

**From:** Springer, Darren [Darren.Springer@vermont.gov]

**Sent:** Friday, October 07, 2016 10:26 PM

**To:** GPS

**CC:** Miller, Lawrence; Martin, Trey; Allen, Susan; London, Sarah; Coriell, Scott; Gray, Laura; Pepper, James

**Subject:** Weekly Reports - Executive Privilege 10 07 16.pdf

**Attachments:** Weekly Reports - Executive Privilege 10 07 16.pdf; ATT00001.txt

Highlighted weekly attached.

Gov - we are continuing work on VY proposal as noted in Public Service, with goal of getting something back to them next week. I want as many lawyers' eyes on it as possible before it goes and Sarah is coordinating review.

An inmate will be treated with Vivitrol for first time, maybe something we can push out to press.

Some good stuff on VHC and call center in AHS.

Update on Saint Gobain negotiations in ANR. Also lampricide public meeting went great and that continues to be on track.

Sue, Scott, Sarah, Laura, Trey and Pepper notes flagged in here for all of you.

Thanks,  
Darren

# WEEKLY REPORTS

Checklist  
10/07/16

Darren Springer

- ☒ Agency of Commerce and Community Development – Lucy Leriche
- ☐ Department of Financial Regulation – Michael Pieciak **(no report this week)**
- ☒ Public Service Department – Chris Recchia
- ☒ Agency of Human Services – Hal Cohen

Sue Allen

- ☒ Agency of Education – Rebecca Holcombe
- ☒ Agency of Transportation – Chris Cole
- ☒ Agency of Natural Resources – Deb Markowitz

Sarah London

- ☒ Department of Public Safety – Keith Flynn
- ☒ Agency of Administration – Trey Martin

Jessica Gingras

- ☐ Boards and Commissions – Jessica Gingras
- ☒ Department of Liquor Control – Patrick Delaney

Laura Gray

- ☒ Agency of Agriculture – Chuck Ross
- ☐ VT Commission on Lottery – Greg Smith

James Pepper

- ☐ Department of Labor – Annie Noonan

**To: Governor Peter Shumlin**  
**From: Lucy Leriche, Secretary - Agency of Commerce and Community Development**  
**Date: October 7, 2016**  
**Re: Weekly Report**

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**LUCY LERICHE, SECRETARY**

**WCEDP Issues:** I spoke with Darren about Hermit Thrush who will be looking for straight incentive money in addition to a loan for their expansion, and in Vernon a \$300,000 feasibility project to do a Gasification plant as part of an energy park to be built on VY campus. We are still waiting for details of both deals. I will send a memo over for the Governor's once we get a little more information on these projects.

**Historic Windows:** Gus Seelig of VHCB is hell bent on being able to replace all the windows on French Block in downtown Montpelier for this rehab project. It has been a struggle with Laura, our State Historic Preservation Officer (SHPO). I met with Laura to explain that if she doesn't find a way to compromise, Gus will just go the the federal delegation and she will get rolled and her authority will be undermined. She understood and agreed. We discussed a process where Gus can be satisfied and she can still keep the integrity of her office.

**Forest Fragmentation Study Committee:** Reaching out to Diane Snelling, Chris Rice, and Karen Horn to see if we can find a path forward that will be reasonable for landowners.

**Public Service Department Connectivity and Telecommunications:** Ken Jones raised concerns with me about the Telecommunications Plan and our continued insistence on last mile service. From an economic development and smart growth point of view, this approach is not strategic or impactful. We are going to talk to Chris Recchia and Tom Porter today to explore their thinking on how we can improve the direction before the next administration takes the reigns.

**VEDA board Meeting & Planning Meeting:** Attended a special planning meeting for VEDA. The main topic of discussion was the question of whether some loan approvals should be delegated to a sub committee of the board. This would free up time for the board to engage in more policy work related to economic development. There was general support for this.

**Climate Cabinet:** We discussed whether or not to adopt and modify an open source climate/weather web tool created by New York. The cost, while modest (\$24,000) to begin with, could become substantial down the road depending on what kind of functions and operability we would want from it. There was concern that this kind of future investment might make more sense to be decided by the next Administration. There was also concern about duplicated existing efforts and whether we would really get value from it. We will have one more Climate meeting before the transition and Deb will keep pushing for it.

**Budget:** Kathy, Laura and I met with Andy Pallito and company to discuss ACCD's budget and Capital budget requests. ACCD was the last meeting of the second day of intense back to back budget meetings for the F & M team. Needless to say, they were fried. They were troopers though, and gave us their attention and good questions. The meeting went very well and we were complimented for our submission and presentation.

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

**Joan Goldstein, Commissioner**

**CONFIDENTIAL:** Stowe Aviation received a request for evidence from USCIS which brought up the same issues and more that we have with the program. We are in discussions with DFR to decide that now may be the most appropriate time to terminate the program.

*Sarah*

There are some changes taking place in the Department of Economic Development ('DED') organization. Please join me in welcoming this new structure and new members to the team!

### **BUSINESS SUPPORT - Economic Development ♦ Jared Duval, Director**

#### **Business Support**

**Mad River Food Hub, Morrisville:** Met with Robin Morris along with Joshua Schwartz of the Mad River Valley Planning District. Discussed a possible Working Lands Enterprise Board grant application.

**Bee's Wrap, Bristol:** Met with Sarah Kaeck, alongside Robin Scheu of ACEDC. Planning to apply to the Vermont Training Program as they continue to expand operations and hire new employees.

**Vermont Farm Table, Bristol:** Met with Dustin and Jessica Glasscoe (co-owners), alongside Robin Scheu of ACEDC. Continuing to grow, looking to hire additional employees. Discussed possible Working Lands Enterprise and Vermont Training Program applications.

*Laura*

#### **Other**

**Northern Border Regional Commission (NBRC):** Will have a full Commission call on Thurs. Oct. 13 to vote on our emergency request to the Federal Co-Chair's Discretionary Fund.

**Forest Products Forum:** Co-organized (with Marvin Harrison of the Cohase Chamber of Commerce and Bob Haynes of GMEDC) a forum in Bradford to address the crisis in low-grade wood markets. We had over 100 attendees, including over 50 loggers, truckers, sawmill owners, and foresters. All of our Congressional offices were represented (Chris Saunders from Sen. Leahy's office, Jenny Nelson from Sen. Sanders' office, and George Twigg from Cong. Welch's office) and many local legislators (Sen. Jane Kitchel, Rep. Jim Masland, Rep. Tim Briglin, Rep. Susan Hatch-Davis). Information about various business support resources and market development initiatives was shared and ideas for additional responses (including policy recommendations) were shared. The Policy Committee of the Working Lands Enterprise Initiative will work to develop some of these proposals, including extending the sales tax exemption that currently exists for agriculture to forestry operations as well as looking at reforms to workers' compensation rates for forestry operations in Vermont, which far outpace all of our neighboring states.

### **INTERNATIONAL TRADE (VERMONT GLOBAL TRADE PARTNERSHIP) ♦ Katie Corrigan, Manager of International Trade**

Met with Abbott Stark and Mark Rice of Ogee, a luxury skin care product. Ogee is ready to do a launch in Vermont. They have already reached Vogue, In Style, In touch and many other large audiences.

### **VERMONT ECONOMIC PROGRESS COUNCIL ♦ Fred Kenney, Director**

#### **Vermont Economic Progress Council**

On September 22, the VEPC Board:

- Terminated VEGI incentives for Bariatrix Nutritionals (Georgia) and SOH Wind Engineering (Williston) due to failure to meet performance requirements.
- Rescinded an Initial VEGI Application for Triad Design. The company will not file a Final Application due to contracts not awarded as expected.

## **VEGI**

- Continued to work with the following to file new VEGI applications in September or October: Westminster Cracker (Rutland), Commonwealth Dairy (Brattleboro), Vermont Precision Tools (Swanton) and Hermit Thrush Brewery (Brattleboro).
- Worked with nine applicants filing Final VEGI Applications in November and December.
- Continued to work on potential applications for: Cadcut (Montpelier), Citizen Cider (Burlington), IBEX (WRJ), Inntopia (Stowe), and LED Dynamics (Randolph).
- Met with US Specialty Labs regarding potential expansion into Vermont.

## **WCEDP**

- Interviewed with Mike Faher regarding program reboot.
- Attended NECCA groundbreaking.
- Worked with RT Brown on new loan LOIs: Hermit Thrush Brewery, Mathes Hulme Builders, and Cultural Intrigue.
- Reviewed forensic material and evidence from BDCC regarding BFADC grant for Bellows Falls Island project and arranged to have grant re-activated.

## **OTHER**

- Convened first session of Steering Committee for housing study required by Act 157.
- Reviewed performance requirement information submitted by GlobalFoundries and released second (and final) payment from Vermont Enterprise Fund.

## **VT PROCUREMENT TECHNICAL ASSISTANCE CENTER ♦ Robin Miller, Director**

**Wright Construction – Mount Holly:** Elizabeth Adams located a federal subcontracting opportunity on the Vermont Bid Board for a facility that will be constructed in White River Junction called The Hartford Bridge and Main Construction Project. Elizabeth shared this opportunity with Joe at Wright Construction, who inquired about how to respond to this opportunity. Elizabeth also advised that PTAC can review his bid response prior to submission. Joe was happy that PTAC sent him this notice and is very interested in the project.

## **VERMONT TRAINING PROGRAM ♦ John Young, Director**

- Vermont Mechanical is now in the Commissioners Review section of Intelligrants. They are starting a prefab sector of their business to be able to compete with larger competitors.
- Vermont Castings and Vermont Wood Studios are both close to submitting a final VTP application.
- Met with North Hartland Tool who are looking for VTP to help with a new ERP training as well as other training needs.
- Had a meeting with Casella Waste Management at their Rutland offices to talk about their leadership training initiative. They did not get a chance to complete their last VTP grant but would like to look at a new grant application.
- Met with Vermed to talk about the potential changes of their new acquisition. They are encouraged after meeting the new leadership and are planning on adding a second shift and up to 6 new employees. They

have a current VTP grant that goes until March 2017 but may want to close the current grant and to apply for a new year if the new growth is confirmed.

- Along with Brett Long, I met with Quadra-Tek in Arlington. They are a nice small injection molding manufacturer with products used in medical and aerospace sectors. They are in need of tool makers and want to train internally as well as get updated ISO and AS trainings.

### **KEN JONES, ECONOMIC RESEARCH ANALYST**

Ken is working with a new intern, Alex Duchac, (together with John Kessler) in partnership with the Energy Action Network, Montpelier Energy Advisory Committee and Central Vermont Regional Planning Commission to develop a draft Energy Plan for the city of Montpelier. This project is not only to provide Montpelier assistance in considering strategies for its Net Zero goals, but also is a way to provide feedback to the Public Service Department draft Determination Standards that are intended to provide a framework to Regions, Towns and Cities seeking to participate in Public Service Board siting decisions. The determination standards were developed as a part of Act 174. Early reactions from Towns and Cities were that the Determination Standards draft suggests planning that may be too difficult for communities to fulfill. By having a sample plan, later supplemented with a metadata description, many of the elements of the PSD Determination Standards will be better understood and less daunting.

## **DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

### **Deputy Commissioner Hanford**

**Mobile Home Parks:** Discussed next steps for the Windy Hollow MHP in Castleton with Arthur, Nate and Dave Adams from VHFA. The park residents had begun working on becoming a Coop-resident owned park, however the sale fell through largely as a result of major infrastructure problems at the park and the un-willingness of the park owner Joe Howard to reduce the sale price. The residents (& Coop assistance provider CDI) and the owner are still looking for funding to purchase the park and fix the infrastructure issues. It's not clear at this time what the likely outcome will be as the park owner has also indicated he will close the park.

Also, participated in meeting Arthur organized with Vermont Manufactured Housing Industry to hear from Mike Henretty, representing HUD's Manufactured Housing Program. He gave a presentation on HUD's new manufactured housing requirements and installation program. Mike also conducted monitoring inspections of new manufactured home installations while he was in the state.

Met with Jen Hollar from VHCB and Brattleboro Town Planner, Rod Francis to discuss the removal of Mobile Homes in the floodway at Tri-park in Brattleboro as required in a 2007 agreement with Tri-park, ANR and the Town of Brattleboro in exchange for sewer & water infrastructure funding. The town would like to enforce these requirements as frequent flooding, evacuations and damage to infrastructure in this part of West Brattleboro are all too frequent. However, the removal of units from Tri-park puts financial strain on the Coop-owned Mobile Home Park and they want to be compensated for any losses.

## **COMMUNITY PLANNING & REVITALIZATION ♦ Chris Cochran, Director**

### **State Designation Program Report:**

- **Bethel -- 'Better Block' Project:** Over the past weekend, the AARP-funded **Better Block** project showcased how downtown Bethel could quickly transform into a more active, fun, pedestrian-friendly center for the community with demonstration projects, including pop-up businesses in vacant storefronts, temporary 'bump outs' to calm traffic, a taco stand, bike lanes, sidewalk games, live music and a beer



garden. The CP+R team helped AARP select Bethel and also gave a hand building the pop-up installations, sidewalk Jenga and street checkers. AARP hopes to offer this opportunity again to another community next year.

### **GRANTS MANAGEMENT ♦ Ann Karlene Kroll, Director**

#### **CDBG Disaster Recovery Program**

Ann met with the Hunger Mountain Children's Center (HMCC) Executive Director, Amanda Olney; Volunteer, Lisa Scagliotti; their architect, Don Welch and their legal counsel, Chris Nordle to review the status of the work with contractor, Millbrook Construction. Substantial completion was scheduled for July 15<sup>th</sup>, and at this point they are about 85% complete at October 5<sup>th</sup>. We are just now being made aware of the fact that there are serious issues with the performance of the contractor not following the Plans and Specifications, operating as though it were a "design-build" type project, and then threatening to walk off the job, and not providing credits through Change Orders. The Contract stated the substantial completion was to be done in time for HMCC to be in the new location in time for the new school year, starting in September. At this point, the architect is surmising a completion in November. Ann is intervening and asking for detailed change orders and adjustments to pay applications before paying any additional invoices. Millbrook is still threatening to walk and the Office Engineer has asked to speak with Ann. A meeting is being scheduled with the Contractor.

#### **Environmental Review**

Quin has been fielding numerous calls with a Ms. Margaret Murray regarding comments on the City of Burlington New North Avenue Project environmental review that has Vermont Housing and Conservation Board (VHCB) HUD recycled Economic Development Initiative (EDI) funds included. Initially, Ms. Murray had confused this ER with our HUD Annual report that was posted for comment recently. She continues to state she has not been given ample opportunity to comment and there should be a public hearing. However, there have already been numerous public hearings on this project in the City of Burlington through the design phase.

### **HISTORIC PRESERVATION ♦ Laura Trieschmann, State Historic Preservation Officer**

#### **State Architectural Historian**

**St. Jerome Catholic Church, East Dorset:** A resident of East Dorset called Devin on 10/5 to say that St. Jerome Catholic Church, a Gothic Revival style building constructed in 1874, was being demolished. The Catholic Diocese is doing the work and there are no regulatory hooks at the local, state or federal levels. This loss highlights the issue of how to preserve redundant churches that do not have a congregation anymore. PTV was brought into the discussions of this particular property.

**Lewiston Redevelopment Project:** The Village of Lewiston was located on the banks of the Connecticut River, southwest of the Town of Norwich. In 1950, most of the farmland around the village was flooded by the construction of the Wilder Dam, and in 1967 most of the village itself was razed to make way for I-91 and the bridge across the river to Hanover, NH. A developer has purchased the remnants of the village, including a railroad depot and few houses, from Dartmouth College and wants to redevelop the site. Devin has put him in contact with several state partners, including ANR's River Corridor and Floodplain Management program; the Two Rivers-Ottaquechee Regional Commission; the Preservation Trust of Vermont; and our Project Review Team. Consultation is ongoing.

#### **Project Review**

**WSOC:** Jamie has been working with BGS and Maclay Architects who are developing the rehabilitation plans for Hanks and Weeks buildings at the WSOC. These buildings are the last two remaining buildings owned by the State that will be rehabbed for AHS office space. Maclay's team have been working on preliminary drawings and scope of work for restoration and new construction needed to transform these buildings for open office environments within the historic spatial layout.

### **State Historic Sites & Historic Sites Section Chief**

**Reminder:** This is the last weekend of the season for many of our state-owned historic sites. If, for example, you have been putting off your visit to Mount Independence, the President Chester Arthur Historic Site, or the Old Constitution House, now is the time. Get out there this weekend and experience history where it happened! For the serious procrastinators among you, I can confirm that the Calvin Coolidge State Historic Site is open through October 16, and the Bennington Battle Monument is open through October 31.

**Hubbardton Battlefield:** On Sept. 23, over 85 ROTC students from Norwich University visited with their instructors to learn about the battle, tactics, and more. They had a grand time. Site interpreters Bob and Mark hosted 5<sup>th</sup> graders from the Leicester Elementary School last week. On Sunday, Oct. 2, Mark and Elsa led the 19<sup>th</sup> annual Mount Zion hike with 23 participants, the first time Carl Fuller was not able to lead the hike. The caretaker greeted us and provided an overview; she also let us know the owner, Kit Davidson, passed away that Thursday and that he would have been so happy to see this large group enjoying the trails he'd worked on since the late 1960s.

- We received exciting news - the Vermont Chamber of Commerce has selected the President Calvin Coolidge Birthday Celebration (July 4) as a Top 10 Summer Event for 2017. This will greatly enhance publicity for this event.

#### **HOUSING ♦ Arthur Hamlin, Housing Program Coordinator / Shaun Gilpin, Housing Policy Specialist**

In 2016, 145 mobile home parks increased the lot rent. Thirty-seven increases were eligible for mediation but just two were disputed by the leaseholders. Both mediations resulted in agreements between the park owner and leaseholders on the lot rent increase.

#### **VERMONT COMMUNITY DEVELOPMENT PROGRAM ♦ Josh Hanford, Director**

##### **Regular CDBG**

**Town of St. Johnsbury:** The Grant Agreement has been offered for the planning grant that will prepare a comprehensive and detailed assessment of the Town's housing stock. The study will utilize consultants and town staff to identify local population, demographic trends, and housing market trends including vacancy rates, sales prices and rents; development patterns, parking needs and locations for multi-family housing; detailed information on the type (e.g., single-family, multi-family), fuel sources used, age, and condition of housing stock; the number of subsidized housing units, age-restricted units (both subsidized and market rate), and housing cost burdens for both renters and owners.

#### **CHIEF MARKETING OFFICE ♦ Heather Pelham, Chief Marketing Officer**

**Economic Development Marketing:** Heather participated in the kick-off meeting and vendor demonstration of the new Site Locator tool, with an eye for how this interactive system can support and be fully integrated into the 'Why Vermont?' portal under development. In addition to visually displaying data and property details for specific commercial locations, the software can also display a similar level of data and provide options for user-engagement by company and by community. Demographic data can also be displayed dynamically which prevent the need for the marketing team to manually update this type of content on the new portal – very exciting!

**Creative Services:** The first pass of the Vermont Fishing Regulations Guide was delivered to the Dept. of Fish + Wildlife this week. Kudos to Erin for completing the layout on a very short timeline and for creating such a professional, attractive and user-friendly design. Final production is scheduled for early November.

**Bring Vermont Home for the Holidays:** Creative was submitted this week for an Agency of Agriculture, Food and Markets 3-page ad spread that will appear in *Vermont Life*, *Edibles Manhattan* and *Edibles Brooklyn*, featuring 17 Vermont specialty food producers looking to increase brand awareness (and hopefully sales!) to a combined readership of 125,000 foodies and Vermont enthusiasts. With the help of Sky Barsch, a photo shoot was staged for the opening visual to capture the spirit of the season and showcase the breadth and quality of products offered by the participating vendors.



## DEPARTMENT OF TOURISM & MARKETING

### Megan Smith, Commissioner

**Earned Media:** Wixhill, our UK Public Relations firm, arranged for a travel writer to come and spend 4 days in Grafton to do a story for Qantas Airlines. They wanted an in depth story about a small, historic village. Megan spent one day with the writer and encouraged him to also stop by Brattleboro. We are anxious to see the story. They have also arranged for a writer from the Virgin Australia inflight magazine to come up to the Mountain Top Inn and Resort this weekend.

**Porter Air:** Megan met with the Senior Management Team at Porter Air to discuss this winter's schedule and the progress of the pre-clearance for Billy Bishop Airport. This year's schedule is not ideal but we brainstormed a lot of good ideas for marketing longer, midweek trips. The lack of snow last winter caused Porter to have a substantial loss on the flight. They are very happy with the support they are getting from Senator Leahy's staff on the pre-clearance.

### COMMUNICATIONS ♦ Philip Tortora, Director of Communications

**Foliage Reporting:** Working with Forests, Parks and Recreation Commissioner Mike Snyder and David Burnell on a fall foliage video shoot and production. Video is running across VDTM social media channels, and being shared with other state departments who want to share it.

**Media Coverage in Vermont:** A USA Today Network video team is visiting Vermont this weekend to shoot virtual reality video in the state, with a heavy emphasis on Stowe. This is part of a New England fall tour that they are partnering with Toyota on, with the content slated to run on their network of news sites. This shoot was coordinated by their advertising division.

**Social Media:** We're starting to reach new territory on Instagram, with many of the images and videos that we share seeing between 250-500 organic views apiece. We continue to encourage attractions in Vermont to share their photos with us, so that we can help promote them. Our following is approaching 7,000 people, which is roughly triple of where it was six months ago.

Several recent Facebook posts reached more than 15,000 people in their news feeds, including a piece on a Vermont island for sale (35K reach), a feature profiling 12 Vermont general stores (17K), spooky Vermont road trip destinations (29K), and 12 Travel & Leisure suggestions on Vermont foliage viewing destinations (15K).

### SALES ♦ Kathleen Kolva, Sales Manager

**Big E:** The Vermont Department of Tourism and Marketing proudly represented *The Green Mountain State* at the Eastern States Exposition, better known as "The Big E". The fair, one of the largest in the country, celebrated its centennial this year and recorded an attendance of over 1.4 million guests during its 17-day duration (9/16-10/2). According to the official *Big E Impact Report*, approximately 90% of fairgoers visit the Avenue of States Buildings. We are pleased to note that the Vermont Building is frequently mentioned as the favorite and most authentic of all the New England State Buildings.

Kathleen organized the VDTM team and 45 industry volunteers from across the state to staff the Vermont tourism booth located at the entrance to the Vermont Building. The booth looked fantastic with many fresh updates – wood paneling, new signage, antique decorations, and a looping video. We were able to distribute over 4,000 copies of both the Official VAA Roadmap and Summer/Fall 2016 Guide, as well as nearly 2,000 each of the Winter 2017 Guide and the Ski Vermont publication.

Some highlights of the fair included: the highest daily attendance was on Vermont Day (Sat. 9/24: 163,483); Governor Shumlin visited on Harvest New England Day; and, a surprise wedding proposal right in front of our booth!



### **VERMONT LIFE ♦ Mary Hegarty Nowlan, Editor/Sky Barsch, Associate Publisher**

**Advertising:** Our first Vermont Selects email blast for the Windsor Mansion Inn has been a huge success so far. Five reservations were booked within the first 5 hours, and in the first 3 days there were 389 click-throughs to the website, resulting in 14 new reservations. The offer is good through October so many more bookings are expected to come from this. Our client, inn owner Ken Lucci, is thrilled with these results! This should lead to many more opportunities with Ken as well as the chance to use this success story to sell our digital programs to other new and existing customers.

Also, last week was spent rounding up final ad files, proofing and approvals for the Winter 2016-'17 issue. With a last-minute ad for a new client, total sales were brought to just over \$92,000.

Looking ahead, Chris will be meeting with Ken Lucci this week to continue planning for VTlovesNY Yankee Stadium tourism program for 2017 season.

- **Economic Development Marketing:** Work continued toward launch of the EDM website.
- **2017 Fishing Guide:** Project work continuing.



**Privileged and Confidential**

**MEMORANDUM**

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To: The Honorable Peter Shumlin, Governor  
Sarah London, General Counsel

From: Christopher Recchia, Commissioner

Date: October 7, 2016

Subject: Weekly Report

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**Governor Level Issues:**

**Status of Priorities and Cases of Interest:**

**Vanu CoverageCo Meeting**

CoverageCo is a company under contract to deploy 400 small cell wireless units throughout Vermont. One hundred and sixty-five of these are funded through a federal grant from the Economic Development Administration. There are ongoing problems. The company is deploying sites at a very slow rate and many of the projects are now behind schedule. Department staff have had ongoing concerns that the company is financially troubled. Division staff have met with the company several times. In August, Division staff met with the company president and told him that the Department needed more confidence that the project will succeed. Staff requested several things, including more detailed project reporting, schedules, and greater transparency about company operations. Thus far, CoverageCo has not delivered on most of its action items from the meeting. On September 29, the company told Department staff that it could not afford a \$23,000 Fairpoint bill. The bill covered past due charges for broadband service to the commissioned CoverageCo sites. CoverageCo received a notice of termination. On September 30, CoverageCo informed staff that it received a \$200,000 investment from which it could pay the FairPoint debt. This incident raises concerns that the company is nearing bankruptcy. There is nearly \$1 million left in state and federal funds available for CoverageCo's existing projects.

**VY** – We have completed our first draft of a proposed counterproposal for Entergy and sent it around to the AGO, ANR, Sarah, Darren, Wilmer Hale for review and comment. We do believe we can structure this so that the modified site restoration standards only occur if there is adequate financial backing to make it happen, and think the proposal to start this work in 2018 and finish it by 2030 (the outside deadline – though likely to be completed by 2025-2027) is a tremendous benefit for Vermont. Remember too that WCS, a partner in this transaction, is applying for and will likely receive approval for an interin storage facility in Andrews, Texas, next to the LLRW facility, and so if this deal goes through Vermont will be well positioned to negotiate prompt removal of the dry cask canisters too.

**Meetings This Week:**

Oct 03 – Internal ENVY meeting,  
Oct 04 – ISO-NE 101 meeting  
Oct 05 – Entergy VY meeting, PSD Budget meeting, Environmental and Energy Council Meeting  
Oct 06 – Climate Cabinet meeting, Act 174 Working Group  
Oct 07 – Act 199 w/WestRock, Darren Springer meeting,

**Meetings Next Week:**

Oct 10 – GMP Quarterly meeting,  
Oct 11 – Public Hearing – PSB Act 174 Working Group, Public Hearing – Act 174 Draft Standards, Decommissioning Process meeting  
Oct 12 – PSB Sound Rule  
Oct 13 – NE Federal Communications Bar Association event, Health In All Policy Task Force Quarterly meeting, NECPUC Conference Call, REV Panel on Act 174 Standards  
Oct 14 – VY SeVEDS Press conference

**Media:** Coverage of Stowe Electric event, Andy Perchlik appeared on WCAX discussing Residential Solar Guide, Taylor Dobbs is working on another Alt Reg story, this time looking back to 2011 GMP rate proceeding

**Public Official Contacts:** None

**Everything Else:**

***PERD***

**Act 174 / RPC Planning**

- Act 174
  - Issued draft standards for public comment on 9/26, including advertising a public hearing in Randolph the evening of October 11. Sent press release to large number of stakeholders, and put on DPS homepage.
  - Met with state agency partners to share public release draft and to gather initial input. Asked them to have their comments to us by the 11<sup>th</sup>.
  - Sent draft training & technical assistance contract to NWRPC for review.
  - Organized state agency/RPC meeting to discuss map layers for inclusion in final standards.

- Spent a lot of time coordinating with VEIC to specify how they should present the results from their regional LEAP scenarios in a way that harmonizes with the criteria of the “Analysis and Targets” section of the Department’s draft determination standards.
- Began receiving data from next 8 RPCs estimating current energy consumption profile/patterns.

### Energy Efficiency Utility Activities

#### Demand Resource Plan Proceeding

- Staff submitted comments related to statutory justification for the proposed scenarios, timing and purpose of the DPS Potential Study, QPI Frameworks, and VEIC’s historical residential sector EEC rate revenue. Staff also began review of other stakeholder comments that were submitted.
- Department submitted a response to comments submitted by CLF, VPIRG, VNRC, VCV recommending a scenario to analyze greenhouse gas emissions reductions. The points we addressed in our response are as follows:
  - GHG emissions reductions are already included as a scenario modeling output and will also be assessed in the Potential Study.
  - CLF’s recommendation doesn’t provide enough detail to be an actionable scenario to model.
  - It’s unclear exactly what type of transportation measures are being proposed to be modeled. Some measures such as “fuel switching” from gas/diesel to electric vehicles would not be allowed under the EEC or TEPF.
  - It’s unclear what thermal measures CLF is referring to and therefore difficult to ascertain whether the measures would be allowable under with EEC or TEPF funding.
  - CLF’s proposal does not meet the criteria of a budget or savings based scenario proposal or estimate rate and bill impacts as required in the P & A.

### Finance

- Coordinated with Deputy Commissioner on next steps as we move closer towards the first meeting of the collaborative on October 26<sup>th</sup>. Topics covered included agenda development to provide time for discussion of the collaborative and a presentation by VEIC on the RUS; stakeholder engagement specifically the Office of the Treasurer; preparation of an invite to come from the Office of the Commissioner; and plans to speak with VEIC on their presentation. Next check on Wednesday will be the time to finalize the draft agenda and organizing document to attach to the invite, which is on task for distribution by the end of next week.
- Met with VEDA staff to work out details on the commercial loan product/incentive for advanced wood heating and roof top solar, especially how the VEDA product will interact with EVT’s RUS-funded loan product.
- Worked on closing the Community Solar Finance Program. The program helped consumers obtain 92.56 kW of solar PV capacity at community solar installations in the state. The program’s finance partner, VSECU, closed on 20 loans totaling \$338,378 with interest rate buy down of \$57,615. The average loan was for \$16,919 and an IRB of \$2,880. Overall program leverage was \$5.87 private to \$1 public of resources.

### Clean Energy Development Fund

- Approved a \$3,000 SSREIP incentive (first one in a couple months!) for a pellet boiler installation.
- Reviewed a final report and approved an invoice for \$26,000 from Burlington Electric Department to close out their federally funded (CESA SunShot) grant to study the Burlington City permitting process for solar PV and provide recommendations to the City Council to reduce the cost and time necessary to secure permits to install a PV system in the City.
- Reviewed a final report and approved an invoice for \$7,500 (CEDF \$) from the Department of Public Safety (the real DPS) to hold trainings for fire fighters on how to fight fires with homes/buildings with solar PV systems installed. They held 14 trainings across the state with a total of 540 fire-fighters attending, a response much greater than the anticipated 300 the DPS originally thought they would reach.
- Attended an afternoon long kick-off meeting of the unofficially named State Wood Heat Coordinating Committee, which was an effort to coordinate all the wood energy projects, initiatives, studies, and incentives in the State (with knowledge on what is happening in neighboring states as well). Participating was: Dept. of Forest, Parks, & Recreation

### Standard Offer Program

- Board held workshop to continue discussing now long-standing wheeling cost allocation issue. The controversy revolves around the reality that project siting has (not surprisingly) clustered in GMP and VEC territory, who both charge the other utilities for any power generated by these projects over and above their pro-rata share. BED was the only utility at the workshop who objected to the wheeling charges, arguing that it amounts to 2 to 3 cent increase to the price of a solar project. No resolution or schedule for the docket was settled. The topic will likely come up again in next week's docket 8817 workshop dealing with the preferred siting pilot that act 174 requires be integrated into capacity allocations starting 2017.

### Dockets and 248 Review

- GMP Asset PSA and PPA with Enel – Requested discounted cash flow model that underpins GMPs valuation of deal with Enel to purchase 14 small hydro plants and enter into 2 PPAs.
- 8698 - VGS Alt. Reg. – Staff reviewed VGS's rebuttal testimony and generated discovery questions. Questions focused on pointing out areas of the testimony where there were factual errors or deceptive emphasis on certain facts (for example, VGS points out that they already have quality performance indicators for the EEU side, but neglects to point out that those QPI's are interim and carry no performance incentive). Questions also focused gaining a better understanding of how VGS compares to other utility alt. reg. plans across the country – taking the opportunity to solicit research and white papers from the Analysis Group, which submitted testimony.
- GMP Innovative Service – Staff reviewed filings and in general feels that involving other players in this docket is critical – including REV, VFDA, and others to fully explore issues. It is important to keep in mind the additionality and importance of the Tier 3 program, that is to say there may be some short-term rate impacts from the Tier 3

program, the legislature was aware of that at the time of the passage of Act 56, so pushing some of these costs to non-enrolled ratepayers may be appropriate.

- 8667 - GMP RNG – staff briefed legal issues associated with the RNG docket including 1. Why a renewable content standard proposed by CLG is inappropriate at this time; 2. Why VGS should be required to institute an environmental accounting protocol in 3 years; and 3. Why we don't necessarily accept the accounting protocol proposed by CLF. The Department plans to join VGS on a Proposal for Decision and are negotiating around that.

## ***Engineering***

### **Vermont Yankee Spent Fuel Management & Decommissioning**

Systems maintenance and testing to support Spent Fuel Pool (SFP) integrity continued during the reporting period. An internal Safety, Health and Environmental Management System (SHEMS) audit was completed on 9/29 with only minor (non-nuclear safety) issues being identified. On 10/3, planned construction activities at VY's existing Independent Spent Fuel Storage Installation (ISFSI) pad have elevated the site's safety operational risk to "condition yellow." Although these activities do not increase the risk of compromising SFP integrity (the usual reason for declaring condition yellow), the risk is elevated because moving large components near the existing ISFSI increases the potential for dry cask damage and/or injuries onsite. The condition yellow operational risk will continue for at least the rest of this week. No other issues identified during the reporting period potentially impacted SFP integrity.

### **Update on VY Groundwater Management Issues**

As of 9/28, approximately 348,000 gallons of intrusion water have been shipped offsite. ~10,000 gallons was shipped offsite last week, rather than the usual ~5,000 gallons, to reduce inventory in the sole remaining storage tank outside the Turbine Building. Polystyrene removal from the Seismic Gap between the Reactor and Turbine Buildings continues as part of the preparations for sealant injections within the Gap. In a teleconference with the NRC on 10/3, VY reported the status of the Seismic Gap reseal effort as "on schedule" and "nearly halfway complete."

### **Second VY Independent Spent Fuel Storage Installation (ISFSI) Construction Activities**

Cable installations and connection testing continues for the new electric power and data lines between the VY Control Room, the new (yet to be constructed) and existing ISFSI pads, and the new Security Diesel Generator. Construction of the new Security Diesel Generator's sound abatement wall also continues. On 10/3, components for several new dry cask storage canisters began arriving onsite. Assembly of the new canisters has begun, resulting in VY's safety operational risk increasing to "condition yellow." High density concrete pours for building the overpacks for the new canisters should begin later this week. To comply with the NRC's Certificate of Compliance for the canister design, the empty canisters are being assembled and stored on VY's existing ISFSI pad. VY expects to have 12 new canisters fully assembled within the next few weeks.

## ***Regional***

### **St. Lawrence Contract Negotiations**

- New York Power Authority has taken the position that renewable energy credits are outside the cost of service model and therefore NYPA has no obligation to provide RECs



without additional payment (which would not be counted as a revenue in the cost of service model). Several of the neighboring states have taken the position that they are willing to leave RECs out of the contract, with the idea that they can address the issue in the future. Currently, Vermont is the only state where the St. Lawrence RECs have value.

- With respect to NYPA's proposal to have an annual update of the monthly load factor for each customer and using this to help automate scheduling, VPPSA (which does the scheduling for Vermont) agrees that the NYPA's approach is likely to be more efficient in the long run. Several other states have expressed concern with the work associated with annual updates of load factors.

#### Transmission Owner Return on Equity Complaint

- FERC accepted a complaint that the return on equity of the Transmission Owners in New England is unjust and unreasonable. A settlement judge has been appointed to determine whether the case needs to be litigated. This is the fourth ROE complaint in the past 5-6 years and none have settled. The DPS is a party to the docket.

#### ***Public Advocacy***

##### VGS Rate and Alt Reg Filings – Docket Nos. 8710 & 8698

VGS filed rebuttal testimony opposing many of the Department's recommendations. VGS focused on the alt reg, prudence, and known and measurable recommendations. VGS added two additional witnesses – a construction management professional and a former Mass DPU chair. Staff is reviewing the testimony and filed initial discovery responses on Sept 30, asking for responses on Oct 7. Surrebuttal testimony is due on Oct 31.

##### Gilman Renewal Solar – Docket 8725

This docket concerns a landfill-sited 2.1 MW facility. PSD has not identified any issues of concern, with the possible exception of the adequacy of the decommissioning fund. While the amount of the proposed fund is consistent with those required for similar-sized facilities, ANR has questioned its adequacy in light of the special requirements for decommissioning a facility built on a landfill. The petitioner has circulated a proposed stipulation, which PSD does not intend to sign since it addresses only ANR issues and has some objectionable language. If the decommissioning issue can be resolved PSD will advise the PSB that it has no issues and does not request a hearing.

##### Coolidge Solar 20 MW facility in Ludlow - Docket 8685

The PSD requested a seven week extension to the schedule in order to allow sufficient time to review and analyze the changes to the project's economic analysis, and to explore replacement of the departing PERD director as a witness. Coolidge opposed PSD's request, stating the evidence has not dramatically changed and that a delay could threaten the commercial viability of the project. Petitioner responses to discovery are due by October 5<sup>th</sup>. If the schedule is not extended, non-petitioners are scheduled to file surrebuttal testimony on October 26<sup>th</sup>. In response to an internal inquiry, PA has indicated that we could live with a shorter extension if need be.



Otter Valley Solar in Pittsford – Docket 8770

The PSD participated in the September 29<sup>th</sup> public hearing and site visit. A representative of Vermonters for a Clean Environment attended and video-taped both proceedings. A single member of the public provided comments. Motions to intervene are due by October 6<sup>th</sup>. The PSD is preparing its first round of discovery, which is due to the petitioner on October 13<sup>th</sup>.

GMPSolar Panton – Supreme Court Docket 2016-283

The Supreme Court placed this appeal on waiting status and suspended the deadlines until the court issues a decision in *In re GMPSolar-Richmond, LLC*.

GMPSolar Hartford – Supreme Court Docket 2016-282

Allco motioned for an extension of time to file appellant's brief and printed case. The PSD consented to Allco's request. Thereafter, the Supreme Court placed this appeal on waiting status and suspended the deadlines until the court issues a decision in *In re GMPSolar-Richmond, LLC*.

GMPSolar Williamstown – Supreme Court Docket 2016-321

The Supreme Court notified parties that the record on appeal was completed on September 29, 2016, which would be the controlling date for computing the time for filing the printed case and the appellant's brief. Thereafter, the Supreme Court placed this appeal on waiting status and suspended the deadlines until the court issues a decision in *In re GMPSolar-Richmond, LLC*.

ER Thurston Farm Solar East 500 kW Solar Group Net-Metered Facility in Orange – Docket 16-0046-NMP

This Petition, filed 19 days late under Board Rule 5.110(C), raises a number of concerns, particularly regarding aesthetics. The Town, Regional Planning Commission, and adjoining landowners have not commented, perhaps because of the notice issue. This Project is located directly across the road from another identically sized Project issued a CPG last month. The Department filed a comment letter on October 4, 2016 recommending a site visit and further comment period.

Soveren, Inc. 500 kW Solar Group Net-Metered Facility in Westminster – Docket 16-0045-NMP

This Project is located immediately adjacent to another identically sized Project installed in 2013. The Department filed a comment letter on October 5, 2016 recommending Petitioner address the criteria for determining whether the facilities would be considered "one." Additionally, the Department requested Petitioner submit noise data as none was previously provided.

BHC Solar LLC – Docket 8692

Enforcement action to investigate false or misleading statements on the application for a 150kW net metered solar project in Vergennes, pertaining to the existence of Historic Sites adjacent to or near the proposed project. The Board issued a schedule in this matter on 9/28 setting out deadlines for discovery and the filing of testimony to occur over the next three months. The Board declined to require the respondent to file an admission of the underlying violation, proposing that the Department could elicit this information in discovery. Requiring the Department to elicit this information will not interfere significantly with the proceeding. We are researching legal issues relating to the transfer of liability between the former CPG holder and

the current CPG holder to try to determine if the agency relationship between developer and former CPG holder will be attributable to the current CPG holder. DPS discovery must be served by 10/21/16.

#### Next Generation 2.2 MW Solar -Field Days Road, New Haven – Docket 8523

The Board issued an Order on 9/23/16 requesting the Department to respond to comments made by adjoining landowners Rybka and Commins during the 8/17/16 oral argument on this matter. Those comments pertained to statements made by Commissioner Recchia at a public meeting on 8/5/16, about the Department's MOU in this docket. The Department's filing, due 10/10/16, will clarify that we stand behind the MOU, that it was proper and appropriate when entered into in November of 2015 and remains so today because it is based on a correct analysis of the law as applied to the facts. We will also note that the Commissioner's comments about the MOU being "a mistake" related to the timing of the MOU and were in reference to a recent policy change at the Department with respect to when to enter into Memoranda of Understanding in contested cases.

#### Triland Williamstown Solar Project-Docket 8666

Petition to construct a solar electric generation facility of up to 2.2 MW off George Road in Williamstown. On June 17, the Department and ANR jointly submitted a request to the Board to open an investigation into alleged pre-CPG activity at the Project site. The Board had taken no action on this request, but on September 28, the hearing officer requested that prior to October 19, the parties submit a status update and advise if ANR still thinks an investigation is warranted. Also on September 28, before we had seen the hearing officer's order, the Department met with ANR to discuss this docket, as well as several other dockets where pre-CPG activity appears imminent. The Department is planning to file a Motion with the Board requesting the issuance of an Order to Show Cause why this alleged conduct is not in violation of Section 248.

#### Vermont Electric Cooperative Request for Approval of a Special Contract with Steve Devost – Special Contract # 1015

The Board issued an order on September 28<sup>th</sup> approving VEC's special contract for a Clean Air Program Project with sugarmaker Steve Devost.

New England Power G-33 Line Refurbishment Project – Docket 7500 – NEP has filed with the Board a description of project changes it characterizes as "nonsubstantial changes." The Department has transmitted a number of questions to the company regarding its proposal, and is awaiting a final response. The Board has not established a deadline for comments.

#### Net Metering Rule – Blended Residential Rate – No Docket

Staff has calculated the statewide average residential rate and is preparing a filing to send to the Board by Oct 6. Utilities had asked about how to go about calculating the statewide rate. So DPS staff collected statewide rates and prepared a proposal for filing with the Board prior to the date that utilities need to file tariffs (Oct 15).

#### North Hartland Rule 4.100 PPA – Docket No. 8569

Briefing is completed in this proceeding, however a PFD is yet to be issued. North Hartland and GMP re-started settlement talks and reached an agreement in principle. They asked that the

Board stay deliberations for a couple weeks while details are worked out. DPS expressed no objections to this path.

#### Permanent Wind Noise Rulemaking – No Docket

The Department continues to work with its experts to develop a comprehensive, protective, and enforceable rule. The experts have submitted draft responses to some of the Board's questions appended to its notice of rulemaking. The Department should receive drafts of all supporting documents to the proposed rule by the end of this week. Proposed rules are due to the Board by October 24.

#### GMCW/McLane Icing Investigation – Docket 8734

The McLane's filed comments in response to the Hearing Officer's recommendation that the Board find that GMCW was in violation of the project winter operating protocol when the turbines operated under icing conditions in March. The McLane's argued that the scope of the investigation should also include consideration of their related noise complaint, and find that GMCW was in violation of the project CPG noise limits.

#### Sheffield/Brouha Noise Complaint – Docket 8653

The Department is working with its sound expert to develop sound monitoring and data analysis protocols to be used during the additional outdoor monitoring at the Brouha residence as ordered by the Hearing Officer. The Department must submit its proposed protocols to the other parties by October 12, in advance of a meeting of the parties' sound experts on or before October 21 to try and settle on acceptable protocols.

#### Swanton Wind – Docket 8816

The Board set a prehearing conference for October 12 in the § 248 proceeding. The Department is reviewing the project petition, but has identified issues related to at least the sound emissions from the project and Swanton Wind's request for approval of a 20 year PPA under the old Board Rule 4.100. The Department plans to move to dismiss Swanton's request for approval of the proposed PPA in Docket 8517, as the new Rule 4.100 requirements should appropriately apply to this project. The outcome of that motion will have a significant impact on the overall economic viability of the project and the Board's and parties' review of the Need and Economic Benefit 248 criteria.

#### VGS-Act 250 jurisdictional inquiry re: Vermont Gas's Addison Facilities-no docket

On August 15, Jim Dumont presented to the Rutland office of the Natural Resources Board a Request for a Jurisdiction Opinion regarding the necessity of a Land Use Permit for the Addison Natural Gas Project and/or portions thereof. The District Coordinator directed the Request to Vermont Gas, the Department, the Board and ANR. On September 20, the Department and VGS filed comments supporting the Board's jurisdiction; ANR and the Board did not submit comments. On October 3, Mr. Dumont submitted a Reply to VGS's comments (did not mention the Department's). His Reply asked the District Coordinator to issue a ruling on some of the facilities and indicated that he was going to file a petition with the Board asking it to reconsider the issue of its own jurisdiction with respect to the transmission portion of the Project.

#### VGS Addison Expansion –Notice of Probable Violations-Docket 8814

A NOPV regarding Vermont Gas's construction practices where electric transmission lines are present was transmitted to VGS on August 8. The NOPV alleges that Vermont Gas failed to follow its own Specifications in this regard. The NOPV requests, among other things, a civil penalty in the amount of \$150,000. Vermont Gas has submitted a preliminary response to the Board and a final response is due October 10. In the interim, Vermont Gas and the Department have been meeting to review our supporting evidence. It appears that Vermont Gas may be inclined to admit the violations in hopes of avoiding a hearing before the Board.

#### VGS-Petition for a Renewable Natural Gas Program and Optional Tariff-Docket 8667

A technical hearing was held on September 2. On September 30, CLF submitted a brief in support of a renewable content standard (RPS model), and VGS submitted, with the support of the Department, a brief in support of the Cow Power model which was in its petition. Lincoln Renewable did not submit a brief.

#### VGS-Town of Hinesburg condemnation-Docket 8643

This parcel is in a park owned by the Town. The Board issued an order on September 13 granting the condemnation petition, but significantly revising the requested Easement Deed based upon the Revised Stipulation with the Town and the live testimony at the technical hearing. The Resident Intervenors filed a Motion to Reconsider with the Board on September 27, together with a Notice of Appeal to the Supreme Court. Any comments on the Motion to Reconsider are due by October 11. VGS submitted its Response in opposition to the Motion on October 3 and the Town has advised that it will not be filing a Response to the Motion.

#### ***Telecommunications***

##### Connectivity Advisory Board:

The Connectivity Advisory Board meeting scheduled for September 29<sup>th</sup> was canceled and will be rescheduled for a later date. A member of the public constantly harasses the Board members. One Board member resigned last week and another Board member has indicated they will resign next week. It is proving difficult to find anyone willing to serve on this volunteer Board to replace departing Board members. This meeting was set for the board to provide its recommendation on the Connectivity Initiative Grant awards. The Connectivity Initiative is a grant program that aims to improve last mile residential and business broadband Internet connections. Internet service providers ("ISPs") were encouraged to apply for funds to serve eligible locations. An eligible location is defined as a residential or business location with a connection to the Internet of less than 4 megabits per-second downlink and one megabit per second uplink, also known as 4/1 Mbps. The Department determined the eligible locations from data provided by ISPs, and these locations are depicted on maps provided by the Department. Awards will be issued after the rescheduled meeting.

##### Southern Vermont Broadband Cooperative (SVBC) Connectivity Proposal

SVBC submitted a bid to serve the town of Readsboro. SVBC believes it will reach an estimated 70 locations and it has requested \$22,500 for the project. SVBC proposes to serve Readsboro by attaching two antennas to a facility on Crum Mountain and a microwave antenna on Florida Mountain. Of all of the proposals the Department has received, SVBC's proposals have the lowest cost per location. However, SVBC omitted financial information required by the RFP. Staff also have questions about the ability of SVBC to complete the project at the given price, as

there is no indication that SVBC has permission to be on the facility on Crum and Florida Mountains. Staff believe that, prior to providing an award to SVBC, the Division obtain some financial information from the company and obtain more details about the company's proposal. Staff have requested a conference call with the SVBC staff.

#### EDA Drawdown

In August staff submitted a disbursement request to the EDA for the CoverageCo project. In response the EDA asked the Department to certify that it collects all Davis-Bacon reports from the contractors on this project and makes them available to the EDA and Department of Labor. Staff have been seeking these reports from the contractor since the Department took over the VTA's operations. CoverageCo's subcontractor, EdgeConnex, reported last week that it had completed the overdue reports and will be sending them this week. Staff will not resend the disbursement request until it has all Davis Bacon reports on file.

#### Comcast Petition to Renew its Cable CPG (Docket 8301)

The Board has already held technical hearings and the parties have completed the initial round of post-hearing briefs. Reply briefs are due by October 7, 2016. The Department intends to submit a short reply brief that responds to Comcast's post-hearing brief and support the Department's request that the Board require that Comcast complete 550 miles of line extensions over the term of its renewed CPG. The Board also issued an order requesting that Comcast provide an explanation for a series of Dig Safe violations and advise the Board of measures that it has taken to fulfill its Dig Safe obligations in the future. Comcast is required to respond by October 20, and any additional comments are due by October 31, 2016.

#### FairPoint Petition to Investigate 5903 Service Metrics (Docket 8701)

FairPoint has petitioned the Board to allow it to modify its existing service quality metrics and reporting requirements. FairPoint is requesting that it be permitted to report on service quality only for addresses where its customers do not have access to an alternate landline provider. FairPoint is also requesting that the Board modify the troubles cleared metric so that it is measured at 48 hours instead of 24 hours. The Department served its first round of discovery on FairPoint on August 25, and FairPoint served its first set of responses on September 8. The data that FairPoint produced was incomplete and contained multiple flaws. Accordingly, the Department has requested an extension on the deadlines in the docket to allow FairPoint an opportunity to fix its data responses. The Department's first round of testimony will now be due on October 18.

#### DPS Petition to Investigate January 5, 2016 E-911 Network Disruption (Not yet docketed)

The Department filed a petition with the Board on September 26, 2016, requesting that the Board open an investigation into a FairPoint equipment failure which led to a disruption of delivering calls to the E-911 system. The E-911 Board is separately investigating two disruptions to 911 service that occurred in June and September, 2016. The Department is preparing an RFP for a technical expert, which will be posted by October 7, 2016.

#### Verizon § 248a Petition for new tower in Waterbury Center (Docket 8601)

Verizon has had an application pending since last October for the installation of a new tower on a parcel of land located adjacent to the Stowe-Waterbury town line. The application is opposed

by several groups of neighbors. The Town of Waterbury and ANR have also both intervened in the docket, and are seeking to have Verizon move the facility location. Attempts at a settlement for a change of the facility location have thus far failed. The Board is attempting to schedule a site visit for late October. ANR and the neighbor groups have sent notices of depositions for Verizon witnesses, which are to be held on October 5 and 7.

#### Petition to Amend Board Rule 3.706

The CLEC Association of New England (“CANNE”) filed a petition with the Board requesting that it amend Board Rule 3.706, which establishes a formula for rental rates for pole attachments. CANNE is requesting that the Board eliminate a portion of the rule that requires telecom providers to pay a rate higher than cable companies. CANNE would like all attaching entities to pay at the lower cable rate. The Department filed comments in response to the petition recommending that the Board modify the rule to establish a unified rate. The Department, however, recommended that the Board investigate whether it can modify the rule to be revenue neutral for the pole owning entities instead of simply moving all attaching entities to a lower rate. CANNE filed comments in opposition to the Department’s comments.

#### FCC Mobile Wireless Data

The FCC has posted maps to its website that depict coverage from mobile wireless data as of December 31, 2015. Generally the maps show that essentially all the state is within the area of projected coverage.

#### FirstNet

The FirstNet committee in New Hampshire has issued an RFP to develop a cost estimate to deploy a statewide wireless network that would be comparable to the network service to be offered by FirstNet. This has prompted the Vermont committee to consider whether a similar RFP would be worthwhile in Vermont as well.

#### Cable Convention

PSD staff attended a cable engineering convention in Philadelphia. Cisco demonstrated that a cable modem can achieve 4.5 Gbps using the forthcoming cable modem standard DOCSIS 3.1. PSD staff also identified industrial-quality weather-resistant cable modems that could be used at CoverageCo sites where frequent network outages are in part caused by the use of simple residential modems. PSD staff also viewed network devices that allow cable television operators to deploy fiber-to-the-home service using much of their existing infrastructure thereby minimizing investment.

#### CoverageCo Project

Vanu CoverageCo is a company who was awarded the VTA and EDA Resiliency Projects to provide cellular service in unserved areas of Vermont.

#### Project Activities

The Halifax Resiliency site requires servicing due to physical damage and we need Northern Reliability to analyze the current wiring and operation of their equipment to identify whether CoverageCo’s equipment is backup in the event of a power outage and if not what is required to

make the design compliant. A quote for the work has been received and we are scheduling for the work to be done soon.

Last week the department validated 3 sites which previously failed in testing. This proves out new software downloaded to all sites by CoverageCo to resolve a modem reset problem is working as planned. CoverageCo will now be able to spend less time in the field resetting sites and more time planning new ones.

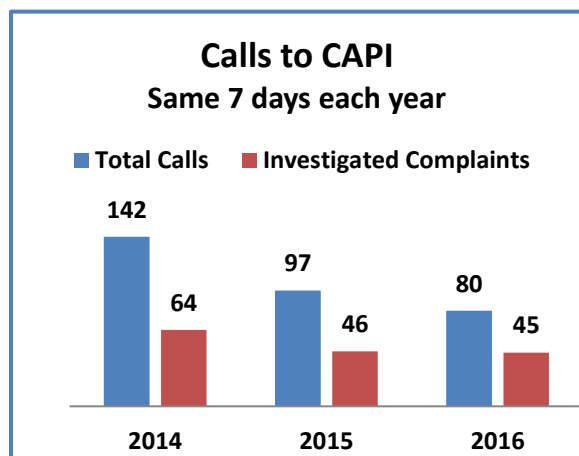
CoverageCo commissioned 2 new EDA sites last week. This brings the total EDA sites deployed to 48 sites out of 165 sites planned. There are 9 EDA sites now operating in the Woodstock and South Woodstock areas.

The department pushed CoverageCo last week to provide commissioning dates to 3 priority locations defined as Roxbury, Strafford, and the Huntington areas. As a result, the department learned Roxbury is planned for the week of 10/17, Strafford the week of 10/24, and Huntington area is still in the planning process currently at about 65 days.

### ***CAPI***

Report period for September 25 to October 1, 2016

Lifeline – CAPI and Telecom met with Board staff to discuss potential changes needed to comply with the FCC modernization order. Staff met with FairPoint representatives to discuss upcoming changes to the Lifeline program and follow up on some consumer issues.



**Privileged and Confidential**  
**Memorandum**

**To:** Peter E. Shumlin, Governor  
**From:** Hal Cohen, Secretary, Agency of Human Services  
**Re:** AHS Weekly Report  
**Date:** October 7, 2016

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**Secretary Update**

Last winter, DCF established warming shelters in a number of communities which significantly reduced the need for hotels and motels. In Burlington, COTS had provided approximately 45 beds and this year, they have declined to continue to operate a warming shelter. The Burlington community has stepped up and the plans for a warming shelter to open in November are moving forward. Under the direction of the Community Health Center, Safe Harbor Clinic, a Shelter Director has been hired and plans are falling into place. A steering committee made up of community partners has been formed, volunteers are being recruited through United Way and ANEW Place Shelter, staff are being sought and hired and our local ESD management team met with the shelter core team to discuss logistics, process and data collection. Members of the steering committee – in addition to the State and CHC – will include Howard Center, CVOEO, UVMCMC, Burlington Business Association, STEPSVT, City of Burlington, UWNWVT, CHT, Spectrum, COTS and BPD. It is exciting to see so many community members step up to get this off the ground and to commit to supplementing the budget provided by the State with local resources.

— Scott

Although Vermont has a relatively low recidivism rate in comparison to the rest of the nation (VT is approximately 40%), there is still a great deal of room for improvement. The Marble Valley Re-entry team in Rutland appears to be doing an exceptional job and the team has maintained over 80% of their previously incarcerated participants into the community, over a 30-month period. That's approximately 240 out of 300 individuals that have not returned to custody upon their release, with the benefit of comprehensive re-entry services. This has been due in large part, to collaboration efforts that engage intensive services prior to release, within the facility. The Re-entry team works closely to bring in several community providers and volunteers, including supports for those struggling with substance use. They also offer comprehensive information and resources, including classes and presentations that cover everything from parenting, to basic life skills. Partners including The Turning Point and West Ridge, offer early intervention, and services to transition into the community, including peer supports.

Much of my time this week has been spent on preparing our budgets across all the Departments, closing in on a 1115 Waiver Agreement and promoting the All Payer Model.



## **AHS Highlights:**

### **Vermont Department of Health (VDH):**

#### **VPMS Data Sharing with Three States**

The Vermont Prescription Monitoring System (VPMS) is now able to share information with all three bordering states (New Hampshire, New York and Massachusetts). The most recent connection has been with New Hampshire. This addition to the utilization of the VPMS strengthens Vermont's ability to identify individuals in need of intervention or treatment sooner.

#### **Community Meeting St. Albans Hub**

There was a community meeting on October 3rd at St. Albans City Hall to talk with interested community members about the progress in siting the new Hub. Barbara Cimaglio gave background information and Jason Goguen, BAART Regional Director, spoke about MAT Treatment and the progress of getting a location. There are two potential sites and they are working on getting both permitted. A final decision will be made based upon the extent of changes necessary to get them up and running. There was a very positive response from those present, and no negative comments were made. Many local leaders were present, including the mayor, hospital officials and state representatives.

#### **Heroin Advisory Posters**

The Vermont Department of Health has developed materials following the guidance provided in the health advisory issued in August ([Health Officials Warn Street Drug Users of Deadly Strain of Heroin](#)). The guidance is intended for heroin users, and advises to stay alive: don't use alone, don't mix with substances, and reduce the amount used – fentanyl can be mixed with heroin and it is up to 50 times stronger than heroin. The materials also encourage those that are using heroin to seek help by calling 2-1-1 to find treatment in their area. The materials, including posters and business card sized take-aways, are being distributed to the District Offices and partner agencies around the state who are interacting with folks who are at risk, with an ask to strategically post them in visible locations to help protect the people we serve.

### **Department of Mental Health (DMH):**

#### **Vermont Psychiatric Care Hospital**

VPCH census has been at 25 all week including 2 admissions and discharges this week. The Electronic Health Record went live this Monday morning as scheduled with no major issues emerging impacting staff users or patient care. The vendor has 15 staff on site for two weeks assisting VPCH staff users in adjusting to new system requirements and any problem resolution of workflow issues that may come up during implementation. The extensive planning that went into EHR development and deployment has gone very well. Both VPCH and IT staff deserve credit for their strong collaboration and professionalism throughout this initiative.

#### **Emergency Departments**

This week saw 18 people in need of inpatient psychiatric hospitalization, including 4 court orders. 13 individuals have been admitted. There remain 2 involuntary adults waiting for inpatient placement, one of the two is not yet medically cleared and the other should be placed today. There are 2 current court ordered evaluations delayed for admission with the longest currently waiting less than 48 hours. One of the two is likely to be admitted later today and the other likely on Monday pending planned discharges. There is one involuntary child who is waiting for placement and has been waiting less than 24 hours. All adults and children presenting for voluntary hospitalization have been admitted.

The overall occupancy rate in the adult inpatient system of care has been averaging 96% occupancy, while the child and adolescent inpatient system of care has had an average occupancy of 94%.

**Department of Corrections (DOC):**

**Vivitrol to be given for the first time**

**Barring unforeseen circumstances, this week Vivitrol will be given to an inmate for the first time.** The inmate's mother contacted Commissioner Menard to ask if her son could be in the program. Staff spoke with the inmate and he indicated willingness. All other criteria were met. He will be released to the community shortly after the medication is administered. His community treatment supports are in place.

**Meeting with St. Johnsbury Regarding the Facility**

Commissioner Menard, Financial Director, Matt D'agastino and Superintendent, Al Cormier, met with Chad Whitehead, town manager, and select board members Jamie Murphy and Jeff Moore. I began by letting them know that we needed to bring the negotiations to a close by the end of the month. They indicated a desire to reach agreement but felt that what had originally been agreed to was changed and that they had bargained in good faith and held public meetings with the town based on what they thought was originally agreed to. I explained that the recent draft I sent them did reflect the original agreement but was also forward looking so that they and the next administration were not in the same position in 2 or 3 years. I talked a little about what future populations could be. They expressed renewed concern about the 30K not being in the draft agreement and read from the letter sent to them and signed by Chairs Kitchell, Flory and Emmons indicating it was the legislature's intent that this payment be included. DOC agreed to draft new language for them to consider that would indicate an acknowledgment by both parties that in order for the facility to remain viable, additional populations could need to be considered. It would further reflect that the DOC would meet with the town prior to moving in inmates beyond the originally agreed upon categories. Given the need to resolve this we agreed to send them draft language electronically by Friday. It makes some sense to use the 30k as an incentive to allow us to fill 2 vacant beds on the camp side now with some of the originally agreed upon populations as it would offset the cost of an out of state inmate.

**NACA Annual Business Meeting**

Commissioner Menard is hosting the annual business meeting of the Northeast Area Correctional Administrators (NACA) 10/7/16-10/9/16. The meeting will also include a round table discussion by the commissioners that will include current issues such as hepatitis c treatment, restrictive housing and alternatives to incarceration. We have also scheduled guest speakers on the topics of segregation use for mentally ill offenders and secondary trauma and staff resilience.

**Population**

The Department's incarcerated population averaged **1800** for the previous week. Last year at this time, the average was **-14** under the current number.

The Department's incarcerated male population averaged **1640** for the previous week. Last year at this time, the average was **+14** over the current number.

The Department's incarcerated female population averaged **160** for the previous week. Last year at this time, the average was **-15** under the current number.

The Department's overall detainer population averaged 457 for the previous week. Last year at this time, the average was -66 under the current number.

The out of state population is currently at 251. Last year at this time, the out of state population was +27 over the current number.

### **Department of Disabilities Aging and Independent Living (DAIL):**

#### **Vermont Ranked #2 in the Nation**

Every year since 2006, United Cerebral Palsy (UCP) issues *The Case for Inclusion*, an annual ranking of how well states serve Americans with intellectual and developmental disabilities and their families. It looks for states to demonstrate political will, sound policies and focused funding and ranks on the basis of outcomes vs the rate of spending. In 2015, Vermont was ranked 21st in the nation; in 2016, Vermont has made a huge leap to be ranked 2nd. We are extremely proud of DAIL staff, our vibrant stakeholder community and the committed administration for its work on behalf of individuals with disabilities and we celebrate this significant accomplishment.

#### **Consumer Concern and DAIL Response**

Wallace Nolen is an individual who receives services through the Choices for Care program in DAIL. He has had a fair number of appeals through DAIL in relations to services, level of service, denials of services. Currently, he has a number of appeals pending at DAIL and/or with the Human Services Board. DAIL recently held a hearing to consider two appeals involving Mr. Nolen and the Southwestern Vermont Council on Aging (SVCOA). One of the two current appeals concerned SVCOA's recent decision to terminate his case management services due to his verbal abuse and threats. DAIL is notifying Mr. Nolen this week that both of his appeals are being denied. Where the termination is concerned, the CFC manual allows a provider to terminate services if there is a dangerous environment placing staff at risk of physical harm. While Mr. Nolen's conduct has consisted of verbal abuse and threats of lawsuits, he has stated to staff that he knows where they live and that he will show up at their homes with protesters, has physically barged into a staff's office despite being told that the person was not available and has stated to a case manager that he would go to a veterinarian's office and threaten them with a gun over an issue with an invoice. While DAIL recognizes that people have the right to complain and file law suits, the incidents cited here demonstrate an escalation of his behavior and present a potential risk of physical harm. Mr. Nolen will have the opportunity to appeal DAIL's decision to the Human Services Board and will be entitled to continuing benefits during this time. DAIL anticipates upon receipt of its decision that Mr. Nolen may be in contact with any number of State agencies, including the Agency of Human Services and the Governor's Office.

### **Department for Children and Families (DCF):**

#### **Act 166 Update**

The Child Development Division (CDD) continues to receive and process fingerprint results for prequalified prekindergarten programs and staff. To date, CDD has received 1,068 fingerprint results from the Vermont Crime Information Center (VCIC) and has completed clearances for approximately 735 individual staff of these programs. CDD is utilizing multiple temp employees to meet the demands of the Act 166 background check process and one temp has been hired specifically to send clearance verification letters to respective Superintendents according to the list of contracted programs provided

to CDD by Superintendents. Verification letters are being sent this week and will continue on a rolling basis as fingerprint results are received. Of the total 224 private prequalified prekindergarten programs, approximately 100 programs have at least some staff who have been cleared by CDD and letters sent to Superintendents.

#### Office of Child Support Recognized Nationally for its Domestic Violence Training

The new Office of Child Support (OCS) Director, Robin Arnell, has made family violence awareness a top priority and it's being recognized on a national level. Vermont's OCS is participating in the Behavioral Interventions for Child Support Services Grant which will improve resolution meetings with families. Arnell brought a well-known trainer with a wealth of experience in family violence collaborations. His multi-faceted workshop including an activity that put staff in the abuse survivor role. This has led to OCS expanding their family violence protocols and launching an internal Family Violence Task Force that will collaborate with regional family violence programs to keep up with best practices and local issues. The national Office of Child Support is publishing an article in their national newsletter highlighting Vermont's OCS Director's accomplishments with family violence work.

#### Department of Vermont Health Access (DVHA):

##### APM/ACO

Sent final draft to OneCare on Friday, September 30. A meeting is scheduled for October 12 between the parties to finalize. We have challenges to get to a final provider number and attribution number. These determinations affect APBP.

A detailed description of the agreed upon financial terms was developed and sent to OneCare on Monday for review. Late last week OneCare requested that DVHA create and provide data files that include several years of historical claims expense and attributed lives. OneCare indicated they were going to use the data to develop fiscal analyses that can be shared with specific providers. These files were provided to OneCare on Tuesday morning.

#### Vermont Health Connect

##### Open Enrollment

VHC's testing teams have been working closely with their carrier and payment processing partners and, thanks to the fact that there were no major system deployments this summer or fall, are well ahead of where they were last year. In addition, qualified health plan-related data quality issues have been reduced by more than 80 percent in September and fewer than 100 households with an active QHP are awaiting change requests. Progress in these two areas bode well for a much-improved automated renewal process.

We expect to meet the goal of renewing customers into their 2017 health plans by December 15th. If the customer decides to change plans, they will be able to so through January 31<sup>st</sup> (with an effective date of February or March if they make their request after December 15<sup>th</sup>). If they are happy with their current plan, they don't have to do anything other than continue to pay their bill.

Existing QHP customers should expect to get their renewal notice during the third week of October. This notice will explain the steps they can take when Open Enrollment begins.

Self-service renewal and change functionality is also available to Vermonters. Vermont Health Connect is contacting customers who don't have online accounts, as well as those with expiring passwords, to let them know that this option exists.

#### Customer Support Center

Starting September 23<sup>rd</sup>, Maximus has regularly had periods of time where idle representatives sat waiting for incoming calls so that they could pick up the phone on the first ring – a situation that had been very rare since the beginning of summer. Overall, Maximus answered two-thirds of calls within 24 seconds last week (week of 9/26) and could hit their SLA target of three-quarters of calls with 24 seconds this week (week of 10/3).

Another positive to report is that Vermont Health Connect's improved system has allowed Tier 1 customer service representatives at Maximus to resolve a higher percentage of calls on the phone without transferring to Tier 2 eligibility staff, providing faster service. In September, only 7.6% of calls needed to be transferred to Tier 2. Once Maximus returns to consistently hitting their prescribed SLAs, as they did reliably for most of 2015, we expect their use of the improved system to result in a better customer service experience for callers.

#### **Other items for consideration:**

##### **Agency of Human Services Central Office (AHS CO):**

##### Bennington District Bed Bug Task Force forms

Bed bugs have become a problem again in the Bennington District. A team, including private housing provider and human services representatives, met to discuss the issue and how we might address it on a community-wide level. As a first step, the group is organizing an information and Q&A session in early November. We hope to have panelists from the Department of Health, Legal Aid, and the Town administration. One issue that the group identified to examine at a future meeting is how to work with rental companies who are giving customers infected furniture.

##### AHS Strategic Plan shared with Brattleboro District Leaders

Dru Roessle, from AHS Central Office, attended the Brattleboro District Leadership Team. The group includes executive officers and their representatives from a variety of health and human services agencies in the district, as well as the AHS district leaders. Dru talked about the One Agency Plan's formation and structure. The group then discussed how local work relates to the plan and how we might interact with the plan in the future.

##### Addison County Warming Shelter Expands Hours for Day Station

The Charter House Warming Shelter will be opening Oct. 15<sup>th</sup>, And will begin accepting inquiries as of Oct. 1<sup>st</sup>. Plans include the expansion of hours to accommodate a day Station from 12:30 – 5:00 PM every day. The Charter House Coalition has expanded its capacity through strategic funding and utilization of community volunteers through the United Way. Plans include expanding resources by embedding housing support staff from community partner HOPE and utilizing volunteers to assist with screening for basic needs.

##### Responses to Family Supportive Housing Request for Proposals

In response to a targeted, two-county, Request for Proposals issued in September, AHS received multiple proposals from Washington County and none from Bennington. One Washington County proposal was particularly strong, demonstrating a degree of partnership between service provider and

housing provider – as well as community support – which are unprecedented. In this instance, the housing partner has identified rental units from their portfolio and is modifying their tenant application process to prioritize families that are homeless. This proposal was further strengthened by a pledge from a philanthropic donor who will personally donate and subsidize three additional units. The review committee was pleased to approve this proposal on Monday. Because there is such strong demand for a Family Supportive Housing partnership in Bennington, we reached out personally to service and housing partners there this week and re-issued an RFP to the county on Thursday morning.

**Vermont Department of Health (VDH):**  
**Supreme Court Cancer Concerns**

*— Trey*

The Health Department is investigating the Supreme Court's basement office space after several Building Related Incident Notifications (BRIN's) were received by BGS with concerns focusing on what employees believed to be an elevated cancer rate. The investigation plan includes a building walkthrough by the Health Department's Industrial Hygienist, consultation with current staff, radon testing, a review of cancer registry data and collaboration with BGS industrial hygienists and facility managers. An acute health risk has not been identified and immediate relocation is not thought to be necessary. Upon completion of the investigation, the Health Department will make recommendations for improving the basement office space and a report will be shared with the affected employees.

**National Researcher to Evaluate Vermont's Hub and Spoke**

*— Sue*

ADAP has partnered with a nationally known substance abuse researcher, Richard Rawson, PhD, to perform an evaluation of the Hub and Spoke system of care. Over the next year, Dr. Rawson will be collecting and summarizing data to assess the impact of clinical care provided in the system and to determine patient and family perceptions of the hubs and spokes. Data collection is expected to begin in December 2016 and the final report is scheduled to be completed January 2018.

**Prescriber-Pharmacist Dialogue Nights**

A Prescriber-Pharmacist Dialogue Night took place at Brattleboro Memorial Hospital (BMH) on September 28. The purpose of these dialogues is to improve collaboration and communication in addressing prescription narcotic misuse and diversion. The resulting connections can also help the two professions work together on other patient care improvements and chronic disease management.

**Department of Mental Health (DMH):**  
**Wait Trends and Kuligowski Decision**

Despite recent Supreme Court clarifications that came out in late September that attempted to narrow the majority justices' opinion on training, education, and information sharing with "caretakers" for individuals discharged from psychiatric inpatient care to the community, the upward trend in involuntary emergency examinations and court orders continues. DMH statisticians are indicating the April-June quarter was the highest seen for involuntary inpatient care at 86% of the 164 emergency examinations and warrants during that period. The subsequent partial quarter of July and August, with September numbers still being finalized, will likely exceed the previous quarter. Inpatient trends remain steady, while diversion of individuals from hospitalization through crisis bed programs is trending downward indicating less use of this voluntary care alternative. Capacity to step individuals down from inpatient care who either no longer need inpatient care but are unwilling to engage in voluntary services or could be safely diverted to voluntary programs for further stabilization are the ongoing bottleneck issues impacting access from Emergency Departments. While the immediate demand for beds could easily lead to calls for inpatient bed capacity, the real gap is a limited number of step down options. Currently, with the exception of the seven beds in Middlesex, all other



community programs are completely voluntary. Both inpatient and community providers see this gap in service as a risk management issue for this group of individuals who will not engage in services. DMH is reaching out to the Vermont Association of Hospitals and Health Systems (VAHHS) and inpatient facility legal counsels, DA's, and legal advocates to develop strategy and potential legislation in anticipation of the upcoming legislative session.

### **Department of Corrections (DOC):**

#### **Video Arraignments**

Commissioner Menard met with Judge Grearson, Executive Director of State attorneys and Sheriff's, John Campbell as well as a representative of the Defender General's office to discuss expanding video arraignment. This technology is currently used at the Chittenden Facility. Next on-line will be at the Northwest facility then the Marble Valley facility in Rutland. While adequate space has been an issue the DOC is committed to the collaboration. In addition to potentially reducing the Sheriff's transport costs it may also reduce contraband introduction and other safety concerns by reducing the traffic in and out of facilities.

### **Department of Disabilities, Aging and Independent Living (DAIL):**

#### **DAIL Consultation with Dept of Financial Regulation**

Commissioner Pieciak contacted DAIL to alert us to their intent to file new regulations related to financial security, exploitation of Vermont's seniors and mandatory reporting by financial professionals and to ensure DAIL support of the regulations as written. Upon review of the new regulations, DAIL is fully in support of the intent and approach and believe that it aligns with DAIL's current structure for reporting and penalties for not reporting. It is possible that the promulgation of these new regulations will lead to increases in reporting: that would be good for Vermonters but may present a potential resource issue for DAIL.

#### **Vermont Health Care Association Quality Awards**

The DAIL Commissioner had the opportunity to attend the VHCA conference to deliver 5 Quality Incentive Awards to Nursing Homes who had met all the quality standards for the year. The following organizations received awards for this year: Bel-Aire Quality Center; Cedar Hill Health Care Center; Derby Green Nursing Home; Franklin County Rehab Center; Vernon Green Nursing Home. We also offered an honorable mention to Mayo HealthCare for meeting the standards but being eliminated from the running based on daily cost.

### **Department for Children and Families (DCF):**

#### **OEO Administrator Participates in National Performance Management Workgroup**

Sarah Phillips, Chief Administrator of the Office of Economic Opportunity, was one of four state Community Services Block Grant (CSBG) agency administrators to be invited to and attend a national convening of 25 practitioners on performance management in the Community Action Network in late September. The convening included staff from the federal Office of Community Services (OCS), including Director Chaffin. The group's main task was to review concerns raised by comments made on a new state CSBG report, which includes significant changes in national performance measures for Community Action Agencies. The group also provided recommended solutions for OCS to consider in revising the annual report prior to its final release. The new performance measures and state plan are expected to greatly enhance ongoing performance management in the Community Action Network.

### Elephant in the Field Day Care Update

Earlier this week, the Child Development Division (CDD) received verbal confirmation from Ms. Tucker-Fishman's attorney that Ms. Tucker-Fishman is no longer contesting the intent to revoke her child care license and agreed to withdraw her appeal to the Human Services Board (HSB). Upon receipt of the notice of withdrawal from the HSB, CDD will proceed with finalizing the child care license revocation in Bright Futures Information System (BFIS). This will finalize the licensing violations cited as a result of the initial site visit in February. Once this process is completed, public query of BFIS will show Ms. Tucker-Fishman's licensing history within Vermont to including her "revocation."

### Family Services' Transportation RFP

The Family Service Division (FSD) will be issuing an RFP for Safety-Enhanced Transportation Services in an effort to reduce the number of youth transported by county sheriff's departments. Currently FSD provides non-secure transportation through a number of providers and secure transportation through sheriffs' departments. The plan is to establish a state-wide transportation service that provides a driver and an additional person to supervise the youth when needed. In addition, safety modifications for the vehicle will include a plexi-glass partition between the front and back seat; and safety locks on the doors to prevent youth from opening the doors in transit. This service will allow FSD to provide transportation in the least restrictive manner possible, will respect the privacy of the youth and reduce the physical and psychology trauma of a secure transport. The RFP will be posted to the State's Bulletin Board by October 7, 2016 with an anticipated start date of the new service on January 1, 2017.

### **Department of Vermont Health Access (DVHA):**

#### Audits

KPMG 2016 A133 Single Audit - Medicaid Audit ongoing

KPMG 2016 SIM - audit fieldwork wrapping up

KPMG 2016 CAFR audit in progress

SSG Legislative VHC Assessment Review- requests for information and interviews with staff ongoing

VITL Report went public 10/3/16

OIG Part II VHC Cost Allocation Report finalized. Went public last week. Know known requests for local press coverage

#### Budget

On October 10 we are presenting to AHS our legislative proposals for the coming session. DVHA has 10.

#### Hot topics


Hospital Appellants tax case was filed with the Vermont Supreme Court after Superior court affirmed Commission Costantino's decision of January, 2016.





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**CONFIDENTIAL AND PRIVILEGED  
MEMORANDUM**

TO: Governor Peter Shumlin   
FROM: Rebecca Holcombe, Secretary, Agency of Education  
SUBJECT: AOE Weekly Report  
DATE: October 7, 2016

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***Vermont Business Roundtable (VBR)***

The VBR has asked me to collaborate on developing and identifying a candidate for an award for systems leader who has distinguished self/demonstrated courage in moving a system towards the goals of Act 46.

***Vendor Problem – Data Breach***

We learned late Monday via email from a Vermont educator that personal information (including social security numbers) from three other educators' files had shown up in her account on our online licensing system (ALiS), which is a product provided and supported by the Aithent Corporation. By 7:00a.m. Tuesday morning we had verified the educator's concern and contacted Aithent via email (vendor time difference 3 hours). Two application types were affected: Peer Review and Transcript Review specific module application checklist uploads. The three educators whose files were displayed in another educator's account were notified via email of the situation and asked to contact the Education Quality Director with questions. As of Thursday morning there has been no response from these educators. The educator who notified us of the breach was contacted by phone in the evening to update her on the situation and resolution plan. As of Wednesday morning all documents have been removed by the vendor and will be reloaded once the diagnostics and fix is complete. In a phone conference with the vendor at 7:30 a.m. we were updated on the following:

- Potential 600 educators may have been impacted
- Initial diagnostics shows files from the transcript review checklist uploads were being drawn to the peer review checklist uploads
- Anticipated resolution by October 12, 2016
- Both application processes have been "closed" until resolution – educators/applicants will not be able to access their accounts or apply for a new application
- Vendor currently working with their legal team regarding their contractual obligations for notification of "customers"

Our Director of Educator Quality has scheduled phone check-ins daily with vendor for updates.

### ***Every Student Succeeds Act (ESSA)***

The ESSA team has been busy working on the ESSA state plan which we intend to have finished by early December. We post the decisions that we make on our website here:

<http://education.vermont.gov/vermont-schools/education-laws/essa/decisions-incorporated-into-state-plan> . If you would like a personal briefing, this can be arranged through Maureen (479-1060).

Recent decisions include:

- Recommitting to the English, Math and Science standards and assessments selected by the Vermont Board of Education.
- Adopting Education Quality Standards as adopted by the State Board of Education as our definition of a “well-rounded education” for federal purposes.
- Maintaining the greatest flexibility for schools to use of federal funds across different functions.
- Including the Act 166 definition of PreK as our federal definition.
- Maintaining current efforts to document that our most vulnerable youth are taught by equally prepared and effective educators and to hold teachers to the high standards established by the Vermont Standards Board for Professional Educators.
- Determining to operate within current capacity by forgoing an unfunded project, utilizing the Vermont Snapshot under development for Education Quality Reviews to also meet federal report card requirements, and adding the duties of the required Ombudsman to current staff.

### ***New Skills for Youth (NSFY)***

The Phase II NSFY grant application is due today. This project will be for three years; will focus on (1) building a cross-sector statewide career advising system with integrated components from business/industry, Education (leveraging both the CTE and PLP process), Labor, Commerce, VSC/UVM, and VSAC. AOE will fund a Career Pathways coordinator position and the bulk of funds will go to a contracted vendor/set of vendors who will help build out set of statewide Programs of Study, along with associated career pathways, for each of the six CEDS sectors.

### ***Act 77 – Dual Enrollment and Early College***

Deputy Secretary Bouchey has been working with VSC, UVM, VSAC, VPA, VSBA and others on a shared statement in support of Act 77 for the new legislature.

### ***Blue Ribbon Commission***

I am worried about the report of this group, which I believe may be damaging to the goal of supporting access to high quality childcare and which I believe will be used to diminish the Administration’s efforts to advance this goal. The estimated costs are extraordinary, and don’t allow for any reconsideration of mode of delivery. I don’t have time today to draft a full summary of concerns, but will do so this weekend.

*Pepper*

### **Meetings**

- FAFSA Kick-Off Event and “Fall into FAFSA” month
- VT Higher Ed Collaborative regarding efforts to develop quality early childhood educators
- VSA Trustees
- Interviewed by a research project out of Stanford focused on State Accountability Policy Design (one of five state systems being studied)

## **Media Contacts:**

**Howard Weiss-Tisman, VPR:** Howard asked if the SBE rejected the Act 46 plan from Windham Southwest. Donna explained the proposal was not rejected and has yet to be presented to the Board. She explained the process of draft proposals getting sent to the AOE for review and analysis to address any issues or concerns before it goes to the Board. This usually happens 2-3 times.

**Alexander Merseal, Washington Central SU:** Alex, a student at Washington Central, was working on a story about bullying for his high school newspaper. Haley referred him to the website for information about the Hazing, Harassment and Bullying Advisory council and suggested he talk to administrators in his school about what they are doing at a local level.

**Molly Walsh, Seven Days:** Molly asked if the AOE has any estimate on the number of transgender students in Vermont schools. Haley explained this is not something the AOE currently tracks and referred Molly to the Vermont Department of Health.

**Mike Faher, VTDigger:** Mike asked about the SBE rejecting the Act 46 proposal from Windham Southwest. Haley sent him the response Donna had crafted for the Deerfield Valley News and VPR, explaining that it was not rejected and has yet to go to the Board.

**Tiffany Pache, VTDigger:** Tiffany asked if students at Hanover High School take the SBACs. Haley explained that they are a New Hampshire school following New Hampshire laws. High school students take the SAT there. She also asked for information on school improvement steps and corrective action steps. Haley contacted Josh Souliere for more information. She later asked for more basic information about the SBACs. Haley referred her to the press release. Michael Hock answered questions about why the state wants three years of data before making comparisons. She later contacted Donna for information about a letter sent from legislators to Stephan Morse and Secretary Holcombe about Act 46.

**Executive Privilege**

**TO: Governor Peter Shumlin**  
**FROM: Secretary Chris Cole**  
**DATE: Friday, October 7, 2016**  
**SUBJECT: VTrans - Confidential Report to the Governor**

**NOTES FOR GOVERNOR**

**Build Vermont Pathway**

Tricia Coates and I sat together on a commuter bus several months ago and talked about how our two organizations could work better together to support each other's missions and leverage the existing relationship we had into a more robust partnership that highlighted how Vermont's kids in middle school and high school could see their future enhanced by attending a State College and then working at VTrans or the private transportation sector. This concept, which builds on what we are currently doing, formalizes the existing relationship, brands the effort and markets the benefits to young Vermonters of a State College education is called the Build Vermont Pathway.

Next month VTrans and the Vermont State Colleges (VSC) are launching **Build Vermont Pathway**, a collaboration designed to brand VTrans as an employer of choice with VSC students, and to best prepare Vermont's future workforce to meet projected job shortages in the public and private sectors, including the following in-demand careers:

- Aviation
- Civil and Environmental Engineering
- Diesel and Automotive Technology
- Construction Management
- Business
- Information Technology

The **Pathway** is being designed with multiple points of entry (on ramps) and the flexibility to accommodate a diverse range of students, from traditional high school graduates to career changers to veterans looking to translate their service experience into a new career. One of the primary goals of this new initiative for VTrans is to engage VSC students early and often with exposure to transportation careers and concepts through experiential learning and hands on experience. For example, VTrans engineers will be connecting with the Civil and Environmental Engineering students at Vermont Technical College (VTC) throughout the 2016 – 2017 school year through a variety of activities, including the following:

- VTrans engineers are making frequent classroom visits to provide presentations on a wide range of topics (Engineering Ethics, Wildlife Corridors, Park and Ride Design, etc.) and to work with the students on an engineering design challenge;
- VTC students are accompanying VTrans staff on field trips/site visits to VTrans construction projects;
- VTrans Hiring Managers will be conducting a day of interviews at VTC in early December to line up summer interns who will be hired to work in a wide variety of VTrans Sections, including Construction, Materials, Environmental, Structures, and Asset Management.

Other strategies the **Pathway** will be using during its inaugural year to provide broad outreach to high school and tech school students include job shadowing opportunities, Try a Career Day, a Bridge Building competition, STEM-based summer camps, and participation in the Women Can Do conference.

We want to have a press conference in early December with the Governor, Chancellor of the State Colleges, Jeb Spaulding, the President of the Vermont Technical College, Pat Moulton and me, to announce this new partnership and highlight the Pathway to getting a college education, how that translates into a job building Vermont and how this program will keep Vermont kids in Vermont.

~ Scott

### **Signs in Swanton/Highgate**

The Town of Swanton has requested an electronic sign on their town green. VTrans staff initially told them it wasn't possible; I was able to figure out a way that it is possible but in the initial email request to me from Representative Gamache, she included a video of the Town of Highgate's electronic sign which showed the message changed every 15 seconds. The Attorney General's office has previously ruled that an electronic sign cannot change sooner than every 15 minutes. I spoke to the two Chairs of the Transportation Committees about this issue and reiterated the need for them to take up amendments to the sign law. They seemed more receptive to the idea this time around as I indicated I would hold off on enforcement actions until they had time to weigh in on the issue.

### **NOTES FOR STAFF**

#### **Missisquoi Bay Causeway Scoping Report**

Completed the draft report to address comments from ANR and Northwest RPC staff. Northwest RPC will be sending the draft report to its Transportation Advisory Committee (TAC) members this week, so the report will be public at that point. VTrans will be providing a presentation to Northwest RPC TAC on October 13. VTrans planning staff met with staff from the DEC water quality division and Fish & Wildlife to prepare for October 13 meeting.

### **US 2/US 7 at Mountainview Drive (Costco, Colchester)**

On September 22 a meeting was held at VTrans which included representatives from Costco; their consultant, Trudell Consulting; the Town of Colchester; and VTrans personnel. During the meeting it was decided that Costco will continue to pursue the lane widening and signal timing of Lower Mountain Road and US 7 ahead of the Colchester HES NH 5600 (14) project. Costco's Act 250 permit indicates that the gas pumps cannot be built until either the intersection has been reconstructed by Costco or the VTrans project clears all of its legal hurdles and is constructed. Maplefield's is appealing VTrans' stormwater permit issued by DEC to slow down our project to keep Costco from building their project even though they received their Act 250 permit.

Costco and the Town of Colchester are in favor of this work going ahead of the VTrans project but there are two issues with this approach:

- 1) If the intersection is pulled from the VTrans project, it will be challenging, if not impossible, for Costco to get a stormwater permit as our stormwater permit, which is being appealed, used site balancing to achieve the stormwater compliance. There are little to no opportunities for Costco to treat stormwater if the intersection is pulled out of the main project; and
- 2) Condemnation needs to occur because the property owners on Lower Mountain Drive, including Maplefield's who have an easement, would have to give up their property in negotiation to Costco which is not likely to occur. By pulling the intersection out of the project to facilitate the development of Costco, the Town of Colchester runs the risk of being sued by Maplefield's of exceeding their municipal authority in publicly condemning land for a private developer.

Costco wants to advance the project as does the Town of Colchester. The open questions for now are: Is the Town of Colchester willing to slug it out in court with Vallee and how does Costco get a stormwater permit?

### **Autonomous Vehicles Federal Policy**

VTrans policy and planning staff completed a review of the draft federal policy which includes a model state policy. Policy and Planning staff then met with the Vermont Highway Safety Alliance Board to discuss general approach to implementing the policy. Legislative Counsel have indicated a desire to explore some of the Legislative concepts in the USDOT model policy so we are preparing for Legislative action on this topic.

### **Vegetation Management Plan**

VTrans Policy and Planning and Maintenance and Operations staff started discussions about the purpose and approach to the plan, and roles and responsibilities. PPAID will manage the project with consultant assistance, organize and help facilitate the stakeholder group, and outreach and generally "keep us organized and on schedule". The plan will establish the purpose of vegetation and forest management related to the roadway ROW and develop general policies that will guide decisions about practices and public outreach for different vegetation management activities.

## **Construction**

- We have 40 active work zones: 17 bridge, 4 safety, 13 paving, 2 reclaim, 3 roadway and 1 rail. We anticipate 90 contracts active this year.
- Heads up on the centerline rumble stripes for the VT 113 paving project; apparently the stripes were installed without considering the latest guidance on placement in front of homes. This has the potential to gain some attention as reports from the field suggest the clientele living within the limits of this contract are attentive and persistent. We are reaching out to Representative Masland before he reaches out to us. The Chief Engineer is also conducting an after-action meeting to discuss how it happened and the procedures that will be deployed to ensure it doesn't happen again.
- This weekend is the Columbus Day Holiday that is no longer a holiday in the eyes of State Employees. Since that is the case, the members of the Specification Committee applied this knowledge to the General Special Provisions of our contracts and removed Columbus Day from the list of holidays on which work cannot be performed. This means that in several of our contracts, the contractor is allowed to work all day Friday and Monday. The holiday designation requires the contractor to be off the road by noon Friday and not return until Tuesday morning. Our Construction Director, David Hoyne, has directed staff to kick the contractor off the road if their activities impede traffic beyond what we would consider to be acceptable regardless of the contract language. This has the potential to generate some feedback from the public and the contractors – a self-inflicted wound, but one that will be rectified so it doesn't occur next year.
- The Waterbury off-ramp bridge is scheduled to open October 13 or 14. Please let me know if you want to use this opening to highlight the Administration's achievements for the last 6 years. There's lots to be proud of in how we have improved the condition of our transportation assets.
- We have approximately 70,000 tons of pavement still to place this season. That is a fair amount and will be weather dependent; this does not account for the private or town work. Our sense is that the paving firms are very busy right now trying to pull all the work together so let's hope the good weather holds a bit longer.

## **Derby Line – Port of Entry (POE)**

VTrans staff completed and submitted their review of traffic control plans presented by the GSA contractors for the Derby Line POE. Staff also shared concerns and visuals received from Quebec and communicated that an on-site meeting with all parties, VTrans, GSA/contractor, CBP, MTQ and CBSA. In person meetings are the preferred approach to resolving the current challenges the Traffic Control Plan presents to maintaining safe and efficient flows down A-55 and to/through the port during the 21 months anticipated for construction. Deputy Secretary Tetreault has offered to attend and assist at on-site meetings as necessary.

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Deborah L. Markowitz  
Agency Secretary

Trey Martin  
Deputy Secretary

**State of Vermont  
Agency of Natural Resources**

**CONFIDENTIAL and PRIVILEGED**

**To:** Governor Peter Shumlin  
**From:** Deborah Markowitz, Secretary, Agency of Natural Resources  
**Date:** October 7, 2016  
**Subject:** ANR Weekly Report

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**Governor Level Issues:**

**Saint-Gobain Pushing toward global settlement:** On Friday our lawyers will be meeting with Saint Gobain to begin discussions of coming to a global settlement. Meanwhile this week there was a misunderstanding related to whether the company would pay for system testing for the POETs serving people with wells impacted by the Bennington Landfill. When we learned that bills for flushing the systems for Arsenic were to be sent directly to the landowners, staff intervened. It looks now like it was a mixup and the company will pay for the maintenance of these systems. I am now having a regular call with the company president to ensure we are staying on track with our communications.

**Stone Hut Progress:** The process to rebuild the Stone Hut is on schedule for completion by November 1<sup>st</sup>. The reservation system for use of the building is being re-worked and we will soon be announcing acceptance of reservations for this winter. Progress reported in [Stowe Today](#).

**EVERYTHING ELSE:**

**Legislative Issues/Testimony:**

**Hebert Solar (Williamstown):** Senator Mark MacDonald reached out to Environmental Compliance Division to inquire about the status of enforcement related to wetland issues on Larry Hebert's proposed solar project in Williamstown. We have been exchanging phone messages and have been unable to connect.



**Lead (Pb) in So. Burlington Public Water Supply:** Responded to Senator Sanders office on 9/29 regarding a constituent's concern over lead levels in the South Burlington public water system. The constituent inquiry was similar to inquiries received in early June, due to The Guardian article published June 2, 2016. This article's facts were later discredited by EPA. Background was provided to Sanders staffer Emily Rapone.

### **Press Issues/Releases:**

**Fish and Wildlife Releases:** Listing of Big Game Reporting Stations; Vermont Snakes on the Move, Help Biologists by Reporting Sightings; Reminder to Hunters on Rules for Importing Deer and Elk Meat; "Last Chance" Hunter Education Course; Fall is Prime Time for Fishing in Vermont

**"Taconic Mountains Ramble" To Become Vermont's Newest State Park:** The [first of two 200-acre parcels was entrusted this week to FPR](#) from the Trust established by Hubbardton landowner Carson "Kit" Davidson, who sadly passed away last week.

### **Significant Events/Meetings:**

**DEC Enforcement and Compliance Program Audit by Office of the Auditor:** DEC has been informed that the Office of the Auditor will be conducting an audit of how the Department of Environmental Conservation (DEC) addresses environmental non-compliance. The preliminary objectives are to (1) assess the extent to which DEC identifies incidents of environmental non-compliance and (2) determine whether and how DEC ensures that incidents of environmental non-compliance are appropriately resolved. The Environmental Compliance Division will serve as the primary point of contact but questions for other programs are expected. At the conclusion of the audit, a final report to the Governor, legislative leaders, other statutorily mandated addressees, and the public will be forthcoming.

**LaPlatte River Lampricide Public Meeting:** DEC held a public meeting in Shelburne to take comment on the proposed Aquatic Nuisance Control permit to apply lampricide in the LaPlatte River. Representatives from ANR, VDH and USFWS presented on a panel. VT F&W and Champlain Water District reps were also in attendance. As of the meeting date, no comments had been received by the Department. The audience was overwhelmingly represented by fishermen in support of the lampricide program, though there was a lone dissenter, and emphasis was placed on the importance of protecting the public water system using powdered activated carbon in the event that TFM should reach the intake. The permit is conditioned on the successful installation and operation of the treatment system.

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## **SUMMARY OF KEY DEPARTMENT ACTIVITY**

### **Office of Planning and Policy (OPP)**

**Magic Mountain Update:** OPP director facilitated a meeting Wednesday, October 5<sup>th</sup>, amongst representatives from Ski Magic, Ski Vermont, and DEC's Commissioner and Watershed Management Division director. Ski Magic explained their goals for the resort and proposed acquisition timeline, which initially had a closing date of today, 10/7; however, the closing will now be pushed out indefinitely pending the outcome of negotiations with ANR. Parties agreed that a number of non-compliance issues currently exist at the resort that would prevent them from making snow this season if not addressed. ANR/DEC may be open to allowing Ski Magic to conduct limited water withdrawal and make snow this coming winter provided the resort commits to a reasonable compliance schedule to resolve issues. ANR is currently working to catalog all outstanding violations and issues of non-compliance to identify which must be addressed in a settlement and compliance schedule; ANR will provide that list to Ski Magic no later than 10/18, two weeks after the initial meeting. Once the issue list is identified, parties will negotiate a compliance schedule. If there is conceptual agreement, parties will develop a settlement document, though the format of that document is currently unclear. Ski Magic believes they must be able to make snow in advance of the Christmas holiday or they may need to walk away from purchasing the resort. If it appears the outstanding violation can be addressed by Ski Magic on a reasonable timeframe, the Agency will do all we can to accommodate Ski Magic's desire to begin snowmaking in late November or early December.

**GMP Kingdom Community Wind (KCW) Proposing to Install Radar-Activated Lighting:** GMP contacted OPP this week, through their consultant VHB, with a proposal to install a radar-activated obstruction lighting system at their Lowell wind facility. This technology was not approved by the FAA when KCW was first permitted, but the Public Service Board required GMP pursue installation if/when FAA signed off on the technology, which happened recently. The project includes two new tower structures: one 40' tower to be located at the north end of the existing turbine string, and a second ~180' tower that is currently proposed for a peak south of the current project and accessed by a new, roughly mile long gravel road. The southern tower location was the site of a former meteorological (MET) tower, but access to the site will need to be improved for the radar project. An internal ANR meeting is scheduled for October 12<sup>th</sup> to begin to review the natural resource impacts of the proposal. The OPP director spoke with Robert Dostis from GMP to confirm that this project, while involving new roads and tower structures, is supported locally.

**New Applications:** Week of September 26<sup>th</sup>, OPP received 7 new Act 250 applications and 2 new Section 248 petitions.

### **Environmental Conservation (DEC)**

**The Publyk House (Bennington) on Do Not Drink Order due to PFOA:** The Publyk House Restaurant is on a **Do Not Drink** order due to PFOA concentrations of 116 parts per trillion (ppt). This exceeds the Vermont Health Advisory of 20 ppt. This Do Not Drink public notice was prepared jointly by the Department of Environmental Conservation and the Department of Health. A Point of Entry Treatment (POET) system will be installed to treat all water entering the Publyk House restaurant. Until then the restaurant will receive a water delivery from WB Mason to be used for consumption and food preparation. The Do Not Drink order will remain in

effect until treatment is installed and it is demonstrated that the quality of the drinking water meets drinking water standards.

**PFOA Geoscience Investigation Updates:** Vermont Geological Survey and our Middlebury College partner finished collecting water samples to characterize the geochemical composition of the aquifer(s) from the PFOA contamination area in Bennington. Water samples were collected from bedrock wells (35), springs (7), and streams (9). All samples are currently being analyzed for a comprehensive suite of parameters at the DEC and Middlebury College labs, which may enable us to geochemically fingerprint water from different parts of the contamination area. Our Bennington College partner also collected water samples from 28 of 51 of our sites that will be analyzed for PFOA at Union College, so that the well, spring, and surface water sites can be compared. In addition, the US Geological Survey completed sampling of 8 wells for groundwater age dates and modelling.

**Low-Level Radioactive Waste Meeting:** Staff attended a workshop in Burlington hosted by the Texas Vermont Low-Level Radioactive Waste Disposal Compact. The workshop provided an overview of the Compact, introduced both Texas and Vermont Commissioners of the Compact, and provided an opportunity for attendees to ask questions related to the management of Vermont's low-level radioactive waste. Representatives from Waste Control Specialists (WCS), the operators of the Texas Compact Waste facility that receives Vermont's low-level radioactive waste, gave a presentation on the disposal of both in-compact (Vermont and Texas) as well as export (out of compact states) wastes, and provided an overview of the facility's space capacity, acceptance criteria, and waste inspections at WCS facility. A representative from the Texas Commission on Environmental Quality (TCEQ) summarized the role of State Agencies in the disposal process and outlined disposal fees, as set by the TCEQ. The session concluded with a discussion of the long-term viability of the WCS facility (as it relates to the 60 years needed to decommission VT Yankee), and potential rule changes that may affect Vermont generators of low-level radioactive waste as well as the regulatory community.

### **Fish & Wildlife (FWD)**

**Berlin Pond Access Permits:** The Department finalized permit applications for the proposed Berlin Pond access. The permits are currently awaiting signature by Commissioner Porter before they are forwarded to the town of Berlin as they are the landowner in this project. The proposed plan calls for an access driveway, grass parking lot, and a short path to the water's edge for launching of carry-on watercraft. Construction will consist of building a driveway over a small wetland area using an arched culvert in an effort to minimize any wetland impacts. Additionally, part of the grass parking lot and remaining length of the driveway will be within the wetland buffer so permitting is required to address any potential impacts to the wetland. The Department will be submitting Army Corps of Engineers, Shoreland, and Wetlands permits for review.

**Another Successful Dead Creek Wildlife Day:** Staff hosted another great Dead Creek Wildlife Day with at least 400 people in attendance. The rain that usually shows up held off for a 2nd year in a row! There was a great waterfowl calling contest coordinated by an enthusiastic volunteer. The kids in attendance were energizing to watch; staff will try post a video of some kids with

their calls. A big thanks to all the staff presenters, including Alyssa, David, Tyler, Chris, Everett, Tom, and hatcheries staff. The event continues to be a great collaboration between FPR, Otter Creek Audubon, and FWD.

**Reminder to Please Do Not Feed the Bears:** An egregious bear feeding case was charged by Game Warden Richard Watkin to a Wilmington resident after a search warrant was granted for the resident's property. A total of five bears were located and never left the property while numerous wardens executed the search warrant. Feeding bears can be very dangerous. Bears quickly become conditioned to handouts and will teach their cubs similar behaviors. Bears that receive these "food rewards" may become aggressive towards humans or cause property damage. To protect people and their property these bears may have to be destroyed. A fed bear is a dead bear.

### **Forests, Parks and Recreation (FPR)**

**Davidson Land Donation to Form New State Park:** Sadly, Carson "Kit" Davidson passed away last week before we could finalize this donation. At least he died knowing that his property will be protected forever and available to the public as a new state park. Most of the outstanding issues have now been addressed on the Davidson donation, clearing the way for closing later this week.

**Land Transactions:** We closed on the Bean Pond acquisition (34-acre addition to Willoughby State Forest in Sutton) last week. This acquisition includes most of the shoreline around this largely undeveloped and pristine pond and enhances access to the west side of the state forest. Work continues on other priority ANR land transactions, including multiple Forest Legacy easement projects, several right-of-way projects, transfers of department land in Duxbury and Newbury to these respective towns for use as a town forest, and other projects.

**Muckross State Park Update:** Proposal are being sought for a planning consultant to assist with long-range strategic plans for Muckross State Park in Springfield. The Commissioner also met with State Parks staff for review and background of the Muckross Dam statement of intent. The entrance road has been improved and plans are underway to repair the bridge in the driveway. DEC Facilities Engineering has been engaged to begin seeking an engineering consultant to prepare plans for repairing the dam.



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**To:** The Honorable Peter Shumlin  
**From:** Joe Flynn, Deputy Commissioner of Public Safety  
**Date:** October 6, 2016  
**Subject:** Weekly Report

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Priorities:

#### Administration

We will be working on notifications and setting up meetings with Directors and Custodians as per our discussion earlier this week. FYI, met with our KPMG auditor at his request today to discuss our asset inventory. Context was provided about the status of our overall corrective action plan to improve our asset management and let him know that we are in mid-project right now and will be working over the next several months on the review of the inventory report and refining and implementing new procedures.

KPMG is wrapping up the on-site audit this week. It will be several weeks until we receive our initial feedback report. KPMG will schedule an exit conference once their preliminary results are ready for review. DPS will then have a 45 day window to respond to any findings.

A meeting has been scheduled to go over the Vehicle Policy presentation. We will need to expedite this somewhat to ensure we give impacted employees enough time to understand what they have to do to log and report their time and get their information back to us to meet our November reporting requirement.

#### CJS

Forensic Lab-

Staffing:

1 DNA analyst (grant-funded) position open, position offered (start date 10/11)

Backlogs (as of 9/30/2016):

- Blood Alcohol (0)
- Drug Chemistry (834)
- Serology (91)
- DNA (casework) (130)
- DNA (CODIS) (43)
- Firearms (44)
- Latent Prints (478)

October 6, 2016 (2)

Air handling (AH) issues continue in the Lab. Request made to BGS to perform AH maintenance work off hours and to evaluate system redundancy (back up unit should work at 100%, but that's not the case which leads to work stoppage when system down).

Initial "Pre-Bid Meeting" for Blood-drug renovations scheduled for 10/5 was postponed. Completion schedule received from BGS is July 2017.

Internal audit is underway (October/November)

#### Communications-

We have been working with DPs Admin to determine how to accept lease funds received from AT&T for use of the Mount Snow tower. DII Director of Connectivity Mr. Jim Porter and has agreed to deposit the checks into their program and then transfer the funds back to Public Safety. We also spoke about the need to establish a procedure to allow Public Safety to directly accept the funds in the future.

Our staff has been very active working on installing DES-OFP encryption capabilities into the mobile and portable radio equipment use by troopers assigned to the Williston office. DES is Motorola encryption algorithm that meets US Government encryption guidelines (56bit DES key) and is the standard adopted by law enforcement throughout Chittenden County. Our work involved physically modifying 18 mobile and 14 portable radios which represents more than 100 hours of manpower.

Radio shop changed the operating frequencies used by AOT district 1. The purpose of the change was to improve radio coverage in the Bennington areas and along US Route 9. This involved reprogramming base radios and duplexers located on Mount Equinox and Mount Snow. Technicians worked throughout the district reprogramming 61 mobile and portable radios and verifying proper operation. We will continue to optimize this network over the next few weeks.

The staff has been preparing for changing the radio frequencies used in the Westminster to create a "super radio channel". These changes will provide better radio coverage and situational awareness for law enforcement operating in this area and will simplify dispatch channel operations. This project was delayed while we worked with both Motorola and Sovernet to resolve networking issues. Currently the work is scheduled for October 11th and notifications have been sent to all law enforcement agencies operating in this region.

#### VLETS

We continue to establish VLETS accounts for new agencies wishing to use Valcour; these include Ludlow and Springfield PD. In addition, we have been configuring new devices and user accounts for Newport, Winooski, Morristown, Hardwick, and Colchester Police Departments and UVM Police Services. This represents approximately 700 new VLETS devices and accounts on our system.

We have implemented new hardware for VCIC Image System (mugshots) with assistance from CPI. Applications and database were moved from obsolete Dell server and storage system to new Lenovo server with included storage totally 1.74 terabytes. System restored on new platform and functionality tested. We are continuing to address concerns with the forms contained in the new OpenFox Messenger software. Our vendor has been very responsive with making the changes requested by our users.

With met with FirstNet Region 1 Lead Michael Varney and discussed the status of the national RFP winner announcement, Vermont's coverage priorities for the state plan, Vermont's role during the build-out of FirstNet, and reviewed the agenda for a January 20 meeting and technology demonstration for first responders in Vermont.

We are continuing to work with BGS on a contract to hire a consultant to support the FirstNet team with the evaluation of the State Plan that will be sent to Vermont for consideration. We have been advised by FirstNet that the state will have very limited time to evaluate this plan and make our recommendations to FirstNet. The Broadband Commission is seeking to hire expertise in this subject area to advise and make recommendations to the Commission.

#### VCIC-

The Record Check Section continues to see a high volume of fingerprint-supported record check requests due to the implementation of Act 166 requirements. Current processing times remain at the established two-week window and limited overtime is being utilized to maintain this target. For the twelve months ending September 30, 2016 the total volume of civilian applications processed was 16,738. During the prior twelve months the total volume was 13,069, representing an increase of 3,669 (28%). This was primarily driven by the new Act 166 requirements (1,032) along with an increase in education related checks (2,611).

The vacant Deputy Director position will be filled the last week in October. The Marijuana Registry reclassified position has selected a preferred candidate, and the vacant Criminal Record Specialist position has completed initial interviews.

The Tri-State AFIS contract proposal (AA14) has been routed to the vendor for final acceptance. The Office of the Attorney General, Agency of Administration, and Department of Information and Innovation have all approved the updated contract. At this time Maine has signed and executed the contract with New Hampshire now projecting a late October date for final approval and formal project commencement. A slightly accelerated implementation timeline may be proposed by all parties once all contract work is complete given additional vendor resources.

#### DEMHS

DEMHS monitored the evolution of the Hurricane Mathew storm track while distributing pertinent information to state agency partners and the public as appropriate.

PAO presented regional Assistance training seminars in Swanton, Lyndonville, Bellows Falls and Manchester.

First Appeal for the Town of Hartford's HMGP Reuse Site Plan for Queechee Pocket Park was submitted to FEMA Region 1.

FEMA R1 awarded HMGP funding of \$31,500 federal share to Town of Chittenden for a dam warning siren system. That is the 29th HMGP application approval since 01/01/16, and leaves 30 HMGP applications currently pending.

Determination was received from FEMA Region 1 for Town of Waterbury HMGP scope change request for elevation of 5 Healy Court; the Town is reviewing for possible appeal of partial denial.

Town of Halifax Local Hazard Mitigation Plan was approved by FEMA R1, pending adoption.

R&M Chief and Hazard Mitigation Planner participated in Institute for Sustainable Communities' Resiliency Steering Committee meeting.

Vermont Silver Jackets met; USACE was briefed on pending PDM application regarding Brattleboro floodplain restoration efforts.

CI Planner participated in a Rapid Survey Tool planning workshop with VSP for the Vermont Psychiatric Hospital.

DEMHS Staff attended COOP Training.

EM Planner attended Statewide COOP Training with BGS.

Local Emergency Operations Plan submission rate is at 89%.

CI Planner attended VTWARN Exercise Planning Meeting.

Notes and talking points were prepared for DPS staff and Governor's office regarding hurricane and possible impacts in Vermont.

WCAX interviewed Commissioner Flynn about preparations for the storm.

Booth at Vermont League of Cities and Towns annual Town Fair featured demos of VT-Alert.

HSTC conducted the DPS Admin Team LMS meeting.

.Northern and Southern Exercise Planners finalized the Vigilant Guard After Action report and disseminated to the participant group ahead of the After Action Meeting next week.

VTALERT Notifier Training to ACRPC and Town of Panton.

Staff from Senator Sander's office requested information regarding the HMEP/PHMSA grants. The Director responded.

### Fire Safety

The Division received \$5.6 million in new plan review construction valuation collecting \$45,000.00 in permit fee revenue.



Director was interviewed on the WCAX show Across the Fence program. He will be on with George Cook, UVM Extension Service to talk about fire prevention week and the importance of smoke and carbon monoxide alarms.

The fire safety calendar project is underway and posters are starting to be submitted.

The Act 156 legislative report on professional regulation is approximately 50% complete.

On Friday I will be meeting with BGS in Montpelier to discuss the East Cottage Building at the fire academy.

This week we should be provided water test results for PFOA water samples taken from the recently cleaned underground water storage tank.

Bill Navin, State Electrical Inspector from the Rutland office has experienced issues with heart. We are currently operating with 6 electrical inspectors. It is expected Bill will back next week.

The Division of Fire Safety has partnered with the New Hampshire State Fire Marshal's Office and Dartmouth Hitchcock Medical Center Carbon monoxide Alliance Group to promote carbon monoxide awareness and to better understand the issues surrounding the production of carbon monoxide. A doctor at the hospital was treated for CO poisoning and rather than suing the fuel company they reach a small settlement and a few other interested hospital employees started an Alliance and we have joined in this effort. On November 30, 2016 there will be CO Alliance Summit in Lebanon New Hampshire. We expect 150-200 people in attendance.

Plans have been coming in steadily this quarter and we have several major projects in the design stage.

Tom Estey was appointed to the Training Council representing the VSFA.

The training grant provided to the academy to sponsor a Photovoltaic safety course to the fire service is now completed. Over a two-month period 541 firefighters were provided a four-hour class taught by VFA instructors. We will continue to offer the class and plan to promote the training this winter/spring.

All of our FFI and FFII classes are now in full swing.

Work continues on our Pro-Board reaccreditation application with a target date for a site visit in December.

A new site coordinator (Ben Whalen) starts work at the academy on Monday October 17, 2016.

I have exchanged some emails with Haley Peru and Dianne Derby representatives from Senator Sander's Office and Senator Leahy's Office regarding AFG Grant announcements. They reach out to us on a continuous basis for the sole purpose of disseminating information to the fire service which they really appreciate.

#### Vermont State Police

A Troop-

FF

20 Total Arrests, 8 DUI

St. Albans had a good week in patrol. We made a traffic stop resulting in a warrant and 28 ounces of suspected cocaine seized with the subsequent search warrant.

On standby for the Gas line protest that took place in Montpelier and the protest went without incident.

BCI

Assisted Richmond PD with search warrant of a vehicle.

Assault case at CRCF. Inmate assaulted another inmate as well as a CO.

Fraud case out of Charlotte. Financial exploitation of an adult. Elderly women's son sold his mother's house and then transferred money out of country. Son then left the country but is due to return soon.

Reported sexual assault behind the Jericho elementary school. Female victim woke up in the baseball dugout and called her boyfriend alleging she was raped. Investigation showed female was staying at a local hotel. Video shows female walking into a room with an unknown male and then the female leaving. Case transferred to CUSI.

Statutory sexual assault investigation. Victim interview scheduled for next week.

Drug case at CRCF. Inmate transported two slugs of multiple pills into the facility.

Embezzlement case out of St George. Arrest warrant applied for the offender.

Special Investigation in Hartford.

L&L investigation in Georgia between a male and female victim.

Sex assault investigation. Female victim alleging she was raped by a known acquaintance. Arson investigation in Rutland. Residential fire. Sgt. assigned.

Child presented at UVM with an enlarged skull. CT scan and x-rays showed blood around the brain. Investigation showed the child has been seen on a number of occasions by the primary physician. Later confirmed to be a medical issue.

3 year old female alleging she has been inappropriately touched by her father. This is the second disclosure from the child.

Fraud investigation. Former Cabot constable wired \$400.00 via Western Union after being told the person he was communicating with was a 15 year old female. Constable believed he was speaking with an adult via adult date site.

New case. 4 year old female alleging she has been sexually assaulted by her father. Girl is currently in Brattleboro retreat.

APS investigation. 19 year old disabled male forced to have sex with a 40 year old female who assists in his care.

Assist to NYSP. Citizen witnessed the arrest of Zachary Greene on the news and remembered Greene had been corresponding with her 12 year old daughter. Providing all paperwork to NYSP. Assisted NIU and DEA with a prescription fraud case. Doctor interviewed in Lebanon NH

Death invest in Middlesex. Elderly male died in the presence of his wife. Death ruled natural.

Criminal polygraph exam for Hartford PD. Suspect in a child abuse case. Suspect failed exam and walked out of test prior to interrogation starting. Second test being scheduled now.

4 PE polygraph for OPD.

B Troop-

FF

11 Total Arrests, 1 DUI

Five arrests for five offenses. The offenses were as follows: Violation of Restraining Order (x1), DLS-C (x2), DUI (x1), Excessive Speed (x1).

Troops responded to a theft complaint from a hemp farmer in Holland who claimed individuals had been taking hemp plants from his farm. Troops received a security camera photograph of those involved. Troops learned who was responsible and went to the residence and recovered the stolen hemp plants and processed three individuals with the incident. After this incident the Task Force is now looking into the incident and working with the Ag. Dept.

Troops responded to an incident in Coventry where they subsequently arrested a subject for domestic assault.

Stopped a vehicle in Coventry for speeding and learned the operator was wanted on felony charges of forgery in Utah and took subject into custody after confirming the warrant was extraditable. Subject was lodged on 10000 bail.

BCI

Assist with missing person case- female located safe.

Agency Assist female reporting she had information regarding sex offense in NY.

Suspicious complaint in Ryegate report of drug activity.

Assigned background investigation.

Assist St Johnsbury PD with Cell phone data extraction.

Correctional Center in St Johnsbury reporting possible PREA incident involving a guard and former inmate.

Missing Person case/suicide- Female with history of suicide attempts reported missing. Found deceased.

New case. Sex Assault. 14 yr. old female reporting she was "touched" at age 7 and age 10.

C Troop-

FF

23 Total Arrests, 6 DUI

Arrested one for excessive speed 85/50 in Mt. Holly.

Tpr. arrested two females for simple assault after they jumped another female in Proctor over a drug debt.

Tpr. and his canine Buck won two awards (Overall LE canine and best dog in his age group) at the 2016 Green Mountain Iron Dog Competition.

Crash on VT 22a involving a TT Unit. Roadway closed for a short duration of time as HazMat Team notified for a vehicle oil spill.

Motor vehicle pursuit in Ferrisburgh of a BOL vehicle. The operator attempted to flee and the vehicle eventually came to a stop after being spiked by a Vergennes unit. The operator was apprehended after a brief foot pursuit and was charged with: DUI #2, ATE, Gross C&N, Excessive Speed, Resisting Arrest, and Unlawful Mischief.

DUI Arrest in New Haven.

3.14 pounds of high quality hydroponic marijuana off car stop for mv violation.

2 arrested for heroin possession / conditions of release violation.

Tip regarding a growing marijuana plant resulted in 2 parents arrested for 6 counts of child neglect based on deplorable living conditions at the home in Shaftsbury.

BCI

Special Investigation: concluded investigation by consulting with Washington County S/A Williams.

New Case/Accidental Death; likely heroin overdose death of a thirty-year old female at her residence in Killington.

Attended a meeting in Williston re: upcoming CSST Training to be presented/conducted

SIU Investigators meeting at ACUSI,

New Case– Sex offense – Reported that 12 y/o male is taking pictures of his 3 y/o male cousin on cell phone as well as touching 3 y/o's penis.

Located and re-issued citation to Herbert Fagan for assault on a correctional officer.

New Case: Arrested Michael LaFountain for possession of narcotic and transportation of regulated drug into places of detention. Completed and submitted paperwork.

New Case: Accidental shooting Killington. 53-year-old Mark Jones accidentally shot his uncle, 66 year-old Russell Coburn. Nonlife threatening injury to knee.

Case Follow-Up: Agency Assist. City of Rutland. conducted a courtesy interview for Officer Meytin of the Rutland City Police Department. The interview was conducted on a 6-year-old girl who observed domestic violence between her biological mother and boyfriend. Case Completed.

Case Follow-Up: Child Abuse. City of Rutland. I attempted a courtesy interview for Officer Meytin of the Rutland City Police Department. It was reported a 13-year-old boy was being physically abused by his biological father. Case Completed.

Case Follow-Up: Agency Assist. City of Rutland. Assisted the Rutland County States' Attorney's Office with an on-going Sexual Assault investigation. Case Completed.

New Case: Sex Offense. Town of Benson. It was reported a 15-year-old girl was sexually abused by a 49-year-old male subject. Victim interviewed.

New Case: Sex Offense. Town of Brandon. It was reported a 12-year-old girl was sexually abused by a 17-year-old boy. Victim Interviewed.

New Case: Agency Assist. Town of Shrewsbury. Assisted DCF with checking the welfare of a 10-year-old girl. It was alleged the girl was sexually abused by her biological mother's boyfriend over a seven-month period. DCF placed the girl in a safe location. Case Completed.

New Case: Agency Assist. City of Rutland. Assisted DCF with taking a 10-year-old girl into custody (CHINS). Affidavit and Case Completed.

Assisted with interviews in reference to Aggravated Assault in Ripton, VT

Dead Body - 77-year-old female found deceased by her sister in law in Dorset. Deceased had lengthy medical history to include diabetes. No foul play, it was deemed to be of natural causes. No autopsy performed.

Started new background on VSP applicant.

More follow up with the Ripton Agg assault case– Found a piece of plastic at the scene, cross referenced it with Suzuki. Confirmed with Suzuki the piece of plastic at the scene came from victim's vehicle, a 2002 Suzuki Aerio "S" model. The piece of plastic was the right side mirror cover for the side mirror for that make and model of vehicle.

D Troop-

FF

15 Total Arrests, 6 DUI

Arrested 3 for DUI; one Rockingham, Brattleboro and Dummerston.

Arrested one on an outstanding warrant in Brattleboro.

Stopped a vehicle for a minor motor vehicle violation and arrested the operator for DUI.

Tpr. responded to a one car crash in which the operator was travelling south, crossed the median and crashed in the northbound lane. The operator was arrested for DUI.

Tpr. responded to a one car crash in which the operator left the scene. The operator was located and charged with DUI drugs and LSA.

Tpr. arrested one for First Degree Aggravated Assault, Reckless Endangerment and DLS. Husband pointed a gun at the wife and child.

Troopers responded to a report of a male with mental health issues who had assaulted three family members. The male was transported to the hospital, committed to a 72 hour psychiatric hold and cited for Aggravated Domestic Assault, Domestic Assault and Interference with access to Emergency Services.

BCI

New non suspicious Fire Springfield.

Assist non suspicious Fire Rutland.

Arrange ATF Training in Killington.

Enticing Investigation – Preservation letters for KIK and Snapchat.

Assigned New Applicant Background.

Sex Assault-service of NTO and cell warrant, working on FB warrant.

Teach at the NIU School-VPA.

Buckeye camera training w/Border Patrol-Williston.

New case sexual assault/CAC Interview done.

Sex Assault – Saxtons River – walk in complaint. 12 y/o female alleges a 10 y/o male grabbed her hips and pretended a sex act at a swimming hole this past summer. No criminal act. Report made to DCF.

Agency Assist – Granville – Assist to NYSP with locating rape suspect. Fugitive from Justice paper-work.

New case Sex Assault – Bethel – Phone interview with victim's mother.

Agency Assist – Windsor – Assisted Burlington PD with execution of an NTO at SESCOF.

Sex Assault – SESCOF – Prison sex assault, inmate on CO. Interview with witness from SESCOF.

Tuesday – CAC/SIU Springfield Peer Review.

Start By Believing Training at Safe Place in Brattleboro.

Missing Juvenile from Cavendish located in Barre City and returned to DCF Custody.

Untimely Death in Guilford, 32 year old Female, apparent suicide by gunshot.

Assist to EPU with Governor transport/security detail.

DCF intake alleged pornography possession by minor given by parent, interviewed parent and juvenile with DCF.

Death investigation Cavendish, 68 year old female found deceased in bedroom by caretaker, appears to be natural, pending autopsy.

Bomb Squad assist to NH State Police EOD for NASCAR Race in Loudon, NH.

Assigned fugitive from justice case from CT. Inmate at Southern State facility– completed.

Bomb Squad assist to Burlington Police used k9 to search for shell casings from shooting.

EOD K9 training (peroxides) with FBI and TSA at Burlington Airport.

Completed JPMA sexual assault training review for OPD.

Meeting with USMS Joe Gaines for 2016 Windsor SOR sweep and ongoing SOR violation cases.



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*Trey Martin, Secretary*

## **PRIVILEGED AND CONFIDENTIAL MEMORANDUM TO THE GOVERNOR**

**TO:** Governor Peter Shumlin

**FROM:** Secretary Trey Martin

**DATE:** October 7, 2016

**SUBJECT:** Confidential Report to the Governor

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### **BUILDINGS AND GENERAL RESOURCES**

DMV Burlington: Was broken into on Tuesday night and the ATM was removed from the property. This is currently under investigation. Damage repair is being addressed by landlord on Wednesday.

Hebard Building – Groundwater and Air Testing: Contacted owners of Condo #1 & #2 to obtain permission to conduct DEC requested air tests in those spaces. This is being conducted on 10/04/2016 with Aquaterra.

VAEL: The second Status Conference on the VAEL DRB Appeal was held October 3<sup>rd</sup>. A briefing schedule was developed and the Judge will be issuing a scheduling order early next week. The briefs on preliminary issues are due no later than October 17<sup>th</sup>, with response briefs due October 31<sup>st</sup>. The Judge also encouraged us to meet together to pursue mitigation. I have reached out to our attorney to ask him to pursue an initial meeting in the near future. No word yet from the District Commission regarding our Act 250 application/permit. The Design Team continues work on the construction documents as we have been responding to questions as they proceed. The anticipated completion date is November 2016.

Williston PSFS: Property Management has advertised for potential land to locate a new PSFS. As it appears no State owned land was felt suitable for their purposes. I need to work on an initial report to the Chairs of the Institutions Committees regarding a proposed site location, informing them we have looked at State owned sites and are now pursuing other options.

Montpelier – 115 State Street – Security System Lockdown and Camera Installation: Stanley Security was the low bidder in response to the RFP sent out by the Sergeant-at-Arms. The scope of work is to install (6) new entry door security cameras using existing wiring. Benoit Electric was consulted about the camera cabling runs and it appears to require extensive work in the East and West entry doors for camera wiring and door switches and emergency lock down hardware at these (4) existing large doors.

Holiday Tree: Ira reviewed a potential Holiday tree in Northfield for the front of the State House. Looks to be a good tree.



## **FINANCE AND MANAGEMENT**

Nothing new to report.

## **HEALTH CARE REFORM**

Nothing new to report.

## **HUMAN RESOURCES**

### **Significant Events/Meetings:**

Information regarding our statewide Learning Management System, SOV LINC, went out this week to all Agency/Department heads. Phased roll out of functionality is planned over next few weeks. This is a major project for DHR and promises to provide a very useful tool to employees and managers across state government.

DHR has partnered with DII and purchased a forensic software program called Encase, so that we can take our forensic work in-house, better controlling timeliness of product and cost. Our Investigations Unit staff are being trained this winter.

The State's new workers' compensation administrator, PMA, is in place. Communications were sent to employees and supervisors, with focus on heavy users. We are still in the early phases of the transition, but so far so good.

Met with legislative staff regarding the potential creation of an MOU focused initially on the governance of legislative records in the possession of DHR (mostly through VTHR). The MOU may expand to include language regarding the Legislature's use of VTHR, and the general relationship between the two entities.

## **INFORMATION AND INNOVATION**

### **Significant Events/Meetings:**

DMV Cashiering System Independent Review: The project has *not been approved* to move forward based on the IR results. The DMV project manager (PM) will continue to investigate existing RFP responses to identify, as well as validate, an alternative vendor's PCI-PA-DSS compliance. The PM has identified a vendor who has responded positively to holding the certification however additional work into validating the certification will need to take place. The PM will be looking to work with the Chief Information Security Officer, or someone from his team in DII as soon as possible based on what she has found so far. The Independent Review Report/conclusion will continue to be on hold until a certification can be validated.

## **Evolving Issues:**

### **Web Updates:**

- A Web Portal Board Meeting has been scheduled for 10/14 at 3:00.
- The Public Service Board Website in the new template has been created in the development environment and training will be scheduled soon.
- The new Spotlight Website has been created in the development environment and content creation has begun.
- Work has begun on the creation of a Web server to host interactive content to make the Open Data Portal content easier to access for non-technical users.
- Training for the new Ladies First Program Website was held on 9/29. Staff are now migrating content.
- Training for the Department of Corrections on the Open Data Portal was held on 9/29. Their staff now have access to add new data sets.

### **Project Updates:**

DMH Electronic Health Record: The hospital went live yesterday with the Electronic Health Record system.

Voice over Internet Protocol (VoIP): Transitions this week include 24 lines at 192 College St, Burlington at the Office of Defender General.

## **LIBRARIES**

Nothing to report.

## **TAXES**

### **Legislative Update:**

NESTOA Conference: The Commissioner went to the regional meeting of tax officials and presented several times, including an update on our agreement with Intuit. As always at conferences, got some great intel through sharing notes with other states, for example, IT projects, new tax initiatives, revenue results, sharing economy initiatives (including other AirBnB agreements). Most pressing national issue surfacing here in VT is reforming our corporate/business income tax – including market based sourcing for services and taxation strategies for pass through entities. Vermont will be hosting this conference in Stowe next September.

Technical Working Group: Next week is our quarterly meeting with our practitioner advisory board. They will get a final peek at VTax Phase 3 before launch, and discuss issues including tax preparation software errors. One topic that has been raised is the impact of the lengthening of the slope for property tax adjustments – we will be sharing the data that show that although it has generated \$8M in more adjustments, we might have expected even more. Some practitioners have expressed shock at how large the adjustments have become, and questioned whether the State should do more to advertise the change so everyone eligible takes advantage.

Attorney General: Our new nonAAG General Counsel and AG Litigation Chief have developed a great working relationship, and we are already seeing a marked shift in the disposition of issues and cases. The Commissioner interviewed Bill Griffin's candidate to fill a sixth AAG position here – although we don't need the resource, the candidate has great credentials. We will try to use her for special projects, such as complex corporate or criminal issues – areas where our current lawyers are not well versed.

Taxpayer Advocate: Our longstanding Taxpayer Advocate who has been the source of numerous complaints finally agreed to take a different position. We are excited to have one of our policy analysts, a lawyer, fill the role – he has some great ideas to act as an effective ombudsman, and to help pioneer projects to assist taxpayers, such as our mediation pilot.

Sales and Use Tax Reg Amendments: We are finalizing a package of sales and use tax amendments. Some of the amendments are to reflect the expansion of the agricultural exemptions that we worked on with the legislature last year. The ones that might attract the most concern are clarification of the taxation of veterinary supplies. This area had become quite muddled with some erroneous guidance put out by the previous Administration suggesting the exemption was much broader than the law (for ex., arguably covering dogfood sold by a vet). We have been trying to resolve some audits in this area (giving the taxpayer the benefit of the bad advice) - the regs would follow the law, and hopefully put the matter to rest in future cases.

### **Operations Update:**

VTax Project: Got to catch up with FAST director and staff on other state projects at conference. In meantime, our second pass on end to end testing is going well – still on track for our Dec. 7 launch. In the course of the CAFR audit we did discover some reports that need to be modified – to be expected, but the parallel crunch time of the audit (KPMG was month late showing up here), the project, and the big October 15 filing deadline is causing great stress in our revenue processing area. The Director, who just lost her second in command and project lead, is a flight risk.

**CONFIDENTIAL and PRIVILEGED**

**To: Governor Peter Shumlin**  
**From: Patrick Delaney, Commissioner**  
**Date: October 7, 2016**  
**Re: Weekly Report**

**Vermont Department of Liquor Control**

**Legislative Issues/Contacts/Updates:**

Scheduled to meet again with Damien Leonard, legislative council, on October 12, to continue work on the Title 7 re-write project. Damien has put together a list of questions to start the discussion.

**Press Issues/Releases/Contacts:**

VT Digger contacted the Department to request information on the Enforcement Division's participation in a national border patrol program called "Stone Garden". The Department has concluded their contractual support of this program.

**Significant Events/Meetings:**

Deputy Commissioner Kessler and I conducted second round interviews this week for the Marketing Director position. We have identified one candidate of particular interest. We will attempt to do an introduction at the next board meeting before moving forward.

On October 5, D.C. Kessler and I met with BGS to discuss options for the DLC Warehouse project. We had a productive discussion of several options and were referred to a couple of other BGS contacts to discuss potential site locations.

**Summary of Key Department Activity:**

*Agency Issues:*

The agency in Chelsea will be closed at the end of this week, with merchandise picked up at that time. The change of ownership at the Danville agency location is progressing to closure at the end of the month.

Initiated the discussion regarding retail delivery route modifications. We identified 30 stores that have the potential to be converted to pallet deliveries and identified 9 stores that have the potential to have changes to their existing delivery schedules. We discussed the need for additional weekly deliveries to high volume stores during the holiday and early ski season time frame.

Discussed and finalized our new retail floor display criterion which will be effective in November.

*Staffing:*

Second round Marketing Director interviews were conducted this week, and we are down to two finalists.

We continue to wait for a response from DHR Classification regarding the appeal of their initial reclassification for Liquor Warehouse Workers and Driver.

*Warehouse Reorganization:*

New shelves have been labeled and are about 30 % filled with inventory. We will start to see these slots filling more quickly when we transition to Bailment Replenishment Ordering.

**Commissioner's Commentary:** The N.A.B.C.A. Administrator's Conference in Burlington is scheduled for October 16-19. We anticipate productive discussions and information sharing among control state participants.

I met with Trey Martin and Andy Pallito on October 3 to discuss the Department's budget. Also in attendance were Deputy Commissioner Gary Kessler and DLC's Business Manager Heather Duke. It served as a great opportunity to educate the Administration of the change in operating procedures at the VDLC.

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Chuck Ross, SECRETARY

STATE OF VERMONT  
AGENCY OF AGRICULTURE

**Confidential and Privileged**

**TO:** Gov. Peter Shumlin  
**FROM:** Chuck Ross, Secretary of Agriculture  
**RE:** Weekly Memo  
**DATE:** October 7, 2016

**Summary of Key Activity**

Deputy Secretary for Dairy Policy and Director of Administrative Bothfeld, attended a VHCB Board meeting for Secretary Ross. At this meeting, the first farm to be conserved with limits on farming activities to protect Water Quality was conserved. The use of conservation funding to limit agricultural activities on farmland is a means to protect water quality has been proposed to end farming practices on parcels of land where livestock and row crop activities create adverse water quality conditions. There may be more farms in the future where this technique can be used when a farm is located in an area that a high risk to water quality.

This week the Agency of Agriculture's Act 250 Coordinator provided comments to NEWSVT, the operator of the Coventry Landfill, for a proposed expansion to the landfill. After an analysis it is the Agency's opinion that:

- NEWSVT has historically impacted 113.6 acres of primary agricultural soils, as evidenced in permit amendment, 7R0841-7-C.
- The proposed expansion would impact an additional 112.2 acres of primary agricultural soils.
- This totals 225.8 acres of impacts and 478.6 acres of mitigation.
- The per acre fee for mitigation in District 7 is \$1,270, which would make the total cost of mitigation \$607,822.
- The Applicant has not yet applied for a permit. At this time the Agency waits for any further action by the Applicant.

The Agency was contacted by a greenhouse operator that will use "thermal mass" to heat greenhouses in the winter. The thermal mass will be unregistered vehicles and boats, which will soak in the sun during the day and maintain the temperature of the greenhouse at night. The Agency is awaiting more information to understand how the system works and whether this qualifies as an agricultural practice regulated by the Agency.

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**Chuck Ross, SECRETARY**

**STATE OF VERMONT  
AGENCY OF AGRICULTURE**

**Confidential and Privileged**

**TO:** Gov. Peter Shumlin  
**FROM:** Chuck Ross, Secretary of Agriculture  
**RE:** Weekly Memo  
**DATE:** September 30, 2016

**Significant Meetings:**

- Kristin Haas, State Veterinarian, participated in the monthly United States Animal Health Association (USAHA) executive committee conference call. As 2<sup>nd</sup> vice president of USAHA, Haas represents the interests of 11 northeast states on the USAHA executive committee. Much of the call focused on final preparations for the upcoming annual USAHA meeting. Unfortunately, VT will not have a voice in this important policy development meeting due to the travel ban to NC.
- Members of the FSCP management team met with VAAFM legal counsel to begin discussions related to records management within the Agency. The FSCP Division appreciates Thea Schwartz's willingness to rejuvenate this discussion.
- Assistant State Veterinarian in the Produce Program Team role participated in a number of planning events including the new monthly leadership team meeting (provided a budget subcommittee report out), the communications planning group, and the regular FSCP Division prep meeting held with the Division Director and the Consumer Protection Section Chief.
- Assistant State Veterinarian attended the NASDA-APHIS conference call on behalf of leadership to gather information that may be pertinent to their upcoming Tri-National Accord Meeting in Canada. Information compiled included:
  - The United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) confirmed the presence of New World screwworm in Key deer from National Key Deer Refuge in Big Pine Key, Florida. USDA's National Veterinary Services Laboratories in Ames, Iowa, confirms this is a local infestation of New World screwworm (*Cochliomyia hominivorax*). This is the first local infestation in the United States in more than 30 years. In response to this infestation, Florida Commissioner of Agriculture Adam H. Putnam today declared an agricultural state of emergency in Monroe County, Florida. New World screwworms are fly larvae (maggots) that can infest livestock and other warm-blooded animals, including people. They most often enter an animal through an open wound and feed on the animal's living flesh. Larvae were found on the deer, indicating a breeding population is present. Surveillance of the extent of the infestation will occur this week. Ground release of sterile flies to prevent reproduction will occur later this week or next week
  - The United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) is proposing to update its regulations regarding bovine spongiform encephalopathy (BSE), scrapie and other transmissible spongiform encephalopathies (TSEs).

With this proposed rule, APHIS is seeking to update the agency's import regulations to more closely align them with current scientific understanding and international guidelines. The current bovine spongiform encephalopathy (BSE)-related import regulations prohibit the importation of most live sheep and goats and most sheep and goat products from countries that are considered a risk for BSE. The current regulations allow the importation of non-pregnant slaughter or feeder sheep that are under 12 months old from Canada, certain products from sheep and goats, and sheep and goat semen. APHIS is proposing to remove BSE-related import restrictions on sheep and goats and most of their products, and to add import restrictions related to transmissible spongiform encephalopathies for certain wild, zoological, or other non-bovine ruminant species.

- The United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) is updating its indemnity calculator formula for laying hens, effective October 1, 2016. The new calculator addresses concerns raised by egg layer producers following the 2014-2015 outbreak of highly pathogenic avian influenza (HPAI). APHIS has worked to address these concerns and make the calculator more transparent. The new calculator determines fair market value based on net farm income ratio, which is the amount of net income generated per dollar of farm revenue. Part of the changes included a formula to allow indemnity payments to be split between poultry and egg owners and their contract growers. During the 2014-15 outbreak, APHIS had been paying the full indemnity amount to the birds' owners – usually the poultry company – with the understanding that parties that had entered into contracts with the owners to grow or care for the animals would then be paid by the owner in accordance with contractual agreements.

### **Evolving Issues:**

- Animal Health Section is working with a local sheep producer and the CT Dept of Agriculture on the case of a wandering sheep. A sheep identified with VT-origin Scrapie tags was found wandering in CT. Traceback of the tag number led to a VT producer who reportedly sold this animal, along with other sheep, to a livestock dealer not licensed in VT or CT but licensed in NY and MA. Further investigation is continuing.
- Vermont state veterinarians are receiving daily updates regarding a New World Screw-worm infestation in the Florida Keys. Accredited veterinarians across the country are being urged to keep New World Screw-worm on their disease rule out list if they are presented with an animal with infested wounds that has been in Florida between the beginning of the summer and now. Any detection in Vermont would warrant a foreign animal disease investigation by VAAFM foreign animal disease diagnosticians. The larval stages of Screw-worm feed in open wounds, making those wounds larger and deeper over time and producing a foul odor. More information on this disease, which can also infect people, can be found at [https://www.aphis.usda.gov/publications/animal\\_health/2014/fs\\_new\\_world\\_screwworm.pdf](https://www.aphis.usda.gov/publications/animal_health/2014/fs_new_world_screwworm.pdf) And now you are free to go get some lunch.
- Kristin Haas, State Veterinarian participated in and provided preliminary input during a national USDA APHIS swine commodity staff conference call. The series of calls is being held so that APHIS may obtain feedback from state animal health officials on the current national surveillance program for swine brucellosis and pseudorabies. As a result of the recent brucellosis outbreak in the Northeast that directly impacted Vermont, APHIS is re-evaluating its national surveillance plan and making improvements as needed. It is important that APHIS veterinary colleagues understand the non-traditional swine production methods common in New England so that they may develop protocols that are useful for our producers. Additional important discussion will be held at the annual United States Animal Health Association meeting next week in Greensboro. Unfortunately, VT will not be represented in those discussions due to the travel ban to NC.



## **Summary of Key Agency Department Activity**

### **Administration:**

Deputy Secretary for Dairy Policy and Director of Administrative Bothfeld, met with Vermont Milk Bottlers to discuss changes to a promotion program that occurred during the legislative session. To provide a transition between the ending of this program, The Agency of Agriculture will propose, in its dairy promotion budget that is reviewed and potentially approved by dairy farmers, to provide \$20,000 to support a generic fluid milk promotion in calendar year 2017. The fluid milk bottlers in VT must agree on the promotion as assist with information regarding number of retail outlets, logos and photos for the materials.

There are several issues with Title 6, 9 and 20 that need legislative changes. Some resulted from the Fee Bill changes made in Legislative Session 2016. Other are needed to meet changes at the federal level that affect Vermont farmers. The Agency will propose a "Housekeeping Bill" for the upcoming Legislative Session on Miscellaneous Agricultural Subjects. Deputy Secretary For Dairy Policy and Director of Administrative Services Bothfeld will lead this effort.

Deputy Secretary for Dairy Policy and Director of Administrative Bothfeld, attended a VHCB Board meeting for Secretary Ross. At this meeting, the first farm to be conserved with limits on farming activities to protect Water Quality was conserved. The use of conservation funding to limit agricultural activities on farmland is a means to protect water quality has been proposed to end farming practices on parcels of land where livestock and row crop activities create adverse water quality conditions. There may be more farms in the future where this technique can be used when a farm is located in an area that a high risk to water quality.

### **Act 250:**

This week the Agency of Agriculture's Act 250 Coordinator provided comments to NEWSVT, the operator of the Coventry Landfill, for a proposed expansion to the landfill. After an analysis it is the Agency's opinion that:

- NEWSVT has historically impacted 113.6 acres of primary agricultural soils, as evidenced in permit amendment, 7R0841-7-C.
- The proposed expansion would impact an additional 112.2 acres of primary agricultural soils.
- This totals 225.8 acres of impacts and 478.6 acres of mitigation.
- The per acre fee for mitigation in District 7 is \$1,270, which would make the total cost of mitigation \$607,822.
- The Applicant has not yet applied for a permit. At this time the Agency waits for any further action by the Applicant.

### **Agricultural Development:**

#### **Land Use:**

##### **Required Agricultural Practices Determinations**

Stephanie Smith spoke with Bill Suhr, Champlain Orchards, about his operational need for irrigation, including expansion and maintenance irrigation ponds. He expressed concerns over environmental permitting for his project, and that VAAFM should represent farm operators in permitting processes. At the time of the conversation it wasn't clear that there were any obstacles for Mr. Suhr in carrying out his irrigation plans. This isn't the first time the Agency has been asked to serve as an advocate for a specific farm operation for the purposes of permitting or before a tribunal. The Agency is consistent that its role is not to provide direct representation to farm operators. The Agency actively works with local, state, and federal agencies and partners to development and implement policies that balance environmental

concerns with agricultural industry practices, to provide the best outcomes for both natural resource and the industry.

- The VAAFM made a determination based on facts provided that will enable Jericho Settlers Farm to have a satellite hen laying operation and farm stand at a property in Richmond, VT.
- The Agency was contacted by a greenhouse operator that will use “thermal mass” to heat greenhouses in the winter. The thermal mass will be unregistered vehicles and boats, which will soak in the sun during the day and maintain the temperature of the greenhouse at night. The Agency is awaiting more information to understand how the system works and whether this qualifies as an agricultural practice regulated by the Agency.

### **Produce Program:**

- **Collaboration with UVM Extension**

Produce Program Team members Abbey Willard, Shelley Mehlenbacher & Kristina Sweet met with UVM Extension staff and leadership to develop a plan for collaboration on implementation of the Food Safety Modernization Act (FSMA) Produce Safety Rule.

The group discussed Extension and VAAFM produce safety program development and funding, a shared logic model for strategic program planning, providing outreach and education about the rule to industry, and upcoming training opportunities for growers and service providers.

The group will continue to meet over the next several months to collaboratively implement future programming for FSMA implementation and ensure all Vermont produce growers have the resources they need to meet state, federal, and buyer-driven food safety requirements.

- **Produce Program Coordinator Attends Harvest New England Day at the “Big E”**

Produce Program Coordinator Kristina Sweet celebrated Harvest New England Day at the Eastern States Exposition in West Springfield, Massachusetts on Friday, September 30.

Attendees at the Big E were invited to have a “passport” stamped by staff from each New England state’s department of agriculture and/or tourism in their respective buildings—in exchange for answering ag-related trivia questions. The passport highlighted New England specialty crops, including fruits, vegetables, honey, maple syrup, and nursery crops, produced in each state. Attendees received a Harvest New England tote bag after turning in their completed passport.

### **Consumer Protection:**

- Consumer Protection Staff participated in a sensory evaluation study on Wednesday with Dr. Abby VandenBerg of UVM’s Proctor Maple Research Center. Samples of maple syrup were evaluated for various aspects of flavor. The testing was done at our lab in Berlin. Others participating were members of Plant Industry, Ag Development and the Attorney General’s Office.

### **Animal Health & Welfare:**

- A Cross-Divisional interview team is holding second interviews this week for the Food Systems Coordinator position.

### **Animal Health:**

- Animal Health Section provided livestock husbandry and handling expertise at the state-wide Level IV Animal Welfare Investigation course held annually at Shelburne Farms. This year the Section recruited additional subject matter expertise of local livestock producers and UVM Extension educators. The course is held every year as part of the training series for animal welfare investigators, which includes law enforcement, animal control officers, and humane agents.

- Animal Health Section worked with a reindeer farm that is unfortunately down to one reindeer to obtain 3 fallow deer (two adults and one very likely adorable baby) from a nearby producer for an upcoming annual farm celebration event. The reindeer farm lost two animals and has had a difficult time finding a source farm for new deer. Challenges included state not in compliance with the federal rules for deer, which means they can't export deer (VT has been in compliance with the federal rules since 2013 and VT producers are therefore able to export deer out of the state), farms with no available reindeer to sell, and farms in stated working through Chronic Wasting Disease outbreaks (meaning VT would not import deer from these states due to the disease risk). The Animal Health Section issued a movement permit this week to the fallow deer producer for the three deer to move to their new home. Section staff work very hard with cervid producers to ensure their compliance with state and federal rules and it is obvious in this case how that concerted effort and relationship between inspector and producer pays off.
- Animal Health Section issues a letter of warning to a swine farm in the Waltham area. The farm imported swine from NH without health papers and official identification and then exhibited them at the Addison County Fair and Field Days, posing a distinct disease risk for other exhibitors. The Section attempted multiple times to reach out to the farm to schedule an educational meeting and include the farm in the biosecurity initiative and has not heard back from the farm, resulting in the generation of the LOW. Field staff will stop by at some point to ensure receipt of the letter and to discuss the import violations.
- Animal Health Section received notice from the USDA federal veterinarian of a VT licensed transporter utilizing WI issued backtags on animal picked up from VT farms. Per state and federal identification laws, only VT issued backtags can be used to identify VT livestock. Assistant State Veterinarian had a verbal conversation with the transporter to explain the laws and ascertain how the transporter came across WI backtags and why they were being used. A letter of warning will be generated to memorialize the conversation and to provide an educational resource.
- Animal Health Field Staff
  - Attended the weekly livestock auction at the Addison County Commission Sales to monitor Animal Disease Traceability compliance and complete the livestock market report.
  - Completed Farmers Market Inspections in Rutland County.
  - Interviewed owner of sheep farm who had sold sheep to an out of state livestock dealer who has a license to do business in Vermont. Livestock may have diverted from slaughter channels as one live animal had been found in CT and no ICVI's have been found.
  - Field inspection in Shoreham as two livestock dealers were moving cattle from one trailer to another. Animals had proper ADT identification applied.
  - Tested a pheasant flock for Avian Influenza as the birds will be sold to the State of Massachusetts for release.
  - Tested a poultry flock for PT and AI for movement to North Carolina.
  - Completed an annual inspection and herd inventory reconciliation for a red deer producer in the Rutland area. One animal died and samples were collected to Chronic Wasting Disease testing.

### **Meat Inspection:**

- Asst. Veterinarian participated in a meeting between the lab and VTC regarding internships and work study programs for students
- Working on annual self-assessment for USDA FSIS.
- Assisted producer of goats with understanding requirements for on-farm slaughter of goats and coordinated with USDA, APHIS officials to accommodate scrapie testing to maintain producers export certification
- Contacted Barnet zoning officer who had questions as to whether bacon operation proposed for Barnet would be an Ag operation, which it is not, as well as operations for processing game meats.

- Continuing to work with producers interested in working under State Inspection for; a Bacon operation in Barnet, a poultry slaughter and further processing operation in Isle la Motte, a further processing operation in Charlotte, a red meat slaughter operation in Pawlet, among others
- Continuing to work with individuals developing custom meat cutting operations in So. Royalton and Brookfield
- Also working with individual in Burlington interested in making ready to eat Korean meals and helping him to understand the concepts of Hazard Analysis Critical Control Point (HACCP) plans

#### **Compliance:**

- It was found that a Vermont wholesale firm had uninspected poultry in their storage freezer that had been picked up and returned by them from a retail firm in Cambridge, Massachusetts. This information was given to USDA Compliance to conduct an investigation to determine if the uninspected poultry had been purchased, sold to consumers.
- Consumer complaint was received about the way meat was being processed at a retail market in Derby, VT. Compliance contacted the complainant telephonically and answered and explained the processes to her satisfaction.
- Notice of Violation being issued to a federal establishment in Grand Isle for failure to report documentation i.e. noncompliance records, related to humane handling that was received from USDA, FSIS inspection service to the Agency of Agriculture as required by 6 VSA 204 § 3306(j)

#### **Agricultural Resource Management:**

##### **Vermont Agricultural & Environmental Laboratory**

- VAEL director and members of VAEL's lab management team met with VTC staff to discuss developing an internship program to allow VTC students to work on projects with AAFM and DEC.
- The lab continues to work with CannonDesign to hammer out details of lab design for the Randolph facility.

##### **North Lake Contractor Initiative:**

- Requests for payment continue to roll in and are being processed.
- Activation letters continue to come in and have been submitted for signature, and several others are currently under review.
- Staff and supervisors continue to coordinate with North Lake contractors as projects move forward.
- Onsite visits continue with North Lake Contractors, farmers and AAFM staff and supervisors.
- Staff continue to meet every week for status updates on NLC projects.

##### **Small, Medium and Large Farm Operation (SFO, MFO and LFO) Programs:**

- Staff are continuing to develop and test the Food Safety Water Quality database.
- Staff continue to review 4 applications for LFO permit amendments or applications to become permitted LFOs.
- Inspection report write-ups and edits on Medium and Large Farms are numerous and ongoing.
- Staff continue to attend WQ Communications meetings.
- Staff continue discussions on topics in program development.
- Staff continue to develop RFP program deliverables and framework for Alternative Phosphorous management.

- Staff members continue to review inspection reports to be submitted to the enforcement team; these meetings will be ongoing throughout the field season.
- 1 MFO inspection was conducted by staff in Lamoille County, and 3 were conducted in Franklin County.
- 1 LFO inspection was conducted in Orleans County, 1 LFO inspection was conducted in Orange County, and 1 LFO inspection was conducted in Grand Isle County.
- 1 LFO complaint was investigated in Orleans County.
- 1 SFO technical assistance visit was conducted in Windsor County, and 1 was conducted in Caledonia County.
- 1 SFO inspection was conducted for VHCB in Washington County.
- 1 SFO complaint was investigated in Windham County.

**Other work:**

- Farm location data sets being compared and edited in preparation for uploading to database.
- Supervisors meet with staff bi-weekly to discuss progress reports.
- A supervisor continues the CAPS program.
- Staff have undertaken LFO Rule research for further program development.
- Staff met to discuss an RFP for use of Clean Water Initiative grants.

**Secretary's Report:**

Sent from my iPad