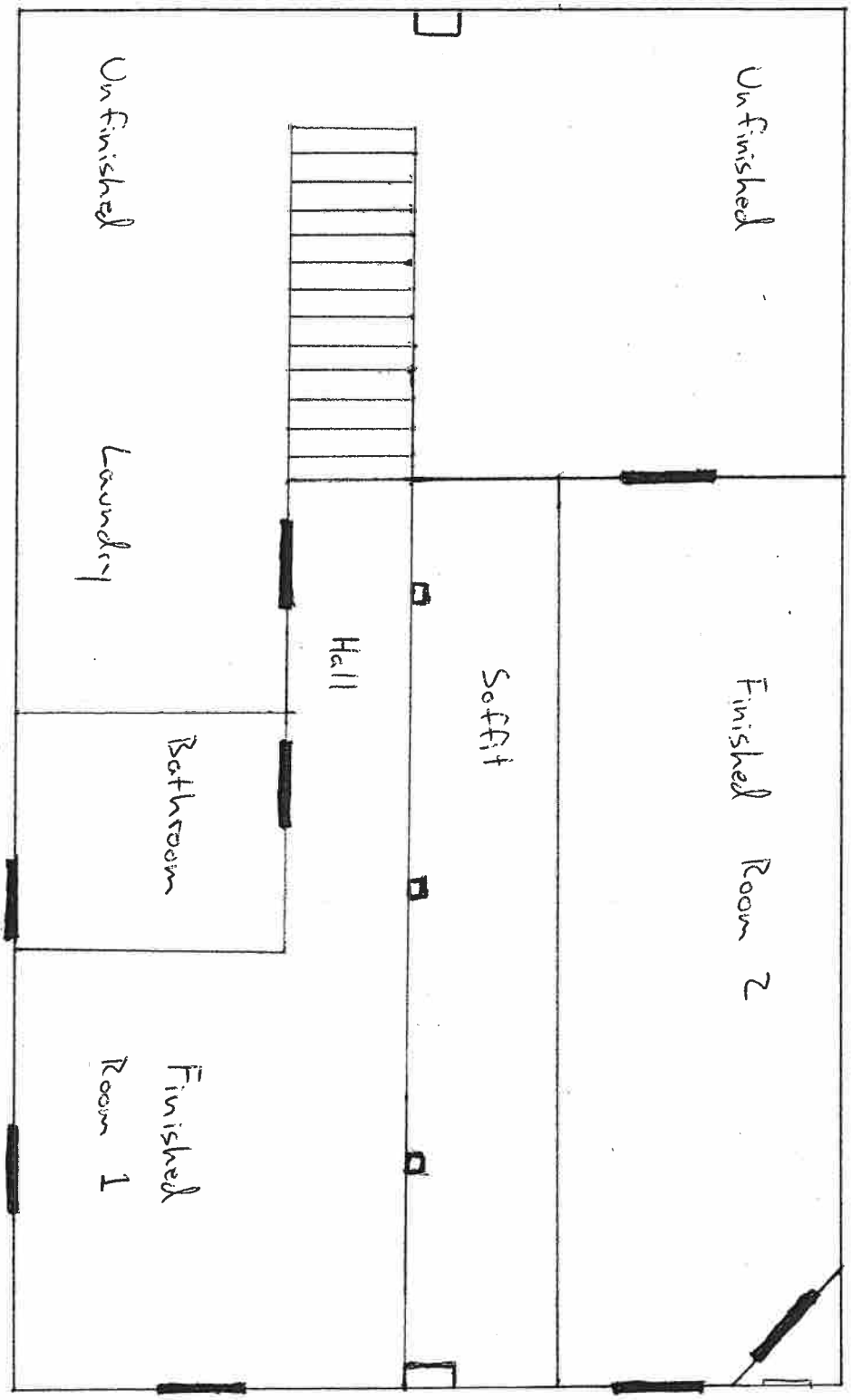
Appellant Submittal



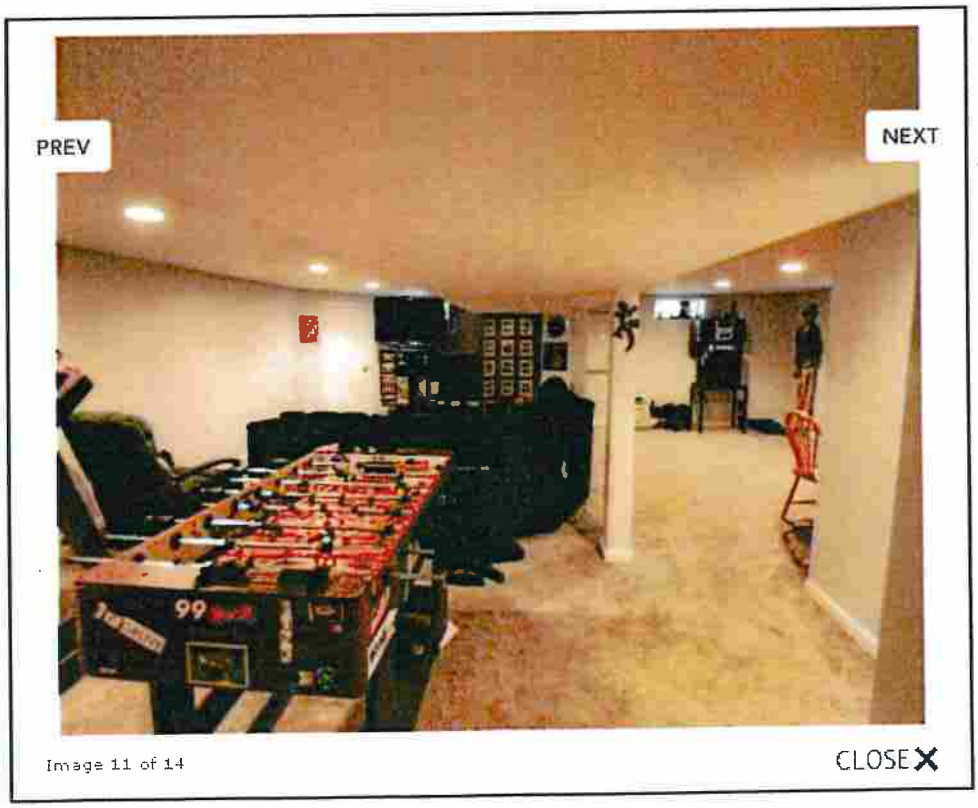
49 Curtis Ave Basement

Area	Sqft	Percentage
Total Basement	1040.0	100.0%
Unfinished	459.2	44.2%
Corner Closet	6.0	0.6%
Finished	580.8	55.8%
Bathroom	51.8	5.0%
Hall	42.3	4.1%
Room 1	139.7	13.4%
Under Soffit	128.1	12.3%
Room 2	213.0	20.5%
Room 1, 2, Hall and Soffit	523	
Percent Under Soffit	24.49%	

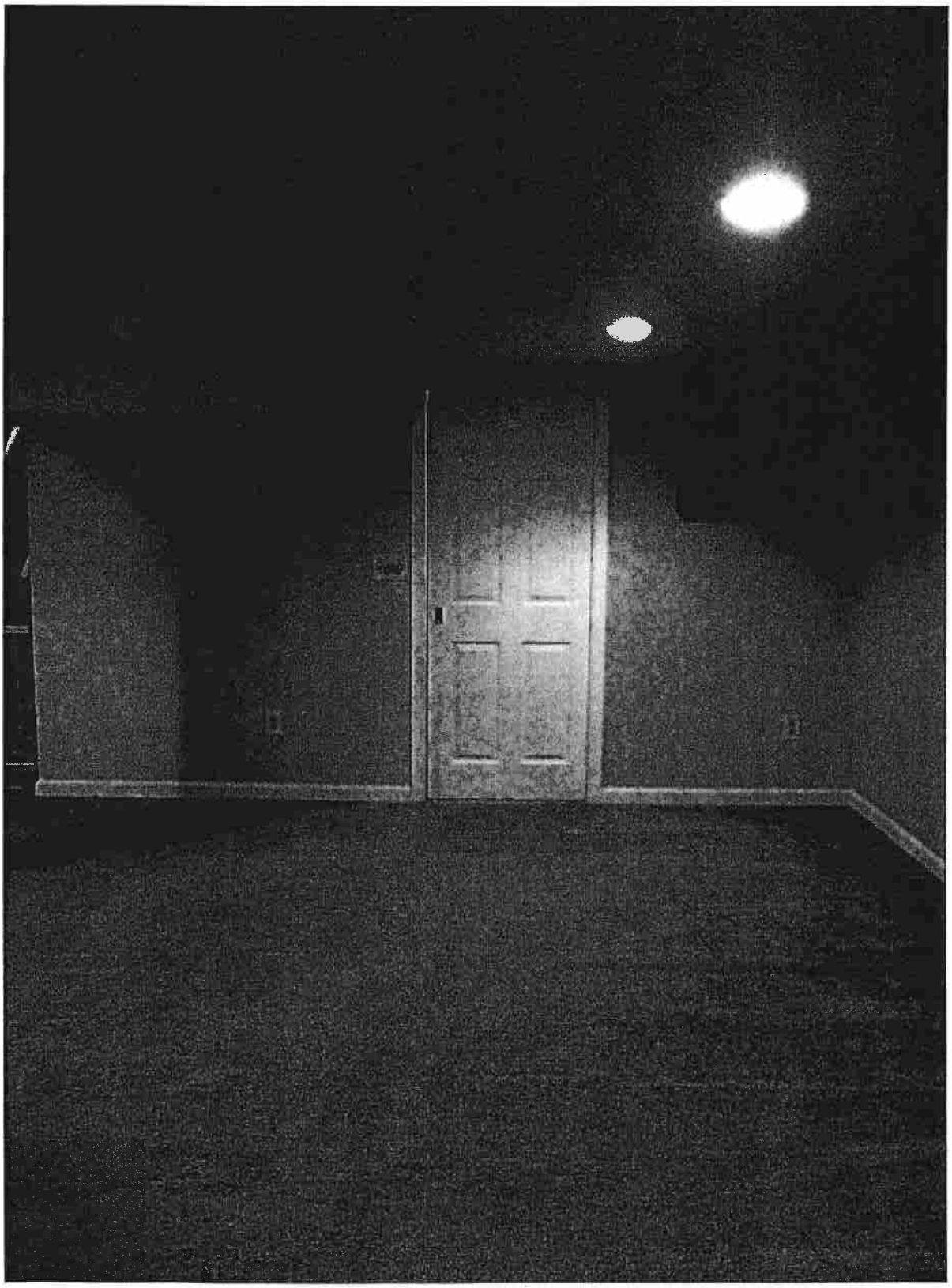
49 Curtis Ave

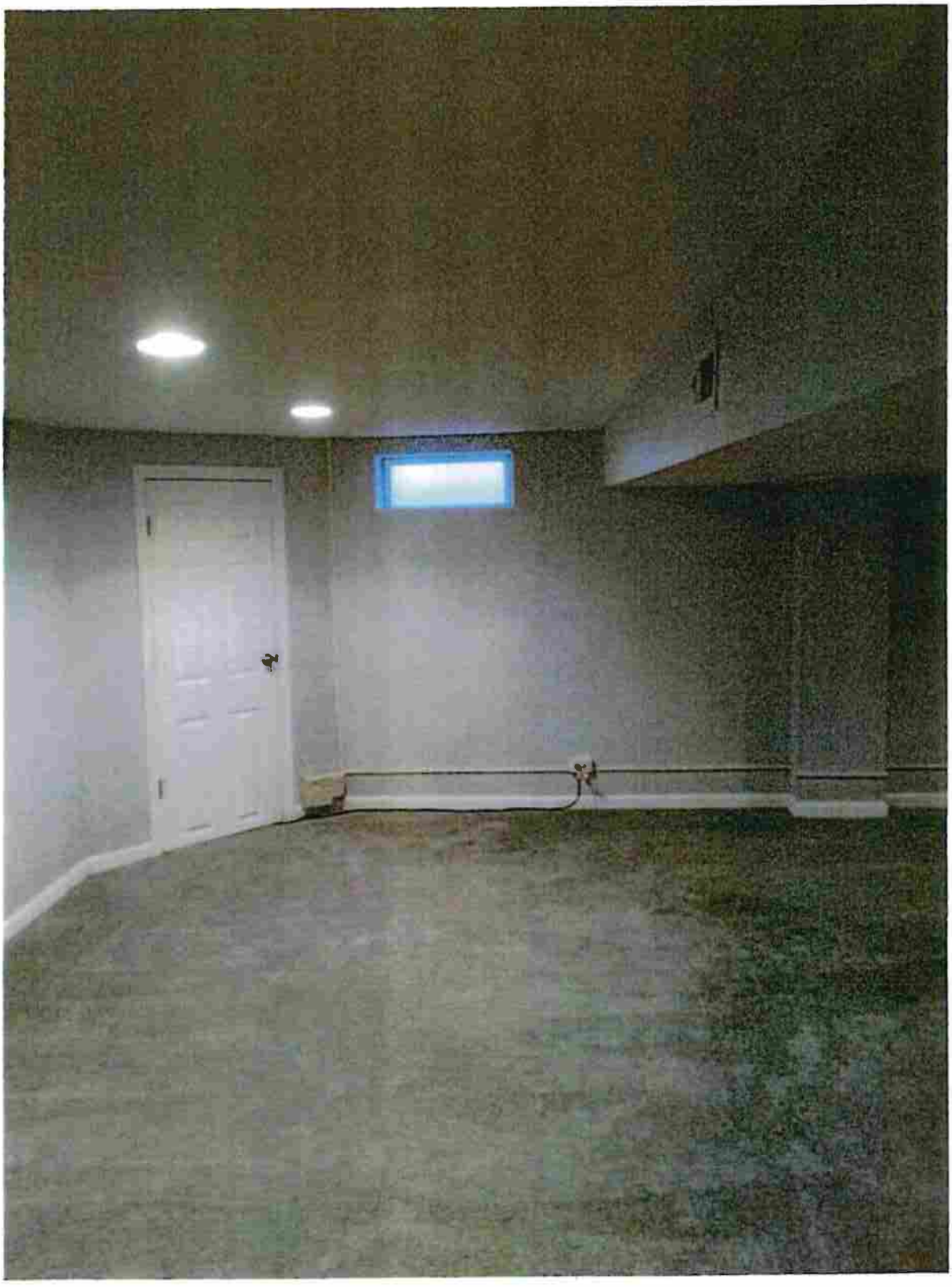
As Sold in 2012:

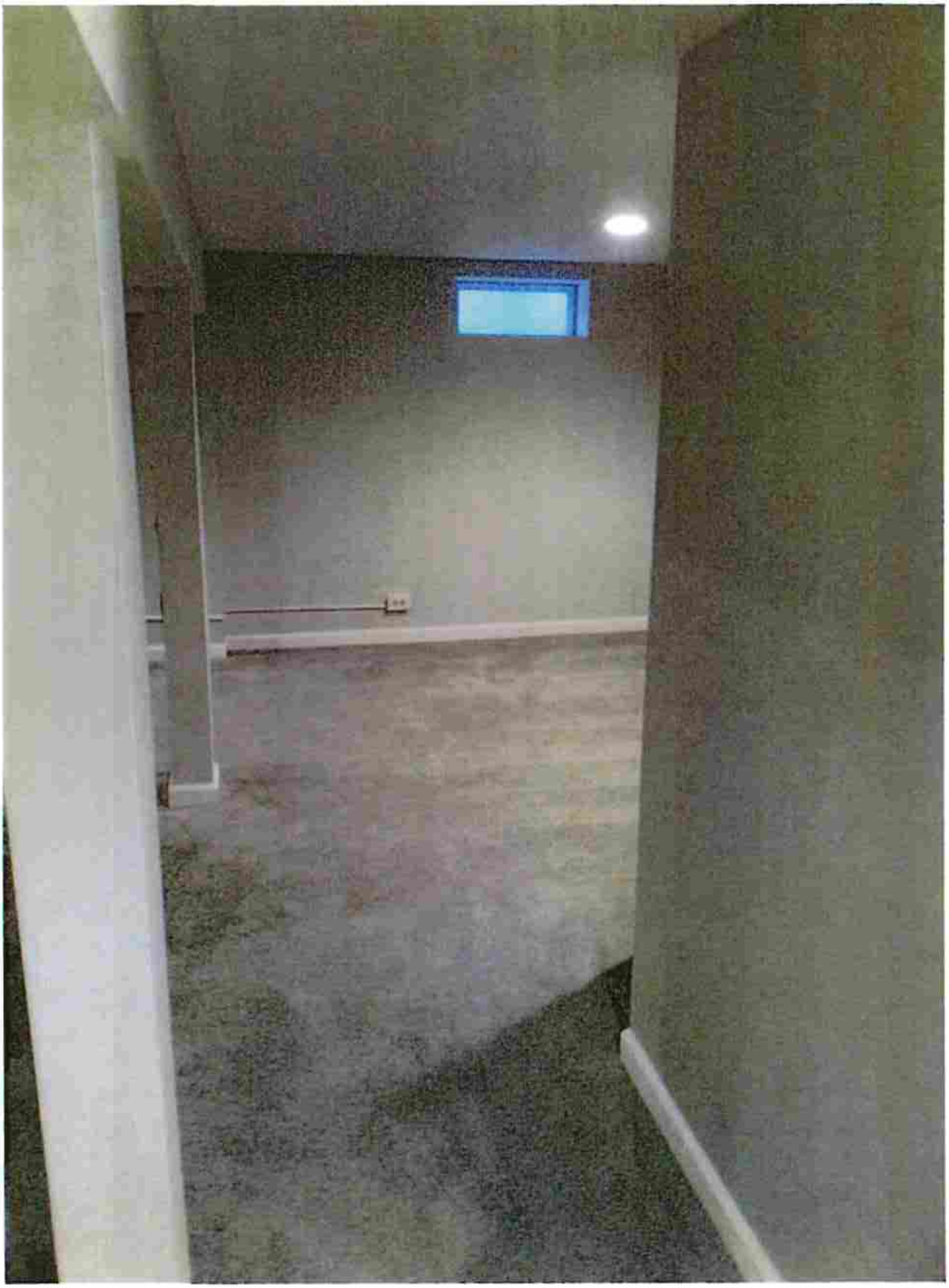
As advertised in 2012 on MLS

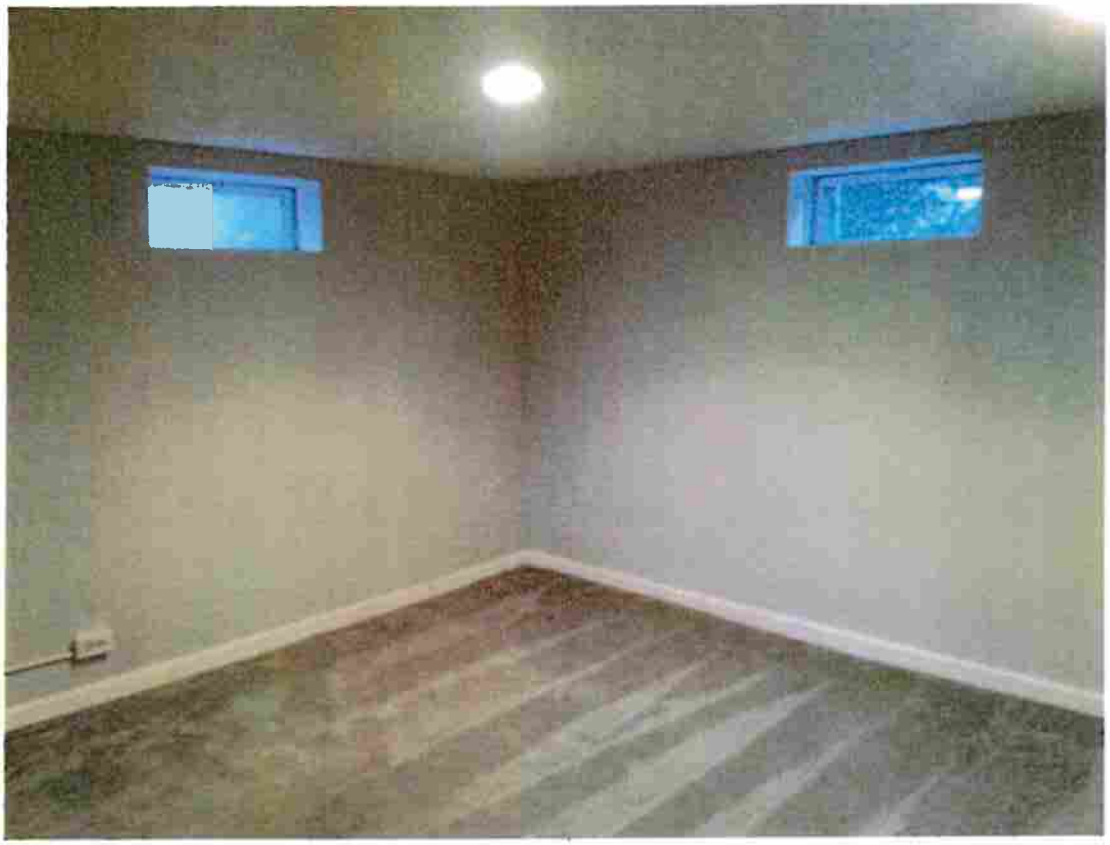


49 Curtis Ave as of 2014

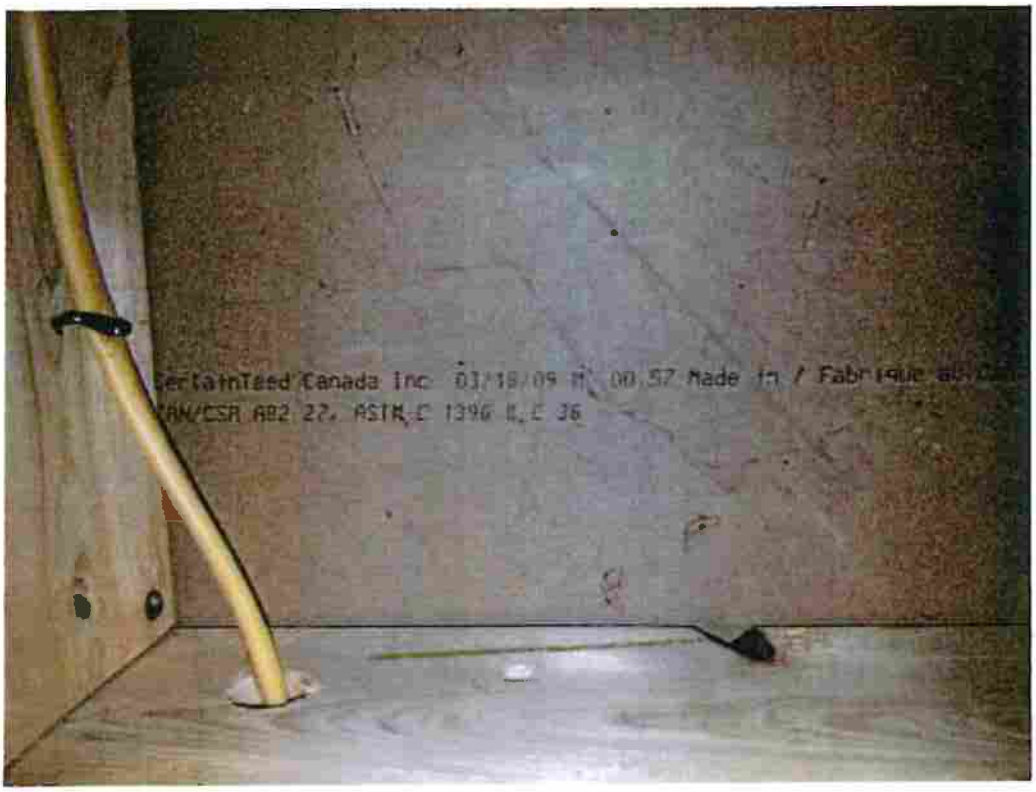








49 Curtis Ave, dated wire and drywall from remodel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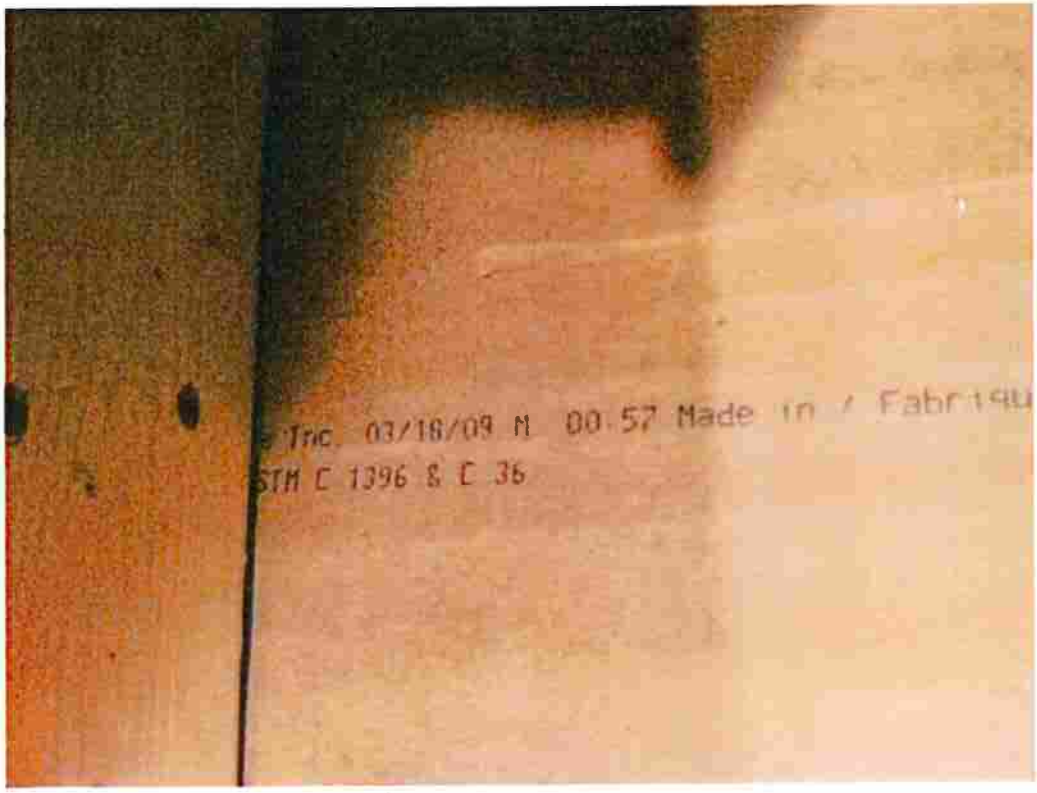
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CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street
Post Office Box 849
Burlington, Vermont 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY

Steven Goodkind, P.E.
DIRECTOR OF PUBLIC WORKS
CITY ENGINEER

Norman J. Baldwin, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

September 10, 2014

Adam and Jamie Holt
49 Curtis Avenue
Burlington, Vermont 05401

NOTICE OF HEARING

Pursuant to Burlington Code of Ordinances Chapter 8, please take notice that the **Public Works Commission** will hold a hearing related to an appeal of a Building Inspectors Order identifying the existing of an unpermitted cellar living space at your single family home at 49 Curtis Avenue requiring the space to be either removed or fully permitted and code complaint at **6:30 p.m. on Wednesday, September 17, 2014 in the Front Conference Room of the Department of Public Works at 645 Pine St.** in Burlington, Vermont.

In order to expeditiously hear this appeal, the Commission needs and hereby notifies you as the appellant to provide it with a short and concise statement outlining the specific items to be heard and addressed by the Commission. This statement must reference the item number from the inspection report you are appealing. This statement must also specific the factual or legal basis of the appeal. Please be advised that items that have been resolved and are no longer being contested between you and the Code Enforcement Office are considered moot and will not be heard by the Commission. Please send a copy of this statement to the Code Enforcement Office.

Each party will be given the opportunity to present the facts, as they believe them to be, and to make legal arguments. The Commission will hear testimony and take documentary evidence in support of each party's position. **Witnesses must be present**; the Commission will not accept written statements from absent witnesses, even in affidavit form. The Commission will resolve disputed questions of fact and apply the law governing the situation to those facts. If you intend to present documentary evidence, please bring 8 copies of each document to the hearing.

If you are the person who requested the hearing and you fail to appear, your case will be dismissed. If there are special circumstances as to why you cannot appear in person for a hearing, please call 863-9094. Postponement of your case will be permitted only for good cause. If settlement is reached, please notify the Commission immediately.

If you have any questions, please call 863-9094.

Sincerely,

Norman Baldwin, P.E.
Assistant Director of Public Works

cc: Eugene Bergman, Assistant City Attorney
Steven Goodkind, Director of Public Works
Valerie Beaudry, Customer Service Representative
Bill Ward, Director of Code Enforcement

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street, Suite A
Burlington, VT 05401
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY

DPW/ISD
Inspection Services *Division*

Chapin Spencer
DIRECTOR OF PUBLIC WORKS
Norman Baldwin
Assistant Director, City Engineer, DPW/ISD

Certified

July 10, 2014

Adam and Jamie Holt
49 Curtis Ave.
Burlington, VT 05408

Dear Adam and Jamie,

Upon my framing inspection for your basement bathroom project it was brought to my attention that a significant basement remodel has taken place. After further review I have determined this project was conducted without the proper Zoning Permits, Building Permits, Electrical Permits, Plumbing or Mechanical Permits.

Aside from the lack of required permits there are, but not limited to, deficiencies of Life Safety Codes such as:

- An approved second means of egress
- Minimum ceiling height of 7'with no projections less than 6'8'
- Required interconnected smoke/CO2 detectors

At this time the space in question has been documented as non-habitable space and will be reflected as such by this office and in the City of Burlington land records.

In order for this matter to come into compliance the following actions must take place:

- Secure all required Zoning, Building, Electrical, Plumbing and Mechanical Permits
- Meet code obligations required by the above disciplines through on-site inspections

In closing, I have provided your statement of procedural rights if you choose to appeal the decision that has been made by this office.

APPEAL FROM ORDER, STATEMENT OF PROCEDURAL RIGHTS

An Equal Opportunity Employer
This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

Pursuant to the City of Burlington City Code of Ordinances § 8-8, any owner of a building or structure, or any other interested person aggrieved by an Inspectors directive respective to the BCO and life safety codes, may appeal to the Public Works Board of Appeals by requesting such appeal in writing to the Director of Public Works, 645 A Pine St., Burlington VT to include the following;

Submittals for appeals need to in a timely manner and within 10 days of the issued date of this letter citing the violation(s), define what order or decision being appealed and provide legal argument or bases of the appeal.

The Public Works Commission acts as the Board of Appeals and as a rule meet every third Wednesday of the month. This office will be in contact with the appellant to confirm dates, times and location where the case will be held and heard upon receipt and review of the appellant's documentation supporting their appeal.

Should you have any questions concerning the above please contact this office directly.

Thank you for your attention to this matter.

Sincerely,

Bradley Biggie, Building Inspector

Cc: Ned Holt, Building Inspector
Eugene Bergman, City Attorney
Ken Lerner, Zoning & Planning
William Ward, Code Enforcement
File

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Adam & Jamie Holt
49 Curtis Ave
Burlington VT 05408

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7013 2250 0001 7082 1115

PS Form 3811, July 2013 Domestic Return Receipt

7013 2250 0001 7082 1115

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$ 48
Certified Fee	3.40
Return Receipt Fee (Endorsement Required)	2.60
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 6.48

Postmark Here

7-14-14

Sent To Adam & Jamie Holt
Street, Apt. No.; or PO Box No. 49 Curtis Ave
City, State, ZIP+4 Burlington VT 0540[illegible]

PS Form 3800, August 2006 See Reverse for Instructions

Adam and Jamie Holt
49 Curtis Ave
Burlington VT 05408

Chapin Spencer
Director of Public Works
645 A Pine St.
Burlington VT 05401

RETURN RECEIPT REQUESTED

RECEIVED
JUL 25 2014
BURLINGTON PUBLIC WORKS

05401$4520

CSWD
CHITTENDEN SOLID WASTE DISTRICT
1021 Redmond Road ◆ Williston, VT 05495-7729
802-872-8100 ◆ Fax: 802-878-5787 ◆ Web: www.cswd.net

CONSIDERATION OF CONSOLIDATED COLLECTION OF RESIDENTIAL TRASH AND RECYCLABLES IN CHITTENDEN COUNTY

INFORMATION SHEET

The CSWD Board of Commissioners is evaluating consolidation of trash and recycling collection in Chittenden County. Consolidated collection means that a municipality (CSWD or an individual city, village, or town) contracts with one or more haulers to provide curbside collection service for specific routes or districts within that municipality, rather than have multiple haulers running routes in each neighborhood. The main reasons the Board of Commissioners is investigating consolidated collection are that it could lead to:

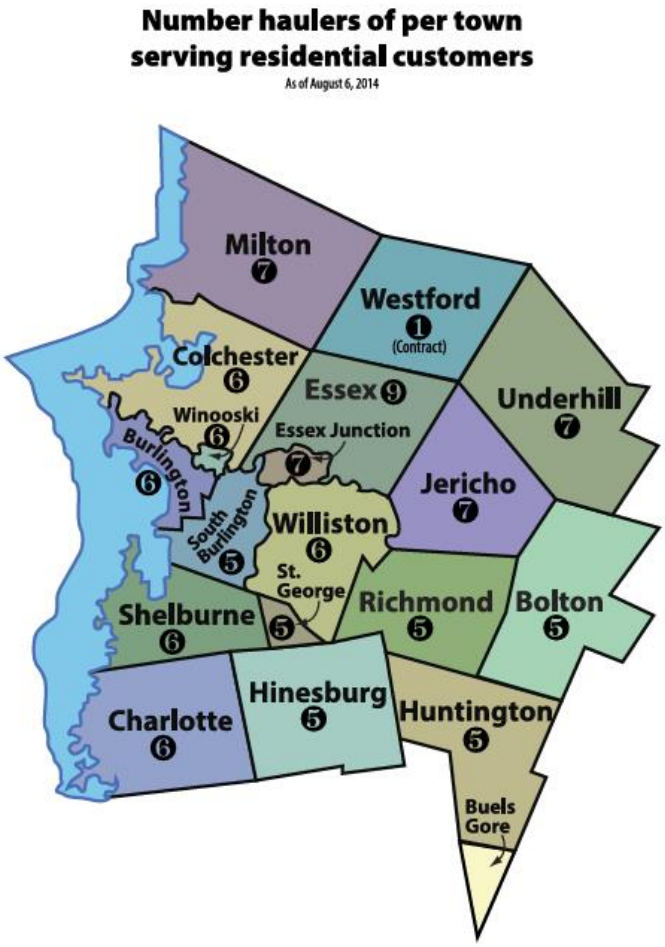
1) A reduction in costs to residents and businesses.
2) A reduction in the environmental and infrastructure impacts of excessive truck traffic.
3) An increase in the level of recycling by using consolidated collection as an effective mechanism to implement District-wide unit-based rates (customers are charged more accurately by how much they throw away as trash).
4) An increase in diversion by using consolidated collection as an effective mechanism to add collection of organics (food scraps, food-soiled paper, yard debris, etc.).

BACKGROUND

Chittenden County is home to an estimated 63,000 households and 6,200 employers. The current trash and recycling collection system operates as a non-exclusive franchise for both residential and commercial waste. This means that haulers are licensed by CSWD and compete for both residential and commercial customers in most municipalities. The City of Burlington provides collection of recyclables for its residents, but not trash. The Town of Westford contracts with one hauler for collection of residential trash and recyclables.

Eleven private haulers currently provide subscription residential trash and recycling collection:

Company	Est. in County
At Your Disposal	2013
Barnier Waste	1958-1997, 2002
Casella Waste Services	1990
Clean Green Sanitation	1999
Duffy's Waste & Recycling	mid-late 1990s
Gauthier Trucking	1950
Jerome Trucking	~1988
Myers Container Service	1999
Nolin's Trucking	1958
Tourville Trucking	1976
Trashaway & Recycling Service	2001



Three hauling companies and CSWD Drop-Off Centers collect 91% of municipal solid waste disposed by Chittenden County generators.

Consolidated collection is the most common form of residential service in the country. A 2005 presentation by the Beverage Packaging Environmental Council at a National Recycling Coalition conference provided estimates on household recycling and refuse systems in states *without* bottle bills. States *with* bottle bills include California, Connecticut, Guam, Hawaii, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, and Vermont. The breakdown is as follows:

Type of Recycling Program	%
Drop-off only	18%
Subscription (hire own hauler)	11%
Franchise/municipal*	63%
No recycling program	5%
Don't know	3%

*Collection provided by the municipality or by one or more haulers under contract with the municipality.

The ñ2008 American Beverage Association Community Surveyò, prepared by R.W. Beck found that 74% of households in the United States have access to curbside recycling service. Of these, 85% are served by the municipality or private haulers under contract with the municipality, and 15% are served by private subscription programs.

Most of the households in consolidated collection systems are likely in more urban areas than Chittenden County, but this type of system is also employed by many rural communities. The Town of Westford in Chittenden County has been franchising trash and recycling collection successfully for many years. Other communities in Vermont that employ some kind of consolidated collection include: Burlington (recycling only), Fairfax, St. Albans City, Bristol (recycling only), Bloomfield, Brattleboro, Brunswick, Burke (trash only), Goshen (trash only), Guildhall, Hartford (recycling only), Lyndon, Maidstone, Middlebury (recycling only), Proctor, Vernon (trash only), Westminster (trash only), and Westmore.

STUDIES ON COSTS

CSWD contracted DSM Environmental Services, Inc. (DSM) to evaluate the potential economic and environmental impacts associated with the consolidation of municipal solid waste and recycling collection systems in Chittenden County. The costs of the current system were compared to three potential consolidated collection systems. DSM estimated that contracts for weekly collection of all residential trash and recycling would result in $4.4 million in savings in overall collection costs over the current system cost of $18.5 million. Estimated savings from contracts for bi-weekly collection of residential waste and recyclables are $5.9 million. Consolidating commercial collection would add $1.6 million to the savings. Estimated savings do not include those related to reduced emissions, noise, and road maintenance.

On average, businesses would see an estimated 20 percent decrease in their waste management costs, and households, a drop of 24 percent if weekly pickup is provided and 32 percent if bi-weekly service is provided. The calculation of estimated environmental impacts shows that route consolidation and the accompanying increase in the quantities of recyclables collected will result in reduced air and greenhouse gas emissions.

The results of the study were provided to the governing boards of the Districtôs 18 municipal members. Presentations were requested by and made to 11 of those boards.

The study assumed that all households would be included in the new system (i.e., all multi-unit residential buildings no matter the size). Large multi-unit residential buildings are usually serviced on haulersô commercial routes. Staff are currently recommending that only households in structures with less than five units be included in a consolidated collection system if one is implemented. Updated cost savings are in the works.

The results of an analysis of curbside collection of residential organics in Chittenden County completed by Skumatz Economic Research Associates (SERA) are in line with DSMôs findings. SERAôs study shows that the savings from implementing a consolidated collection system could cover all or most of the costs of adding residential organics collection, depending on the system chosen.

PUBLIC OPINION ON CONSOLIDATION

About half of the respondents to the 2013 Household Solid Waste Survey expressed support for a consolidated collection system in Chittenden County and about one-third did not. In addition, a number of neighborhood groups in the County have contracted on their own with one hauler in order to get a better price and reduce truck traffic in their neighborhoods.

PUBLIC CONCERNS

Haulers, CSWD Board members, staff, and others have expressed these concerns about implementing a consolidated collection system:

a) Customers will no longer have a choice of who provides their service.
b) Smaller haulers may not be able to compete with larger haulers for collection districts and could lose their businesses.
c) Some haulers believe they will lose customers to Drop-Off Centers.
d) Haulers who do not service commercial customers will lose their ability to grow for the term of the contract beyond the population growth, which will vary by collection district.
e) The government should not interfere with the operations of private enterprise.

QUESTIONS

To get a better picture of what implementation of a consolidated collection system would look like in Chittenden County, staff developed recommendations on a number of questions. These were reviewed by the Study Committee and the CSWD Board of Commissioners. Recommendations are as follows:

1. *Should commercial routes be consolidated or just residential ones?*
   Only residential routes should be consolidated at this time. Commercial routes (with greater volume per pickup) are more efficient than residential routes, and, therefore, savings would be less. Unlike residential service, the types of collection containers used and, consequently, the type of trucks used to service them, varies (carts, dumpsters, and roll-off boxes of various capacities). This makes designing a consolidated system more complicated. Experience with a residential system would be helpful before considering a commercial one.

2. *What is the definition of residential customer?*
   Residential customer should be defined as a household in a dwelling with less than 5 units. In the case of condominiums, townhouses, and mobile home parks with 1-4 unit structures, a household would be considered residential only if it set out individual solid waste containers. Therefore, in this scenario, larger multi-unit structures would not be covered under the consolidation program as currently visualized.

3. *Should the level of service be the same throughout the County?*
   A base level of service should be required in all collection districts, although the rates could be different based on differences in cost. Backdoor service must be offered, but may be offered for an additional fee. Haulers could offer additional services (e.g., bulky waste pickup) for additional fees.

4. *Should residential trash and recycling collection be every week or every other week?*
   Collection should be weekly for now (although haulers could offer less frequent collection at a reduced price). Every-other-week collection should be revisited for the second contract period.

5. *Which unit-based rate system should be used?*
   ANR has issued draft ACT 148 guidelines. Staff has provided comments. Due to the way the statute is written, ANR cannot be very proscriptive in its guidelines, which provides CSWD flexibility in drafting an amendment to its Solid Waste Management Ordinance. The draft amendment on unit-based rates will be included for review by the Board (first by subcommittee) with other draft amendments staff is recommending. Input from haulers will be obtained. Staff also discussed, but did not come to a conclusion on, how fees for organics collection would fit into a unit-based rate system.

6. *How do we maintain participation by all haulers?*
   Participation by all current haulers cannot be guaranteed. An open bidding process must occur or CSWD would violate the Commerce Clause of the U.S. Constitution. However, if a public benefit is established, CSWD or a municipality could employ certain restrictions or mechanisms in a bidding process:
   a) The number of collection districts or percentage of customers that one hauler can win in a bidding process can be restricted through the establishment of goals and guidelines.
   b) Bidding on certain collection districts can be restricted to small haulers (e.g., those serving less than a certain number of customers) through the establishment of goals and guidelines.
   c) Bidders can be encouraged to utilize other haulers, and small haulers can be encouraged to bid cooperatively.
   d) The type of disposal permitted for the trash portion collected can be limited (e.g., to landfill only, no incineration).
   e) Knowledge of local area or familiarity with collection routes in Chittenden County can be included as one of the selection criteria.

   CSWDôs consultant provided information on strategies employed by other communities to maintain competition. These will be considered if an RFP is developed.

7. *How much notice should be provided to haulers prior to an implementation date?*
   A minimum notice of three years should be provided.

8. *What should be the length of the contracts?*
   The length of contracts should be seven years to allow for amortization of equipment purchased.

9. *Should CSWD designate disposal facilities or obtain a disposal contract prior to bidding to provide a level playing field?*
   Unless and until CSWD constructs a landfill or the Public Service Board regulates prices, staff recommends that a disposal contract for interested haulers be obtained prior to bidding.

10. *Will the haulers or CSWD manage the billing for customers?*
    Haulersô recommendation: Haulers on the Committee prefer that CSWD do the billing and collection because it would reduce their costs, and CSWD could attach property for non-payment.
    Consultantôs recommendation: Haulers in the CSWD area have billing systems and are currently billing their customers. It would be ideal for them to continue to provide this service eliminating the need for CSWD to get into the billing business, for CSWD to coordinate day-to-day revision with the haulers regarding changes in customersô service levels, stopping service to accounts, starting new accounts, and financial management associated with paying revenues out to the haulers.
    Counsel comments: Whoever does the billing may seek a judgment in court for non-payment, record the judgment, and attach property.
    Staff recommendation: Haulers control the billing unless a municipality (such as Westford) chooses to pay the base service cost from its general fund.

11. *Would the hauler be able to sell or assign their contract?*
    Yes, with prior approval from CSWD, if the buyer or assignee meets all contract terms and any participation limits are not exceeded. Criteria for CSWD approval would be spelled out in the contract (e.g., entity has obtained and is in compliance with all required local, state, and federal permits; entity has a satisfactory service record; entity has the equipment and capital required to fulfill the terms of the contract).

12. *How would Burlington's and Westford's collection programs fit into a new system?*
    According to ANR, under a unit-based rate system, Westford (or any other municipality that opts for a similar system) could cover the base trash and recycling (and organics down the road) costs from its general fund. Service for additional trash units would need to be paid for by the customer, which could be done through a variety of mechanisms.

    Act 148 requires that recycling fees be imbedded in trash fees. There is a question whether Burlingtonôs Solid Waste Generation Tax, which provides funding for the residential recycling costs for the City, meets this requirement. Haulers include this tax as a line item on the bills of their residential trash customers in Burlington. Thus the billing mechanism may need to change. Burlington has been notified of this potential issue. Burlingtonôs recycling program is already consolidated so it canôt be more efficient. Under full consolidation, Burlington could decide to maintain their recycling program as is and bid out trash collection only, bid out both services, or add residential trash collection to the services the city provides.

13. *What is the cost of providing residential organics collection and can the savings from route consolidation cover it?*
    The analysis of curbside collection of residential organics in Chittenden County completed by Skumatz Economic Research Associates (SERA) shows that the savings from implementing a consolidated collection system could cover all or most of the costs of providing residential organics collection, depending on the system selected. The SERA study also shows that without route consolidation, it will likely be expensive to residents for haulers to provide curbside collection service for organics as required by Act 148.

14. *Should CSWD stop offering collection of trash, recyclables, food scraps, and yard trimmings at Drop-Off Centers if consolidated collection is implemented?*
    Approximately 25% of CSWD residents and some small businesses use CSWD Drop-Off Centers to manage their regular trash and recycling. There are a number of issues associated with continuing or discontinuing this option. For example, when bidding on collection districts, some believe haulers will have difficulty estimating what portion of households would choose self-hauling over curbside service in a particular district and how that portion may change over time. Requiring all households to participate in curbside service could provide additional savings per curbside household but would likely increase the cost for most self-haulers. Self-hauling has been an option that has been available since the beginning of town dumps and is appreciated by many for its social value as well. A quarter of the population may resent the loss of this option.

    A number of municipalities and counties that contract for residential trash and recycling service allow households to opt out of curbside service and self-haul their materials to transfer stations. The consensus of the haulers and communities interviewed by staff is that the percentage of curbside customers vs. self-haulers remains steady over time. Curbside customers do not want to self-haul and vice versa. Good estimates of the number of curbside customers can be developed for each collection district in a consolidated system and included in an RFP. Staff recommend that self-hauling regular trash and recycling remain an option in a consolidated collection system.

15. *What avenues should be used to engage the general public in providing input on consolidated collection and residential organics collection?*
    Staff recommends that a citizen advisory and municipal official advisory committees be employed as well as conventional methods (e.g., press release, public meetings, social media). In addition, input will be obtained through the strategic planning process.

16. *What would the rules be for member municipalities to opt in or out of the system?*
    Municipalities would decide to opt in or out before RFP is issued for each contract period. If the municipality opts in, the term is for the length of the contract. Municipalities can implement consolidated collection on their own at any time.

PUBLIC INPUT

A Consolidated Collection Study Committee, consisting of CSWD Board members, licensed haulers, and CSWD staff, was formed to provide guidance and feedback during the investigation. Input from residents and the governing boards of the towns and cities in Chittenden County has also been sought.

CSWD is currently seeking additional input from municipalities and residents. A Citizen Advisory Committee was formed, a public meeting will be held, municipalities will be surveyed, and comments from the public will be solicited.

At the January 2013 CSWD Board of Commissioners meeting, the Board established that member municipalities will be provided the opportunity to vote at the governing board level on whether or not to participate in a consolidated collection system.

GOING FORWARD

On May 28, 2014, the CSWD Board of Commissioners decided that consolidated collection merits further consideration. The next steps are as follows:

1) Additional municipal and public input sought.
2) Board decides whether to continue.
3) Draft RFP developed.
4) Municipal governing boards decide whether to participate.
5) Board decides whether to issue RFP.
6) RFP issued.
7) Board decides whether to implement system and provide official notice to haulers (minimum of three years).

Updated 8-6-14

BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION
DRAFT MINUTES, July 16, 2014
(The June 18, 2014 meeting was cancelled)
645 Pine Street
(DVD of meeting on file at DPW)

COMMISSIONERS PRESENT: Bob Alberry, Tiki Archambeau, Jim Barr (new Commissioner), Asa Hopkins, Nathan Lavery, Solveig Overby and Jeffrey Padgett

Director Spencer called the meeting to order at 6:37 p.m.

ITEM 1 – ELECTION OF CHAIR & VICE CHAIR
Director Spencer called for nominations for Chair. **Commissioner Alberry nominated** Commissioner Lavery; Commissioner Hopkins seconded. Commissioner Lavery accepted the nomination for Chair for FY15. Unanimous.
Commissioner Lavery called for nominations for Vice Chair. **Commissioner Overby nominated** Commissioner Hopkins; Commissioner Alberry seconded. Commissioner Hopkins accepted the nomination of Vice Chair for FY15. Unanimous.

ITEM 2 - AGENDA
Commissioner Barr moved to remove Items 5.50 (Remove Two Stop Signs at Elmwood Ave & Spring St) and 5.60 (Communication on Wastewater Charges) from the Consent Agenda; Commissioner Padgett seconded. The two items will be added on the Agenda as Items 9.5 and 9.6. Unanimous.

ITEM 3 – THANKS TO OUTGOING COMMISSIONER MARK PORTER
Commissioner Porter was unable to attend the meeting so his official recognition will be postponed until the August meeting. Commissioner Lavery thanked Commissioner Porter *in absentia*. Commissioner Lavery introduced Commissioner Jim Barr (first meeting).

ITEM 4 – PUBLIC FORUM
Caryn Long, regarding work being done at 12 Weston Street: 1) Upset that DPW issued a building permit during an appeal period. 2) Asking for clarification of a statement she claims was made during last night's appeal hearing about the necessity of building permits for work for Minimum Housing. 3) Concerned about the relationship between Zoning (Dept of Planning and Zoning) and Building (Dept of Public Works, Inspection Services Division)…Feels some people are allowed to work without permits. 4) Would like a follow-up about the "driveway issue" she reported to the Commission months ago.
Max Tracy, City Councilor: Feels proposed rate changes in the Downtown Parking Core are warranted and encouraged the support of the proposed changes.
Stephen Litwhiler: Requesting that the two taxicab stand spaces on Colchester Avenue in front of Domino's Pizza removed and wants 4 parking spaces for his tenants and delivery drivers. Assistant Director Norman Baldwin stated that this request is part of tonight's Consent Agenda (Item 5.30, Colchester Ave Taxicab Stand Removal), though instead of 4 parking spaces Mr. Litwhiler is requesting tonight, staff is recommending 3 spaces.

ITEM 5 – CONSENT AGENDA (Refer to Commission Packet)
- 5.10 Champlain College Shuttle Temp Stop
  - Staff recommends that the Commission adopts the proposed shuttle drop-off/pick-up space.
- 5.20 Handicap Parking Title Change
  - Staff recommends changing the title of Section 7A of the Code of Ordinances from 'Handicapped spaces designated.' to 'Accessible spaces designated.'

- 5.30 Colchester Ave Taxicab Stand Removal
  - Staff recommends that the Commission:
    - Adopt the removal of the two taxicab stands in front of 485 and 495 Colchester Avenue.
    - Adopt 30 minute parking on the east side of Colchester Avenue starting at the corner of Colchester Avenue and Barrett Street and extending north 60 feet.
- 5.40 CarShare VT – Request for New Parking Spot
  - Staff recommends the Commission adopts a CarShare space on the south side of Locust Street at Callahan Park.
- 5.70 Commission Annual Report

Commissioner Alberry moved to accept the Consent Agenda as amended and staff's recommendations; Commissioner Barr seconded. Unanimous.

ITEM 6 – PARKING PROPOSED RATE CHANGES
(Presentation, Pat Buteau, Assistant Director & Chapin Spencer, Director) (Refer to Commission packet)

Director Spencer recognized the work of those present: Pat Buteau and Brad Cummings (DPW); Kelly Devine (BBA); Nate Wildfire and Diane Colangelo (CEDO); John King and Jan Wright (BPD); and thanked them, along with Local Motion and the Regional Planning Commission (which funded many of the studies) for their efforts. The Downtown Parking Initiative is a partnership between the Department of Public Works (DPW), Community and Economic Development Office (CEDO) and Burlington Business Association (BBA) and was launched through a Council meeting in November 2013.

View Director Spencer's presentation at: www.cctv.org

If the Commission chooses to move ahead tonight, changes could begin and implemented well before the holiday season in the downtown core (July: Order smart meters; August: Begin education campaign; September: Installation of 5 multi-space smart meters; October: Installation of single smart meters). A Parking Management Plan is expected out this spring. The increased rate and the meters *without* time limits are only proposed for the downtown core (within the marked "box" on the map in Director Spencer's presentation). Parking *outside* the downtown core or in the parking garages would be more economical. The smart meters will collect data on usage and turnover.

Kelly Devine, Burlington Business Association: As representative of over 300 downtown businesses, supports the proposed initiatives.
Jason Van Driesch, Local Motion: Local Motion strongly supports the proposal and encourages the Commission to accept them.
David Porteous: Supports the overall proposal. Asks why the following streets are excluded from the downtown core map: Main to King St on St Paul St; and Main to King St on Church St as those streets have many businesses on them. Also questioned unlimited time on the smart meters and suggested the possibility of rates increasing after 2 hr. time limit, and asked that the "2 hours free parking" in garages not be eliminated, at least right away.
Greg Roy, Ward 4 resident: Likes the Parking Plan with the exception of the parking enforcement time extension (in the downtown core). The City is not allowed to charge a fee for people attending municipal meetings. Most of the municipal meetings held downtown are after 6 pm.
Michelle Boomhower, Transportation Program Director, Chittenden County Regional Planning Commission (CCRPC)& member of the Parking Advisory Committee: Reiterated that the CCRPC is the primary funding source for the efforts and expressed appreciation for the City in taking a thoughtful and deliberative approach working with CCRPC on this modernization effort.

Nathan Wildfire, Assistant Director of Economic Development: Credited Kelly Devine, BBA, as well as DPW's Pat Buteau, Brad Cummings and Chapin Spencer, for their collaboration, and encouraged the Commission to support the initiative.
Stephen Litwhiler, resident: Supports the smart meters and the ability to use a charge card for the exact time you need the space.
Commissioner Archambeau:

- Verified with Director Spencer that the smart meters in the downtown core would be where the proposed rate increases and extended enforcement hours are being proposed. The other 2/3 of the meters in the on-street system will have the same rates and hours of enforcement as they do today. 15-Minute meters will not be replaced with smart meters (i.e., coins only). Any future proposed changes (e.g., fees) would be brought before the Commission.
- Asked John King, BPD Parking Enforcement about the impact on staff with increased enforcement hours: Mr. King currently provides staff until 8pm; therefore, it would be a two-hour extension of enforcement Tuesday through Saturday. Recent technological updates have added increased security measures for the enforcement staff. No new staff is planned at this time. BPD supports the proposed changes.

Commissioner Overby: Strongly supports the initiative (e.g., the efficiency, cleanliness of facilities and way finding system) and recognizes the possibility of the need for variable rates.
Commissioner Alberry:

- Requested an explanation for the public on what happens to the dollars received from the parking system. Assistant Director Buteau: The Traffic Fund is a special revenue fund. The funds are used strictly for the Traffic Division (for traffic signals, signage and pavement markings, etc.) and are not included in the General Fund or used for other departments.
- Assistant Director Buteau introduced a model of the new smart meter and explained its usage.

Commissioner Barr encourages marketing and education in conjunction with implementation.
John King, BPD checked with the City Attorney's office: The Ordinance requires enforcement of meters during the set hours of the meters, but the enforcement of the meters is discretionary at his level. Mr. King asked that it be documented in the Minutes that whatever time period the Commission increases the meters for whatever time period is agreed upon with Parking Enforcement, the enforcement would only be warning tickets. Mr. King's staff could also issue warning tickets during municipal meeting times.

A grace period of 2-4 weeks is anticipated but not set at this time.
Meter hood fee increases will be across the board; not just hoods used on smart meters.

Commissioner Barr moved to adopt the proposed revenue enhancements for the parking system (A-F in the handout); Commissioner Hopkins seconded. Unanimous.

ITEM 7 – 12-14 BRADLEY ST CODE ENFORCEMENT APPEAL
(Communication, William Ward, Director of Code Enforcement)
(Refer to Commission packet)

Code Enforcement is requesting that the Public Works Commission uphold the findings of the Code Enforcement inspector that 3rd floor units require a second means of egress which does not exit through a bathroom. The Appellant is formally appealing Inspector Perry's findings because he wasn't informed about the issue before.

The Appellant, or his/her representative, was not present. Code Enforcement Director William Ward and Inspector Matthew Perry (who issued the Order as a result of a January 16, 2014 inspection) presented their findings.

Commissioner Padgett asked when the structure was built, and if there would be a permit on file to show that the stairway was allowed. Director Ward stated that he believes the rear structure was built in 2006 when the Appellant purchased the property and there would be a permit issued in 2006 for this. This was a routine housing inspection (inspections are done on a 3-year cycle).

Commissioner Lavery stated that all appeal-related documents in the packet, including the appeal letter from Mr. Howard, will enter into the record of this review. Commissioner Lavery once again asked if the Appellant was present before closed the hearing. A short deliberative meeting will be held after tonight's regular meeting to resolve the appeal.

ITEM 8 – NORTH AVENUE CORRIDOR STUDY
(Oral Communication, Nicole Losch, Bicycle/Pedestrian/Environmental Planner and Eleni Churchill, Senior Transportation Planning Engineer, Chittenden County Regional Planning Commission/CCRPC)
(Refer to Commission packet)

Ms. Losch and Ms. Churchill presented a recap of the concept development and presented the final concepts they are recommending for the City's consideration to the Transportation Energy and Utilities Committee (TEUC) and City Council (input from the commissioners tonight will be included but opportunities for input continue and the recommendations can still be adjusted). The public meeting schedule has finished and the decision-making process will begin in August and September.

Mr. Van Driesch distributed a handout to the commissioners about the Advisory Committee's recommendations and the value of implementing them in the near-term rather than in the medium-term. Local Motion is supportive of the recommendations of the Advisory Committee.

Ms. Losch will e-mail the Commission when the location of the TEUC meeting on August 13th is set.

ITEM 9 – SIDEWALK SYSTEM FUNDING
(Oral Communication, Nicole Losch, Bicycle/Pedestrian/Environmental Planner)
(Refer to Commission packet)

In consideration of the time, Director Spencer offered to delay this discussion. He asked the Commission if there were any funding options *missing* for better stewarding the City's sidewalks. Director Spencer projected for the audience the short list of alternatives (Tax Increment Financing; Property Tax; Transferring Plowing to Adjacent Property Owners; General Obligation Bond; Gross Receipts Tax; and Ithaca District Assessment Model).

Commissioner Archambeau suggested the idea of returning the funding of the school crossing guards to the schools. Director Spencer replied that the funds not spent on the crossing guard program would be retained by the Traffic Division and DPW would need to find out if they had authorization to spend the traffic fund in that way.
Commissioner Overby suggested a "vanity sidewalk" idea (such as the "Hollywood Stars concept) whereas citizens would pay for a plaque or something on a sidewalk panel. She also inquired about other options to laying new sidewalk slabs (less stages?) or different materials (considerations which have already been explored in the past).
Commissioner Lavery asked if Director Spencer could contact a peer in the Ithaca area to ask what approaches other cities use to raise funds for a large sidewalk infrastructure refurbishment.

ITEM 9.5 - (formerly 5.50) Remove Two Stop Signs at Elmwood Avenue and Spring Street
Staff recommends that the Commission:

- Amend the current Stop sign locations to remove the Stop sign at the intersection of Elmwood Avenue and Spring Street, causing current traffic on Elmwood Avenue to stop, to be effectuated upon permanent closure of Spring Street between Elmwood Avenue and Walnut Street; and
- Amend the current Stop sign locations to remove the Stop sign at the intersection of Elmwood Avenue and Spring Street, causing current traffic on Spring Street to stop, to be effectuated upon permanent closure of Spring Street between Elmwood Avenue and Walnut Street.

Commissioner Padgett: We don't have a policy on mid-block crossings; we need one, and need to understand when, where and why they should be used, and pedestrians need to be educated on how to use mid-block crossings. Ms. Losch: There is general guidance on mid-block crossings in the Transportation Plan.
Commissioner Hopkins: Why are we making all of these changes around a bus stop, instead of just moving the bus stop?
Commissioner Lavery: Seems logical to consider moving the crosswalk. Suggests a motion be made to move the Stop signs and not put the crosswalk in at this time. Ms. Losch: Tonight's recommendation concerns only the removal of the Stop signs (the crosswalk was not on their list of recommendations).
Commissioner Overby: "Pennies for Parks" money was raised to put the heavily-trafficked path in as a paved path (in the small triangle park); one end of the footpath leads directly to a corner of the triangle at which there is no crosswalk.
Assistant Director Norm Baldwin: Staff has been researching policies pertaining to mid-block crossings with no results. One of the Engineering staff has left, creating a shortage.
Commissioner Alberry moved to accept staff recommendations (above); Commissioner Archambeau seconded. Unanimous.

ITEM 9.6 - (formerly 5.60) Communication on Wastewater Charges (Refer to Commission packet)
This is not an actionable item but information for the Commission to consider whether they want to make revisions to the current policy. Commissioner Padgett supports further consideration of revisions.

ITEM 10 – MINUTES OF MAY 21, 2014
Commissioner Archambeau moved to accept the minutes; Commissioner Alberry seconded. Commissioner Barr abstained; the 6 other commissioners voted in favor.

ITEM 11 – DIRECTOR'S REPORT (Chapin Spencer, Director)
(Refer to Commission packet)
Consolidated collection (of trash, recycling and organics) will be added as a future agenda item. Director Spencer is the City's representative on the Board and has voted to continue the evaluation process because the concept continues to show potential benefit for the City. Commissioner Padgett has volunteered his service as a committee member and is awaiting to hear of his acceptance.

ITEM 12 – COMMISSIONER COMMUNICATIONS
Commissioner Archambeau:

- Sidewalk advertising update request; Director Spencer will get back to him.
- Interested in learning whether Champlain Clean-Up Plan will have an impact on the City's wastewater treatment plants. Director Spencer will get an answer for him on wastewater, as well as stormwater.
- Vermont Climate Assessment- Predicts more snow and rain in next 25 years. The City is aware of the aging infrastructure and the possibility of increasingly intense rain and snow events.

ITEM 13 – NEXT MEETING DATE & ADJOURNMENT

The next DPW Commission meeting is scheduled for Wednesday, August 20, 2014 at 6:30pm. (Commissioners Alberry and possibly Archambeau may not be in attendance at the August meeting.)

Commissioner Hopkins made a motion to move into a brief deliberative session (10:10pm) to discuss the appeal from Item 7, then immediately adjourn the regular meeting; Commissioner Padgett seconded. Unanimous.

Non-Discrimination

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 or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street, Suite A
Burlington, VT 05401
802.863.9094 VOICE
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov/dpw

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

To: DPW Commissioners
Fr: Chapin Spencer, Director
Re: **Director's Report**
Date: September 10, 2014

COMMISSION REPORT TO COUNCIL

Chair Lavery and I provided the Commission's FY'14 report to the Burlington City Council on September 8, 2014. There was interest in the Department's goal on "exemplary customer service" and the Commission's workplan item on performance measures.

EXPLORING CONSOLIDATED COLLECTION

At the last Commission meeting, there was a request for a presentation on consolidated collection of the region's trash, recycling, and organics. Chittenden Solid Waste District's General Manager Tom Moreau will be at the upcoming Commission meeting to provide an update on this exploration and answer questions. Background is in the packet as well.

NORTH AVENUE CORRIDOR STUDY:

Following up on the presentation to the DPW Commission last month, the full study along with the implementation plan will be going to the City Council Transportation Energy and Utilities Committee meeting tonight for their consideration. After their review, it will go to the full City Council. More information is attached.

GARAGE ASSESSMENTS:

The draft parking garage assessments that were presented to the Commission at the July meeting have been finalized. In sum, the reports say that all garages are structurally sound and have significant additional lifespan if the recommended $9M of capital repairs are made. The initial $95,000 of immediate repairs are in the FY'15 budget. The heavy lift will be securing the funding for the $6M of capital repairs recommended in the next 1-2 years. The complete reports can be viewed here: http://www.burlingtonvt.gov/DPW/Parking.

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PARKING RATE & HOUR CHANGES:
Changes to parking rates and hours that the Commission approved at the July Commission meeting go into effect October 1st. An education campaign is gearing up.

PARKING GARAGE POLICY:
Last month Commissioner Archambeau inquired as to what regulatory changes to the operation of the municipal garages require Commission approval. Rate changes have routinely gone to the Commission for adoption, but what about other regulatory changes such as dedicating certain spaces for particular uses?

The Charter says "The board of public works commissioners shall have general control, management and supervision of all municipal parking lots and garages. Said board shall have power to make regulations with respect to the use of all such municipal parking lots and garages, including reasonable terms, conditions and charges…"

So unless the Commission has delegated certain policy making authority to staff, and we have not yet found anything that does delegate that authority to the staff, it appears that indeed the Commission has authority to regulate spaces for particular uses such as accessible parking, electric vehicle charging, carsharing vehicles, and short-term parking.

In our research, it appears that regulatory changes in the garages had been brought to the Commission more than a decade ago. At some point in the past that practice appears to have stopped. To ensure our practice moving forward is consistent with City Charter, I am recommending the following:

- Have staff bring forward to a subsequent Commission meeting a comprehensive package of all current regulations as they relate to the use of spaces inside the garages
- Have the Commission review and approve all these current regulations as they relate to restrictions on the use of spaces
- Have all future regulatory changes to our municipal garages must go to the Commission for approval unless the Commission decides to delegate such authority

NACTO GUIDE ADOPTION
At an upcoming Commission meeting this fall, staff will be bringing forward an item for the Commission to consider recommending adoption of the NACTO Urban Streets Design Guide to the City Council. The guide offers additional design options for cities that are working to accommodate all modes in constrained rights-of-way. It has recently been endorsed by the Federal Highway Administration. You can take a look at the guide here: http://nacto.org/usdg/.

PETROLEUM CONTAMINATION
Commissioners requested a briefing on this issue, so here is a summary. In 2011, staff at our main wastewater treatment plant observed what appeared to be petroleum product being conveyed to our plant. Our plant can process modest amounts petroleum products – we estimate up to about 400 gallons per day. In the primary treatment process incoming petroleum will bond

with fats, oils and grease (FOG) and is skimmed off. The aeration process strips some of the volatile compounds and the bacteria utilize (assimilate) the available carbon which is what petroleum mostly is -- a hydrocarbon. Activated sludge is designed to break down organic material and petroleum is organic. During the period when we were observing the petroleum product enter our plant, the post-treatment water had no odor or sheen to indicate a failure to adequately process the petroleum products.

Through multiple investigations, we determined the source was a clay pipe from non-city property that was discharging into our collection system. In consultation with the State and adjacent property owners, we placed a temporary cap on the pipe in April 2014. We have not detected petroleum at the plant since. We have involved Vermont DEC and adjacent property owners throughout the process and VT DEC has told us on multiple occasions that we have responded appropriately to the issue. The adjacent property owners and leasing entities are continuing to work with VT DEC and US EPA to determine and address the source of the contamination. In June 2014, Vermont Railway had the clay pipe filled with bentonite clay which permanently decommissioned the pipe.

Last month, WCAX and VPR contacted me to inquire about this issue. I provided interviews. Recently VT Digger contacted us and requested an interview and a tour of the plant. Tim Grover and I provided a tour to VT Digger on September 2nd. I expect their article to be out soon. Please let me know if you request any additional information.

Next DPW Commission Meeting: Wednesday, October 15th, 2014 @ 6:30pm

North Avenue Corridor Study

Transportation, Energy and Utilities Committee

September 10, 2014

PARSONS BRINCKERHOFF

Presentation Outline

- **Project Initiation: Why North Avenue?**
- **Existing Conditions + Issues**
- **Vision + Goals**
- **Improvement Options - *Development /Evaluation***
- **Implementation Plan - *Recommended Concepts***
- **Action**

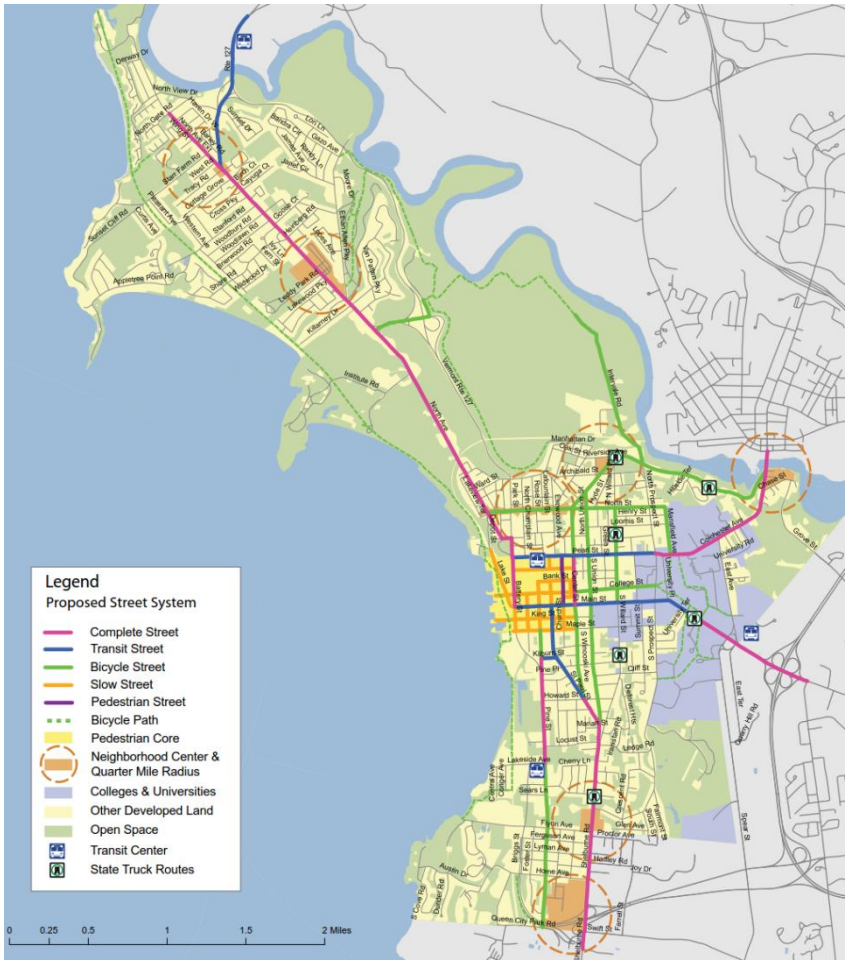
Corridor Study Origin

2011 Transportation Plan

"…A shift to a complete streets *strategy…*

Burlington's gateway streets must carry all travel modes – cars and trucks, buses, bikes, and pedestrians - because no alternatives exist…

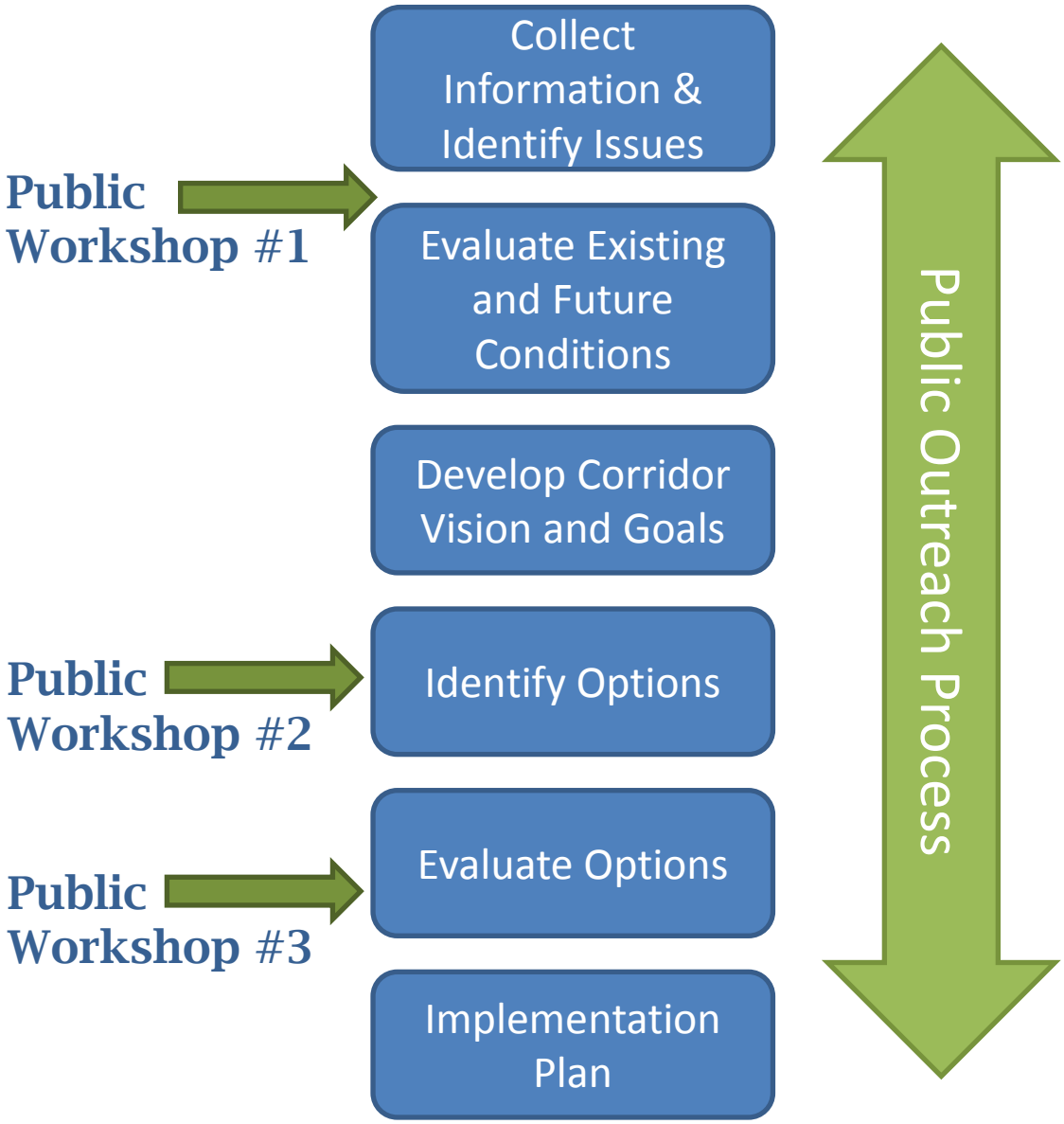
The only essential element of a complete street is accommodating all travel modes safely and efficiently."



Implementation through Corridor Studies:

1. 2009 Battery Street (preliminary analysis)
2. 2011 Colchester Avenue
3. 2013 North Avenue
4. 2014 Winooski Avenue
5. Battery Street and Shelburne Street TBD

Corridor Study Process



Advisory Committee Participants

- Burlington City Council
- Burlington School District
- City of Burlington Departments
- CCRPC
- CCTA
- AARP
- NPA Reps from Wards 3, 4 and 7
- Burlington Partnership for a Healthy Community
- Local Motion

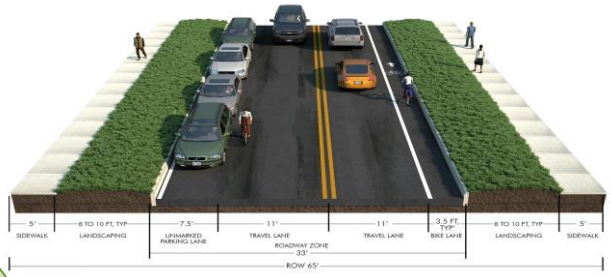
Other Outreach

- Direct outreach to stakeholders
- Online input tool
- Website & email comments
- Heineberg Senior Center
- JJ Flynn PTO

Corridor Conditions & Issues

Existing Conditions

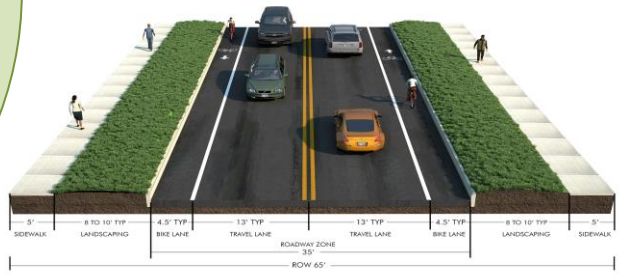
Plattsburg Ave to Shore Rd



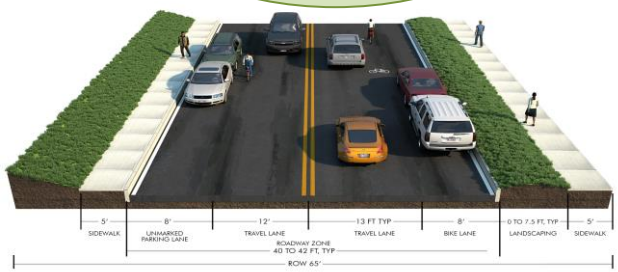
Washington St to North St

- 66' ROW, but constrained
- Sidewalks throughout, but poor condition and few crossings
- Inconsistent bike facilities, limited connections to paths
- Single family + multi-family + scattered retail + institutions
- Frequent driveways
- CCTA Route 7
- Unclear parking
- Skewed intersections, high-speed right turns

Shore Rd to VT 127



Institute Rd to Washington St



VT 127 to Institute Rd

Average Daily Traffic Volumes + Future Growth

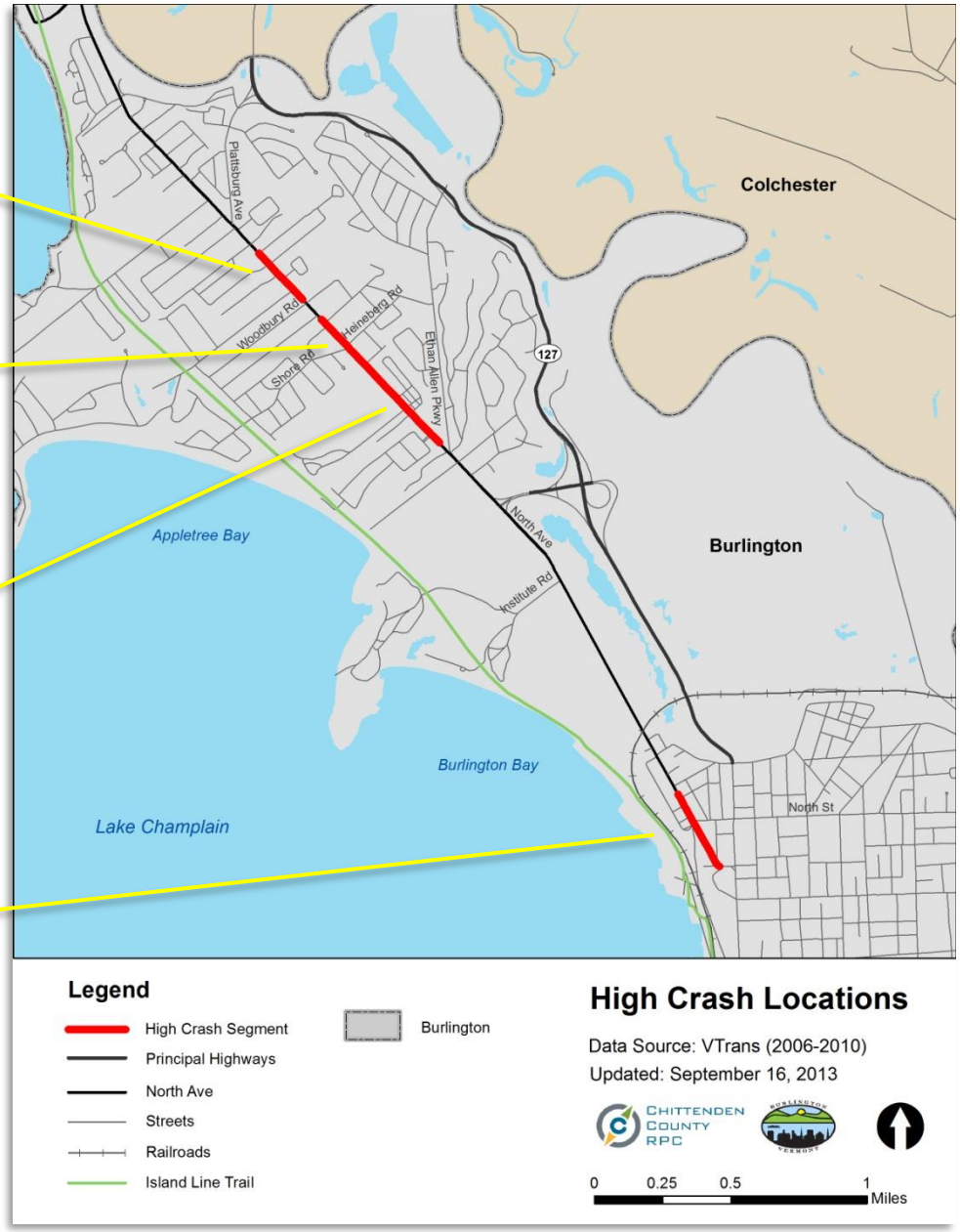
High Crash Locations (2006-2010)

Birch Ct to Woodbury Rd
Crashes: 39
PDO: 33 (85%)
Crash Rate: 6.48 per MVM
Actual/Critical Ratio: 1.23
Severity Index: $21,677

Gosse Ct/Woodlawn Rd to Poirer Pl
Crashes: 46
PDO: 42 (91%)
Crash Rate: 6.18 per MVM
Actual/Critical Ratio: 1.22
Severity Index: $13,100

Lakewood Pkwy to Ethan Allen Pkwy
Crashes: 76
PDO: 60 (79%)
Crash Rate: 10.16 per MVM
Actual/Critical Ratio: 2.00
Severity Index: $41,204

Strong St/Ward St to Sherman St
Crashes: 58
PDO: 4 (93%)
Crash Rate: 9.51 per MVM
Actual/Critical Ratio: 1.81
Severity Index: $12,107



Vision & Goals

Vision Statement for North Avenue*

North Avenue will continue to serve as the **primary transportation corridor** connecting Burlington's New North End with the rest of the City.

As the North End's "Main Street," North Avenue will provide for **safe, inviting, and convenient travel for all users of all ages and abilities**—including motorists, pedestrians, bicyclists, and public transportation riders.

The **need to move people through the corridor will be balanced with the need to provide access to homes, businesses, and local institutions**.

The corridor will develop into an **attractive public space** through creative streetscape, signage, and other site design features.

The corridor will become **more livable and desirable by promoting social interaction, public health, economic development and environmentally sustainable initiatives.**

*modified from 2012 EPA's *Building Blocks for a Sustainable Community Workshop* ,Complete Streets Vision for Burlington

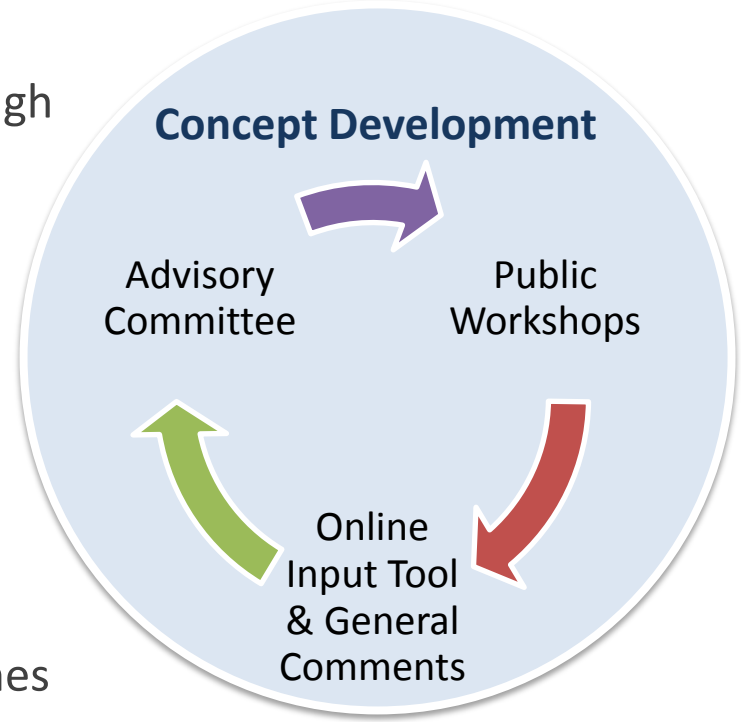
Major Goals for North Avenue

- Remake the North Ave corridor into a “Complete Street” that accommodates the safe and efficient travel for all users of all abilities and provides transportation choices.
- Improve safety for all users.
- Provide a range of convenient and efficient travel options and improve multimodal connections.
- Develop strategies that support vibrant and livable neighborhoods in the New North End; enhance the quality of life of residents and visitors; and support sustainable economic growth.

Concept Development

Initial Universe of Improvement Options

- **Intersection treatments**
  - Signal improvements, re-alignment, high speed turn elimination, and/or roundabouts
  - Improved pedestrian and bicycle travel through intersections
- **Travel lane, parking and bicycle-related treatments**
  - Lane width reductions, travel lane reduction, turn lane creation, and/or lanes for bicycle travel
  - On-street parking on one side, both sides, and/or removed
  - Designated bike facilities: Sharrows / bike lanes (regular, buffered, or protected)
- **Pedestrian facilities**
  - Crosswalks, pedestrian signal improvements, and/or gateway treatments



Improvement Options

Cross Sections:

- Short-Term Improvements
- Medium- to Long-Term Options

Intersections:

- Plattsburg Ave
- Shore Rd/Heineberg Rd
- Ethan Allen Shopping Center
- Ethan Allen Pkwy
- VT 127 Ramps
- Institute Rd
- North St

Short, Medium, & Long Term Implementation

- Short term = minimal design; completion within 1-3 years; basic improvements to advance without additional public process (e.g. signal timing, ADA improvements)
- Medium term = design needed; completion within 3-7 years; public process included in design process
- Long term = evaluation, scoping and design needed; completion is more than 7 years; robust public involvement

Evaluation Criteria

- Evaluation criteria based on **study goals**:
  - Accommodates safe & efficient travel for all users
  - Improves safety for all users
  - Balances transportation choices
  - Improves multimodal connectivity
- Other goals informed the improvement options development as **design criteria**:
  - Consistent facilities throughout corridor
  - Supports vibrant and livable community
  - Supports sustainable economic growth

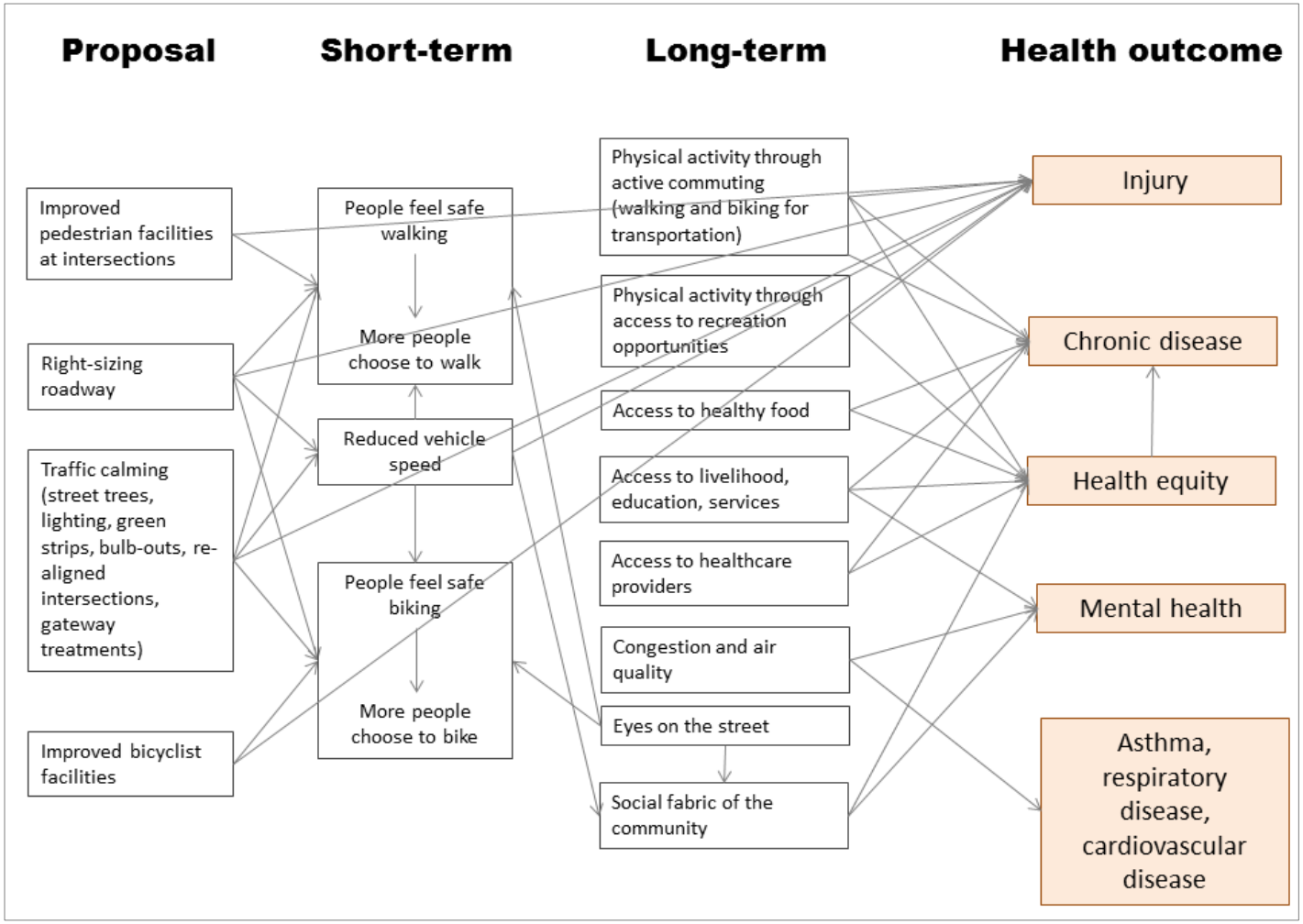
Evaluation Criteria

Criteria	Cross Sections	Intersections
Consistency with *Burlington Complete Street Design Guidelines*	✓	
Opportunities to improve accessibility	✓	✓
Vehicle speed reduction treatments	✓	✓
Level of traffic stress	✓	✓
Vehicle/bike conflicts	✓	✓
Bus/bike conflicts	✓	
Vehicle delay/level of service		✓
Vehicle queues		✓
Bus stop/crosswalk pairing	✓	
Opportunities for bus bulbs	✓	
Cyclist access	✓	
New ROW needs	✓	✓
Planting strip impacts	✓	✓
Snow plowing and storage	✓	
Drainage	✓	

Health Impact Assessment

What are the potential health impacts of proposed changes to North Avenue?

Which proposals have the most potential to improve the health of vulnerable populations?



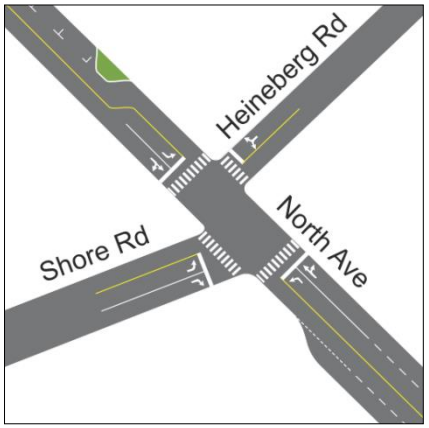
Implementation Plan
(*Recommended Concepts)*

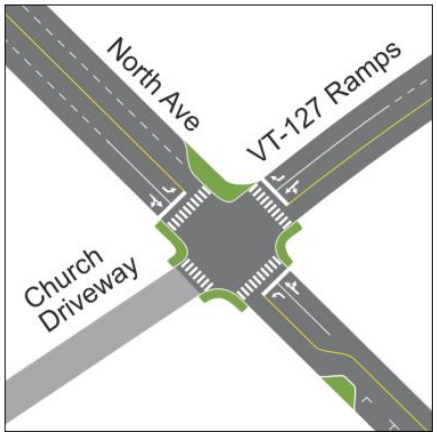
Short-Term Concepts

- All intersections
  - ADA-compliant curb ramps and crosswalks on all approaches;
  - audible pedestrian countdown timers with a minimum 5-second (push-button) Leading Pedestrian Interval (LPI); and
  - bicycle facilities maintained through intersections (where provided in advance of intersections).
- New crosswalks:
  - Burlington College
  - Gosse Court
  - Killarney Drive / Village Green Drive
  - Green Acres / Cayuga Court

Short-Term Intersection Concepts

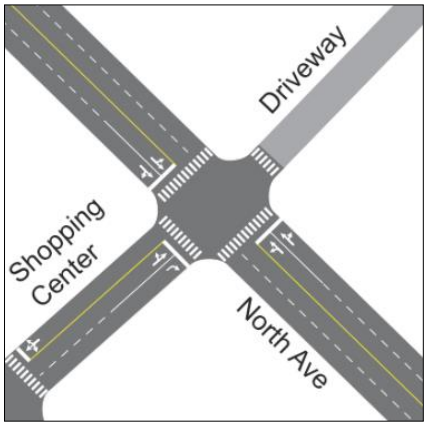
Shore Road: increase pedestrian crossing times, split phasing, pedestrian-activated no right turn on red.

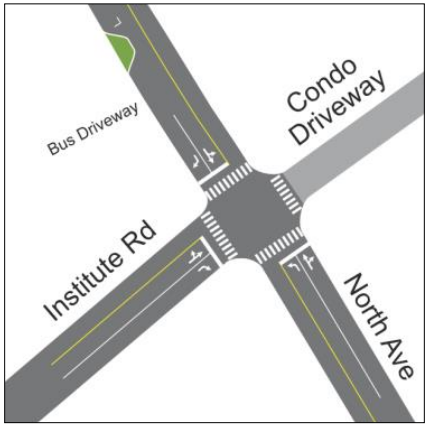




VT 127: remove high-speed northbound and westbound ramps

Ethan Allen Shopping Center: increase pedestrian crossing times, pedestrian-activated no right turn on red.





Institute Road: reduce intersection footprint, relocate northbound bus shelter, realign southbound sidewalk, pedestrian-activated no right turn on red

VT 127 Intersection

Concept	AM/PM Cycle Length (seconds)	LOS (NB/SB/EB/WB)								Average Queue (NB/SB/EB/WB in terms of # of Vehicles)							
		AM Peak				PM Peak				AM Peak				PM Peak			
Existing Configuration (Existing traffic volumes)	70/70	F	E	B	C	B	B	B	A	17	12	1	3	3	1	1	1
3-Lane Conversion • Maintain existing geometry (including NB right-turn ramp and unrestricted WB right-turn) • Optimize signal timing	90/90	D	C	C	C	B	A	C	A	13	9	1	4	8	2	1	1
Existing Configuration (2035 traffic volumes)	70/70	F	E	B	C	B	B	B	A	21	16	1	4	4	1	1	1
Concept 1 (4 Lanes) • 5-second LPI • Remove high-speed NB/WB rights	90/90	C	D	C	C	D	C	C	C	12	15	1	3	21	6	1	6

Note: high-speed ramp removal + LPI creates LOS improvement in NB AM peak because NB exclusive left turn lane is added. Without exclusive NB left turn LOS changes from C to E.

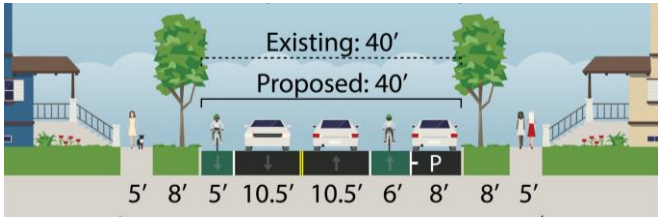
**more recent analysis indicates improved LOS; results to be updated as soon as possible*

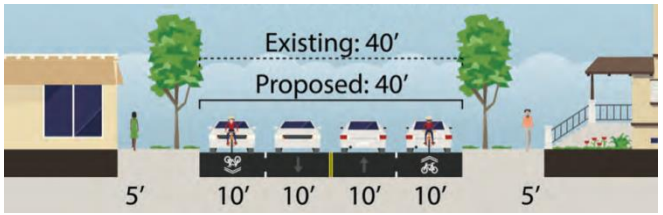
LOS	Signalized Intersection
A	≤10 sec
B	10–20 sec
C	20–35 sec
D	35–55 sec
E	55–80 sec
F	≥80 sec

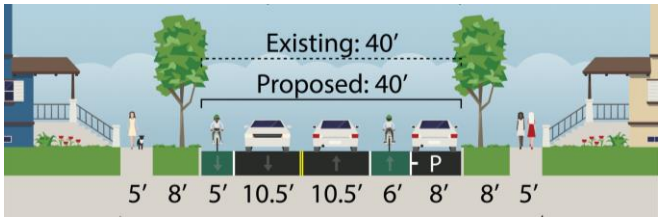
VT 127 Traffic Simulations
2035 AM/PM
4 lanes / 3 lanes

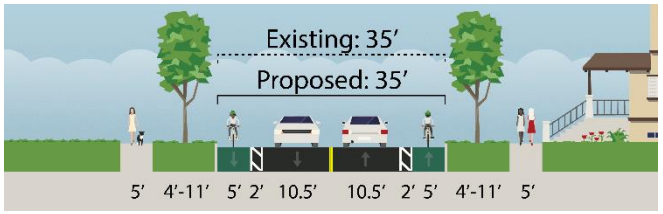
Short-Term Cross-Sections - 2 Concepts

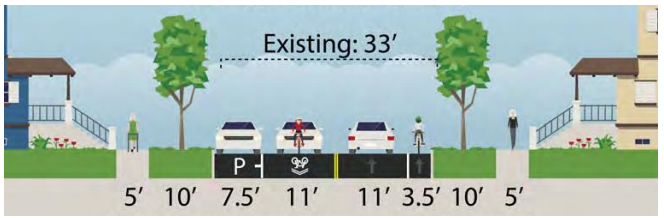
Study Team - Concept 1



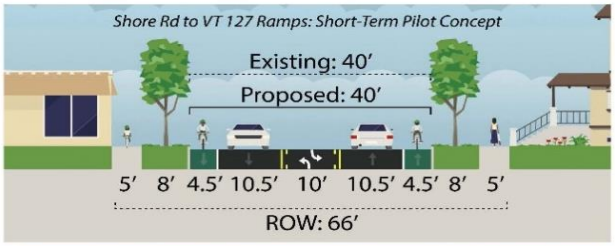








Advisory Committee - Concept 2



Short-Term Cross-Section Concept Differences

Major Differences between Concepts 1 and 2:

Parking

- Concept 1: parking on one side (except between Shore Rd and VT 127)
- Concept 2: no parking north of Institute Rd

Lane reassignment between Shore Rd and VT 127

- Concept 1: medium-term implementation of 4- to 3-lane pilot project
- Concept 2: short-term implementation of 4- to 3-lane pilot project

Bike Facilities

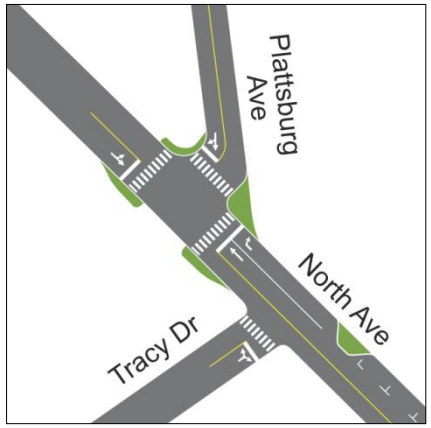
- Concept 1: short-term on-street bike lanes (except between Shore Rd and VT 127)
- Concept 2: short-tern on-street buffered/protected bike lanes north of Institute Rd

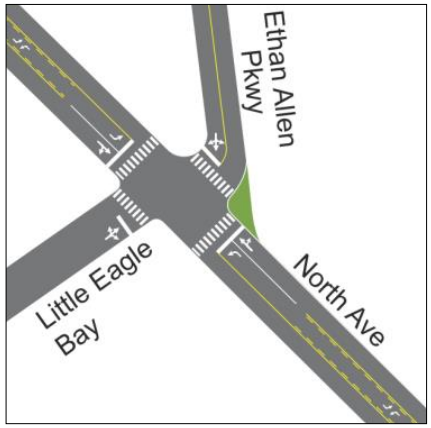
Speed Limit

- Concept 1: No change in the short-term
- Concept 2: Implement 25 mph north of VT 127

Medium-Term Intersection Concepts

Plattsburg Avenue: eliminate high-speed northbound right turn, add pedestrian activated no right on red.





Ethan Allen Parkway: scoping to relocate Park entrance, add Little Eagle Bay into signal, eliminate high-speed northbound right turn.

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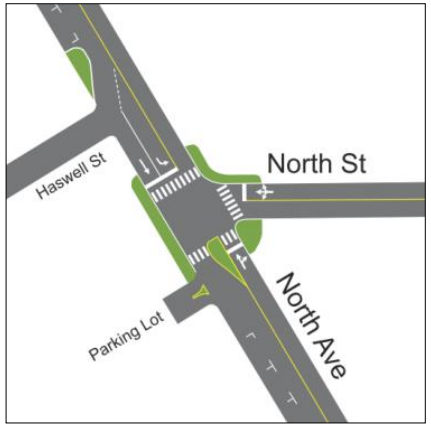


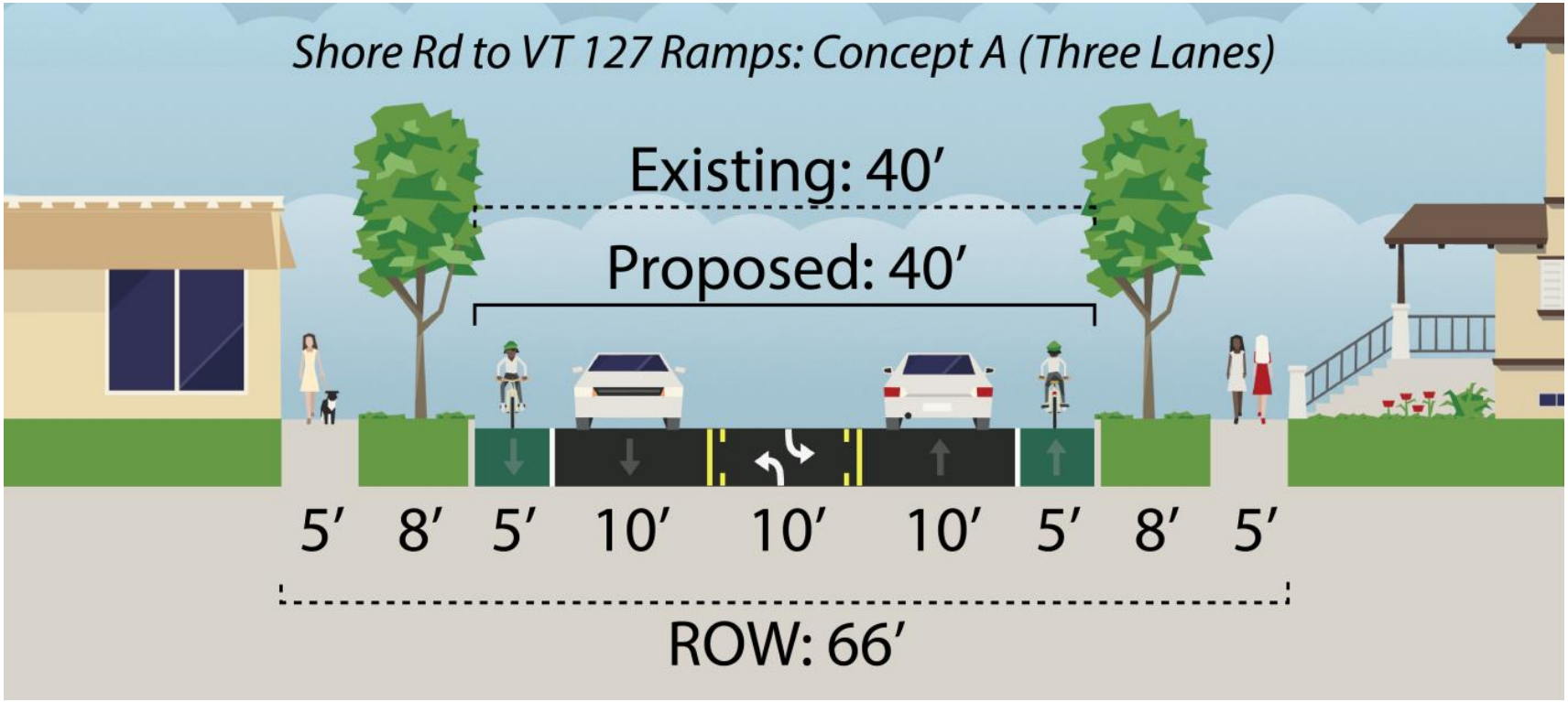
North Street: parking lot right in / right out or curb cut removal, realign north and south crosswalks, add protected / permitted southbound left turns, pedestrian-activated no right turn on red

Medium-Term crosswalks

- **Washington Street**: raised intersection
- **Potential crosswalks** for medium-or long-term:
  - Ward Street
  - Saratoga Avenue
  - Poirier Place
  - Loaldo Drive
  - Lakewood Parkway
  - Staniford Road
  - Mid-block between VT 127 and Institute Road
  - Convent Square
  - Canfield Street

Medium-Term Cross-Section Concepts

Study Team's Recommendation: 4- to 3-lane pilot project in medium-term

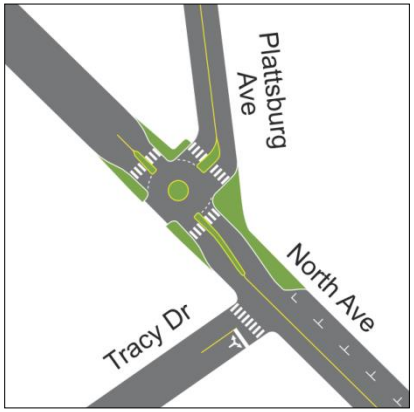


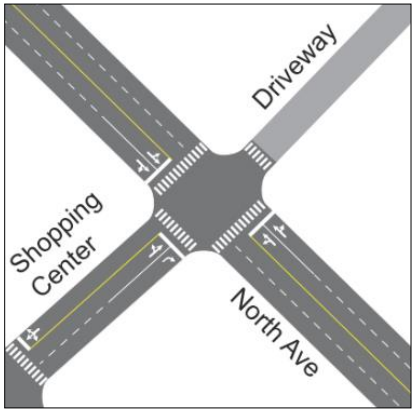
New Information

This concept could move into the short-term implementation plan, pending an intensive public outreach effort and comprehensive data collection plan (e.g. traffic speeds, travel times, turning movements, bike/ped counts, crash incidents, public perception)

Long-Term Intersection Concepts

Plattsburg Avenue: scoping for single-lane mini-roundabout





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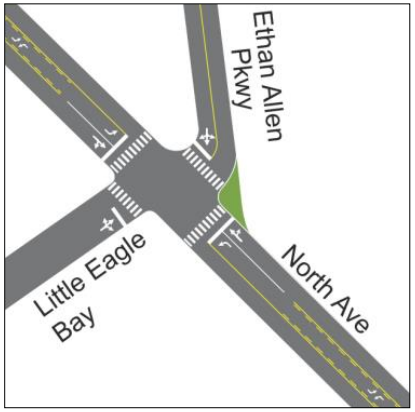
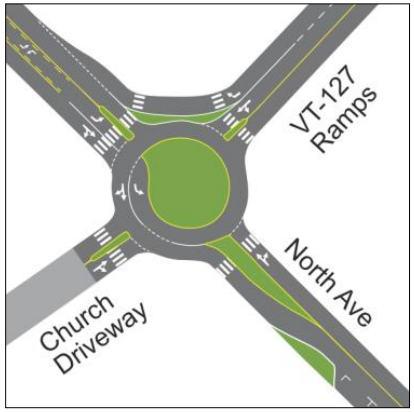
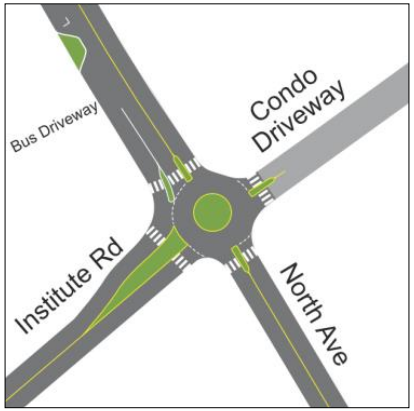
Ethan Allen Parkway: implement scoping study recommendation (signal or roundabout)



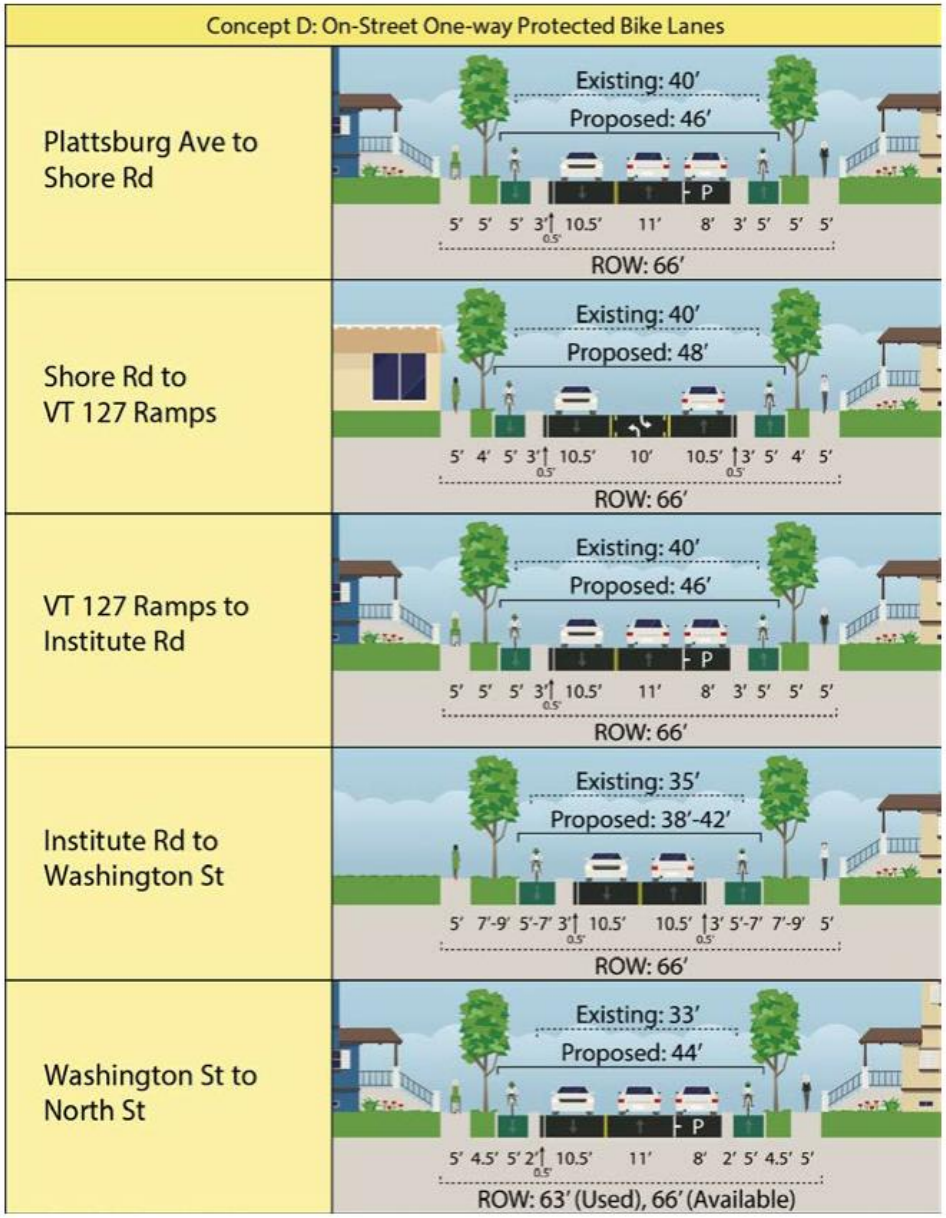


VT 127: scoping study for roundabout



Institute Road: roundabout, resolve bus driveway

Long-Term Cross Sections Concept



High-Level Cost Estimates

Concept	Estimated Costs
4- to 3-lane pilot:	
Planning + implementation	$52,000
Short Term:	
Basic – Enhanced Crosswalks	$25,000 - $110,000
Intersections' minor reconstruction	$70,000
Buffered / protected bike lanes	$60,000
Medium Term:	
Basic – Enhanced Crosswalks	$45,000 - $180,000
Intersections	TBD with scoping study
Long Term cross section:	
On-Street One-Way Protected Bike Lanes	$7,479,000

Creating a Corridor Plan

- Implementation Plan / Implementation Matrix
  - Chapter 4 of Corridor Plan
- Corridor Plan
  - Chapters & Appendices
    - Corridor Study Process/Background
    - Vision & Goals
    - Existing & Future Conditions
    - Development & Evaluation of Improvement Options
    - Implementation Plan / Matrix
    - Public Process
    - Health Impact Assessment (Full Report)

TEUC Action

Decisionmaking

The Transportation, Energy and Utilities Committee is asked to approve a North Avenue *Implementation Plan* (or elements of the Plan) and advance the final draft to the City Council for consideration and approval at the September 22, 2014 meeting.

Approving the Implementation Plan

Short Term Implementation?

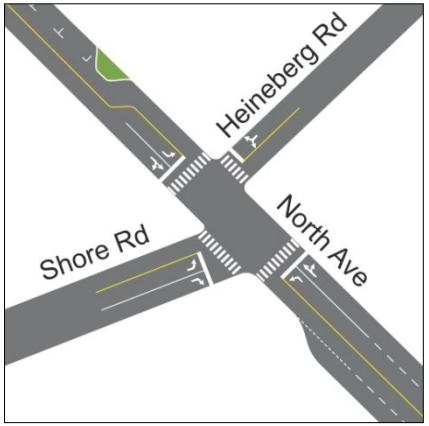
- At all intersections
  1. ADA-compliant curb ramps and crosswalks on all approaches;
  2. audible pedestrian countdown timers with a minimum 5-second (push-button) Leading Pedestrian Interval (LPI); and
  3. bicycle facilities maintained through intersections (where provided in advance of intersections)

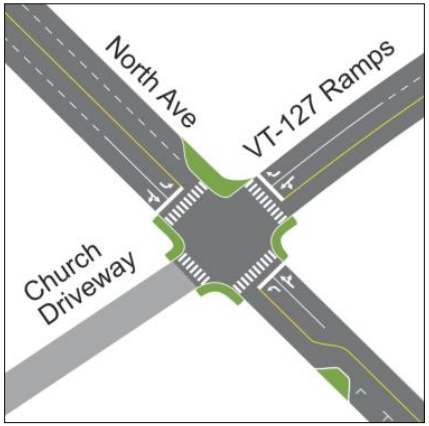
- New crosswalks:
  1. Burlington College
  2. Gosse Court
  3. Killarney Drive / Village Green Drive
  4. Green Acres / Cayuga Court

Approving the Implementation Plan

Short Term Implementation?

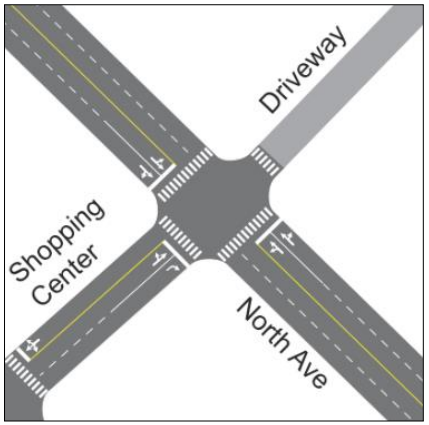
Shore Road: increase pedestrian crossing times, split phasing, pedestrian-activated no right turn on red.

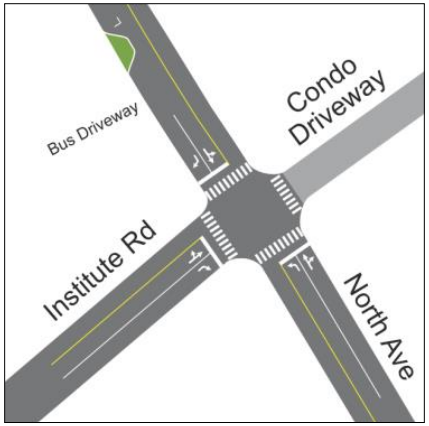




VT 127: remove high-speed northbound and westbound ramps

Ethan Allen Shopping Center: increase pedestrian crossing times, pedestrian-activated no right turn on red.





Institute Road: reduce intersection footprint, relocate northbound bus shelter, realign southbound sidewalk, pedestrian-activated no right turn on red

Approving the Implementation Plan

Short Term Implementation?

- Cross sections:
  1. 4- to 3- lane pilot project between Shore Road and VT 127?
  2. On street parking north of Institute Road?
  3. 25 mph speed limit?

Approving the Implementation Plan

Medium Term Implementation?

- **Washington Street**: raised intersection
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Approving the Implementation Plan

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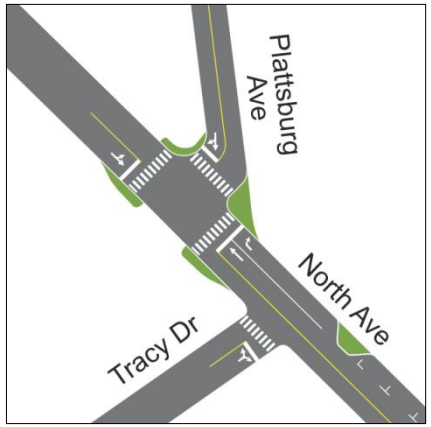

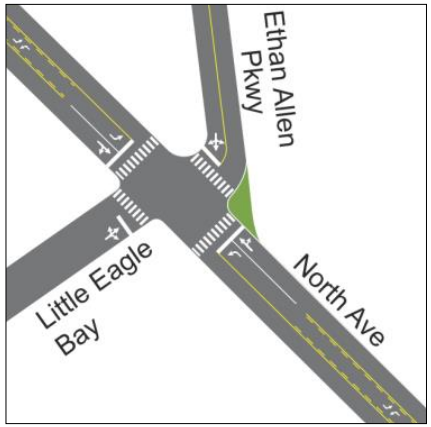

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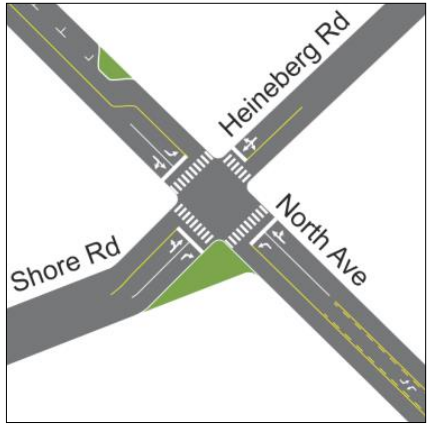

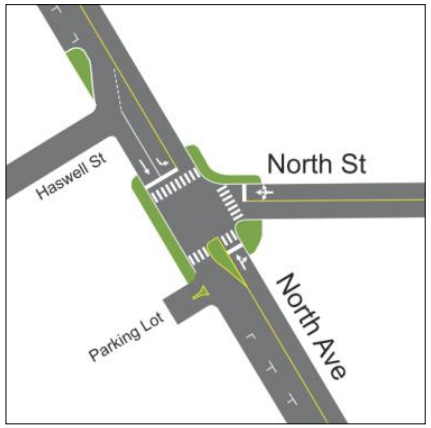

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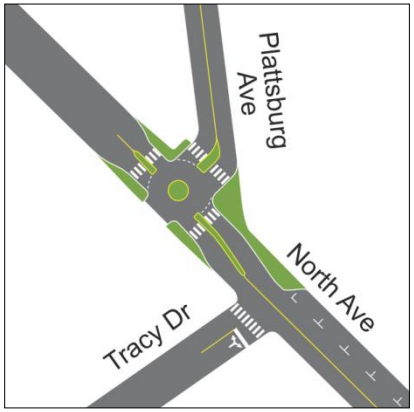
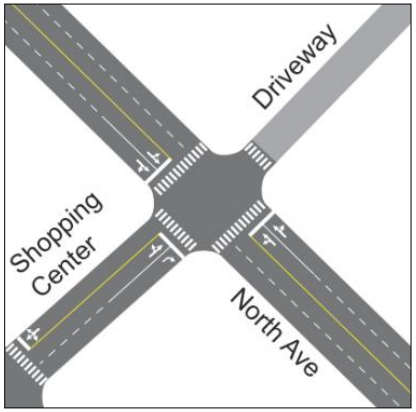
Approving the Implementation Plan

Plattsburg Avenue: scoping for single-lane mini-roundabout





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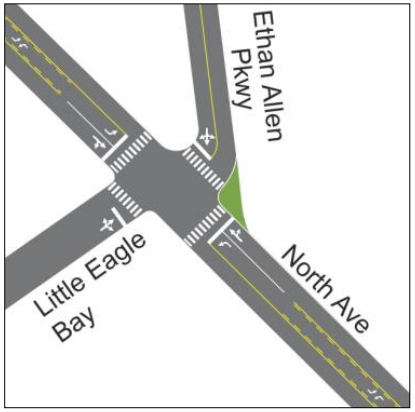

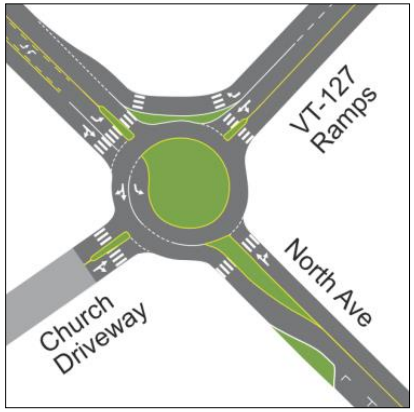

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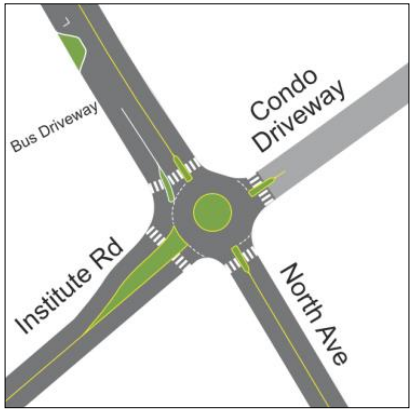
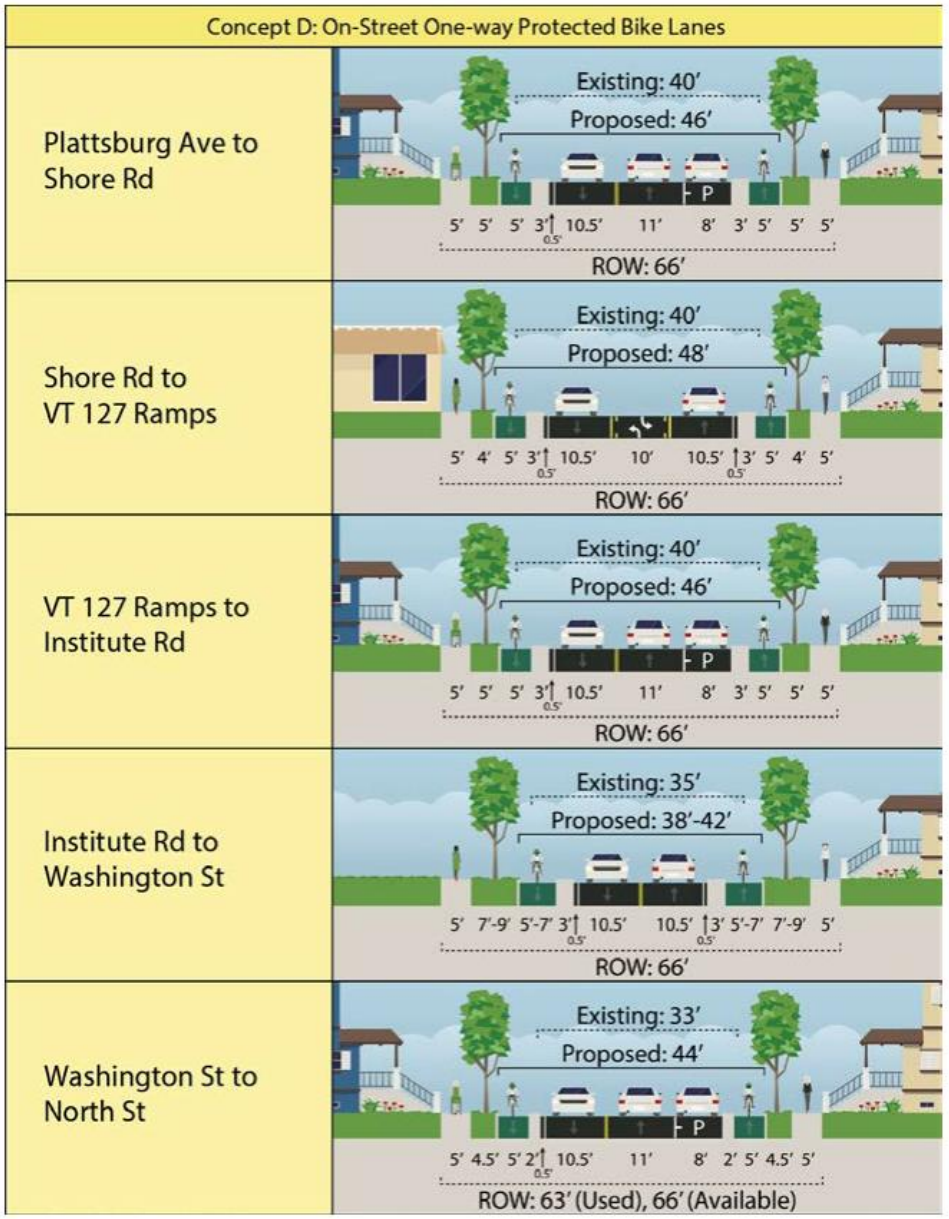
Long Term Implementation?



Institute Road: roundabout, resolve bus driveway

Approving the Implementation Plan

Long Term Implementation?



Resources

- Project website: http://www.bit.ly/north-ave
  - Vision and Goals – Full text
  - Existing and Future Conditions Report
  - Draft Implementation Plan
  - Public meeting agendas, meeting notes, and presentations
  - Advisory Committee agendas, meeting notes, and presentations
  - ***North Avenue Corridor Plan: Posted by September 15th***

Thank You!

BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION
DRAFT MINUTES, September 17, 2014
(There was no August meeting)
645 Pine Street
(DVD of meeting may be on file at DPW)

COMMISSIONERS PRESENT: Bob Alberry, Tiki Archambeau, Jim Barr, Asa Hopkins (Vice Chair), Nathan Lavery (Chair), Solveig Overby and Jeffrey Padgett

Commissioner Lavery called the meeting to order at 6:30 p.m.

ITEM 1 – AGENDA
Correction on typo in the materials for Item 4 Consent Agenda (Hyde St STOP sign removal): STOP sign location should have read *Hyde St and North Willard St* (instead of Hyde St and Spring St).

ITEM 2 - THANKS TO FORMER COMMISSIONER MARK PORTER
Director Spencer and Commissioner Lavery spoke on behalf of the Department and Commission in recognizing former Commissioner Porter's volunteer work and presented him with a plaque.

ITEM 3 – PUBLIC FORUM
Mark Porter: 1) Brookes Ave resident: No Prospect is deteriorating between Pearl and North St, especially in the non-parking lane. 2) Does *not* support the proposed consolidation of City-wide hauling being pursued by Chittenden Solid Waste District (CSWD), nor the process taken thus far. Requests that the DPW Commission *not* approve it, and dig into it further as the proposal progresses.
Chris Khamnei: "No Parking Mon-Fri 8am-5pm" signs appeared on Overlake Park with no prior notice, or forum, for residents. Claims that his employee called DPW on his behalf and was told that there was a public forum 15 years ago and the signs were never installed. Mr. Khamnei requests that the signs be removed. Director Spencer will follow up on how to begin the process.

ITEM 4 – CONSENT AGENDA (Refer to Commission Packet)
4.10 Hyde Street STOP Sign Removal and No Parking
Staff recommends that the Commission:

- Amend the current STOP sign locations to remove the STOP sign at the intersection of Hyde St and Spring St, causing traffic on Hyde St to stop;
- Enact "No Parking" on the west side of No Willard St beginning 135' north of Archibald St extending 65' north;
- Enact "No Parking" on the east side Hyde St beginning 150' north of Archibald St and continuing 35' north.

Commissioner Hopkins moved to accept the Consent Agenda with staff's recommendations; Commissioner Alberry seconded. Unanimous.

ITEM 5 – 233 ST PAUL STREET TRADES APPEAL
(Communication, Norman Baldwin, Assistant Director, and Appellant)
(Refer to Commission packet)

Commissioner Lavery confirmed/announced that Appellant Chris Khamnei was present, as well as Norman Baldwin, C.E., Assist Director, Department of Public Works (DPW); John Ryan, Mechanical/Plumbing Inspector, DPW; Gene Bergman, Esq., City Attorneys' Office (representing the City of Burlington) and Andy MacIlwaine, Esq. (representing the Commission).

Mr. Khamnei submitted a Plumbing Permit Application to John Ryan, Plumbing/Mechanical Inspector, which Mr. Ryan denied. Dated 4/6/14, Mr. Khamnei wrote the following work description, "Repair present pipe configuration in basement for all eleven units." Mr. Khamnei had written his name under "Property Owner Name" and, under "Contractor Name (if different from property owner)" wrote "Same." Mr. Ryan wrote on the application, "Rejected No Plb. License."
Mr. Khamnei is appealing the rejection and is asking for clarity on interpretation of "maintenance" of plumbing and what a "maintenance" person can or cannot do without a plumbing license.

Mr. Ryan, Burlington City Plumbing and Mechanical Inspector for approximately six years and VT licensed master plumber for over thirty years, claims that Mr. Khamnei wanted to change piping for 233 St Paul St, an 11-unit apartment building, but in the absence of a licensed contractor listed on the application, rejected it.

Submitted into evidence, some of which was included in the DPW Commission packet and some distributed at the meeting, copies of:

- Appeal letter dated 04/06/14 by Chris Khamnei to Norm Baldwin;
- Plumbing Permit Application for 233 St Paul St dated 4/6/14;
- Black's Law Dictionary;
- E-mails of 02/04/14, 02/05/15 and 02/06/14 between Chris Khamnei and Gerald Garrow, Robert Patterson, Ned Holt, Norm Baldwin and John Ryan;
- "State of Vermont Division of Fire Safety Vermont Plumbing Rules/The Department of Public Safety & The Plumbers' Examining Board 2012, Effective date…July 1, 2013;"
- Inspection Agreement Between the State of Vermont and the City of Burlington dated 05/06/13

Atty Bergman asked the Commission that their decision on the appeal not be colored by the delay in bringing the appeal before the Commission (due to its complexity). Commissioner Lavery closed this portion of the hearing. Discussion will take place after this meeting in a deliberative session. Once the Commission reaches a decision a ruling will be issued.

ITEM 6 - 49 CURTIS AVENUE TRADES APPEAL
(Communication, Norman Baldwin, Assistant Director, and Appellant)
(Refer to Commission packet)

Commissioner Lavery confirmed/announced that Appellant Adam Holt was present, as well as Mr. Baldwin; Bradley Biggie, Building Inspector, DPW; Atty Bergman (representing the City of Burlington) and Atty MacIlwaine (representing the Commission).

Mr. Biggie went to Mr. Adam Holt's residence at 49 Curtis Ave for a rough framing inspection of a permitted bathroom and while there observed that the cellar space was being used as habitable space and not code compliant. Further research revealed that the cellar space had been developed without a zoning or building permit, *all prior to Mr. Holt's purchase of the property*. Mr. Biggie sent a letter to Adam and Jamie Holt stating the reasons that the cellar space is uninhabitable. DPW is asking Mr. Holt to either bring the space up to code or have it returned as storage space (which Mr. Biggie stated could be done by taking out the ceiling and removing the carpeting) for life safety reasons.

Submitted into evidence, some of which was included in the DPW Commission packet and some distributed at the meeting, copies of:

- Memo dated September 11, 2014 to Public Works Commission from Mr. Biggie re: the Holt Appeal;
- E-mail from Mr. Holt to Mr. Biggie dated September 11, 2014 with follow-up questions;

- Certified letter dated July 23, 2014 to Director Spencer from Adam and Jamie Holt, asking the City to recognize that the basement remodel was completed prior to their ownership of the home and express the Holts' intention to work with the City to have a safe home and clean title;
- Photos of the space that Mr. Biggie took during his inspection;
- Sketch of the basement with accompanying square foot measurements;
- Photos of basement as sold in 2012;
- Notice of Hearing dated September 10, 2014 to Adam and Jamie Holt from Mr. Baldwin;
- Certified letter dated July 10, 2014 to Adam and Jamie Holt from Mr. Biggie stating that the basement would be listed as a non-habitable space, and the reasons;
- Chapter 8 of the City Code of Ordinance pertaining to the adoption of NFPA 101 and Vermont Fire and Building Safety Code;
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habitable by any definition discussed here tonight. Commissioner Padgett seconded the motion for a continuance. Unanimous.

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(Presentation, Tom Moreau, Chittenden Solid Waste District)
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Staff made the decision to postpone the paving of Foster Street, as the Water Division needed to upgrade to a new 8" high pressure water line, slated for this fall. Ms. Wheelock intends to honor the project, possibly in the coming spring. Other unanticipated work was identified and done, thanks in part to this year's diligent paving inspector. Last winter's ice conditions took their toll on streets that were not slated for work. Utilities (Water Division, VT Gas and B.E.D.) were not able to meet our deadline of June 2015 to have their work completed prior to the start of the road construction.

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Commissioner Barr moved to accept the minutes as amended; Commissioner Archambeau seconded. Unanimous.

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- Our policy on regulating spaces in parking garages: The Commission regulates street parking and had up until a few years ago regulated spaces within garages. Beginning with next month's meeting, Director Spencer will bring forward a list of the current uses within the garages for the Commission's review.
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BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION
MINUTES, September 17, 2014
(There was no August meeting)
645 Pine Street
(DVD of meeting may be on file at DPW)

COMMISSIONERS PRESENT: Bob Alberry, Tiki Archambeau, Jim Barr, Asa Hopkins (Vice Chair), Nathan Lavery (Chair), Solveig Overby and Jeffrey Padgett

Commissioner Lavery called the meeting to order at 6:30 p.m.

ITEM 1 – AGENDA
Correction on typo in the materials for Item 4 Consent Agenda (Hyde St STOP sign removal): STOP sign location should have read *Hyde St and North Willard St* (instead of Hyde St and Spring St).

ITEM 2 - THANKS TO FORMER COMMISSIONER MARK PORTER
Director Spencer and Commissioner Lavery spoke on behalf of the Department and Commission in recognizing former Commissioner Porter's volunteer work and presented him with a plaque.

ITEM 3 – PUBLIC FORUM
Mark Porter: 1) Brookes Ave resident: No Prospect is deteriorating between Pearl and North St, especially in the non-parking lane. 2) Does *not* support the proposed consolidation of City-wide hauling being pursued by Chittenden Solid Waste District (CSWD), nor the process taken thus far. Requests that the DPW Commission *not* approve it, and dig into it further as the proposal progresses.
Chris Khamnei: "No Parking Mon-Fri 8am-5pm" signs appeared on Overlake Park with no prior notice, or forum, for residents. Claims that his employee called DPW on his behalf and was told that there was a public forum 15 years ago and the signs were never installed. Mr. Khamnei requests that the signs be removed. Director Spencer will follow up on how to begin the process.

ITEM 4 – CONSENT AGENDA (Refer to Commission Packet)
4.10 Hyde Street STOP Sign Removal and No Parking
Staff recommends that the Commission:

- Amend the current STOP sign locations to remove the STOP sign at the intersection of Hyde St and Spring St, causing traffic on Hyde St to stop;
- Enact "No Parking" on the west side of No Willard St beginning 135' north of Archibald St extending 65' north;
- Enact "No Parking" on the east side Hyde St beginning 150' north of Archibald St and continuing 35' north.

Commissioner Hopkins moved to accept the Consent Agenda with staff's recommendations; Commissioner Alberry seconded. Unanimous.

ITEM 5 – 233 ST PAUL STREET TRADES APPEAL
(Communication, Norman Baldwin, Assistant Director, and Appellant)
(Refer to Commission packet)

Commissioner Lavery confirmed/announced that Appellant Chris Khamnei was present, as well as Norman Baldwin, C.E., Assist Director, Department of Public Works (DPW); John Ryan, Mechanical/Plumbing Inspector, DPW; Gene Bergman, Esq., City Attorneys' Office (representing the City of Burlington) and Andy MacIlwaine, Esq. (representing the Commission).

Mr. Khamnei submitted a Plumbing Permit Application to John Ryan, Plumbing/Mechanical Inspector, which Mr. Ryan denied. Dated 4/6/14, Mr. Khamnei wrote the following work description, "Repair present pipe configuration in basement for all eleven units." Mr. Khamnei had written his name under "Property Owner Name" and, under "Contractor Name (if different from property owner)" wrote "Same." Mr. Ryan wrote on the application, "Rejected No Plb. License."
Mr. Khamnei is appealing the rejection and is asking for clarity on interpretation of "maintenance" of plumbing and what a "maintenance" person can or cannot do without a plumbing license.

Mr. Ryan, Burlington City Plumbing and Mechanical Inspector for approximately six years and VT licensed master plumber for over thirty years, claims that Mr. Khamnei wanted to change piping for 233 St Paul St, an 11-unit apartment building, but in the absence of a licensed contractor listed on the application, rejected it.

Submitted into evidence, some of which was included in the DPW Commission packet and some distributed at the meeting, copies of:

- Appeal letter dated 04/06/14 by Chris Khamnei to Norm Baldwin;
- Plumbing Permit Application for 233 St Paul St dated 4/6/14;
- Black's Law Dictionary;
- E-mails of 02/04/14, 02/05/15 and 02/06/14 between Chris Khamnei and Gerald Garrow, Robert Patterson, Ned Holt, Norm Baldwin and John Ryan;
- "State of Vermont Division of Fire Safety Vermont Plumbing Rules/The Department of Public Safety & The Plumbers' Examining Board 2012, Effective date…July 1, 2013;"
- Inspection Agreement Between the State of Vermont and the City of Burlington dated 05/06/13

Atty Bergman asked the Commission that their decision on the appeal not be colored by the delay in bringing the appeal before the Commission (due to its complexity). Commissioner Lavery closed this portion of the hearing. Discussion will take place after this meeting in a deliberative session. Once the Commission reaches a decision a ruling will be issued.

ITEM 6 - 49 CURTIS AVENUE TRADES APPEAL
(Communication, Norman Baldwin, Assistant Director, and Appellant)
(Refer to Commission packet)

Commissioner Lavery confirmed/announced that Appellant Adam Holt was present, as well as Mr. Baldwin; Bradley Biggie, Building Inspector, DPW; Atty Bergman (representing the City of Burlington) and Atty MacIlwaine (representing the Commission).

Mr. Biggie went to Mr. Adam Holt's residence at 49 Curtis Ave for a rough framing inspection of a permitted bathroom and while there observed that the cellar space was being used as habitable space and not code compliant. Further research revealed that the cellar space had been developed without a zoning or building permit, *all prior to Mr. Holt's purchase of the property*. Mr. Biggie sent a letter to Adam and Jamie Holt stating the reasons that the cellar space is uninhabitable. DPW is asking Mr. Holt to either bring the space up to code or have it returned as storage space (which Mr. Biggie stated could be done by taking out the ceiling and removing the carpeting) for life safety reasons.

Submitted into evidence, some of which was included in the DPW Commission packet and some distributed at the meeting, copies of:

- Memo dated September 11, 2014 to Public Works Commission from Mr. Biggie re: the Holt Appeal;
- E-mail from Mr. Holt to Mr. Biggie dated September 11, 2014 with follow-up questions;

- Certified letter dated July 23, 2014 to Director Spencer from Adam and Jamie Holt, asking the City to recognize that the basement remodel was completed prior to their ownership of the home and express the Holts' intention to work with the City to have a safe home and clean title;
- Photos of the space that Mr. Biggie took during his inspection;
- Sketch of the basement with accompanying square foot measurements;
- Photos of basement as sold in 2012;
- Notice of Hearing dated September 10, 2014 to Adam and Jamie Holt from Mr. Baldwin;
- Certified letter dated July 10, 2014 to Adam and Jamie Holt from Mr. Biggie stating that the basement would be listed as a non-habitable space, and the reasons;
- Chapter 8 of the City Code of Ordinance pertaining to the adoption of NFPA 101 and Vermont Fire and Building Safety Code;
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Mr. Holt has been directed to bring the space into compliance by securing a building permit as well as other applicable permits, comply with the referenced codes or return the space to its approved use as storage only.

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