
DELIBERATIVE AGENDA
LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JUNE 10, 2013
7:00 P.M.

1. AGENDA
2. CONSENT AGENDA
 - 2.01. OUTSIDE CONSUMPTION PERMIT, PARKING AREA (one day only):
VFW, 176 South Winooski Avenue, Sunday, August 4, 2013, 12:00 p.m. – 5:00 p.m.

*waive the reading, accept the communication, place it on file and approve the one day only outside consumption permit application for VFW to include the parking area, rear of the building for a membership BBQ, Sunday, August 4, 2013, 12 p.m. – 5 p.m.
3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):
Luna61VT.Inc., d/b/a Revolution Kitchen (formerly Levity), 9 Center Street
 - 3.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):
Luna61VT.Inc., d/b/a Revolution Kitchen (formerly Levity), 9 Center Street
4. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):
RiRa Irish Pub, The Whiskey Room, College Street side
5. ADJOURNMENT

REGULAR MEETING, CITY COUNCIL
MONDAY, JUNE 10, 2013

1. AGENDA
2. PRESENTATION: Karen Paul, Chair, ASPC, re: Airport Strategic Plan to the Burlington City Council
3. PUBLIC FORUM **(Time Certain: 7:45 p.m. – 8:15 p.m. unless extended by the Council President per Council Rules)**
4. PUBLIC HEARING: Corrective Action Plan for Environmental Remediation of 151 South Champlain Street – Requirement for Vermont Brownfield Revitalization Loan Fund Application
 - 4.01. COMMUNICATION: Nick Warner and Brian Pine, CEDO, re: Public Hearing on Corrective Action Plan for Environmental Remediation of 151 South Champlain Street – Requirement for Vermont Brownfield Revitalization Loan Fund Application
5. PUBLIC HEARING: Proposed Municipal Development Plan Amendment – **planBTV: Downtown and Waterfront Master Plan**

- 5.01. RESOLUTION: Amendment and Re-adoption of the Burlington Municipal Development Plan (Councilors Paul, Blais, Knodell, Decelles, Worden, Bushor, Siegel, Mason, Brennan, Shannon, Aubin, Tracy)
- 5.02. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Municipal Development Plan Amendment – planBTV: Downtown and Waterfront Master Plan
6. COMMUNICATION: Amy Jewell, Administrative Manager, CSWD, re: Proposed FY 14 Budget
- 6.01. COMMUNICATION: FY 2014 BUDGET PROPOSAL, CSWD
7. PUBLIC HEARING: Burlington Comprehensive Development Ordinances:
- Proposed Amendment ZA-13-02-Lot Line Adjustment – Vestigial Alleys
 - Proposed Amendment ZA-13-04-Garage Size and Orientation
- 7.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE – Lot Line Adjustments; Vestigial Alley ZA #13-02 (Planning Department, Planning Commission; Councilors Mason, Bushor, Paul: Ordinance Committee)(2nd reading)
- 7.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE – Garage Size and Orientation ZA #13-04 (Planning Department, Planning Commission; Councilors Mason, Bushor, Paul: Ordinance Committee) (2nd reading)
- 7.03. COMMUNICATION: Clerk/Treasurer’s Office, re: Public Hearing Notice, Burlington Comprehensive Development Ordinance, Proposed Amendment ZA-13-02-Lot Line Adjustment – Vestigial Alleys and Proposed Amendment ZA-13-04 – Garage Size and Orientation
8. CONSENT AGENDA
9. RESOLUTION: Endorsement of IATSE Collective Bargaining Agreement 2012-2015 (Councilors Shannon, Knodell, Bushor, Aubin: pending BOF approval)
10. RESOLUTION: City Attorney Constitutional Analysis of No Trespass Ordinance for Church Street Marketplace June 12, 2012 (Councilors Siegel, Tracy, Brennan)
- 10.01. COMMUNICATION: John L. Franco, Jr., Law Offices of John L. Franco, Jr., re: Church Street Marketplace District Trespass Authority Ordinance
11. COMMITTEE REPORTS (5 mins.)
12. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)
13. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)
14. ADJOURNMENT

CONSENT AGENDA
REGULAR MEETING, CITY COUNCIL
MONDAY, JUNE 10, 2013

- 8.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:
Accountability List
*waive the reading, accept the communication and place it on file
- 8.02. RESOLUTION: Authorization to Execute Memorandum of Agreement with Correction
Re: Waterfront Access North Project – BED Easement (Councilor
Shannon)
*waive the reading and adopt the resolution
- 8.03. COMMUNICATION: Resolution relating to Authorization to Execute Memorandum of
Agreement Re: Waterfront Access North Project –BED Easement]
(Councilors Shannon, Bushor, Paul: Board of Finance)
*waive the reading, accept the communication and place it on file
- 8.04. COMMUNICATION: Memorandum of Agreement Between the City of Burlington and the City
Of Burlington Electric Department
*waive the reading, accept the communication and place it on file
- 8.05. COMMUNICATION: Diagram of Easement
*waive the reading, accept the communication and place it on file
- 8.06. RESOLUTION: Approval of and Authorization to Execute Agreements with the
Chittenden County Regional Planning Commission (CCRPC) for
Consultant Planning Services for the Railyard Enterprise Project and
North Avenue Corridor Study Project (Councilors Shannon, Bushor,
Knodell, Aubin: Board of Finance)
*waive the reading and adopt the resolution
- 8.07. COMMUNICATION: Agreement to Provide Local Match for Special Planning/Project
Development Project Between the City of Burlington Public Works
Dept. and Chittenden County Regional Planning Commission in
Association with CCRPC's Agreement with Parsons Brinckerhoff
(PL 2013-16)
*waive the reading, accept the communication and place it on file
- 8.08. COMMUNICATION: Agreement to Provide Local Match for Special Planning/Project
Development Project Between the City of Burlington Public Works
Dept. and Chittenden County Regional Planning Commission in
Association with CCRPC's Agreement with Resources Systems
Group, Inc. (PL 2013-18)
*waive the reading, accept the communication and place it on file
- 8.09. COMMUNICATION: Nicole Losch, Transportation Planner, Office of Plangingeering, DPW,
re: Authorization to Enter Agreements to Provide Local Match
*waive the reading, accept the communication and place it on file
- 8.10. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and
Chairs on a Portion of the City's Right-of-way with Junior's Downtown
(Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution

- 8.11. COMMUNICATION: License Agreement for Tables and Chairs Junior's Downtown 2013-2014 Season
*waive the reading, accept the communication and place it on file
- 8.12. RESOLUTION: Authorization to Enter into License Agreement to Maintain a Sign Extending Over a Portion of the City's Right-of-way with Livery Barn, LLC (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 8.13. COMMUNICATION: License Agreement for Sign with Livery Barn 2013-2014 Season
*waive the reading, accept the communication and place it on file
- 8.14. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Nunyuns Bakery & Café (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 8.15. COMMUNICATION: License Agreement for Tables & Chairs with Nunyuns Bakery & Café 2013-2014 Season
*waive the reading, accept the communication and place it on file
- 8.16. RESOLUTION: Authorization to Enter into License Agreement to Maintain Whiskey Barrels and Stools on a Portion of the City's Right-of-way with RiRa Irish Pub (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 8.17. COMMUNICATION: License Agreement for Whiskey Barrels, Stools and Stanchions with Chains with RiRa Irish Pub 2013-2014 Season
*waive the reading, accept the communication and place it on file
- 8.18. COMMUNICATION: Paul Sisson, re: Budget Amendments Report – May 2013
*waive the reading, accept the communication and place it on file
- 8.19. COMMUNICATION: Budget Amendments Report From Date: 5/1/2013 – To Date: 5/31/2013
*waive the reading, accept the communication and place it on file
- 8.20. COMMUNICATION: Jeff Nick, Nick and Morrissey Development, re: Request for an additional four (4) weeks for meter bags at 29 Church Street (on the Cherry Street side)
*waive the reading, accept the communication, place it on file and approve the request for an additional 4 weeks for meter bags at 29 Church Street (on the Cherry Street side)
- 8.21. COMMUNICATION: Michael Schirling, Chief of Police, TJ Donovan, State's Attorney, William Sorrell, Attorney General and Tristram Coffin, United States Attorney, re: Community Impact Teams and other information
*waive the reading, accept the communication and place it on file
- 8.22. COMMUNICATION: Tony Redington, 20 North Winooski Avenue, Apt. 2, re: Comments Before The Burlington City Council, June 3, 2013 Regarding Burlington PlanBTV
*waive the reading, accept the communication and place it on file

- 8.23. COMMUNICATION: Jean Poulin, Customer Service Associate, Clerk/Treasurer's Office, re: Dogs Not Registered for 2013 6/3/2013
*waive the reading, accept the communication and place it on file
- 8.24. COMMUNICATION: Lori Olberg, Licensing, Voting and Record Coordinator, re: Schedule of Meetings of the City Council through August, 2014 A=Adjourned; R=Regular; S=Special; T=Tentative DRAFT
*waive the reading, accept the communication, place it on file, review and send any changes to Lori Olberg no later than Wednesday, June 19, 2013 with the plan being to adopt the final schedule at the June 24, 2013 City Council Meeting
- 8.25. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, May 13, 2013 Minutes
*waive the reading, accept the communication and place it on file
- 8.26. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Thursday, May 23, 2013 Minutes
*waive the reading, accept the communication and place it on file
- 8.27. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee, Monday, April 8, 2013 Minutes
*waive the reading, accept the communication and place it on file
- 8.28. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee, Tuesday, April 16, 2013 Minutes
*waive the reading, accept the communication and place it on file

Members of the public may speak when recognized by the Chair, during the Public Forum (time certain: 7:30 p.m.) or during a Public Hearing. This agenda is available in alternative formats upon request. Persons with disabilities, who require assistance or special arrangements to participate in programs and activities of the Clerk/Treasurer's Office, are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will air live on the night of the meeting on Burlington Telecom, Channel 317. This meeting will also air on Channel 17 on June 12, 2013 at 8:00 p.m., repeating at 1 a.m., 7 a.m. and 1 p.m. the following day. For information on access, call Scott Schrader, Assistant CAO for Administration and Management (865-7140) or Lori Olberg, Licensing, Voting and Records Coordinator (865-7136) (TTY 865-7142).



CITY OF BURLINGTON Annual Outside Consumption Renewal Form

New Renewal

PART I--ORGANIZATION

All information is required

ONE DAY ONLY

HOWARD PLANT POST 782
HOWARD PLANT

- 1. Corporation/Sole Proprietor name _____
- 2. D/B/A (Business Name) VFW 3. Bus. Phone 802 864 6532
- 4. Business Address 176 So. Winooski Ave. Burlington, VT 05401
- 5. Contact person CHUCK MUNSON 6. Contact Phone 802 864 6532
- 7. Email Address chm175@aol.com

PART II--OPERATION

- 1. Requested period of operation: AUGUST 4, 2013 ONLY

Months: _____ to _____

- 2. Requested times of operation:

Sunday NOON- 5 PM Wednesday _____ Saturday _____

Monday _____ Thursday _____

Tuesday _____ Friday _____

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2013 MAY 31 A 10:17
BURLINGTON CLERK
TREASURER'S OFFICE

PART III--DESCRIPTION

- 1. Proposed Dimensions 80 X 30
- 2. Is it a patio, deck, alleyway etc. PARKING AREA REAR OF BUILDING
- 3. Is it on City property? NO If yes, do you have a current license agreement? _____

Please provide a detailed description of the area and its planned use on the back of this form.

** recommended for approval @ 6/4/13 lc mtg
lo*

[Type text]

Annual outside Consumption Renewal Form -Page 2

Detailed description HOWARD PLANT POST 782 OF THE VFW REQUESTS APPROVAL/
PERMISSION FOR A MEMBERSHIP BBQ TO BE HELD AUGUST 4, 2013
FROM NOON TO 5 PM. APPROXIMATE ATTENDANCE 80.
BEER WINE, NO LIQUOR WILL BE SERVED ALONG WITH BBQ TYPE FOODS.
OUR BAR WILL BE CLOSED DURING THE NOON TO 5 PM PERIOD ON
AUGUST 4, 2013

Signature of Applicant 

Date: 05/28/2013

Print Signature CHARLES MUNSON

APPROVED BY LOCAL CONTROL COMMISSION _____

SENT TO DEPARTMENT OF LIQUOR CONTROL _____

FINAL APPROVAL BY DEPARTMENT OF LOCAL CONTROL _____

[Type text]

Annual outside Consumption Renewal Form –Page 2

Detailed description HOWARD PLANT POST 782 OF THE VFW REQUESTS APPROVAL/

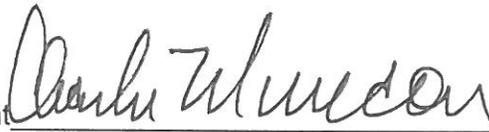
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AUGUST 4, 2013

Signature of Applicant 

Date: 05/28/2013

Print Signature CHARLES MUNSON

APPROVED BY LOCAL CONTROL COMMISSION _____

SENT TO DEPARTMENT OF LIQUOR CONTROL _____

FINAL APPROVAL BY DEPARTMENT OF LOCAL CONTROL _____

2013

FIRST/SECOND CLASS LIQUOR LICENSE AND TOBACCO APPLICATION
LICENSE YEAR IS MAY 1ST THROUGH APRIL 30TH OF THE FOLLOWING YEAR

LVNA 61 VT, INC

Print Full Name of Person, Partnership, Corporation, Club or LLC

Doing Business As - Trade Name

Center Street

Street and street number of premises covered by this application

Burlington VT

Town or City & Zip Code

Telephone Number

Mailing Address (if different from above)

Email address Debra a galsom

DBA REVOLUTION KITCHEN

*recommended for approval
@ 6/4/13 lc mtg lo
all standard conditions

Please circle appropriate categories

FIRST CLASS SECOND CLASS TOBACCO

Restaurant

Hotel

Cabaret

Club

Commercial Kitchen (a Liquor Control Commercial Caterer's License is needed with this license)

FEES:

FIRST CLASS LICENSE - \$100.00 to DLC and \$100.00 to Town/City

SECOND CLASS LICENSE - \$50.00 to DLC and \$50.00 to Town/City

TOBACCO ONLY LICENSE - \$10.00 to Town/City only
(there is no fee for tobacco if applying for second class)

contingent upon Fire Marshal approval

TO THE CONTROL COMMISSIONERS OF THE TOWN/CITY OF BURLINGTON, VERMONT
Application is hereby made for a license to sell malt and vinous beverages under and in accordance with Title 7, Vermont Statutes Annotated, as amended, and certify that all statements, information and answers to questions herein contained are true; and in consideration of such license being granted do promise and agree to comply with all local and state laws; and to comply with all regulations made and promulgated by the Liquor Control Board. Upon hearing, the Liquor Control Board may, in its discretion, suspend or revoke such license whenever it may determine that the law or any regulations of the Liquor Control Board have been violated, or that any statement, information or answers herein contained are false.

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING.

If this premise was previously licensed, please indicate name Levity Comedy

I/we are applying as: (please circle one)

INDIVIDUAL
PARTNERSHIP

LIMITED LIABILITY COMPANY
CORPORATION

Please fill in name and address of individual, partners, directors or members.

LEGAL NAME Peter Maisel STREET/CITY/STATE 125 BOWY TIVOLI NY 12583
Debra Maisel 125 BOWY TIVOLI NY 12583

Are all of the above citizens of the UNITED STATES? Yes No
(Note: Resident Alien is not considered a U.S. Citizen)

If naturalized citizen, please complete the following

Name Court where naturalized (City/State/Zip) Date

pd check # 1735

on 4/1/13 \$100.00

CORPORATE INFORMATION:
 If you have checked the box marked CORPORATION, please fill out this information for stockholders (attach sheet if necessary)

LEGAL NAME: Debra Maisel STREET-CITY-STATE: 125 EDWY TOWN VT 0583
Peter Maisel 125 EDWY TOWN VT 0583

Date of incorporation: 03/25/13 Is corporate charter now valid? _____
 Corporate Federal Identification Number: 46-2546414
 Have you registered your corporation and/or trade name with the Town/City Clerk? _____ and/or Secretary of State? (as required by VSA Title 11 § 1621, 1623 & 1625).

ALL APPLICANTS
 HAVE ANY OF THE APPLICANTS EVER BEEN CONVICTED OR PLED GUILTY TO ANY CRIMINAL OR MOTOR VEHICLE OFFENSE IN ANY COURT OF LAW (INCLUDING TRAFFIC TICKETS) AT ANY TIME?
 YES _____ NO

If yes, please complete the following information (attached sheet if necessary)

Name	Court/Traffic Bureau	Offense	Date

Do any of the applicants hold any elective or appointive state, county, city, village/town office in Vermont? (See VSA, T.7, Ch 9, §223) YES NO If yes, please complete the following information

Name	Office	Jurisdiction

Please give name, title and date attended of manager, director, partner or individual who has attended a Liquor Control Licensee Education Seminar, as required by Education Regulation No 3

Debra Maisel
 NAME: _____
 TITLE: CO-OWNER
 DATE: 3/23/13

(If you have not attended an Education Seminar prior to making application, please visit www.liquorcontrol.vermont.gov and click on Seminar Schedule for a list of Seminars in your area.)

FOR ALL APPLICANTS: DESCRIPTION /LOCATION OF PREMISES (Section 4)
 Description of the premises to be licensed _____

Does applicant own the premises described? NO If not owned, does applicant lease the premises? yes
 If leased, name and address of lessor who holds title to property Bill Blohm - 485 South Union Burlington Vermont

Are you making this application for the benefit of any other party? NO

FIRST CLASS APPLICANTS ONLY: No first class license may be issued without the following information.

HEALTH LICENSE #: Food _____ Lodging _____ (if licensed as a Hotel) Pending

VERMONT TAX DEPARTMENT: Meals & Rooms Certificate/Business Account # _____

Business is devoted primarily to (Circle one)
 FOOD (restaurant) ENTERTAINMENT (cabaret) HOTEL CLUB COMMERCIAL CATERING

If you are considering Outside Consumption service on decks, porches, cabanas, etc. you must complete an Outside Consumption Permit. This form can be found on our website at www.liquorcontrol.vermont.gov and then click on licensing and then applications

CABARET APPLICANTS ONLY:
 Applicant hereby certifies that the sale of food shall be less in amount or volume than the sales of alcoholic beverages and the receipts from entertainment and dancing, if at any time this should not be the case, the applicant/licensee shall immediately notify the Department of Liquor Control of this fact

 Signature of Individual, Partner, authorized agent of Corporation or LLC member

Lori Olberg

From: debra Maisel <info@luna61.com>
Sent: Wednesday, May 22, 2013 10:40 AM
To: Lori Olberg
Subject: Re: 5/7 LC Agenda

Good morning we have added a Dba to luna61vt.inc Dba revolution kitchen thank you how are we progressing? Thank you

Sent from my iPhone

On May 6, 2013, at 3:25 PM, Lori Olberg <lolberg@burlingtonvt.gov> wrote:

I don't think so, I think that we are pretty much all set with your application with tomorrow being the 2nd lc meeting and then onto CC approval for the 20th, your application will be contingent upon Fire Marshal approval (a standard condition)

From: debra Maisel [mailto:info@luna61.com]
Sent: Monday, May 06, 2013 3:18 PM
To: Lori Olberg
Subject: Re: 5/7 LC Agenda

Do we need to bring anything

Sent from my iPhone

On May 3, 2013, at 4:09 PM, Lori Olberg <lolberg@burlingtonvt.gov> wrote:

Greetings:

Here is the agenda for Tuesday, if there is an asterisk THEN you or a representative needs to be present.

~~thank you~~

<LCAGENDA130507.doc>

STATE OF VERMONT
OFFICE OF SECRETARY OF STATE

The Office of Secretary of State hereby grants a

Certificate of Incorporation

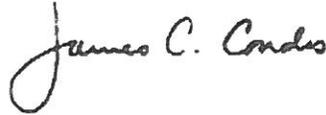
to

LUNA61VT.INC

a Vermont domestic corporation, effective March 25, 2013

March 27, 2013

Given under my hand and the seal
of the State of Vermont, at
Montpelier, the State Capital



James C. Condos
Secretary of State

RECEIVED

2013 APR - 1 A 10: 36

BURLINGTON CLERK
TREASURER'S OFFICE



ARTICLES OF INCORPORATION (Vermont profit T.11A)

Vermont Secretary of State, 128 State Street, Montpelier, VT 05633-1104 (802-828-2386)

Corporate Name:

Luna61vt inc

(Alternate name - if first choice is not available)

Corp type: check one: General (T.11A) Professional (T.11, Ch.4)

Close (T.11A, Ch.20) Benefit (T.11A, Ch.21)

State a brief Purpose here:

Restaurant

Registered agent's name

Debra Maisel

Registered agent's address: (street, city and zip code in VT)

25 Westward Drive, Burlington, VT 05408

Principal office address: (street, city, state and zip code)

25 Westward Drive, Burlington, VT 05408

Fiscal operating year end (month): Unless stated otherwise DEC will be designated.

December

A corporation is required to file an annual report within 2 1/2 months of the close of its fiscal year. Failure to file may result in termination of the its charter. Reports are obtained and filed online.

Number of shares the corporation is authorized to issue:

200

Classes of shares (common/preferred/etc.) & number of shares authorized to issue, in each:

Common 200

One or more classes of shares that together have unlimited voting rights:

One or more classes of shares (which may be the same class with voting rights) that together are entitled to receive the net assets of the corporation upon dissolution:

Common

PROFESSIONAL corporations must provide the name, address, profession, license number & expiration date of not less than one-half of its directors and officers.

CLOSE Corporation: Corporations designated as "close" shall include the provisions listed below. Simply check the box accepting each provision, adding specific information as it applies.

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BURLINGTON CLERK
TREASURER'S OFFICE

2013 MAR 31 PM 3: 10

The provisions of T.11A apply to close corporations in the absence of a **CONTRARY** or inconsistent provision in Chapter 20. A corporation whose status terminates as a **close** corporation becomes subject the obligations and rights of a general corporation.

- This corporation is a close corporation and each certificate for shares shall note this fact;
- All the issued and outstanding stock of all classes shall be held of record by not more than 35 persons;
- Each certificate for shares shall further note any provisions set forth in the articles of incorporation and described in 11A, V.S.A. § 20.02(5);
- The corporation shall make no offering of any of its shares of any class which would constitute a "public offering" within the meaning of the U.S. Securities Act of 1933 (15 U.S.C. § 77 et seq);
- All issued and outstanding shares of all classes shall be represented by certificates and shall conform in the form and content to the requirements of 11A, V.S.A. § 6.25;
- Shares transfer restrictions, if any: _____

Dissolution provisions, if any: _____

Managed with a board of directors?

DIRECTORS'S names and addresses: A board of directors of a corporation which is not a close corporation dispensing with a board of directors must consist of one or more individuals with the number specified in or fixed in accordance with these articles or bylaws. The number of directors may be increased or decreased by amendment. (T.11A, 8.03).

PETER MAISEL, 125 BROADWAY, TIVOLI, NY 12583
PETER MAISEL, 125 BROADWAY, TIVOLI, NY 12583

Benefit Corporation: List the name of the benefit director and the benefit officer below.

Name of benefit director: _____

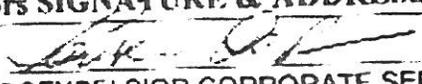
Name of benefit officer: _____

One or more natural persons of majority age (18) may act as incorporator.

Incorporators printed name:

LAUREN DÉPASS

Incorporators SIGNATURE & ADDRESS:


c/o BLUMBERGEXCELSIOR CORPORATE SERVICES, INC., 62 WHITE STREET, NEW YORK, NY 10013

\$75.00 FEE File in duplicate with a self-addressed envelope. If a delayed effective date is not specified, it is effective the date it is approved. A delayed date cannot be later than 90 days after the filing. Effective date, if applicable:

RECEIVED
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TREASURER'S OFFICE

- Meals -

Wild Mushroom Fettuccini – sautéed shitake & portabella mushrooms, baby kale, in a garlic shoyu sauce served with fresh pasta – 17

Stir-fry – broccoli, bok choy, carrots, & kale, stir-fried with tofu in a ginger garlic sauce, served with brown rice or rice noodles – 16

Sweet Potato Enchilada – layered corn tortilla with sweet potato, sautéed spinach & goat cheese topped with black beans and served with rice & salsa – 17

Laksa Noodlepot – rice noodles, broccoli, bok choy, carrots & shitake mushrooms with tofu, cooked in a flavorful spicy coconut broth – 18

Jerk Seitan Cutlet – grilled slice of seitan, smothered in a zesty jerk sauce and served with brown rice and beans – 18

Pad Thai – rice noodles stir fried in a spicy sweet and sour sauce with veggies & tofu, garnished with peanuts and cilantro – 17

Sloppy Joe Taco Nuevos – Corn tortilla with melted cheese, scrambled tofu, served with black beans, brown rice, salsa, & potatoes – 17

Ravioli – Ask for the nightly special – 17

Seitan Picatta – thin slices of seitan served with a white wine, caper, and olive sauce, served with rice and a side salad – 18

Bangkok Curry – yellow curry with assorted veggies & tofu with brown rice or rice noodles – 17

Orbit – a platter of quinoa, black beans, wild sea vegetables & steamed greens – 16

- Kid's Menu -

Cheese Quesadilla – with rice and beans – 7

Tofu and Noodles – 7

Butter and Noodles – with parmesan cheese 7



VERMONT SECRETARY OF STATE

Jim Condos

ARCHIVES	CORPORATIONS	ELECTIONS	OTHER PROGRAMS	SECRETARY'S DESK
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Corporation Information

Corporation Name	LUNA61VT.INC
Corporation Status	Active
File No	V-74438-0
Type	Vermont
Incorporation Date	03/25/2013
Corporation Description	RESTAURANT
State of Incorporation	VT
Fiscal Month End	12
Registered Agent	DEBRA MAISEL
Address	25 WESTWARD DR
City State Zip	BURLINGTON VT 05408
Director 1	PETER MAISEL
Principal Street Address	25 WESTWARD DR
City State Zip	BURLINGTON VT 05408

Above accurate as of: 03/27/2013

[Information Contact](#)

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LIQUOR LICENSE

NEW APPLICANT QUESTIONNAIRE

D/B/A (Business Name) LUNA 501 VT. INC

Contact person Debra Moser Contact Phone 845 546 0965

1. Have you ever had a liquor license before? If yes, please explain.

YES, I HAVE A LICENSE IN TIVOLI NY
FOR 17 YEARS

2. Please describe your experience serving or selling alcohol?

SEVE AT LOCAL RESTAURANT
ONLY BEER & WINE

3. Are you familiar with the laws relating to the sale of alcohol in Vermont? Have you completed the training required by DLC? Have your employees? If not, what is your plan for training?

YES, TRAINING WAS PROVIDED
WILL HAVE EMPLOYEES WITH DVD

4. Have you had an opportunity to meet with an inspector from the Department of Liquor Control?

not yet

5. How many employees will you have?

UNKNOWN ??

6. What is/will the square footage of the public space and what is/will be your occupancy load??

1276 square feet

49 seats

7. What kind of precautions will you take to prevent underage sales?

Sebra has taken alcohol test.

All employees will watch the video.

Please note that your application will not go before the License Subcommittee until this application has been satisfactorily completed and returned to the Clerk's Office

Lori Olberg

From: debra Maisel <info@luna61.com>
Sent: Tuesday, April 16, 2013 3:54 PM
To: Lori Olberg
Subject: Re: missing info

1276 square feet 49 seats I took the alcohol test and all employees will watch the video

Sent from my iPhone

On Apr 16, 2013, at 3:40 PM, Lori Olberg <lolberg@burlingtonvt.gov> wrote:

Still need this to be filled out and submitted to me please, thank you Debra

From: CTKonica@ci.burlington.vt.us [mailto:CTKonica@ci.burlington.vt.us]
Sent: Tuesday, April 16, 2013 11:38 AM
To: Lori Olberg
Subject: Message from KMBT_C550

<SKMBT_C55013041615370.pdf>

CERTIFICATE of ACHIEVEMENT

This is to certify that

debra maisei

has completed the course

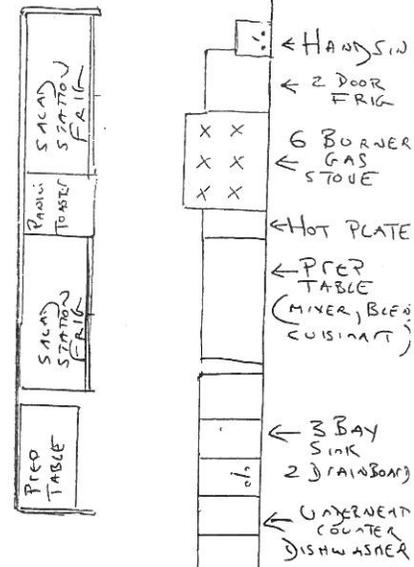
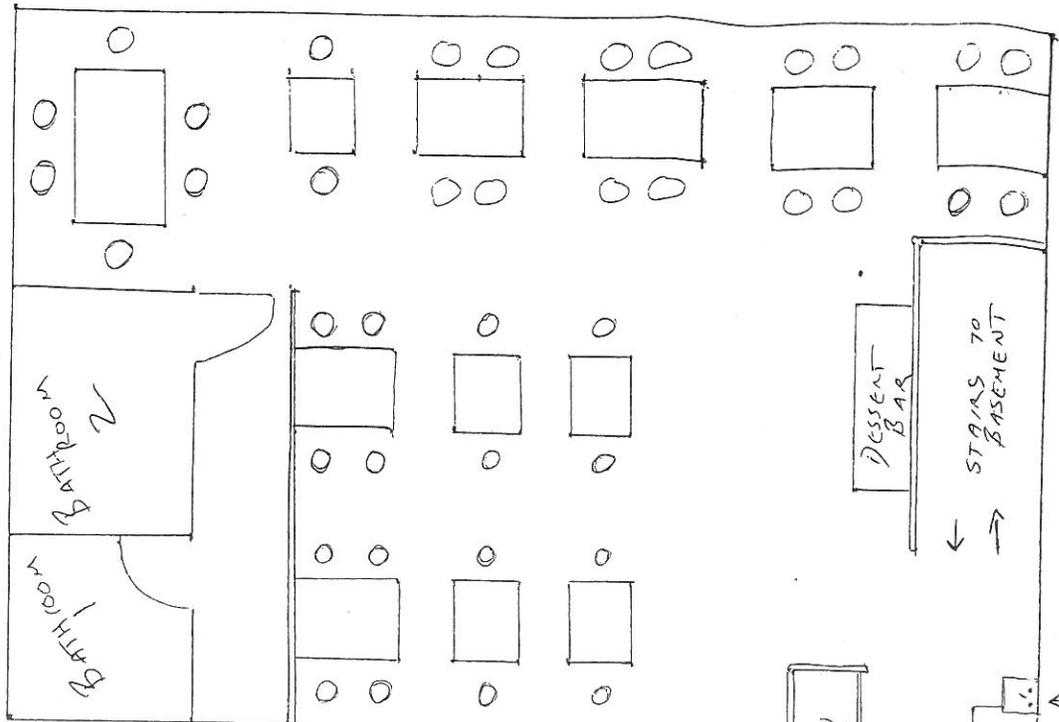
Server Training - 1st class Seminar Certification

March 23, 2013

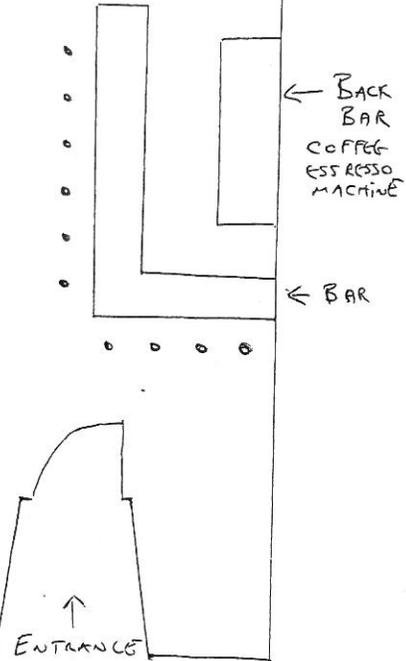


DEPARTMENT OF LIQUOR CONTROL

h3FUmw7KZ



LUNA 61
 9 CENTER ST
 BURLINGTON VT





OFFICE OF THE CLERK AND TREASURER
149 CHURCH STREET
BURLINGTON, VT 05401

802-865-7131 TTY 802-865-7142

**Application Review
First Class Liquor License - Restaurant**

05/01/2013 - 04/30/2014

Jeff Hammond

TO: ~~Kathy Dunn, Clerk/Treasurer's Office~~

FROM: Lori Olberg, Clerk/Treasurer's Office

DATE: Wednesday, April 3, 2013

COMPANY: Luna61Vt.Inc.

DBA NAME: Luna61Vt.Inc.

FORMERLY: Levity

LOCATION: 9 Center Street

PHONE: 845-546-0965

Please renew

Thank you

The above applicant has applied for a new/renewal license. Please complete the appropriate section below verifying the status of the applicant's taxes and return it to this office as soon as possible.

Property Taxes Overdue?

Yes

No

Initials

Property Taxes Delinquent?

Yes

No

Initials

Gross Receipts Tax Overdue?

Yes

No

Initials

Thank You,

Lori Olberg
Clerk/Treasurer's Office
City Hall

Date: Wednesday, April 3, 2013



OFFICE OF THE CLERK AND TREASURER
149 CHURCH STREET
BURLINGTON, VT 05401

802-865-7131 TTY 802-865-7142

**Application Review
First Class Liquor License - Restaurant**

05/01/2013 - 04/30/2014

TO: Ken Lerner, Planning & Zoning Office
FROM: Lori Olberg, Clerk/Treasurer's Office
DATE: Wednesday, April 3, 2013
COMPANY: Luna61Vt.Inc.
DBA NAME: Luna61Vt.Inc.
FORMERLY: Levity
LOCATION: 9 Center Street
PHONE: 845-546-0965

*Please review
thanks*

Please attach any pertinent information which the City Council License Committee may require.

Please indicate:

Approved?

Yes

No

Initials

LO

Date

4/4/2013

Notes:

Restaurant use - must meet life safety
codes as per building inspector + fire marshal.

Thank You,

Lori Olberg
Clerk/Treasurer's Office
City Hall

Date: Wednesday, April 3, 2013

802 865 7704 7014

CITY OF BURLINGTON Annual Outside Consumption Renewal Form

FORMCHECKBOX New FORMCHECKBOX

Renewal

PART I--ORGANIZATION

All information is required

- 1. Corporation/Sole Proprietor name LUNA 61 VT. INC
- 2. D/B/A (Business Name) Revolution Kitchen Bus. Phone _____
- 4. Business Address 9 Center Street, Burlington VT 05401
- 5. Contact person DeBNA / Peter March Contact Phone 845 546 0965
- 7. Email Address dehadox@aol.com

PART II--OPERATION

Requested period of operation:

Months: APRIL to OCT

Requested times of operation:

Sunday 5-10 Wednesday _____ Saturday 5-10
 Monday 5-10 Thursday 5-10
 Tuesday 5-10 Friday 5-10

PART III--DESCRIPTION

- 1. Proposed Dimensions 8 x 2
- 2. Is it a patio, deck, alleyway etc. sidewalk
- 3. Is it on City property? yes If yes, do you have a current license agreement? yes

4 total seats

Please provide a detailed description of the area and its planned use on the back of this form.

xx small tables w/ 2-4 chairs

* recommended for approval @ 6/4/13 c mtg
lo

Annual outside Consumption Renewal Form -Page 2

Detailed description

Beer + wine

4 seats total

Signature of Applicant

Debra Mysel

Date:

5/31/13

Print Signature

Debra Mysel

APPROVED BY LOCAL CONTROL COMMISSION _____

SENT TO DEPARTMENT OF LIQUOR CONTROL _____

FINAL APPROVAL BY DEPARTMENT OF LOCAL CONTROL _____



May 1, 2013 ---- April 30, 2014

CITY OF BURLINGTON Annual Outside Consumption Renewal Form

New Renewal

PART I--ORGANIZATION

All information is required

- 1. Corporation/Sole Proprietor name RIPA VERMONT LLC
- 2. D/B/A (Business Name) RIPA IRISH PUB 3. Bus. Phone 860-9401
- 4. Business Address 123 CHURCH ST BURLINGTON VT 05401
- 5. Contact person MATT MESSENGER 6. Contact Phone 860-9401
- 7. Email Address MATTMESSENGER@RIPA.COM

RECEIVED
2013 MAY 31 P 3:57
BURLINGTON PLERK
(TREASURER'S OFFICE)

PART II--OPERATION

1. Requested period of operation:

Months: APRIL to OCTOBER

2. Requested times of operation:

Sunday	<u>4PM-11PM</u>	Wednesday	<u>4PM-12 AM</u>	Saturday	<u>4PM-1 AM</u>
Monday	<u>4PM-11 PM</u>	Thursday	<u>4PM-12 AM</u>		
Tuesday	<u>4PM-11PM</u>	Friday	<u>4PM-1 AM</u>		

PART III--DESCRIPTION

- 1. Proposed Dimensions 135 Sq. Ft. (SEE DIAGRAM)
- 2. Is it a patio, deck, alleyway etc. YES
- 3. Is it on City property? YES If yes, do you have a current license agreement? YES

Please provide a detailed description of the area and its planned use on the back of this form.

**recommended for approval @ 6/4/13 lc mtg
lo*

May 1, 2013 ---- April 30, 2014

Annual outside Consumption Renewal Form -Page 2

Detailed description

ATTACHED

(8 seats total)

WHISKEY ROOM

- College Street side -

RECEIVED
2013 MAR 31 P 3: 57
BURLINGTON CLERK
TREASURER'S OFFICE

Signature of Applicant

Handwritten Signature

Date:

5/31/13

Print Signature

MAT MESSENGER

APPROVED BY LOCAL CONTROL COMMISSION _____

SENT TO DEPARTMENT OF LIQUOR CONTROL _____

FINAL APPROVAL BY DEPARTMENT OF LOCAL CONTROL _____

RECEIVED

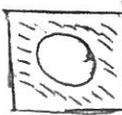
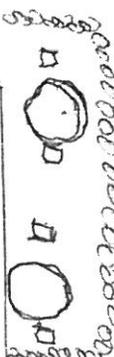
2013 MAY 31 P 3:57

BURLINGTON CLERK
TREASURER'S OFFICE

COLLEGE ST. →

SIDEWALK —

5ft ↓



Tree w/ Square

← 11ft ↓ 5ft



ENTRANCE

← 14ft



5ft ↓

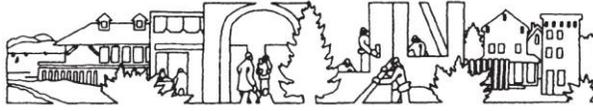
○○○○○○○○ = CHAIN

O = WHISKEY BARRELS
□ = STOLLS

Sq. Feet - LEFT SIDE 55
RIGHT SIDE 80

Total 135 Sq. Ft.

THE WHISKEY ROOM



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

Celebrating 30 Years ~ 1983-2013

TO: City Council

FROM: Nick Warner and Brian Pine, CEDO

DATE: May 16, 2013

RE: Public Hearing on Corrective Action Plan for Environmental Remediation of 151 South Champlain Street – Requirement for Vermont Brownfield Revitalization Loan Fund Application

We write to provide background on the Public Hearing scheduled as part of the City Council's June 10 agenda. The purpose of the hearing is to allow public comment on the implementation of a Revised Corrective Action Plan (2008) for 151 S. Champlain Street, Burlington, VT. The Revised Corrective Action Plan (2008) has already been reviewed and approved by the Environmental Protection Agency and the Vermont Department of Environmental Conservation ("VT DEC"). The owner and developer of the property is South River, LLC, ("South River") based in Vergennes, VT.

This hearing is being held in accordance with the application requirements of the Vermont Brownfields Revitalization Loan Fund. No City Council action is required except to allow the hearing to occur as part of the scheduled meeting.

The property at 151 South Champlain Street is a Brownfield site,- contaminated property that is slated for redevelopment. The contamination issues at the site are well-documented, and the developer is working proactively with the EPA, VT DEC, the City of Burlington's Community & Economic Development Office ("CEDO") on implementing the Revised Corrective Action Plan (2008), and to create a redevelopment plan for the property. The developer anticipates receiving a Certificate of Completion for the Revised Corrective Action Plan (2008) from VT DEC in the near term.

The cause of the contamination was a small release of dry-cleaning chemicals in the late 1940s that migrated down-gradient to adjacent properties. As part of the Revised Corrective Action Plan (2008), all contamination issues have been documented extensively, and basement vapors are presently being monitored and remediated via radon-style venting systems. There was also a legal settlement between several down-gradient owners and the estate of the past owner of the subject property.

The principals of South River have prior experience with Brownfield redevelopment, both in Vermont and in other states. The first phase of the redevelopment involves the rehabilitation of the historic Blinn House into four market-rate rental units. In addition to other sources of funding, South River anticipates receiving federal and State Historic Rehabilitation Tax Credits

for the rehabilitation of the historic Blinn House; South River has already received approval from the National Park Service for the rehabilitation plan for the Blinn House. The second phase of the redevelopment will involve new construction of a to-be-determined number of rental units on the undeveloped portion of the property. This project will have no negative impacts on the past contamination. In fact, this development will deal effectively with on-site contamination issues, and improve the site from an environmental perspective.

Dating back to 2003, considerable CEDO staff time has been invested in the redevelopment of this property, and CEDO's Brownfields funding was used to conduct numerous Environmental Site Assessments. Overall, the City's staff is supportive of this project, as it involves the rehabilitation of a historic structure, the environmental remediation of a contaminated site, and provides new housing on a blighted downtown site. Ultimately, this project will also increase the grand list.

6 AMENDMENT AND RE-ADOPTION OF THE
7 BURLINGTON MUNICIPAL DEVELOPMENT PLAN
8
9
10
11
12
13

14 In the year Two Thousand Thirteen.....
15 Resolved by the City Council of the City of Burlington, as follows:
16

17 That WHEREAS, Title 24 of Chapter 117, Vermont Statutes Annotated grants enabling authority for
18 Vermont municipalities to undertake a comprehensive planning program and prepare, maintain and
19 implement a plan within its jurisdiction; and

20 WHEREAS, such authority requires that a municipality have a municipal development plan in
21 place in order to develop and amend subdivision and zoning bylaws and assess impact fees; and

22 WHEREAS, the City of Burlington has actively pursued the proper planning and regulation of
23 land use and development within the city since 1925; and

24 WHEREAS, pursuant to such authority a municipal development plan must be adopted or
25 readopted at least every five years; and

26 WHEREAS, the City of Burlington has completed the development of *planBTV-Downtown &*
27 *Waterfront Master Plan* which is the result of a 2-year collaborative effort of the people and businesses of
28 Burlington; an inter-departmental team involving City staff from Planning & Zoning, DPW, CEDO, Parks
29 & Recreation, Church Street Marketplace and City Arts; a nationally-renowned consulting team; and the
30 review and consideration of the Planning Commission during its March 12, 2013 public hearing as well as
31 other city boards and commissions, including the Public Works Commission, the Parks and Recreation
32 Commission and the Conservation Board; and

33 WHEREAS, an intensive all-inclusive community engagement process took place over a period of
34 12 months in 2011-2012 with the involvement of over 2,000 residents, businesses and organizations; over
35 50 public meetings and workshops; with more than 1,500 comments provided; and

36 WHEREAS, *planBTV-Downtown & Waterfront Master Plan* represents the views and consensus
37 of the majority of those who participated in the planning process for the past 2 years; and

38 WHEREAS, the *planBTV-Downtown & Waterfront Master Plan* is intended to be adopted by
39 reference in the updated land use plan element of the City's municipal development plan pursuant to the

AMENDMENT AND RE-ADOPTION OF THE
BURLINGTON MUNICIPAL DEVELOPMENT
PLAN

requirements of 24 V.S.A. §4432 and §4382, §4384 and §4387, and has met the requirements of 24 V.S.A. §4384 and §4385 regarding the process for adoption; and

WHEREAS, the amendment to the 2011 Burlington Municipal Development Plan and *planBTV-Downtown & Waterfront Master Plan* have been reviewed by the Chittenden County Regional Planning Commission pursuant to 24 V.S.A. §4350 and received their endorsement on March 20, 2013;

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby amends and re-adopts the *Burlington Municipal Development Plan* with the adoption of its updated land use plan element and incorporation of the *planBTV-Downtown & Waterfront Master Plan* as a reference, as recommended by the Burlington Planning Commission; and

BE IT FURTHER RESOLVED that the Burlington City Council hereby requests that all efforts be made by city departments, as well as boards and commissions, to implement the ideas presented in *planBTV-Downtown & Waterfront Plan*.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

www.burlingtonVT.gov/pz

David E. White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior IT/GIS Programmer
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Planning & Zoning Clerk
Elsie Tillotson, Administrative Assistant



MEMORANDUM

TO: Joan Shannon, City Council President
Burlington City Councilors
Mayor Miro Weinberger

FROM: David E. White, AICP, Director of Planning & Zoning

DATE: Thursday, June 06, 2013

RE: Proposed Municipal Development Plan Amendment – **planBTV: Downtown and Waterfront Master Plan**

As you have heard and seen, **planBTV: Downtown and Waterfront Master Plan** is the result of the most comprehensive, energetic, creative, inclusive and responsive planning effort Burlington has ever seen. We have received and incorporated ideas and comments from thousands of residents, businesses, interest groups, and visitors over the past 18 months. The final product represents a community vision and consensus for the future of our downtown and waterfront - a vision that respects our past and builds upon our many assets for the benefit of future generations.

Like the Federal Partnership for Sustainable Communities that largely funded this effort, this project is the result of a collaborative partnership of several City Departments and many, many others who have greatly contributed their time and energies. This plan is also a compilation of many plans – plans developed by many people for many purposes over the years – woven together to bring into focus how to make the best use of our waterfront and downtown, and ensure they remain active and vital places for many years to come.

Final action to adopt this plan as an amendment to the City's Municipal Development Plan can take place after the close of the public hearing. In your packet is a resolution for such action for your consideration. Staff from our office will be available to answer any questions you may have.

Thank you for your consideration and ongoing support, and we look forward to turning our attention to putting this exciting vision into action!



May 23, 2013

Lori Olberg
Office of Clerk Treasurer
149 Church Street
Burlington, VT 05401

Dear Lori:

Enclosed please find copies of the Chittenden Solid Waste District Proposed FY 2014 Budget. **CSWD is scheduled to meet with the City of Burlington on Monday, June 10, 2013 at 8:00 p.m. or later.** Please forward the attached copies to your select board for their review. Also, please note that the front cover of our FY 14 Budget refers to a website www.cswd.net, where a complete detailed copy of our budget is available for review.

The Board of Commissioners approved sending the Proposed FY 2014 Budget to Member Towns for their approval on Wednesday, May 22, 2013. Below is Section 4. (b) of the Chittenden Solid Waste District Charter.

Within 45 days of the approval of the budget by the Board of Commissioners, the legislative body of each member municipality shall act to approve or disapprove the budget.

The budget shall be approved if approved by the legislative bodies of a majority of the member municipalities. (For such purposes, each member municipality shall be entitled to one vote.) A legislative body that disapproves the budget must file with the Board of Commissioners a written statement of objections to the budget identifying those specific items to be changed, and failure to file such statement of objections within the forty-five (45) day period shall constitute approval by such municipality. A legislative body that fails to act to approve or disapprove the budget within the forty-five (45) day period shall likewise be deemed to have approved the budget.

As stated above, each member municipality may choose to approve or disapprove the budget prior to July 6, 2013.

Please feel free to contact me should you have any questions or if you need any additional copies of the budget. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Amy Jewell".

Amy Jewell
Administrative Manager

Cc: Steve Goodkind, Burlington Rep.

FY 2014 BUDGET PROPOSAL

**TO VIEW BUDGET DETAIL GO TO
www.cswd.net**



**CHITTENDEN SOLID WASTE DISTRICT
1021 REDMOND ROAD
WILLISTON, VT 05495
802-872-8100**



Printed on recycled paper

**CHITTENDEN SOLID WASTE DISTRICT
Fiscal Year 2014 Proposed Budget
ASSUMPTIONS AND HIGHLIGHTS
GENERAL FUND BUDGET**

	FY13 APPROVED BUDGET	FY14 PROPOSED BUDGET	<u>Difference</u>	
			\$	%
Operating Expenditures	\$8,980,061	\$8,739,954	(\$240,107)	-2.7 %
Operating Revenues	\$8,728,340	\$9,183,678	\$455,338	+5.2 %
Net Revenue (Expenditures)	<u>(\$251,721)</u>	<u>\$443,724</u>		
Transfers To Reserves	(\$348,062)	(\$562,879)		
Transfers From Reserves	\$228,723	\$233,671		
Net Amount, Increase (Decrease) In Beginning Fund Balance	(\$371,060)	\$114,516		

Major Assumptions – Revenues:

1. **Solid Waste Management Fee (SWMF)** rate is being increased by \$4.94 per ton, from \$22.06 to \$27.00 per ton. The total number of tons subject to this fee for FY14 is expected to be 114,000, reduced from the FY13 estimate of 120,000 tons, based on historical data and management's best projections for the near future. The resulting SWMF revenue budgeted for FY14 is \$2,972,076 – a \$324,876 (12.3%) increase over the FY13 budget of \$2,647,200.
2. **Tipping fees** budget is increased by \$542,358. Rate increases are planned for tipping fees at the Materials Recovery Facility (increased to \$6.50 per ton In-District materials and \$16.50 per ton for Out-of-District materials), the Drop-Off Centers (the first rate increase in six years for this program), and at the Green Mountain Compost facility (\$40 per ton in FY14, up from \$37.50 per ton in FY13).
3. **Sale of Material** revenue is projected to decrease by \$386,810, primarily associated with the reduction in inventory of compost products that will be ready and available for sale in FY14 as compared with what had been projected when the FY13 budget was originally developed, as the program recovers from the herbicide impacts that occurred in the summer of 2012. Additionally, the MRF program is budgeting an average price for recyclable materials of \$95.46 per ton, down from \$99.80 per ton in FY13.

Major Assumptions – Expenditures:

1. Personnel costs include **38.87 Full Time Equivalent** positions, down by 2.02 FTE from FY13; the primary component of this difference is the reduction in staffing for the compost facility for FY14.
2. Existing pay grades will be adjusted upward by a **Cost Of Living Adjustment (COLA) of 1.92%** effective with the start of the FY14 year. Additionally, effective with the start of the 2014 Fiscal Year, a new pay plan will be implemented, which contains 20 steps per pay grade, with variable increments between steps (rather than the straight-lined 30 equal steps which the former pay plan contained).
3. Employees will contribute approximately 11 percent of the overall total **health insurance premium** costs, using a percentage-of-base-salary method for individual employee contributions.

Highlights:

1. Transfers to /from reserves:
 - a. Undesignated Fund Balance – there is a budgeted credit to the Undesignated Fund Balance of \$189,516, which represents the Solid Waste Management Fee revenues expected to be generated in excess of the needed program subsidies for the FY14 year. This excess will cover some minor future years' cost increases without the need to raise rates immediately.
 - b. Rate Stabilization – The rate increases for fees charged at the Drop-Off Centers are intended to be good for several years, to avoid the need to increase fees too frequently. The FY14 budget includes creation of a new "Rate Stabilization Reserve" account, with a budgeted deposit of \$99,784, which is the expected net residual earnings generated by the DOC revenues for FY14. This reserve can be tapped in future years as needed, in order to smooth out the need for rate increases.
 - c. Facilities Improvement Reserve – This budget provides for transfers to this reserve account in the amount of \$411,595, to provide for future capital acquisitions and improvements.

2. Salaries and personnel benefits: Budgeted lower by about 4.4%, or about \$138,600, as compared to FY13. This is associated with reduction in staffing for the Green Mountain Compost facility and the latex paint recycling program for FY14, as well as elimination of the budget for two potential positions that had been provided for the in the FY13 PUD budget, partially offset by salary increases of a COLA of 1.92% and 1.25% merit step increases for existing staff.

3. Professional Services: Budget decreased by 2.7% despite a \$50,000 increase in Legal Fees as CSWD tries to recover the losses from the herbicide exposure to our compost. Offsetting decreases in expenses are from utilizing less outside contractors in Future Projects and Compost Programs.

4. Other Services: Budgeted higher by \$106,000 (3%) in FY14 as compared to the prior year, primarily due to the expected increase in facilities management costs for the MRF, tied to increases in tipping fees and the associated contractual obligations for operating costs. These increases are partially offset by a continued decrease in Sludge Management due to recycling options at a lower cost as well as lower tonnages due better treatment technologies.

5. Printing and Advertising: Budgeted expenses are lower by about \$49,000 (24%) compared to FY13, primarily related to suspending much of the marketing effort for the compost program for most of FY14, until sufficient stock of saleable inventory can be produced.

6. General Supplies: Budget for this category is lower by \$73,000 in FY14 vs. FY13, as the compost facility will incur lowered costs of production in the FY14 year associated with reduced costs of certain inputs and no expected costs associated with bagging product for distribution.

7. Other Charges: Budgeted lower by \$74,000 (33%) for FY14, due to elimination of the Tire & Appliance Roundups and reduction in funding for certain recycling and composting container grants.

8. In addition to the routine services that CSWD provides, there are some special studies that will continue in FY14:
 - a. An analysis of alternatives to process wastewater biosolids in the future, funded from a reserve account (\$100,000).
 - b. Additional work on a Consolidated Collection System Design - \$45,000 from Solid Waste Management Fees.

Chittenden Solid Waste District

Solid Waste Management Fee (SWMF) Rate Increase 2013

- > Assessed on each ton of waste generated in Chittenden County destined for disposal
- > Not assessed on material recycled
- > Used for approximately 33% of CSWD's annual budget (remaining revenues from tip fees and sale of materials)
- > Applicable tonnage expected to decrease over next few years (please see next page)
- > Increase scheduled to be effective Sept 1, 2013 after public hearing and comment period

Current SWMF, per ton	\$22.06	Second increase since 1993
Proposed SWMF, per ton	\$27.00	To be effective September 1, 2013
Increase, per ton	\$4.94	22.4%

SWMF, per ton if inflated by CPI = \$29.05 from September 1993 through April 2013

SWMF Impact on:	Current	Proposed	Difference	
Household	\$ 19.87	\$24.31	\$4.45	per year
Commercial 4 cy/week	\$ 229.42	\$280.80	\$51.38	per year
C&D rolloff container	\$ 88.24	\$108.00	\$19.76	per pull

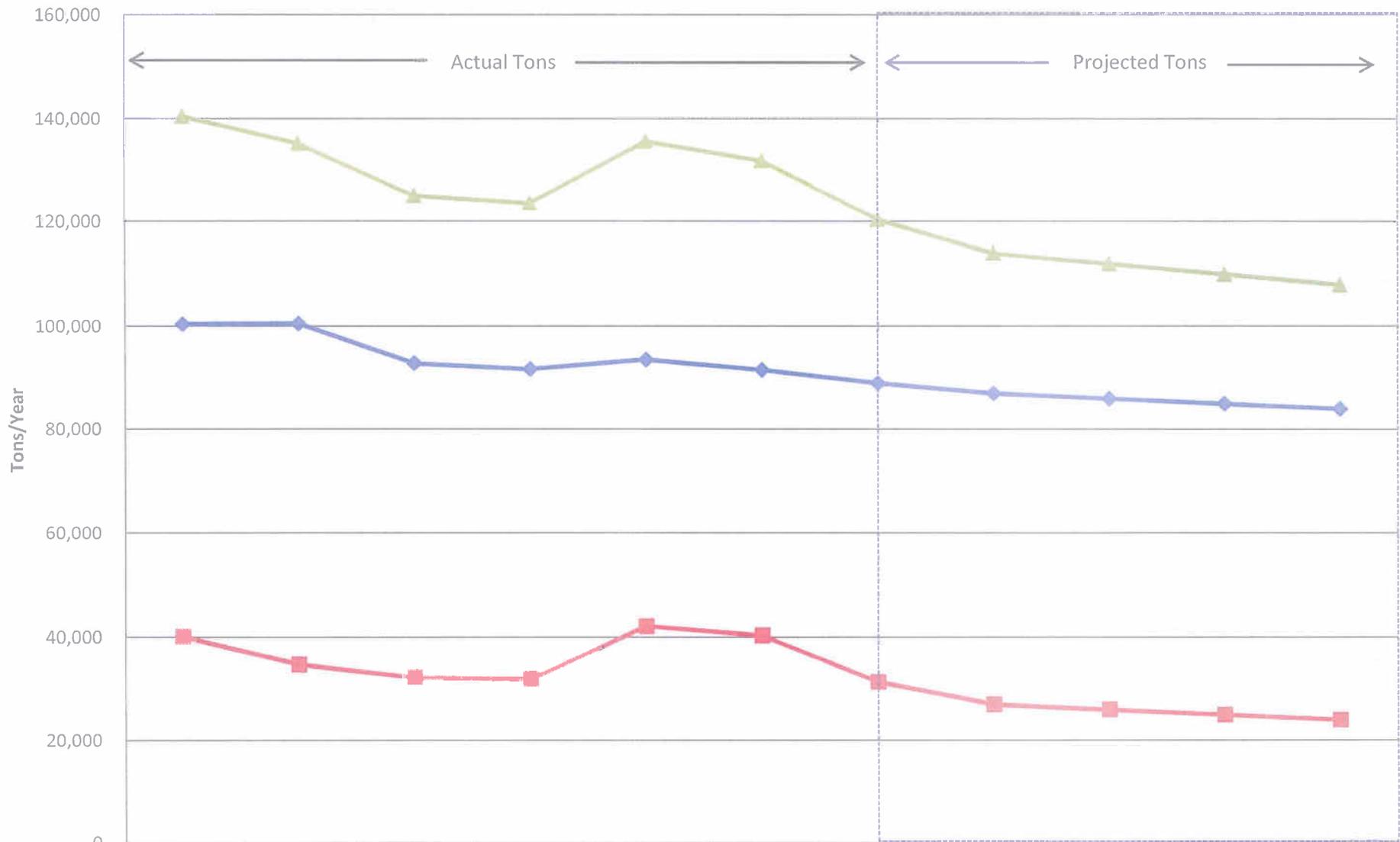
SWMF Increase Impact on Overall Trash & Recycling Service Cost					
	Average CSWD Household*		Typical Commercial Account**		Typical C&D pull***
	\$/month	\$/year	\$/month	\$/year	\$/pull
Current Typical Garbage Bill/month	\$34.00	\$408.00	\$300	\$3,600	\$510.00
Increase of CSWD SWMF	\$0.37	\$4.45	\$4.28	\$51.38	\$19.76
New Garbage Bill after CSWD Increase	\$34.37	\$412.45	\$304.28	\$3,651.38	\$529.76
Overall Increase		1.09%		1.4%	3.9%

Curbside Trash & Recycling Service Components						
	Average CSWD Household		Typical Commercial Account		Typical C&D pull	
	\$/Ton	\$/year	\$/Ton	\$/year	\$/Ton	\$/pull
Collection Service Cost	\$338.02	\$309.59	\$231.09	\$2,470.58	27.5	110
Tip Fee at Transfer Station	\$85.00	\$76.54	\$85.00	\$884.00	\$85.00	\$340.00
Tip Fee at Materials Recovery Facility	\$8.00	\$2.00	\$8.00	\$16.00		
CSWD SWMF	\$27.00	\$24.31	\$27.00	\$280.80	\$27.00	\$108.00
Total	\$458.02	\$412.45	\$351.09	\$3,651.38	\$132	\$558
CSWD SWMF as % of total bill		5.9%		7.7%		20.4%

* Households assumed to generate 55% of MSW and 15% of C&D
 ** Typical Commercial Account at 4 cubic yards/week at 100 pounds/cy
 *** Typical 20 cubic yard C&D roll-off pull

0.90 Tons/year
 10.4 Tons/year
 4 Tons/pull

Tons/Year Subject to SWMF



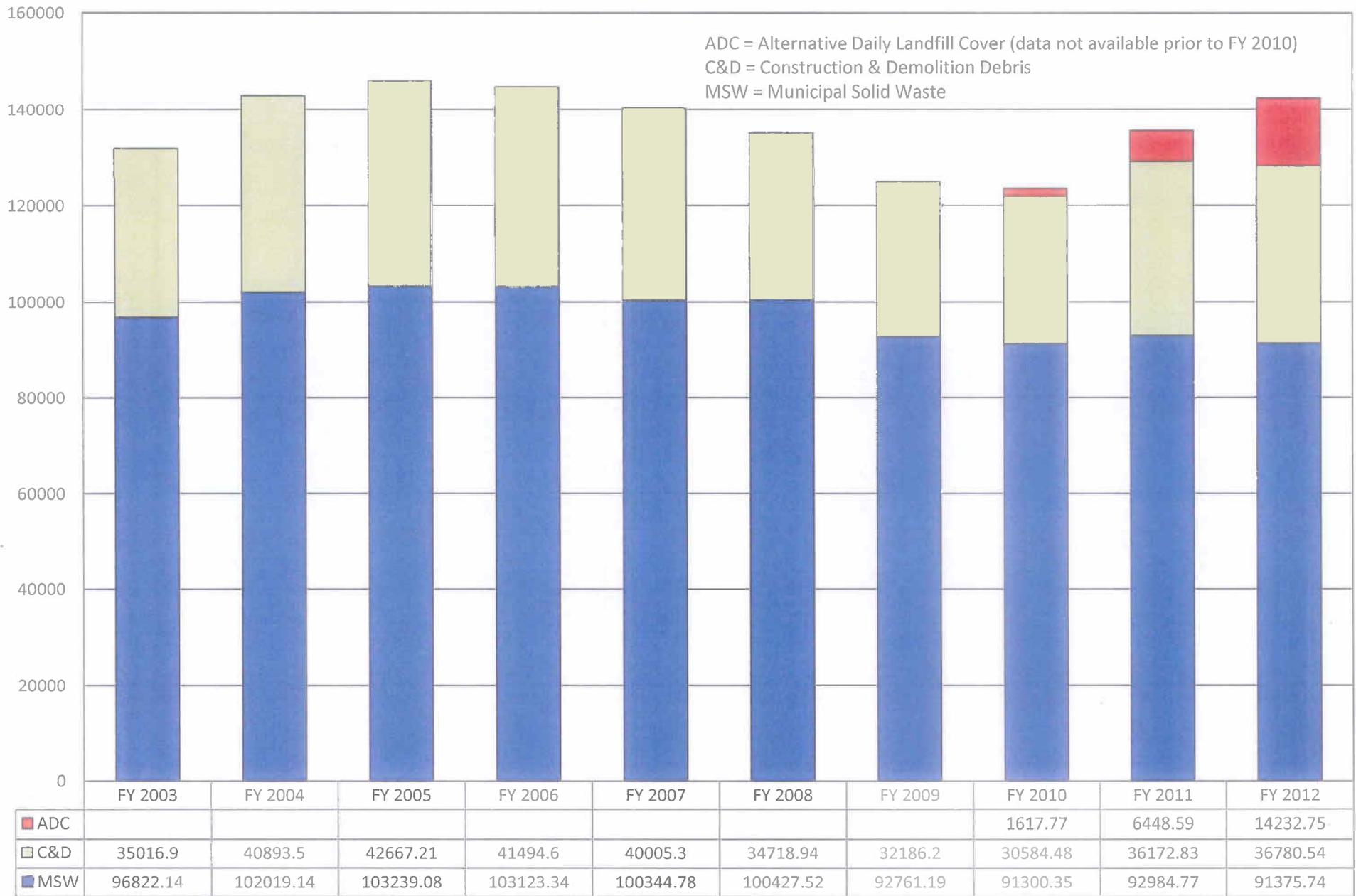
	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13 Proj	FY 14 Proj	FY 15 Proj	FY 16 Proj	FY 17 Proj
◆ MSW	100,365	100,443	92,780	91,674	93,498	91,548	89,000	87,000	86,000	85,000	84,000
■ C&D	40,025	34,734	32,204	31,851	42,117	40,318	31,400	27,000	26,000	25,000	24,000
▲ Total	140,390	135,176	124,984	123,526	135,615	131,866	120,400	114,000	112,000	110,000	108,000

HIGHLIGHTS

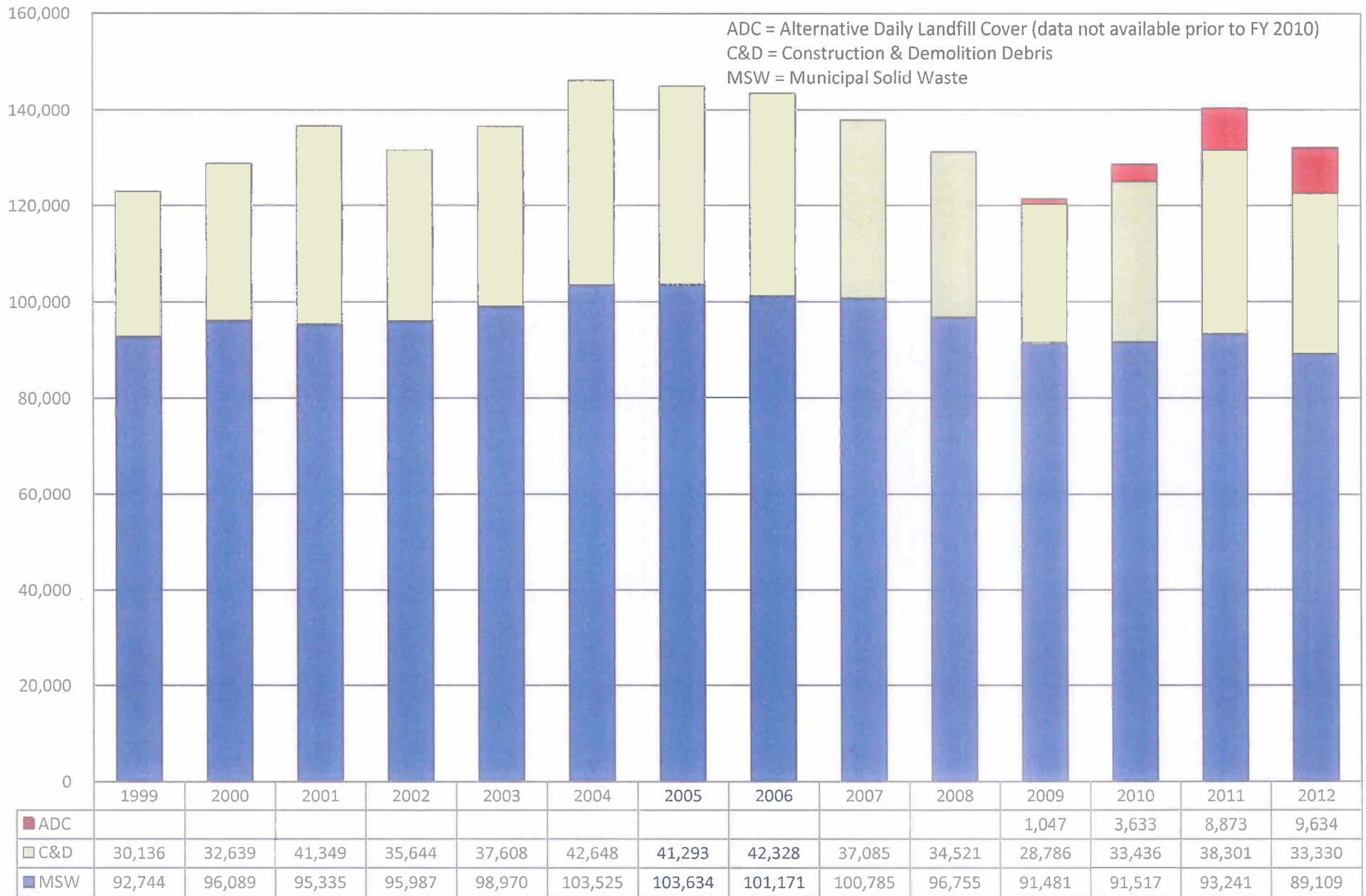
FY14 CAPITAL PROGRAM BUDGET

- A. CSWD FY14 Capital Budget increases from \$3,119,586 to \$4,877,250.
- B. \$1.6 million of the FY14 proposed capital budget is for new equipment and refurbishing of existing equipment and facilities at the Materials Recovery Facility (MRF), originally budgeted in FY13 and carried forward into FY14.
- C. \$1.5 million of the capital budget is for potential purchase of the transfer station in Williston; this would be funded with long-term debt (requiring county-wide bond vote) if this expenditure is undertaken.
- D. Acquisition of land for the future landfill project is budgeted in the amount of \$650,000; this would require a county-wide bond vote to finance this purchase.
- E. Numerous minor upgrades at CSWD facilities to increase efficiency of operations, improve the level of service to facility users, or extend the useful life of CSWD's capital infrastructure will be completed.

CHITTENDEN SOLID WASTE DISTRICT Tons Landfilled - Fiscal Years 2003-2012



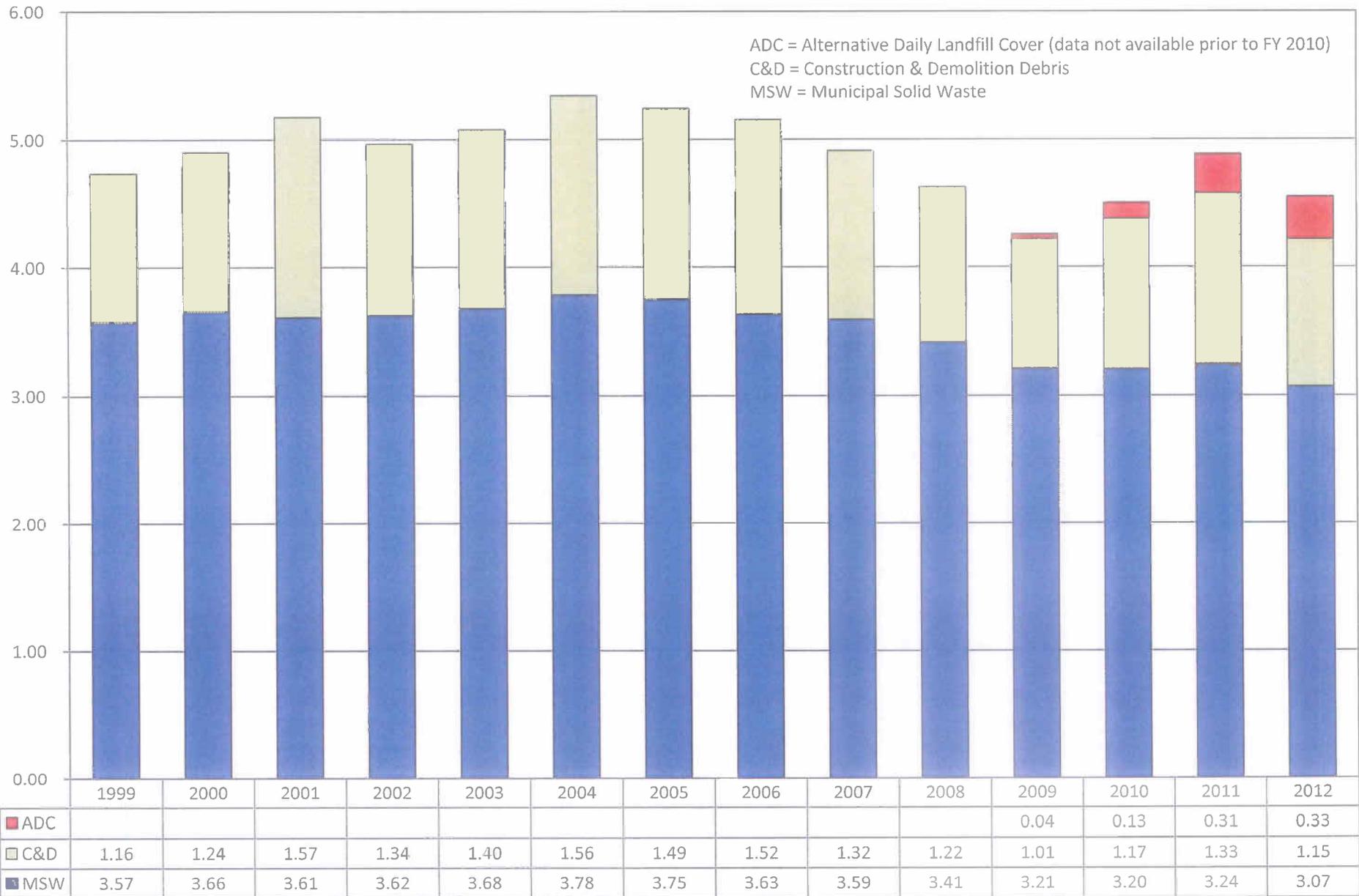
CHITTENDEN SOLID WASTE DISTRICT Tons Landfilled - Calendar Years 1999-2012



CHITTENDEN SOLID WASTE DISTRICT

Pounds per Capita per Day Landfilled Calendar Years 1999-2012

ADC = Alternative Daily Landfill Cover (data not available prior to FY 2010)
 C&D = Construction & Demolition Debris
 MSW = Municipal Solid Waste



CHITTENDEN SOLID WASTE DISTRICT

Mission & Goals

Mission:

Assuring the efficient, effective, economical and environmentally sound management of solid waste generated within its member municipalities.

Goal #1:

To operate as the authority responsible for oversight and control of solid waste.

Goal #2:

To base a solid waste management system on the following hierarchical priorities:

1. reduction of toxicity and volume of the waste stream
2. reuse
3. recycling and composting
4. disposal

Goal #3:

To ensure that the cost of the solid waste system will be paid for by the users of the solid waste system.

Goal #4:

To educate the public about the District's solid waste management goals and the means for achieving them throughout all sectors of the public.

Goal #5:

To encourage a solid waste management system which consists of an appropriate combination of public, private, and public/private programs which best serves the members of the District and promotes the public good.

Goal #6:

To promote a flexible and dynamic solid waste management process capable of responding to technological advancement and changes in local conditions.

CSWD BOARD OF COMMISSIONERS

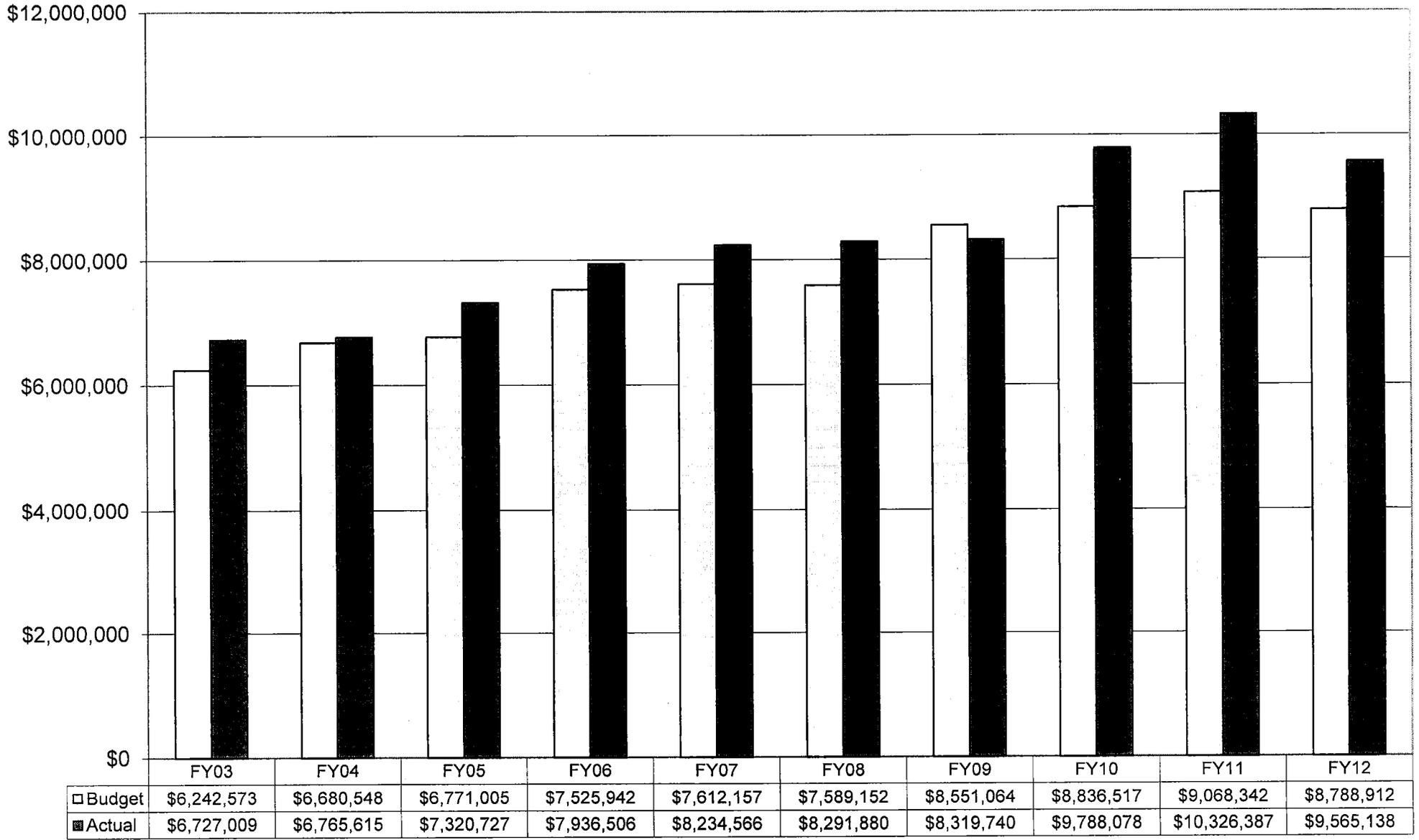
TOWN	NAME	ADDRESS	HOME #	WORK#	E-MAIL
Bolton - Rep.	Deb Armstrong	2680 Roosevelt Highway, Waterbury VT 05676	434-2826	223-2374	debracecar@qmavt.net
Bolton - Alt.	Vacant				
Burlington - Rep.	Steve Goodkind	Burl Public Works, 645 Pine St., Suite A, Burl. 05401	862-2731	863-9094	sgoodkind@ci.burlington.vt.us
Burlington - Alt.	Vacant				
Charlotte - Rep.	Abby Foulk	957 Orchard Rd, Charlotte VT 05445	425-3078	999-8501	afoulk@qmavt.com
Charlotte - Alt.	Michael Kurt	PO Box 171, Charlotte VT 05445			kmichaelkurt@hotmail.com
Colchester - Rep.	Dirk Reith	97 Fox Run Rd, Colchester VT 05446	879-6547	527-1296	dreith@aol.com
Colchester - Alt.	Nadine Scibek	248 Crossfield Drive, Colchester VT 05446	860-6225		nadinescibek@myfairpoint.net
Essex - Rep.	Alan Nye	25 Stannard Drive, Essex Jct. VT 05452	879-7442	872-4165	alan.nye@dhs.gov
Essex - Alt.	Max Levy	8 Bashaw Drive, Essex Jct. VT 05452	878-5267	769-9575	maxglevynessex@aol.com
Essex Jct. - Rep	John Laiza	14 South Hill Drive, Essex Jct. VT 05452	316-4327	878-2678	vze39ncx@myfairpoint.net
Essex Jct. - Alt.	George Tyler	8 Acorn Circle, Essex Jct., VT 05452	878-7785	310-8215	ga55tyler@msn.com
Hinesburg - Rep.	Lynn Gardner	PO Box 150, Hinesburg VT 05461	482-2579	482-2325	cliffordlumber@qmavt.net
Hinesburg - Alt.	Doug Taff	210 Heron Pond Road, Hinesburg, VT 05461	482-3066		rozisdad@qmavt.net
Huntington - Rep.	Jim Christiansen	1925 Sherman Hollow Rd., Huntington VT 05462	434-6344		iccc@madriver.com
Huntington - Alt.	Roman Livak	8420 Main Rd, Huntington VT 05462	434-2663		romanlivak@qmavt.net
Jericho - Rep.	Albert Lindholm	PO Box 1054, 33 Bolger Hill Rd. Jericho VT 05465	899-3879		bertlindhm@aol.com
Jericho - Alt.	Leslie Nulty	PO Box 1121, Jericho Ctr. VT 05465	899-4582		lenulty84@gmail.com
Milton - Rep.	Roger Hunt	481 Middle Road, Milton VT 05468	893-9862	893-6030	rhunt@town.milton.vt.us
Milton - Alt.	Vacant				
Richmond - Rep.	Adam Sherman	158 Church Street, Richmond VT 05477	595-3538	223-7770x128	adamshermanvt@yahoo.com
Richmond - Alt.	Vacant				
St. George - Rep.	Carol Blakely	491 Forest Road, St. George VT 05495	482-3615		cbla@qmavt.net
St. George - Alt.	Vacant				
Shelburne - Rep.	Timothy Loucks	1141 Falls Road, Shelburne VT 05482	985-2236	825-8872	tploucks@gmail.com
Shelburne - Alt.	Paul Bohne, III	Town of Shelburne, PO Box 88 Shelburne VT 05482		985-5110	pbohne@shelburnevt.org
So. Burlington - Rep.	Paul Stabler	75 Butler Dr., So. Burlington VT 05403	862-9283	769-6974	stabler@us.ibm.com
So. Burlington - Alt.	Mark Boucher	20 Knoll Circle, South Burlington VT 05403	863-2588	363-0768	markboucher@comcast.net
Underhill - Rep.	Dan Steinbauer	P.O. Box 51, Underhill Ctr. VT 05490	899-3525		dsteinbauer@comcast.net
Underhill - Alt.	Mike Weisel	P.O. Box 71, Underhill Ctr. VT 05490	899-3343	324-1441	mweisel5@gmail.com
Westford - Rep.	Michelle DaVia	71 North Road, Westford VT 05494	893-3879	922-2537	mdavia1@hotmail.com
Westford - Alt.	Vacant				
Williston - Rep.	Craig Abrahams	855 Ledgewood Drive, Williston VT 05495	578-3677		cabrahams@comcast.net
Williston - Alt.	Tracey Tsugawa	225 Chamberlain Lane, Williston VT 05495	872-0494	828-2493	nozomi_vt@comcast.net
Winooski - Rep.	James Ticehurst	11 Cedar St., Winooski VT 05404	655-3718		jticehurst@myfairpoint.net
Winooski - Alt.	Vacant				

CHITTENDEN SOLID WASTE DISTRICT

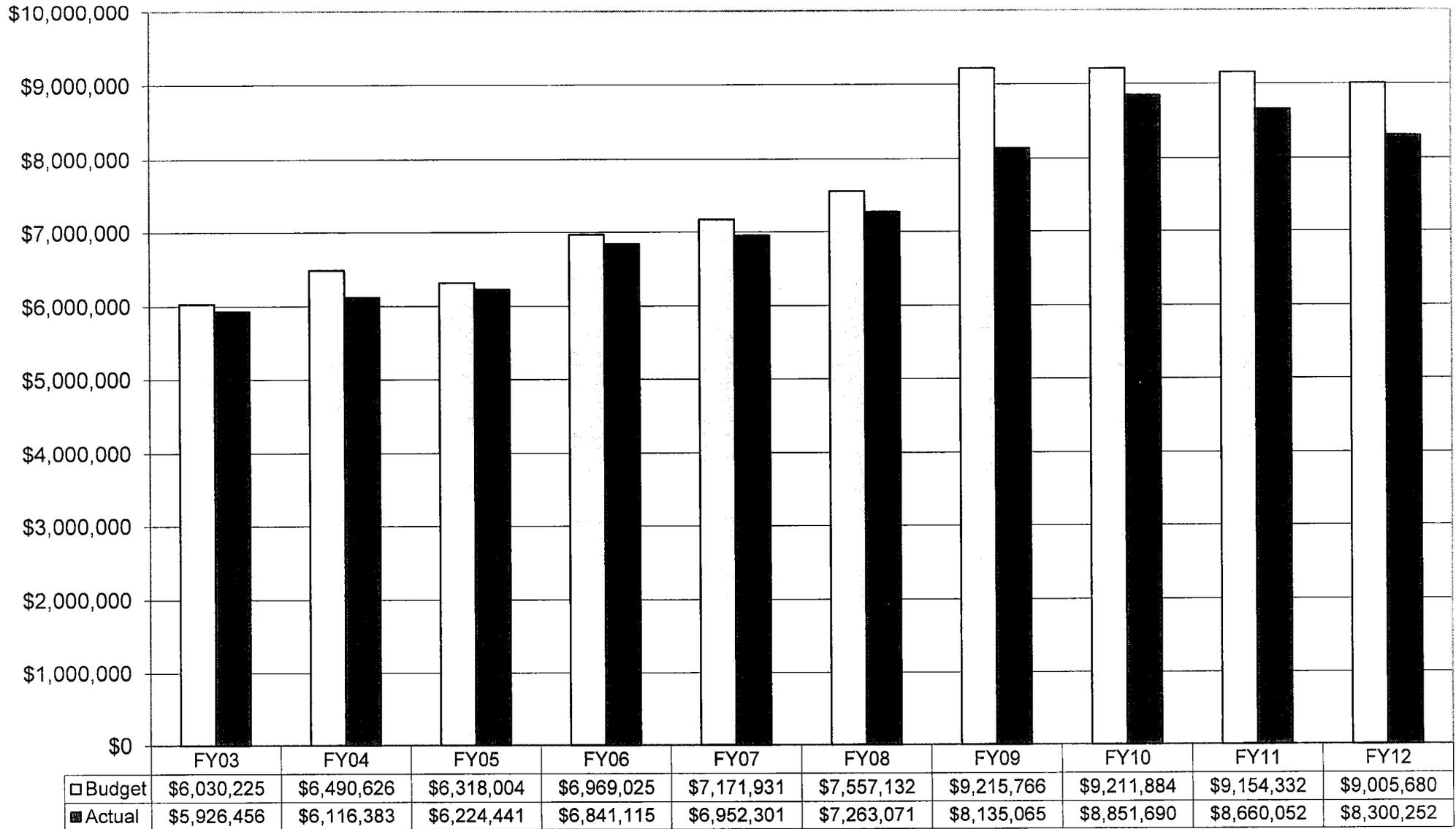
FY 2014 BUDGET TIMELINE

DATE	ACTION BY WHOM	ACTION TAKEN
November 14, 2012	Board of Commissioners	Passed Preliminary Budget & Approve Dissemination
January 23, 2013	Board of Commissioners	Preliminary Budget Hearing Held
Feb- May 2013	Finance Committee & CSWD Staff	Revise Preliminary Budget
May 22, 2013	Board of Commissioners	Budget Approved For Adoption
May 23, 2013	CSWD Staff	Notify Members of Budget Approval & Establish Presentation Schedule
Thru June25, 2013	CSWD Staff	Budget Presentations to Member Municipalities
Thru June 25, 2013	Community Governments	Budget Adoption
June 26, 2013	Board of Commissioners	Approve Budget Implementation
July 1, 2013	CSWD Staff	Implement Budget

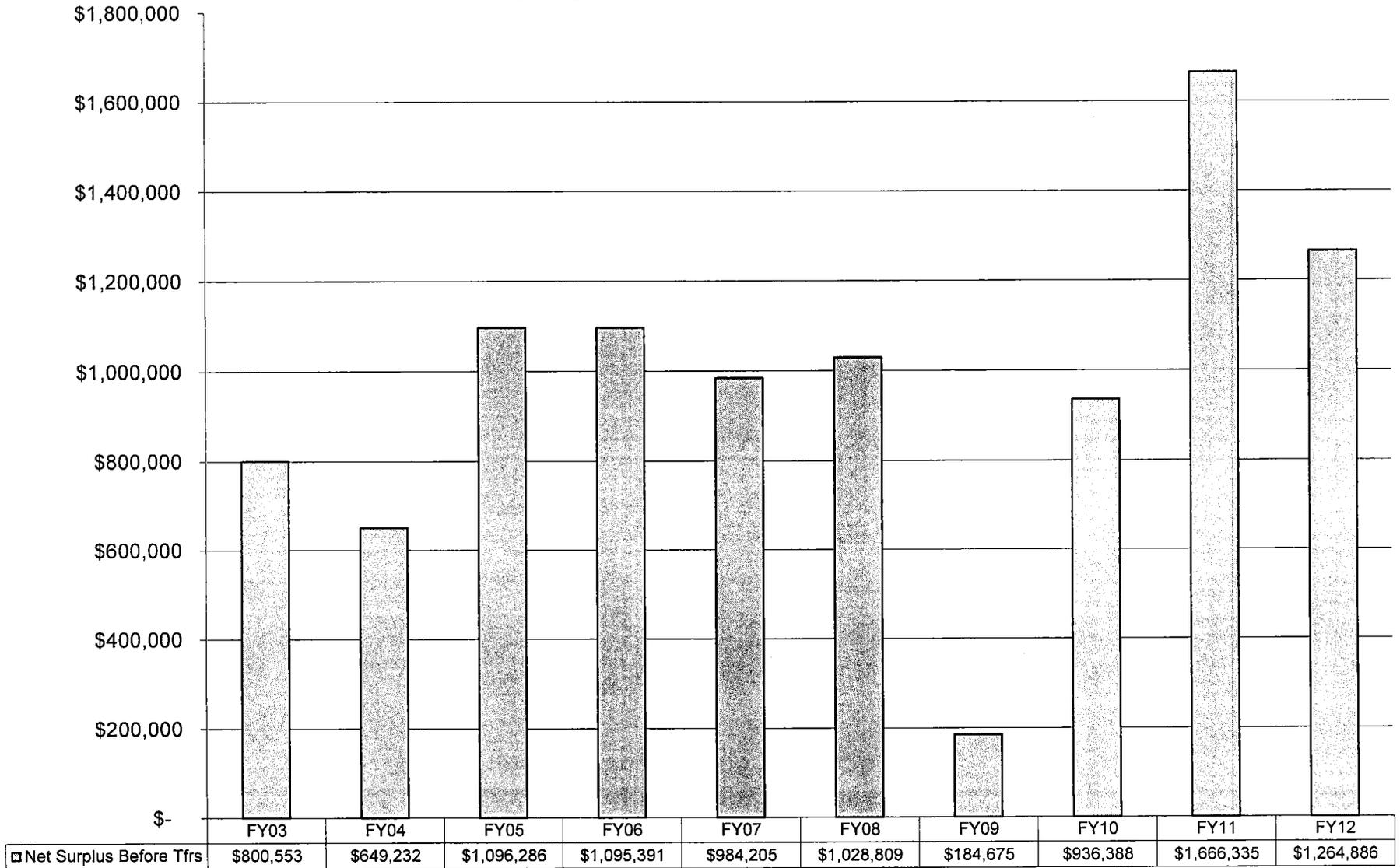
CHITTENDEN SOLID WASTE DISTRICT
Budgeted Revenues versus Actual Revenues
FY03 to FY12 - General Fund



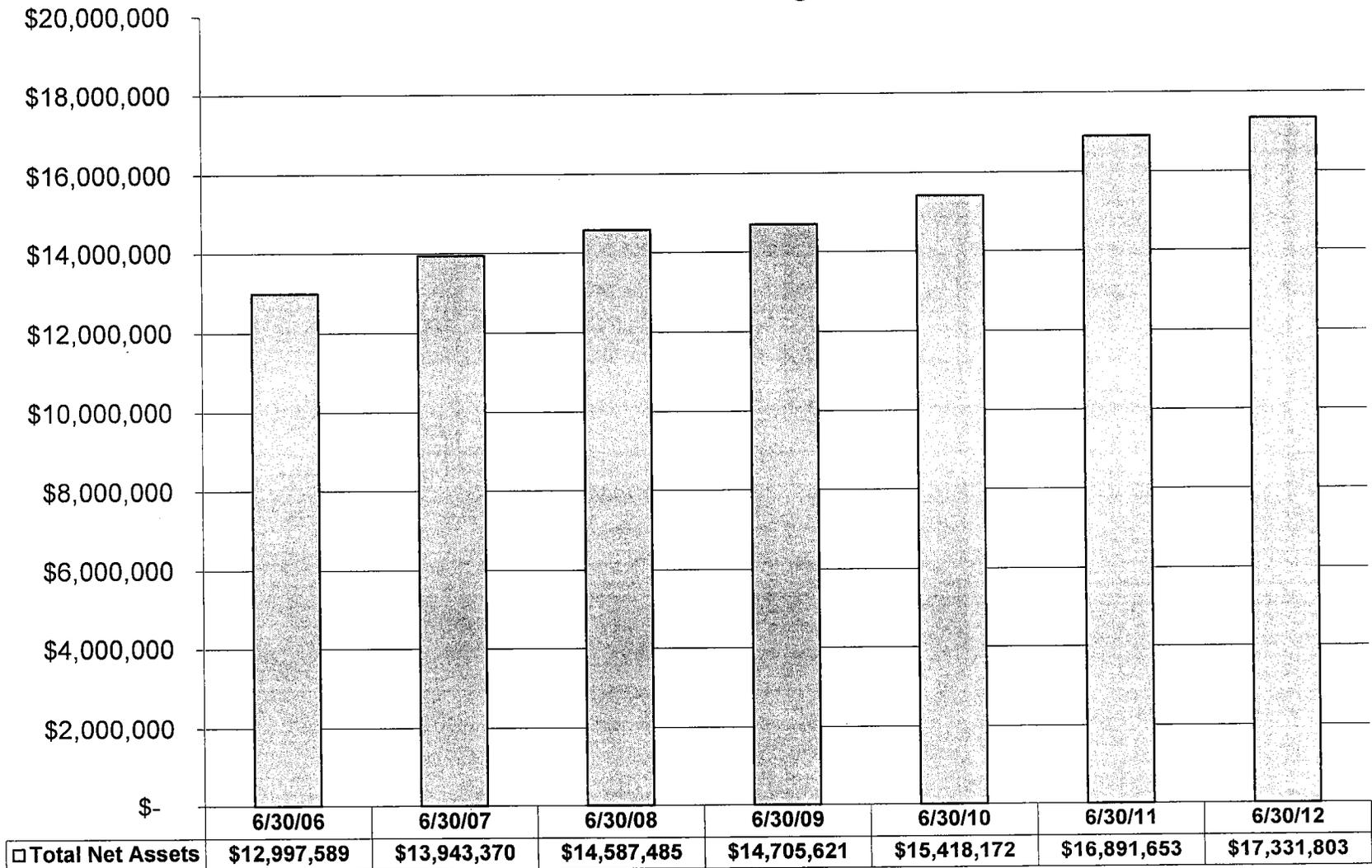
CHITTENDEN SOLID WASTE DISTRICT
Budgeted Expenses versus Actual Expenses
FY03 to FY12 - General Fund



**CHITTENDEN SOLID WASTE DISTRICT
Actual Net Revenues Over Expenses
Before Transfers To/From Reserves
FY03 to FY12 - General Fund**



CHITTENDEN SOLID WASTE DISTRICT
Total Net Assets
Based on Audited Balance Sheets
as of June 30 - Years 2006 Through 2012



CHITTENDEN SOLID WASTE DISTRICT
SUMMARY OF ALL FUNDS
FY 2014 PROPOSED BUDGET

	[A]	[B]	[C]	[D]	[E]	[F]	[G]	[H]	[I]	
SUMMARY ACCOUNT LINE	FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 ADOPTED BUDGET	FY 2014 PROPOSED BUDGET				FY2014 VS FY2013		
				TOTAL PROPOSED BUDGET	GENERAL OPERATING PROGRAMS	CAPITAL PROJECTS FUNDS	OTHER DESIGNATED FUNDS	PERCENT CHANGE	DOLLAR CHANGE	
EXPENDITURES										
1 Salaries & Wages	\$ 1,858,199	\$ 1,936,152	\$ 2,278,140	\$ 2,170,503	\$ 2,170,503	\$ -	\$ -	-5%	\$ (107,637)	1
2 Personnel Benefits	702,253	695,839	866,264	835,323	835,323	-	-	-4%	(30,941)	2
3 Education & Training	56,975	57,268	93,429	94,599	94,599	-	-	1%	1,170	3
4 Professional Services	475,640	371,850	596,002	579,725	579,725	-	-	-3%	(16,277)	4
5 Other Services	4,211,046	3,913,437	4,061,978	4,167,963	4,167,963	-	-	3%	105,985	5
6 Insurance	74,600	73,106	80,901	86,727	86,727	-	-	7%	5,826	6
7 Printing & Advertising	123,474	162,541	206,180	157,075	157,075	-	-	-24%	(49,105)	7
8 Utilities	83,355	77,657	99,773	96,376	96,376	-	-	-3%	(3,397)	8
9 Computer Equipment, Systems	40,217	36,066	59,968	48,003	48,003	-	-	-20%	(11,965)	9
10 Office Supplies/Equipment	19,134	36,343	29,068	42,517	42,517	-	-	46%	13,449	10
11 General Supplies	294,007	398,535	383,715	310,679	310,679	-	-	-19%	(73,036)	11
12 Interdepartmental	-	-	-	-	-	-	-	0%	-	12
13 Other Charges	314,036	178,382	224,643	150,464	150,464	-	-	-33%	(74,179)	13
14 Debt Service	407,116	363,075	-	-	-	-	-	0%	-	14
15 Programs	-	-	-	-	-	-	-	0%	-	15
16 SUBTOTAL - OPERATING EXPENDITURES	8,660,052	8,300,251	8,980,061	8,739,954	8,739,954	-	-	-3%	(240,107)	16
17										17
18 Capital and Other Expenditures	1,983,867	1,393,960	3,157,366	4,892,250	-	4,877,250	15,000	55%	1,734,884	18
19										19
20 TOTAL EXPENDITURES	10,643,919	9,694,211	12,137,427	13,632,204	8,739,954	4,877,250	15,000	12%	1,494,777	20
21										21
22 TOTAL REVENUES	10,377,712	10,243,854	9,439,424	11,589,990	9,183,678	2,402,022	4,290	23%	2,150,566	22
23										23
24 NET OF REVENUES OVER (UNDER) EXPENDITURES	(266,207)	549,643	(2,698,003)	(2,042,214)	443,724	(2,475,228)	(10,710)	-24%	655,789	24
25										25
26 Transfers Out To Other Funds	(1,811,513)	(1,729,906)	(576,785)	(796,550)	(562,879)	(151,610)	(82,061)	38%	(219,765)	26
27 Transfers In From Other Funds	1,811,513	1,729,906	576,785	796,550	233,671	411,595	151,284	38%	219,765	27
28 Transfer from Restricted Debt Service Reserve	-	363,075	-	-	-	-	-	0%	-	28
29										29
30 Draws From (Increases Into) Residual Fund Equity	266,207	(912,718)	2,698,003	2,042,214	(114,516)	2,215,243	(58,513)	-24%	(655,789)	30
31										31
32 NET AMOUNT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	32

PROPOSED BUDGET

CHITTENDEN SOLID WASTE DISTRICT
FY 2014 PROPOSED BUDGET
Actual and Projected Unrestricted Fund Equity

	6/30/11	6/30/12	6/30/13	6/30/14
	ACTUAL	ACTUAL	PROJECTION	PROJECTED
	PER AUDIT	PER AUDIT	as of 4/1/13	BALANCES
Designated for Capital Improvements:				
<i>Facilities Improvement Reserves</i>				
MRF	\$ 3,877,493	\$ 2,239,249	\$ 2,353,388	\$ 662,578
Special Waste	422,637	306,052	295,769	242,656
DOC	637,702	877,622	594,588	413,472
Unregulated Hazardous Waste	261,829	298,075	236,859	181,570
Biosolids Program	231,734	233,473	234,401	155,404
Compost Program	(1,787,196)	-	-	3,815
Property Management & Admin	375,278	356,752	292,445	132,712
Total Funds Designated For Capital	\$ 4,019,477	\$ 4,311,223	\$ 4,007,451	\$ 1,792,208
Other Designated Funds:				
Post Closure Reserves (In Excess of 30-yr Obligation) *	\$ 13,230	\$ (177,322) *	\$ (115,871) *	\$ 12,068
Facilities Closure Reserves	274,410	476,348	480,719	482,159
Community Cleanup Fund	41,989	56,326	65,306	51,806
Managers' Deferred Compensation Reserve	52,700	19,133	7,683	7,683
Rate Stabilization Reserve	-	-	-	99,784
Total Funds Designated For Other Purposes	382,329	374,485	437,837	653,500
Total - All Designated Funds	\$ 4,401,806	\$ 4,685,708	\$ 4,445,288	\$ 2,445,708
Undesignated Fund Equity, end of fiscal year				
Undesignated Fund Equity *	1,111,274	1,089,063 *	1,089,063 *	1,203,579
Total Unrestricted Fund Equity - Designated & Undesignated	\$ 5,513,080	\$ 5,774,771	\$ 5,534,351	\$ 3,649,287

* Note: for the GAAP-basis audited financial statements, the Undesignated Fund Equity is reported net of any deficit in designated Post-Closure Reserve.

CHITTENDEN SOLID WASTE DISTRICT
SUMMARY OF PROPOSED FY14 BUDGET
GENERAL OPERATING PROGRAMS

LINE ITEM A/C # ACCOUNT	FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 ADOPTED BUDGET	FY 2014 PROPOSED BUDGET	PROGRAM BUDGETS																PERCENT CHANGE	DOLLAR CHANGE		
					3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18			19	
					MSW	MRF	Waste Reduction	Special Waste	Drop-off Centers	Hazardous Waste	Safety QA	Biosolids	GM Compost	Special Projects	Future Projects	Property Managemt	Finance	Admin	Marketing	Enforcemt	PUD			
OPERATING EXPENSES																								
1	TOTAL 5100 - SALARIES & WAGES	\$ 1,858,199	\$ 1,936,152	\$ 2,278,140	\$ 2,170,503	\$ 10,738	\$ 85,150	\$ 172,510	\$ 88,695	\$ 689,604	\$ 251,754	\$ 16,552	\$ 8,964	\$ 206,577	\$ 54,837	2,988	\$ -	\$ 158,560	\$ 256,542	\$ 96,175	\$ 36,094	34,763	-5%	\$ (107,637)
2	TOTAL 5200 - PERSONNEL BENEFITS	702,253	695,839	866,264	835,323	3,559	22,033	60,907	36,570	329,176	84,484	4,228	3,612	99,578	13,807	1,204	0	47,347	79,276	21,882	4,120	23,537	-4%	(30,941)
3																								
4	5320 STAFF TRAINING	10,876	15,240	31,109	33,041	0	3,000	5,350	1,900	3,600	4,050	2,475	0	3,700	878	0	0	2,700	2,363	1,325	1,500	0	6%	1,932
5	5325 TEAM MOTIVATION	2,099	6,969	9,200	12,300	0	0	0	0	0	0	0	0	0	0	0	0	0	12,300	0	0	0	34%	3,100
6	5340 TRAVEL & MEALS	26,613	19,909	31,599	30,518	45	2,028	3,252	1,005	3,189	4,350	1,228	3,000	433	3,070	0	0	141	5,220	1,353	2,204	0	-3%	(1,081)
7	5360 SUBSCRIPTIONS	1,306	1,199	2,212	1,920	0	139	55	0	0	0	84	0	203	91	0	0	0	1,218	130	0	0	-13%	(292)
8	5365 MEMBERSHIP DUES	16,081	13,951	19,309	16,820	0	750	0	0	0	1,175	750	1,285	0	0	0	0	410	12,375	0	0	0	-13%	(2,489)
9	TOTAL 5300 - Education & Training	56,975	57,288	93,429	94,599	45	5,917	8,657	2,905	6,989	9,575	3,862	3,750	5,621	4,039	0	0	3,251	33,476	2,808	3,704	0	1%	1,170
10																								
11	5410 MEDICAL EXAMS	1,313	1,203	1,693	1,603	0	0	0	0	400	1,203	0	0	0	0	0	0	0	0	0	0	0	-5%	(90)
12	5425 LEGAL FEES	156,139	66,579	37,350	87,430	0	5,400	0	0	0	0	2,960	42,880	8,800	15,000	250	2,000	9,000	0	1,140	0	0	134%	50,080
16	5448 BANK FEES	6,372	5,524	5,655	4,155	0	0	0	0	0	0	0	4,000	0	0	0	0	155	0	0	0	0	-27%	(1,500)
17	5450 AUDIT FEES	12,100	12,700	16,800	15,000	0	0	0	0	0	0	0	0	0	0	0	0	15,000	0	0	0	0	-11%	(1,800)
18	5465 SCALE MAINTENANCE/CERTIFICATION	523	371	660	610	0	310	0	0	0	0	0	300	0	0	0	0	0	0	0	0	0	-8%	(50)
19	5492 OTHER TESTING	26,500	19,851	23,880	20,360	0	0	0	0	280	0	1,500	18,580	0	0	0	0	0	0	0	0	0	-15%	(3,520)
20	5495 GROUND WATER TESTING	35,335	31,669	39,259	32,742	24,400	0	0	0	0	0	0	8,342	0	0	0	0	0	0	0	0	0	-17%	(6,517)
21	5499 OTHER SERVICES	237,358	233,953	470,705	417,825	9,450	25,000	3,800	127,666	4,000	9,485	100,000	9,315	60,000	20,000	1,400	0	15,500	9,630	579	22,000	-11%	(52,880)	
22	TOTAL 5400 - Professional Services	475,640	371,850	596,002	579,725	33,850	30,710	3,800	127,666	4,400	10,968	0	104,460	83,417	68,800	35,000	1,650	17,155	24,500	9,630	1,719	22,000	-3%	(16,277)
23																								
24	5505 BUILDING/LAND LEASE	59,988	19,494	19,871	20,520	0	0	0	0	1,006	19,514	0	0	0	0	0	0	0	0	0	0	0	3%	649
25	5510 EQUIPMENT LEASES	136,047	143,677	151,520	157,721	0	0	90	34,000	42,604	0	0	13,355	66,988	0	0	0	0	684	0	0	0	4%	6,201
26	5515 EQUIPMENT SERVICE CONTRACTS	6,240	5,802	7,776	7,172	0	0	0	0	3,880	0	0	315	0	0	0	0	0	2,977	0	0	0	-8%	(604)
27	5525 FACILITIES MANAGEMENT	1,542,772	1,498,083	1,624,447	1,801,360	0	1,801,360	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11%	176,913
28	5545 HAZARDOUS WASTE DISPOSAL	107,971	130,776	126,945	152,376	0	0	0	5,825	0	146,551	0	0	0	0	0	0	0	0	0	0	0	20%	25,431
29	5546 LEACHATE TREATMENT	26,103	2,953	2,590	2,228	1,228	0	0	0	0	0	0	1,000	0	0	0	0	0	0	0	0	0	-14%	(362)
30	5547 LEACHATE TESTING	3,198	3,907	4,254	4,254	3,950	0	0	0	0	0	0	304	0	0	0	0	0	0	0	0	0	0%	0
31	5548 LEACHATE HAULING	46,952	11,479	15,160	14,620	10,240	0	0	0	0	0	0	4,380	0	0	0	0	0	0	0	0	0	-4%	(540)
32	5550 SOLID WASTE DISPOSAL	15,831	12,006	9,791	9,791	0	0	0	0	0	5,999	0	0	3,792	0	0	0	0	0	0	0	0	0%	0
34	5552 TIRES DISPOSAL	71,986	73,404	71,200	73,600	0	0	39,600	34,000	0	0	0	0	0	0	0	0	0	0	0	0	0	3%	2,400
37	5556 MSW DISPOSAL	570,379	583,730	593,945	583,551	0	0	0	583,301	0	0	0	0	0	0	0	0	0	250	0	0	0	-2%	(10,394)
38	5557 RECYCLING @ CSWD	11,599	(23,971)	(16,215)	20,521	0	0	0	20,521	0	0	0	0	0	0	0	0	0	0	0	0	0	-227%	36,736
39	5559 REFRIGERANT REMOVAL	20,688	23,440	22,848	26,720	0	0	0	26,720	0	0	0	0	0	0	0	0	0	0	0	0	0	17%	3,872
40	5560 ELECTRONICS MANAGEMENT	95,798	23,465	21,627	14,350	0	0	0	0	1,350	0	0	0	0	0	0	0	0	0	0	13,000	-34%	(7,277)	
41	5561 FOOD WASTE MANAGEMENT	11,709	13,748	15,652	17,105	0	0	0	0	17,105	0	0	0	0	0	0	0	0	0	0	0	0	9%	1,453
42	5562 FLUORESCENT LAMPS	31,181	37,851	25,770	19,228	0	0	0	0	0	19,228	0	0	0	0	0	0	0	0	0	0	0	-25%	(6,542)
45	5577 SLUDGE MANAGEMENT	1,166,368	1,125,837	1,115,105	984,050	0	0	0	0	0	0	984,050	0	0	0	0	0	0	0	0	0	0	-12%	(131,055)
46	5580 TRUCKING SERVICES	103,107	41,961	54,988	49,080	0	0	0	0	0	0	2,925	46,155	0	0	0	0	0	0	0	0	0	-11%	(5,908)
47	5584 SNOW PLOWING	23,780	23,700	26,900	27,700	0	0	0	23,000	3,950	0	0	0	0	0	750	0	0	0	0	0	0	3%	800
48	5587 BUILDING & GROUNDS MAINTENANCE	33,991	42,893	43,564	43,626	1,000	0	0	0	10,900	2,100	0	7,700	0	0	11,500	0	10,426	0	0	0	0	0%	62
49	5592 EQUIPMENT MAINTENANCE	118,205	112,569	114,900	124,100	0	7,500	0	12,100	23,250	4,800	30,000	46,450	0	0	0	0	0	0	0	0	0	8%	9,200
50	5594 TIRE REPAIR/REPLACEMENT	6,626	6,633	9,340	14,290	0	0	0	3,500	10,790	0	0	0	0	0	0	0	0	0	0	0	0	53%	4,950
52	TOTAL 5500 - Other Services	4,211,046	3,913,437	4,061,978	4,167,963	16,418	1,808,860	90	95,025	797,077	203,492	0	1,030,330	177,084	0	0	12,250	0	14,337	0	0	13,000	3%	105,985
53																								
54	5620 COMMERCIAL INSURANCE	70,473	70,599	78,401	84,227	1,778	18,845	0	4,007	16,397	15,009	0	11,872	0	0	5,700	2,400	8,220	0	0	0	0	7%	5,826
56	5685 INSURANCE RESERVES	4,127	2,507	2,500	2,500	0	0	0	0	0	0	0	0	0	0	0	0	2,500	0	0	0	0	0%	0
57	TOTAL 5600 - Insurance	74,600	73,106	80,901	86,727	1,778	18,845	0	4,007	16,397	15,009	0	11,872	0	0	5,700	2,400	10,720	0	0	0	0	7%	5,826
58																								
59	5710 LEGAL NOTICES/CLASSIFIED ADS	1,383	2,243	4,350	3,850	0	0	0	700	0	0	0	0	0	0	0	0	3,000	150	0	0	0	-11%	(500)
60	5720 PRINTING	12,296	27,389	40,140	50,600	0	0	200	0	2,400	0	0	5,300	0	0	0	0	0	42,250	450	0	0	26%	10,460
61	5750 WORKSHOPS & PRESENTATIONS	3,152	559	615	355	0	0	355	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-42%	(260)
62	5755 PROMOTION & EDUCATION	106,643	132,350	161,075	102,270	0	1,525	875	0	2,800	9,000	0	7,000	0	0	0	0							

CHITTENDEN SOLID WASTE DISTRICT
SUMMARY OF PROPOSED FY14 BUDGET
GENERAL OPERATING PROGRAMS

LINE ITEM A/C # ACCOUNT	FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 ADOPTED BUDGET	FY 2014 PROPOSED BUDGET	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	PERCENT CHANGE	DOLLAR CHANGE	
					PROGRAM BUDGETS																			
					MSW	MRF	Waste Reduction	Special Waste	Drop-off Centers	Hazardous Waste	Safety QA	Biosolids	GM Compost	Special Projects	Future Projects	Property Management	Finance	Admin	Marketing	Enforcemnt	PUD			
96																								
97	6210 ADMIN ALLOCATION	0	0	0	0	4,688	34,713	40,167	24,506	55,025	28,204	0	11,035	26,782	18,964	13,711	18,831	40,572	(355,651)	21,787	16,666	0	0%	0
98	6215 FINANCE ALLOCATION	0	0	0	0	3,915	11,745	4,894	8,810	93,966	27,799	0	3,524	25,451	1,958	979	3,915	(195,766)	0	6,852	1,958	0	0%	0
99	6225 SAFETY - QA/QC ALLOCATION	0	0	0	0	940	495	401	0	12,645	7,788	(24,743)	0	1,472	0	0	0	0	1,002	0	0	0	0%	0
101	6250 DOC - ADMIN ALLOCATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0
102	6255 MAINTENANCE CHARGES	0	0	0	0	7,200	1,200	2,580	22,860	(69,240)	10,740	0	0	18,000	0	0	0	0	0	0	0	0	0%	0
103	6259 ROLL-OFF TRUCK CHARGES	0	0	0	0	0	160	0	27,200	(58,960)	5,840	0	0	35,440	80	0	0	0	2,940	180	0	0	0%	0
105	TOTAL 6200 - Interdepartmental	0	0	0	0	16,743	48,313	48,042	83,376	23,436	80,371	(24,743)	14,559	107,145	21,002	14,690	26,286	(155,194)	(351,709)	29,059	18,624	0	n/a	0
106																								
108	6306 GENERAL MGR'S DISCRETION	2,013	2,848	5,000	3,500	0	0	0	0	0	0	0	0	0	0	0	0	0	3,500	0	0	0	-30%	(1,500)
109	6319 R & D PILOT PROJECTS	35,350	70	80	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-100%	(80)
111	6321 GREENUP DAY	8,926	9,610	9,500	9,650	0	0	0	0	0	0	0	0	0	9,650	0	0	0	0	0	0	0	2%	150
112	6322 TIRE & APPLIANCE ROUNDUP	40,871	38,159	39,510	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0
114	6324 INCENTIVE GRANTS	146,412	41,032	56,500	25,000	0	20,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-100%	(39,510)
115	6325 PAYMENT FOR MUNICIPAL SERVICES	29,773	35,156	35,838	37,054	0	23,996	0	0	0	0	0	0	4,840	0	0	0	0	0	0	0	0	0%	0
116	6326 PROPERTY TAXES	22,318	18,913	16,162	13,442	0	0	0	0	0	0	0	0	0	0	0	0	0	8,218	0	0	0	3%	1,216
118	6329 STATE HW TAXES	503	523	565	565	0	0	0	0	0	0	0	0	0	0	0	0	0	13,442	0	0	0	-17%	(2,720)
119	6335 BOARD MEETINGS	7,963	9,041	11,108	12,273	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0
121	6350 IMPACT FEES	18,058	17,167	19,161	19,219	0	19,219	0	0	0	0	0	0	0	0	0	0	0	0	12,273	0	0	10%	1,165
122	6358 HOST TOWN FEES	552	4,664	5,719	4,561	0	0	0	0	1,900	0	0	0	2,661	0	0	0	0	0	0	0	0	0%	58
123	6391 BAD DEBT EXPENSE	243	3	500	200	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-20%	(1,158)
124	6398 RESERVE FOR CONTINGENCIES (PUD ONLY)	0	0	25,000	25,000	0	0	0	0	0	0	0	0	0	0	0	0	0	200	0	0	0	-60%	(300)
125	TOTAL 6300 - Other Charges	314,036	178,382	224,643	150,464	0	63,215	0	0	1,900	565	0	7,501	14,650	0	21,661	200	15,773	0	0	25,000	0	0%	0
126																								
127	6420 G.O. BOND PRINCIPAL	380,000	350,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	n/a	0
128	6425 G.O. BOND INTEREST	27,116	13,075	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	n/a	0
129	TOTAL 6400 - Debt Service	407,116	363,075	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	n/a	0
134																								
135	TOTAL OPERATING EXPENSES	8,660,052	8,300,251	8,980,061	8,739,954	84,461	2,132,129	321,175	452,894	1,989,100	695,723	0	1,165,675	865,228	177,295	53,882	68,147	85,439	152,472	301,424	65,465	129,448	-3%	(240,107)
136																								
137	OPERATING REVENUES																							
138																								
139	FROM OPERATIONS																							
143	4301 LICENSE FEES	8,820	8,740	9,380	10,505	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10,505	0	12%	1,125
146	4402 EQUIPMENT RENT/LEASE	3,083	4,802	5,400	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-100%	(5,400)
147	4405 RENTAL INCOME	92,495	89,423	76,288	53,937	2,400	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-29%	(22,351)
149	4416 SOLID WASTE MANAGEMENT FEES	2,991,209	2,908,979	2,647,200	2,972,076	0	0	0	0	0	0	0	0	0	0	51,537	0	0	0	0	0	0	0%	0
150	4420 TIPPING FEES	3,206,328	2,954,454	2,947,236	3,489,594	0	469,500	0	19,250	1,779,174	1,350	1,085,975	134,345	0	0	0	0	2,972,076	0	0	0	0	12%	324,876
151	4423 TIPPING FEE REBATES	0	(188,025)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18%	542,358
152	4430 CHGS FOR SVC--PESTICIDE DISP ST CONTR	15,394	15,565	18,000	18,000	0	0	0	0	0	18,000	0	0	0	0	0	0	0	0	0	0	0	n/a	0
153	4460 ELECTRONICS MANAGEMENT FEE	0	39,536	36,483	42,778	0	0	0	0	42,778	0	0	0	0	0	0	0	0	0	0	0	0	0%	0
154	4480 DELIVERY FEE REVENUE	66,262	43,994	69,704	61,659	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17%	6,295
155	4520 SALES OF MATERIALS	3,517,389	3,349,538	2,626,024	2,237,922	0	1,911,109	0	51,850	3,590	19,856	0	251,518	0	0	0	0	0	0	0	0	0	-12%	(8,045)
156	4521 DISCOUNTS ON SALE OF MATERIALS	(5,583)	(7,443)	(5,040)	(1,663)	0	0	0	0	0	(1,663)	0	0	0	0	0	0	0	0	0	0	0	-15%	(388,102)
158	4524 DEPOSIT BOTTLES/CANS	6,096	8,124	6,626	6,626	0	0	0	0	6,626	0	0	0	0	0	0	0	0	0	0	0	0	-67%	3,377
159	4530 TIRES	46,199	65,090	61,652	68,652	0	0	0	68,652	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0
160	4531 FLUORESCENT LAMPS	9,769	14,798	18,800	19,228	0	0	0	0	0	19,228	0	0	0	0	0	0	0	0	0	0	0	11%	7,000
161	4540 INTEREST	7,513	4,859	2,400	1,540	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2%	428
165	4560 CEG	27,894	43,794	36,345	34,565	0	0	0	0	0	34,565	0	0	0	0	0	0	1,540	0	0	0	0	-36%	(860)
166	4565 SCRAP METAL	94,580	131,759	101,592	90,810	0	0	0	0	88,200	2,610	0	0	0	0	0	0	0	0	0	0	0	-5%	(1,780)
167	4572 MISCELLANEOUS	10,958	8,339	50	4,849	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-11%	(10,782)
168	4598 CASH OVER/UNDER	343	707	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50	4,800	0	0	0	9598%	4,799
169	4605 EQUIPMENT SALES	500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	n/a	0
170	4710 FEDERAL & STATE GRANTS	226,938	69,601	70,000	72,400	0	0	0	0	72,400	0	0	0	0	0	0	0	0	0	0	0	0	n/a	0
171	4711 DONATIONS	200	500	200	200	0	0	200	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3%	2,400
172	TOTAL OPERATING REVENUES	10,326,387	9,565,134	8,728,340	9,183,678	2,400	2,380,609	200	139,752	1,920,368	166,346	0	1,085,975	447,522	0									

CHITTENDEN SOLID WASTE DISTRICT
ADOPTED FY13 AND PROPOSED FY14 BUDGET - BY PROGRAM
GENERAL FUND OPERATING PROGRAMS

PROGRAM	BUDGETED REVENUES			BUDGETED EXPENDITURES			TRANSFERS FROM (TO) RESERVES		NET PROGRAM AMOUNT SWMF SUBSIDY *		
	1	2	3	4	5	6	7	8	9	10	
	FY13 ADOPTED	FY14 PROPOSED	\$ CHANGE	FY13 ADOPTED	FY14 PROPOSED	\$ CHANGE	FY13 ADOPTED	FY14 PROPOSED	FY13 ADOPTED	FY14 PROPOSED	
1 MSW	\$ 4,800	\$ 2,400	\$ (2,400)	\$ 87,023	\$ 84,461	\$ (2,562)	\$ 82,223	\$ 82,061	\$ -	\$ -	1
2 MRF	2,005,323	2,380,609	375,286	1,861,051	2,132,129	271,078	(144,272)	(248,480)	-	-	2
3 WASTE REDUCTION	200	200	-	321,249	321,175	(74)	-	-	321,049	320,975	3
4 SPECIAL WASTE	95,505	139,752	44,247	380,514	452,894	72,380	-	-	285,009	313,142	4
5 DOC	1,777,906	1,920,368	142,462	1,934,863	1,989,100	54,237	(75,007)	(184,784)	231,964	253,516	5
6 HAZARDOUS WASTE	184,957	166,346	(18,611)	725,018	695,723	(29,295)	-	-	540,061	529,376	6
7 SAFETY/QA PROGRAM	-	-	-	-	-	-	-	-	-	-	7
8 BIOSOLIDS	1,208,098	1,085,975	(122,123)	1,308,098	1,165,675	(142,423)	100,000	79,700	-	-	8
9 GREEN MTN COMPOST (GMC)	721,034	447,522	(273,512)	988,941	865,228	(123,713)	(53,598)	(57,815)	321,505	475,521	9
10 SPECIAL PROJECTS	-	-	-	278,482	177,295	(101,187)	27,500	(1,500)	250,982	178,795	10
11 FUTURE PROJECTS	-	-	-	101,917	53,882	(48,035)	80,000	35,000	21,917	18,882	11
12 PROPERTY MANAGEMENT	86,307	51,537	(34,770)	80,122	68,147	(11,975)	(6,185)	16,610	-	-	12
13 FINANCE	2,400	1,540	(860)	90,767	85,439	(5,328)	-	(189,516)	88,367	273,415	13
14 ADMINISTRATION	50	50	-	141,858	152,472	10,614	-	-	141,808	152,422	14
15 MARKETING	-	4,800	4,800	282,074	301,424	19,350	-	-	282,074	296,624	15
16 ENFORCEMENT	9,380	10,505	1,125	60,483	65,465	4,982	-	-	51,103	54,960	16
17 PUD	(14,820)	-	14,820	337,601	129,448	(208,153)	241,060	25,000	111,361	104,448	17
18 SOLID WASTE MGMT FEE REV	2,647,200	2,972,076	324,876	-	-	-	-	-	(2,647,200)	(2,972,076)	18
TOTALS	\$ 8,728,340	\$ 9,183,678	\$ 455,338	\$ 8,980,061	\$ 8,739,954	\$ (240,107)	\$ 251,721	\$ (443,724)	\$ -	\$ -	

Note: Individual totals may vary due to rounding.

* The Net Program Amount / Solid Waste Management Fee Subsidy amounts shown in columns 9 & 10 represent the net amount needed to balance the budget for each individual program. This is calculated as follows:

BUDGETED REVENUES (COL. 1 & 2) LESS BUDGETED EXPENDITURES (COL. 4 & 5) PLUS TRANSFERS FROM (TO) RESERVES (COL. 7 & 8).

**CHITTENDEN SOLID WASTE DISTRICT
CAPITAL PROJECTS
FY 2014 PROPOSED BUDGET**

LINE ITEM #	ACCOUNT	FY14 TOTAL REQUEST	MRF	SPECIAL WASTE		DROP-OFF CENTERS										UHW DEPOT	Biosolids Mgmt	Compost	PROPERTY MGMT	ADMIN.	FUTURE PROJECTS
				Special Wst Facility	Wood Depot	General	Maint.	Roll-Off Truck	Williston DOC	Essex DOC	So. Burl. DOC	Milton DOC	Richmond DOC	Hinesburg DOC	Burlington DOC						
7005	DESIGN AND PERMITTING	\$50,000	\$50,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
7015	LAND ACQUISITION	2,150,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,500,000	0	650,000
7020	SITWORK	162,000	0	29,000	0	0	0	0	38,000	0	30,000	0	0	15,000	0	8,000	0	2,000	0	0	40,000
7035	BUILDING	395,500	180,000	0	0	0	10,000	0	3,500	28,750	20,750	62,000	3,500	0	0	18,000	0	0	69,000	0	0
7045	EQUIPMENT	2,048,400	1,660,000	260,000	0	3,000	8,400	0	0	0	0	0	0	18,000	22,000	25,000	0	52,000	0	0	0
7055	ROLLING STOCK	46,350	46,350	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7065	MISCELLANEOUS	25,000	10,000	5,000	0	5,000	0	0	0	0	0	0	0	0	5,000	0	0	0	0	0	0
TOTAL CAPITAL EXPENDITURES		\$4,877,250	\$1,946,350	\$294,000	\$0	\$8,000	\$18,400	\$0	\$41,500	\$28,750	\$50,750	\$62,000	\$3,500	\$33,000	\$22,000	\$56,000	\$0	\$54,000	\$1,569,000	\$0	\$690,000
REVENUES																					
4540	INTEREST INCOME	12,022	7,060	887	0	1,784	0	0	0	0	0	0	0	0	0	711	703	0	877	0	0
4605	SALES & TRADEINS OF USED EQPT	40,000	0	40,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4990	PROCEEDS OF LONG-TERM DEBT OBLIG	2,150,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,500,000	0	650,000
4991	PROCEEDS OF CAPITAL LEASE OBLIGATIONS	200,000	0	200,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL REVENUES & FINANCING SOURCES		\$2,402,022	\$7,060	\$240,887	\$0	\$1,784	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$711	\$703	\$0	\$1,500,877	\$0	\$650,000
NET REVENUES OVER (UNDER) EXPENDITURES		(\$2,475,228)	(\$1,939,290)	(\$53,113)	\$0	(\$6,216)	(\$18,400)	\$0	(\$41,500)	(\$28,750)	(\$50,750)	(\$62,000)	(\$3,500)	(\$33,000)	(\$22,000)	(\$55,289)	\$703	(\$54,000)	(\$68,123)	\$0	(\$40,000)
TRANSFERS OUT AND INCREASE IN FUND EQUITY																					
6621	TRANSFER TO GENERAL FUND (FROM FIR)	151,610	0	0	0	0	0	0	0	0	0	0	0	0	0	100,000	0	51,610	0	0	0
6635	INCREASE IN FUND EQUITY	82,599	0	0	0	78,784	0	0	0	0	0	0	0	0	0	0	3,815	0	0	0	0
SUBTOTAL		\$234,209	\$0	\$0	\$0	\$78,784	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	100,000	3,815	51,610	\$0	\$0	0
TRANSFERS IN AND DECREASE IN FUND EQUITY																					
4921	TRANSFER FROM GENERAL FUND	411,595	248,480	0	0	85,000	0	0	0	0	0	0	0	0	0	20,300	57,815	0	0	0	0
4935	DECREASE IN FUND EQUITY	2,297,842	1,690,810	53,113	0	0	18,400	0	41,500	28,750	50,750	62,000	3,500	33,000	22,000	55,289	78,997	0	119,733	0	40,000
SUBTOTAL		\$2,709,437	\$1,939,290	\$53,113	\$0	\$85,000	\$18,400	\$0	\$41,500	\$28,750	\$50,750	\$62,000	\$3,500	\$33,000	\$22,000	\$55,289	\$99,297	\$57,815	\$119,733	\$0	\$40,000
NET PROGRAM		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Note: Individual totals may vary due to rounding

**CHITTENDEN SOLID WASTE DISTRICT
OTHER DESIGNATED FUNDS
FY 2014 PROPOSED BUDGET**

LINE ITEM A/C # ACCOUNT	FY 2014 PROPOSED BUDGET	Landfill Post- Closure	Facilities Closure Reserve	Community Cleanup Fund	Managers' Deferred Comp	Rate Stabiliz- ation Rsv	
EXPENDITURES							
6320 CLEANUP FDS DISBURSED TO MUNICIPALITIES	15,000	0	0	15,000	0	0	1
6510 VESTED RETIREMENT BENEFITS	0	0	0	0	0	0	2
SUBTOTAL - OPERATING EXPENDITURES	\$15,000	\$0	\$0	\$15,000	\$0	\$0	3
SUBTOTAL - CAPITAL EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	4
TOTAL EXPENDITURES BEFORE TRANSFERS	\$15,000	\$0	\$0	\$15,000	\$0	\$0	8
REVENUES							
4540 INTEREST	4,290	2,850	1,440	0	0	0	9
TOTAL REVENUES	\$4,290	\$2,850	\$1,440	\$0	\$0	\$0	10
NET REVENUES OVER (UNDER) EXPENDITURES	(\$10,710)	\$2,850	\$1,440	(\$15,000)	\$0	\$0	11
TRANSFERS OUT AND INCREASE IN FUND EQUITY							
6623 TRANSFER TO GENERAL FUND (LFPC)	82,061	82,061	0	0	0	0	12
6635 SURPLUS / INCREASE IN FUND EQUITY	101,224	0	1,440	0	0	99,784	13
SUBTOTAL	\$183,285	\$82,061	\$1,440	\$0	\$0	\$99,784	14
TRANSFERS IN AND DECREASE IN FUND EQUITY							
4922 TRANSFER FROM GEN FD (COMM CLEANUP)	1,500	0	0	1,500	0	0	15
4923 TRANSFER FROM GENERAL FUND (LFPC)	50,000	50,000	0	0	0	0	16
4924 TRANSFER FROM GENERAL FUND (RT STABIL)	99,784	0	0	0	0	99,784	17
4935 DEFICIT / DECREASE IN FUND EQUITY	42,711	29,211	0	13,500	0	0	18
SUBTOTAL	\$193,995	\$79,211	\$0	\$15,000	\$0	\$99,784	19
NET PROGRAM	\$0	\$0	\$0	\$0	\$0	\$0	20

**CHITTENDEN SOLID WASTE DISTRICT
SOURCES OF OPERATING REVENUES,
AND USE OF SOLID WASTE MANAGEMENT FEES BY PROGRAM -
COMPARISON FY13 TO FY14**

TOTAL SOURCES OF OPERATING REVENUES	FY 2013 ADOPTED BUDGET		FY 2014 PROPOSED BUDGET		Difference \$ Change
	\$	%	\$	%	
General Operating Revenues:					
Tipping Fees	\$ 2,947,236	32.8%	\$ 3,489,594	39.9%	\$ 542,358
Solid Waste Management Fee	2,647,200	29.5%	2,972,076	34.0%	324,876
Sale of Materials/Mat'l Handling Fees	2,970,236	33.1%	2,583,426	29.6%	(386,810)
Equipment Rent/Lease	5,400	0.1%	-	0.0%	(5,400)
Federal, State, & Local Grants	70,200	0.8%	72,600	0.8%	2,400
Interest	2,400	0.0%	1,540	0.0%	(860)
License Fees	9,380	0.1%	10,505	0.1%	1,125
Property Management	76,288	0.8%	53,937	0.6%	(22,351)
Subtotal Operating Revenues	8,728,340	97.2%	9,183,678	105.1%	455,338
Net Transfer From (To) Reserves	251,721	2.8%	(443,724)	-5.1%	(695,445)
Total Operating Exp Budget	\$ 8,980,061	100.0%	\$ 8,739,954	100.0%	\$ (240,107)

USE OF SOLID WASTE MANAGEMENT FEES BY PROGRAM	FY2013 Based on 120,000 tons		FY2014 Based on 114,000 tons *		Difference \$ Change
	\$	%	\$	%	
Program					
MRF	\$ -	0.0%	\$ -	0.0%	\$ -
Waste Reduction	321,049	12.1%	320,975	10.8%	(74)
Special Waste	285,008	10.8%	313,142	10.5%	28,134
DOCs	231,964	8.8%	253,516	8.5%	21,552
Unregulated Haz Waste	540,062	20.4%	529,376	18.0%	(10,686)
Biosolids Program	-	0.0%	-	0.0%	0
Green Mountain Compost	321,505	12.1%	475,521	16.0%	154,016
Special Projects	250,982	9.5%	178,795	6.0%	(72,187)
Future Projects	21,917	0.8%	18,882	0.6%	(3,035)
Finance	88,367	3.3%	83,899	2.8%	(4,468)
Administration	141,808	5.4%	152,422	5.1%	10,614
Marketing/Communications	282,074	10.7%	296,624	10.0%	14,550
Enforcement	51,103	1.9%	54,960	1.8%	3,857
PUD	111,361	4.2%	104,448	3.5%	(6,913)
Increase in Undesignated Fund Equity	-	0.0%	189,516	6.4%	189,516
Total Solid Waste Mgmt Fee Revenues	\$ 2,647,200	100.0%	\$ 2,972,076	100.0%	\$ 324,876

* Expected effective date of SWMF increase from \$22.06 to \$27.00 - September 1, 2013

PROPOSED FY 2014
EMPLOYEE WAGE AND BENEFIT SCHEDULE

C	D	E	F	G	I	J	K	L	M	N	O	P	Q	R	S	T	
8	FY14 PROPOSED WAGES																
9		Primary Site	Primary Program	Hours per year	Grade	Step (FY13)	Hourly (FY13)	Base Wage (FY13)	Step (FY14)	NET COLA 1.92%	NET STEP VAR	New Base Wage	New Hourly Rate	Overtime Hours	Overtime Wages	TOTAL WAGES (base & ot)	
10	EMPLOYEE POSITION								New Plan								
11																	
12																	
13	1	*General Manager	ADM	ADM	2,080	22	30	\$ 63.22	\$ 131,498	20	\$ 2,517	\$ 0	\$ 134,014	\$ 64.43	-	\$ -	\$ 134,014
14	2	*Administrative Manager	ADM	ADM	2,080	15	12	33.65	69,992	10	1,344	1,231	72,567	34.89	-	-	72,567
15	3	Administrative Assistant	ADM/FIN	ADM	2,080	5	7	17.66	36,733	6	705	923	38,361	18.44	60	1,660	40,021
16	4	*Enforcement Coordinator	ADM	ADM	1,248	12	6	26.21	32,710	5	628	489	33,827	27.11	-	-	33,827
17	5	*Marketing & Communications Coordinator	MRK	MRK	2,080	15	5	30.83	64,126	5	1,231	1,774	67,131	32.27	-	-	67,131
18	6	*Asst Engineer/Project Manager	ADM/FAC	ADM/FAC	2,080	13	5	27.44	57,075	5	1,096	1,591	59,762	28.73	-	-	59,762
19	7	*Facilities Manager/District Engineer	ADM/FAC	ADM/FAC	2,080	21	5	43.74	90,979	4	1,747	2,506	95,232	45.78	-	-	95,232
20	8	*Operations Manager	DOC	DOC	2,080	16	25	41.89	87,131	20	1,664	0	88,795	42.69	-	-	88,795
21	9	Web Design/Marketing Assistant	MRK	MRK	1,248	9	7	22.30	27,830	6	534	679	29,044	23.27	-	-	29,044
22	10	Drop-Off Center Operator - ON CALL	ON-CALL/BU	DOC	416	4	2	15.64	6,506	3	125	133	6,764	16.26	-	-	6,764
23	11	Drop-Off Center Operator - ON CALL	ON-CALL	DOC	416	4	13	17.94	7,463	11	143	146	7,752	18.63	-	-	7,752
24	12	Drop-Off Center Operator - ON CALL	ON-CALL/BU	DOC	624	4	14	18.16	11,332	12	218	241	11,791	18.90	-	-	11,791
25	13	Drop-Off Center Operator - ON CALL	ESX	DOC	832	4	5	16.24	13,512	5	259	373	14,145	17.00	-	-	14,145
26	14	Drop-Off Center Operator - ON CALL	ON-CALL	DOC	416	4	23	20.31	8,449	20	162	139	8,751	21.04	-	-	8,751
27	15	Drop-Off Center Operator - ON CALL	ON-CALL	DOC	416	4	1	15.45	6,427	3	123	214	6,764	16.26	-	-	6,764
28	16	Drop-Off Center Operator	SOB	DOC	2,080	4	6	16.44	34,195	5	657	510	35,361	17.00	-	-	35,361
29	17	Maintenance/DOC Operator	MIL/MAIN/S	MIL/MAIN	2,080	5	26	22.36	46,509	20	894	0	47,403	22.79	52	1,778	49,181
30	18	Drop-Off Center Operator	WIL	DOC	832	4	6	16.44	13,678	5	263	204	14,145	17.00	-	-	14,145
31	19	Drop-Off Center Operator - Class I	ESX	DOC	2,080	5	15	19.50	40,560	13	779	943	42,282	20.33	80	2,439	44,721
32	20	Drop-Off Center Attendant	HIN	DOC	416	4	2	15.64	6,506	3	125	133	6,764	16.26	-	-	6,764
33	21	Drop-Off Center Operator	HIN	DOC	624	4	5	16.24	10,134	5	195	280	10,608	17.00	-	-	10,608
34	22	Drop-Off Center Operator	BUR	DOC	832	4	6	16.44	13,678	5	263	204	14,145	17.00	-	-	14,145
35	23	Drop-Off Center Operator -Class I	SOB	DOC	2,080	5	13	19.02	39,562	11	760	801	41,122	19.77	52	1,542	42,664
36	24	Drop-Off Center Operator	WIL/SPW	DOC	2,080	4	10	17.28	35,942	8	690	544	37,177	17.87	52	1,394	38,571
37	25	Drop-Off Center Operator	MIL	DOC	1,272	4	21	19.81	25,198	18	484	444	26,126	20.54	-	-	26,126
38	26	Drop-Off Center Operator	SOB	DOC	416	4	5	16.24	6,756	5	130	187	7,072	17.00	-	-	7,072
39	27	Drop-Off Center Operator	RIC	DOC	1,248	4	8	16.86	21,041	7	404	553	21,998	17.63	-	-	21,998
40	28	Drop-Off Center Operator/Facilities Assistan	RIC/ADM	DOC	2,080	8	7	21.02	43,722	6	839	1,097	45,658	21.95	-	-	45,658
41	29	Drop-Off Center Operator	ESX	DOC	2,080	4	5	16.24	33,779	5	649	934	35,361	17.00	80	2,040	37,402
42	30	Drop-Off Center Operator	BURL/MIL	DOC	2,080	4	8	16.86	35,069	7	673	921	36,663	17.63	-	-	36,663
43	31	Maintenance Supervisor	MAIN	MAIN	2,080	11	7	25.05	52,104	6	1,000	1,297	54,402	26.15	140	5,492	59,894
44	32	Maintenance Operator	MAIN/RO	MAIN/RO	2,080	7	11	20.84	43,347	9	832	731	44,910	21.59	52	1,684	46,595
45	33	Roll-Off Truck Driver	RO	RO	2,080	5	11	18.56	38,605	9	741	648	39,994	19.23	120	3,461	43,456
46	34	Seasonal Maintenance	MAIN	MAIN	416	c	c	20.00	8,320	c	-	-	8,320	20.00	-	-	8,320
47	35	*Finance Manager	FIN	FIN	2,080	17	15	39.23	81,598	10	1,567	1,430	84,595	40.67	-	-	84,595
48	36	Accounts Payable Specialist	FIN	FIN	2,080	7	23	24.18	50,294	20	966	865	52,125	25.06	-	-	52,125
49	37	Accounts Receivable Specialist	FIN	FIN	1,040	7	9	20.33	21,143	7	406	290	21,839	21.00	-	-	21,839
50	38	*Environmental & Safety Compliance Manag	ENV	HAZ	2,080	17	21	42.27	87,922	16	1,688	2,345	91,954	44.21	-	-	91,954
51	39	Hazardous Waste Coordinator	ENV	HAZ	2,080	12	14	28.95	60,216	12	1,156	1,291	62,663	30.13	75	3,389	66,052
52	40	Hazardous Waste Operator - Class I	ENV	HAZ	2,080	9	6	22.02	45,802	5	879	661	47,342	22.76	75	2,561	49,902
53	41	Hazardous Waste Operator	ENV	HAZ	2,080	8	5	20.50	42,640	5	819	1,195	44,654	21.47	75	2,415	47,069
54	42	Hazardous Waste Operator - Contract (SEA	ENV	HAZ	470	n	n	22.00	10,340	n	-	-	10,340	22.00	-	-	10,340
55	43	*Waste Reduction Manager	WR	WR/SP	2,080	15	13	34.07	70,866	11	1,361	1,357	73,583	35.38	-	-	73,583
56	44	Community Outreach Coordinator	WR	WR/SP	1,674	9	14	24.33	40,728	12	782	837	42,347	25.30	-	-	42,347
57	45	School Outreach Coordinator	WR	WR	2,080	9	1	20.69	43,035	3	826	1,420	45,281	21.77	10	327	45,608
58	46	Business Outreach Coordinator	WR	WR	2,080	12	B	24.33	50,606	2	972	1,161	52,739	25.36	10	380	53,119
59	47	*Green Mtn Compost General Manager	GMC	GMC	2,080	15	3	30.07	62,546	4	1,201	1,908	65,654	31.56	-	-	65,654
60	48	GMC Sales & Production Coordinator	GMC	GMC	1,664	11	3	23.83	39,653	4	761	1,212	41,627	25.02	-	-	41,627
61	49	GMC Senior Equipment Operator	GMC	GMC	2,080	7	19	23.01	47,861	16	919	721	49,501	23.80	40	1,428	50,929
62	50	GMC Equipment Operator	GMC	GMC	2,080	5	2	16.59	34,507	3	663	714	35,884	17.25	25	647	36,531
63	51	Seasonal Equipment Operator (GMC)	GMC	GMC	80	n	n	13.50	1,080	n	-	-	1,080	13.50	-	-	1,080
64	52	Office Assistant GMC	GMC	GMC	702	n	n	12.00	8,424	n	-	-	8,424	12.00	-	-	8,424
65	53	Delivery Driver	GMC	GMC	432	n	n	13.00	5,616	n	-	-	5,616	13.00	-	-	5,616
66	54	Light Equipment Operator GMC	GMC	GMC	520	n	n	12.00	6,240	n	-	-	6,240	12.00	-	-	6,240
67	55	Overs separators	GMC	GMC	200	n	n	12.00	2,400	n	-	-	2,400	12.00	-	-	2,400
68	56	Vacant - new employee	PUD	PUD	1,248	14	B	27.33	34,108	1	655	0	34,763	27.85	-	-	34,763
69																	
70		FY '14 PRELIMINARY BUDGET TOTALS			82,102				\$ 2,048,094		\$ 38,493	\$ 38,278	\$ 2,124,865		998	\$ 32,637	\$ 2,157,503
71																	
72		FY '13 BUDGET			90,265				\$ 2,114,648		\$ 71,105	\$ 24,341	\$ 2,210,094		1,101	\$ 35,045	\$ 2,245,139
73																	
74		FY '14 INCREASE (DECR) VS FY '13: \$			(8,163)				(66,554)		(32,612)	13,937	(85,229)		(103)	(2,408)	(87,636)
75																	
76		FY '14 INCREASE (DECR) VS FY '13: %			-9.04%				-3.15%		-45.86%	57.26%	-3.86%		-9.36%	-6.87%	-3.90%
77																	

PROPOSED FY 2014
EMPLOYEE WAGE AND BENEFIT SCHEDULE

	C	D	U	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	
8			FY 14 MANDATED BENEFITS				OPTIONAL BENEFITS										TOTAL BENEFITS	
9			FICA	Workers	Unemployment		MEDICAL			Dental		ICMA	LIFE	MANDATED	OPTIONAL	TOTAL	TOTAL	
10		EMPLOYEE POSITION	7.65%	Comp.	Insurance	Insurance	CSWD	Employee	Opt	CSWD	Employee	Retirement	DISAB	BENEFITS	BENEFITS	BENEFITS	WAGES/	
11					4.8%	Membership	pays difference	Share	Out	95%	5%	6%	INS				BENEFITS	
12							+15% for 6 mos	2.88%	25% of premium	6% increase		2% increase						
13	1	*General Manager	\$ 9,041	\$ 435	\$ 768	2-PERSON	\$ 11,723	\$ 3,860	\$ -	\$ 802	\$ 42	\$ 8,041	\$ 2,118	\$ 10,244	\$ 22,684	\$ 32,928	\$ 166,942	
14	2	*Administrative Manager	6,347	261	768	OPT-OUT	-	-	6,125	1,418	75	4,354	1,261	7,376	13,159	20,535	93,102	
15	3	Administrative Assistant	3,147	130	768	FAMILY	19,908	1,105	-	1,418	75	2,302	670	4,045	24,298	28,343	68,363	
16	4	*Enforcement Coordinator	2,588	107	768	N/A	-	-	-	-	-	-	-	3,463	-	3,463	37,290	
17	5	*Marketing & Communications Coordinator	5,296	218	768	SINGLE	6,880	1,933	-	449	-	4,028	1,163	6,282	12,519	18,801	85,932	
18	6	*Asst Engineer/Project Manager	4,666	192	768	2-PERSON	13,861	1,721	-	802	42	2,988	799	5,626	18,451	24,078	83,840	
19	7	*Facilities Manager/District Engineer	8,191	337	768	OPT-OUT	-	-	6,125	449	-	5,714	1,443	9,296	13,731	23,027	118,259	
20	8	*Operations Manager	6,999	288	768	FAMILY	18,455	2,557	-	1,418	75	5,328	1,413	8,055	26,614	34,670	123,465	
21	9	Web Design/Marketing Assistant	2,222	91	768	N/A	-	-	-	-	-	-	-	3,081	-	3,081	32,126	
22	10	Drop-Off Center Operator - ON CALL	517	506	325	N/A	-	-	-	-	-	-	-	1,348	-	1,348	8,112	
23	11	Drop-Off Center Operator - ON CALL	593	580	372	N/A	-	-	-	-	-	-	-	1,545	-	1,545	9,297	
24	12	Drop-Off Center Operator - ON CALL	902	882	566	N/A	-	-	-	-	-	-	-	2,350	-	2,350	14,140	
25	13	Drop-Off Center Operator - ON CALL	1,082	1,058	679	N/A	-	-	-	-	-	-	-	2,819	-	2,819	16,963	
26	14	Drop-Off Center Operator - ON CALL	669	654	420	N/A	-	-	-	-	-	-	-	1,743	-	1,743	10,494	
27	15	Drop-Off Center Operator - ON CALL	517	506	325	N/A	-	-	-	-	-	-	-	1,348	-	1,348	8,112	
28	16	Drop-Off Center Operator	2,790	2,727	768	SINGLE	7,795	1,018	-	449	-	2,122	618	6,285	10,983	17,268	52,629	
29	17	Maintenance/DOC Operator	3,870	3,783	768	FAMILY	19,648	1,365	-	1,418	75	2,844	777	8,421	24,687	33,107	82,288	
30	18	Drop-Off Center Operator	1,082	1,058	679	N/A	-	-	-	-	-	-	-	2,819	-	2,819	16,963	
31	19	Drop-Off Center Operator - Class I	3,516	3,437	768	FAMILY	19,795	1,218	-	1,418	75	2,537	725	7,721	24,475	32,196	76,917	
32	20	Drop-Off Center Attendant	517	506	325	N/A	-	-	-	-	-	-	-	1,348	-	1,348	8,112	
33	21	Drop-Off Center Operator	812	793	509	N/A	-	-	-	-	-	-	-	2,114	-	2,114	12,723	
34	22	Drop-Off Center Operator	1,082	1,058	679	N/A	-	-	-	-	-	-	-	2,819	-	2,819	16,963	
35	23	Drop-Off Center Operator - Class I	3,359	3,283	768	2-PERSON	14,398	1,184	-	802	42	2,467	716	7,410	18,384	25,794	68,458	
36	24	Drop-Off Center Operator	3,036	2,968	768	SINGLE	7,742	1,071	-	802	42	2,231	647	6,772	11,423	18,194	56,765	
37	25	Drop-Off Center Operator	1,999	1,954	768	N/A	-	-	-	-	-	-	-	4,721	-	4,721	30,847	
38	26	Drop-Off Center Operator	541	529	339	N/A	-	-	-	-	-	-	-	1,409	-	1,409	8,481	
39	27	Drop-Off Center Operator	1,683	1,645	768	N/A	-	-	-	-	-	-	-	4,096	-	4,096	26,094	
40	28	Drop-Off Center Operator/Facilities Assistan	3,602	3,521	768	SINGLE	7,498	1,315	-	449	-	2,740	743	7,891	11,430	19,320	64,979	
41	29	Drop-Off Center Operator	2,942	2,876	768	2-PERSON	14,564	1,018	-	802	42	2,122	617	6,586	18,105	24,691	62,093	
42	30	Drop-Off Center Operator	2,892	2,827	768	SINGLE	7,757	1,056	-	449	-	2,200	634	6,487	11,040	17,527	54,190	
43	31	Maintenance Supervisor	4,706	3,031	768	FAMILY	22,932	1,567	-	1,418	75	3,264	948	8,505	28,563	37,069	96,963	
44	32	Maintenance Operator	3,672	2,365	768	2-PERSON	14,289	1,293	-	-	-	2,695	750	6,805	17,733	24,538	71,133	
45	33	Roll-Off Truck Driver	3,414	3,337	768	FAMILY	19,861	1,152	-	1,418	75	2,400	704	7,519	24,383	31,902	75,357	
46	34	Seasonal Maintenance	636	622	399	N/A	-	-	-	-	-	-	-	1,657	-	1,657	9,977	
47	35	*Finance Manager	6,673	275	768	SINGLE	6,377	2,436	-	449	-	5,076	1,363	7,716	13,264	20,980	105,575	
48	36	Accounts Payable Specialist	4,109	169	768	2-PERSON	14,081	1,501	-	802	42	3,128	802	5,046	18,813	23,859	75,984	
49	37	Accounts Receivable Specialist	1,671	69	768	N/A	-	-	-	-	-	-	-	2,508	-	2,508	24,347	
50	38	*Environmental & Safety Compliance Manag	7,919	326	768	OPT-OUT	-	-	6,125	1,418	75	5,517	1,417	9,013	14,478	23,491	115,445	
51	39	Hazardous Waste Coordinator	5,674	5,546	768	OPT-OUT	-	-	4,363	449	-	3,760	1,094	11,988	9,666	21,655	87,706	
52	40	Hazardous Waste Operator - Class I	4,498	4,396	768	OPT-OUT	-	-	6,125	1,418	75	2,841	770	9,662	11,153	20,815	70,718	
53	41	Hazardous Waste Operator	3,707	3,624	768	SINGLE	7,527	1,286	-	449	-	2,679	734	8,099	11,389	19,488	66,557	
54	42	Hazardous Waste Operator - Contract (SEA	791	773	496	N/A	-	-	-	-	-	-	-	2,060	-	2,060	12,400	
55	43	*Waste Reduction Manager	6,297	259	768	OPT-OUT	-	-	4,363	802	42	4,415	1,269	7,324	10,850	18,175	91,758	
56	44	Community Outreach Coordinator	3,299	136	768	SINGLE	7,051	1,763	-	449	-	2,541	724	4,203	10,764	14,967	57,315	
57	45	School Outreach Coordinator	3,562	147	768	SINGLE	7,509	1,304	-	449	-	2,264	667	4,477	10,889	15,365	60,973	
58	46	Business Outreach Coordinator	4,189	173	768	SINGLE	7,294	1,519	-	449	-	3,164	752	5,130	11,659	16,789	69,907	
59	47	*Green Mtn Compost General Manager	5,176	213	768	FAMILY	17,093	1,891	-	802	42	3,939	1,135	6,157	22,970	29,127	94,781	
60	48	GMC Sales & Production Coordinator	3,031	125	768	FAMILY	16,810	4,203	-	1,194	299	2,498	698	3,924	21,200	25,124	66,751	
61	49	GMC Senior Equipment Operator	4,586	2,954	768	OPT-OUT	-	-	6,125	1,418	75	2,970	787	8,308	11,300	19,608	70,537	
62	50	GMC Equipment Operator	2,880	1,855	768	FAMILY	21,723	1,033	-	-	-	2,153	631	5,503	24,506	30,009	66,540	
63	51	Seasonal Equipment Operator (GMC)	83	53	52	N/A	-	-	-	-	-	-	-	188	-	188	1,268	
64	52	Office Assistant GMC	644	27	404	N/A	-	-	-	-	-	-	-	1,075	-	1,075	9,499	
65	53	Delivery Driver	430	420	270	N/A	-	-	-	-	-	-	-	1,120	-	1,120	6,736	
66	54	Light Equipment Operator GMC	477	467	300	N/A	-	-	-	-	-	-	-	1,244	-	1,244	7,484	
67	55	Overs separators	184	179	115	N/A	-	-	-	-	-	-	-	478	-	478	2,878	
68	56	Vacant - new employee	2,659	110	768	N/A	-	-	-	-	-	-	-	3,537	-	3,537	38,299	
70		FY '14 PRELIMINARY BUDGET TOTALS	\$ 171,467	\$ 70,858	\$ 36,438		\$ 332,572	\$ 41,370	\$ 39,351	\$ 26,734	\$ 1,383	\$ 107,318	\$ 29,590	\$ 278,763	\$ 535,565	\$ 814,328	\$ 2,971,830	
71																		
72		FY '13 BUDGET	\$ 177,503	\$ 81,072	\$ 33,179		\$ 370,235	\$ 45,350	\$ 39,363	\$ 30,369	\$ 1,307	\$ 103,281	\$ 30,267	\$ 291,753	\$ 573,516	\$ 865,269	\$ 3,110,408	
73																		
74		FY '14 INCREASE (DECR) VS FY '13: \$	(6,036)	(10,214)	3,259		(37,663)	(3,980)	(12)	(3,635)	76	4,037	(677)	(12,990)	(37,951)	(50,941)	(138,578)	
75																		
76		FY '14 INCREASE (DECR) VS FY '13: %	-3.40%	-12.60%	9.82%		-10.17%	-8.78%	-0.03%	-11.97%	5.82%	3.91%	-2.24%	-4.45%	-6.62%	-5.89%	-4.46%	
77																		

**CHITTENDEN SOLID WASTE DISTRICT
FY 14 SCHEDULE OF PROGRAM FEES**

	<u>FY 14</u>	<u>FY 13</u>	<u>Change</u>
4) MATERIALS RECOVERY FACILITY			
Tipping fees and/or materials purchased price fluctuate with market price. Budgeted rates are:			
In District materials, per Ton	\$6.50	(\$5.00)	\$11.50
Out-of-District materials, per Ton	\$16.50	\$5.00	\$11.50
6) SPECIAL WASTE PROGRAM			
Special Waste Facility (at the Williston Drop-Off Center)			
Electronics ~ per pound (by appt. only)	\$0.18	\$0.18	\$0.00
Gypsum wallboard, per ton	\$70.00	\$70.00	\$0.00
Tires ~ up to 16"	\$2.25	\$2.25	\$0.00
Tires ~ 16.5" to 19"	\$3.75	\$3.75	\$0.00
Tires ~ per ton	\$200.00	\$200.00	\$0.00
Tree limbs, trunks, clean stumps, & brush			
Up to 6 cubic yards	No charge	No charge	
Each cubic yard in excess of 6 cubic yards	\$5.00	\$5.00	\$0.00
Pallets & clean construction lumber	No charge	No charge	
Propane cylinders over 20 lbs	\$5.00	\$5.00	\$0.00
Yard debris	No charge	No charge	
7) DROP-OFF CENTERS			
Items accepted vary by facility.			
Household Trash			
up to 18-gallon bag/barrel	\$2.00	\$1.75	\$0.25
up to 33-gallon bag/barrel	\$3.75	\$3.25	\$0.50
up to 45-gallon bag/barrel	\$5.75	\$5.00	\$0.75
per cubic yard	\$30.00	\$25.00	\$5.00
at Burlington Drop-Off Center, per pound	\$0.15	\$0.13	\$0.02
Construction & Demolition Debris			
up to 18-gallon bag/barrel	\$4.00	\$3.50	\$0.50
up to 33-gallon bag/barrel	\$7.50	\$6.50	\$1.00
up to 45-gallon bag/barrel	\$11.50	\$10.00	\$1.50
per cubic yard	\$60.00	\$50.00	\$10.00
at Burlington Drop-Off Center, per pound	\$0.15	\$0.13	\$0.02
Other Items			
(* indicates that limits apply)			
All-In-One Recyclables	No charge	No charge	
Appliances without Refrigerants	\$5	\$5	\$0.00
Appliances with Refrigerants	\$10-\$15	\$10-\$15	\$0.00
Batteries (household and lead acid)	No charge*	No charge*	
Electronics	\$1-\$15	\$1-\$15	\$0.00
Electronics - items covered by new State program	No charge	No charge	
Fluorescent lamps	No charge*	No charge*	
Food scraps & non-recyclable paper	No charge	No charge	
Furniture items	\$3-\$17	\$3-\$17	\$0.00
Hard cover books	No charge	No charge	
Mercury-containing products	No charge	No charge	
Pallets & clean construction lumber	No charge	No charge	
Propane cylinders 20 lbs & under	No charge*	No charge*	
Scrap metal	No charge	No charge	
Textiles	No charge*	No charge*	

7) DROP-OFF CENTERS, Continued

	<u>FY 14</u>	<u>FY 13</u>	<u>Change</u>
Tires ~ up to 16"	\$2.75	\$2.75	\$0.00
Tires ~ 16.5" to 19"	\$5.25	\$5.25	\$0.00
Tires ~ 20" to 24.5"	\$14.00	\$14.00	\$0.00
Tires ~ off road	\$56.00	\$56.00	\$0.00
Tree limbs, trunks, clean stumps, & brush:			
Up to 3 cubic yards	No charge	No charge	
Each cubic yard in excess of 3 cubic yards	\$10.00	\$10.00	\$0.00
Used oil	No charge	No charge	
Used oil filters	No charge	No charge	
Wood ashes	No charge	No charge	
Yard debris	No charge	No charge	

8) HAZARDOUS WASTE - ENVIRONMENTAL DEPOT & ROVER

Environmental Depot

Household hazardous waste

No charge No charge

Business hazardous waste ~ Conditionally Exempt Generators are charged by material as stated in hazardous waste hauler contract.

Rover

Household hazardous waste

No charge No charge

10) BIOSOLIDS

Sludge per wet ton for disposal (average projected blended rate)	\$88.85	\$86.90	\$1.95
Sludge per wet ton for land application (average projected blended rate)	\$75.87	\$69.58	\$6.29
Sludge per wet ton for alkaline treatment	\$84.28	\$83.30	\$0.98
South Burlington Class A (average projected blended rate)	\$34.43	\$34.20	\$0.23
South Burlington Class B	N/A	\$87.35	

11) COMPOST

Per-ton tip fee for post-consumer food waste

\$40.00 \$37.50 \$2.50

14) FINANCE

Solid Waste Management Fee per ton

\$27.00 \$22.06 \$4.94

COMPREHENSIVE DEVELOPMENT ORDINANCE—
Lot Line Adjustments; Vestigial Alley
ZA #13-02

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 10.1.5, Lot Line Adjustments and 13.1.2, Definitions, thereof to read as follows:

Sec. 10.1.5 Lot Line Adjustments

The intent of this section is to provide for an abbreviated review and approval process for the realignment of lot boundary lines between existing adjacent lots, including the merger of lots, where no additional lots are being created. In addition, a lot line adjustment shall include the addition and subtraction of vestigial alleys, as defined in Article 13, when being combined with an adjacent lot. A lot line adjustment shall not constitute a subdivision.

(a) through (c) As written.

Sec. 13.1.2 Definitions

Lot Line Adjustment: The relocation of a common property boundary where an additional lot is not created, and where an existing lot reduced in size by the adjustment complies with the dimensional requirements of this ordinance. In addition, a lot line adjustment shall include the addition and subtraction of vestigial alleys when being combined with an adjacent lot. See definition of Lot above.

COMPREHENSIVE DEVELOPMENT ORDINANCE—
Lot Line Adjustments; Vestigial Alley
ZA #13-02

Vestigial Alley: An orphaned alley way, service way or similar lane originally platted for the purpose of providing rear yard access between lots, that is no longer in use for such purpose or is no longer a contiguous alleyway.

- * Material stricken out deleted.
- ** Material underlined added.

lb/EMB/c: Ordinances 2013/Zoning Amendment ZA 13-02 Lot Line Adjustments, Vestigial Alley, Sec. 10.1.5, 13.1.2
3/1/13; 6/5/13

COMPREHENSIVE DEVELOPMENT ORDINANCE—
Garage Size and Orientation
ZA #13-04

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 4.4.5, Residential Districts, and 6.2.2, Review Standards, thereof to read as follows:

Sec. 4.4.5 Residential Districts

- (a) through (c) As written.
- (d) District Specific Regulations:
 - 1. through 3. As written.
 - 4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.12 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- A. Accessory Structures shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2.2
- B. Any accessory structure that is seventy-five ~~fifty~~ percent (75%) or greater of the ground floor area of the principle structure shall be subject to the site plan and design review provisions of Art 3, Part 4 and the applicable standards of Art 6.2

COMPREHENSIVE DEVELOPMENT ORDINANCE—
Garage Size and Orientation
ZA 13-04

- C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than ~~fifty-seventy-five~~ seventy-five percent (75%) of the ground floor area of the principal structure.;
- D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.;
- E. Accessory structures such as doghouses, doll houses, or tree houses that are less than or equal in the aggregate to a total of sixteen (16) square feet in area shall not require a zoning permit.
- F. Uncovered play structures, seasonal skating rinks, raised planting beds shall not require a zoning permit.

5. through 7. As written.

Sec. 6.2.2 Review Standards

(a) through (g) As written.

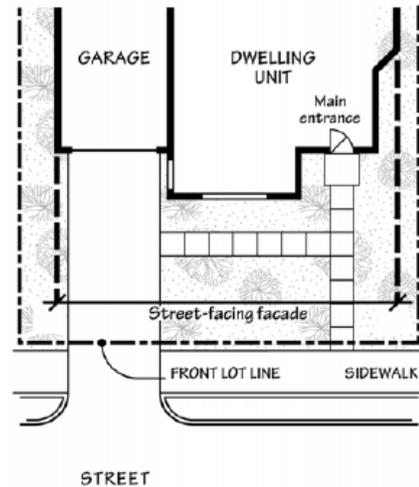
(h) Building Location and Orientation:

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curblineline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

COMPREHENSIVE DEVELOPMENT ORDINANCE—
Garage Size and Orientation
ZA 13-04

Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

In residential areas, accessory buildings shall be located in such a way so as to be deferential and secondary and subordinate in scale and design to the principal structure. Under no circumstances shall a parking structure – either attached or detached – shall be located closer to setback the front property line than

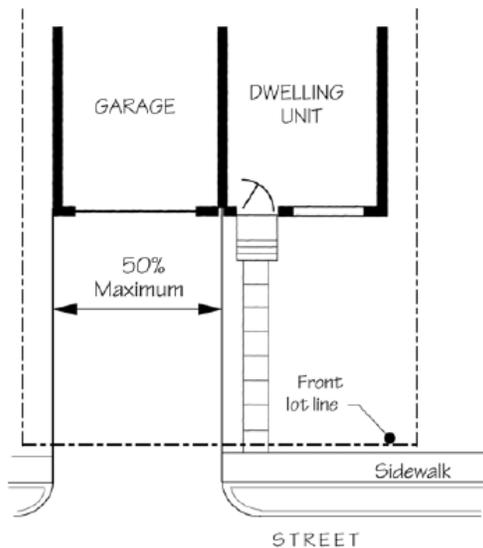


a the longest street-facing wall of the principal residential structure, and be deferential yet consistent in character and design. and w Where a front yard setback is required, any street-facing garage wall containing garage doors shall be set back a minimum of 25' from the front property line to prevent parked vehicles from blocking the public sidewalk. Where a garage is not oriented towards the street (i.e. the garage doors face the rear or side of the property yard), the street-facing garage wall shall have windows or doors or other features that break-up the mass into smaller elements, and be blended with the character of the residential portion of the structure.

Where a garage is attached to a principal single-family or duplex residential structure and oriented to the street (i.e. the garage doors face the street) the following standards shall apply:

COMPREHENSIVE DEVELOPMENT ORDINANCE—
Garage Size and Orientation
ZA 13-04

1. Except as provided in subsections ~~2-3~~, 4 and ~~3~~ 5 below, a street-facing garage wall ~~shall~~ shall constitute no more than ~~30~~50% of the ~~length-width~~ of the street-facing façade of the entire structure (including the garage portion); and shall not exceed ~~30~~24-feet or ~~35%~~ whichever is less. In cases where a street-facing garage wall constitutes between 30%-50% of the street-facing façade, living space is encouraged above to integrate the garage more closely into the design and mass of the overall structure. In cases where the street-facing garage wall constitutes more than 50% of the width of the street-facing façade, living space above is required.



2. Each bay of the garage shall have a separate entrance door of no more than 10-feet in width.
- ~~2.~~ 3. Where the width of the street-facing façade of the residential portion of the entire structure is less than ~~35~~ 14 feet ~~long~~, the street-facing garage ~~wall-portion~~ may be allowed up to but not exceeding 14 feet ~~long~~ in order to allow for a single garage bay.



COMPREHENSIVE DEVELOPMENT ORDINANCE—
Garage Size and Orientation
ZA 13-04

4. Where a garage entrance is within a single roofline and wholly integrated into the overall design the front façade of the structure, it may constitute more than 50% of the width of the street-facing façade provided there is interior living space above, and the primary pedestrian entrance offers a clear and welcoming entrance from the street.
- ~~3.~~ 5. Enclosed space originally designed and constructed as a garage for vehicular parking but converted to living space may be converted back to enclosed vehicular parking provided there is no expansion of the building footprint necessary to complete the conversion.

Balance of Sec. 4.4.5 As written.

- * Material stricken out deleted.
- ** Material underlined added.

PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

PROPOSED AMENDMENT ZA-13-02– Lot Line Adjustment – Vestigial Alleys PROPOSED AMENDMENT ZA-13-04 – Garage Size and Orientation

Pursuant to 24 V.S.A. §4442 and §4444, notice is hereby given of a public hearing by the Burlington City Council to hear public comments on the following proposed amendment to the City of Burlington's *Comprehensive Development Ordinance (CDO)*. The public hearing will take place on **June 10, 2013** beginning at **7:00 p.m.** in Contois Auditorium, on the second floor of Burlington City Hall, 149 Church Street, Burlington VT.

- (1) **ZA-13-02– Lot Line Adjustment – Vestigial Alleys** - This proposed amendment seeks to include the addition and subtraction of vestigial alleys in lot adjustments in order to allow them to be given the abbreviated approval process for lot line adjustments rather than the approval process for subdivisions. The amendment would modify CDO Section 10.1.5 (Lot Line Adjustments) and Article 13 – Definitions (Lot Line Adjustment). This amendment would affect vestigial alleys that are found in all zoning districts of the city of Burlington.

- (2) **ZA-13-04 – Garage Size and Orientation** - This proposed amendment modifies the limitations regarding the size of accessory structures, including garages, in order to accommodate and encourage smaller buildings and narrower lots. The amendment would modify CDO Sections 4.4.5 (d) 4 (Accessory Residential Structures and Uses) and 6.2.2 (h) (Building location and orientation) and would affect accessory structures and garages in all zoning districts of the city of Burlington and the location and orientation of these structures in Burlington's residential areas.

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendments are available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at www.ci.burlington.vt.us/planning

1
2 **Resolution Relating to**
3

RESOLUTION

Sponsor(s): Councilors Shannon, Knodell, Bushor, Aubin; pending BOF approval
Introduced: 6/3/13
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

4
5
6 **ENDORSEMENT OF IATSE COLLECTIVE**
7 **BARGAINING AGREEMENT 2012-2015**
8

9
10
11
12 **CITY OF BURLINGTON**
13

14 In the year Two Thousand Thirteen.....

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

16
17 That WHEREAS, the Board of Finance and the City's Collective Bargaining Committee
18 recommend that the City Council ratify the Collective Bargaining Agreement between IATSE
19 Local #919 and the City of Burlington relating to staging and rigging at Memorial Auditorium
20 and Contois Auditorium in connection with public, ticketed events, for the period of July 1, 2012
21 through June 30, 2015 on the basis of the following:

22 1. The Collective Bargaining Agreement represents a complete rollover of the
23 contract that was in effect from 2009 through 2012 without any provision being changed except
24 for the duration of the Agreement; and

25 2. The fact that the implementation of this Agreement does not involve the
26 expenditure of any City funds from any source other than the revenues of such public, ticketed
27 events and merely represents a pass through of the designated portion of such revenues to
28 compensate for staging, rigging, lighting, etc. work by IATSE members in connection with such
29 productions.

30 NOW THEREFORE, BE IT FURTHER RESOLVED, that the City Council hereby
31 ratifies the CBA between IATSE and the City for the period of July 1, 2012 through June 30,
32 2015, and authorizes the Mayor to execute the Agreement subject to the prior review by the
33 City's legal counsel.

CITY ATTORNEY CONSTITUTIONAL ANALYSIS OF
NO TRESPASS ORDINANCE FOR CHURCH STREET MARKETPLACE
JUNE 12, 2012

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

That WHEREAS, the City Attorney’s Office provided the City Council with a constitutional analysis memorandum on June 12, 2012 regarding the constitutionality of a no trespass ordinance for the Church Street Marketplace; and

WHEREAS, the memo is subject to the attorney-client privilege and not a public document and thus was not available to the public at the public deliberations by the City Council when considering the no trespass ordinance in 2012-2013; and

WHEREAS, the City Council’s decision to enact the no trespass ordinance on February 11, 2013, was predicated, in part, on the legal analysis provided in the memo; and

WHEREAS, Councilors Siegel, Brennan, and Tracy requested a second legal opinion on the no trespass ordinance in April, 2013 and the opinion contradicts the analysis provided by the City Attorney’s Office; and

WHEREAS, the legal opinion provided by Attorney John Franco, former Assistant City Attorney and now a private practice attorney, raises several concerns about the constitutionality of the ordinance and such concerns should warrant a public discussion;

NOW, THEREFORE, BE IT RESOLVED that the City Council will waive the attorney-client privilege as to the City Attorney memorandum regarding the constitutional analysis of the no trespass ordinance dated June 12, 2012, make it public and place it on the July 15, 2013 City Council deliberative agenda for public discussion; and

BE IT FURTHER RESOLVED that the City Council will consider further actions related to the no trespass ordinance after the public discussion regarding the two legal analyses and the public discussion of both documents.

LAW OFFICES
OF
JOHN L. FRANCO, JR.

110 Main Street, Suite 208
Burlington, Vermont 05401-8451
Telephone (802) 864-7207 FAX (802) 859-1876
Email: johnfranco@law.aol.com

June 4, 2013

To: Burlington City Councilors
Brennan, Knodell, Siegel, and Tracy

Re: Church Street Marketplace District Trespass Authority Ordinance

Dear City Councilors,

You have asked me to advise concerning the legal and constitutional validity of the recently enacted *Church Street Marketplace District Trespass Authority* ordinance. The ordinance purports to authorize public officials to banish certain individuals from simply being within the Church Street Marketplace District for certain periods of time upon issuance of an ordinance violation ticket that alleges that the individual in question committed disorderly conduct, unlawful mischief, was in possession of an open container of intoxicating liquors, or was in possession of regulate drugs.

I am of the view that this ordinance is neither lawful nor constitutional.

The Purported Prohibition of Otherwise Lawful Activity.

There is an important distinction to keep in mind about this ordinance. Not at issue is whether the City may enforce against repeated incidents of disorderly conduct, unlawful mischief, open container, or illegal drug possession or other unlawful conduct. Nor at issue is the City's authority to seek legal injunction in Superior Court under 24 V.S.A. § 2121 against behavior that constitutes a public nuisance.

At issue is an ordinance that does something very different. It purports to make unlawful *otherwise lawful use of a public right of way* by individual members of the public simply by dint of a no trespass order issued by a City official. In other words, it is the issuance of the no trespass order *itself* that purports to convert the otherwise lawful use of Church Street by the subject individual to an unlawful use. This is an important distinction insofar as the U.S. Supreme Court has recognized that members of the public have a constitutionally protected liberty interest to be in parks or on other city lands of their choosing that are open to the public generally. *City of Chicago v. Morales*, 527 U.S. 41 (1999), “[A]n and individuals’ decision to remain in a public place of his choice is as much a part of his liberty as...the right to move ‘to whatsoever place one’s own inclination may direct.’”

The Ordinance Is *Ultra Vires* Because It Lacks Authorizing State Legislation.

In my view the most glaring shortcoming in the scheme is the absence of any authorization from the Legislature to enact it. Just like the proposed gun control ordinance now

under consideration, a Charter change approved by the voters and then enacted by the General Assembly is first required.

Implicit in the ordinance is the assumption that the City of Burlington “owns” Church Street in the same way that a private landowner “owns” his or her land and can order certain individuals off that land. In the case of public streets, nothing could be further from the truth. Church Street is “owned” by the very people whose banishment the ordinance purports to authorize. It is the City, which purports to do the banishing, which does not own it at all. This is settled law, with two of the leading precedents involving the City of Burlington in the early 20th Century.

“A municipality does not own the highways within its limits, for the highways are public ways; but a municipality is charged by state government with the duty of maintaining for the public use highways so located,” *City of Montpelier v. McMahon*, 85 Vt. 275 (1911). “Defendant’s counsel misconceives the rights of the city in its streets. It has no property right in the lands taken for a highway. It does not even own the easement which is in the public.” *Burlington Light and Power Co. v. City of Burlington*, 93 Vt. 27 (1918). “A dedication of a road as a highway is the setting apart of land for public use.” *Springfield v. Newton*, 115 Vt. 39 (1947). “A highway is a free and public roadway or street, one which every person has the right to use. Its prime essentials are the right of common enjoyment on one hand, and the duty of public maintenance on the other.” *Okemo Mountain v. Town of Ludlow*, 164 Vt. 477 (1995).

Secondly, control over municipal streets is vested the State. “Subject to constitutional limitations, the state has absolute control of its public streets and highways, including those of its municipal and quasi municipal corporations.” *Valcour v. City of Morrisville*, 108 Vt. 242 (1936); *City of Burlington v. Burlington Traction Co.*, 98 Vt. 24 (1924). A municipality possesses only such authority to regulate the use of public streets and highways as has been expressly granted by the legislature. *Burlington Light and Power*; *Burlington Traction*; and *Valcour*, all *supra*. Also see *Rutland Cable Television v. City of Rutland*, 122 Vt. 162 (1960) [City of Rutland was granted no authorization by the Legislature to grant an exclusive franchise to a single cable television operator to locate its wires and poles in the City streets and highways].

Burlington can therefore banish certain persons from Church Street if and only if the Legislature first gives it the authority to do so. The question whether such power has been granted is subject to “Dillon’s Rule,” which provides that because Vermont is not home rule state, the municipalities are the creatures of the state and possess only such powers which are expressly granted to them by the state or necessary implied. *Hinesburg Sand & Gravel v. Town of Hinesburg*, 135 Vt. 484,486 (1977); *Valcour v. Village of Morrisville*, 104 Vt. 119, 131-31 (1932). The grant of such powers is strictly construed against the municipality and any doubt about such grant is construed against the municipality. “If any fair, reasonable, substantial doubt exists concerning this question it must be resolved against the [grant of power].” *In re Petition of Ball Mountain Dam*, 154 Vt. 189, 192 (1990) c.f. *Valcour*, *supra*.

I can find no authority expressly granted or necessarily implied in the Charter provisions creating the Church Street Marketplace District, 24 V.S.A. App. Ch. 3 §§321-327, or elsewhere for that matter, authorizing the banishment of certain individual members of the public from Church Street; that is, from engaging in otherwise lawful uses of Church Street which other members of the public are entitled to engage. Without a Charter change granting such authorization, this ordinance is *ultra vires* (meaning beyond the City’s powers), is void, and in

my judgment, should not be enforced.

The Ordinance Interferes With The Federal Constitutional Right To Travel.

No trespass ordinances such of this have been recognized by at least two federal courts to have significant potential constitutional problems. *Catron v. City of St. Petersburg*, 658 F.2d 1260 (11th Cir. 2011) and *Cuellar v. Bernard* (U.S.D.C. W.D. Tex., March 27, 2013). The ordinance in the *Catron* case “[o]n its face...does not cover the public rights of way.” By contrast our ordinance deals *exclusively* with the right to make lawful use of a public right of way.

The U.S. Constitution protects as fundamental the right to travel both interstate within the United States as well as the right to travel within a particular state. *Shapiro v. Thompson*, 394 U.S. 618 (1989); *Selevan v. New York Thruway Authority*, 584 F.3d 82 (2nd Cir. 2009); *Ramos v. Town of Vernon*, 353 F.3d 171, 176 (2nd Cir. 2003). A state law implicates that constitutional right to travel when it actually deters such travel, when impeding travel is its primary objective, or when it uses any classification which serves to penalize the exercise of that right. *Selevan* at 100 c.f. *Attorney General of New York v. Soto-Lopez*, 476 U.S. 898, 903 (1986). Our ordinance meets each of these three tests: it actually deters travel on a public street, impeding that travel is a primary objective, and it serves to penalize exercise of the right to travel on the street.

That in turn compels that the City policy be narrowly tailored to advance a compelling governmental interest. Where a state or local regulation infringes upon a constitutionally protected right such as the right to travel, the courts apply a strict scrutiny requiring the municipality to show that the regulation is narrowly tailored to serve a compelling governmental interest. *Id.*; *Shapiro, supra*.

Our ordinance allows Burlington officials to issue what effectively are prior restraints on the exercise of an otherwise *lawful* fundamental constitutional right, and to discriminate among “offenders” with broad and virtually unfettered discretion to banish some, but not all, offenders and for varying lengths of time. It does not establish any standards for the exercise of that discretion.

Absence of Ascertainable Standards for the Exercise of Discretion Whether to Banish an “Offender.”

This lack of standards was fatal to the no-loitering ordinance stricken in *Chicago v. Morales, supra*, and in both of the federal trespass cases discussed above, the no trespass orders were challenged constitutionally because no guidance was provided as to when police officers would or would not issue such orders to specific individuals. Similarly, the Vermont Supreme Court ruled in *City of Burlington v. New York Times Co.*, 148 Vt. 275 (1987) that such unfettered discretion regarding the use of the public streets is impermissible. There it struck as unconstitutional a Burlington ordinance which purported to bar the placement of street newspaper vending machines without prior permission from the City because this gave city officials unlimited authority whether to grant or refuse a permit to use the street and requiring the citizen to contend with city officials on a case-by-case basis without the benefits of standards and guidelines.

The subject of a no-trespass order banishing him/herself from Church Street confronts the

authorities similarly on a case-by-case basis with no guidelines. First, there are no standards setting forth criteria under which offenders will actually be issued get a banishment order, and which will not. Second, it also provides that the duration of the banishment for repeat offenders is “up to” 90 days for second and “up to” one year for third and subsequent offenders, without any standards for either the issuing official or the appeals body to determine how that duration is to be meted out.

Denial of Procedural Due Process.

The ordinances at issue in these two federal no-trespass cases discussed purported to authorize the issuance of no trespass order in public places *other than streets* but which were otherwise generally open to the public. *Catron* also allowed the constitutional challenge to the no trespass order ordinance because it provided “no way to contest the trespass warning...” Our ordinance purports to cure that by providing a post deprivation due process hearing.

Overlooked, however is that our situation is even more egregious because the object of a no trespass order *is* to banish the recipient *from a public right of way*. As discussed above, under Vermont law the recipient of such a banishment order has a *property* right to the otherwise lawful use of Church Street. That in turn triggers the 14th Amendment due process requirement that the City provide a *pre-deprivation* due process hearing before it can deprive that property right. *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985); *Quinn v. Grimes*, 2004 VT 89. Due process requires notice of the proposed action, notice of the City’s the factual basis therefore, and an opportunity to be heard *before* it takes effect. *Grimes* at ¶¶21-26.

Our ordinance provides none of that.

For first offenders the no-trespass order is effective immediately and runs its course before any pre-deprivation due process can reasonably be had: it is effective for one day – the day the order is issued. §21-49(d)(1). For second and subsequent offenders, the order is similarly immediately effective before any due process notice is given or hearing is had. The putative offender is not informed of a date or time at which the due process hearing will be heard. Rather the ordinance puts the onus on the alleged offender to arrange for a hearing with the Commission and the order remains in effect until s/he does. This can result in a pre-hearing deprivation of the property right for a significant period of time, especially if the trespass order is issued in the evening or on a weekend or holiday outside of the Marketplace Commission’s normal business hours. (Nor does the ordinance explain how the District’s offices can be reached to file an appeal without navigating Church Street).

Next, as discussed above, because none of this scheme has been authorized by the General Assembly, there is no authority granted to the City to designate a hearing panel within the Church Street Marketplace Commission – or any other body for that matter – with authority to conduct such a due process hearing. Such authority and specificity is the case with hearings before the Housing Board of Review and the Development Review Board, for example. The Planning Act has elaborate requirements governing the DRB’s conduct of hearings, including public notice of the hearings, timeliness, and failure to promptly act on certain types of applications. There is simply no such comparable legislative authorization here.

Moreover, the ordinance purports to separate the determination of the validity of the underlying allegation – disorderly conduct, unlawful mischief, open container, or drug

possession, which presumably will be determined by the Judicial Bureau or the Superior Court -- from the hearing on the trespass order *despite the fact that the validity of the underlying accusation is a condition precedent to the trespass order*. It is difficult to fathom how the trespass order could be deemed “valid” by a Marketplace Commission Hearing Panel if the underlying allegation is adjudicated by the Judicial Bureau not to be, or how the Hearing Panel could even render a decision until the underlying allegation is adjudicated.

Lack Of Meaningful Judicial Review.

The ordinance does not provide for any effective judicial review¹ of a no-trespass order, not the least because the scheme is authorized by no legislation. If one seeks judicial review of the ticket from the Judicial Bureau, such appeal shall *not* toll the order of no trespass. The stay ends upon the issuance of the Hearing Panel’s written decision. Due process requires the opportunity to contest the validity of the no trespass order before any sanctions for violating same can become effective. *Wagner Seed Co. v. Daggett*, 800 F.2d 310 (2nd Cir. 1986); *Brown & Williamson Tobacco Corp. v. Engman*, 527 F.2d 1115 (2nd Cir., 1975); *Ex Parte Young*, 209 U.S. 123 (1908).

Please feel free to call me with any questions or comments.

Very truly yours,

/s/ John L. Franco, Jr.
John L. Franco, Jr.

¹ Presumably, state Superior Court review is available under the extraordinary relief provisions of V.R.C.P. 75. An aggrieved individual could also seek review under the federal Civil Rights Act 42 U.S.C. § 1983.

		6/6/2013	
Prepared by: Lori Olberg, Licensing, Voting & Records Coordinator			
Meeting Date	Type of Document	Action Requested	Return to Council
1/9/2012	Resolution: Creation of a Financial Literacy Web Page	progress report to the Council by the Interim CAO	2/13/2012
2/13/2012	Resolution: Ongoing and Future Relationship Between the City of Burlington and the University of Vermont	report due back to the Council by the Community Development and Neighborhood Revitalization Committee	3/26/2012
7/16/2012	Resolution: Appointment of Airport Strategic Planning Committee	progress report and a final report and recommendations due back to the City Council	10/29/12; on or before 1/7/13
8/13/2012	Resolution: Strategic Plan Re Fiscal Health of the City	Board of Finance and the C/T Office will work to produce a strategic plan and present said plan to the Council in a worksession	1/7/13; 1/28/13
8/13/2012	Resolution: Landlord Accountability	report due back to CD & NR Committee from the Code Enforcement Office	not-specified
11/26/2012	Resolution: Moving Urban Agriculture Issues Forward	Board of Health to report back to the Council; Planning Commission to report back to the Council	6/24/2013
1/7/2013	Resolution: Charter Change to Prohibit Assault Weapons and High Capacity Clips	Public Safety Committee to convene a series of public hearings and work together with the BSD, BPD, Howard Services and the State Attorney's Office and other relevant organizations to make our schools and City as safe as can be	not-specified
3/11/2013	Resolution: Commission and Board Appointment Process	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/11/2013	Resolution: Survey to Determine if Commissions and Boards are Functioning Optimally	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/18/2013	Communication: Burlington Committee on Accessibility Strategy and Plan	future action to be taken	not-specified
4/15/2013	Resolution: Proposed Amendments to Appendix B Rules and Regulations of The City Council	postpone action for now	post City Council Retreat
4/29/2013	Resolution: Mandatory Wheeled Covered Recycling Toters	report due back from the Ordinance Committee with a proposed Ordinance Change	15-Jul-13

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**AUTHORIZATION TO EXECUTE MEMORANDUM OF
AGREEMENT WITH CORRECTION Re:
WATERFRONT ACCESS NORTH PROJECT- BED EASEMENT**

In the year Two Thousand Thirteen.....

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

That WHEREAS, on November 26, 2012, the City Council approved a resolution (see attached) to authorize execution of a Memorandum of Agreement by and between the City and BED authorizing an easement which would allow BED to reroute lines going from the Waterfront to the existing service going over North Avenue to the McNeil Plant near the railroad tunnel; and

WHEREAS, the Memorandum referenced authorizing a 20 foot easement per an estimate of BED as the area needed for the work to be accomplished; and

WHEREAS, BED has now corrected the request, indicating that up to 50 feet will be required in order to provide for the ongoing maintenance of the new wires and poles;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes Mayor Miro Weinberger to execute the attached corrected Memorandum of Agreement on behalf of the City, subject to the prior review and approval of the City Attorney.

1
2 **Resolution Relating to**
3
4

RESOLUTION

Sponsor(s): Councilors Shannon,
Bushor, Paul: Bd. of Finance

Introduced: 11/26/12

Referred to: _____

7 AUTHORIZATION TO EXECUTE MEMORANDUM OF AGREEMENT

8 Re: WATERFRONT ACCESS NORTH PROJECT- BED EASEMENT

Action: Passed

Date: 11/26/12

Signed by Mayor: _____

11
12 **CITY OF BURLINGTON**
13

14 In the year Two Thousand Twelve.....

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

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17 That WHEREAS, as a part of the Waterfront Access North Project, the undergrounding of the overhead
18 utilities within the project area require that a section of poles and wires be removed north of the project
19 area on the eastern side of the railroad tracks below Lakeview Terrace and reconnected at the far northern
20 end of the Urban Reserve to the existing service going over North Avenue to the McNeil Plant near the
21 railroad tunnel; and

22 WHEREAS, to accomplish this the Burlington Electric Department (BED) needs an easement
23 from the city; and

24 WHEREAS, on Tuesday, November 13, 2012, the Board of Finance unanimously recommended
25 City Council approval of a resolution to authorize execution of a Memorandum of Agreement (see
26 attached) by and between the City and BED authorizing said easement.

27 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes Mayor Miro
28 Weinberger to execute the attached Memorandum of Agreement on behalf of the City, subject to the prior
29 review and approval of the City Attorney.
30

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement made this _____ day of _____ 2013, between the City of Burlington and the City of Burlington Electric Department.

Whereas the parties desire to enter into a Memorandum of Agreement which will have the force and effect of an Easement Agreement for recording purposes.

Whereas the City of Burlington, a municipality located in Chittenden County and State of Vermont (hereinafter called GRANTOR), for and in consideration of ONE DOLLAR and other good and valuable consideration paid to its full satisfaction by its Electric Department, (hereinafter called GRANTEE), the receipt whereof is hereby acknowledged, does hereby freely GRANT unto GRANTEE, and its successors and assigns, a perpetual and exclusive right-of-way and easement for the purpose of installing, inspecting, maintaining, constructing, reconstructing, operating, removing, repairing and replacing electrical lines and cables, which may be constructed at different voltages as GRANTEE, its successor and assigns, may from time to time determine, including necessary or advisable poles, anchors, guys, conduits, transformers, equipment and appurtenances under, upon, over and through the following described premises owned by the GRANTOR in the City of Burlington, County of Chittenden and State of Vermont, described as follows: VIZ:

The right-of-way and easement herein granted is located within the lands known as **0 Lake Street** (Parcel ID 043-4-007-000). Also known as the "North Forty". Being a portion of all and the same land and premises conveyed to the GRANTOR by the following conveyance:

Deed of Central Vermont Railway, Inc to the City of Burlington dated October 15th, 1991 and recorded in volume 438 at page 402 of the City of Burlington Land Records.

Said right-of-way and easement, being fifty feet (50') in width, twenty five feet (25') on each side of the centerline of the **asbuilt location** of the overhead primary electric lines. Said centerline of the overhead primary electric lines begin at the GRANTEE'S existing pole numbered 2756; thence running in a southerly direction a distance of approximately one hundred and sixty six feet (166') to GRANTEE'S new H-Frame structure (H1); thence continuing in a southerly direction a distance of approximately one hundred and eighty five feet (185') to GRANTEE'S new H-Frame structure (H2); thence running in a southwesterly direction a distance of approximately two hundred feet (200') to GRANTEE'S new H-Frame structure (H3); thence running in a westerly direction a distance of approximately one hundred and forty seven feet (147') to GRANTEE'S existing pole numbered 2779. Also from the aforementioned new H-Frame structure (H3) a distance of approximately one hundred and fifty-five feet (155') in a southwesterly direction to GRANTEE'S existing pole numbered 2778.

Said aforementioned right-of-way and easement is more particularly depicted on a Burlington Electric Department Drawing C374100, entitled "ROW & EASEMENT – FROM P2756 BY RR TUNNEL – TO LAKE ST. EXTENSION/BIKEPATH" last revised 3/21/13 and recorded in the City of Burlington Land Records at Map Hanger _____.

The above granted right, being more particularly described as the right to construct, place, reconstruct, operate, maintain, replace and remove, electrical transformers, poles, anchors, guys, conduits, hand holes, conductors, lines and cables and any other fixture and appurtenances thereto as the GRANTEE, its successors and assigns, may from time to time deem necessary or advisable. GRANTEE shall have the right to cut down and remove any trees, branches, underbrush etc. that may interfere with the safe and efficient operation and use of GRANTEE'S electric lines. Together, also with the right at all times to cross and recross Grantor's premises by convenient and reasonable approaches to gain access to the above described premises on foot and with motor vehicles and construction equipment for the purposes herein described. In the event GRANTEE disturbs the ground surface, Grantee will replace said ground surface to the condition it was found.

The GRANTOR covenants and agrees not to construct, install or permit the construction or installation of, any structures or objects of any kind upon or under the surface of the ground or to change the elevation of the ground within five feet (5') on each side of the easement, without the prior written consent of the GRANTEE.

TO HAVE AND TO HOLD the aforementioned rights and easements, with all privileges and appurtenances thereto belonging unto GRANTEE and its successors, and assigns forever to it and their own proper use, benefit and behoof.

GRANTOR agrees to indemnify and hold harmless GRANTEE from any and all claims, including costs of defense, arising from the presence of any toxic substance (other than any substance delivered by GRANTEE) or hazardous waste on or in GRANTORS property which is subject to the easement herein granted.

GRANTOR and GRANTEE agree that this instrument contains all of the terms and conditions of the easement herein conveyed, that no one has any authority on behalf of the GRANTOR and/or GRANTEE to make any agreement not herein expressed, and the consideration recited herein is in full satisfaction of every right hereby granted.

The foregoing shall be binding upon and shall inure to the benefit of the respective successors and assigns of the GRANTOR and GRANTEE.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed this _____ day of _____, 2013.

CITY OF BURLINGTON

IN THE PRESENCE OF:

By: _____
Duly Authorized Agent

Witness

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS:

At _____, in said _____ County, this _____ day of _____ 2013, personally appeared _____, Duly Authorized Agent for the City of Burlington and acknowledged that the signing of this document was his/her free act and deed of the City of Burlington.

Before me, _____ Notary Public
Commission Expires; _____

BURLINGTON ELECTRIC DEPARTMENT

IN THE PRESENCE OF:

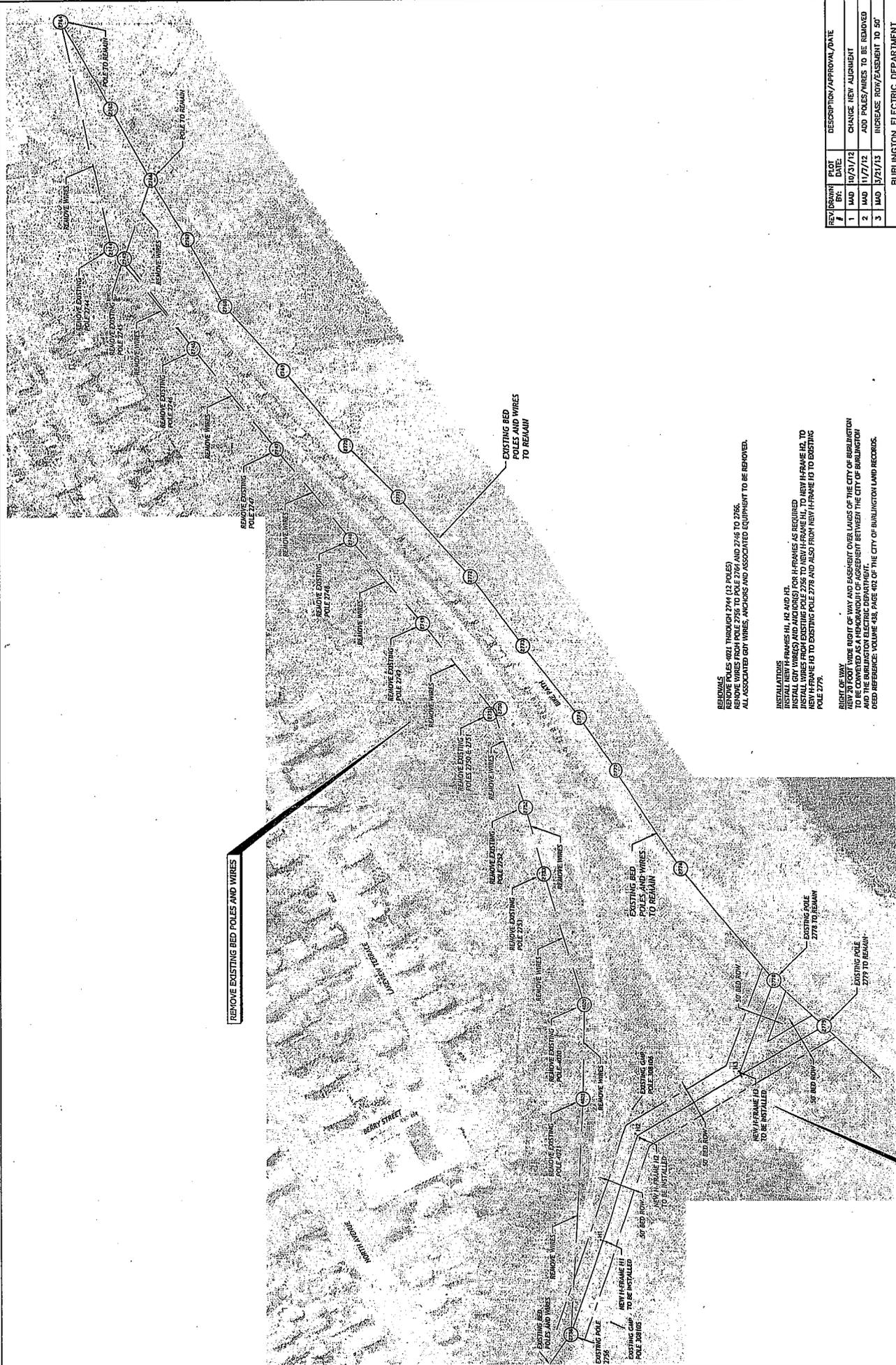
By: _____
Duly Authorized Agent

Witness

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS:

At _____, in said _____ County, this _____ day of _____ 2013, personally appeared _____, Duly Authorized Agent for the Burlington Electric Department and acknowledged that the signing of this document was his/her free act and deed of the Burlington Electric Department.

Before me, _____ Notary Public
Commission Expires; _____



REMOVALS
 REMOVE POLES 1021 THROUGH 2741 (12 POLES)
 REMOVE WIRES FROM POLE 276 TO POLE 2767 AND 2768 TO 2766.
 ALL ASSOCIATED GUT WIRES, HOOKUPS AND ASSOCIATED EQUIPMENT TO BE REMOVED.

INSTALLATIONS
 INSTALL NEW H/F FRAMES H1, H2 AND H3.
 INSTALL CITY WIRES AND ANCHORS FOR H-FRAMES AS REQUIRED.
 REMOVE EXISTING POLE 2778 AND 2779 TO NEW H/F FRAME H1.
 REMOVE EXISTING POLE 2779 AND 2780 TO NEW H/F FRAME H2.
 REMOVE EXISTING POLE 2779 AND 2780 TO NEW H/F FRAME H3 TO EXISTING POLE 2779.

RIGHT OF WAY
 15' TO 20' FOOT WIDE RIGHT OF WAY AND EASEMENT OVER LANDS OF THE CITY OF BURLINGTON
 BETWEEN THE CITY OF BURLINGTON
 AND THE BURLINGTON ELECTRIC DEPARTMENT.
 DEED REFERENCE: VOLUME 438, PAGE 402 OF THE CITY OF BURLINGTON LAND RECORDS.

REV/DRAWN #	BY	DATE	DESCRIPTION/APPROVAL/DATE
1	MAJ	10/31/12	CHANGE NEW ALIGNMENT
2	MAJ	11/7/12	ADD POLES/WIRES TO BE REMOVED
3	MAJ	3/21/13	INCREASE ROW/EASEMENT TO 50'

BURLINGTON ELECTRIC DEPARTMENT

ROW & EASEMENT
 FROM P2756 BY RR TUNNEL
 TO LAKE ST. EXTENSION/BIKEPATH

DRAWN BY: AJN
 DATE: 10/6/10

DWG. NO.: C3740100
 CHECKED BY/DATE: SHEET 1 OF 1



MEMORANDUM OF AGREEMENT

This Memorandum of Agreement made this ____ day of _____ 2013, between the City of Burlington and the City of Burlington Electric Department.

Whereas the parties desire to enter into a Memorandum of Agreement which will have the force and effect of an Easement Agreement for recording purposes.

Whereas the City of Burlington, a municipality located in Chittenden County and State of Vermont (hereinafter called GRANTOR), for and in consideration of ONE DOLLAR and other good and valuable consideration paid to its full satisfaction by its Electric Department, (hereinafter called GRANTEE), the receipt whereof is hereby acknowledged, does hereby freely GRANT unto GRANTEE, and its successors and assigns, a perpetual and exclusive right-of-way and easement for the purpose of installing, inspecting, maintaining, constructing, reconstructing, operating, removing, repairing and replacing electrical lines and cables, which may be constructed at different voltages as GRANTEE, its successor and assigns, may from time to time determine, including necessary or advisable poles, anchors, guys, conduits, transformers, equipment and appurtenances under, upon, over and through the following described premises owned by the GRANTOR in the City of Burlington, County of Chittenden and State of Vermont, described as follows: VIZ:

The right-of-way and easement herein granted is located within the lands known as **0 Lake Street** (Parcel ID 043-4-007-000). Also known as the "North Forty". Being a portion of all and the same land and premises conveyed to the GRANTOR by the following conveyance:

Deed of Central Vermont Railway, Inc to the City of Burlington dated October 15th, 1991 and recorded in volume 438 at page 402 of the City of Burlington Land Records.

Said right-of-way and easement, being fifty feet (50') in width, twenty five feet (25') on each side of the centerline of the **asbuilt location** of the overhead primary electric lines. Said centerline of the overhead primary electric lines begin at the GRANTEE'S existing pole numbered 2756; thence running in a southerly direction a distance of approximately one hundred and sixty six feet (166') to GRANTEE'S new H-Frame structure (H1); thence continuing in a southerly direction a distance of approximately one hundred and eighty five feet (185') to GRANTEE'S new H-Frame structure (H2); thence running in a southwesterly direction a distance of approximately two hundred feet (200') to GRANTEE'S new H-Frame structure (H3); thence running in a westerly direction a distance of approximately one hundred and forty seven feet (147') to GRANTEE'S existing pole numbered 2779. Also from the aforementioned new H-Frame structure (H3) a distance of approximately one hundred and fifty-five feet (155') in a southwesterly direction to GRANTEE'S existing pole numbered 2778.

Said aforementioned right-of-way and easement is more particularly depicted on a Burlington Electric Department Drawing C374100, entitled "ROW & EASEMENT – FROM P2756 BY RR TUNNEL – TO LAKE ST. EXTENSION/BIKEPATH" last revised 3/21/13 and recorded in the City of Burlington Land Records at Map Hanger _____.

The above granted right, being more particularly described as the right to construct, place, reconstruct, operate, maintain, replace and remove, electrical transformers, poles, anchors, guys, conduits, hand holes, conductors, lines and cables and any other fixture and appurtenances thereto as the GRANTEE, its successors and assigns, may from time to time deem necessary or advisable. GRANTEE shall have the right to cut down and remove any trees, branches, underbrush etc. that may interfere with the safe and efficient operation and use of GRANTEE'S electric lines. Together, also with the right at all times to cross and recross Grantor's premises by convenient and reasonable approaches to gain access to the above described premises on foot and with motor vehicles and construction equipment for the purposes herein described. In the event GRANTEE disturbs the ground surface, Grantee will replace said ground surface to the condition it was found.

The GRANTOR covenants and agrees not to construct, install or permit the construction or installation of, any structures or objects of any kind upon or under the surface of the ground or to change the elevation of the ground within five feet (5') on each side of the easement, without the prior written consent of the GRANTEE.

TO HAVE AND TO HOLD the aforementioned rights and easements, with all privileges and appurtenances thereto belonging unto GRANTEE and its successors, and assigns forever to it and their own proper use, benefit and behoof.

GRANTOR agrees to indemnify and hold harmless GRANTEE from any and all claims, including costs of defense, arising from the presence of any toxic substance (other than any substance delivered by GRANTEE) or hazardous waste on or in GRANTORS property which is subject to the easement herein granted.

GRANTOR and GRANTEE agree that this instrument contains all of the terms and conditions of the easement herein conveyed, that no one has any authority on behalf of the GRANTOR and/or GRANTEE to make any agreement not herein expressed, and the consideration recited herein is in full satisfaction of every right hereby granted.

The foregoing shall be binding upon and shall inure to the benefit of the respective successors and assigns of the GRANTOR and GRANTEE.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed this _____ day of _____, 2013.

CITY OF BURLINGTON

IN THE PRESENCE OF:

By: _____
Duly Authorized Agent

Witness

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS:

At _____, in said _____ County, this _____ day of _____ 2013, personally appeared _____, Duly Authorized Agent for the City of Burlington and acknowledged that the signing of this document was his/her free act and deed of the City of Burlington.

Before me, _____ Notary Public
Commission Expires; _____

BURLINGTON ELECTRIC DEPARTMENT

IN THE PRESENCE OF:

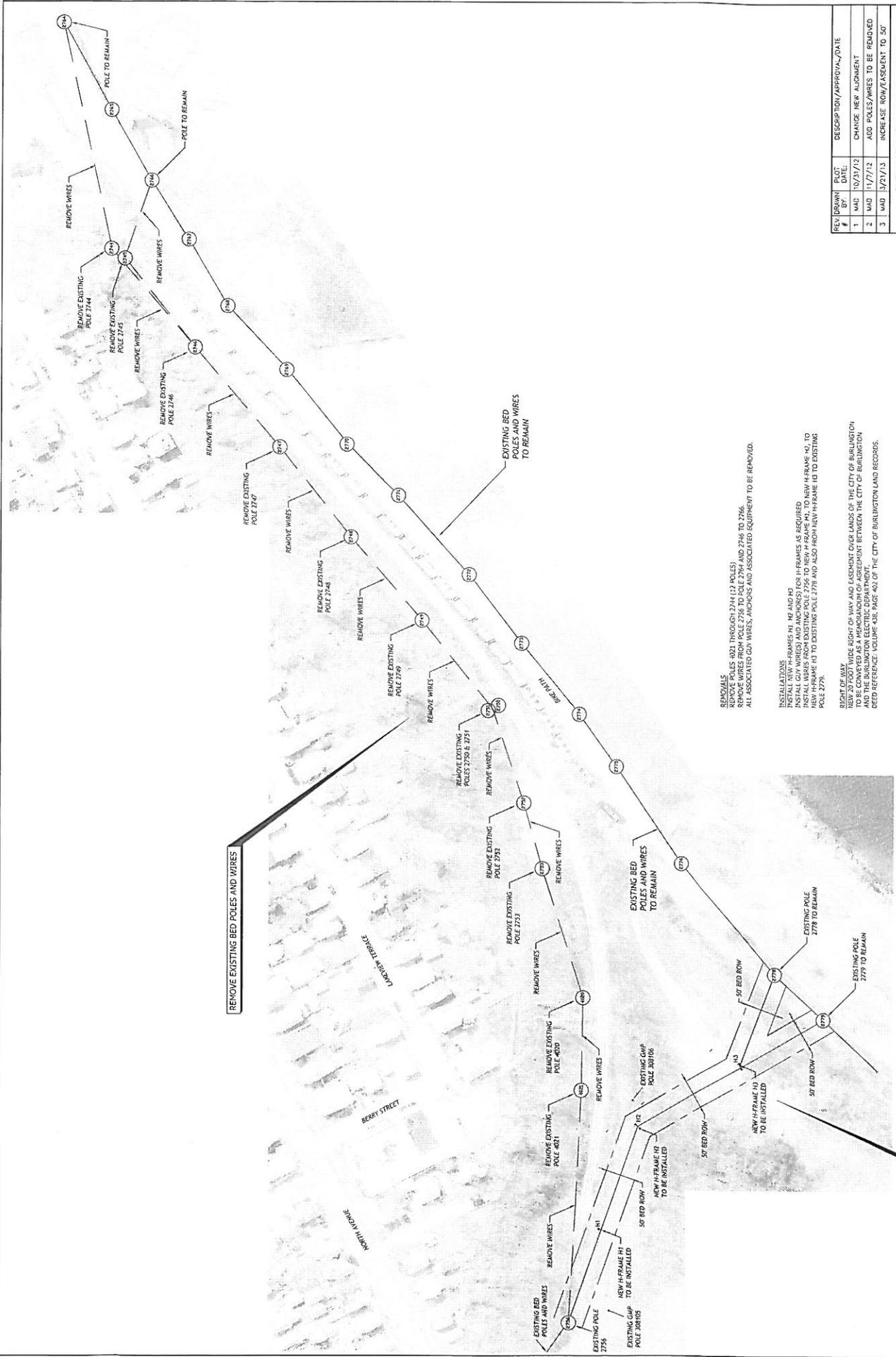
By: _____
Duly Authorized Agent

Witness

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS:

At _____, in said _____ County, this _____ day of _____ 2013, personally appeared _____, Duly Authorized Agent for the Burlington Electric Department and acknowledged that the signing of this document was his/her free act and deed of the Burlington Electric Department.

Before me, _____ Notary Public
Commission Expires; _____



REMOVALS
 REMOVE POLES 4021 THROUGH 4244 (12 POLES)
 REMOVE WIRES FROM POLE 2756 TO POLE 2764 AND 2764 TO 2766.
 ALL ASSOCIATED C/W WIRES, ANCHORS AND ASSOCIATED EQUIPMENT TO BE REMOVED.

INSTALLATIONS
 INSTALL NEW H-FRAMES H1, H2 AND H3
 INSTALL C/W WIRES (AND ANCHORS) FOR H-FRAMES AS REQUIRED
 INSTALL EXISTING POLE 2756 TO NEW H-FRAME H1, TO NEW H-FRAMES H2, TO
 NEW H-FRAME H3 TO EXISTING POLE 2770 AND ALSO ANCHOR ATTACHMENT TO EXISTING
 POLE 2770.

RIGHT OF WAY
 THE WIRE LINES ARE TO BE INSTALLED OVER LANDS OF THE CITY OF BURLINGTON
 TO BE CONSIDERED AS A HIGHWAY OR HIGHWAY RIGHT-OF-WAY BETWEEN THE CITY OF BURLINGTON
 AND THE BURLINGTON ELECTRIC DEPARTMENT.
 SEE REFERENCE VOLUME 438, PAGE 402 OF THE CITY OF BURLINGTON LAND RECORDS.

REV	BY	DATE	DESCRIPTION / APPROVAL DATE
1	WAD	10/23/12	CHANGE NEW ALIGNMENT
2	WAD	11/7/12	ADD POLES/WIRES TO BE REMOVED
3	WAD	3/21/13	INCREASE ROW/EASEMENT TO 50'

BURLINGTON ELECTRIC DEPARTMENT	
SUBMITTER: VPC/WHIT	
ROW & EASEMENT	
FROM P2756 BY RR TUNNEL	
TO LAKE ST. EXTENSION/BIKEPATH	
DRAWN BY: AJN	DWG. NO. CS740100
PLotted DATE: 10/6/10	CHECKED BY/DATE: SHEET 1 OF 1



REMOVE EXISTING BED POLES AND WIRES

INSTALL NEW BED POLES AND WIRES
 NEW BED RIGHT OF WAY

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APPROVAL OF AND AUTHORIZATION TO EXECUTE
AGREEMENTS WITH THE CHITTENDEN COUNTY
REGIONAL PLANNING COMMISSION (CCRPC) FOR
CONSULTANT PLANNING SERVICES FOR THE RAILYARD
ENTERPRISE PROJECT AND NORTH AVENUE CORRIDOR
STUDY PROJECT

In the year Two Thousand Thirteen.....

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

That WHEREAS, the Chittenden County Regional Planning Commission (CCRPC) receives metropolitan planning funds from the Federal Highway Administration (FHWA) to support planning activities related to surface transportation and the CCRPC allocates these funds through its Unified Planning Work Program (UPWP); and

WHEREAS, the Department of Public Works (DPW) consults existing city plans and consults with other city departments to identify projects in need of transportation planning and to submit projects to the UPWP; and

WHEREAS, DPW submitted and the UPWP has approved the funding of planning activities for the City of Burlington’s Railyard Enterprise Project, the purpose of which is to develop a network of multimodal transportation infrastructure improvements incorporating Complete Streets principles to support economic development, improved neighborhood livability, and enhanced multimodal and intermodal transportation connectivity; and

WHEREAS, DPW submitted and the UPWP has also approved the funding of planning activities for the City of Burlington’s North Avenue Corridor Study Project, the purpose of which is to study transportation issues on North Avenue between Plattsburg Avenue and North Street and to solicit public feedback to identify transportation improvements to the corridor; and

WHEREAS, under the UPWP, the CCRPC will provide FHWA funds for 80% of total project costs provided that to access these planning funds the City must enter into agreements with the CCRPC to provide a 20% local match of the project costs; and

WHEREAS, the project cost for the Railyard project is \$162,724 of which the CCRPC’s 80% share would be \$130,179 and the City’s 20% local match would be \$32,545; and

WHEREAS, the project cost for the North Avenue project is \$115,848 of which the CCRPC 80% share would be \$92,678 and the City’s 20% local match would be \$23,170; and

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APPROVAL OF AND AUTHORIZATION TO EXECUTE
AGREEMENTS WITH THE CHITTENDEN COUNTY
REGIONAL PLANNING COMMISSION (CCRPC) FOR
CONSULTANT PLANNING SERVICES FOR THE
RAILYARD ENTERPRISE PROJECT AND NORTH
AVENUE CORRIDOR STUDY PROJECT

WHEREAS, DPW made a presentation to the Finance Board on June 3, 2013 and received the Board's unanimous approval to move DPW's request to authorize the Mayor and DPW Director to execute agreements with CCRPC to provide the local matches stated above to the full City Council with a recommendation that the request be approved;

NOW, THEREFORE, BE IT RESOLVED that Mayor Weinberger and the Director of Public Works, Steve Goodkind, or his designees are authorized to enter into Agreements with the CCRPC to provide the local matches for the special planning/project development projects related to the Railyard Enterprise Project and the North Avenue Corridor Study Project, in a form substantially similar to the attached agreements, subject to the review and approval of the City Attorney.

**AGREEMENT TO PROVIDE LOCAL MATCH FOR
SPECIAL PLANNING/PROJECT DEVELOPMENT PROJECT
BETWEEN
THE CITY OF BURLINGTON PUBLIC WORKS DEPT. AND
CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
IN ASSOCIATION WITH CCRPC'S AGREEMENT WITH
Parsons Brinckerhoff (PL 2013-16)**

THIS AGREEMENT is made this ____ day of _____, 2013 by and between the Chittenden County Regional Planning Commission, a public body formed by its member municipalities as enabled under 24 V.S.A. 4341, with principal place of business at 110 West Canal Street, Suite 202, Winooski, Vermont 05404-2109, (hereinafter called "CCRPC") and the City of Burlington Public Works Department, with its principal place of business located at 645 Pine Street, Burlington, VT 05401 hereinafter called the CITY.

WHEREAS, the CCRPC has entered into an Agreement with the firm of Parsons Brinckerhoff, to have them work on the North Avenue Corridor Study; and,

WHEREAS, the estimated cost of the project is \$115,848 and the CCRPC has agreed to use Federal Highway Administration Planning Funds for 80% of the cost of this project in the amount of \$92,678 and the CITY has agreed to provide the 20% local match required for locally matched projects;

NOW, THEREFORE, the CITY agrees to pay CCRPC the funds required to match the FHWA PL funds not to exceed Twenty Three Thousand, One Hundred Seventy dollars (\$23,170). The CITY portion will be billed monthly based on the total consultant invoice for that month.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

CITY OF BURLINGTON
DEPT. OF PUBLIC WORKS

CHITTENDEN COUNTY
REGIONAL PLANNING COMMISSION

STEVEN GOODKIND, DIRECTOR

LOUIS H. MOSSEY, III, CHAIR

MIRO WEINBERGER, MAYOR

Burlington (North Avenue Corridor Study).doc
5/9/13 bf

AGREEMENT TO PROVIDE LOCAL MATCH FOR
SPECIAL PLANNING/PROJECT DEVELOPMENT PROJECT
BETWEEN
THE CITY OF BURLINGTON PUBLIC WORKS DEPT. AND
CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
IN ASSOCIATION WITH CCRPC'S AGREEMENT WITH
Resource Systems Group, Inc. (PL 2013-18)

THIS AGREEMENT is made this ____ day of _____, 2013 by and between the Chittenden County Regional Planning Commission, a public body formed by its member municipalities as enabled under 24 V.S.A. 4341, with principal place of business at 110 West Canal Street, Suite 202, Winooski, Vermont 05404-2109, (hereinafter called "CCRPC") and the City of Burlington Public Works Department, with its principal place of business located at 645 Pine Street, Burlington, VT 05401 hereinafter called the CITY.

WHEREAS, the CCRPC has entered into an Agreement with the firm of Resource Systems Group, Inc., to have them work on the Railyard Enterprise Project; and,

WHEREAS, the estimated cost of the project is \$162,724 and the CCRPC has agreed to use Federal Highway Administration Planning Funds for 80% of the cost of this project in the amount of \$130,179 and the CITY has agreed to provide the 20% local match required for locally matched projects;

NOW, THEREFORE, the CITY agrees to pay CCRPC the funds required to match the FHWA PL funds not to exceed Thirty Two Thousand, Five Hundred Forty Five dollars (\$32,545). The CITY portion will be billed monthly based on the total consultant invoice for that month.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

CITY OF BURLINGTON
DEPT. OF PUBLIC WORKS

CHITTENDEN COUNTY
REGIONAL PLANNING COMMISSION

STEVEN GOODKIND, DIRECTOR

LOUIS H. MOSSEY, III, CHAIR

MIRO WEINBERGER, MAYOR

Burlington (Railyard EnterpriseProject).doc
5/10/13 bf



Office of Planning
645 Pine Street, Suite A
Burlington, VT 05402
802.863.9094 P
802.863.0466 F
802.863.0450 TTY

www.dpw.ci.burlington.vt.us

Memo

Steven Goodkind, P.E.
DIRECTOR OF PUBLIC WORKS
City Engineer

Date: June 5, 2013

To: City Council

From: Nicole Losch, Transportation Planner

Subject: Authorization to Enter Agreements to Provide Local Match

BACKGROUND

The Chittenden County Regional Planning Commission (CCRPC) receives metropolitan planning funds from the Federal Highway Administration (FHWA) to support activities related to surface transportation planning. The CCRPC allocates these funds through their annual Unified Planning Work Program (UPWP). There is an additional mid-year adjustment, which modifies the scope of work to account for unanticipated planning activities.

The Department of Public Works (DPW) consults existing city plans and other city departments to identify projects in need of transportation planning. Projects are submitted during the UPWP development schedule, and then prioritized by the CCRPC with consultation from DPW.

UPWP projects are approved by the CCRPC's Transportation Advisory Committee (TAC) and Board of Directors, on which Burlington has one representative on each committee. Projects often proceed with work provided by a consultant recommended from the CCRPC's on-call list. The city agrees to pay the CCRPC for the local match required (usually 20 percent) for locally managed projects, for the consultant's work on the projects.

At the June 3, 2013 meeting of the Board of Finance, the DPW requested and received approval to execute two agreements to provide local match for planning of two projects currently underway. Although the projects are underway, no local funds have been expended on these projects. In addition, no budget amendment is necessary to expend funds for these projects, which are programmed within the Street Capital Local Match.

REQUEST FOR APPROVAL

Railyard Enterprise Project

The purpose of this project is to develop a network of multimodal transportation infrastructure improvements, which incorporate the principles of Complete Streets, to support economic development in the area; improve livability of the surrounding neighborhoods; enhance multimodal travel connectivity between the Pint Street corridor to and the Burlington Waterfront South area; and improve intermodal connections to the Burlington Railyard.

Total project cost: \$162,724

CCRPC agrees to provide FHWA funds for 80% of the project cost: \$130,179

We request authorization to execute the local match agreement to provide the 20% local match, in the amount of \$32,545.

North Avenue Corridor Study

This project will facilitate a study of North Avenue between Plattsburg Avenue and North Street and solicit public feedback to identify transportation improvements to the corridor. The project kick-off meeting for the Advisory Committee is scheduled for early June. The first public meeting is anticipated to be held in July.

Total project: \$115,848

CCRPC agrees to provide FHWA funds for 80% of the project cost: \$92,678

We request authorization to execute the local match agreement to provide the 20% local match, in the amount of \$23,170.

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**AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT
TO MAINTAIN TABLES AND CHAIRS ON A
PORTION OF THE CITY’S RIGHT-OF-WAY WITH
JUNIOR’S DOWNTOWN**

In the year Two Thousand Thirteen.....

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

That WHEREAS, AS, LLC. d/b/a JUNIOR’S DOWNTOWN of Burlington, Vermont (hereinafter JUNIOR’S) is an establishment doing business in a commercial building located at 176 Main Street. in the City of Burlington, Vermont; and

WHEREAS, JUNIOR’S desires to place 2 tables and 8 chairs in the public right-of-way in front of its establishment at 176 Main Street; and

WHEREAS, JUNIOR’S wishes to enter into a License Agreement with the City for such tables and chairs; and

WHEREAS, the placement of the respective tables and chairs has been reviewed and approved by the Department of Public Works with conditions to address public safety concerns; and

WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of Ordinances Sec. 27-32 require authorization by the City Council for such use of a public thoroughfare for periods in excess of thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes JUNIOR’S to place 2 tables and 8 chairs covering an area of 60 sq. ft. on a portion of the public right-of-way adjacent to its establishment at 176 Main Street. as indicated in and pursuant to its License Agreement upon entering into the License Agreement in substantially the form attached hereto; and

BE IT FURTHER RESOLVED that Mayor Miro Weinberger be and hereby is authorized to execute a License Agreement, in substantially the form attached, on behalf of the City of Burlington for a term commencing on the date of execution of the License Agreement and terminating on April 30, 2014.

LICENSE AGREEMENT FOR TABLES AND CHAIRS
JUNIOR'S DOWNTOWN
2013-2014 SEASON

This LICENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (hereinafter CITY) and AS, LLC d/b/a JUNIOR'S DOWNTOWN, a commercial establishment located at 176 Main Street, Burlington, Vermont (hereinafter JUNIOR'S or LICENSEE).

WHEREAS, the CITY owns property, including the street and sidewalk right-of-way adjacent to 176 Main Street; and

WHEREAS, JUNIOR'S stated on its application (attached hereto as Exhibit A) that it wishes to place 2 tables and 8 chairs on the sidewalk area in front of the building at 176 Main Street; and

WHEREAS, JUNIOR'S has stated in its permit application that there are no physical barriers around the tables and chairs and they will cover a 60 sq. ft area; and

WHEREAS, this application was reviewed and approved by the Department of Public Works attached hereto as Exhibit B; and

WHEREAS, such use of a public thoroughfare for periods in excess of 30 days requires approval of the City Council under Charter Sec. 48XLIX and Burlington Code of Ordinances Chap. 27, Sec. 27-32;

WITNESSETH:

The CITY and JUNIOR'S enter into the following License Agreement:

1. TERM

The CITY grants to JUNIOR'S (hereinafter LICENSEE) a license to place 2 tables and 8 chairs on the public right-of-way at 176 Main Street for a term commencing as of the date of

execution of this Agreement and terminating on April 30, 2014 or sooner as provided herein.

2. LOCATION

LICENSEE may use and maintain tables and chairs on the public right-of-way (hereinafter referred to as the premises) for the consumption of food and beverage. Licensee must ensure that at all times there is a 5 ft. right-of-way for pedestrian traffic. The tables and chairs shall be placed as approved by the Department of Public Works. A copy of the approved plan is attached hereto as Exhibit C.

3. MAINTENANCE

- a. LICENSEE shall maintain the tables and chairs in proper condition.
- b. LICENSEE shall be responsible for the maintenance and upkeep of the tables and chairs and any damage to the tables and chairs is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain the tables and chairs, this License Agreement is revocable on notice by the CITY to LICENSEE of a violation of this section; however LICENSEE shall have 14 days to cure any problem if it notifies the CITY in writing within three (3) days of its intent to cure the violation.
- c. The tables and chairs shall be placed in accordance with all conditions set by the Department of Public Works and shall not impede the CITY'S ability to maintain the road, sidewalk, parking meters or greenbelt.
- d. The tables and chairs shall not cause an obstruction or inconvenience to members of the public using the sidewalk, parking meters or street.
- e. LICENSEE shall pick up and sweep debris created by its use of the public right-of-way.

4. LICENSE FEE

There shall be a fee for this license equal to the encumbrance application fee and the square foot use fee. This fee shall be payable immediately to the Burlington City Clerk's Office. **Failure to pay the annual fee shall result in the immediate revocation of the license.**

5. REVOCATION

This License Agreement is immediately revocable should LICENSEE discontinue use of the tables and chairs. In any event, this Agreement is revocable by the CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove at its own expense the tables and chairs and other materials or obstructions placed on the property. If LICENSEE refuses to promptly remove such obstructions, they may be removed by the CITY and LICENSEE shall be liable for all expenses of such removal.

6. INSURANCE

a. LICENSEE shall maintain in effect throughout the term of this Agreement comprehensive public liability insurance with an A rated insurance carrier, or better, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted pursuant to this Agreement in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. The CITY shall be named as an additional insured on such insurance policy.

b. Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the

CITY is named as an additional insured and shall be given 15 days written notification prior to cancellation of such insurance for nonpayment of premium and 45 days' notice for any other reason. The certificate shall be attached to this Agreement as Exhibit D and the endorsement shall be attached as Exhibit E.

c. The certificate of insurance shall be provided annually on or before its stated expiration. It is the responsibility of LICENSEE to ensure that a current certificate of insurance is on file with the CITY at all times. **Failure to furnish a current certificate of insurance will result in immediate revocation of this license.**

7. INDEMNIFICATION

LICENSEE agrees to indemnify, defend and hold the CITY harmless and free from liability arising out of LICENSEE'S use of the CITY'S right-of-way, and LICENSEE agrees to make no claim against the CITY or any of its officers, employees, agents or representatives for any loss or damage caused by the CITY'S use or maintenance of its right-of-way.

8. PERMITS

LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits including zoning permits, prior to placement of the tables and chairs.

9. NUISANCES PROHIBITED

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

10. ASSIGNMENT OF RIGHTS

LICENSEE shall not sell or assign its rights pursuant to this Agreement or permit the use of the premises or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate LICENSEE'S rights pursuant to this Agreement.

11. LIMITATION OF RIGHTS

LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this Agreement.

12. This License Agreement supersedes all other License Agreements executed for this location.

DATED at Burlington, Vermont this _____ day of _____,

2013.

CITY OF BURLINGTON

By: _____

Miro Weinberger, Mayor
Duly Authorized

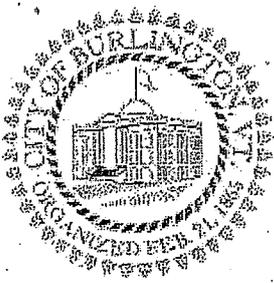
AS, LLC
d/b/a JUNIOR'S DOWNTOWN

By: _____

Duly Authorized

Witness

Witness



CITY ATTORNEY'S OFFICE
MAY 24 2013
 RECEIVED

OFFICE OF THE CLERK AND TREASURER
 149 CHURCH STREET
 BURLINGTON, VT 05401
 Voice (802)865-7000
 FAX (802)865-7014
 TTY (802)865-7142
 Amy Bovee (802)865-7019
 Ron Gore (802)865-7562

Encumbrance Application / Renewal

DBA NAME: JUNIORS DOWNTOWN
 CONTACT NAME: SANI PASAGIC
 MAILING ADDRESS: 176 MAIN ST
BURLINGTON, VT 05401

DATE: 4/24/13
 PHONE: 802 862 1234
 FAX: _____
 EMAIL: JUNIORS DOWNTOWN@GMAIL.COM

DBA NAME: JUNIORS DOWNTOWN
 COMPANY: AS LLC

LOCATION OF ENCUMBRANCE: 176 MAIN ST BURLINGTON, VT 05401

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application):

Description: 2 TABLES AND CHAIRS

Total Square Feet (\$1.00 per SF): 00

PLEASE ATTACH:

1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401"
2. Endorsement to Insurance Policy outlining the Cancellation Policy
3. Endorsement to Insurance Policy listing the City as Additional Insured
4. Sketch, Photo, or Blueprint of what you are proposing.
5. Check for the square feet fees (\$1 per square foot) + \$25 Application fee: _____

Signature: [Signature]

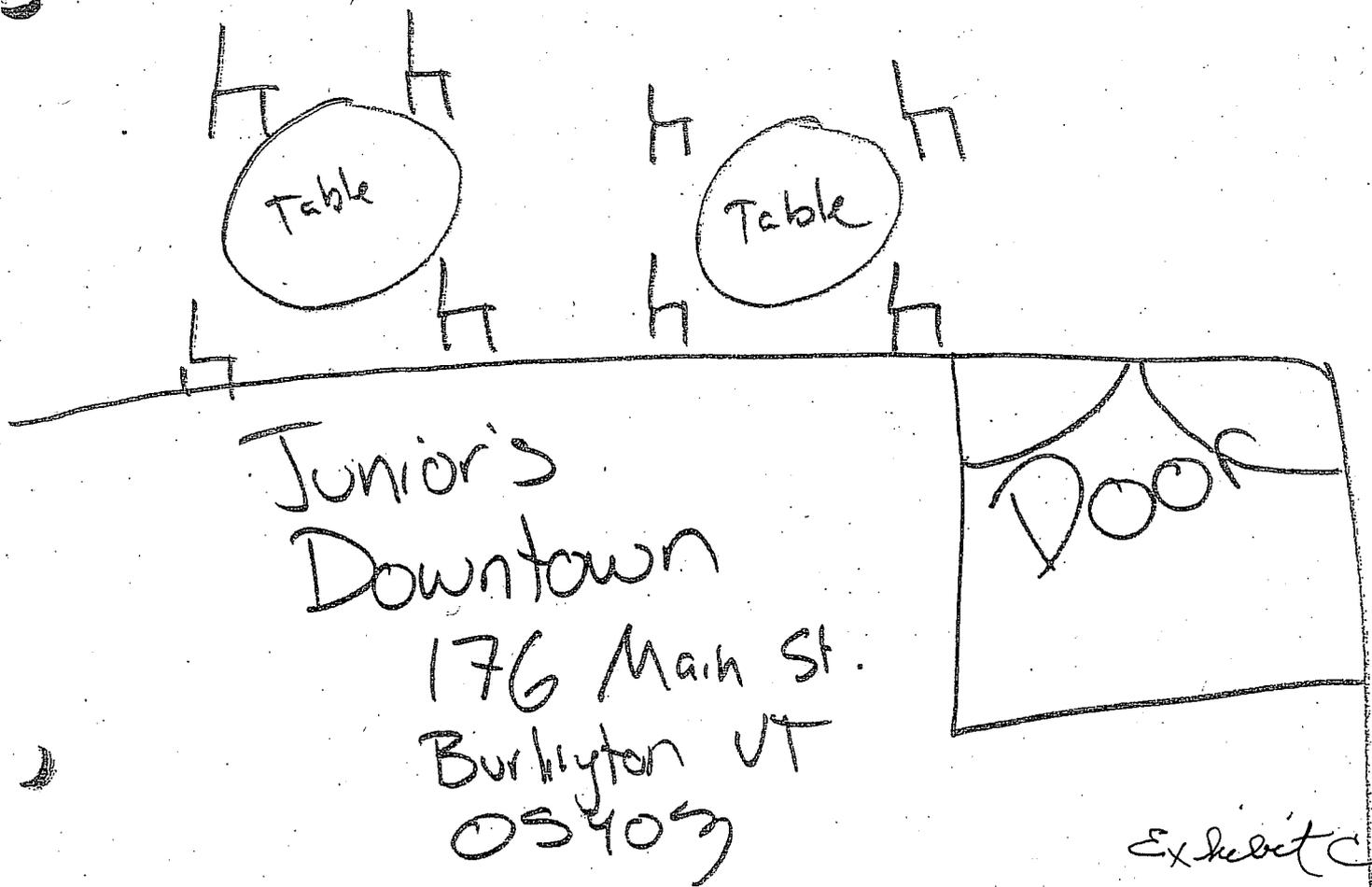
Date: 4/24/13

For office use only: Amount received \$ 85 on 4/24
 Sent to DPW: 4/25 Sent to Attorney: 5/23

Check # 2074

Exhibit A

H = Chairs



ENDORSEMENT



Policy Number: BOP1045169		Prior Policy: 1045169	
Billing Type: DIRECT BILL			
Coverage Is Provided In PEERLESS INDEMNITY INSURANCE COMPANY			
Named Insured and Mailing Address: AS LLC DBA JUNIOR'S DOWNTOWN 176 MAIN STREET BURLINGTON VT 05401		Agent: CHEESEMAN INSURANCE INC PO BOX 5789 BURLINGTON VT 05402-5789	
		Agent Code: 7410548	Agent Phone: (802)-861-4800

POLICY CHANGE ENDORSEMENT

POLICY PERIOD: From: 04/01/2013 To: 04/01/2014 at 12:01 AM Standard Time at your mailing address shown above.

DESCRIPTION OF CHANGE CHANGE EFFECTIVE DATE: 05/09/2013

AMEND INSUREDS MAILING ADDRESS TO READ:
176 MAIN STREET
BURLINGTON, VT 05401

ADDED CITY OF BURLINGTON AS ADDITIONAL INSURED

SEE ATTACHED SCHEDULE

Original Annual Premium	\$	2,605.00		
New Annualized Premium	\$	2,605.00	NO PREMIUM CHANGE	\$ 0.00

Countersigned: By _____ Authorized Representative _____ Date _____

Date Issued: 05/21/2013

Exhibit E

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED
DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL PROTECTOR COVERAGE FORM (Businessowners Coverage Form)

SCHEDULE

Name of Person or Organization:

CITY OF BURLINGTON
149 CHURCH STREET
BURLINGTON, VT 05401

Paragraph C. Who Is An Insured in Section II - Liability is amended to include as an insured the person(s) or organization shown in the schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

VERMONT CHANGES

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

A. Section I – Property is amended as follows:

1. The following is added to Paragraph E.4. **Legal Action Against Us Property Loss Condition:**

However, your right to bring legal action against us is not conditioned upon your compliance with the provisions of the Appraisal Property Loss Condition, if any.

2. The following is added to Paragraph E.6. **Loss Payment Property Loss Condition** and replaces any provision to the contrary:

We will pay for covered loss or damage within 10 working days after we reach agreement with you on the amount of loss, provided all other terms of the Loss Payment Property Loss Condition are satisfied.

B. Section III – Common Policy Conditions is amended as follows:

1. Paragraph A. **Cancellation** is replaced by the following:

A. Cancellation

1. The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.
2. Cancellation of Policies in Effect for Less than 60 Days.

If this policy has been in effect for less than 60 days and this policy is not a renewal of a policy we issued, we may cancel this policy by:

- a. Giving the first Named Insured at least 15 days' notice prior to the cancellation date for nonpayment of premium or substantial increase in hazard; or
- b. Mailing or delivering the first Named Insured at least 45 days' notice prior to the cancellation date for any other reason.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

3. Cancellation of Policies in Effect For 60 Days or More

If this policy has been in effect for 60 days or more, or if this is a renewal of a policy we issued, we may cancel this policy only for one or more of the following reasons:

- a. Nonpayment of premium;
- b. Fraud or material misrepresentation affecting this policy or in the presentation of claims under this policy;
- c. Violation of any provisions of this policy; or
- d. Substantial increase in hazard, provided we have secured approval for the cancellation from the commissioner of insurance.

If we cancel this policy for one of the reasons specified in paragraph 3., we will cancel only in the following manner:

- a. By giving at least 15 days' notice before the effective date of cancellation if we cancel for nonpayment of premium; or
- b. By mailing or delivering at least 45 days' notice before the effective date of cancellation if we cancel for any other reason.

Written notice of cancellation, including the reason for cancellation, will be mailed or delivered to the first Named Insured at the first Named Insured's last mailing address known to us.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

4. Notice of cancellation will state the effective date of cancellation. The policy period will end on that date.
 5. If this policy is cancelled, we will send the first Named Insured any premium refund due. If we cancel, the refund will be pro rata. If the first Named Insured cancels, the refund may be less than pro rata. The cancellation will be effective even if we have not made or offered a refund.
 6. If notice is mailed, proof of mailing will be sufficient proof of notice.
2. Paragraph C. **Concealment, Misrepresentation Or Fraud** is replaced by the following:

C. Concealment, Misrepresentation Or Fraud

We will not pay for any loss or damage in any case of:

1. Concealment or misrepresentation of a material fact; or
 2. Fraud;
- committed by you at any time and relating to coverage under this policy.
3. The following paragraphs are added:

M. When We Do Not Renew

1. We may elect not to renew this policy by mailing, by certified mail, or delivering written notice of nonrenewal to the first Named Insured's last mailing address known to us. We will mail or deliver this notice at least 45 days before the:
 - a. Expiration of the policy; or
 - b. Anniversary date of this policy if this policy has been written for a term of more than one year.

2. This provision does not apply:
 - a. If we have indicated a willingness to renew;
 - b. In case of nonpayment of premium;
 - c. If you do not pay any advance premium required by us for renewal; or
 - d. If any property covered in this policy is insured under any other insurance policy.

N. Renewal

1. If we:
 - a. Elect to renew this policy; and
 - b. Have the necessary information to issue a renewal policy,we will confirm in writing at least 45 days before it expires our intention to renew this policy; and the premium at which this policy will be renewed.
2. If we do not comply with the provisions of Paragraph 1., you will have renewal coverage. The renewal coverage will be at the rates:
 - a. In effect under the expiring or expired policy; or
 - b. In effect on the expiration date, that have been approved by the Commissioner,whichever are lower.

This renewal coverage will be on a pro rata basis and will continue for 45 days after we confirm renewal coverage and premium. If you accept this renewal policy, this Paragraph 2. does not apply.

- C. The following paragraph is added to the Businessowners Coverage Form:

1. Statutory Liability

- a. In addition to paying and satisfying judicial judgments rendered against the insured in consequence of claims to which this policy applies, we will protect the insured against the levy of executions issued on such judgments or claims against the insured.

b. We may, without the insured's consent, continue litigation after a judgment has been rendered with respect to the insured's legal liability under this policy for damages in particular instance. In that event, no limitation of our liability will be valid where the matter of that litigation is concerned.

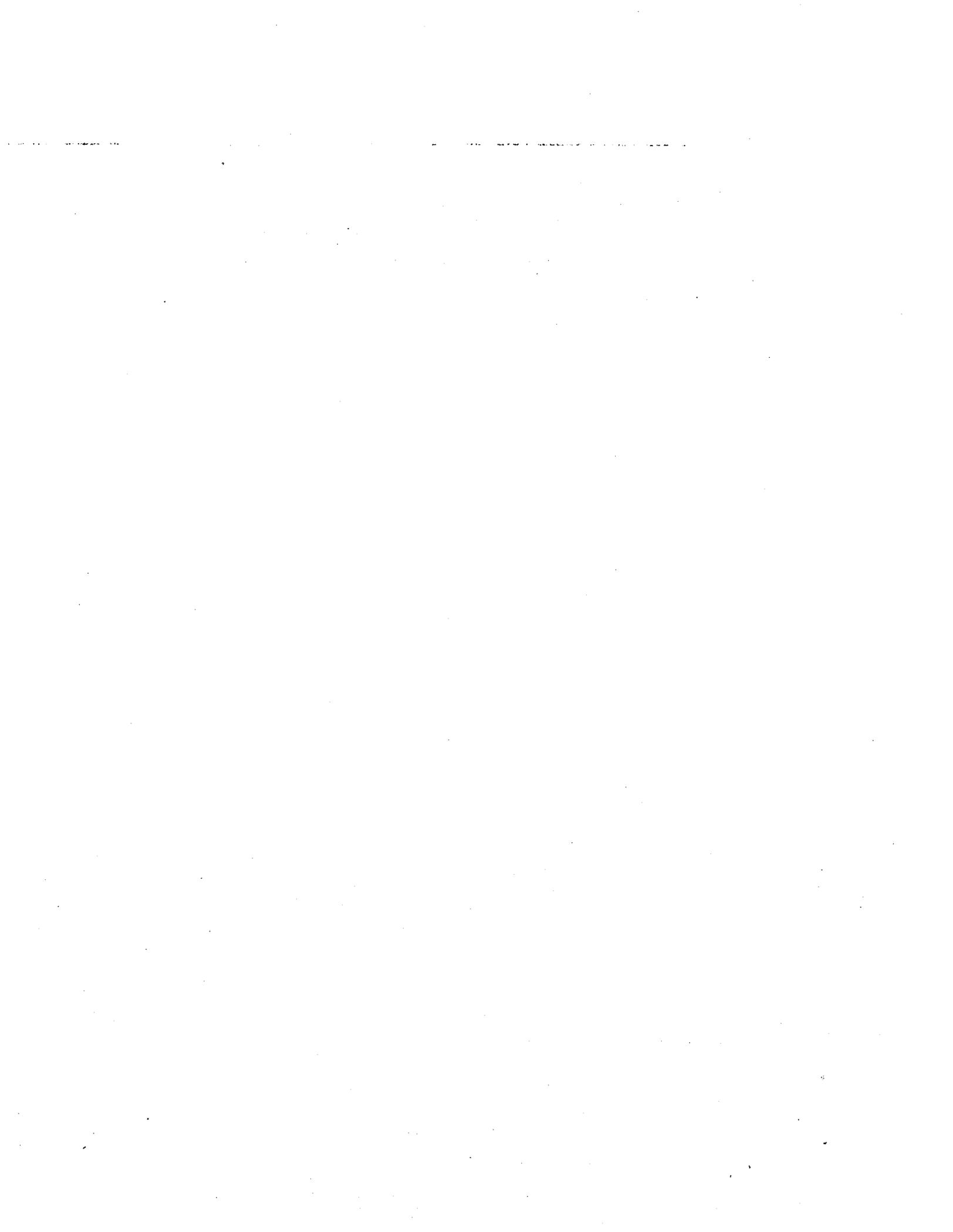
c. Under Coverage Forms to which this endorsement applies any legal action against us to recover for loss under this policy must be brought within one year after amount of loss is finally established. The amount of loss can be established only by:

- (1) Judicial judgment; or
- (2) An agreement between the parties involved with our written consent.

d. In the event of the insured's bankruptcy or insolvency, an injured person or claimant who has obtained a judgment against the insured may bring suit against us, provided:

- (1) The judgment was for damages covered by this policy; and
- (2) The suit is for damages in amounts no greater than the applicable Limits of Insurance of this policy.

e. Payment by the insured of any judicial judgment or claim for any of our liability under this policy will not deprive the insured of the right to bring action against us.



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6 **AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT**
7 **TO MAINTAIN A SIGN EXTENDING OVER A**
8 **PORTION OF THE CITY’S RIGHT-OF-WAY WITH**
9 **LIVERY BARN, LLC**
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14 In the year Two Thousand Thirteen.....
15 Resolved by the City Council of the City of Burlington, as follows:
16

17 That WHEREAS, LIVERY BARN, LLC d/b/a THE LIVERY BARN of Burlington, Vermont
18 (hereinafter LIVERY BARN) is an establishment doing business in a commercial building
19 located at 156 St. Paul Street in the City of Burlington, Vermont; and

20 WHEREAS, LIVERY BARN desires to maintain a sign extending over the public right-
21 of-way on its building located at 156 St. Paul Street; and

22 WHEREAS, THE LIVERY BARN wishes to enter into a License Agreement with the
23 City for such sign; and

24 WHEREAS, the placement of the sign has been reviewed and approved by the
25 Department of Public Works with conditions to address public safety concerns; and

26 WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of
27 Ordinances Sec. 27-32 require authorization by the City Council for such use of a public
28 thoroughfare for periods in excess of thirty (30) days;

29 NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes
30 LIVERY BARN to maintain a sign covering an area of 27 sq. ft. extending over a portion of the
31 public right-of-way on its building located at 156 St. Paul Street as indicated in and pursuant to
32 its License Agreement upon entering into the License Agreement in substantially the form
33 attached hereto; and

34 BE IT FURTHER RESOLVED that Mayor Weinberger be and hereby is authorized to
35 execute a License Agreement, in substantially the form attached, on behalf of the City of
36 Burlington for a term commencing on the date of execution of the License Agreement and
37 terminating on April 30, 2014.

LICENSE AGREEMENT FOR SIGN
WITH LIVERY BARN
2013-2014 SEASON

This LICENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (hereinafter CITY) and LIVERY BARN, LLC d/b/a THE LIVERY BARN, a commercial establishment located at 156 St. Paul Street, Burlington, Vermont (hereinafter LIVERY BARN or LICENSEE).

WHEREAS, the CITY owns property, including the street and sidewalk right-of-way adjacent to 156 St. Paul Street; and

WHEREAS, LIVERY BARN stated on its application (attached hereto as Exhibit A) that it wishes to maintain a sign on the canopy above the entryway of the building overhanging the public right-of-way directly in front of 156 St. Paul Street as shown in the attached photo (hereinafter "sign"); and

WHEREAS, LIVERY BARN has stated in its permit application that there are no physical barriers around the sign and it will cover a 27 sq. ft. area; and

WHEREAS, this application was reviewed and approved by the Department of Public Works attached hereto as Exhibit B; and

WHEREAS, such use of a public thoroughfare for periods in excess of 30 days requires approval of the City Council under Charter Sec. 48XLIX and Burlington Code of Ordinances Chap. 27, Sec. 27-32;

WITNESSETH:

The CITY and LIVERY BARN enter into the following License Agreement:

1. TERM

The CITY grants to LIVERY BARN (hereinafter LICENSEE) a license to maintain a

sign on the canopy above the entryway of the building extending over the public right-of-way at 156 St. Paul Street covering an area of 27 sq. ft. for a term commencing as of the date of execution of this Agreement and terminating on April 30, 2014 or sooner as provided herein.

2. LOCATIONS

LICENSEE may use and maintain a sign extending over the public right-of-way (hereinafter referred to as the premises) for advertising purposes. The sign is to be attached to the building and it must be exactly as described and placed as approved by the Department of Public Works. A copy of the approved plan is attached hereto as Exhibit C.

3. MAINTENANCE

- a. LICENSEE shall maintain the sign in proper condition.
- b. LICENSEE shall be responsible for the maintenance and upkeep of the sign and any damage to the sign is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain the sign, this License Agreement is revocable on notice by the CITY to LICENSEE of a violation of this section; however LICENSEE shall have 14 days to cure any problem if it notifies the CITY in writing within three (3) days of its intent to cure the violation.
- c. The sign shall be placed in accordance with all conditions set by the Department of Public Works and shall not impede the CITY'S ability to maintain the road, sidewalk, parking meters or greenbelt.
- d. The sign shall not cause an obstruction or inconvenience to members of the public using the sidewalk, parking meters or street.

e. LICENSEE shall pick up and sweep debris created by its use of the public right-of-way.

4. LICENSE FEE

There shall be a fee for this license equal to the encumbrance application fee and the square foot use fee. This fee shall be payable immediately to the Burlington City Clerk's Office. **Failure to pay the annual fee shall result in the immediate revocation of the license.**

5. REVOCATION

This License Agreement is immediately revocable should LICENSEE discontinue use of the sign. In any event, this Agreement is revocable by the CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove at its own expense the sign and other materials or obstructions placed on the property. If LICENSEE refuses to promptly remove such obstructions, they may be removed by the CITY and LICENSEE shall be liable for all expenses of such removal.

6. INSURANCE

a. LICENSEE shall maintain in effect throughout the term of this Agreement comprehensive public liability insurance with an A rated insurance carrier, or better, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted pursuant to this Agreement in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. The CITY shall be named as an additional insured on such insurance policy.

b. Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the CITY is named as an additional insured and shall be given 30 days written notification prior to cancellation of such insurance. The certificate shall be attached to this Agreement as Exhibit D.

c. The certificate of insurance shall be provided annually on or before its stated expiration. It is the responsibility of LICENSEE to ensure that a current certificate of insurance is on file with the CITY at all times. **Failure to furnish a current certificate of insurance will result in immediate revocation of this license.**

7. INDEMNIFICATION

LICENSEE agrees to indemnify, defend and hold the CITY harmless and free from liability arising out of LICENSEE'S use of the CITY'S right-of-way, and LICENSEE agrees to make no claim against the CITY or any of its officers, employees, agents or representatives for any loss or damage caused by the CITY'S use or maintenance of its right-of-way.

8. PERMITS

LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits including zoning permits, prior to placement of the sign.

9. NUISANCES PROHIBITED

LICENSEE shall not, during the term hereof, on or in the premises maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City of Burlington ordinance, State or Federal statute, or controlling bylaw, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted,

amended, or otherwise put into effect during the term of this Agreement.

10. ASSIGNMENT OF RIGHTS

LICENSEE shall not sell or assign its rights pursuant to this Agreement or permit the use of the premises or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate LICENSEE'S rights pursuant to this Agreement.

11. LIMITATION OF RIGHTS

LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this Agreement.

12. This License Agreement supersedes all other License Agreements executed for this location.

DATED at Burlington, Vermont this _____ day of _____,

2013.

CITY OF BURLINGTON

By: _____

Miro Weinberger, Mayor
Duly Authorized

Witness

LIVERY BARN, LLC
d/b/a THE LIVERY BARN

By: _____

Duly Authorized

Witness

1b/c: GM 2013/License Agree for Encumbrance – LIVERY BARN, 156 St. Paul St. (Sign on Building) 2013
6/4/13



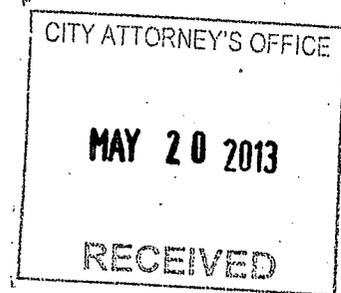
OFFICE OF THE CLERK AND TREASURER
 149 CHURCH STREET
 BURLINGTON, VT 05401
 Voice (802)865-7000
 FAX (802)865-7014
 TTY (802)865-7142
 Amy Bovee (802)865-7019
 Ron Gore (802)865-7562

Encumbrance Application / Renewal

Effective 04/30/2013 - 04/30/2014

Steve Donahue
 The Livery Barn
 131 Church St. #200

DATE: Tuesday, February 5, 2013
 PHONE: 862-6880
 FAX: 862-6882
 EMAIL:



DBA NAME: The Livery Barn

COMPANY: Livery Barn, LLC

LOCATION: 156 St. Paul St.

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application):

Placement of Encumbrance: 27.6 sq foot of signage on entry canopy

Conditions: Keeping public ways clear

Total Square Feet (\$1.00 per SF): 27

PLEASE ATTACH:

1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401"
2. Endorsement to Insurance Policy outlining the Cancellation Policy
3. Endorsement to Insurance Policy listing the City as Additional Insured
4. Sketch, Photo, or Blueprint of what you are proposing.
5. Check for the square feet fees (\$1 per square foot) + \$25 Application fee: 27.6 \$ 52

Signature Steve Donahue
 Steve Donahue

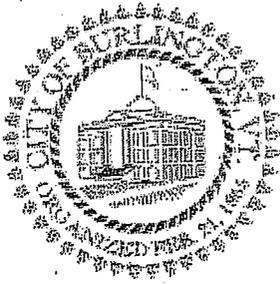
Date 4/30/13

For office use only: Amount received \$ 52.00 on 4/30 Check # 510

Sent to Attorney:

Exhibit A

YAM 05 05



OFFICE OF THE CLERK AND TREASURER
 149 CHURCH STREET
 BURLINGTON, VT 05401
 Voice (802)865-7000
 FAX (802)865-7014
 TTY (802)865-7142
 Amy Bovee (802)865-7019
 Ron Gore (802)865-7562

Encumbrance DPW Approval Form

Effective 05/01/2013 - 04/30/2014

ATTENTION: RON GORE, BURLINGTON DEPARTMENT OF PUBLIC WORKS

DBA NAME: The Livery Barn

DATE: Tuesday, May 14, 2013

COMPANY: Livery Barn, LLC

PHONE: 862-6880

LOCATION: 156 St. Paul St.

FAX: 862-6882

MAILING ADDRESS: Steve Donahue
 131 Church St. #200

RACKS / RAMPS / STAIRS / TABLES / CHAIRS ETC

1. Racks, ramps, sidewalks encumbrances should be located on private property, if possible. In the opinion of the City Building Inspector, is there an available alternative location for the ramp on private property? Yes No

2. Will there be sufficient width for plows and pedestrian access if racks, ramp, sidewalk, tables & chairs encumbrances are added on the sidewalk? Yes No

3. Additional Comments: STAIRS / HANDRAIL DO NOT INTERFERE
W/ ROW RENEWAL - SAME AS PREVIOUS

4. A 27 square foot placement of 27.6 SQ FOOT OF SIGNAGE ON ENTRY CANOPY at 156 St. Paul St.

DEPARTMENT OF PUBLIC WORKS

Approved?

Yes

No

Explain: _____

EXISTING SIDEWALK WIDTH
 TO REMAIN AS IS

Signature

Ron Gore

Date:

05/17/13

Exhibit B



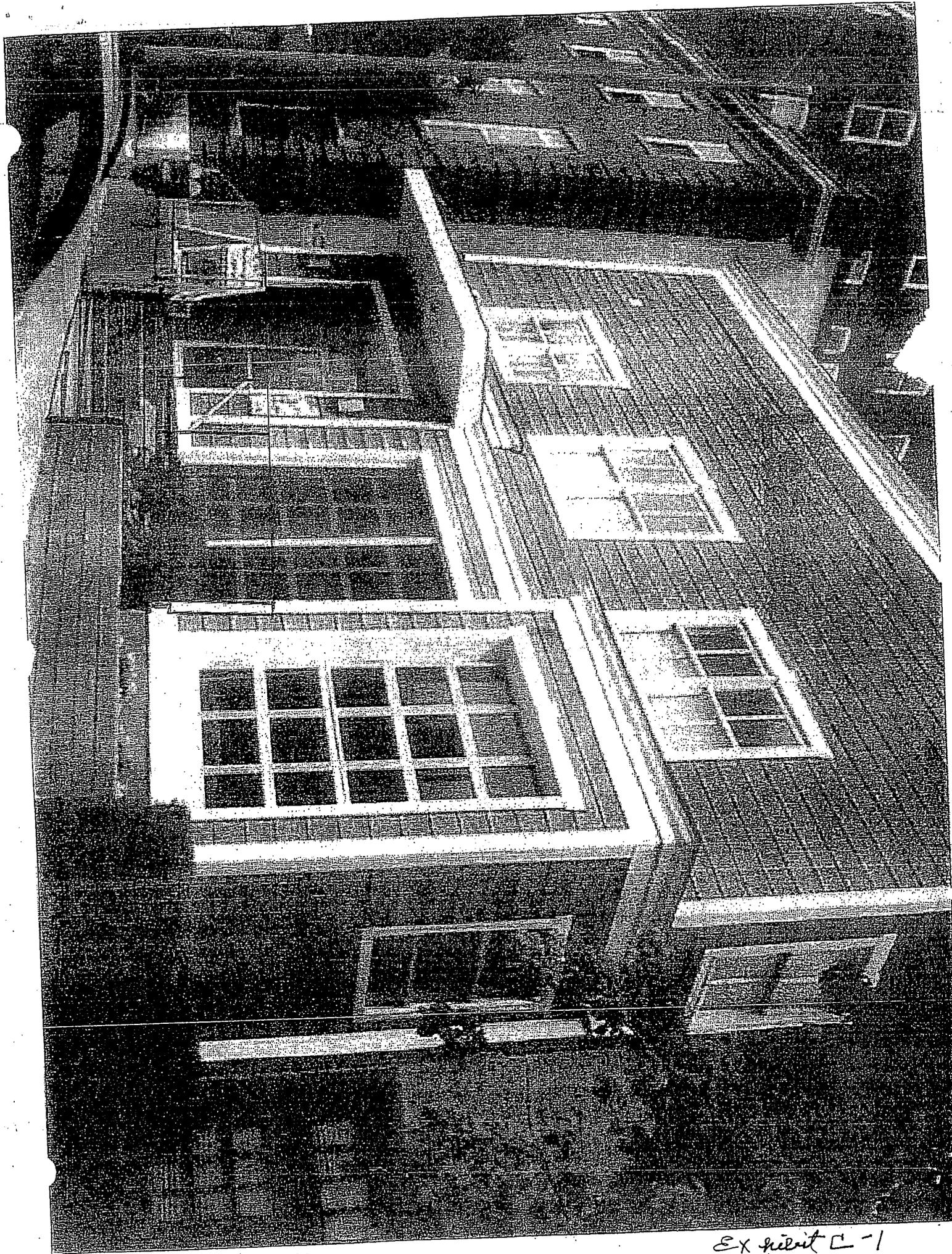


EXhibit C-1



Exhibit
C-2



LIVEBAR-01

LCH

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/29/2013

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

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

PRODUCER Hickok & Boardman, Inc. - BUR 346 Shelburne Road PO. Box 1064 Burlington, VT 05402-1064	(802) 658-3500	CONTACT NAME: Louise C Harris PHONE (A/C, No, Ext): (802) 383-1626 FAX (A/C, No): (802) 658-0541 E-MAIL ADDRESS: lharris@hbinsurance.com
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: The Charter Oak Fire Ins Co		
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR LTR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X	6809261A003TCT12	8/2/2012	8/2/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP. (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Business Owners Policy		6809261A003TCT12	8/2/2012	8/2/2013	Building \$751,752

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Certificate holder is included as an Additional Insured under the General Liability for a sign hanging on the overhang at 156 St. Paul Street, Burlington VT 05401

CERTIFICATE HOLDER City of Burlington City Clerk's Office/Encumbrance Application Division Burlington, VT 05401-	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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Exhibit D

POLICY NUMBER: I-680-9261 A003-IND-12

COMMERCIAL GENERAL LIABILITY
ISSUE DATE: 06-08-12

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – STATE OR POLITICAL SUBDIVISIONS – PERMITS

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

State Or Political Subdivision:

CITY OF BURLINGTON

CITY HALL, ROOM 20, 149 CHURCH STREET

BURLINGTON

VT 05401-

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

Section II – Who Is An Insured is amended to include as an insured any state or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

2. This insurance does not apply to:

- a. "Bodily injury," "property damage", "personal injury" or "advertising injury" arising out of operations performed for the state or municipality; or
- b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

VERMONT CHANGES – CANCELLATION AND NONRENEWAL

This endorsement modifies insurance provided under the following:

CAPITAL ASSETS PROGRAM (OUTPUT POLICY) COVERAGE PART
COMMERCIAL AUTOMOBILE COVERAGE PART
COMMERCIAL GENERAL LIABILITY COVERAGE PART
COMMERCIAL INLAND MARINE COVERAGE PART
COMMERCIAL LIABILITY UMBRELLA COVERAGE PART
COMMERCIAL PROPERTY COVERAGE PART
CRIME AND FIDELITY COVERAGE PART
EMPLOYMENT-RELATED PRACTICES LIABILITY COVERAGE PART
EQUIPMENT BREAKDOWN COVERAGE PART
FARM UMBRELLA LIABILITY POLICY
LIQUOR LIABILITY COVERAGE PART
MEDICAL PROFESSIONAL LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

- A. The Cancellation Common Policy Condition is replaced by the following:

CANCELLATION

1. The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.
2. Cancellation Of Policies In Effect For Less Than 60 Days.

If this policy has been in effect for less than 60 days and this policy is not a renewal of a policy we issued, we may cancel this policy by:

- a. Giving the first Named Insured at least 15 days' notice prior to the cancellation date for nonpayment of premium or substantial increase in hazard; or
- b. Mailing or delivering the first Named Insured at least 45 days' notice prior to the cancellation date for any other reason.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

3. Cancellation Of Policies In Effect For 60 Days Or More.

If this policy has been in effect for 60 days or more, or if this is a renewal of a policy we is-

sued, we may cancel this policy only for one or more of the following reasons:

- a. Nonpayment of premium;
- b. Fraud or material misrepresentation affecting this policy or in the presentation of claims under this policy;
- c. Violation of any provisions of this policy; or
- d. Substantial increase in hazard, provided we have secured approval for the cancellation from the commissioner of insurance.

If we cancel this policy for one of the reasons specified in Paragraph 3., we will cancel only in the following manner:

- a. By giving at least 15 days' notice before the effective date of cancellation if we cancel for nonpayment of premium; or
- b. By mailing or delivering at least 45 days' notice before the effective date of cancellation if we cancel for any other reason.

Written notice of cancellation, including the reason for cancellation, will be mailed or delivered to the first Named Insured at the first Named Insured's last mailing address known to us.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of pre-

mium, written notice must be sent by certified mail.

4. Notice of cancellation will state the effective date of cancellation. The policy period will end on that date.
5. If this policy is cancelled, we will send the first Named Insured any premium refund due. If we cancel, the refund will be pro rata. If the first Named Insured cancels, the refund may be less than pro rata. The cancellation will be effective even if we have not made or offered a refund.
6. If notice is mailed, proof of mailing will be sufficient proof of notice.

B. Any When We Do Not Renew Condition is deleted.

The following Conditions are added:

1. WHEN WE DO NOT RENEW

- a. We may elect not to renew this policy by mailing, by certified mail, or delivering written notice of nonrenewal to the first Named Insured's last mailing address known to us. We will mail or deliver this notice at least 45 days before the:
 - (1) Expiration of the policy; or
 - (2) Anniversary date of this policy if this policy has been written for a term of more than one year.
- b. This provision does not apply:
 - (1) If we have indicated a willingness to renew;

- (2) In case of nonpayment of premium;
- (3) If you do not pay any advance premium required by us for renewal; or
- (4) If any property covered in this policy is insured under any other insurance policy.

2. RENEWAL

- a. If we:
 - (1) Elect to renew this policy; and
 - (2) Have the necessary information to issue a renewal policy,

we will confirm in writing at least 45 days before it expires our intention to renew this policy; and the premium at which this policy will be renewed.

- b. If we do not comply with the provisions of Paragraph a., you will have renewal coverage. The renewal coverage will be at the rates:

- (1) In effect under the expiring or expired policy; or
- (2) In effect on the expiration date, that have been approved by the Commissioner,

whichever are lower.

This renewal coverage will be on a pro rata basis and will continue for 45 days after we confirm renewal coverage and premium. If you accept this renewal policy, this Paragraph b. does not apply.

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**AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT
TO MAINTAIN TABLES AND CHAIRS ON A
PORTION OF THE CITY’S RIGHT-OF-WAY WITH
NUNYUNS BAKERY & CAFÉ**

In the year Two Thousand Thirteen.....

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

That WHEREAS, NUNYUNS, INC.. d/b/a NUNYUNS BAKERY & CAFÉ of Burlington, Vermont (hereinafter NUNYUNS) is an establishment doing business in a commercial building located at 139 No. Champlain Street. in the City of Burlington, Vermont; and

WHEREAS, NUNYUNS desires to place 2 tables and 4 chairs in the public right-of-way in front of its establishment at 139 No. Champlain Street; and

WHEREAS, NUNYUNS wishes to enter into a License Agreement with the City for such tables and chairs; and

WHEREAS, the placement of the respective tables and chairs has been reviewed and approved by the Department of Public Works with conditions to address public safety concerns; and

WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of Ordinances Sec. 27-32 require authorization by the City Council for such use of a public thoroughfare for periods in excess of thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes NUNYUNS to place 2 tables and 4 chairs covering an area of 48 sq. ft. on a portion of the public right-of-way adjacent to its establishment at 139 No. Champlain Street. as indicated in and pursuant to its License Agreement upon entering into the License Agreement in substantially the form attached hereto; and

BE IT FURTHER RESOLVED that Mayor Miro Weinberger be and hereby is authorized to execute a License Agreement, in substantially the form attached, on behalf of the City of Burlington for a term commencing on the date of execution of the License Agreement and terminating on April 30, 2014.

LICENSE AGREEMENT FOR TABLES AND CHAIRS
WITH NUNYUNS BAKERY & CAFÉ
2013-2014 SEASON

This LICENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (hereinafter CITY) and NUNYUNS, INC.. d/b/a NUNYUNS BAKERY & CAFÉ, a commercial establishment located at 139 No. Champlain Street, Burlington, Vermont (hereinafter NUNYUNS or LICENSEE).

WHEREAS, the CITY owns property, including the street and sidewalk right-of-way adjacent to 139 No. Champlain Street; and

WHEREAS, NUNYUNS stated on its application (attached hereto as Exhibit A) that it wishes to place 2 tables and 4 chairs on the sidewalk area in front of the building at 139 No. Champlain Street; and

WHEREAS, NUNYUNS has stated in its permit application that there are no physical barriers around the tables and chairs and they will cover a 48 sq. ft. area; and

WHEREAS, this application was reviewed and approved by the Department of Public Works attached hereto as Exhibit B; and

WHEREAS, such use of a public thoroughfare for periods in excess of 30 days requires approval of the City Council under Charter Sec. 48XLIX and Burlington Code of Ordinances Chap. 27, Sec. 27-32;

W I T N E S S E T H :

The CITY and NUNYUNS enter into the following License Agreement:

1. TERM

The CITY grants to NUNYUNS (hereinafter LICENSEE) a license to place 2 tables and 4 chairs covering an area of 48 sq. ft. on the public right-of-way at 139 North Champlain

Street for a term commencing as of the date of execution of this Agreement and terminating on April 30, 2014 or sooner as provided herein.

2. LOCATION

LICENSEE may use and maintain tables and chairs on the public right-of-way (hereinafter referred to as the premises) for the consumption of food and beverage. Licensee must ensure that the sidewalk area is kept clear and at all times there is a 5 ft. right-of-way for pedestrian traffic. The tables and chairs are to be placed as approved by the Department of Public Works. A copy of the approved plan is attached hereto as Exhibit C.

3. MAINTENANCE

- a. LICENSEE shall maintain the tables and chairs in proper condition.
- b. LICENSEE shall be responsible for the maintenance and upkeep of the tables and chairs and any damage to the tables and chairs is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain the tables and chairs, this License Agreement is revocable on notice by the CITY to LICENSEE of a violation of this section; however LICENSEE shall have 14 days to cure any problem if it notifies the CITY in writing within three (3) days of its intent to cure the violation.
- c. The tables and chairs shall be placed in accordance with all conditions set by the Department of Public Works and shall not impede the CITY'S ability to maintain the road, sidewalk, parking meters or greenbelt.
- d. The tables and chairs shall not cause an obstruction or inconvenience to members of the public using the sidewalk, parking meters or street.

e. LICENSEE shall pick up and sweep debris created by its use of the public right-of-way.

4. LICENSE FEE

There shall be a fee for this license equal to the encumbrance application fee and the square foot use fee. This fee shall be payable immediately to the Burlington City Clerk's Office. **Failure to pay the annual fee shall result in the immediate revocation of the license.**

5. REVOCATION

This License Agreement is immediately revocable should LICENSEE discontinue use of the tables and chairs. In any event, this Agreement is revocable by the CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove at its own expense the tables and chairs and other materials or obstructions placed on the property. If LICENSEE refuses to promptly remove such obstructions, they may be removed by the CITY and LICENSEE shall be liable for all expenses of such removal.

6. INSURANCE

a. LICENSEE shall maintain in effect throughout the term of this Agreement comprehensive public liability insurance with an A rated insurance carrier, or better, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted pursuant to this Agreement in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. The CITY shall be named as an additional insured on such insurance policy.

b. Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the CITY is named as an additional insured and shall be given 15 days written notification prior to cancellation of such insurance for nonpayment of premium and 45 days notice for any other reason. The certificate shall be attached to this Agreement as Exhibit D and the Endorsement shall be attached as Exhibit E.

c. The certificate of insurance shall be provided annually on or before its stated expiration. It is the responsibility of LICENSEE to ensure that a current certificate of insurance is on file with the CITY at all times. **Failure to furnish a current certificate of insurance will result in immediate revocation of this license.**

7. INDEMNIFICATION

LICENSEE agrees to indemnify, defend and hold the CITY harmless and free from liability arising out of LICENSEE'S use of the CITY'S right-of-way, and LICENSEE agrees to make no claim against the CITY or any of its officers, employees, agents or representatives for any loss or damage caused by the CITY'S use or maintenance of its right-of-way.

8. PERMITS

LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits including zoning permits, prior to placement of the tables and chairs.

9. NUISANCES PROHIBITED

LICENSEE shall not, during the term hereof, on or in the premises maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City of Burlington ordinance, State or Federal statute, or controlling bylaw, regulation, or condition

imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

10. ASSIGNMENT OF RIGHTS

LICENSEE shall not sell or assign its rights pursuant to this Agreement or permit the use of the premises or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate LICENSEE'S rights pursuant to this Agreement.

11. LIMITATION OF RIGHTS

LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this Agreement.

12. This License Agreement supersedes all other License Agreements executed for this location.

DATED at Burlington, Vermont this _____ day of _____,

2013.

CITY OF BURLINGTON

By: _____

Miro Weinberger, Mayor
Duly Authorized

Witness

NUNYUNS, INC.
d/b/a NUNYUNS BAKERY & CAFE

By: _____

Duly Authorized

Witness



OFFICE OF THE CLERK AND TREASURER
 149 CHURCH STREET
 BURLINGTON, VT 05401
 Voice (802)865-7000
 FAX (802)865-7014
 TTY (802)865-7142
 Amy Bovee (802)865-7019
 Ron Gore (802)865-7562

RECEIVED
 MAY 21 2013
 CLERK AND TREASURER'S OFFICE

Encumbrance Application / Renewal

DBA NAME: Nunguns Bakery + Cafe
 CONTACT NAME: Paul Bonelli
 MAILING ADDRESS: 139 North Champlain St

DATE: 4/18/13
 PHONE: 802-2067
 FAX: ---
 EMAIL: Nunguns@gmail.com

DBA NAME: Nunguns Bakery + Cafe
 COMPANY: Nunguns, inc.
 LOCATION OF ENCUMBRANCE: 139 North Champlain St.

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application):

Description: Two small outside tables with 4 folding chairs.
on sidewalk outside cafe located @ 139 North Champlain St.
No physical barriers to create a problem
Ⓢ Sidewalk is 6 1/2 feet wide table/chairs only three feet deep. That
leaves three and a half feet for people to get by.

Total Square Feet (\$1.00 per SF): 48 sq ft.
 (20)
 (PB)

PLEASE ATTACH:

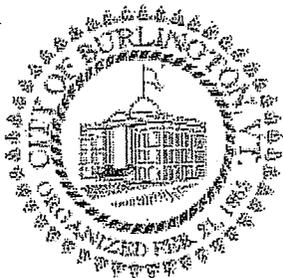
1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401"
2. Endorsement to Insurance Policy outlining the Cancellation Policy
3. Endorsement to Insurance Policy listing the City as Additional Insured
4. Sketch, Photo, or Blueprint of what you are proposing.
5. Check for the square feet fees (\$1 per square foot) + \$25 Application fee: \$73.00 check # 3965

Signature: Paul Bonelli Date: 4/18/13

For office use only: Amount received \$ 73 on 4/18 Check # 3965
 Sent to DPW: 4/19 Sent to Attorney: 5/20

Exhibit A

YAM I S IUS



OFFICE OF THE CLERK AND TREASURER
 149 CHURCH STREET
 BURLINGTON, VT 05401
 Voice (802)865-7000
 FAX (802)865-7014
 TTY (802)865-7142
 Amy Bovee (802)865-7019
 Ron Gore (802)865-7562

Encumbrance DPW Approval Form

Effective 05/01/2013 - 04/30/2014

ATTENTION: RON GORE, BURLINGTON DEPARTMENT OF PUBLIC WORKS.

DBA NAME: NUNYUNS BAKERY & CAFE DATE: Friday, April 19, 2013
 COMPANY: NUNYUNS INC. PHONE: 861-2067
 LOCATION: 139 NORTH CHAMPLAIN ST. FAX:
 MAILING ADDRESS: PAUL BONELLI
 139 NORTH CHAMPLAIN ST.
 BURLINGTON, VT 05401

RACKS / RAMPS / STAIRS / TABLES / CHAIRS ETC

1. Racks, ramps, sidewalks encumbrances should be located on private property, if possible. In the opinion of the City Building Inspector, is there an available alternative location for the ramp on private property? Yes No

2. Will there be sufficient width for plows and pedestrian access if racks, ramp, sidewalk, tables & chairs encumbrances are added on the sidewalk? Yes No

3. Additional Comments: SIDEWALK BUILDING TO EDGE 82"
48" ROW FOR PEDESTRIANS

4. A 48 square foot placement of TWO SMALL OUTSIDE TABLES WITH FOUR FOLDING CHAIRS ON SIDEWALK OUTSIDE CAFE LOCATED AT 139 NORTH CHAMPLAIN ST. NO PHYSICALY

DEPARTMENT OF PUBLIC WORKS

Approved? Yes
 No

Explain: TABLE ALONG BUILDING
9' MIN. ROW

Signature Ron Gore

Date: 05/17/13

Exhibit B

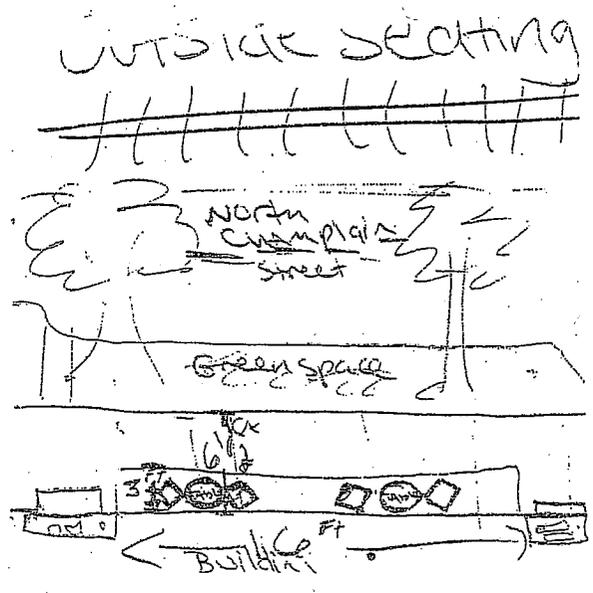
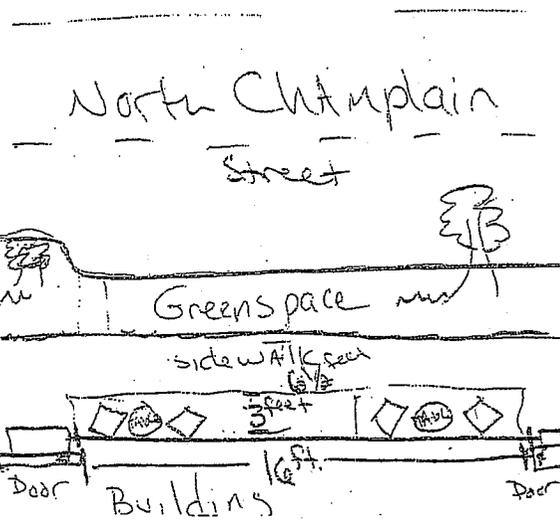


Exhibit C



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/17/2013

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

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

PRODUCER Essex Agency, Inc. 2 Railroad Street P.O. Box 239 Essex Junction VT 05452-0239	CONTACT NAME: Elizabeth Harlow, ACSR	
	PHONE (A/C No. Ext): (802) 878-5334 x110	FAX (A/C No.): (802) 288-8012
INSURED NUNYUNS BAKERY & CAFE 139 N CHAMPLAIN ST BURLINGTON VT 05401-4315	E-MAIL ADDRESS: elizabeth@essexagency.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: MSA Assurance	NAIC #: 29939
	INSURER B: NGM Insurance Company	14788
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES CERTIFICATE NUMBER: City of Burlington AI REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR LTR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			BPB90377	2/25/2013	2/25/2014	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
							\$
	DED						
	RETENTION \$						
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WCB90377	6/8/2012	6/8/2013	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 100,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

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

RE: Tables and Chairs in front of 139 North Champlain Street

City of Burlington is named additional insured with regard to general liability.

CERTIFICATE HOLDER

abovee@burlingtonvt.gov

City of Burlington
Attn: Encumbrance Applications
149 Church St
Burlington, VT 05401

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

E Harlow, ACSR/BETHG

ACORD 25 (2010/05)

INS025 (201005) 01

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EX-1001-D

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

VERMONT CHANGES

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

A. Section I — Property is amended as follows:

1. The following is added to Paragraph E.4. Legal Action Against Us Property Loss Condition:

However, your right to bring legal action against us is not conditioned upon your compliance with the provisions of the Appraisal Property Loss Condition, if any.

2. The following is added to Paragraph E.5. Loss Payment Property Loss Condition and replaces any provision to the contrary:

We will pay for covered loss or damage within 10 working days after we reach agreement with you on the amount of loss, provided all other terms of the Loss Payment Property Loss Condition are satisfied.

B. Section III — Common Policy Conditions is amended as follows:

1. Paragraph A. Cancellation is replaced by the following:

A. Cancellation

1. The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.
2. Cancellation Of Policies In Effect For Less Than 60 Days.

If this policy has been in effect for less than 60 days and this policy is not a renewal of a policy we issued, we may cancel this policy by:

- a. Giving the first Named Insured at least 15 days' notice prior to the cancellation date for nonpayment of premium or substantial increase in hazard; or
- b. Mailing or delivering the first Named Insured at least 45 days' notice prior to the cancellation date for any other reason.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

3. Cancellation Of Policies In Effect For 60 Days Or More.

If this policy has been in effect for 60 days or more, or if this is a renewal of a policy we issued, we may cancel this policy only for one or more of the following reasons:

- a. Nonpayment of premium;
- b. Fraud or material misrepresentation affecting this policy or in the presentation of claims under this policy;
- c. Violation of any provisions of this policy; or
- d. Substantial increase in hazard, provided we have secured approval for the cancellation from the commissioner of insurance.

If we cancel this policy for one of the reasons specified in Paragraph 3., we will cancel only in the following manner:

- a. By giving at least 15 days' notice before the effective date of cancellation if we cancel for nonpayment of premium; or
- b. By mailing or delivering at least 45 days' notice before the effective date of cancellation if we cancel for any other reason.

Written notice of cancellation, including the reason for cancellation, will be mailed or delivered to the first Named Insured at the first Named Insured's last mailing address known to us.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

4. Notice of cancellation will state the effective date of cancellation. The policy period will end on that date.
5. If this policy is cancelled, we will send the first Named Insured any premium refund due. If we cancel, the refund will be pro rata. If the first Named Insured cancels, the refund may be less than pro rata. The cancellation will be effective even if we have not made or offered a refund.
6. If notice is mailed, proof of mailing will be sufficient proof of notice.

2. Paragraph C. Concealment, Misrepresentation Or Fraud is replaced by the following:

C. Concealment, Misrepresentation Or Fraud

We will not pay for any loss or damage in any case of:

1. Concealment or misrepresentation of a material fact; or
2. Fraud;

committed by you at any time and relating to coverage under this policy.

3. The following paragraphs are added:

M. When We Do Not Renew

1. We may elect not to renew this policy by mailing, by certified mail, or delivering written notice of nonrenewal to the first Named Insured's last mailing address known to us. We will mail or deliver this notice at least 45 days before the:
 - a. Expiration of the policy; or
 - b. Anniversary date of this policy if this policy has been written for a term of more than one year.

2. This provision does not apply:
 - a. If we have indicated a willingness to renew;
 - b. In case of nonpayment of premium;
 - c. If you do not pay any advance premium required by us for renewal; or
 - d. If any property covered in this policy is insured under any other insurance policy.

N. Renewal

1. If we:
 - a. Elect to renew this policy; and
 - b. Have the necessary information to issue a renewal policy,we will confirm in writing at least 45 days before it expires our intention to renew this policy; and the premium at which this policy will be renewed.

2. If we do not comply with the provisions of Paragraph 1., you will have renewal coverage. The renewal coverage will be at the rates:

- a. In effect under the expiring or expired policy; or
 - b. In effect on the expiration date, that have been approved by the Commissioner,
- whichever are lower.

This renewal coverage will be on a pro rata basis and will continue for 45 days after we confirm renewal coverage and premium. If you accept this renewal policy, this Paragraph 2. does not apply.

- C. The following paragraph is added to the Business-owners Coverage Form:

1. Statutory Liability

- a. In addition to paying and satisfying judicial judgments rendered against the insured in consequence of claims to which this policy applies, we will protect the insured against the levy of executions issued on such judgments or claims against the insured.

- b. We may, without the insured's consent, continue litigation after a judgment has been rendered with respect to the insured's legal liability under this policy for damages in particular instance. In that event, no limitation of our liability will be valid where the matter of that litigation is concerned.
- c. Under Coverage Forms to which this endorsement applies any legal action against us to recover for loss under this policy must be brought within one year after amount of loss is finally established. The amount of loss can be established only by:
 - (1) Judicial judgment; or
 - (2) An agreement between the parties involved with our written consent.
- d. In the event of the insured's bankruptcy or insolvency, an injured person or claimant who has obtained a judgment against the insured may bring suit against us, provided:
 - (1) The judgment was for damages covered by this policy; and
 - (2) The suit is for damages in amounts no greater than the applicable Limits of Insurance of this policy.
- e. Payment by the insured of any judicial judgment or claim for any of our liability under this policy will not deprive the insured of the right to bring action against us.

POLICY NUMBER: BPB90377

BUSINESSOWNERS
BP 04 48 07 02

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE*

Name Of Person Or Organization:

City of Burlington, Attn: Encumbrance Applications, 149 Church St, Burlington, VT 05401

*Information required to complete this Schedule, if not shown on this endorsement, will be shown in the Declarations.

The following is added to Paragraph C. Who Is An Insured in Section II - Liability :

4. Any person or organization shown in the Schedule is also an insured, but only with respect to liability arising out of your ongoing operations or premises owned by or rented to you.

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**AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT
TO MAINTAIN WHISKEY BARRELS AND STOOLS ON A
PORTION OF THE CITY’S RIGHT-OF-WAY WITH
RIRA IRISH PUB**

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

That WHEREAS, RIRA VERMONT, LLC d/b/a RIRA IRISH PUB of Burlington, Vermont
(hereinafter RIRA) is an establishment doing business in a commercial building located at 123 College
Street. in the City of Burlington, Vermont; and

WHEREAS, RIRA desires to place 4 whiskey barrels and 8 stools in the public right-of-way in
front of its establishment at 123 College Street; and

WHEREAS, RIRA wishes to enter into a License Agreement with the City for such whiskey
barrels and stools; and

WHEREAS, the placement of the respective whiskey barrels and stools has been reviewed and
approved by the Department of Public Works with conditions to address public safety concerns; and

WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of Ordinances Sec.
27-32 require authorization by the City Council for such use of a public thoroughfare for periods in excess
of thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes RIRA to place
4 whiskey barrels and 8 stools covering an area of 135 sq. ft. on a portion of the public right-of-way
adjacent to its establishment at 123 College Street as indicated in and pursuant to its License Agreement
upon entering into the License Agreement in substantially the form attached hereto; and

BE IT FURTHER RESOLVED that Mayor Miro Weinberger be and hereby is authorized to
execute a License Agreement, in substantially the form attached, on behalf of the City of Burlington for a
term commencing on the date of execution of the License Agreement and terminating on April 30, 2014.

**LICENSE AGREEMENT FOR WHISKEY BARRELS, STOOLS
AND STANCHIONS WITH CHAINS WITH RIRA IRISH PUB
2013-2014 SEASON**

This LICENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (hereinafter CITY) and RIRA VERMONT, LLC d/b/a RIRA IRISH PUB, a commercial establishment located at 123 Church Street, Burlington, Vermont (hereinafter RIRA or LICENSEE).

WHEREAS, the CITY owns property, including the street and sidewalk right-of-way adjacent to, and on the College Street side of, 123 Church St. Street; and

WHEREAS, RIRA stated on its application (attached hereto as Exhibit A) that it wishes to place 4 whiskey barrels and 8 stools on the sidewalk area on the College Street side of the building located at 123 Church Street; and

WHEREAS, RIRA has stated in its permit application that there will be 2 stanchions with chains surrounding the whiskey barrels and stools and the barrels, stools and stanchions with chains will cover a 135 sq. ft. area; and

WHEREAS, this application was reviewed and approved by the Department of Public Works attached hereto as Exhibit B; and

WHEREAS, such use of a public thoroughfare for periods in excess of 30 days requires approval of the City Council under Charter Sec. 48XLIX and Burlington Code of Ordinances Chap. 27, Sec. 27-32;

WITNESSETH:

The CITY and RIRA enter into the following License Agreement:

1. TERM

The CITY grants to RIRA (hereinafter LICENSEE) a license to place 4 whiskey

barrels, 8 stools and 2 stanchions with chains covering an area of 135 sq. ft. on the public right-of-way on the College Street side of the building at 123 Church St. for a term commencing as of the date of execution of this Agreement and terminating on April 30, 2014 or sooner as provided herein.

2. LOCATION

LICENSEE may use and maintain whiskey barrels, stools and stanchions with chains on the public right-of-way (hereinafter referred to as the premises) for the consumption of food and beverage. Licensee must ensure that the sidewalk area is kept clear and at all times there is a 5 ft. right-of-way for pedestrian traffic. The whiskey barrels, stools and stanchions with chains are to be placed as approved by the Department of Public Works. A copy of the approved plan is attached hereto as Exhibit C.

3. MAINTENANCE

- a. LICENSEE shall maintain the whiskey barrels, stools and stanchions with chains in proper condition.
- b. LICENSEE shall be responsible for the maintenance and upkeep of the whiskey barrels, stools and stanchions with chains and any damage to the whiskey barrels, stools and stanchions with chains is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain the whiskey barrels, stools and stanchions with chains, this License Agreement is revocable on notice by the CITY to LICENSEE of a violation of this section; however LICENSEE shall have 14 days to cure any problem if it notifies the CITY in writing within three (3) days of its intent to cure the violation.

c. The whiskey barrels, stools and stanchions with chains shall be placed in accordance with all conditions set by the Department of Public Works and shall not impede the CITY'S ability to maintain the road, sidewalk, parking meters or greenbelt.

d. The whiskey barrels, stools and stanchions with chains shall not cause an obstruction or inconvenience to members of the public using the sidewalk, parking meters or street.

e. LICENSEE shall pick up and sweep debris created by its use of the public right-of-way.

4. LICENSE FEE

There shall be a fee for this license equal to the encumbrance application fee and the square foot use fee. This fee shall be payable immediately to the Burlington City Clerk's Office. **Failure to pay the annual fee shall result in the immediate revocation of the license.**

5. REVOCATION

This License Agreement is immediately revocable should LICENSEE discontinue use of the whiskey barrels, stools and stanchions with chains. In any event, this Agreement is revocable by the CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove at its own expense the whiskey barrels, stools and stanchions with chains and other materials or obstructions placed on the property. If LICENSEE refuses to promptly remove such obstructions, they may be removed by the CITY and LICENSEE shall be liable for all expenses of such removal.

6. INSURANCE

a. LICENSEE shall maintain in effect throughout the term of this Agreement comprehensive public liability insurance with an A rated insurance carrier, or better, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted pursuant to this Agreement in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. The CITY shall be named as an additional insured on such insurance policy.

b. Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the CITY is named as an additional insured and shall be given 15 days written notification prior to cancellation of such insurance for nonpayment of premium and 45 days notice for any other reason. The certificate shall be attached to this Agreement as Exhibit D and the Endorsement shall be attached as Exhibit E.

c. The certificate of insurance shall be provided annually on or before its stated expiration. It is the responsibility of LICENSEE to ensure that a current certificate of insurance is on file with the CITY at all times. **Failure to furnish a current certificate of insurance will result in immediate revocation of this license.**

7. INDEMNIFICATION

LICENSEE agrees to indemnify, defend and hold the CITY harmless and free from liability arising out of LICENSEE'S use of the CITY'S right-of-way, and LICENSEE agrees to make no claim against the CITY or any of its officers, employees, agents or representatives

for any loss or damage caused by the CITY'S use or maintenance of its right-of-way.

8. PERMITS

LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits including zoning permits, prior to placement of the whiskey barrels, stools and stanchions with chains.

9. NUISANCES PROHIBITED

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

10. ASSIGNMENT OF RIGHTS

LICENSEE shall not sell or assign its rights pursuant to this Agreement or permit the use of the premises or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate LICENSEE'S rights pursuant to this Agreement.

11. LIMITATION OF RIGHTS

LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this Agreement.

12. This License Agreement supersedes all other License Agreements executed for

this location.

DATED at Burlington, Vermont this _____ day of _____,

2013.

CITY OF BURLINGTON

Witness

By: _____
Miro Weinberger, Mayor
Duly Authorized

BUENO BURLINGTON, INC.
d/b/a RIRA

Witness

By: _____
Duly Authorized

1b/c: GM 2013/License Agree for Encumbrance – RIRA Irish Pub, College St. (Whiskey Barrels, Stools & Stanchions) 2013
5/30/13



OFFICE OF THE CLERK AND TREASURER
 CITY ATTORNEY'S OFFICE
 MAY 24 2013
 REC'D

149 CHURCH STREET
 BURLINGTON, VT 05401
 Voice (802)865-7000
 FAX (802)865-7014
 TTY (802)865-7142
 Amy Bovee (802)865-7019
 Ron Gore (802)865-7562

Encumbrance Application / Renewal

DBA NAME: RIRA IRISH PUB
 CONTACT NAME: MAT MESSENGER
 MAILING ADDRESS: 123 CHURCH ST
BURLINGTON VT 05401

DATE: 4/15/13
 PHONE: 860-9401
 FAX: 658-5742
 EMAIL: MATMESSENGER@RIRA.COM

DBA NAME: RIRA IRISH PUB
 COMPANY: RIRA VERMONT LLC

LOCATION OF ENCUMBRANCE: _____

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application): DIAGRAM ON BACK

Description: SMALL PATIO STYLE SET UP OF 4 WHISKEY BARNELS W/ 2 STOOLS
EACH TO BE USED AS TABLE/CHAIR SET-UPS. 2 ON EACH SIDE OF THE
ENTRANCE. BOTH SIDES WILL BE ROPED OFF W/ STATIONERS AND CHAINS. SET-
UP WILL BE DAILY FROM 4PM - DARK (APPROX 9PM) THERE WILL BE A 5 FT SPACE
BETWEEN ANY TABLE/STATIONER AND THE GRATE SURROUNDING THE TREE.

Total Square Feet (\$1.00 per SF): 135 SQ. FT. DIAGRAM ON BACK

PLEASE ATTACH:

1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401"
2. Endorsement to Insurance Policy outlining the Cancellation Policy
3. Endorsement to Insurance Policy listing the City as Additional Insured
4. Sketch, Photo, or Blueprint of what you are proposing. ON BACK
5. Check for the square feet fees (\$1 per square foot) + \$25 Application fee: \$160.00

Signature: Date: 4/15/13

For office use only: Amount received \$ 160.00 on 4/15/13 Check # 12210
 Sent to DPW: 4/15/13 Sent to Attorney: 5/23/13

Exhibit A



OFFICE OF THE CLERK AND TREASURER
 149 CHURCH STREET
 BURLINGTON, VT 05401
 Voice (802)865-7000
 FAX (802)865-7014
 TTY (802)865-7142
 Amy Bovee (802)865-7019
 Ron Gore (802)865-7562

Encumbrance DPW Approval Form

Effective 05/01/2013 - 04/30/2014

ATTENTION: RON GORE, BURLINGTON DEPARTMENT OF PUBLIC WORKS

DBA NAME: RIRA THE IRISH PUB RESTAURANT

DATE: Monday, April 15, 2013

COMPANY: RIRA VERMONT LLC

PHONE: 802-860-9401 453-7679 (cell)

LOCATION: 123 CHURCH STREET

FAX:

MAILING ADDRESS: Matthew Messenger
 PO BOX 695
 NEW CANAAN, CT 06840-0695

RACKS / RAMPS / STAIRS / TABLES / CHAIRS ETC

1. Racks, ramps, sidewalks encumbrances should be located on private property, if possible. In the opinion of the City Building Inspector, is there an available alternative location for the ramp on private property? Yes No

2. Will there be sufficient width for plows and pedestrian access if racks, ramp, sidewalk, tables & chairs encumbrances are added on the sidewalk? Yes No

3. Additional Comments: MAINTAIN A MINIMUM OF 5' PEDESTRIAN WALKWAY - ROW

4. A 135 square foot placement of SMALL PATIO STYLE SET UP OF 4 WHISKEY BARRELLS WITH 2 STOOLS EACH TO BE USED AS TABLE/CHAIR SET UPS. 2 ON EACH SIDE OF HTE

DEPARTMENT OF PUBLIC WORKS

Approved? Yes No Explain: MAINTAIN 135 SF WITHIN PERM OF AREA
PEDESTRIAN ROW 5' MINIMUM

Signature Ron Gore

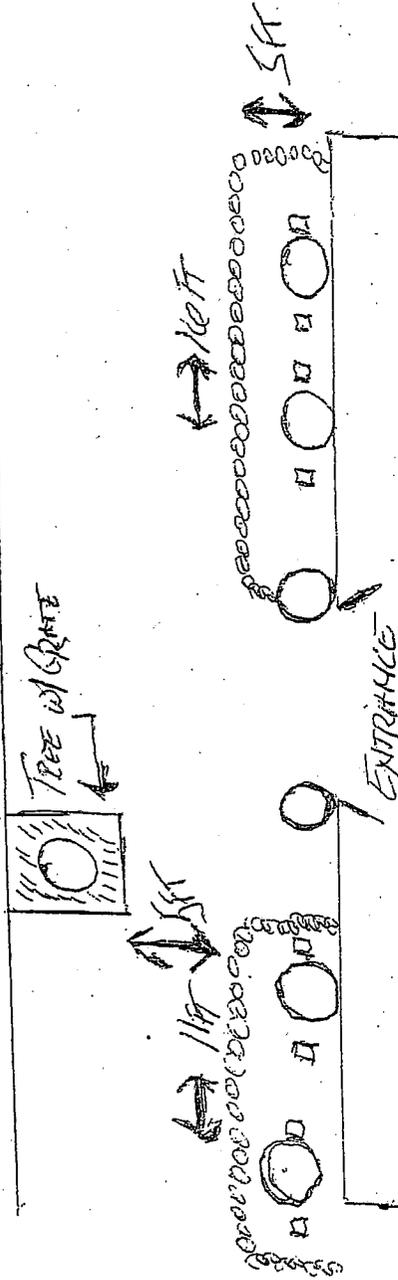
Date: 04/19/13

Exhibit B

Exhibit C

COLLEGE ST. →

SIDEWALK —



THE WHISKEY ROOM

~~~~~ = CHAIN

O = WHISKEY BARRELS

□ = STOCKS

SQ. FEET - LEFT SIDE 55  
RIGHT SIDE 80

TOTAL 135 SQ. FT.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 3/18/2013

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

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

PRODUCER: Richards Robinson Sheppard Insurance LLC, 152 Conant Street, Suite 304, Beverly, MA 01915. CONTACT NAME: J. Murray/jmurray@rrsins.com. PHONE: 617 284-5267. FAX: 617-654-9044. E-MAIL ADDRESS: certificates@rrsins.com. INSURER(S) AFFORDING COVERAGE: Tokio Marine Specialty Insuranc, NAIC #: 23850.

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL SUBR INSR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Includes sections for General Liability, Automobile Liability, Umbrella Liab, and Workers Compensation.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required) Re: Patio Seating. The City of Burlington is listed as an additional insured with respect to general liability as required by written contract. 123 Church Street; Burlington, VT. Ri Ra Vermont, LLC

CERTIFICATE HOLDER: City of Burlington, Clerk/Treasurer's Office, Encumbrance Application Dept., 149 Church Street, Burlington, VT 05401. CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: Charles R. Riney, Exhibit D.

~~THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.~~

**CANCELLATION NOTICE TO SCHEDULED ADDITIONAL INSURED OR  
CERTIFICATE HOLDER**

This endorsement modifies insurance provided under the following:

- COMMERCIAL GENERAL LIABILITY COVERAGE PART
- PROFESSIONAL LIABILITY COVERAGE PART
- COMMERCIAL CRIME COVERAGE PART
- COMMERCIAL INLAND MARINE COVERAGE PART
- COMMERCIAL PROPERTY COVERAGE PART
- COMMERCIAL AUTOMOBILE COVERAGE PART

**SCHEDULE OF ADDITIONAL INSUREDS OR CERTIFICATE HOLDERS**

| AI or CH | Additional Insured or Certificate Holder | Address              |
|----------|------------------------------------------|----------------------|
| AI       | City of Burlington                       | 149 Church St        |
|          | Attn: Encumbrance Applications           | Burlington, VT 05401 |

The following is added to A. CANCELLATION of the Common Policy Conditions of the above applicable coverage part:

- A. In the event we cancel the policy in accordance with the policy's terms and conditions, we will endeavor to mail written notice of cancellation to Additional Insureds or Certificate Holders, shown in the above SCHEDULE within the time frame listed below. However, failure to mail such notice shall impose no obligation of any kind upon us, our agents or representatives.
1. 45 days before the effective date of cancellation if we cancel for any reason other than for non - payment of premium.

As respects Additional Insureds, the above cancellation provision applies only when the Additional Insured shown in the above SCHEDULE is added to the policy by a separate additional insured endorsement as the CANCELLATION NOTICE TO ADDITIONAL INSURED OR CERTIFICATE HOLDER does not provide additional insured coverage.

- 15 days before the effective date of cancellation if we cancel for non-payment of premium.

*EXhibit E*

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

| Name Of Additional Insured Person(s) Or Organization(s)                                                |
|--------------------------------------------------------------------------------------------------------|
| City of Burlington<br>Attn: Encumbrance Applications<br>149 Church St<br>Burlington, VT 05401          |
| Information required to complete this Schedule, if not shown above, will be shown in the Declarations. |

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.



## OFFICE OF THE CLERK/TREASURER

City of Burlington

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

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

June 5, 2013

To: City Council

From: Paul Sisson

Re: Budget Amendments Report – May 2013

Ladies and Gentlemen – enclosed please find the Budget Amendments Report for May 2013. Any questions should be directed to the Clerk/Treasurer's office.

A handwritten signature in black ink, appearing to read "Paul Sisson", with a horizontal line extending to the right.

# Budget Amendments Report

From Date: 5/1/2013 - To Date: 5/31/2013

| Account                                                    | G/L Date   | Journal       | Description              | Increases                        | Decreases  | Amended Balance |
|------------------------------------------------------------|------------|---------------|--------------------------|----------------------------------|------------|-----------------|
| Fund: 101 General Fund                                     |            |               |                          |                                  |            |                 |
| Department: 01 City Council                                |            |               |                          |                                  |            |                 |
| Division: 001 Regional Programs                            |            |               |                          |                                  |            |                 |
| 7650_175 - Regional Programs Metro Planning Organization   | 05/09/2013 | 2013-00007721 | Mayor Authorized - Mayor |                                  |            |                 |
|                                                            |            |               |                          | Amended Balance as of: 5/31/2013 |            | \$23,300.00     |
|                                                            |            |               |                          | \$0.00                           | \$5.00     | \$23,295.00     |
|                                                            |            |               |                          | \$0.00                           | \$5.00     | \$23,295.00     |
| 7650_205 - Regional Programs Welcome Packet                | 05/09/2013 | 2013-00007721 | Mayor Authorized - Mayor |                                  |            |                 |
|                                                            |            |               |                          | Amended Balance as of: 5/31/2013 |            | \$1,000.00      |
|                                                            |            |               |                          | \$0.00                           | \$1,000.00 | \$0.00          |
|                                                            |            |               |                          | \$0.00                           | \$1,000.00 | \$0.00          |
| 7650_210 - Regional Programs Chamber Of Commerce           | 05/09/2013 | 2013-00007721 | Mayor Authorized - Mayor |                                  |            |                 |
|                                                            |            |               |                          | Amended Balance as of: 5/31/2013 |            | \$15,000.00     |
|                                                            |            |               |                          | \$0.00                           | \$3,495.00 | \$11,505.00     |
|                                                            |            |               |                          | \$0.00                           | \$3,495.00 | \$11,505.00     |
| 7650_220 - Regional Programs Special Projects Regional Pro | 05/09/2013 | 2013-00007721 | Mayor Authorized - Mayor |                                  |            |                 |
|                                                            |            |               |                          | Amended Balance as of: 5/31/2013 |            | \$16,000.00     |
|                                                            |            |               |                          | \$15,627.00                      | \$0.00     | \$31,627.00     |
|                                                            |            |               |                          | \$15,627.00                      | \$0.00     | \$31,627.00     |
| 7650_230 - Regional Programs American Red Cross            | 05/09/2013 | 2013-00007721 | Mayor Authorized - Mayor |                                  |            |                 |
|                                                            |            |               |                          | Amended Balance as of: 5/31/2013 |            | \$2,000.00      |
|                                                            |            |               |                          | \$0.00                           | \$2,000.00 | \$0.00          |
|                                                            |            |               |                          | \$0.00                           | \$2,000.00 | \$0.00          |
| 7650_245 - Regional Programs United Way Campaign           | 05/09/2013 | 2013-00007721 | Mayor Authorized - Mayor |                                  |            |                 |
|                                                            |            |               |                          | Amended Balance as of: 5/31/2013 |            | \$2,000.00      |
|                                                            |            |               |                          | \$0.00                           | \$1,000.00 | \$1,000.00      |
|                                                            |            |               |                          | \$0.00                           | \$1,000.00 | \$1,000.00      |
| 7650_260 - Regional Programs Chilenden City Reg Plan Comm  | 05/09/2013 | 2013-00007721 | Mayor Authorized - Mayor |                                  |            |                 |
|                                                            |            |               |                          | Amended Balance as of: 5/31/2013 |            | \$24,900.00     |
|                                                            |            |               |                          | \$0.00                           | \$16.00    | \$24,884.00     |
|                                                            |            |               |                          | \$0.00                           | \$16.00    | \$24,884.00     |
| 7650_265 - Regional Programs Vermont Folk Festival         | 05/09/2013 | 2013-00007721 | Mayor Authorized - Mayor |                                  |            |                 |
|                                                            |            |               |                          | Amended Balance as of: 5/31/2013 |            | \$7,500.00      |
|                                                            |            |               |                          | \$0.00                           | \$7,500.00 | \$0.00          |
|                                                            |            |               |                          | \$0.00                           | \$7,500.00 | \$0.00          |
| 7650_290 - Regional Programs Memorial Day Flag             | 05/09/2013 | 2013-00007721 | Mayor Authorized - Mayor |                                  |            |                 |
|                                                            |            |               |                          | Amended Balance as of: 5/31/2013 |            | \$500.00        |
|                                                            |            |               |                          | \$300.00                         | \$0.00     | \$800.00        |
|                                                            |            |               |                          | \$300.00                         | \$0.00     | \$800.00        |
| 7650_295 - Regional Programs Us Conference Of Mayors       | 05/09/2013 | 2013-00007721 | Mayor Authorized - Mayor |                                  |            |                 |
|                                                            |            |               |                          | Amended Balance as of: 5/31/2013 |            | \$5,500.00      |
|                                                            |            |               |                          | \$0.00                           | \$911.00   | \$4,589.00      |
|                                                            |            |               |                          | \$0.00                           | \$911.00   | \$4,589.00      |

|                                                                         |            |               |                         |             |             |                |
|-------------------------------------------------------------------------|------------|---------------|-------------------------|-------------|-------------|----------------|
| Division: 001 Regional Programs Totals:                                 |            |               |                         | \$0.00      | \$911.00    | \$4,589.00     |
| Department: 01 City Council Totals:                                     |            |               |                         | \$15,927.00 | \$15,927.00 |                |
| Department: 02 Mayor's Office                                           |            |               |                         | \$15,927.00 | \$15,927.00 |                |
| Division: 000 Admin                                                     |            |               |                         |             |             |                |
| 5400_145 - Employee Benefits Employee Parking                           |            |               |                         |             |             | \$400.00       |
|                                                                         | 05/08/2013 | 2013-00007684 | CAO Authorized - Mayor  | \$0.00      | \$400.00    | \$0.00         |
|                                                                         |            |               |                         | \$0.00      | \$400.00    | \$0.00         |
| Amended Balance as of: 5/31/2013                                        |            |               |                         |             |             | \$400.00       |
| 6203 - Dues/Subscriptions                                               |            |               |                         |             |             | \$1,600.00     |
|                                                                         | 05/08/2013 | 2013-00007684 | CAO Authorized - Mayor  | \$0.00      | \$1,600.00  | \$0.00         |
|                                                                         |            |               |                         | \$0.00      | \$1,600.00  | \$0.00         |
| Amended Balance as of: 5/31/2013                                        |            |               |                         |             |             | \$1,600.00     |
| 6500_118 - Professional and Consultant Services Contractual Services    |            |               |                         |             |             | \$700.00       |
|                                                                         | 05/08/2013 | 2013-00007684 | CAO Authorized - Mayor  | \$0.00      | \$700.00    | \$0.00         |
|                                                                         |            |               |                         | \$0.00      | \$700.00    | \$0.00         |
| Amended Balance as of: 5/31/2013                                        |            |               |                         |             |             | \$700.00       |
| 6500_142 - Professional and Consultant Services Marketing and Promotion |            |               |                         |             |             | (\$25.00)      |
|                                                                         | 05/08/2013 | 2013-00007684 | CAO Authorized - Mayor  | \$0.00      | \$727.00    | (\$752.00)     |
|                                                                         |            |               |                         | \$0.00      | \$727.00    | (\$752.00)     |
| Amended Balance as of: 5/31/2013                                        |            |               |                         |             |             | (\$25.00)      |
| 6700_110 - Travel & Training Travel Expense                             |            |               |                         |             |             | \$1,000.00     |
|                                                                         | 05/08/2013 | 2013-00007684 | CAO Authorized - Mayor  | \$2,000.00  | \$0.00      | \$3,000.00     |
|                                                                         |            |               |                         | \$2,000.00  | \$0.00      | \$3,000.00     |
| Amended Balance as of: 5/31/2013                                        |            |               |                         |             |             | \$3,000.00     |
| 7652 - Discretionary Spending                                           |            |               |                         |             |             | \$2,000.00     |
|                                                                         | 05/08/2013 | 2013-00007684 | CAO Authorized - Mayor  | \$1,427.00  | \$0.00      | \$3,427.00     |
|                                                                         |            |               |                         | \$1,427.00  | \$0.00      | \$3,427.00     |
| Amended Balance as of: 5/31/2013                                        |            |               |                         |             |             | \$3,427.00     |
| Division: 000 Admin Totals:                                             |            |               |                         |             |             |                |
| Department: 02 Mayor's Office Totals:                                   |            |               |                         |             |             |                |
| Department: 15 Fire                                                     |            |               |                         |             |             |                |
| Division: 040 Fire Suppression                                          |            |               |                         |             |             |                |
| 8005 - Vehicle/Equipment Repairs                                        |            |               |                         |             |             | \$133,485.00   |
|                                                                         | 05/09/2013 | 2013-00007715 | Resolution 3.13 4/29/13 | \$14,215.00 | \$0.00      | \$147,700.00   |
|                                                                         |            |               |                         | \$14,215.00 | \$0.00      | \$147,700.00   |
| Amended Balance as of: 5/31/2013                                        |            |               |                         |             |             | \$147,700.00   |
| Division: 040 Fire Suppression Totals:                                  |            |               |                         |             |             |                |
| Department: 15 Fire Totals:                                             |            |               |                         |             |             |                |
| Department: 19 Public Works                                             |            |               |                         |             |             |                |
| Division: 151 Equipment Maintenance                                     |            |               |                         |             |             |                |
| 4825_100 - Interdepartmental Equipment Repair                           |            |               |                         |             |             | \$1,072,340.00 |
|                                                                         | 05/09/2013 | 2013-00007710 | Resolution 3.16 4/29/13 | \$89,500.00 | \$0.00      | \$1,161,840.00 |
|                                                                         |            |               |                         | \$89,500.00 | \$0.00      | \$1,161,840.00 |
| Amended Balance as of: 5/31/2013                                        |            |               |                         |             |             | \$1,161,840.00 |
| 6000 - Office Supplies                                                  |            |               |                         |             |             | \$3,500.00     |
|                                                                         | 05/08/2013 | 2013-00007702 | Mayor Authorized - DPW  | \$0.00      | \$3,000.00  | \$500.00       |
|                                                                         |            |               |                         | \$0.00      | \$3,000.00  | \$500.00       |
| Amended Balance as of: 5/31/2013                                        |            |               |                         |             |             | \$500.00       |

|                                                                      |            |               |                         |                                  |              |
|----------------------------------------------------------------------|------------|---------------|-------------------------|----------------------------------|--------------|
| 6208 - Special Supplies                                              | 05/08/2013 | 2013-00007702 | Mayor Authorized - DPW  | Amended Balance as of: 5/31/2013 | \$11,600.00  |
|                                                                      |            |               |                         | \$3,000.00                       | \$0.00       |
|                                                                      |            |               |                         | \$3,000.00                       | \$0.00       |
| 6210 - Small Tools and Equipment                                     | 05/08/2013 | 2013-00007702 | Mayor Authorized - DPW  | Amended Balance as of: 5/31/2013 | \$10,000.00  |
|                                                                      |            |               |                         | \$0.00                           | \$1,800.00   |
|                                                                      |            |               |                         | \$0.00                           | \$1,800.00   |
| 6212_110 - Fuel Diesel                                               | 05/08/2013 | 2013-00007702 | Mayor Authorized - DPW  | Amended Balance as of: 5/31/2013 | \$364,453.00 |
|                                                                      |            |               |                         | \$0.00                           | \$18,500.00  |
|                                                                      |            |               |                         | \$0.00                           | \$18,500.00  |
| 6214 - Clothing And Uniforms                                         | 05/08/2013 | 2013-00007702 | Mayor Authorized - DPW  | Amended Balance as of: 5/31/2013 | \$4,500.00   |
|                                                                      |            |               |                         | \$1,800.00                       | \$0.00       |
|                                                                      |            |               |                         | \$1,800.00                       | \$0.00       |
| 6216 - Oil & Grease & Antifreeze                                     | 05/09/2013 | 2013-00007710 | Resolution 3.16 4/29/13 | Amended Balance as of: 5/31/2013 | \$28,000.00  |
|                                                                      |            |               |                         | \$12,000.00                      | \$0.00       |
|                                                                      |            |               |                         | \$12,000.00                      | \$0.00       |
| 6300_100 - Repair & Maintenance Equipment Parts                      | 05/09/2013 | 2013-00007710 | Resolution 3.16 4/29/13 | Amended Balance as of: 5/31/2013 | \$279,700.00 |
|                                                                      |            |               |                         | \$40,000.00                      | \$0.00       |
|                                                                      |            |               |                         | \$40,000.00                      | \$0.00       |
| 6300_120 - Repair & Maintenance Tires                                | 05/09/2013 | 2013-00007710 | Resolution 3.16 4/29/13 | Amended Balance as of: 5/31/2013 | \$40,000.00  |
|                                                                      |            |               |                         | \$7,500.00                       | \$0.00       |
|                                                                      |            |               |                         | \$7,500.00                       | \$0.00       |
| 6400_105 - Utilities Gas                                             | 05/08/2013 | 2013-00007702 | Mayor Authorized - DPW  | Amended Balance as of: 5/31/2013 | \$47,500.00  |
|                                                                      |            |               |                         | \$18,500.00                      | \$0.00       |
|                                                                      |            |               |                         | \$18,500.00                      | \$0.00       |
| 6620 - Contractual Vehicle Repair                                    | 05/09/2013 | 2013-00007710 | Resolution 3.16 4/29/13 | Amended Balance as of: 5/31/2013 | \$47,500.00  |
|                                                                      |            |               |                         | \$30,000.00                      | \$0.00       |
|                                                                      |            |               |                         | \$30,000.00                      | \$0.00       |
| Division: 151 Equipment Maintenance Totals:                          |            |               |                         | \$202,300.00                     | \$23,300.00  |
| Division: 152 Streets                                                |            |               |                         |                                  |              |
| Program: 480 Snow Removal                                            |            |               |                         |                                  |              |
| 6300_140 - Repair & Maintenance Salt                                 | 05/09/2013 | 2013-00007718 | CAO Authorized - DPW    | Amended Balance as of: 5/31/2013 | \$194,314.00 |
|                                                                      |            |               |                         | \$300.00                         | \$0.00       |
|                                                                      |            |               |                         | \$300.00                         | \$0.00       |
| 6500_118 - Professional and Consultant Services Contractual Services | 05/09/2013 | 2013-00007718 | CAO Authorized - DPW    | Amended Balance as of: 5/31/2013 | \$5,000.00   |
|                                                                      |            |               |                         | \$0.00                           | \$300.00     |
|                                                                      |            |               |                         | \$0.00                           | \$300.00     |
| Program: 480 Snow Removal Totals:                                    |            |               |                         | \$300.00                         | \$300.00     |





## Lori Olberg

---

**From:** Jeff Nick <jeff@jeffnick.com>  
**Sent:** Monday, June 03, 2013 5:49 PM  
**To:** Lori Olberg  
**Subject:** Re: Meter bags at 29 Church St.

Yes they are.

Sent from my iPhone

On Jun 3, 2013, at 5:38 PM, "Lori Olberg" <[lolberg@burlingtonvt.gov](mailto:lolberg@burlingtonvt.gov)> wrote:

Per the diagram, the meter bags are actually on Cherry Street, yes??

---

**From:** Jeff Nick [<mailto:jeff@jeffnick.com>]  
**Sent:** Monday, June 03, 2013 5:31 PM  
**To:** Lori Olberg  
**Cc:** Steve Goodkind; Mark Lundie  
**Subject:** Meter bags at 29 Church St.

RECEIVED  
2013 JUN -3 P 5:53  
BURLINGTON CLERK  
TREASURER'S OFFICE

Lori,

I would like to ask the City Council to allow for an additional four (4) weeks for our meter bags at 29 Church St. We are in the midst of renovating to last space within the former Borders Books and expect to be completed by the second week of July.

We have one (1) 24 hour bag for the dumpster location and three (3) 6 AM – 6 PM bags for the deliveries and the contractors parking.

Please let me know if there is room on the next city council agenda.

Thank for your help in the matter.

Jeff Nick  
Nick and Morrissey Development  
29 Church Street, 3<sup>rd</sup> Floor  
Burlington, VT 05401  
Telephone: (802) 876-6923  
Email: [jeff@jeffnick.com](mailto:jeff@jeffnick.com)

---

**From:** Jeff Nick  
**Sent:** Monday, June 03, 2013 5:21 PM  
**To:** Jeff Nick  
**Subject:** Meter bags

<image001.jpg>

Sent from my iPad

RECEIVED

2013 JUN -3 P 5:53

BURLINGTON CLERK  
TREASURER'S OFFICE

## Lori Olberg

---

**From:** Lori Olberg  
**Sent:** Monday, June 03, 2013 5:36 PM  
**To:** 'Jeff Nick'  
**Cc:** Steve Goodkind; Mark Lundie  
**Subject:** RE: Meter bags at 29 Church St.

Perfect, your request will be placed on the 6/10 CC Agenda.

---

**From:** Jeff Nick [<mailto:jeff@jeffnick.com>]  
**Sent:** Monday, June 03, 2013 5:31 PM  
**To:** Lori Olberg  
**Cc:** Steve Goodkind; Mark Lundie  
**Subject:** Meter bags at 29 Church St.

RECEIVED  
2013 JUN -3 P 5:53  
BURLINGTON CLERK  
TREASURER'S OFFICE

Lori,

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Jeff Nick  
Nick and Morrissey Development  
29 Church Street, 3<sup>rd</sup> Floor  
Burlington, VT 05401  
Telephone: (802) 876-6923  
Email: [jeff@jeffnick.com](mailto:jeff@jeffnick.com)

---

**From:** Jeff Nick  
**Sent:** Monday, June 03, 2013 5:21 PM  
**To:** Jeff Nick  
**Subject:** Meter bags



Sent from my iPad

RECEIVED  
2013 JUN -3 P 5:54  
BURLINGTON CLERK  
TREASURER'S OFFICE



Handout from  
Chief Schirling  
6/3/13

**BURLINGTON POLICE DEPARTMENT**

Antonio B. Pomerleau Building  
1 North Avenue  
Burlington, Vermont 05401

Michael E. Schirling  
Chief of Police

Phone (802) 658-2704  
Fax (802) 865-7579  
TTY/TDD (802) 658-2700

Dear Neighbor,

I am writing to introduce you to some of the efforts underway in Burlington and throughout northern Vermont designed to make all of our streets and neighborhoods more healthy and vibrant.

In April of 2013 Federal, State, and local law enforcement agencies and prosecutors announced renewed efforts to combat drugs and serious crime in and around our community. They gathered at the United States Attorney's Office to send a clear and concise message to those who are fraying the fabric of our communities by trafficking narcotics and being involved in felony level crime. That message is simple. Vermonters have a low tolerance for crime. If you choose to deal drugs on our streets and in our neighborhoods and/or to be involved in crime that harms our community we will use every available resource – led by the Office of the United States Attorney and our Federal law enforcement partners – to swiftly and surely bring you to justice.

Beginning in the fall of 2012 Federal, State, and local law enforcement began a set of renewed efforts in response to emerging trends in the drug market and crime patterns throughout northern Vermont. Multi-agency collaboration is a cornerstone of law enforcement operations throughout our State. Building on that foundation, agencies in Chittenden County began operating using a methodology dubbed Community Impact Teams (CIT), which has become a key part of the crime fighting strategy.

Community Impact Teams refers to ongoing collaborative efforts to share information, target key offenders, and work with a variety of community stakeholders to recognize trends, prevent crime, and respond to problems using a three pronged approach of deter – disrupt – and dismantle. Among the key strategies used so far and to be deployed during the spring and summer of 2013 are:

- Working with youth centers, schools, and others to enhance our crime prevention and educational efforts.
- Holding regular meetings among participating agencies and leveraging technology to identify key repetitive offenders and crime trends.
- Targeting key offenders – including repeat offenders, violent criminals, and those dealing drugs in our neighborhoods - for robust enforcement and prosecution efforts.
- Targeting key locations where crime and drug dealing occur for extra patrols and expanded criminal interdiction efforts.

*Respect ~ Honor ~ Remember*

*Officer James P. McGrath, end of watch May 12, 1904; Officer J. Albert Fisher, end of watch December 15, 1947; Officer Robert W. Provost, end of watch January 13, 1954*

- Targeting key modes of transportation known to be havens for those trafficking narcotics.
- Expanding the use of foot patrols, traffic stops, use of drug sniffing dogs, and high visibility patrols in key locations.
- Advocating for swift, open access to drug treatment programs for those suffering from addiction.
- Exploring with neighborhoods the renewed use of “neighborhood watch”/“eyes and ears” programs in Burlington.
- Conducting proactive high visibility and multi-agency patrols in neighborhoods and in our downtown.
- Targeting those who harbor drug dealers and criminal activity by allowing those perpetrating these crimes to use their homes as bases of operation or places to hide.
- Using tools provided by City Ordinances to hold landlords accountable for properties that are the center of crime or disorder in our neighborhoods.

We are actively engaged with our communities and neighborhoods and will use every available resource to ensure robust detection, investigation, and prosecution of drug dealers and those responsible for violent or serious crime. If you bring drugs into Vermont from out of State the full resources of the Federal justice system will be brought to bear.

We need YOUR HELP. Anyone with information about drug trafficking is urged to contact your local police department or use the Burlington Police Drug Tip Line at 802-540-2420. To report general crime tips call local police or CrimeStoppers at 802-864-6666. Valuable information may result in substantial cash rewards. If you see crime in progress in Burlington call 802-658-2700 or 911.

IF YOU ARE OR HAVE BEEN INVOLVED in crime or drug dealing or are addicted to narcotics and want it to stop DO NOT HESITATE TO CALL FOR HELP. We will work with you to provide help, resources, and referrals for treatment, education, employment, etc. Our goal is to enhance safety and health for ALL in our community. You can call our Street Outreach Team (not staffed by police officers) at 802-343-7504 to talk directly to someone who can begin to guide you and provide supportive assistance OR call 211 for general referrals to services.

For more information on these efforts, including the neighborhood watch/eyes and ears program as well as general crime prevention and safety tips, you can subscribe to updates via NIXLE by visiting [www.bpdvt.org](http://www.bpdvt.org) or see the information available at that site.

Together we will continue to ensure that Burlington is a safe, healthy, and vibrant community!

Sincerely,



Michael Schirling  
Chief of Police



TJ Donovan  
State's Attorney



William Sorrell  
Attorney General



Tristram Coffin  
United States Attorney

*Respect ~ Honor ~ Remember*

*Officer James P. McGrath, end of watch May 12, 1904; Officer J. Albert Fisher, end of watch December 15, 1947; Officer Robert W. Provost, end of watch January 13, 1954*

PUBLIC FORUM  
HANDOUT  
6/3/13

**COMMENTS BEFORE THE BURLINGTON CITY COUNCIL JUNE 3, 2013  
REGARDING BURLINGTON PlanBTV**

**Tony Redington**

**20 North Winooski Avenue Apt 2  
Burlington, 05401**

**TonyRVT99@gmail.com  
Blog: TonyRVT.blospot.com**

Thank you for the opportunity to comment on the Final Draft of the PlanBTV aimed at guiding the development of the Burlington downtown and waterfront areas. This more than year-long process represents my first participation in policy development as a Burlington citizen.

The comments here relate primarily to the transportation sections of which contain serious shortcomings and some clearly misleading. Most important the transportation elements fail in the mission of any—providing a rational guide to the downtown and waterfront development. Most of my comments relate to the inadequate walking and bicycling content.

My suggestion is that instead of adopting the Plan BTV as is, that at least the Transportation section, particularly the walking and bicycling material, be re-worked with the cooperation and participation of the Burlington Walk Bike Council (BWBC). I am sure you would be surprised as councilors to learn that neither the Steering Committee nor the full BWBC meetings (two total monthly included a minute of discussion regarding the PlanBTV materials much less even receiving at any time the three or four pages of draft and then revised PlanBTV material on walking and bicycling. As a Steering Committee member, perhaps you can understand my submission of these comments following reviewing the draft document in the last few days.

Let me emphasize the fact of rapid change in the marketplace in all modal travel—bus, rail, auto, walking and bicycling. For example, already the statistic from a year ago of 62% of traveling to work by car in Burlington drops to 54% in the latest Census information—car travel to work surely will continue to move downward and drop below 50% in the near future. All major roadways accessing the downtown and Marketplace in Burlington show substantial and continuing decreases in numbers since peaking about 1990. Traffic numbers decline on major streets—Main, Pearl, the Northern Connector, Shelburne, Pine and Northern Avenue—range from 8 to 28 (Pine Street) percent over the past two decades.

As representatives a ward, one way to think of change is to consider home to work trips each year since 2000--about ten of your constituents switch from car travel to work to another mode every year—bus, walk, bicycle or work at home. In Vermont car travel to work dropped 3% in the last decade with an estimated 9,000 workers during the period choosing something other than car travel—and the number of car travelers at the end of the decade unchanged from 2000.

But the PlanBTV language concludes: “Shoppers and visitors coming to downtown from afar will likely continue to get here by car.” Basically we need to recognize that shoppers and visitors increasingly will come by modes other than the car. Extension of Amtrak service to Union Station is less than three years away, seasonally the Champlain Ferry brings thousands to the waterfront, and commuter rail and even light rail from the waterfront via the Marketplace to UVM and Fletcher Allen Health Care are very likely within a few years. Finally, PlanBTV cites “convenience” as key to choice of travel—I would suggest that those who quit their cars in droves for the CCTA Link service to Montpelier recognize the up to \$7,000 annual after tax saving in their household budget—and that saving is after paying the daily \$8 roundtrip daily fare. Simply, just about any ground mode of transportation is less costly than the private auto.

Note extensive comments I made orally and in written form earlier in this process were almost entirely excluded in any subsequent plan drafts.

Before specific objections

Here are some other specific comments:

1. In the section “crossing to the other side”: This section fails to mention the only proven method of moving walkers through intersections quickly, safely and comfortably—the modern roundabout. For some reason City and Regional planners totally fail to recognize the pre-eminence that the Federal Highway Administration places on the use of roundabouts for walker and all other modes safety—or the fact that three states and two Canadian provinces now make the roundabout the default choice for intersections. Note to date not a single walker fatal has occurred in almost 15,000 roundabout years in the U.S. and Canada.
2. In the section “1. Bikeways”: This section claims, falsely: “Recent studies have shown the dedicated bike lane can reduce injury for bikers by 90%.” I must say that this can only be described as untrue based on research and even advisories of the organization sponsored by U.S. DOT note this, [Bicyclinginfo.org](http://www.bicyclinginfo.org) (<http://www.bicyclinginfo.org/faqs/answer.cfm?id=971> )

Key here is that a bicycle lane and a protected bicycle lane or cycle track are two totally different treatments—lanes are not particularly safe and cannot be used by all ages or those of all skill levels. Cycle tracks when connected to proper intersection treatments provide both mobility and safety for all bicyclists. (my blog posting over the weekend center on this very subject ( see [TonyRVT.blospot.com](http://TonyRVT.blospot.com) )

Basic bike lanes do not necessarily result in increased safety and certainly do not serve all users (I avoid them except during low traffic periods). Protected bike lanes, also called cycle track—which I endorse—still have yet to be completely accepted by all elements of the bicycle community. My blog addresses this overall issue and how truly “complete streets” means cycle track along segments and roundabouts with bicycle pathing at intersections presents the best infrastructure affording mobility and safety for users of all ages and skills.

3. In the section “2 Intersection treatments”: This section does not mention roundabouts and the importance of separate bicycle pathways at a roundabout or other types of bicycling treatment where separate bicycle and walker pathways cannot be provided. With the new Shelburne Street roundabout coming on line in a year or so, this is not an academic concern. (Note with a few exceptions most of Burlington arterial streets can be served by single lane roundabouts which do [see Netherlands 1994 research by Schoon and van Minnen] reduce walker injuries by about 90% and bicycle injuries by 60% or more).

4. In section “Bike Culture”: A general comment here. Bicycling and walking in the United States experience crash rates are several times higher than in the Netherlands and Germany per mile of travel (John Pucher and Lewis Dijkstra). We need in Burlington substantial—tens of millions—in investments in walking and bicycling infrastructure (mostly cycle track/separate bicycle pathways and roundabouts) as a pre-condition to encouraging and achieving high levels of walking and, particularly, bicycling. We need to be careful not to put the cart before the horse.

5. In the section “Cycle track”: Again, the claim cycle track reduces bicycle injuries “90%” does not find confirmation in research. Indicator research—cycle track versus riding on normal roadway—done in Montreal found significant decrease in injuries but statistically complete research remains to be done. I strongly support cycle track as the basic infrastructure to provide a safe level for bicycling for all users—but am not ready to quantify in the absence of data the reduction attained over lanes/no lanes. My current position is that only protected bicycle lanes, cycle track, need be installed and where possible matched with roundabout treatments at intersections.

6. In the section “Transit ties it altogether”: This section needs to be totally redone since, as a practical matter, car traffic entering declines—and this includes vacation and visitor travel. Transit includes the Amtrak service set for 2017. Transit includes high capacity commuter rail service which can literally deliver thousands of visitors and hour to the waterfront. Transit includes high capacity light rail which along with commuter rail was studied extensively in Burlington in the 1990s—those plans need to be re-examined and referenced in PlanBTV. The transit section (including Champlain Ferry as an integral part) really keys the future success of both the waterfront and the Marketplace. Transit and the promise it provides for low cost access carrying visitors in large numbers needs to key the entire aspect of bringing folks to and from the future development of the waterfront

One last comment. PlanBTV fails to acknowledge the Marketplace “plaza” as one of three in the nation and its intersections a rare U.S. example of “shared space” where modes mix at the highest level of safety at the Cherry, Bank and College intersections—shared space which needs to be expanded outward where helpful to retail businesses and replicated in other spots in the community—and probably at spots within the waterfront development.

Thank you for the opportunity to comment on PlanBTV.

GIVE TWO CENTS (GAS TAX EQUIVALENT) FOR BURLINGTON-MONTPELIER AND BURLINGTON-ST. ALBANS COMMUTER RAIL? AND A PENNY MORE (GAS TAX EQUIVALENT) TO ADD BURLINGTON-MIDDLEBURY TOO?



Stadler GTW DMU Low Floor in Commuter Rail Service by Denton County Transportation Authority, Austin, TX

## **An Action Outline for New Vermont Commuter Rail Passenger Service along Three Rail Corridors out of Burlington, Vermont**

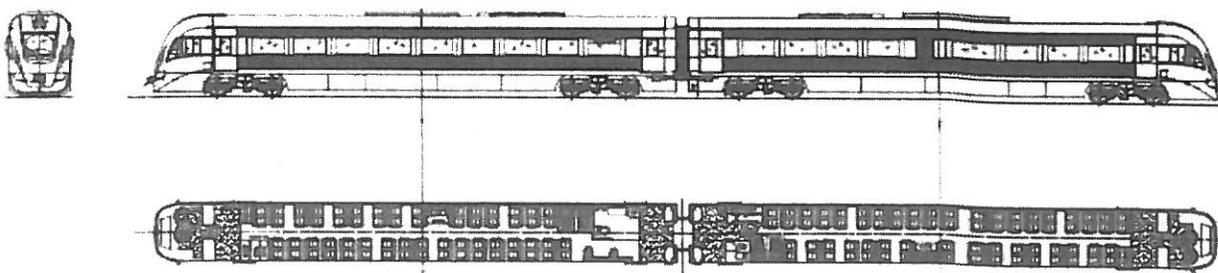
**Phase 1: Chittenden County-Washington County Commuter Rail Service (CW Commuter Rail); Phase 2: Chittenden County-Franklin County Commuter Rail Service via IBM Technology Park (CF Commuter Rail); and Phase 3: Addison County-Chittenden County Commuter Rail Service (AC Commuter Rail) and Montpelier-Barre Extension**

**REPORT SUMMARY:** This action outline calls for funding for the federal applications and necessary studies to start Vermont Commuter Rail Service Phase 1: the 54 mile Chittenden County-Washington County (CW Commuter Rail) from Charlotte to Burlington to Montpelier State House. Phases 2 and 3 expand service to Franklin and Addison Counties. With a gas tax raising \$3.3 million yearly, Phase 1 and 2 support—capital and operating—costs under two cents, \$6.5 million.

Commuter rail service economically benefits directly both Vermont employers and workers. Commuter rail service follows: (1) recent upgrading the majority of Phase 1 route to 80-mph passenger speeds; (2) the decade surge from 0 to 50 Link workday commuter buses, now nearing 500 commuters between Burlington and Montpelier, St. Albans and Middlebury; and (3) Champlain Flyer commuter rail service 2000-2002 with track and stations still service ready between Charlotte and Burlington. The massive shift in Vermont and nationally away from cars with a parallel

increased public transportation use--a true "transportation tectonic shift"-- continues. U.S. under-age-30 driver licensing dropped 10% 1995-2010, and car travel for all age groups declines. Vermont added over 9,000 workers 2000-2010 while during that time car commuters actually dropped, and in Burlington solo driving by the 10,000 workers at three institutions fell 14%.

The CW Commuter Rail Service base passenger estimate, 1,110 commuters every workday via ten stations, compares to about 240 Montpelier Link commuters currently via three stations. CW Commuter Rail estimated 555,000 base year trips compares to about 100,000 Vermont Amtrak stations boardings. Reflecting changed commuting world today, a 1999 study predicted four daily rail commuters Montpelier to Burlington—but this year Montpelier workday Link commuters to Burlington reaches almost 130. A commuter saves up to \$7,000 after tax yearly for this 40-mile commute by Link or a CW Commuter Rail trip versus the solo drive.



Bombardier Vlocity 160 DMU configuration (136 passengers seating)

Calling Vermont a "rural" state ignores three major interstate highways, two growing Amtrak routes, and a major tourist industry with a first place in eastern skier-days. Vermont's tourist economy future depends on maintaining rural character and serving visitors through connections by sustainable transportation, a task only a rail passenger network accomplishes. Commuter rail naturally evolves to such a network. No transportation investment better fulfills Vermont's premier land use goal: "compact village and urban centers surrounded by rural countryside."

CW Commuter Rail scheduling in each direction includes three a.m. and p.m. peak trains and one mid-day (14 trains total). The equipment, two-unit self-propelled railcars (DMUs), handles 150-175 passengers. New stations include IBM Technology Park, St. Michaels/Fanny Allen, Burlington PARC, and South Burlington plus town center stations in Winooski, Richmond, Bolton, and Montpelier.

Vermont's two Amtrak trains cost \$7 million each year, more than CW and CF Commuter Rail support total. Comparatively, with 80% federal match from regular federal transportation funds received each year, CW Commuter Rail base year costs totals \$0.88 million State dollars (a quarter cent gas tax equivalent) for all capital and operating. Costs for base year CW Commuter Rail: passenger revenue \$2.6 million; \$7.0 million operating and capital; and \$4.4 million support with support shared 20%, \$0.88 million Vermont share, and 80%, \$3.5 million federal share.

Tony Redington, North Winooski Avenue, Burlington, VT 05401 Blog: [TonyRVT.blogspot.com](http://TonyRVT.blogspot.com)  
FOR DIGITAL 66-PAGE REPORT EMAIL: [TonyRVT99@gmail.com](mailto:TonyRVT99@gmail.com) February 22, 2013

## DOGS NOT REGISTERED FOR 2013

6/3/2013

| OwnerLastName      | OwnerFirstName    | StreetNum | StreetName           |
|--------------------|-------------------|-----------|----------------------|
| ABBATICCHIO        | JAMIE             | 66        | BLODGETT ST          |
| ABEL               | ERNESTINE         | 40        | WILDWOOD AVE         |
| ALBERGHINI-DIPALM/ | THERESA           | 288       | MAPLE ST             |
| ALBERGHINI-DIPALM/ | THERESA           | 288       | MAPLE ST             |
| ANAIR              | CHARLENE          | 39        | DECATUR STREET       |
| ANDREWS            | TERRI             | 55        | ROSE STREET #1       |
| ARGRAVES           | GRETCHEN          | 30        | BRANDYWINE ST        |
| ARGRAVES           | GRETCHEN          | 30        | BRANDYWINE ST        |
| BARNUM             | DEB/STARR         | 270       | SO WILLARD ST        |
| BARRATT            | KALISA            | 109       | NORTH WILLARD ST     |
| BARRETT            | SARA              | 44        | VALADE STREET        |
| BARRY              | KAREN             | 125       | LEDGE RD.            |
| BEAN               | EMILY             | 83        | WARD ST              |
| BEAUDRY            | MONIQUE           | 116       | MAPLE ST #4          |
| BEAUVAIS           | GAIL              | 7         | FERN ST.             |
| BENEDINI           | KANDACE           | 43        | SOUTHWIND DR         |
| BENNETT            | BRITTANY          | 344       | NORTH ST APT 3       |
| Bennett            | Gordon            | 60        | Oakland Terr.        |
| BERGERON/LIBBY     | HEIDI/JEREMY      | 234       | S. CHAMPLAIN ST. #11 |
| BERGMAN            | BRUCE             | 66        | VEST HAVEN DR        |
| BERGMAN            | BRUCE             | 66        | VEST HAVEN DR        |
| BERGMAN            | BRUCE             | 66        | VEST HAVEN DR        |
| BESSETTE           | TERESA            | 37        | WARD ST              |
| BOLTON             | COREY (DO NOT CHA | 142       | SHELBURNE RD         |
| Bora               | Celia             | 36        | Woodbury Rd.         |
| BOYER              | KELLY             | 449       | NORTHGATE RD         |
| BRINES             | BRENDAN           | 150       | SHELBURNE ROAD       |
| BRINES             | BRENDAN           | 150       | SHELBURNE ROAD       |
| BRINES             | BRENDAN           | 150       | SHELBURNE ROAD       |
| BROWN              | CHRISTOPHER/JOAN  | 63        | LAFOUNTAIN ST.       |
| BUCHANAN           | KARA              | 4         | BALSAM ST            |
| BURNS              | CHRIS             | 49        | LATHAM CT            |
| CADWALADER         | KRISTIN           | 210       | ST PAUL ST #5        |
| CANNON             | CARA              | 230       | NORTH AVENUE APT :   |
| CASE               | LAURE             | 10B       | PARK ST.             |
| CASEY              | ADAM              | 427       | FLYNN AVE            |
| CASSELMAN          | PETER             | 257       | SOUTH WINOOSKI AVI   |
| CHILCOTE           | DENAE             | 48        | FAITH STREET         |
| CHRISTOPHER        | MONAHAN           | 41        | CLARKE ST.           |
| CLAUSS             | ALEXA             | 40        | COLLEGE ST 411       |
| CLEMENTS           | LYNNE             | 81        | CAYUGA CT            |
| COLANGELO          | GILLY             | 475       | NORTHGATE RD         |
| Combes             | Thom              | 121       | Home Ave.            |
| CONTOIS            | DANE              | 92 1/2    | North Street         |
| Cross              | Bonnie            | 60        | Wells #10            |
| CROWLEY            | MICHAEL           | 49        | ST. MARYS ST.        |
| CROWLEY            | MICHAEL           | 49        | ST. MARY'S ST.       |
| Crowley            | Tammie            | 55        | Chase #1             |
| CULLEN             | ELIZABETH         | 140       | Summit Street        |
| DAHLIN             | KELSEY            | 131       | MAIN ST #204         |
| DALY               | MATT & CELIA      | 28        | OVERLAKE PK          |
| DAY                | LESLIE            | 45        | LAFOUNTAIN ST        |
| DEHNE              | NICOLE            | 98        | LOOMIS ST            |
| DELORETO           | MICK              | 71        | KING ST.             |
| DEXTRADEUR         | JUSTIN/JEN        | 60        | WOODLAWN RD          |
| Dhondep            | Geleg             | 96        | LaFountain St.       |
| DiPalermo          | Joanne            | 104       | So Cove Rd           |
| DON                | WINNIFRED         | 117       | RICHARDSON ST        |
| DOTY               | SHANNON           | 28        | CONGER AVE B         |
| Dower              | David             | 4         | N WINOOSKI AVE - #2  |
| DUBE               | SARAHJANE         | 35        | CAYUGA CT            |
| DUBE               | SARAHJANE         | 35        | CAYUGA CT            |
| DUBREIUL           | KYLE              | 117       | CURTIS AVE           |
| DUBUC              | BETSY             | 58        | WESTERN AVE.         |
| DYER               | JESSICA/ANDY      | 602       | NORTH AVE #30        |
| EISENHAUER         | JESSICA           | 65        | CAROLINE ST          |
| EPSTEIN            | JESSE/KRISTEN     | 464       | SOUTH UNION          |
| EPSTEIN            | JESSE/KRISTEN     | 464       | SOUTH UNION          |

| OwnerLastName | OwnerFirstName | StreetNum | StreetName            |
|---------------|----------------|-----------|-----------------------|
| FISHER        | MEGHAN         | 80        | AUSTIN DR #178        |
| FISHER        | TAMMY          | 192       | WOODLAWN RD.          |
| FLANAGAN      | TIM            | 284       | S. UNION ST. 1ST FL F |
| FLOWERS       | GRACE          | 80        | AUSTIN DRIVE #94      |
| FRANCIS       | SEAN           | 143       | Howard St. Apt 3      |
| GAFFNEY       | AIMEE          | 13        | GREY MEADOW DR        |
| GIARD         | CONOR          | 1191      | NORTH AVE. #311       |
| GODFREY       | JOHN           | 26        | COLARCO CT.           |
| GORDON        | ALICIA         | 129       | CROSS PKY             |
| GORDON        | ALICIA         | 129       | CROSS PKY             |
| GORTON        | LORRAINE       | 51        | MERIDIAN ST           |
| GOSS          | ALISON         | 15        | PERROTTA PL           |
| GOVER         | BEVERLY        |           | P O BOX 252           |
| GRAHAM        | ANDREW         | 3         | SPRUCE ST #3          |
| GRALA         | BRONI          | 48        | GOVE CT - #1          |
| GRINNELL      | MARGARET       | 212       | CURTIS AVE.           |
| HALILOVIC     | LARISA         | 23        | NORTHGATE RD.         |
| HALIQUIST     | MARY           | 2         | CANFIELD STREET       |
| Hanger        | Kimberly       | 33        | North Avenue #10      |
| HARDY         | KRIS           | 115       | MORSE PL              |
| HARRIS        | AMANDA         | 167       | GREEN ACRES DR        |
| HARRIS        | AMANDA         | 167       | GREEN ACRES DR        |
| HAYES/PLOOF   | JEAN/JASON     | 210       | N. CHAMPLAIN ST.      |
| HEMLEY        | MARCIA         | 68        | SUNSET CLIFF RD.      |
| HEMLEY        | MARCIA         | 68        | SUNSET CLIFF RD.      |
| HERMAN        | ANNA           | 90        | ROSEADE PKWY          |
| HIATT         | BRITTANY       | 262       | VAN PATTEN PKWY #2    |
| HIBBERT       | KATHRYN        | 21        | RICHARDSON ST.        |
| Hirsch        | Sefton         | 80        | AUSTIN DR - #187      |
| Hirsch        | Sefton         | 80        | AUSTIN DR - #187      |
| HIRSS         | RUDY           | 27        | FLETCHER PL           |
| HOENIGSBERG   | LUKE           | 352B      | COLCHESTER AVE        |
| HOLMEN        | BRITT          | 155       | CLIFF ST.             |
| HOUSTON       | KATE           | 80        | AUSTIN DR #71         |
| HUH           | JINNY          | 182       | NO WILLARD ST         |
| HUNT          | ALLAN          | 89        | MAPLE ST              |
| Hunton        | Peter          | 7         | Hildred Drive         |
| IAVARONE      | TINA           | 144       | NORTH UNION           |
| IRVING        | TAMARA         | 438       | ETHAN ALLEN PKWY      |
| IRVING        | TAMARA         | 438       | ETHAN ALLEN PKWY      |
| JOHNSON       | BRIDGET        | 185       | SHORE RD.             |
| JONES         | AMANDA         | 296       | MANHATTAN DR.         |
| JONES         | HOLLY          | 35        | LAFOUNTAIN ST         |
| JONES         | HOLLY          | 35        | LAFOUNTAIN ST         |
| JONES         | MITCHELL       | 210       | ST. PAUL ST. #3       |
| KAHN          | JANET          | 240       | MAPLE ST              |
| KALAHER       | MATTHEW        | 206       | MAPLE ST #3           |
| KASMAREK      | EMILY          | 69        | MONROE STREET         |
| KAZENIAC      | MARISHA        | 16        | LUDWIG CT.            |
| KEHOE         | MARY           | 27        | KINGSLAND TERRACE     |
| KENNEY        | KAYLA          | 57        | CLARKE STREET         |
| KENNEY        | KAYLA          | 57        | CLARKE STREET         |
| KERNS         | JESSICA        | 81        | KING ST #1            |
| KIRK          | AMY            | 267       | PEARL ST              |
| KOLODINSKY    | JANE           | 419       | SO PROSPECT ST        |
| KRIEGER       | HOWIE          | 182       | LAKWOOD PKWY          |
| LACHS         | AILEEN         | 87        | WEST RD               |
| LACROIX       | THERESA        | 56        | CAYUGA CT             |
| LADA          | KEITH/JENNIFER | 137       | GAZO                  |
| LAFORCE       | ELIZABETH      | 27        | BRIGHT ST             |
| LANDRY        | JON            | 602       | NORTH AVE #36         |
| LANGAN        | MARCELLE       | 55        | CRESCENT RD.          |
| LANTZ         | JAMES/LYNN     | 13        | SPRUCE CT             |
| LARRABEE      | JERRY          | 328       | PEARL STREET          |
| LE COMPTE     | MEREDITH       | 111       | COLLEGE ST. #3C       |
| LEARMONTH     | CLAIRE         | 129       | NORTH WILLARD         |
| LEDOUX        | MARTY          | 57        | LOALDO DR             |
| LEO           | MELISSA        | 71-73     | SPRING STREET         |

| OwnerLastName      | OwnerFirstName  | StreetNum | StreetName          |
|--------------------|-----------------|-----------|---------------------|
| LIPKA              | JESSECA         | 178       | ELMWOOD AVE.        |
| LIPMAN             | PAM             | 58        | EDINBOROUGH DR.     |
| LIPMAN             | PAM             | 58        | EDINBOROUGH DR.     |
| LIPMAN             | PAM             | 58        | EDINBOROUGH DR.     |
| LIVINGSTON / BORQU | ADDIE / EMILY   | 172       | NORTH AVENUE        |
| LONGEVIN           | MICHAEL         | 72        | BROOKS AVE          |
| LOTHROP            | AARON           | 23        | HAYWARD ST #4       |
| LUHRS              | ERIK            | 59        | BUELL ST. #7        |
| LUSTGARTEN         | ERICA           | 142       | KILLARNEY           |
| LYON               | KRISTI/JEFF     | 5         | RIDGEWOOD DR        |
| MALCOLM            | ABIGAIL         | 46        | SOUTHWIND DRIVE     |
| MALINOWSKI         | AMY/MIKE        | 51        | CAYUGA CT           |
| MANION             | IRENE/DAN       | 505       | S WILLARD ST        |
| MARSHALL           | LAUREN          | 256       | NO. WINOOSKI AVE.   |
| MASSELL            | DAVID           | 35        | KINGSLAND TERR      |
| MAZUR              | SARAH           | 185       | NORTH WINOOSKI AV   |
| MCGONAGLE          | PAMELA          | 44        | CHERRY LN           |
| MCGRATH            | BILL            | 163       | PLEASANT AVE        |
| MCMEEKIN           | BILL            | 36        | SOUTHWIND DR        |
| MEUNIER            | JAMES/KELLY     | 97        | ELMWOOD AVE         |
| MIGNAULT           | CHARLENE        | 40        | NORTH CHAMPLAIN S   |
| MITCHELL           | HORACE          | 41        | KINGSLAND TERR      |
| MORIN              | DOUG            | 31        | LATHAM CT.          |
| MORIN              | KELLY           | 198       | COLLEGE ST #2A      |
| MORRILL            | LAURA           | 19        | SARATOGA AVE        |
| MUSSMAN            | NICKIE          | 82        | CRESCENT BEACH      |
| Myers              | Angie           | 95        | Poirier Pl          |
| Myers              | Angie           | 95        | Poirier Pl          |
| MYERS              | COLLEEN         | 36        | BLODGETT ST         |
| NEWMAN             | KAREN           | 25        | BROOKES AVE.        |
| NICOLAY            | MICHAEL         | 120       | HEINEBERG RD.       |
| NILES/BURNOR       | DALE/JERRY      | 101       | COLLEGE ST #204     |
| NISHIKAWA          | LAUREN          | 1191      | NORTH AVENUE        |
| NOWACOSKI          | CHRIS           | 510       | ST. PAUL ST. #2     |
| O'CONNOR           | CAITLIN         | 161       | ST PAUL ST. 401     |
| O'DONNELL          | BRIAN           | 6         | POPLAR              |
| O'DONNELL          | BRIAN           | 6         | POPLAR ST           |
| O'HORA             | NANCY           | 304       | SOUTH COVE ROAD     |
| O'LOUGHLIN/ZETTLEF | CONOR/LAURA     | 520       | NORTH ST.           |
| O'LOUGHLIN/ZETTLEF | CONOR/LAURA     | 520       | NORTH ST.           |
| O'NEIL             | PETE            | 127       | LYMAN AVE           |
| O'NEILL            | GENEVIEVE       | 80        | AUSTIN DR - #63     |
| O'SULLIVAN         | JEAN            | 37        | VILLAGE GREEN       |
| O'SULLIVAN         | JEAN            | 37        | VILLAGE GR.         |
| OFFENHARTZ         | STEVEN/SUSANNAH | 437       | S UNION ST.         |
| OMEROVIC           | JASMINA         | 27        | NORTHGATE RD        |
| OSBORNE            | BAILEY          | 31        | CENTRAL AVENUE      |
| PAINTER            | KEITH           | 58        | MATTHEW AVE.        |
| PASQUINO           | BEN             | 129       | HILDRED DR.         |
| PHILBIN            | SIOBHAN         | 99        | SARATOGA AVE        |
| PICKERING          | DENISE          | 33        | NORTHSHORE RD       |
| PLATT              | GRETCHEN        | 28        | NASH PL #1          |
| POLLAK             | SALLY           | 89        | LYMAN AVE           |
| PRATT              | CELIA           | 239       | NORTH ST. #1        |
| RANSOM             | PAMELA          | 72        | LOALDO DR           |
| REED               | DEWAYNE         | 156       | KING ST             |
| REISSIG            | KEN             | 19        | ST. LOUIS ST        |
| RICHARD            | CARRIE          | 79        | SOUTH MEADOW DR.    |
| RICHARD            | CARRIE          | 79        | SOUTH MEADOW DR.    |
| RICHARDSON         | ROBIN           | 36        | VEST HAVEN DR       |
| RITCHIE/DUBOSE     | LINDA/RONTE     | 400       | APPLETREE POINT RC  |
| ROTHAUPT           | KRISTIN         | 34        | EASTMAN FARM RD.    |
| RYLANT             | HEATHER         | 32        | FORREST ST.         |
| SANDLER            | TRISTANN        | 249       | ELMWOOD AVE. #2     |
| SANDLER            | TRISTANN        | 249       | ELMWOOD AVE. #2     |
| SCHWEIZER          | HANNAH          | 6         | SOUTH ST            |
| SCOTT              | ALEXIS/NATHAN   | 204       | SO UNION ST APT. #4 |
| SHAH               | VISHAL          | 495       | COLCHESTER AVE - #  |

| OwnerLastName | OwnerFirstName  | StreetNum | StreetName         |
|---------------|-----------------|-----------|--------------------|
| SHAH          | VISHAL          | 495       | COLCHESTER AVE - # |
| SHANGRAW      | KAREN           | 158       | VENUS AVE          |
| SHATAGIN      | JENNIFER        | 32        | VALADE ST          |
| SHATAGIN      | JENNIFER        | 32        | VALADE ST          |
| SHEPARD       | CARL            | 20        | BORESTONE LN       |
| SHEPHERD      | SUSAN           | 22        | NOTTINGHAM LN      |
| SHEPHERD      | SUSAN           | 22        | NOTTINGHAM LN      |
| SHEPHERD      | SUSAN           | 22        | NOTTINGHAM LANE    |
| SHINGLER      | KAREN           | 47        | SCARFF AVE.        |
| SIMONE        | CARA            | 29        | CHITTENDEN DR      |
| SMIRNOVA      | IRENE           | 50        | CHERRY LANE        |
| SMITH         | ELIZABETH       | 236       | NORTH CHAMPLAIN #  |
| SODEN         | CAROL           | 125       | NORTHGATE          |
| SOLIZ         | TABATHA         | 241       | NORTHGATE RD       |
| SOUTIERE      | JUDY            | 126       | STIRLING PL        |
| Spence        | David           | 73        | Pitkin St.         |
| SPURRIER      | JONATHAN        | 69        | WESTERN AV         |
| STANLEY       | KERRY           | 26        | VILLAGE GR         |
| STANLEY       | KERRY           | 26        | VILLAGE GR         |
| STANLEY       | KERRY           | 26        | VILLAGE GR         |
| STEVENS       | NATE            | 34        | LYMAN AVE          |
| STEWART       | JENNA           | 308       | SO. WINOOSKI AV #1 |
| STEWART       | JENNA           | 308       | SO. WINOOSKI AV #1 |
| STEWART       | KAREN           | 200       | LAKE ST. #10       |
| STOWELL       | BETTY           | 3         | CATHEDRAL SQUARE   |
| STREETER      | TOM             | 88        | LOCUST ST          |
| STRONG        | GREG            | 38        | BILODEAU COURT     |
| STROTMAYER    | KATE/JAMIE      | 81        | HENRY ST.          |
| SULARZ        | ALLEN           | 65        | DUNDER RD          |
| SULARZ        | ALLEN           | 65        | DUNDER RD          |
| TALIC         | SENAD           | 80        | NORTHGATE RD       |
| TANNER        | AMANDA          | 44        | MARBLE AVE         |
| TANNER        | AMANDA          | 112       | PARK ST.           |
| THIBAUT       | JENNIFER/DAMIEN | 52        | HOPE ST.           |
| THOMPSON      | PAT             | 71        | WESTERN AVE        |
| TITLEY        | SEAN            | 79        | FAIRMOUNT PL.      |
| TONJA         | RIZZO           | 28        | LUCK ST.           |
| TRAN          | TAN             | 51        | MOORE DRIVE        |
| TURIANSKY     | SETH            | 74        | SCARF AVENUE       |
| TWOHIG        | NICOLE/EAMON    | 145       | LYMAN AVE          |
| TWOHIG        | NICOLE/EAMON    | 145       | LYMAN AVE          |
| TYLER         | TANISHA         | 31        | JOHNSON ST.        |
| UPSON         | JOAN            | 130       | MANSFIELD AVE #401 |
| VALERIE       | HAMLIN          | 34        |                    |
| VAN HORN      | MIKE            | 135       | MAIN STREET        |
| VIDAL         | HOLLI           | 133       | NORTHGATE RD.      |
| VISWANATHAN   | SRIDHAR         | 825       | SOUTH PROSPECT     |
| WALLEBEN      | LINDA           | 66        | CROSS PRKWAY       |
| WALSLEBEN     | LINDA           | 66        | CROSS PRKWAY       |
| WARREN/CANNON | SHELLEY/COLLEEN | 144       | CLIFF ST           |
| WEAVER        | SHEILA/TOM      | 10        | SPRUCE CT          |
| WEST          | ALIXANDRA       | 330       | HILDRED DR.        |
| WESTDIJK      | KATE            | 6         | EAST VILLAGE DR.   |
| WILBERT       | DENNIS          | 64        | AVENUE C           |
| WILLIAMS      | GAIL            | 120       | DODDS CT           |
| WINGATE       | HANNAH          | 194       | MAPLE ST. #4       |
| WOLFE         | BETHANY         | 89A       | NO CHAMPLAIN ST    |
| WOMER         | BRUCE           | 136       | STANIFORD RD.      |
| WOMER         | BRUCE           | 136       | STANIFORD RD.      |
| WRIGHT        | DYLAN           | 186       | N. WINOOSLI AVE.   |
| WRIGHT        | MELISSA         | 53        | MURRAY ST          |
| WYLIE         | SARAH           | 176       | NORTH UNION ST     |
| YOUNG         | MATT            | 140       | LYMAN AV           |
| YOUNG         | WENDY/ROBERT    | 6         | VILLAGE GREEN      |
| YURCO         | BEN             | 181       | LYMAN AVE #1       |

| OwnerLastName | OwnerFirstName | StreetNum | StreetName        |
|---------------|----------------|-----------|-------------------|
| Zellem        | Rachel         | 117       | Claire Pointe Rd. |



**OFFICE OF THE CLERK/TREASURER**  
City of Burlington

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

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TO: City Council

FROM: Lori Olberg, Licensing, Voting and Records Coordinator

DATE: June 4, 2013

RE: Schedule of Meetings of the City Council through August, 2014

A=Adjourned; R=Regular; S=Special; T=Tentative

**2013 dates**

Monday, 9/9 (R)  
Monday, 9/23 (A)  
Monday, 10/7 (R)  
Monday, 10/21 (A)  
Monday, 11/4 (R)  
Monday, 11/18 (A)  
Monday, 12/9 (R)  
Monday, 12/16 (A)

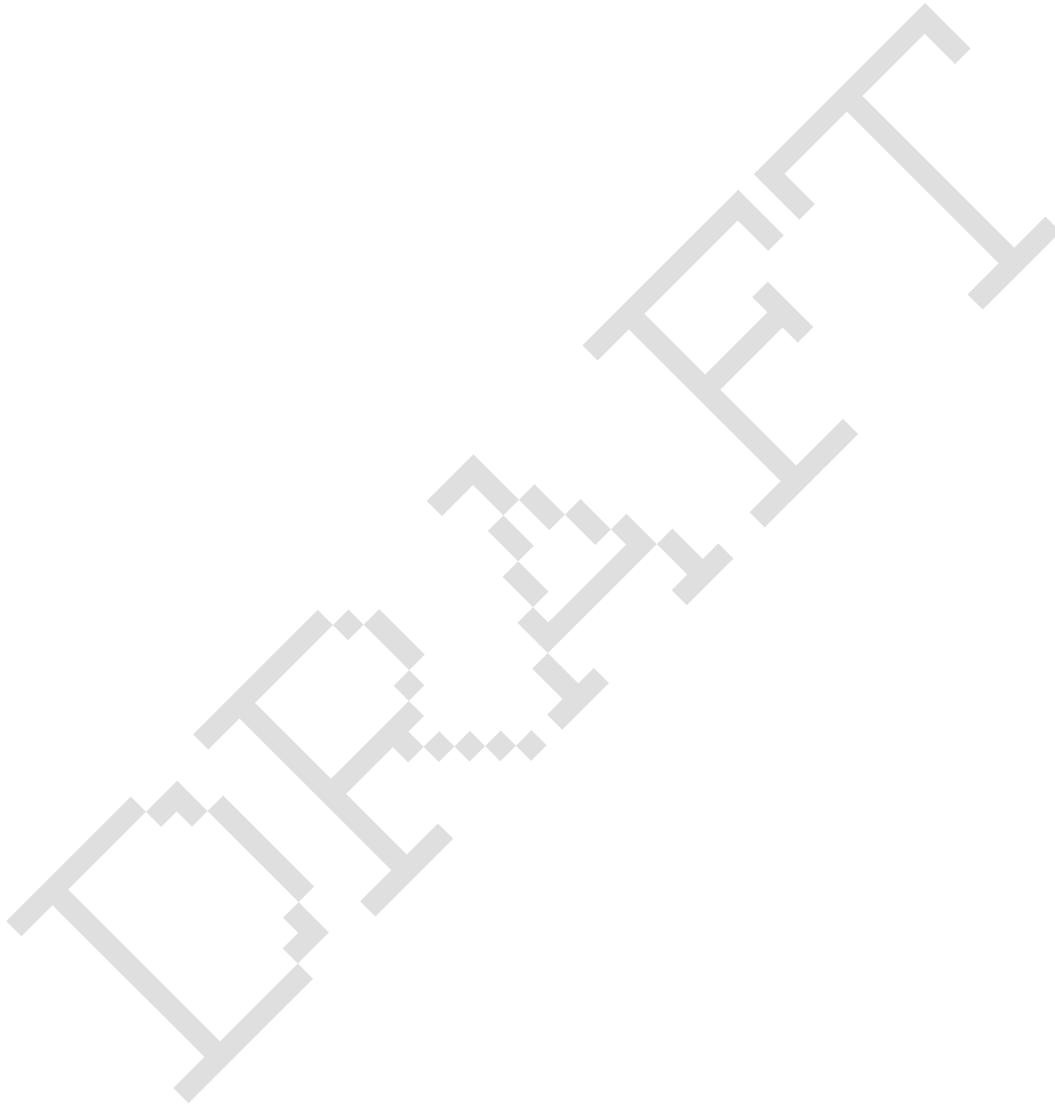
**2014 dates**

Monday, 1/6 **(limited agenda, time sensitive items only; all materials need to be submitted to the City Attorney's Office no later than noon on Monday, December 30, 2013)**  
Monday, 1/13 (R)  
Friday, 1/17, at noon (S)  
Monday, 1/27 (A)  
Monday, 2/10 (R)  
Tuesday, 2/18 (A)(all materials need to be submitted to the City Attorney's Office no later than noon on Monday, February 10, 2014)  
Monday, 3/10 (R)  
Monday, 3/31 (A)  
Monday, 4/7 Organization Day(all materials need to be submitted to the City Attorney's Office no later than noon on Monday, March 31, 2014)  
Wednesday, 4/16 (S)(all materials need to be submitted to the City Attorney's Office no later than noon on Wednesday, April 9, 2014)  
Monday, 4/28 (R)(T)  
Monday, 5/12 (R)(T)  
Monday, 5/19 (A)(T)(all materials need to be submitted to the City Attorney's Office no later than Monday, May 12, 2014)

Monday, 6/2            Annual Meeting (T)  
Monday, 6/16         (R)(T)

**2014 dates, continued:**

Monday, 6/23         (A)(T)(all materials need to be submitted to the City Attorney's Office  
**no later than Monday, June 16, 2014)**  
Monday, 7/14         (R)(T)  
Monday, 8/11         (R)(T)





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## BOARD OF FINANCE MONDAY, MAY 13, 2013

### MINUTES

**PRESENT:** Mayor Weinberger; City Council President Shannon; Councilors Bushor and Knodell; Interim CAO Sisson

**ALSO PRESENT:** Councilor Hartnett; ACAO Goodwin; ACAO Schrader; Stephen Barraclough, BT; Assistant City Attorneys Gene Bergman and Richard Haesler; Pat Buteau, Steve Goodkind, and Norm Baldwin, DPW; Peter Owens, CEDO; Seth Lasker, Fire; Lise Veronneau, Police/Fire; Phil Lavigne, Channel 17.

#### 1. Agenda

Mayor Weinberger stated they will add item 10.5. Authorization to Accept Grant for Portable Radios – Police to the agenda.

Councilor Knodell requested they add item 12. Discussion of Future Meeting Dates.

On a motion by Councilors Bushor and Knodell, the agenda was adopted unanimously as amended.

#### 2. Public Forum

No one spoke on this item.

#### 3. Approval of the Board of Finance Minutes

a. April 18, 2012

b. April 22, 2013

Councilor Knodell requested amendments to the April 18 minutes to clarify the answer to a question she had asked. She also requested they insert language to clarify the reasoning behind her vote.

City Council President Shannon requested they add language to the minutes clarifying the purpose of the bond.

Councilors Knodell and Bushor made a motion to adopt the April 18 minutes as amended and the April 22 minutes as presented. The motion passed unanimously.

#### 4. Authorization for Contract Amendment for Repair of Stormwater Basins – DPW

Councilors Bushor and Knodell made a motion to approve the contract amendment. The motion passed unanimously.

**5. Authorization for Use of Traffic Impact Fees for Pedestrian Signal Projects – DPW  
and**

**6. Authorization for Use of Traffic Impact Fees for Traffic Signal Upgrades – DPW**

City Council President Shannon and Councilor Bushor made a motion to approve the use of Traffic Impact Fees for traffic and pedestrian signal upgrades.

Councilor Bushor inquired if the total cost of the project is \$91,000. She inquired if the \$5,500 request is included in that total. Pat Buteau, DPW, stated that the \$5,500 request is separate.

Councilor Knodell stated the signal at Archibald St. and North Winooski Ave. is much needed. Mr. Buteau stated it is one of the last signals to be upgraded.

The motion passed unanimously.

**7. Authorization for Contract Amendment with VTrans for Champlain Parkway – DPW**

Councilors Bushor and Mayor Weinberger made a motion to approve the contract amendment.

City Council President Shannon inquired if this is request for reimbursement. Steve Goodkind, DPW, stated they are requesting approval for additional funds from which they can request reimbursement in the future. They do not want the work to get ahead of the budget. This will increase the budget by \$400,000. The agreement with the contractor also needs to be amended to allow for an increased total expenditure. City Council President Shannon inquired if this is increasing funding for money that has not already been spent. Norm Baldwin, DPW, stated they are asking for authorization to amend the contract to allow the City more funds to do more work. City Council President Shannon inquired what the money will go to. Mr. Baldwin stated it will be used to advance the project. It will pay for work being done by Clough Harbor, the State of Vermont, legal services, and internal engineering expenses. City Council President Shannon stated she appreciates that this is no longer being done retroactively.

Councilor Knodell inquired if they are current on payments from the State. Mr. Goodkind stated there are some bills from a few years ago that they are disputing. Mr. Baldwin stated they have made significant progress in reducing outstanding bills for this project.

The motion passed unanimously.

**8. Authorization for Contract Amendment with Clough Harbor & Associates – DPW**

The Board addressed an item that would allow for increased maximum limiting amounts in contracts associated with design and legal work for the Champlain Parkway.

City Council President Shannon and Councilor Knodell made a motion to approve the contract amendment. The motion passed unanimously.

Councilor Bushor requested an update about projected costs and the status of the Champlain Parkway project.

**9. Amendment to Encumbrance Permit/License Agreement with 41 Cherry St. LLC – City Attorney**

Assistant City Attorney Haesler stated this is an agreement with Hotel Vermont which is in the final stretch of construction. The original encumbrance permit allowed for 18 meter bags, but there have been periods of time where they have used 24 bags. They have done a great job getting the project done. They did not have an agreement in place to reduce the bag fees for the additional bags that they needed to use. This would amend their encumbrance permit to allow for the extra bags and reimburse them for the excess that they paid for the additional bags. Their original permit expired in March, but there was a provision it could be extended on a month to month basis. This will extend the obstruction period at no additional fee in exchange for resolving the meter bag fee dispute. It will reflect the true encumbrance period and all of the fees have been paid.

Councilor Bushor stated this refers to the construction of the hotel. Assistant City Attorney Haesler stated the restaurant is a part of that project. They are extending the period of the encumbrance. Councilor Bushor inquired about the license fee. Assistant City Attorney Haesler stated they have removed the fee. The first amendment allowed them until May 31. They had extended the encumbrance fee by \$1,100. Through discussions, they determined that they will need four additional months. They are resolving a dispute by removing references to the fees. They have 24 meter bags and an encumbrance period running through July. All of their fees are paid and the City is not seeking additional monies. Councilor Bushor inquired if the resolution needs to reference the fees. Assistant City Attorney Haesler stated that fees can be referenced in the resolution but should not be in the agreement. This cleans up a document that was executed two years ago. Councilor Bushor inquired how she would know that the financial piece of this has been resolved if she were to research this project in the future. Assistant City Attorney Haesler stated that the encumbrance agreement should not reflect anything other than the extensions. The resolution will explain the City's rationale for allowing these changes.

Councilor Knodell inquired if they would have been charged the same rate had they known the correct quantity of bags up front. Assistant City Attorney Haesler stated he believes so. They negotiated the price based on past agreements and the fact that this is a partnership with the City. The City is making an effort to ensure they are being fair, as it is a project taking place on City land. Councilor Knodell inquired about the fee. Assistant City Attorney Haesler stated they are not requiring them to pay an additional fee for the extension. This has been a successful project.

City Council President Shannon stated she does not like this but does appreciate the process. She will support this, but requested that going forward they establish a rate for situations like this that reflects what the City's income would be on these meters. They could calculate what an average meter gets over the course of a month. The City should probably be getting more money for the loss of revenue from meters. This project is significantly impacting that portion of the City and they should have to pay for that. Assistant City Attorney Haesler stated the rate was based on typical income. The reason they typically charge a higher rate is because of the inconvenience that it causes to the City and its citizens. Asking them to pay the higher rate did not make sense in this case, as it was very important that the City accommodate this project. They may need to

amend the Ordinance to reflect long-term agreements as having consistency. City Council President Shannon stated that is good to know, but it is not something that the City Attorney's Office should have to negotiate. It would be helpful to have something in writing.

Interim CAO Sisson stated they are working to review how much money meters take in. Mayor Weinberger stated he is happy to review the policy, although this particular project may have had too many facets for a blanket policy. This project is a key driver of the liquidity of the TIF District. There were a number of issues over the last year and he is pleased with the outcome.

Councilor Bushor inquired if the company came back to the City with their request for additional meters. Assistant City Attorney Haesler stated this was not a regular occurrence. It happened during a period of time when there was a lot going on with construction. If it could have been anticipated, it would have been. It was rolled into a number of disputes and they bargained with each other. This is the final result. There will soon be an opening and everyone will be pleased. Councilor Bushor stated if a project needs more spaces they need to evaluate whether they can accommodate them. Assistant City Attorney Haesler stated they were given the bags because they were available. They then needed to negotiate price.

Councilors Knodell and Bushor made a motion to approve the amendment to the encumbrance permit. The motion passed unanimously.

#### **10. Authorization for Mutual Equipment Sharing Agreement with S. Burlington – FIRE**

The Board addressed an item to allow the Fire Department to enter into an agreement with South Burlington that would allow them to share equipment.

Councilors Bushor and Knodell made a motion to approve the agreement.

Councilor Bushor requested they correction the resolution to pluralize the word department.

The motion passed unanimously.

#### **10.5 Authorization to Accept Portable Radio Grant - POLICE**

The Board addressed an item to allow the Police Department to accept a grant from the State of Vermont Department of Public Safety for \$50,248 to purchase portable radios.

Councilor Knodell and City Council President Shannon made a motion to accept the grant and amend the budget. The motion passed unanimously.

#### **11. Authorization for Video Signal Equipment Purchase - BT**

Councilor Bushor and City Council President Shannon made a motion to approve the purchase.

Mayor Weinberger inquired if this will have an impact on their ability to make payment. Stephen Barraclough, BT, stated in any given month they may not have an ability to make payment, but they always project accordingly.

The motion passed unanimously.

## **12. Discussion of Future Meeting Dates**

Interim CAO Sisson outlined the meeting dates that are currently scheduled.

Councilor Bushor suggested they consider meeting on the same nights as City Council so that they do not have to meet every single Monday. She understands the desire to avoid concurrency, but does not want to burden the Board with meeting every week. Interim CAO Sisson stated doing that in the summer is difficult because items addressed at the Board of Finance would have to wait a whole month for City Council action. Councilor Bushor stated beyond the summer months, she would like to consider doing it the same night as City Council meetings. In the past, an item would appear before Board of Finance and two weeks later would appear on the City Council agenda. Interim CAO Sisson stated that model requires three weeks from the time they know they will need Board of Finance approval to the time they can actually get City Council approval. Many items need to move more quickly. Councilor Bushor stated meeting on City Council nights has worked in the past.

Councilor Knodell stated she likes having some meetings that are not the same night as City Council meetings because it makes for a very long evening when there are two back to back meetings. She is not convinced that meeting the same night is always the best.

Mayor Weinberger stated in the summer months they will hold Board of Finance meetings the week before the City Council meetings.

City Council President Shannon stated she prefers to meet on the same night as City Council to the extent that it is practical. She does not object to having concurrent items, but others may. However, when items are concurrent, it is helpful to have information farther in advance. Meaty items should not be concurrent.

Without objection, Mayor Weinberger adjourned the Board of Finance meeting at 5:53 pm.



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**BOARD OF FINANCE  
THURSDAY, MAY 23, 2013  
CITY HALL, CONFERENCE ROOM 12  
5:00 PM**

**PRESENT:** Mayor Weinberger; City Council President Shannon; Councilors Aubin and Bushor; Interim CAO Sisson

**ABSENT:** Councilor Knodell

**ALSO PRESENT:** ACAO Goodwin; Jesse Bridges, Parks; City Attorney Eileen Blackwood; Doreen Kraft, BCA; Julie Hulburd, HR; Steve Goodkind, DPW; Carina Driscoll, Mayor's Office.

## **1. Agenda**

Interim CAO Sisson requested they add item 4.5 Storm Update – DPW to the agenda.

On a motion by Councilors Aubin and Bushor, the agenda was adopted unanimously as amended.

## **2. Public Forum**

No one spoke on this item.

## **3. Approval of the Board of Finance Minutes**

### **a. May 13, 2013**

Councilor Bushor and City Council President Shannon made a motion to approve the minutes.

Councilor Bushor requested they add detail to the minutes to explain the correction she had requested.

The amended minutes were approved unanimously.

## **4. Authorization for Use of Unexpended Funds for FY13 Street and Sidewalk Capital Program – DPW**

City Council President Shannon and Councilor Bushor made a motion to approve the use of funds.

Councilor Bushor stated there was a communication in the packet that discussed unpaid invoices and inquired if they have been processed. Steve Goodkind, DPW, stated the contractors work overlapped two years.

The motion passed unanimously.

#### **4.5. Storm Updates - DPW**

Steve Goodkind, DPW, stated most of the damage caused by the storm was superficial. The major problem was on Manhattan Drive between Champlain and Park Streets. There are two storm drains on the embankment facing north. One of the problems that they need to correct is protecting the slope and the roadway. The second is to repair the pipes. They are working with Engineers Construction to develop a plan to stabilize the road and make temporary repairs to the pipes. In a second phase, they will replace the pipes. The pipes are made of galvanized metal and are 25 years old. The technology used today is a five inch pipe with metal clamps holding it together. The plan is to use sheet piling to stabilize the site for phase 1. It will cost approximately \$100,000. They will have a better estimate of phase 2 at a later time. This was constructed when they built the Beltline. They will use sheet piling to stabilize the embankment which will narrow the access to the Beltline. It will still have the same number of lanes, it will just be narrower.

Councilor Bushor inquired if the road is stable. Mr. Goodkind stated the road is stable, but they are concerned about water coming off the road. The new pipes will be installed to make it more stable. They have done work to prevent water from overflowing into the Intervale.

City Council President Shannon inquired how long the work will take. Mr. Goodkind stated it will take three to five days to complete Phase 1.

Mayor Weinberger thanked the Public Works Department for their work.

Mr. Goodkind stated they have received a number of calls about sewer backups in basements. They have a new customer service tool that allows them to display those calls on a map.

City Council President Shannon stated she gets complaints about backup after roadwork has been done. Mr. Goodkind stated there are some places that always have flooding because they are lower than the sewer.

Councilor Aubin inquired if there are areas in the New North End that are disconnected from the sewer system. Mr. Goodkind stated there are. Councilor Aubin inquired if there is any way someone disconnected but below the line could have backflow issues. Mr. Goodkind stated it is unlikely. They will be looking at the reports to determine where there are problems. Interim CAO Sisson stated he is on concrete slab and had backflow even though stormwater and sanitary sewer are supposed to be separate in his neighborhood. Mr. Goodkind stated they will have to continue looking at it.

Councilor Bushor stated Ward 1 residents have voiced concerns about the impacts on the streets and having access to safety equipment such as traffic cones. Residents put themselves at risk, which is concerning. She understands that the City can't be everywhere and people try to help out. They need to help people understand what they can and cannot do. Mr. Goodkind stated people should not be going out into deep water because they do not know what is in there. Clearing debris from storm grates is about the only thing a citizen could do.

#### **5. Authorization for Contract Amendment with NYNEX dba Verizon – Airport**

Councilor Bushor and City Council President Shannon made a motion to approve the contract

amendment.

Councilor Bushor stated when they first addressed this, she had asked if South Burlington was aware of it and inquired if they had any problems with this. Mayor Weinberger stated they did not.

## **6. Authorization to Accept EPA Grant – CEDO**

Councilor Aubin and City Council President Shannon made a motion to authorize acceptance of the grant.

Nick Warner, CEDO, stated this is a grant from the EPA for \$200,000 to do a large transportation study. Mayor Weinberger stated it will allow planning to the South End of the City. It is a dynamically growing and changing part of the town. It will allow them to explore different opportunities and integrate them with the transportation plan. Mr. Warner stated they have talked about the Barge Canal.

Interim CAO Sisson stated no budget adjustment is necessary because it will be part of the FY14 Budget.

The motion passed unanimously.

## **7. Authorization for Development of Parks Master Plan – Parks**

Councilors Bushor and Aubin made a motion to approve the development of the plan.

City Council President Shannon inquired about funding from Pennies for Parks and Park Impact Fees. Pennies for Parks is dedicated for maintenance and inquired if this is part of their planned use for those funds. Jesse Bridges, Parks and Recreation, stated this was approved as part of the Pennies for Parks allocation. It has gone through the Parks Commission and the Board of Finance as part of approval process for the FY14 budget.

Councilor Bushor inquired if they plan to update the plan every three years. Mr. Bridges stated that is their goal. Councilor Bushor suggested they may want to update it every five year because three years may be very onerous. She hopes that the public can be involved in each step of the process. If there are difficult choices that they need to make, people should be informed from the beginning. Mr. Bridges stated the selection process has involved an RFQ, an RFP, input from constituents, and the Parks Commission. A huge piece of the RFP was public engagement and it asked firms to explain how they would approach it. They have been looking for someone who will work with the public rather than do things their own way. They also laid out some of the restraints and unique features in Burlington. This firm is very creative in their approach. There will be some surveying done, as well as other public engagement opportunities. They will be doing public charettes, visiting NPAs, and meeting with staff. This is about what Parks Staff wants as well as what the community wants. They want to know what national standards are, but they need to fit with Burlington. Their recent work in other communities has had beautiful results. Councilor Bushor stated when they attended her NPA they discussed open space. She found the presenter very creative and hopes future discussions will allow them to translate what people value into a plan. Mr. Bridges stated they will take into account what people say and how many people have said it. Mayor Weinberger stated they discussed this at the Bagel Café and he is very excited about it.

The motion passed unanimously.

## **8. Authorization for Bike Path Rehabilitation Design and Engineering – Parks**

Councilor Aubin and Bushor made a motion to authorize the bike path rehabilitation design and engineering.

Councilor Aubin noted that they plan to spend \$120,000 of Pennies for Parks Funds and inquired if they will use \$120,000 total or \$120,000 per year. Jesse Bridges, Parks, stated it will be \$120,000 total. If they have more success with fundraising than anticipated, they will use less of those funds. They have set aside \$15,000 already and are proposing \$45,000 in the FY14 budget. They will have a better idea how much money they will need to use when budgeting for FY15. Mayor Weinberger stated the Parks Department is applying for a \$10 million Tiger Grant. There are other opportunities out there before they commit to using Pennies for Parks. The City needs to move as quickly as possible on this, but it will take time.

Interim CAO Sisson inquired if the work will extend into FY15. Mr. Bridges stated it will. They are working to align their timeline with the expenditures. They will not begin construction until September of 2014. Interim CAO Sisson stated they need to be sure not to get ahead on spending before they have the necessary revenues.

The motion passed unanimously.

## **9. Authorization for Reclassification and Title Change for Arts Sales and Leasing Coordinator – BCA/HR**

Councilor Bushor and City Council President Shannon made a motion to approve the BCA title change.

Councilor Aubin inquired what work is not being covered. Doreen Kraft, BCA, stated they have been working with Fletcher Allen to expand a collection into a new wing. They are also finishing their project at Hotel Vermont. They have been using other people who are skilled in this area to complete the work. This will allow one person to do the work. They have found that this is a large revenue generator for their department and it pays for itself over time.

Interim CAO Sisson inquired if this was presented as part of their FY14 budget. Ms. Kraft stated it was not and this is an additional change. Interim CAO Sisson inquired if this will add another \$7,900 to their FY14 budget. Ms. Kraft stated it will. Councilor Bushor inquired if the person would work the additional hours if they do not receive the additional revenue. Ms. Kraft stated they would not. Interim CAO Sisson inquired if they can amend their budget's revenue to offset the expense. Ms. Kraft stated they can and the change will be budget neutral.

The motion passed unanimously.

## **10. UVM Payment for Services – Mayor**

Mayor Weinberger stated they had anticipated an executive session to discuss contract terms. Councilor Bushor inquired if there is more information that they need to have. She is fine with extending this, but needs more information. Mayor Weinberger stated there is not much that they

need to know, he just felt that if they were to discuss numbers it should be done in executive session. Councilor Bushor stated she does not need to know numbers unless there is a reason to discuss them. Mayor Weinberger stated they have done work in recent months to evaluate the assumptions behind the current payments that are due. They are prepared to discuss it further, but they have not found any justification for significant increases beyond the normal cost of living adjustments. Councilor Bushor stated she would prefer to have the conversation in open session. They can discuss detailed numbers at a later date. Carina Driscoll, Mayor's Office, stated they are looking for payment on July 1. It is important that the resolution go to City Council for approval in advance of July 1. Councilor Bushor stated it seems straightforward.

City Council President Shannon inquired if there is a cost of living increase in the extended contract. Interim CAO Sisson stated there is about a 2% increase over FY13.

Councilor Bushor and City Council President Shannon made a motion to recommend City Council approval. She requested they amend the resolution to state that the contract expires on June 30, 2014. The motion passed unanimously.

Mayor Weinberger stated they will be going to the Institutions Committee to give an update about quality of life issues that they have been working on within the next month. Councilor Bushor stated that is separate from this agreement. The Board of Finance should talk about what they are currently reimbursed for and whether that should be expanded or refined. Other issues are more related to housing issues and agreements. This addresses a financial arrangement with UVM. Mayor Weinberger stated they did look to see if there were justifications for adding costs. He would be happy to discuss that further.

Without objection, Mayor Weinberger adjourned the Board of Finance meeting at 5:57 pm.



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**REDISTRICTING COMMITTEE**

**Monday, April 8, 2013**

**MINUTES**

**PRESENT:** Mayor Weinberger, Councilor Bushor, Jim Langan, Ward 1 Representative, Japhet Els, Ward 2 Representative, Councilor Siegel, Nancy Greenwalt, Ward 3 Representative, Jim Holway, Ward 4 Representative, City Council President Shannon, Elisa Nelson, Ward 5 Representative, Andy Montroll, Ward 6 Representative, Councilors Decelles; Jason L'Ecuyer, Ward 7 Representative.

**ALSO PRESENT:** George Gamache, Ward 4 Alternate; Bill Keogh, Ward 5 Alternate; Mannie Lionni, Ward 7 Alternate; Jay Appleton, Planning and Zoning, Cindy Cook, Facilitator, Interim CAO Sisson; Assistant City Attorney Gene Bergman; Councilors Hartnett and Ayers; Bill Morris, BTVvotes, Robert Bristow Johnson, Phil Lavigne, Emma Mulvaney-Stanak, Audience Members.

**1. Agenda**

Cindy Cook, Facilitator, presented an overview of the agenda.

**2. Public Forum**

Robert Bristow Johnson, Ward 7 Resident, requested that the Committee avoid a four ward plan, as he does not want to see the New North End become one solid voting block.

**3. Introductions of Committee Members and Brief Statements re Member's Interests and Process Goals**

Mayor Weinberger stated his main interest is coming up with a system that allows for fair representation for all and does not make it more difficult for the City to be governed.

Andy Montroll, Ward 6 Representative, stated his main goal is to keep neighborhoods intact as much as possible.

Jason L'Ecuyer, Ward 7 Representative, stated his goal is to maintain the sense of neighborhood.

Councilor Bushor, Ward 1, stated she wants this process to involve the public and allow for feedback. She also wants to keep neighborhoods intact, use natural boundaries, and come up

with a plan that will allow for a diverse Council.

Elisa Nelson, Ward 5 Representative, stated her goals are fairness, neighborhood, and public involvement. She is also an Inspector of Elections and ease of administering elections is interesting to her.

City Council President Shannon, Ward 5, stated that City Councilors on this committee were selected based on geographic and political diversity. In the last redistricting process she was moved from the Old North End into a New North End ward which left her and her neighbors feeling disenfranchised. Keeping neighborhoods intact is important to her.

Jim Langan, Ward 1, stated his goals are to keep neighborhoods intact and comply with the law.

Nancy Greenwalt, Ward 3, stated keeping neighborhoods intact is worthwhile.

Japhet Els, Ward 2, stated his goals are fair representation and to keep neighborhoods intact. He also wants to ensure a fair process where everyone is represented.

Councilor Decelles, Ward 7, stated that people in Burlington like that they can run into their City Councilor around town. Keeping neighborhoods intact is a good goal. He hopes to listen to non-Council members to hear their ideas.

Councilor Siegel, Ward 3, stated her goal is to do a better job at connecting with Burlington's citizens.

Jim Holway, Ward 4, stated his goal is to have representation for all and to have more wards rather than fewer. He hopes to maintain neighborhoods and involve the public more.

George Gamache, Ward 4 Alternate, stated that Burlington is politically vibrant and diverse and he hopes to maintain that.

Manny Lionni, Ward 7 Alternate, stated he shares the interests that have been expressed. He is here to help his Ward's representative and serve as a conduit to his neighbors in Ward 7.

Bill Keogh, Ward 5 Alternate, stated he has an open mind.

Phil Lavigne, Audience Member, stated the key to this process is equality.

Assistant City Attorney Eugene Bergman stated he will be serving as the legal counsel for the Committee and will answer questions related to the law.

Dave Hartnett, Ward 4 City Councilor, stated there are two wards, 2 and 4, that will have one less vote because they do not have Councilors representing them. There was a proposal to allow their alternates to become voting members to give them equal rights. He does not need to have an answer tonight, but wanted to express that sentiment on behalf of his constituents. Ms. Cook stated that she has also heard that concern. Her understanding is that because the Council formed

the Committee, the Council would need to make the changes. Councilor Bushor stated the request was sent to many people this weekend. She is open to moving in that direction and bringing a modification back to the Council. She would like to remove any barriers to focusing on the task at hand. Mr. L'Ecuyer stated he agrees with Councilor Bushor's comments. Councilor Siegel stated there are plans to have a resolution at City Council to address that and hopefully make that change.

#### **4. Redistricting Presentation: The problems that need to be addressed, possibilities and constraints, *Jay Appleton***

Jay Appleton, Planning and Zoning, stated he works for the City and manages their AMANDA permitting system, portions of the website, and the Geographic Information System (GIS). GIS is the mapping tool to redistrict. He displayed a map of the 2010 census blocks, the smallest geographic unit for population counts. He also displayed the existing wards and a table showing the population of each ward. Ward 1 is the most populated and Ward 4 is the least populated. He defined the terms 'District', 'Plan', 'Ideal Population', 'Deviation', and 'Overall Plan Deviation'. Individual Wards must have an overall deviation of 10% or less.

Ms. Cook inquired if having a 10% deviation is a hard and fast rule. Assistant City Attorney Bergman stated that Courts consider anything with less than 10% overall deviation constitutional. When it exceeds 10%, the City itself must demonstrate that it is necessary. The goal is to get as close as possible to 0% deviation. 10% is a very good, strong guideline to use.

Mr. Appleton stated they are doing this in order to maintain equality in representation. There are State laws that dictate this. They are required to recognize patterns of geography, social interaction, trade, political ties, and common interest. They are also required to use a compact and contiguous territory and he displayed maps exemplifying the definitions of these terms. The recommended first step is to make a determination of how many Councilors they want to have. This is easiest because it allows them to determine how many people should be in each ward. He displayed a map of census blocks and their population totals. He noted that there are two very dense blocks that have a big effect on redistricting. As soon as one of those blocks is included in a district, it limits flexibility. He outlined where these blocks exist in Burlington.

Ms. Cook stated that generally speaking, census blocks need to be kept intact unless there is a very strong reason to split them.

Mr. Appleton stated the first Committee hoped to have about 12-15 councilors. They considered 4, 6, 7, and 8 ward models with an equal number of councilors and the possibility of having at-large councilors. They considered ways to keep the New North End and Old North End from being in the same wards, using major roads for divisions, whether or not to place students in one district or separate districts, minimizing the number of ward and district combinations, and minimizing the degree of change from the current wards.

Mr. Holway requested a copy of the presentation and requested that materials be distributed in advance going forward. Ms. Cook stated they can do that.

A member of the audience noted that it will be important to keep the timeline in mind and consider development that has or will take place since the census was completed. Ms. Cook stated her understanding is that you cannot anticipate future growth but you can take into account development that has occurred since the census. Assistant City Attorney Bergman stated that any anticipation that is done must remain within the 10% deviation. Ms. Cook stated that they do not want to have to repeat this process any sooner than necessary, so including anticipated growth to the extent that they can makes sense.

Councilor Bushor stated there is a lot of useful information in the minutes of the previous Committee. The Council felt that larger wards could make campaigning difficult and could create a situation where a person with a full time job would not have the time needed to serve as a City Councilor. That could eliminate some of the diversity that they want on the Council.

City Council President Shannon stated there were various opinions about each and every plan. There was not consensus, which is why they have brought more people into the process.

Councilor Siegel stated their concern was not only that only people without full time jobs would be able to run, they would also have to have a lot of money. One thing the former Committee discussed was that having an odd number of Councilors has a benefit because there is never a tie.

## **5. Discussion of Process for Obtaining Citizen Input**

Ms. Cook stated they are holding a listening session to solicit citizen input and are also considering having an all-wards NPA meeting.

Councilor Bushor stated in the past, they held meetings in the New North End, the Center City, and the South End to allow people to attend them. They were all very similar and engaged the public. If these were not solely NPA meetings, it may result in getting more comments.

Mr. Holway stated that is a good idea, but NPAs are a good combination. People tend to go to NPA meetings if there is an issue that interests them and it is well advertised in advance.

Ms. Nelson stated that although face to face meetings are wonderful, there are people who do not go to meetings. She suggested having a webpage that would allow people to submit comments that the Committee could read. This would give those that could not make it to meetings a voice. Ms. Cook stated that she has set up a special email address up to receive comments.

Mr. Lionni stated there are big issues and small issues. Lakeview Terrace is a small issue, but he does not want to let the small issues slip by. It would be helpful to identify those early on. Ms. Cook stated that they need to remember that change is difficult and at the end of the day there are people who will be voting in a different area then they are used to.

Mr. Holway stated the next meeting is a public listening session and it will be important to have a second session, either with three meetings in different parts of the City or an all wards NPA meeting, when they are closer to a finished product.

Councilor Bushor stated that in the past, the public was not involved in the way they wanted to be. There was supposed to be a tool to allow the public and the Council to draw their own maps. It turned out to be very difficult. She would like to consider finding a way to allow people to draw their own maps.

Mr. Appleton stated there is an app on the website called BTVvotes which does allow people to draw their own maps. The person who developed the app, Bill Morris, also created a tutorial video. They hope that people will find it easier to use. Tom Ayers, Ward 7 City Councilor, stated he has been looking at BTVvotes and it looks like it is only setup to play around with 4 and 7 ward scenarios. Bill Morris, BTVvotes, stated that in the past, it would only allow for 7 but will now accommodate up to 15. Ms. Cook stated that having two Councilors per ward is not set in stone so long as each Councilor is representing roughly the same number of residents.

A member of the audience, Emma Mulvaney-Stanak, stated that it is important to remember that the census represents everyone who lives in Burlington whether or not they can vote. She hopes they will consider the minorities in the City, particularly racial, socioeconomic and political minorities, when coming up with a public process. There is a lot of research available about how larger and smaller districts affect minorities.

Mr. Morris stated this process is inherently complicated and he has considered a number of ways to turn this into an application or a website without losing meaning. BTVvotes is a complicated web application, but it captures the entirety of the process. They can do things to make it more accessible, but it does capture the process.

## **6. Committee's Timeline and Meeting Schedule**

Ms. Cook stated she has developed a proposed meeting schedule, but it is not her role as facilitator to set dates. Many people have raised concerns about the May 22 date and the Committee may wish to remove that date. Mr. Holway agreed that they should strike that date.

Councilor Bushor inquired what the public will have to comment on at the next meeting. Ms. Cook stated public involvement works best if people are asked for their opinions in the beginning. People will be able to tell the Committee that they want to keep neighborhoods intact or to respect communities that do not have a strong voice. Councilor Bushor stated people on the Committee have been engaged and they should capture people who are just starting to get involved. She inquired how others will be given background information. Ms. Cook stated she hopes they can get to the essence of what redistricting is, why it is happening, and how it is done.

Mr. Montroll stated one of the most important things to consider is how many wards and councilors there will be. It will be much easier to draw maps when that information is known. Most people will say that they want to keep neighborhoods intact.

Councilor Siegel stated it would be helpful to get information out to people before they come to the meeting. She is unsure if that would be the responsibility of Committee Members or staff people. Mr. Appleton stated some information is on the website. Ms. Cook stated she has been working to get information out to the larger public. She hopes the press will do a substantive

article to capture people's attention. Councilor Siegel inquired if they can put something on Front Porch Forum and suggested that this be a stand-alone item.

Councilor Decelles inquired if they could put information into a utility bill or passed out in the schools. Those are good resources to utilize.

Councilor Bushor stated they could create posters to post in local stores to advertise the meeting and desire for information. It must be a multimedia approach. They want people to know about this. Ms. Cook inquired if anyone has the resources to do that. Councilor Bushor stated she is willing to fund it through her Council funds.

City Council President Shannon stated it would be helpful to have something for Front Porch Forum that would be readable. It would mean more coming from a committee member.

Ms. Cook stated the City is currently concerned that the deviation is currently not in sync and want to move quickly. However, there is not a hard and fast timeline. Assistant City Attorney Bergman stated his office has said this should be done as soon as possible because of the legal exposure. Addressing it before March of 2014 would require a special election. The decision as to whether to do that is ultimately up to the Council and the Mayor. Ms. Cook stated the Committee will make recommendations, the City Council will take the recommendations and put something before the voters. Technically, a citizen could put a proposal on the ballot through a petition, but likely the City Council will do this. If the voters approve it, it will be sent to the State Legislature. It is not put into place until the Legislature approves the Charter Change. That will take some time.

Mr. Holway stated that one challenge with the previous Committee was that there was a date that they wanted the City Council to adopt a plan. As they got closer to that date, they tried to squeeze more in and public input was lacking. He hopes that they are doing right by the City and do not try to fit this in before a certain date.

## **7. Approval of the Redistricting Committee Minutes**

### **a. December 11, 2012**

### **b. January 8, 2013**

Councilors Bushor and Decelles made a motion to adopt the minutes as presented. The motion passed unanimously.

Councilor Siegel inquired who will be taking notes and when they will be getting them. Ms. Cook stated that a staff person from the Clerk's Office will be drafting the minutes from the recording. She will ensure that they are accurate and hit the key points before circulating them in draft form. They will then be reviewed at the next meeting. Councilor Siegel inquired how quickly they will be turned around. Ms. Cook stated she cannot speak to that.

City Council President Shannon stated the minutes are very labor intensive because the staff person has to relive the meeting and it takes time. The law only requires that they record actions

taken. She inquired if a staff person in the room could record that information and have it immediately available. Assistant City Attorney Bergman stated he cannot take on that responsibility, but can guide someone else. Basically, they just need to ensure that they note who made motions, how people voted, and what the general topics being discussed are. Ms. Cook stated she can turn something around within 24 hours.

Councilor Bushor stated that she sees great value in detailed minutes. She is hearing that they would have something that would be brief. She inquired if the more complete minutes will still be done. Mr. Holway stated he would support having a combination. Ms. Cook stated she will do a facilitator summary and they will still receive complete minutes.

### **Other Business**

Ms. Cook stated that the City Council will be taking up the composition of the Committee. There has also been discussion about the role of the alternates. Some alternates inquired if they would have the rights and responsibilities of full committee members. The Council had a reason for some to be alternates and others to be representatives. She has taken a hybrid approach to allow alternates to be involved but only have representatives cast votes.

Mr. L'Ecuyer stated there was discussion about involving the people and letting them be heard. These are people who want to be heard and he would like to allow them to do that. Alternates are here for a reason even if they do not get votes. He would like to engage them as much as possible.

A member of the audience inquired if alternates are allowed to sit in the representative's chair if they cannot make it to the meeting. Ms. Cook stated that the resolution states that the alternates vote if an NPA representative resigns. Councilor Siegel stated that they wrote a resolution to try to allow alternates to vote if someone were absent. It was amended on the floor to read that if someone resigns their alternate would take their seat. To her, that meant nothing because that is what would happen on any standing committee. City Council President Shannon stated when the original Committee came up with the idea to expand the Committee, the idea was that there would be one NPA member from each ward. There was no consideration of alternates. The NPAs came up with the idea of alternates. The Council was left to clarify the role of alternates and considered the idea of having alternates fill in if the representative cannot make it. Some NPAs have asked their alternates to attend every meeting. The original intention was to have one member from each ward appointed by the NPAs. Councilor Siegel stated they could take it up again with the newly formed Council if this Committee would like them to.

Councilor Bushor stated there was a request to add two additional representatives from Wards 2 and 4 because they do not have a Councilor on the Committee. This would allow for an equal number of representatives from each ward. It would be helpful to get consensus from this group if they support that idea.

Councilor Bushor and Mr. Holway made a motion to allow alternates from Wards 2 and 4 to have voting rights on the Committee.

City Council President Shannon stated the reason they are redistricting is because Ward 4 has 40% more representation than Ward 1. The idea was that the Committee would have representation from a broad range of geographic and political perspectives. The NPAs would then each bring in one representative from each ward. She is concerned about going forward being so married to the existing wards while they are trying to change the Wards.

Councilor Decelles stated he would like to hear what non-Council members think about this subject.

Mr. Holway stated that they are looking towards a solution of equity but are not there yet. The committee should recognize the disparity now and understand that later on it will be different.

Mayor Weinberger stated he is uncomfortable with the suggestion that he is a Ward 6 representative. Although he lives in Ward 6, his participation is not about representing them. He would be fine if his ward were to shift and he represents the whole City.

Mr. Els stated as someone from Ward 2, he is interested in having equal representation. In an ideal world, everyone would come to the table with a clean slate, but this is the real world. Having reps from each ward speaks to having equal representation in the process. If there is going to be equal representation, the numbers should reflect that. Mayor Weinberger stated the NPA representatives were identified as representing existing districts. The assignment of the Councilors and the Mayor was not an attempt to get a ward by ward representation, but to balance a number of competing interests. Some people are assigned to represent wards and others who represent political values. Mr. Els inquired what the downside would be to having equal representation.

Mr. Holway stated he recognizes that the Mayor is here to represent the whole. The concern about equity is that they are trying to create a fair and balanced City with what seems to be an unfair and unbalanced Committee. He would like to add members from wards 2, 4, and 6.

Mr. Montroll stated the Mayor and Councilors on the Committee are to represent the City. Though they may have their ward in mind, they do look at the whole City. He is ambivalent about having more members. The main reason he would support additional people is for perception. He asked that if they are going to increase representation, he would like to consider whether the Mayor is representing the Ward or the City as a whole.

Mr. Els stated he is trying to think about traps that might come back to bite them after this is done. A year from now, someone could look back and think that the process was unfair. It will not be him answering those questions, but those who are public officials. It could create political challenges in the future.

Councilor Bushor stated she appreciates that the Mayor represents the whole City, but he does live in Ward 6 and they have representation.

Mr. Montroll and City Council President Shannon made a motion to amend the motion to allow the addition of a member to Ward 6.

Councilor Bushor stated that Mr. Montroll brought up the point of perception. She was originally in favor of moving forward with the recommendation that was sent to them because it could be a stumbling block along the way. That was the motivation behind her motion. She will not support the amendment because it has been agreed that Councilors are representing the City and not their ward. If they begin to start splicing hairs, the number of members will become very challenging.

Mr. Montroll stated his motion to amend is not to add an extra Ward 6 representative, but to allow the Council to consider whether or not it is appropriate to have a Ward 6 member in light of the Mayor's comments.

Councilor Bushor stated she will support the amendment.

Councilor Siegel stated if they are going to bring a recommendation to the Council, they will need to have a clear resolution. If they do want to add people to the Committee, they need to be clear about what they are recommending. Mr. Montroll stated the Mayor will want to weigh in on whether or not he is representing Ward 6. Councilor Siegel stated she would prefer to discuss Ward 6 representation at this meeting. Mr. Montroll stated they can discuss it, but it is ultimately a question for the Council. While they are deliberating whether to add members for Wards 2 and 4, they should also consider Ward 6 based on the Mayor's comments. He thinks that in one sense they are in the same position as 2 and 4, but in another sense they are not. It is a good discussion to have at the Council level.

Mr. L'Ecuyer stated he agrees with Councilors Bushor and Siegel.

A member of the audience, Phil Lavigne, inquired how this Committee can function without having equal representation itself.

Mr. Holway stated he agrees with the original proposal and it is a good question to answer tonight. He will support the original motion but not the amendment.

Councilor Siegel stated if they want to be informal, they could conduct a straw poll.

Councilor Bushor stated there are five elected officials. One is the Mayor and the others are City Councilors. All are elected and represent distinct wards. The Mayor certainly represents the whole City, but he also lives in Ward 6. This makes them somewhat equal.

The motion to amend the motion to add a representative for Ward 6 failed by a vote of 6-6.

The motion to add representatives for Wards 2 and 3 passed unanimously.

Ms. Cook distributed the proposed ground rules. She feels that starting and ending on time are the most important.

## **8. Adjourn**

Ms. Cook adjourned the Redistricting Committee meeting at 8:45pm.



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**CITY OF BURLINGTON  
REDISTRICTING COMMITTEE**

**Tuesday, April 16, 2013**

**Burlington Police Department**

**7:00 to 9:00 P.M.**

**PRESENT:** City Council President Shannon; Councilors Bushor, Siegel, and Decelles; Jim Langan, Ward 1; Japhet Els, Llu Mulvaney-Stanak, Ward 2; Nancy Greenwalt, Ward 3; Jim Holway, George Gamache, Ward 4; Elisa Nelson, Ward 5; Michael Rooney, Andy Montroll, Ward 6; Jason L'Ecuyer, Ward 7

**ALSO PRESENT:** Cindy Cook, Facilitator; Jay Appleton, Planning/Zoning; Mannie Lionni, Ward 7 Alternate; Bill Keogh, Ward 5 Alternate; Councilor Mason; PG Kearney; Richard Hillyard; Barrey Trutor; Phil Lavigne; Hollie McKee, Glenn McKee, Charles Delaney, Lea Terhune, Greg Roy, Alex Goldenberg, Barbara Headrick, Tiki Archembeau, Odele Peter, Burlington Residents

**1. Agenda**

Cindy Cook, Facilitator, outlined the agenda.

**2. Results of City Council Discussion Regarding Committee Composition**

Councilor Siegel stated the City Council reconstituted the Committee by adding an additional voting member to Wards 2, 4, and 6. The Mayor resigned from the Committee. She hopes the Committee will stay stable even though there is an even number of members.

**3. Redistricting Presentation: Why are we redistricting and how is redistricting done, Jay Appleton**

**and**

**4. Issues for Which More Information is Needed:**

**How is the 2010 census used in measuring resident representation?**

**Under what circumstances is deviation of greater than 10% allowable?**

**Can differing voter turnout rates be considered?**

**Should students who are legal residents of other towns or states be considered**

**“residents”?**

**Can residents of developments that were occupied after the 2010 census be counted?**

**Other Questions?**

Jay Appleton, Planning and Zoning, introduced himself to the Committee. He displayed a map of census blocks from the 2010 census and explained the numbers. The total population in each ward is not even, which is why Redistricting must be done. He defined the terms District, Plan, Ideal Population, Deviation, and Overall Plan Deviation. He displayed a table showing how many people live in each ward, the ideal population, and the deviations. He noted that Burlington’s deviation vary from 25% to -16%. Courts have determined that the maximum allowable deviation is 10%. Courts will look at the entire plan and the overall deviation, which is the percentage point spread between the most and least populated wards. The current overall deviation is 41.5%. The City’s legal department advises that they need to put forward a new plan as soon as possible. The first thing to do to get started is determine how many Councilors they want on the Council. To do this, the easiest approach is to start grouping census blocks and look at the total deviation. The census will not release data at a level smaller than a block. These blocks are generally bound by roads. There are some large blocks that are very dense. This limits their ability to draw ward lines, as it is very difficult to split blocks.

A member of the audience, Phil Lavigne, inquired how the census works with regards to students. Councilor Siegel stated a member of the public drafted a list of answers to the questions on the agenda. He stated all of the questions legal matters that have been settled by the Supreme Court. All residents count in determining wards for redistricting. Students are legally counted where they reside. She is interested in a system called cumulative voting. Ms. Cook stated they may have been answered before but she hopes to get clarity on each question and have the answers one place before the next meeting. Mr. Lavigne inquired what it means when they say it must be done as soon as possible. Mr. Appleton stated they are currently pushing the envelope. Mr. Lavigne inquired if there is a date. Mr. Appleton stated that census data was released in 2011 and nationally, municipalities did their redistricting then and through 2012. Burlington is now in 2013. Ms. Cook stated the City Attorney’s Office has stated that Burlington is not meeting its obligation for equal representation and is subject to a potential suit from someone who is not adequately represented. There is no deadline but they encourage the Committee to move forward as quickly as possible. Mr. Lavigne inquired if the City Attorney’s Office is concerned about a potential suit. Ms. Cook stated there are legal obligations for the City to provide equal representation. Mr. Lavigne inquired if any consideration is given to neighborhoods. Mr. Appleton stated it is absolutely considered. Sometimes streets are split because of the way that the math works. The idea is to try to capture neighborhoods and people who are like-minded. It is much easier said than done.

A member of the audience, Tiki Archembeau, Ward 2, stated at the State level they gerrymander for currently elected representatives. He inquired if that happens at the local level. Mr. Appleton stated it can. The State level districts are often very whacky. At a municipal level this happens much less because cities are more compact. Councilor Bushor stated the original Committee agreed not to protect incumbents. They wanted to use natural boundaries and keep neighborhoods intact.

Michael Rooney inquired if there are any definitions of neighborhood and if they have commonality in issues. He commented that it was not clear to him that everyone knew instinctively what a neighborhood was except when it referred to next door neighbors. Michael asked if it was possible to use attending a college to define a neighborhood and Jay said it was possible.

Mr. Appleton stated the State guidelines talk about maintenance of patterns of geography, social ties, trade, and political interests. He has never seen anything that quantifies that. It's one of those things that you know when you see it.

A member of the audience, Lea Terhune, Ward 4, stated she is interested in splitting census blocks. The deviation has to be tight, within 238 people. This will be very difficult if they cannot fine tune census blocks. She inquired if they had a large senior housing complex on the edge of the ward, could they find out exactly how many people lived there and use that as a reliable number. Mr. Appleton stated he think the answer is yes. He has considered some new developments that have provided a number of units. The numbers can be fuzzy and he cannot advise how that would go in courts. However, if it is done in one place, it needs to be done everywhere. UVM and Champlain College have had substantial developments. Ms. Terhune inquired about the development on North Avenue and stated that they would know exactly how many people would live in those units. She inquired if that number would be retroactive to 2010. Mr. Appleton stated his understanding is that you can add those numbers on to try to correct it. However, it would have to be done everywhere. Ms. Terhune inquired if they would have to include every new development since 2010. Mr. Appleton stated he would use a database to look at net new units. Ms. Cook stated they will have to come back with more information about that topic at the next meeting. Ms. Terhune inquired if the Committee will continue to include the location of City Councilors homes on maps. Councilor Siegel stated she would be happy to have the location of Councilors removed from the map. She does have concerns about how their decision will affect the School Board. Jim Holway, Ward 4 Representative, stated he does not feel they should consider where current Councilors lives. There are many impacts to what they are doing and they do not need to add further items for consideration into the mix. City Council President Shannon stated they should not consider incumbency as part of the process. They had discussed checking in with the School Board during the last Committee. They did not seem particularly interested. One member did attend the meeting and proposed that they may shrink the School Board. That could potentially be part of the same Charter Change that they use for redistricting. She suggested they invite the School Board and inform them of the direction they plan to head.

## **5. Public Forum**

Councilor Decelles read comments he received form a resident of the New North End. The resident stated that although some wards have a greater population than Wards 4 and 7, he would like to make a few points. Wards 4 and 7 have higher voter turnout and the population is more stable. They have the highest percentage of home ownership and families with children. The student population outnumbers the population of stable residents in other wards and in some cases dominates the university ward. It is reasonable to ask why people who have worked their whole lives to buy a home should have a less compelling right for City Council representation

than University students who do not pay taxes and will not live here after graduation. Census driven ward representation allows for deviation of up to 20% for a good cause, and census data alone does not dictate representation. In this case, there is a good cause for Wards 4 and 7 to have equal representation on the City Council when compared with other wards.

Councilor Siegel stated she received 8 emails from Ward 3 constituents making similar comments. They do not want the Old North End to be cut up and put with the New North End.

Richard Hillyard, Ward 1 Resident, stated in the previous Committee they discussed having parameters about the number of Wards, the number of councilors, whether they want at-large councilors. Having at-large councilors tends to work against the desire to have neighborhoods represented closely. He thinks the Committee would want to make those determinations up front. There is a desire to keep the New North End intact. The arithmetic is complex depending on how many Councilors they decide is permissible. The last Committee was reluctant to go above fourteen. Using fifteen would allow for a simpler solution because of the arithmetic.

Mr. Archembeau stated he understands that it would be helpful to know the number of Wards and Councilors to help with the math equation. He does not know what the ideal number is. They all know that preserving neighborhoods would be ideal. That said, there will have to be some compromise because of fluctuations in population. An example is Lakeview Terrace who has been voting in the New North End for the last twenty years. He understands the concern that having too many Councilor could be unwieldy, but at the same time it could be better to have more Councilors and more wards. He noted that there are many large bodies that manage to pass laws.

Odele Peter, Ward 4 Resident, stated she lives on Lakeview Terrace, part of the Old North End, but votes in the New North End. It may make more sense to bring this up when there is a proposal, but she does not know what they were thinking when they did this. She hopes the new plan corrects the problem. It is important to have a representative that represents her neighborhood.

Ms. Terhune stated the statement that Councilor Decelles read is representative of what she hears in her neighborhood. She works with the NPA and talks to people frequently. She read a statement speaking in favor of the eight ward model. She suggested that UVM could make up its own ward. Boundary adjustments could be made to fine-tune the numbers. Having Councilors elected by university students would bring new perspectives to the Council and help address town gown issues. Arguments against more wards came mostly from elected officials. Involving elected officials in redistricting is bad form.

Llu Mulvaney-Stanak, Ward 2 Representative, stated Ward 2 has a heavy student population people of different socioeconomic backgrounds, people of different colors, and people of different immigrant status. She noted that this is about the census definition of residents of Burlington and not just voting members. The Council represents people even if they do not vote. This room is overwhelmingly white and not young. The primary reason she is here is to humanize the process.

Councilor Bushor stated there are a number of non-committee members present. As they move forward with redistricting, she would like to know how they will be communicating back with the people who have attended the meeting. It would be advantageous to communicate with citizens who would like to watch the process outside of meetings. She wants to ensure they reach out to citizens to let them provide feedback before the present a final option. They have also discussed having large wards with councilors at-large. That idea was not well thought out in the previous Committee. There are scenarios that may come forward that she would like feedback on.

Jim Holway, Ward 4 Representative, stated it would be great to hear if anyone has questions for the Committee.

Pat Kearney, Ward 4 Resident, stated he would like to be assured that the suggestion of an eight ward model with a UVM ward be pursued. He suggested they create a draft map. Mr. Appleton stated the eight ward proposal was brought to the full City Council and was rejected. He is happy to revisit whatever people want. He invited people to try using the web application. Mr. Kearney requested that they draw a map with eight wards with one of the wards being the University. They can then fine tune the map. Ms. Terhune stated they are envisioning a ward with all of UVM's on campus housing in one ward. Off-campus students will be scattered around the City.

Barbara Headrick, Ward 6, stated UVM is planning on building another dorm on Redstone Campus where Coolidge Hall is. They also plan to build dorms between Cook Building and the Hospital. She inquired if they can use those numbers when drawing a campus ward. A member of the audience stated that the housing would have to be complete to include those numbers.

Mr. Holway stated there is a website on the City's page with 21 maps listed. Only one of those variations is an eight ward model. It shows that there is 17% deviation. If a person were to look at that list, they might think those are the only possibilities. Lines can be drawn in any way.

Ms. Terhune stated the NPAs would like to be involved. They would wait until the Committee did their work and put forth a recommendation. They would then be able to give feedback on the plan. They would post the plan in advance to give people time to review and comment on it.

Ms. Cook inquired if people have ideas about how to bring more diversity to the Committee.

Ms. Headrick suggested that this topic be brought up at a School Board Meeting. Ms. Cook polled the group to see if they would like to present at a School Board Meeting and they indicated they would.

Ms. Mulvaney-Stanak stated they should have a website in lay person's terms. The City is also working on a new Diversity Committee that has a number of tied in people with colored communities in Burlington. As they have a plan, it would be good to connect with them. She suggested posting information in the Schools since that is a place where many people travel. She hopes they remember that it costs money to run for City Council. Although she likes the idea of a student ward, they may not have the money needed to run a campaign. They should keep socioeconomic access in mind.

Mr. Hillyard stated they need to remember that not everyone has a computer. Some people who are most invested in the community are not computer literate.

Ms. Cook inquired if the group would like to do a workshop where they could pair people with someone who could draw lines for them. Councilor Bushor stated she recommended that last time. That would be another way to engage people rather than electronically. Ms. Terhune stated there were a number of good ideas at the last Committee that were not followed through on because of time constraints.

Councilor Siegel stated she appreciates the idea of getting feedback from NPAs. She also has concerns about the timeline. It is important that they are getting people up to speed and providing information, but she also wonders how much time they will spend on process before they are able to start map making. They only have four more meetings scheduled before summer. Ms. Cook encouraged the group to come to the next meeting with some strong ideas that they would like to consider. Usually there is a hard and clear deadline, but in this instance there is not. The goal would be to wrap the process up in early June, if possible. June was chosen because it is difficult to engage people in the summer.

City Council President Shannon stated they have been working with NPAs for engagement. It would be helpful to create a flyer with the meeting schedule and a projection of what they would be trying to accomplish at each meeting. This would help spread the word to different places around town. The Council agreed to pay for facilitator services through June. There is a money factor based on the length of the process. They certainly want to take the time to do it right, but money is a factor. They are likely to lose momentum throughout the summer months.

Jason L'Ecuyer, Ward 7 Representative, stated that they typically know in advance how many Councilors or Wards there will be. They also want to maintain neighborhoods the best way that they can. If they do not know how they are going to be moving forward tonight, he does not see them being able to get through this in three meetings.

Mr. Kearney stated that he does not see this as a difficult process. He feels that a few committee members could work to put forth a proposal within a few days, distribute the map, and take feedback. This can be done without meeting face to face.

Ms. Terhune stated the Committee has been charged with putting forth a proposal to the City Council by June. The Council will then determine whether or not to place it on the ballot. However, the next election is not until March of the following year. Councilor Bushor stated when the process began there was a thought that there may be a Special Election in November that could address this item. However, there is no indication that will happen. However, they are still trying to get this done. If it will be waiting until March, there is no reason to hurry. She believes the legal team feels that the City is more vulnerable if the plan has not been approved by the voters. Ms. Terhune stated they would only be vulnerable at the time of the election and there is no election until March. They could meet monthly throughout the year to allow time for people to talk in their neighborhoods. Councilor Bushor stated that the schedule is aggressive. They probably should have had a hiatus at the end of the process when they had a more firm

proposal to allow it circulate and receive feedback. There is a problem with the timeline because it will not leave time for the public to give valuable input. Ms. Cook stated the timeline was a function of people's busy schedules.

Glen McRae, Ward 1 Resident, stated they have taken this long to decide what the schedule will be. They should understand that this is a self-imposed deadline. It will be 2014 before they have something done that should have been done in 2011, which is obscene. This is an opportunity for a community civics lesson and they are rushing it. If there is a simple solution that everyone agrees with, it is a simple process. However, this is an opportunity to do real engagement. Real engagement does not happen when there is a finished product that people are responding to. It is important to keep people involved throughout the process. There is a cost associated with this. The City owes it to itself to make sure that they have a structure of governance that they are proud of and take ownership of. If there are problems with the new map, at least people will have been involved and seen how the process unfolded. They need to put some work into making sure they have governance that will meet the needs of the people for the next ten years. It is time to be more deliberative and not to use the Council imposed deadline. They should build a real plan and ask for the resources needed to do the process.

Andy Montroll, Ward 6 Representative, stated they have a month until the next meeting. He inquired what their goal for the next meeting should be and how they should go about it. He inquired how they will go about putting together proposed maps and how they will make adjustments to them.

Councilor Decelles stated it may be helpful to have all of the maps blown up and hung to look at what the old Committee did. That may be helpful to use as a starting point.

Ms. Cook asked the Committee how they would like to proceed.

Mr. Holway stated they should not waste a whole month waiting to figure out what they will do next and would like to get a better sense of what they will do next. He does not like the idea of using the old Committee's maps because they were done without respect for neighborhoods. He would like to have a plan with contiguous neighborhoods and equal deviation. That is not something that was done with the old maps. Mr. Appleton stated he does not live in Burlington, but he has worked for the City for fourteen years. He feels he has some knowledge of the lay of the City, although not as intimately as its residents. His maps were scientifically done, but would need to be revisited. Mr. Holway gave one example of a previous map that split the residents of a 12 house dirt road in half. He thinks that they should get some real maps out as soon as possible.

Mannie Lionni, Ward 7 Alternate, stated he feels apprehensive and wants the Committee to get on with its work. He understands the concerns about maximizing public process, but feels they can do both things at the same time. He hopes they can put forth some strong ideas for them to put to the public. A week before the next meeting, they should have at least two options to look at. The only real options are seven wards or eight wards, but he does not feel he understands the repercussions of each. He hopes they can see a real proposal for each of these before the next meeting and a list of the problems each present.

Michael Rooney, Ward 6 Representative, stated it would be helpful to have City knowledge embedded in maps. He would like a combination of people to work on the maps together, otherwise they will just have maps based on strict mathematics. He has heard proposals for seven or eight wards or fifteen councilors. They should look at each of these. Ms. Cook noted that having fifteen councilors has been proposed and reminded the Committee that they could have wards with more or less than two councilors.

Mr. Montroll stated he would like to see a variety of maps. They do not need to be fine-tuned yet. Having them ahead of time will allow them to look at them and see if any of them are close to what they want to see. They probably will not be the right maps, but it will be a good starting point that they can start working from.

Charlie Delaney, Ward 4 Resident, stated the Committee is charged with making a recommendation to the City Council. Having to put forth a recommendation puts the Committee in the hot seat and people will complain. They will have to make the best decision possible. The Committee can give reasons why they are recommending the plan they do. He looks at redistricting in terms of neighborhoods. He has many neighbors that live in different wards. He would hope they could have something more inclusive. Government has been trying to downsize which puts pressure on people who are trying to do more with less. He prefers the four ward plan with three Councilors each.

City Council President Shannon stated there are lots of maps that are available to the Committee online. What has not been done is create a map with eight wards isolating UVM campus. BTVvotes was created so that citizens could draw maps. She is not tech savvy, but can use BTVvotes. There was local knowledge in the maps drawn and they did make some adjustments. At the end of the last process there were five maps that they could use as a starting point. It would be great for Committee members to get on BTVvotes and bring proposals to the table.

Councilor Siegel stated they do not have to have a certain number of wards or councilors, and also do not need to do winner take all voting. There are many different options, such as cumulative voting. If they went with big wards, she would like them to use that option. There are existing maps they can use and she is interested to see an eight ward map with UVM isolated. She is also curious about the idea of a fifteen member Council.

Ms. Headrick stated she strongly supports the idea of having an eighth ward capturing on-campus housing. She does want to ensure that they do not also capture neighboring streets and really use on-campus housing.

Ms. Terhune stated there are enough map and computer geeks in this room that could flesh out different ideas. She is reticent about using old maps because they were difficult to draw and did not accommodate eight wards. Now that has been corrected, they need to create those maps.

A member of the audience inquired why the proposed maps were rejected. Councilor Siegel offered to show her the previous maps after the meeting.

Ms. Mulvaney-Stanak stated she agrees with the idea of doing homework before the next

meeting. She volunteered to work with others to document ideas about how to engage citizens once the process begins.

Mr. Montroll stated they should break up into smaller groups at the next meeting to start fine tuning maps. They can then bring the ideas together at the end. Ms. Cook stated they can invite people with knowledge of BTV votes to work with small groups at the next meeting.

Elisa Nelson, Ward 5 Representative, stated they should start with focused mapping. Most of the discussion has focused around 14-16 Councilors and 7-8 wards. Keeping that focus will help them from rehashing old plans and narrow their focus.

Mr. McRae stated with each map should come a list of problems, questions, and issues. As someone who teaches at UVM, it is generous that they are considering enfranchising that group. Before they move too far forward in that direction, he suggested engaging students to see if they want to be enfranchised and look at the logistical constraints of having students who are only on-campus for about two years. This also raises problems of term-limits. They should investigate it before any proposal moves too far forward.

Mr. Lavigne stated they are doing good work and encouraged the Committee not to oversimplify the work. He encouraged them to be both as simple and accurate as possible. It does not need to be made complicated.

## **6. Review and Approve April 8 Meeting Minutes**

Mr. Holway stated he did not have time to read the minutes and he cannot vote to adopt them.

The committee voted unanimously to approve the April 8 minutes as amended. Mr. Holway abstained from voting.

## **7. Adjourn**

The Committee discussed tasks that they will complete before the next meeting. These are:

1. Llu will work w/ Sharon and others to develop a community outreach plan, and will give particular attention to diversity
2. Jim H will coordinate a group that will work w/ Jay in developing an 8 ward plan that creates a ward that centers on residential UVM students.
3. Jim L will work with Richard to develop one or more plans w/ 15 councilors.
4. Others (as yet unidentified) may work on developing a 4 ward plan, perhaps involving Rachel's proposed cumulative voting.
5. The committee agreed to reach out to the School Board.

The meeting was adjourned at 8:59pm.