Board of Finance Meeting, Monday, April 25, 2022, 5:00 pm **Bushor Conference Room, Room 102, 1st Floor, City Hall OR remotely via ZOOM
4/25/2022

BURLINGTON BOARD OF FINANCE

BUSHOR CONF. ROOM, 1ST FLOOR, CITY HALL *OR*

REMOTE OPTION VIA ZOOM

BURLINGTON, VERMONT

MINUTES OF MEETING

April 25, 2022

MEMBERS PRESENT: Karen Paul

Ali Dieng

Zoraya Hightower

Joe Magee

Miro Weinberger

OTHERS PRESENT: Katherine Schad

Rich Goodwin

Dan Richardson

Jordan Redell

Darren Springer

Steven Locke

Cindi Wight

Max Madalinski

Chapin Spencer

Norm Baldwin

Laura Wheelock

Todd Rawlings

Brian Pine

Tony Berry

Jonathan Rose

1.0 CALL TO ORDER and AGENDA

Chief Administration Officer Schad called the Board of Finance meeting to order at 5:00 PM.

1.
    i. Motion to amend/adopt agenda

MOTION by City Council President Paul, SECOND by Councilor Magee, to amend and adopt the agenda as follows:

- **note 042522 version 2 for agenda item 4.08 Authorization of Sidewalk Reconstruction Program Project Budget and Construction Contract - DPW (per Norm Baldwin);**
- **remove from the agenda item 4.14 Creation of Public Information and Community Engagement Coordinator - HR/Police (per Mayor's Office); add to the agenda item 4.17 Champlain Parkway Project Initial Construction Contract - Award Authorization (per CAO Schad)**

VOTING: unanimous (Councilor Hightower not present for vote); motion carries.

2.0 PUBLIC FORUM (VERBAL)

2.01 Verbal Comments

Andrew Champagne said that he has been a member of the Tax Abatement Board for 8 years and requested that the Board of Finance and City Council approve the proposed Board and Commission compensation policy which includes pay for the work this Board did during the busy season after reappraisal.

Steve Goodkind spoke about the Champlain Parkway project, saying that it is not a good project for the City.

3.0 CONSENT AGENDA

3.01 Motion to adopt the consent agenda and take the actions as indicated

3.02 April 11, 2022 Board of Finance Meeting Minutes, Draft – approve the minutes.

MOTION by Councilor Magee, SECOND by Councilor Hightower, to adopt the consent agenda and take the actions as indicated for items 3.01-3.02.

VOTING: unanimous; motion carries.

4.0 FOR APPROVAL AND RECOMMENDATION TO CITY COUNCIL

4.01 BED Backup Software/Hardware systems - BED

MOTION by Councilor Hightower, SECOND by City Council President Paul, to approve and recommend that the City Council authorize the General Manager of Burlington Electric Department to execute with Rubrik a contract for business system backup and disaster recovery hardware and software services in substantial conformance with the attached, for an amount up to $181,000 subject to final review and approval by the City Attorney's Office.

VOTING: unanimous; motion carries.

4.02 BED Low-Income Pilot Rate and ARPA extension – BED

General Manager Springer said that in FY22, BED introduced a temporary energy assistance program that provided a 7.5% bill discount for eligible customers, funded with a small portion of ARPA funding. He said that BED would like to take a more formal step in FY23 to have a low income rate. He said that they are proposing a 12.5% discount and keeping the same legibility criteria as the temporary assistance program. He said that they are using unspent ARPA funds to ameliorate any unexpected financial issues so are also requesting that the deadline for the use of any unspent ARPA funds be extended.

MOTION by City Council President Paul, SECOND by Magee, 1. "To recommend the City Council approve Burlington Electric Department filing a Low-income Pilot Rate with the Public Utility Commission as described in this memo."; and 2. "To recommend the City Council approve an extension of Burlington Electric Department's deadline for use of $1.3 million in ARPA funds provided to the Burlington Electric Department in FY22 through the end of FY23, to support implementation of the Low-Income Pilot Rate."

VOTING: unanimous; motion carries.

4.03 Electric Department Revenue Anticipation Note Renewal - BED

MOTION by City Council President Paul, SECOND by Councilor Hightower, to recommend the City Council approve: (1) The City's authorization to borrow an amount not to exceed $5,000,000 from Key Bank National Association, or such other reputable bank or commercial lender as the Chief Administrative Officer may approve (the "Loan"), and to issue its revenue anticipation note and pledge the credit of the City for the repayment thereof (the "Note"), for the purpose of providing working capital for the Electric Department. The Loan shall be payable from the receipt of revenues of the Electric Department. The Note shall be a general obligation of the City and shall mature within two years from the date it is extended to the City. The Loan may be made on a draw-down basis, repaid and re-borrowed during such two-year period. The Loan may be renewed so long as the Note for such Loan matures within two years of the date it is renewed and issued; and (2) The Mayor, the Chief Administrative Officer, and the Director of Financial Operations are authorized and empowered to execute and deliver (i) a loan agreement with the lender to evidence the Loan and the repayment thereof, (ii) the Note in the maximum principal amount of the Loan, together with any renewal notes, as and when the Loan is renewed, if applicable, (iii) such documents and instruments as the lender may request in connection with the Loan, in such form and with such terms as they deem necessary and in the City's best interest, and (iv) such other documents and instruments necessary or convenient in connection with the Loan, subject to prior review by the City Attorney or bond counsel to the City.

VOTING: unanimous; motion carries.

4.04 Ambulance Fee Increase – Fire

Councilor Magee asked about the policy around collections for delinquent bills and if it was formalized or not. Chief Locke replied that the department can't send a bill to a collection agency without Council approval.

MOTION by Councilor Hightower, SECOND by Councilor Magee, to approve and recommend that the City Council approve the increased fee structure for ambulance services effective upon passage as described in the memo by Chief Locke dated April 13, 2022.

VOTING: unanimous; motion carries.

4.05 Fire Truck Purchase – Fire

MOTION by City Council President Paul, SECOND by Councilor Hightower, to approve and recommend that the City Council approve and authorize Chief Locke to sign a contract to purchase three fire trucks manufactured by E-One and sold by Desorcie Emergency Products as described in the memo from Chief Locke dated April 14, 2022, subject to the prior review and approval by the Chief Administrative Officer and the City Attorney's Office.

VOTING: unanimous; motion carries.

4.06 Red Stone Cottage Restoration – Parks

Director Wight said that this item is seeking approval to execute a contract to restore the historic buildings at 311 North Avenue. She noted that the land and the property have many restrictions. She noted that the Redstone Cottage has a historic easement, and that the land and the building must be used to support outdoor recreation. She said that due to heightened construction costs, they will be phasing in the project rather than doing it all at once. She said that this phase would renovate the exterior of both buildings and the second phase would restore and renovate the building interiors.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to approve and recommend that the City Council approve and authorize Cindi Wight, Director of Parks & Recreation, to execute a contract and any related documents needed to carry out the project with Farrington Construction., for a price not to exceed $596,191 and a project contingency of $59,619, subject to the review of the City Attorney's Office. To approve and authorize Cindi Wight, Director of Parks & Recreation to accept a $68,000 grant with VHCB, subject to the review of the City Attorney's Office. To approve and recommend that the City Council approve and authorize moving $65,150 from 101-23-100-240.6600 – Maintenance Contracts to 101-23-100-240.9500_110 Capital Outlay.

VOTING: unanimous; motion carries.

4.07 Calahan Park Playground Replacement Contract with Kompan, Inc. – Parks

Councilor Magee asked what the additional $50,000 in funding is for. Director Wight said that it would go toward a built structure that is taller, for teens, as well as a tippy carousel. She said that these additions intend to meet the needs of toddlers through teens.

MOTION by City Council President Paul, SECOND by Councilor Magee, to approve and recommend that the City Council approve and authorize Cindi Wight, Director of Parks & Recreation, to execute a contract amendment and any related documents needed to carry out the project with Kompan, Inc., for a price not to exceed $127,095.33 and a project contingency of $10,000, subject to the review of the City Attorney's Office.

VOTING: unanimous; motion carries.

4.08 Authorization of Sidewalk Reconstruction Program Project Budget and Construction Contract – DPW

Senior Engineer Wheelock noted that this project was started last year when they updated their sidewalk inventory. She said that the process of data collected was slowed due to Covid and that it is a challenging system and balance to get right. She said that incremental improvements have been made each time a sidewalk inventory is conducted.

Councilor Hightower asked how much flexibility there is in the construction contract and the plan if it is approved tonight. Senior Engineer Wheelock replied that the contractor, SD Ireland, is very flexible, and that they structured the contract and work plan to be flexible, if funding needs to be directed to one or another area. She also noted that there are also in-house construction activities being conducted.

MOTION by Councilor Dieng, SECOND by Councilor Magee, to 1. To approve and recommend that the City Council authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of $900,000 for the projected construction costs to complete the CY22 Sidewalk Reconstruction Program; and 2. To approve and recommend that the City Council authorize the Director of Public Works to execute the construction contract for the Sidewalk Reconstruction Project with SD Ireland Brothers Corporation to the maximum limiting amount of $810,000, with an additional $90,000 in contingency funds, totaling up to $900,000, subject to the final review and approval by the Office of the City Attorney.

VOTING: unanimous; motion carries.

4.09 CY22 Street Reconstruction Program Inspection Services Contract - DPW

MOTION by City Council President Paul, SECOND by Councilor Hightower, to 1. To approve and recommend that the City Council authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of $2,854,497.25 for the projected construction and inspection costs to complete the CY22 Street Reconstruction Program; and 2. To approve and recommend the City Council authorize the Director of Public Works to execute a contract with Greenman-Pedersen, Inc. for inspection services for the Calendar Year 2022 Street Reconstruction Program, in the amount of $112,700.00, with an additional $11,270.00 in contingency funds, totaling up to $123,970.00, subject to the final review and approval by the Office of the City Attorney.

VOTING: unanimous; motion carries.

4.10 Additional Eight-Month Extension of Second Memorandum of Understanding re 195-201 Flynn Avenue Lease Purchase Agreement and Drop Off Center – DPW

Director Spencer said that the City is working to have a full-service drop-off center in Burlington. He said that this item would allow for planning and decisions to better inform where the preferred location would be for a drop-off site.

MOTION by Councilor Hightower, SECOND by Councilor Magee, to approve and recommend that City Council

authorize an additional eight-month extension of the Second Memorandum of Understanding between the City and Chittenden Solid Waste District regarding a lease purchase agreement for the parcel located at 195-201 Flynn Avenue and the operation of a solid waste drop off center, extending the term of the memorandum to December 31, 2022, and to authorize the Mayor to sign an addendum to said memorandum effecting such, subject to final review and approval by the City Attorney's Office.

VOTING: unanimous; motion carries.

4.11 U.S. Department of Housing and Urban Development (HUD) HOME-ARP Allocation Plan and Substantial Amendment to the 2021 Action Plan – CEDO

Housing Program Manager Rawlings noted that in December of 2021, the Board of Finance and City Council approved the acceptance of this $1.5 million grant that will be used to help address homelessness in Burlington. He said that the acceptance was conditional on preparing an allocation plan for HUD's approval. He said that the plan was prepared and released for public comment from March-April 1. He said that comments strongly recommended the creation of permanent affordable housing for those coming out of homelessness in the community.

MOTION by City Council President Paul, SECOND by Councilor Hightower, to approve and recommend that the City Council approve the Final HOME-ARP Allocation Plan dated April 13, 2022 ("Plan") and authorize and direct the Community & Economic Development Office to submit the Plan to HUD as a substantial amendment to the 2021 Action Plan.

VOTING: unanimous; motion carries.

4.12 Reclassification of one (1) role in the Community Justice Center - HR/CEDO

MOTION by City Council President Paul, SECOND by Councilor Magee, to recommend that City Council approve the reclassification and retitling of the DLS Case Manager and Program Assistant, a Regular, Full-time, NonExempt, AFSCME, Grade 15, role to Court Diversion Case Coordinator and Program Assistant, a Regular, Full-time, Non-Exempt, AFSCME, Grade 16, position in the Community Justice Center (CJC). Please note this request also includes retroactive pay of approximately $967 due to the employee performing these new, higher level job duties since January 1, 2022.

VOTING: unanimous; motion carries.

4.13 Memorandum of Understanding between AFSCME Emergency Communications Specialists and the City of Burlington

- HR/Police

Chief Administrative Officer Schad said that this is an area where AFSCME and the City administration were able to come to an initial agreement relatively quickly to find a solution to the shortage of dispatchers. She said that the agreement provides for an additional $2 or $4 per hour to dispatchers if staffing levels fall below certain levels. She said that the maximum impact of this change would still fit within the BPD budget.

MOTION by Councilor Hightower, SECOND by City Council President Paul, to approve and recommend that the City Council approve the execution of the Memorandum of Understanding between AFSCME Local #1343 and the City of Burlington for additional hourly compensation for Emergency Communication Specialists in the Burlington Police Department.

VOTING: unanimous; motion carries.

4.14 Creation of Public Information and Community Engagement Coordinator - HR/Police **AGENDA ITEM REMOVED**

No discussion at this time.

4.15 Reclassification of one (1) Clerk/Treasurer position - HR/CT

MOTION by Councilor Hightower, SECOND by City Council President Paul, to recommend that City Council approve the reclassification and retitling of the Senior Grants Manager, a Limited Service, Full-time, Exempt, NonUnion, Grade 20, position to Grants Director, a Regular, Full-time, Exempt, Non-Union, Grade 22, position in the Clerk/Treasurer's Office.

VOTING: unanimous; motion carries.

4.16 Approval of policy for board and commission compensation - CT

MOTION by Councilor Dieng, SECOND by City Council President Paul, to approve and adopt the attached City Boards and Commissions Compensation Policy, effective retroactive to July 1, 2021.

DISCUSSION:

- **City Council President Paul said that this is an important commitment that the City should honor for its residents and board and commission members.**
- **Councilor Hightower asked when this was communicated to boards and commissions. Chief Administrative**

Officer Schad replied that the City had begun communicating this to its boards and commissions last July and has been collecting W-9s from board and commission members since February.

- **Councilor Dieng asked whether board and commission members can decline to be compensated. Chief Administrative Officer Schad replied that yes, board and commission members can refuse to be compensated if they do not wish to receive those funds. Councilor Dieng said that this creates an equitable opportunity for residents to participate in civic engagement.**

VOTING: unanimous; motion carries.

4.17 Champlain Parkway Project Initial Construction Contract - Award Authorization – DPW

Director Spencer provided a very high overview of the project, its history, and participation from federal and state partners.

City Engineer Baldwin noted that the project has approximately $1 million of local match funding for non-participating expenses that will need to be covered in future (FY23-FY24 are covered, but FY25 is not). He said that since the last Board of Finance and City Council meetings, they talked with the Capital Committee about other priorities that could fit within this context and that options might be available to solve this additional cost (potentially using $2 million of authorized CIP bonding, voter-approved FY23-25 bond, or from some other non-federal funding opportunity). He welcomed Board of Finance input on this.

Councilor Dieng asked if the utilities for this project are being buried. City Engineer Baldwin replied that there will be some municipal utility burying work, and that there is cost-sharing in place for those activities. Councilor Dieng asked about other additional costs that the City is responsible for. City Engineer Baldwin replied that those costs include soils, landscaping, and lighting. Councilor Dieng asked about potential litigation regarding this project. Attorney Rose replied that there is already a lawsuit pending from 2019 against the federal highway administration regarding a lack of environmental review process. He said that the federal government is now conducting additional environmental review processes. He noted that there are no other pending lawsuits.

MOTION by Councilor Hightower, SECOND by Councilor Dieng, to approve and recommend that the City Council authorize the Director of Public Works to execute a contract with S.D. Ireland Kubricky Joint Venture LLC in an amount up to $40,980,143.40 with $4,098,014 (10%) in contingency funds, totaling up to $45,078,157.40, for the Champlain Parkway Initial Construction Contract, subject to the final review and approval by the Office of the City Attorney.

VOTING: unanimous; motion carries (City Council President Paul not present for vote).

5.0 COMMUNICATION REGARDING GENERAL FUND BUDGET OVERVIEW

5.01 Communication Regarding General Fund Budget Overview

Mayor Weinberger said that the administration has been working since Town Meeting Day to put together a budget that addresses current and long-term challenges. He said that it will be important for the City to use fewer federal funds in the next fiscal year than in the current/prior fiscal years. He said that inflation is also posing a challenge, especially in terms of certainty regarding collective bargaining agreements.

Mayor Weinberger laid out the principles used to construct the budget for FY23. These include working within voter constraints, avoiding layoffs and furloughs (though they are focusing on cuts for non-personnel budget lines), and utilizing ARPA funds to make strategic investments. He noted that there is some flexibility in the enterprise funds and that they will propose some structural longer-term investments in those areas. He said that there is some potential for mid-year positive budget adjustments, if the City secures certain grant funding.

Mayor Weinberger outlined some steps taken to address budget challenges, which include proportional cuts to all departments except BPD and REIB to meet the current $2 million shortfall, and the use of less one-time funding than in previous fiscal years where that funding was available.

Mayor Weinberger proposed setting aside a half-hour of the next Board of Finance meeting for a budget overview, and then hearing departmental budget presentations on May 11, 16, 18, and 19.

6.0 ADJOURNMENT

6.01 Motion to Adjourn

With no further business and without objection the meeting was adjourned at 6:07 PM.

RScty: AACoonradt