

# WEEKLY REPORTS

Checklist  
4/13/2012

Bill Lofy

\_\_\_\_\_ Agency of Commerce and Community Development – Lawrence Miller

\_\_\_\_\_ Agency of Agriculture – Chuck Ross

\_\_\_\_\_ Agency of Transportation – Brian Searles

\_\_\_\_\_ Department of Labor – Annie Noonan

Alex MacLean

\_\_\_\_\_ Agency of Natural Resources – Deb Markowitz

\_\_\_\_\_ Department of Public Safety – Keith Flynn

\_\_\_\_\_ Public Service Department – Liz Miller\* (shared with Sarah)

Susan Bartlett

\_\_\_\_\_ Agency of Human Services – Doug Racine

Sarah London

\_\_\_\_\_ Department of Financial Regulation – Steve Kimbell

Jeb Spaulding

\_\_\_\_\_ Agency of Administration – Jeb Spaulding

Special Reports

Additional Report: Education

Additional Report: Irene Recovery Office

\_\_\_\_\_ Additional Report: \_\_\_\_\_

\_\_\_\_\_ Additional Report: \_\_\_\_\_

**Executive Privilege**

**TO: Governor Peter Shumlin**

**FROM: Secretary Brian R. Searles**

**DATE: Friday, April 13, 2012**

**SUBJECT: VTrans - Confidential Report to the Governor**

**Legislative Summary**

The Transportation Bill, H.770, has cleared all relevant committees and will be on the floor of the Senate early next week. There are some differences with the House version that shouldn't be matters of contention in Conference, except for one. The House added a provision to name a new bridge on Route 30 that was destroyed in T.S. Irene after the late Rep. Rick Hube. The Senate removed that provision as Sen. Mazza doesn't like naming transportation facilities and we have a process involving the Library Board that considers naming public entities from mountains to rivers to roads, etc. He thinks the legislature should not bypass that process. So far we have steered clear of taking sides on this issue, but Brennan did ask me who at the Agency was against the Hube Bridge and I responded that it wasn't about Rick Hube but, rather, process. He responded that he wants a separate process established in law for deceased members of the legislature and that the current legislature would have jurisdiction over the process and results. Mazza's not going to buy that and I think we all have benefited from not having every culvert, bridge, road and rest area named after someone like they do in New York or Massachusetts.

The Condemnation Bill is moving and it does represent a couple of steps forward for our project development process. The House cut the Transportation Board right out of compensation appeals and the Senate would have them involved in matters under \$25,000 as long as the property owner was willing to opt for T-Board consideration. We're OK either way as the real progress for us is around Necessity which is streamlined, but still in the courts and the bill allows us to start a project once Necessity is determined and an offer made to the property owner. There would be an escrow account and the appeal process could continue concurrently with the start of construction.

**Kingsbury Truss Bridge, Rt. 100, Warren**

Thirty-four years ago a project was programmed to replace this 1927 truss bridge over the Mad River. The replacement of the historic bridge has been a divisive issue in the

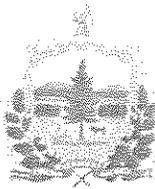
communities of Waitsfield and Warren as some want a restoration and some a replacement with a modern structure.

The latest bridge inspection has caused me to put this project into emergency status and order our folks to proceed with the ROW so that a temporary structure can be installed this year and a construction project can follow in 2013. This does not qualify for the new Accelerated Bridge Program as the detours are about 70 miles. The bridge is not in danger of catastrophic failure at this time, but is perhaps an inspection or two away from an ordered closing. There are 5,000 vehicles per day that use this bridge and we cannot go into the fall and winter season without a temporary structure so we are moving forward.

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Deborah L. Markowitz  
Agency Secretary

Christopher Recchia  
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: April 13, 2012**

**Subject: ANR Weekly Report**

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**Governor Level Issues:**

**Bedrock Map:** Thanks for highlighting our new bedrock map at your press conference this week. The geologists who attended and my staff agreed that it was the highlight of their careers. I was surprised by how interested (and un-cynical) the press corps was about it.

**H.485: Solid Waste – Mandatory Recycling:** Being held hostage in SNR committee by the committee which wants an expanded bottle bill added. We'll see how that gets handled today.

**H.468: Energy:** Many changes were added in latest draft. We are coordinating with DPS and will probably have to get some fixes accomplished in the conference committee.

**S.202 – Rivers Bill:** We have been working on this with the house committee. They will be adding the lakes bill to this since it will not make it through the SNRC in time. We are working with HFWC to limit the water quality/finance study or to give us more time to get it accomplished and have worked with VNRC on language that will allow us to transfer rulemaking authority from the water board to ANR.

**S.28 – Permit Improvement Process:** We began testimony on this in HNRC this week. (It passed 3<sup>rd</sup> read in the Senate on Thursday.) We are working with David Deen to try to allay some of his concerns in advance of it getting to his committee (David says he makes no promises about not "throwing a hissy fit" when it gets to his committee.)

## EVERYTHING ELSE:

### Legislative Issues/Testimony:

There are a lot of moving parts right now in the legislature:

**H.769 - Fees:** DEC fee bill had its first hearing in SFC. They decided to keep the Entergy fee as it passed the house. So far we do not anticipate major changes.

**H.53:** Commissioner Berry testified this week in favor of the Interstate Wildlife Violator Compact (SNRC). We hope it will get out of committee today.

**H.464:** The SNRE is working on a permanent moratorium on Hydrofracking. It includes requirements for yearly reports by ANR that are onerous and unnecessary so we are working to get these taken out.

**H.485:** Waste/Recycling is being discussed today in SNRE. There is a bipartisan effort to add an expansion to the bottle bill. We may need to deal with this in the conference committee.

**H.785:** We testified on the capital budget in Sen. Inst. Yesterday and found money to help solve the Pittsford/Chittenden/Proctor water system problem. We let them know that this not a great precedent, but that this situation was unusual so we were happy to help them find a solution that could work. There is also 200,000 for VYCC for river restoration work that was added to our capital appropriation.

**H.791 - Budget:** We are working to get Sen. Approps to add the money and positions that were put into the S.202. Jane put in the \$120,000 but wants the new positions to come from S.202. If they do that in the house, though, the bill will have to end up in House Approps. which will complicate things. We are talking with Martha Heath but would prefer Jane to put it in her bill.

### Press Issues/Releases:

**Vermont's Spring Turkey Hunting Starts Soon:** The regular spring turkey hunting season is May 1-31. Two bearded turkeys may be taken, and all of Vermont is open to turkey hunting during the youth weekend and regular spring season. Shooting hours for both the youth and regular spring turkey season are one half hour before sunrise to 12:00 Noon.

### Significant Events/Meetings:

**N. Springfield Biomass plant project:** Division staff attended a meeting with representatives and consultants of the proposed N. Springfield Biomass Facility. An overview of the project was presented and it appears as though the consultants are working hard to reduce the facility's need to obtain water from either the public water supply or drilled wells on the WinnStanely property. The Agency will wait to offer any opinions until after the owners present final plans and data.

**Department of Health (DOH) launching of its new public health tracking web portal:** Staff attended the launching of this web portal which enables the user to view DOH and DEC databases at one website when exploring possible connections between environmental factors and health.

**Green-up Day:** The Solid Waste Management Program has been working with Green Up Vermont and the Governor's Irene Recovery Office to develop a list of high priority debris sites for Green Up Day and the Summer of Recovery. Individual towns, regional planning commissions, river groups, VTrans, and other entities have been polled as to the location and severity of debris remaining from Irene.

**Parks outreach:** We are working with Kathy Murphy, Chief Marketing Officer at Vermont Travel & Tourism, to create a relationship with Eastern Mountain Sports to promote Vermont camping through a variety of strategies. A number of exciting possibilities are being considered.

**Recreation Trails Program:** On Friday, April 13, Sherry Winnie will meet with Duncan McDougal, Coordinator of Waterbury in Motion. With the help of several local volunteers, and considerable assistance from Waterbury Town Planner Steve Lotspeich and Central Vermont Regional Planning Commission's Steve Gladczyk, Waterbury in Motion has been putting together a Waterbury Bike/Pedestrian Master Plan which includes a trail project to expand and enhance the Cross Vermont Trail that runs behind the State Office Complex.

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## SUMMARY OF KEY DEPARTMENT ACTIVITY

### Environmental Conservation

**ANR v. University of Vermont - AOD entered as a Court Order on April 2, 2012:** On August 24, 25, and 26, 2010, a WMD inspector conducted inspections of a sampling of main campus and XL labs. The inspection revealed that UVM was not consistently following its EMP procedures for auditing and inspections of labs, and implementation of corrective actions. The inspector also observed several storage and labeling violations. Shortly after the inspections UVM re-inspected labs, conducted audits, and implemented corrective actions. It also implemented a new health and safety policy and compliance oversight procedure. To resolve the matter, it has agreed to pay a \$19,660.00 penalty.

**ANR v. City of Burlington - AOD entered as a Court Order on April 2, 2012:** The City owns and operates the Burlington Main Wastewater Treatment Facility. On April 20, 2011, approximately 2.41 to 2.5 million gallons of effluent, consisting of stormwater and wastewater, discharged from the wet weather system into Lake Champlain without the required addition of sodium hypochlorite for disinfection. The disinfection system failure lasted for approximately 1 hour and was caused by operator error. To resolve the matter, Respondent has agreed to pay a \$15,000.00 penalty and submit written reports detailing operation of the flow verification system.

**JARD site and Kocher Drive Dump:** We requested access to the Kocher Dr Dump site for sampling, potentially related to JARD, but certainly related to an historic industrial dump, and the Town refused. The site has been a public recreation park for decades, and the Town Mgr indicated that they do not want another Superfund site.

**Scrap Tires:** The Solid Waste Management Program has reviewed and approved of the use of 1000 whole scrap tires as a building material. The tires will be used in construction of a single family house in Huntington, modeled on the community of “earthships” located in New Mexico. As with the original earthships, the owner plans to incorporate other recyclable materials, such as cans and bottles, in the structure, and minimize the house’s ecological footprint.

**Moretown Landfill:** MLI submitted a letter regarding the groundwater characterization onsite in reply to our February 2<sup>nd</sup> letter in which they propose to petition the Groundwater Coordinating Committee to reclassify groundwater onsite to Class IV (part of which would include a groundwater remediation plan). MLI also proposes to rehabilitate some of the compliance monitoring wells and establish a written, well-specific, sampling procedure to gather better data going forward. The data gathered by the improved wells would then be used to establish a timeline for returning to background levels. Once MLI submits additional technical information, staff will issue a response to the proposed well improvement work plan and sampling procedure, so MLI can move ahead with those improvements.

**Wetlands Program:** The ACOE is moving forward with a New England General Permit. A draft has been sent out. They are planning on state meetings with stakeholders in May. This will be followed by a public notice period. The goal is to have a new GP in place by the end of the year. Vermont will renew the existing GP just in case the regional GP is not in place in time.

### **Fish and Wildlife**

**Search & Rescue:** Warden Trevor Szymanowski was able to be proactive in a search and rescue effort and located a very lost antler shed hunter in East Haven. The person was found walking without GPS, map, or compass and his cell phone battery was dead. The person had been walking for 3.5 hours since he had become separated from his group and was travelling in the wrong direction. The person was given a ride back to his vehicle located miles away. The warden’s presence likely prevented a full-scale search operation from ever happening.

**Act 250 Violation:** Staff conducted an Act 250 site visit and meeting with the Haystack Ski Resort and Hermitage Inn in Dover. The Hermitage Inn proposes connecting to the Haystack ski trails with a new trail and a new special ski lift. Unfortunately, they have already cut the trail and lift line and both pass through a bear-scarred beech stand so they begin the permitting process with permit violations as well as violations to Dover Town Zoning.

**Hunter Ed:** Thirty-two new instructors participated in a mandatory all-day new instructor training last Saturday at the Barre Fish & Game Club. Youth turkey hunting weekend and spring season are approaching, creating one of one of the busiest months for hunter education courses. At least 20 courses are occurring this month or have already begun. Bid documents are being prepared on the final set of plans for the proposed Hammond's Cove Shooting Range and construction on this, the state's first public shooting range, should begin early this summer.

### **Forest, Parks and Recreation**

**Encroachments:** FPR staff are reviewing potential encroachments on Camel's Hump State Park (construction of road across state land to access private camp) and Green River Reservoir State Park

(construction of utility facilities to service a private camp across state land). Other potential issues include obstruction of a state ROW to Victory State Forest.

**State Land Records:** We are pursuing an agreement between FPR and the Vermont State Archives and Records Administration Office (VSARA) regarding the scanning and disposition of ANR land records that are presently being housed in VSARA's Middlesex facility. The agreement will include details regarding the provision of space in Middlesex to proceed with the scanning project, VSARA's oversight and supervision of a temporary employee to conduct the scanning work, and transfer of legal custody of the land records to State Archives after these records have been scanned.

**Parks:** Flood repair is proceeding at Camp Plymouth State Park. The contractor is optimistic that the rental cottages and group use shelters will be ready for use by Memorial Day weekend. The balance of the park should be ready by mid-June. Other flood repairs on trails and roads in parks and forest lands are underway.

**Recreation Trails Program:** Federal Highway Administration's authorization of \$412,345.00 was received, authorizing funds for 60 trail projects on state land this year contingent on trail project work being in compliance with Section 106. There are 12 projects pending Section 106 clearance. The state trail crew is being hired, our partnering organizations are being contacted, contractors can be solicited, supplies can be ordered, projects and work plans can get underway, and spring is coming!

### **Information Technology**

DII's Richard Boes informed the Senior Technology Leadership Team that DII will not enhance the enterprise SharePoint platform – MOSS – with third party add-ons. Accompanying this change in approach was DII's new support for doing this ourselves in our own SharePoint environment. We are back to where we were a couple years ago when we asked about doing this in house but were told that we could not, and that we had to use MOSS. I understand Richard's logic but we now have a big challenge on our hands.

### **Business Office**

We have started negotiations with BGS on payment of phone charges involving the old Waterbury lines that are still active as well as the new phone charges at our new temporary locations.

**Space Committee:** The Space Committee continues to meet weekly and is adding members including Bob Hammerl. Another site visit made to National Life Records Building. Working with staff scheduling on 3 site visits scheduled next week for open office environments. Around 30 people will be attending the 3 visits to GMP, VEIC and 7th Generation.

**Phone lines:** Working with Staff on phone line planning and maintenance and cancellation of unused Waterbury lines and preparation for upcoming phone needs at National Life.



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

**To:** Peter E. Shumlin, Governor  
**From:** Douglas A. Racine, Secretary of Human Services  
**Re:** AHS Weekly Report  
**Date:** March 13, 2012

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**Secretary's Office**

Visit to ADPC. Staff at the ADPC unit and at 208 Hurricane Lane was greatly appreciative of your visit and the time you took to talk with them. Some of the staff in my office, who have been with the state for many years, commented that no other governor has ever shown up. Thank you.

Visit from Senator Sanders. I met Tuesday afternoon with Senator Sanders. He requested the meeting to get an update on human services in Vermont and to ask how he might be helpful. We talked about poverty, early childhood programs, dental clinics and other services in our schools, reducing recidivism and other issues. I was impressed that his interest was strong enough to stay for an hour. I will explore opportunities to work with the Senator and his staff to coordinate our efforts in the state with funding sources at the federal level. When you next see him, you might want to thank him for reaching out to AHS.

**Vermont Department of Health (VDH)**

Nurse Family Partnership Program. The Maternal Infant Early Childhood Home Visiting Program, as funded by the federal Affordable Care Act, is supporting implementation of the Nurse Family Partnership program in five Vermont counties, with planned expansion to two more counties in the spring of 2012. This evidenced based program consists of offering home visits by trained nurses to low income first time pregnant women. Vermont's Nurse Family Partnership Program officially began this month, with implementation in Franklin, Lamoille and Caledonia counties.

Emergency Preparedness. The Vermont Department of Health has received a score of 97 out of 100 from the federal Centers for Disease Control and Prevention (CDC) for its level of preparedness to receive and dispense medications and supplies through the Strategic National Stockpile (SNS) program. The CDC technical assistance review in mid-February involved a site visit and measurements of Vermont's ability to plan, exercise and activate the SNS plan. The SNS program is a multi-agency coordinated response designed to vaccinate and protect the state's population in the event of the release of a chemical agent or bioterrorism attack.

Influenza Outbreaks in Long-Term Care Facilities. The Department of Health has received reports of confirmed influenza and outbreaks of Influenza-like illness in long-term care and residential care facilities in Addison, Bennington, Caledonia, Chittenden, Lamoille, Rutland, and Windsor counties, and increased reports of positive rapid flu tests (these are tests that are done right in doctors offices to test for the flu strains) throughout Vermont. Preventing transmission of influenza viruses and other infectious agents within health care settings requires a multi-faceted approach that includes vaccination, testing, infection control, and antiviral treatment and prophylaxis.

Counterfeit Cancer Drugs Appearing in Vermont. On April 10<sup>th</sup>, the Board of Medical Practice was notified by FDA representatives that an investigation into what is being characterized as “counterfeit cancer drugs” had found evidence that a South Burlington physician may have received and dispensed some of the counterfeit drugs. The drugs were purchased from an overseas wholesaler.

Troubling Series of Public Records Requests. The Medical Practice Board has received six public records requests in what appears to be a series of related requests. Each has been submitted electronically and each has requested all public documents associated with a licensee (five MDs and a PA). Each request is from someone using a different name, but similarities in the wording of the requests gives an impression that all are from the same requestor who is using multiple false names. That impression becomes much stronger when a pattern of relationships between the providers is considered – they are all connected by having been associated with Planned Parenthood and/or by having been associated with a lawsuit brought by a woman over a failed abortion. The lawsuit was settled in 2000. Another factor contributing to the concern was that Board staff noticed a report in a daily clippings email from the Federation of State Medical Boards that a Planned Parenthood clinic in Wisconsin was firebombed over the weekend. That report described how Dr. Prohaska, a physician who worked at the clinic was targeted, noting: [The anti-abortion website that had also targeted murdered physician George Tiller had posted “a chilling amount of information about Dr. Prohaska and his family that is clearly intended not only to be threatening, but also to be a source of information for people that wish to do Prohaska harm.”] Coupled with the fact that the Planned Parenthood clinic in Burlington had been targeted with a pipe bomb, staff was concerned enough to seek legal advice. The Board was advised by AHS AAGs that it must grant the requests and that there is no basis to refuse them. The Board is awaiting further advice from the Attorney General’s Office as to whether the licensees should be warned that their records have been released and whether the Board may bring this information to the attention of law enforcement authorities.

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

We have not received a report this week from Commissioner Flood.

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

### **Ongoing Issues**

Adult Protective Service. We have several good candidates for the Program Chief position and hope to fill it soon.

Adult Protective Services Litigation. The judge dismissed portions of the case against APS and gave the plaintiffs 30 days to correct problems with their pleading. I have investigated a new allegation that APS had summarily closed 90 cases without review and I concluded it was unfounded and met with the plaintiffs to discuss. APS is taking a fourth look at 15 cases about which the plaintiffs had the most concern. Commissioner Wehry has written a response to concerns about these 90 cases and a copy is on the Department's website. Nonetheless, Attorney Barb Prine continues to repeat the claim to legislators and continues to erode my confidence in the Disability Law Project's credibility.

### **Legislature**

There was a hearing Thursday before a joint session of House Human Services and Senate Health and Welfare on the national consultant's assessment of APS. She testified by telephone and the Commissioner and her staff were on hand to answer questions.

Commissioner Wehry and CFOs Jim Giffin and Bill Kelly met with House Appropriations to discuss funding and reporting of Choices for Care program. We have provided the requested data showing our continued downward trend in nursing home utilization and comfortable margins under the five year cap imposed by CMS.

### **Evolving issues (with possible media attention)**

DAIL has kicked off an initiative to address growing concerns among families about more independent housing options for individuals with developmental disabilities. The initiative "Exploring Creative Home Solutions" had its kick-off meeting on April 4<sup>th</sup> and was well attended. Families Together has coined the phrase "50 Ways to Leave your Mother" to describe this effort.

McGirr's Nursing Home has filed for injunctive relief from the CMS decision to decertify them. The U.S. Attorneys office is taking the lead on the action. The hearing was Thursday. Meanwhile, DAIL's attorney Stuart Schurr is handling press inquiries.

There is some confusion in the public as to where Survey and Certification sits and so inquiries about the McGirr decision have been misdirected to Commissioner Chen. As a result, there has been some delay in answering questions from Rep. Partridge which Commissioner Wehry rectified Thursday.

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

### **Press Issues/Releases/Contacts**

WCAX. Feedback has been very positive regarding the two stories featuring the culinary program and the Easter celebration. WCAX is also working on a story regarding a person who has successfully reentered the community after attending the Community High School while incarcerated. It appears that this story will air later in April.

### **Significant Events/Meetings**

White Paper Group. Deputy Secretary Oliver and Commissioner Pallito met with the White Paper group on April 10<sup>th</sup> at the Chittenden Facility. This is a scheduled, monthly meeting with the group. Updates included continued recruitment for a Superintendent, Second Chance Grant Opportunities and the upcoming NIC visit. Also, the recent low numbers of women incarcerated at the Chittenden Facility was discussed.

Meeting Between the Departments of Agriculture and Corrections. Corrections and Agriculture are continuing to plan for the upcoming summer season regarding the Barn Painting Project. The goal is to select a few barns to paint this season using donated paint and work crews from the DOC.

### **Other**

Reminder. Commissioner Pallito will be in Washington during the week of April 16<sup>th</sup> attending the National Recidivism steering committee for the Council of State Governments. This committee will discuss the next steps in Corrections work regarding recidivism across all fifty states. This trip is funded by the Council of State Governments. Deputy Commissioner Menard will be available during this week and Commissioner Pallito will be in contact via email and phone.

Director of Planning. After an extensive search, the DOC has hired Monica Weeber from the United Way of Chittenden County to serve as the DOC's Director of Planning. This position will focus on grant writing, long range planning, internet information services and working with the Council of State Governments (CSG) on the exhaustive statistics that the DOC currently publishes. With CSG's help, we hope to create and maintain a dashboard of statistics on our website. Monica will start with the DOC in mid-May.

The DOC is still in the recruitment phase for the Superintendent of the Chittenden Facility and a DOC Casework Director.

### **Population**

The Department's incarcerated population has remained below the 2050 range for the last week with the female population stabilizing below 130. The Department has reduced the out of state population to 495. This population has not been this low in several years. The Department is currently supervising six individuals on home detention, 46 on home confinement.

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

## **Significant Events/Meetings**

Registered Home Provider License Suspended. Lisa Ovitt is a registered home provider in Danby. She is also the guardian of her grandsons, special needs twins. On 9/8/11 a report was made to Family Services that Cameron Ovitt, age 10, engaged in sexual contact with his two year old cousin. Cameron was removed from the home due to these allegations, aggression towards his twin brother and threats of self harm. He was placed at the Brattleboro Retreat.

In January, Lisa requested a variance to child care regulations to allow Cameron to come home from residential placement and to continue in her child care. At that time DCF/Child Development Division (CDD) requested to see the Family Services intake and investigation documentation and the psychosexual risk assessment conducted on Cameron while he was in the Retreat. This information was never produced. In light of the sexualized behaviors Cameron demonstrated with a 2 year old, DCF denied the variance request on January 17, 2012.

Last week DCF/CDD decided to conduct an unannounced visit to Lisa's program. The CDD licenser found that Cameron had been living in the Ovitt home since sometime in January. This is after CDD denied her variance request and before Ovitt submitted an appeal to the Human Services Board. DCF/CDD immediately suspended her license which means she can only provide care to children from 2 families and DCF can not pay her financial assistance if any of the children in her care are approved to receive this benefit.

When the CDD licenser went to deliver the suspension letter, Ovitt refused to sign it and further refused to give the names of her private pay clients. DCF has information on children who are receiving financial assistance and were able to notify those parents but has no way of knowing about other children. DCF/CDD left a message for Danby Representative Patti Komline as an informational courtesy.

DDS Director, Trudy Lyon-Hart Testifies Before Congress: Trudy Lyon-Hart, the Director of the Office of Disability Determination Services, is also the President-Elect of the National Council of Disability Determination Directors (NCDDD). In this role, she testified on March 20, 2012, before the United States House Ways and Means Sub-Committee on Social Security in Washington, D.C., on behalf of the administrators of the Disability Determination Services of the States and the District of Columbia.

Trudy's testimony primarily highlighted budget and staffing concerns of the DDSs. Nationally, DDSs' ability to continue to provide prompt, high quality service faces serious threats due to inadequate funding for the caseload this year and the next, especially if the Congress goes through with the cuts scheduled to occur in federal FY 2013 per the Budget Control Act. Fortunately, for the present, the Vermont DDS has sufficient staff to keep up with its workload and has one of the highest accuracy rates and shortest processing times in the nation. In her national leadership role, Trudy is working to help all DDSs, including Vermont, in their need for sufficient federal resources to continue to provide quality service to people with disabilities.

## **Evolving Issues**

CVPS and GMP Electric Discount Program. Under Docket #7535, the Public Service Board requires the establishment of a low-income Energy Assistance Program (EAP) by companies

which serve an estimated 70 percent of Vermont's residential electric accounts. The five Community Action Agencies (CAPs) submitted a proposal in February to determine consumer eligibility. Representatives of CVPS and GMP approached DCF and expressed their strong desire to partner with the Department rather than the CAPs. Beginning this summer, the DCF Economic Services Division (ESD) will determine consumer eligibility for the CVPS and GMP 25 percent electric service discount for households at or below 150 percent of poverty. ESD will manage the electric companies' EAP under a contract on a fees-for-services basis.

News from DCF's USDA School Commodity Foods Program. With strong encouragement from USDA, on April 6, 2012, DCF requested \$135,639 of federal fiscal year (FFY) 2013 USDA State Administrative Expense Reallocation (SAE) funds to supplement the administration of the School Commodity Foods Program during the coming year. If approved, DCF will utilize this funding to rollout USDA's Web-based Supply Chain Management (WBSCM) commodity ordering system to the recipient agency (school) level. This year-long project to enhance the efficiency of VT's Food Distribution Program supply chain management system will allow the state to eliminate a time-consuming manual ordering system and will allow school meal program directors to better manage their school food programs, menus, and budgets.

There have been concerns about the operation of our commodities program. While improvement is needed it is important to note that at one time there were five full time employees (FTEs) in the program and today there is just one FTE. The funds requested will allow DCF to hire and equip a full-time program manager, who will work with school meal program directors statewide and oversee the day-to-day operation of the program.

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

#### **Press Issues/Releases/Contacts**

Exchange survey. Mark Larson and Lindsey Tucker spoke with Peter Hirschfeld from the Vermont Press Bureau about the Health Insurance Exchange Survey.

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

Dual Eligible Proposal Public Hearing. On Thursday, Mark Larson and Julie Wasserman attended a public hearing for comments on the Dual Eligible Proposal via Vermont Interactive Television which will be broadcast at nine sites across the state.

Health Services Enterprise. DVHA, AHS IT, and BGS, with advice of legal counsel, decided to rescind the Enterprise Master Persons Index (EMPI) RFP, despite being very close to contract, because of issues related to the non-compliance of the selected bidder. This decision came about when it was apparent that proceeding any further would risk potential litigation creating a stoppage in work activities and greatly delay the progress of Health Services Enterprise portfolio activities. The EMPI project will now be included in the Health Insurance Exchange / Eligibility & Enrollment (HIX / E&E) RFP now under development.

Hospital Provider Tax concerns. Mark Larson continues to engage the hospital association in discussion related to the association's concern about the inclusion of physician practices within the hospital provider tax. DVHA initially offered to approach CMS jointly with the Association for a ruling but more recently the discussion has moved to how we might agree to a plan to continue discussions about the provider tax prior to requesting a ruling from CMS.

Bennington/Rutland. Beth Tanzman, Vicki Loner, and Barbara Cimaglio met with representatives from United Counseling Services (UCS) to discuss how the "hub" in Rutland for methadone and other like treatment interventions can work together with the Blueprint team and UCS in Bennington to support both Rutland and Bennington Counties. A follow up meeting will occur between Rutland representatives and UCS within the next few weeks (after the session) to start planning.

Chittenden Hub & Spoke. Beth Tanzman, Vicki Loner, Barbara Cimaglio, Carrie Hathaway and representatives from Pacific Health Group are meeting with the Howard Center to discuss the payment provisions for the Hub and Spoke since Howard will act as both a Hub and Spoke.

9<sup>th</sup> Annual Blueprint Conference. On April 10<sup>th</sup>, the Blueprint held their 9th Annual Conference. Close to 400 people signed up for the conference making it the most well attended conference the Blueprint has held. We thank Governor Shumlin for his most inspiring speech to open the conference and energize the 'packed to capacity' UVM Conference Center at the Sheraton Hotel. At the end, one of our out of state speakers leaned over and said 'I wish we could have your Governor for one year'. The Governor's speech set the tone for an energized meeting with most attendees staying until the end of the conference at 3:30.

A Vermont panel provided a detailed discussion on the changing landscape in our state. Primary care clinicians and Community Health Team staff from Middlebury, Plainfield, and Bennington presented the ways in which expansion of the Blueprint to their communities has changed the way that they delivered healthcare, and allowed them to practice real team based care within their practices and across their communities. There was a lot of emphasis on how mental and behavioral health services are more accessible to their patients and families, and how medical and non-medical services are becoming more integrated.

## **Emerging Issues**

Exchange Hiring. The Exchange Division has hired its first new staff member, Erick Carrera, as our health care policy analyst. Erick, a lawyer, comes to us from Senator Sanders' office, where he worked closely on federal health care reform. He is intelligent, thoughtful, and passionate about our reform efforts.

Exchange Survey. The benchmark survey of 1000 Vermonters to determine knowledge of and attitudes about the Exchange is completed. Top line results are back, and Peter Hirschfeld wrote an exclusive story on Sunday. The results were announced through a press release on Monday.

- The Department of Vermont Health Access conducted a statewide telephone survey among 1,004 residents 18 and older March 17 through 25, 2012. The purpose of the

survey was to establish benchmark metrics for the development of the Health Benefit Exchange.

- Seventy-three percent of respondents say they have not heard anything yet about ‘an online health insurance exchange’ or ‘online insurance marketplace.’
- When provided with a short description of the Exchange – as a new website that individuals and small businesses can use to find, compare and buy insurance plans – 75 percent of respondents say they would be very or somewhat interested in using the website if they were uninsured, while 22 percent say they would not be interested. After learning more about the Exchange, 86 percent say they would be interested in using the website if they were uninsured in 2014.

# Memorandum

Vermont Department of Public Service

## Privileged and Confidential

**To:** Hon. Peter Shumlin, Governor & Sarah London, Governor's Counsel  
**From:** Elizabeth H. Miller, Commissioner & Sarah Hofmann, Deputy  
**Subject:** Weekly Report – Priorities Version  
**Date:** April 13, 2012

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### Status of Priorities:

- GMP/CVPS Merger - JFO is going to have Tom Kavet do some kind of analysis of the merger deal. It is still unclear what will be analyzed. We will know more early next week or over the weekend. Pursuant to the GMP/DPS Memorandum of Understanding the DPS, CVPS and GMP have been working on revision of the respective companies' Alternative Regulation Plans (ARPs) in anticipation of the merger. Briefs in the docket are due April 23, with reply briefs due May 4. VELCO has proposed a shareholder agreement setting forth the "independence" criteria for VLITE and public power representatives not currently represented on the VELCO Board. WEC and Stowe object to those criteria. DPS will review the proposal and speak with Stowe and WEC about their concerns.
- Vermont Yankee CPG – Entergy filed a letter on 4/9 stating that it agrees that it is required to continue CEDF payments, but refusing to make payments, holding the payments in escrow until the Board rules it can continue to operate or issues a new CPG. Entergy further conditioned payment on legislative action, i.e., if the legislature passes H. 782, which provides some CEDF funding. Entergy characterizes this bill as a "replacement" for the funds required under the CPGs. DPS opposed this proposal. The Board issued a decision on 4/12 affirming that Entergy must comply with the CPG provisions generally, but claiming that "no party had provided a detailed analysis explaining how each of these obligations remains in effect," and denying DPS' motion without prejudice. DPS will evaluate how to respond to the Board's ruling.
- Vermont Yankee Operations – The plant is still struggling with the back pressure in the condenser. It has experienced a water leak in the #4 Water Box of the condenser. For several weeks, the leak rate was kept to acceptable levels by mixing wood-flour into the intake structure. The wood-flour was successful in temporarily plugging small steam tube leaks and reducing the leak rate. VY subsequently decided that they would lower power on April 9, and locate and repair the leak. Five leaking tubes were discovered and plugged. As of April 11, the plant was operating at 35% power. They have finished their work on the condenser and are ramping back to full power.
- LNG and CNG – We have cases involving both now before the PSB. OMYA wants a declaratory ruling that the Board has jurisdiction of the LNG plant proposed. Tom Evslin's project wants a declaratory ruling that 248 doesn't apply. The DPS is sorting out the legal issues. It is quite possible that both projects are correct in their legal quests.

### **Legislative Issues/Contacts:**

- H.468 (Energy bill) came to a skidding halt today in Senate Natural. Senator McDonald was the key vote against the proposal in large part because it had an innovative plan for IBM. Liz and Sarah have a meeting with Mark on Monday at 1:00 to discuss.
- H.475 (net metering) is still in Senate Finance. This seems to be progressing.
- S.148 (small hydro) we have been watching but this week Andy Perchlik testified in support of the bill in House Fish and Wildlife. It calls for the commissioner in consultation with the Secretary of ANR to enter into an agreement with FERC for a pilot project to expedite development of small hydro plants. Sarah is scheduled for testimony in HF&W next Thursday at the committee's request. We are trying to find out why they want further DPS testimony.

### **Press Issues/Releases/Contacts**

- Press contacts have been primarily on either the Merger MOU or Entergy.
- Liz taped a "You Can Quote Me" to be run this weekend. It was largely about Vermont Yankee and the Merger.
- Alan Panebaker (VT Digger) appealed to Liz an earlier finding by Sarah that settlement documents between GMP and DPS are exempt from public disclosure at this time as relevant to litigation. Liz is upholding the decision. That decision will go out today.

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

- The Energy Summit took place on Monday, April 9<sup>th</sup>. The event was well attended and successful.
- The Climate Cabinet met to discuss implementation of the CEP and the use of town energy forums as a way to continue public participation and grass roots organization.
- Liz and Asa met with others re the CETI/Sandia project including the DOE head or its solar program. It looks like Vermont will be the 4<sup>th</sup> regional test center. There are some tight time frames now over grant dollars that VT will be addressing.
- Liz and Tony Klein met with students and citizens in Burlington to talk about Vermont's energy future.
- DPS met with the Board and DII to discuss moving ahead on our joint case management system. The purpose of the meeting was to review the independent review and answer questions from DII on risks and how we would address them.

### **Evolving Issues:**

- There is an energy dialogue planned for Montpelier on May 17<sup>th</sup>. Liz and Lawrence Miller are going to attend but the state can have 4 or 5 additional Vermonters in attendance. We can appoint those folks, but wanted to give you a chance to appoint should you want to.



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*Jeb Spaulding, Secretary*

**PRIVILEGED AND CONFIDENTIAL  
MEMORANDUM TO THE GOVERNOR**

**TO: Governor Peter Shumlin**

**FROM: Secretary Jeb Spaulding**

**DATE: April 13, 2012**

**SUBJECT: Confidential Report to the Governor**

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**CONNECT VT**

**Status of Governor's priorities:**

**A large commitment and step forward this week by the VTA Board for cellular expansion.**

VTA Board voted to approve a \$5M grant to VTEL for expansion of mobile to cover a significant number of target corridors and drop zones, subject to contract terms. **This information has not been released as yet, with the board to approve the final contract at the May 6 meeting.**

Following thoughtful consideration of the VTEL proposal which included:

- Existence of reciprocal roaming agreements with both T mobile and AT&T, pursuing Rogers and another carrier.
- Network performance at a standard of "sustain, initiate, transfer a DATA call at 120 KPH, in car" the network will reach > 40% of all the TC's and drop zones. This is a very high bar of call performance and when reduced to phone call only, will generate more coverage.
- Understanding of how this network may also provision for Public Safety needs in 700 MHz spectrum and microwave communications.
- Contract in negotiation, with VTEL appraised and favorable to all terms in advance of the vote.
- The incremental capex cost, beyond federal funding, to build the 3G voice network is 10.8M with a minimum annual operating cost of 1M. They will make a 5 year commitment to also be a retail provider of cellular service.
- These terms are confidential until contract is finalized and announced.

- We would anticipate this for first week of May and a joint event with GPS, VTel, VTA, possibly ATT or T Mobile.
- Michel Guite was very grateful

There remains 1.4M to be committed to mobile projects. The VTA board has given the Vanu/covage Co entity until April 25 to produce evidence of a roaming agreement with Sprint that would make their network possible.

FairPoint: We convened a meeting with FairPoint (Mike Smith, Beth Fastiggi and two engineering representatives) the Department of Public Service (Jim Porter and Corey Chase), the VTA (Chris Campbell and technical consultants), our GIS supplier (Stone Environmental) to discuss the use of three buckets of resources that may be available to FairPoint to extend broadband service to unserved and underserved locations in Target Communities. FairPoint looks to combine: PSB recapture funds of 6.6M, Connect America Funds of up to \$4M ( based on USF award to company and competing proposals within FairPoint system) and grant applications to the VTA Target RFP ( 3.6M total). The inclusion of CAF could be accretive to the plan and we welcome that addition.

The strategy requires a synchronization of upfront engineering, timing, and bright line dates for decisions which we are all aware of and committed to, to unfold between now and early July. Next step is for the FairPoint team to submit their engineering proposals on or before May 13.

ACCD/ DII: Met with Sec Miller, Commissioner Boes and staff to discuss and develop a more cohesive strategy for e government.

Community Meetings: Presentation to Franklin Select Board on cellular service availability and plans. Positive feedback for work that has been done to target their area. The meeting also resulted in a site candidate for the Vtel wireless project.

Sanders Staff: Met with David Weinstein and Meaghan Reed (DC), update on Telco activity and projects. I offered comments regarding the proposed co marketing/ spectrum merger between Verizon Wireless and a collective of cable companies; whereby each entity can cross/co market the other's services and Verizon gains access to spectrum. Unlike the ATT/T-Mobile merger, this merger activity makes no commitment to any further build out or expansion of services by state. It has no explicit benefit for Vermont or our infrastructure (cable or cellular). More likely, it allows for market share growth by these entities within service areas of rural telephone companies, thereby weakening their ability to perform and serve.

## **BUILDINGS AND GENERAL RESOURCES**

### **Status of Governor's Priorities:**

- Capital budget adjustment to be voted out of SIC.

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

- Met with Rockingham officials regarding Vilas Bridge and efforts to rejuvenate the Island.
- Met with Conor Casey, VSEA, and re: VSEA involvement in modern office efforts at NL.
- Met with AHS regarding space and organization at Waterbury.

## **FINANCE AND MANAGEMENT**

### **Issues Update:**

#### **ERP Project – HCM:**

- Expense Module: FinOps staff have been finalizing the revisions to Bulletin 3.4. The target for submission of the draft for review and approval is slated to be within the next 3 weeks. Staff has also been involved in assisting in the design of the new workflow process that will be required for the new expense module.
- Business Manager Meeting: FinOps conducted a meeting with approximately 50-60 departmental financial leaders last week to outline how the recording of time (hours) and absences (sick, vacation, and other leaves) will be charged to the appropriate chartfields. The new system will have two options available for time and absences. The direct outreach effort, which will occur over the next few months, was discussed. The outreach involves working directly with individual departments to provide more information, guidance and assistance in determining which option may be the best for their unit.
- ERP Project - VISION Financials Upgrade: On Wednesday, a meeting was held attended by Commissioner Reardon, Deputy Commissioner Zeller, Deputy Secretary Clasen, Director Riven and Director Ferland. The discussion was about whether the capability exists to match program budgeting in the new Vantage Budget System to actual program expenditures in VISION. A strategy needs to be developed to address how full programmatic expenditure tracking can be accomplished as part of the VISION financials upgrade. Currently, not all departments track expenditures programmatically and even for those that do, inconsistencies exist in the use of VISION chartfields.

**FY 2013 Budget:** The Senate Appropriations Committee continues mark-up this week and hopes to pass the Big Bill (H.781) out by Friday of this week or early next week. Passage by the full Senate could occur next week, after which the House with either confirm the Senate version, or more likely a Committee of Conference will be necessary.

## **HEALTH CARE REFORM**

Nothing to report.

## **HUMAN RESOURCES**

### **Legislative Issues/Contacts:**

**S. 137: Agency Fee:** Commissioner Duffy testified before the Senate Economic and General Committee on the agency fee provision in S. 137. Initially, the Committee agreed to grandfather state employees hired prior to 1998 so that they would not be required to pay an agency fee, as is now the case under the collective bargaining agreement. However, in a 5-0 vote, the Committee reversed itself and deleted the grandfathering provision. S. 137 has been referred to the Committee on Rules. If necessary, we will attempt to amend the bill as currently drafted to re-insert the grandfathering provision.

Pay Act: Commissioner Duffy testified before Senate Government Operations on the Pay Act, which was relatively uneventful. James Mongeon and Tracy Shriver also testified to note that they do not agree with the Governor's plan to limit cost of living increases in FY13 to those making \$60,000 or less. Probate Judges also requested salary increases and requested that half time judges be given full health insurance benefits. Commissioner Duffy advised the Committee that the health plans eligibility rules would not permit us to insure half time employees. The Historical Society requested additional funding because it is required to pay its employees in a manner consistent with the terms of state collective bargaining agreements.

### **Evolving Issues:**

VSEA Filings Related to Managerial Classifications: The VSEA has filed several grievances related to what it alleges are inappropriate managerial designations made by DHR's Classification Division. VSEA has done so despite making no attempt to assess why the designations were made or to discuss the designations with the Classification Division. This appears to be a significant change in practice for the VSEA, and represents a far more aggressive approach than previously taken.

Vermont State Hospital: The staffing situation and status of RIF'd employees for the Vermont State Hospital is in flux because of several decisions made by the Department of Mental Health. The Department will no longer be providing staff to Second Spring in Williamstown. However, DMH intends to keep staff currently assigned to Waterbury, even though the one patient treated at that facility is now transitioning to Eagle Eye, a non-state facility; DMH is doing so because it does not believe the transition will be successful. Staff assigned to Waterbury will work on other projects in the short term, but are unlikely to work 40 hours a week, although they will be paid for 40 hours. As a result of these changes, DHR has reassigned staff and is working with VSH to locate the additional employees necessary to fully staff the Springfield facility. In many instances, DHR has offered to rescind RIFs in accordance with our collective bargaining agreements in order to fill these positions, but the employees contacted by DHR have already accepted other employment with the state or have declined the offer because of the greater travel required.

Wellness Activity Program: Seventy-nine teams comprised of 269 employees are participating in the State's activity program this spring, which is promoting participation in the Corporate Cup. This is 125 more participants than last year, and is attributable to the efforts made by the Wellness Team to find a more stimulating approach to the activity program. The Wellness Team also plans to man a table at the Corporate Cup.

## **INFORMATION AND INNOVATION**

Nothing new to report.

## **LIBRARIES**

Nothing to report.

## TAXES

### Legislation:

Miscellaneous Tax Bill: Senate Finance has been walking through the bill, and the Commissioner spoke with Sen. Cummings.

Yankee: In a discussion before the PSB ruling, the Commissioner suggested to Ann that the Administration was concerned that legislation may be ill advised pending the CPG outcome; the Chair said they wanted something on the books and that some of the money might already be spent in the budget.

Sunset of the Property Tax Adjustment Provisions: The House version allows the income and dividend provision to sunset, but retains the household value limit. Ann points out that double counting income and dividends was a Senate idea, and despite the confusion and complaints, they would propose to retain it with a higher threshold. Susan Mesner is crunching numbers for them.

Current Use Parking Provision: Senator Cummings was aware that last year's provision needed to be "fixed", the Commissioner emphasized the firestorm that the provision raised and cautioned that any "fix", particularly one that is not thoroughly vetted, likely will breed more controversy. Secretary Ross is supposed to lobby Senator Westman to repeal the provision outright.

Tax Department Structure: Both Ways & Means and Finance belatedly are hearing testimony on Rep. Branagan's bill for an independent hearing officer. The Department was required to study our appeals process last year - the statistics on the low number of appeals, and success in court, should prove the expense is wholly unjustified. Former Commissioner Westman ironically has suggested that our new Policy division be codified; the Commissioner instead provided both Committees with an outline of our plans, which are well underway.

Homestead Declaration: Finance apparently is inclined to reinstitute an annual declaration.

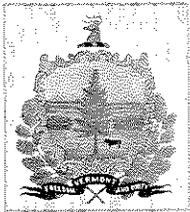
Cloud: Rep. Scheurmann moved to withdraw the House bill, apparently a procedure available to disgruntled sponsors that had never been invoked before. It was voted down. Rep. Ram presented the House bill to Approps, with Martha's preface that they would not take a vote because they could not fund it. The Committee was all over, with some (particularly Rep. Toll) questioning giving refunds. The Commissioner answered some questions, emphasizing that the Administration agreed with refunds (and that the Department does issue refunds upon justified requests in the ordinary course), but disagreed with taxing going forward as a matter of economic development and administrative efficiency.

In the meantime, Ann was fairly cagey about what her committee might do. She understands the Administration position on no taxation, but she said that would take some arm twisting. Brock has an amendment, which no one has seen. She said she at least wants a study. She emphasized that Campbell wanted to tax starting the date of the technical bulletin (September 2010) and she thought she had the votes for that (which would be even more taxation than the House). Interestingly, Carris voted for the no tax language in Economic Development, Ashe was either absent or against (he tells me now he hasn't made up his mind) - Ann said those two often change their votes in Finance. In any event, it would seem Ann and Carris are the swing votes - with Westman/Brock against taxation, MacDonald for taxation, and Ashe/McCormack leaning to taxation.

Colchester Camp Case: Colchester lost in Superior Court a case brought by camp owners on leased land asserting that the town was taxing the value of land twice. The Tax Department believes that Colchester's valuation was defensible, however the presentation of its bill statements was unfortunate. Most immediately, the town will seek reimbursement of money they have been ordered to return to the camp owners representing education taxes (upwards of \$200,000). Does not meet the trigger in statute, would need legislation.

Online Travel: Both Betsy Bishop and Tom Torti responded back to the Commissioner that their organizations would be nervous about upsetting current relationships with online travel companies (although apparently they only work with larger properties). Tom suggested this was like Amazon, a problem requiring a national solution. (Problem is national solutions are not forthcoming).

Tax Expenditure Budget and Bill: Ways & Mean passed out a bill that 'adopts' listed expenditures related to non-profits.



## *State of Vermont...*

### **Department of Financial Regulation**

89 Main St. Drawer 20 Montpelier, VT 05620-3101 Main Number: 802-828-3301

Divisions: Banking, Insurance, Captive Insurance, Securities, and Health Care Administration

### **Memo from Commissioner Steve Kimbell**

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#### **CONFIDENTIAL AND PRIVILEGED – NO SHARING Report to the Governor for Week Ending April 13, 2012**

#### **Governor's Priorities**

##### **Health Care Reform**

H.559 remains in the Senate Finance Committee; consideration will resume on Tuesday.

General Counsel appeared before various legislative committees in support of H.559 and insurance-related bills.

##### **Legislation**

The House Commerce and Ways and Means Committees favorably reported H.533 (Insurance Business Transfer Act). This law would facilitate the transfer of "closed blocks" or groups of commercial insurance policies between solvent companies and attract another segment of the insurance industry to Vermont. Vermont would be the first state to allow this particular type of transaction if the bill is passed. Deputy Commissioner Susan Donegan participated in developing and advancing this legislation.

##### **General Information**

The Banking Division cooperated with the AG's Office and the Treasurer's Office to place on our respective websites a warning to Vermonters to be aware of recent data security breaches and how Vermonters should protect their personal financial information.

The Senate passed H.565 (Vermont SAFE Act); the bill has been approved by both legislative houses. This legislation brings Vermont law into compliance with relevant federal regulations. The bill also cures a problem in the original Vermont SAFE Act regarding "owner financing."

The Department is in discussions with the Vermont State Employees Credit Union regarding references to "banking" in its advertising. Complaints have been received from bankers.

State of Vermont  
Vermont Department of Education  
120 State Street  
Montpelier, VT 05620-2501

**CONFIDENTIAL AND PRIVILEGED: NO SHARING  
MEMORANDUM**

TO: Governor Shumlin  
FROM: Armando Vilaseca, Commissioner  
DATE: April 13, 2012

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**Deputy Commissioner Appointment:** Since John Fischer's appointment as interim Deputy Commissioner at the end of January, he has done an outstanding job managing the waiver work, moving our school improvement initiatives forward, and coordinating the work of our education program teams. I want him to be able to continue that work without interruption so I am appointing him Deputy Commissioner. At next Tuesday's State Board of Education meeting I will be asking the SBE to ratify this appointment.

**State Board of Education:** The next SBE meeting is schedule for Tuesday, April 17 at the Capitol Plaza. One of the items on the agenda is the discussion on clarification to the graduation requirements to address the proposed changes in mathematics requirements. At the chair's request, we will also begin a discussion on Board/Department priorities. I will keep you apprised of both discussions as they evolve.

**District Relationships with Independent Schools:** We have sent letters of inquiry to the Winhall Town School Board and the North Bennington Graded School District, Inc. regarding each district's relationship with independent schools within district boundaries. Vermont law does not permit school districts to designate independent schools for the purpose of providing education to resident students. In the case of Winhall, the town district voted to close its school about 12 years ago and an independent school was opened up in the former town school building the next year. Our main concern in this case is that rent paid by the independent school be based on market value and not be subsidized by the town in violation of state funding law. We also want to ensure that parents of students living in the district are informed by the school board that they may send their children to nearby public schools at the expense of the district.

In the case of North Bennington, that district recently voted to close its school and members of the community are working to establish an independent school to be located in the former district school house. Our concerns here are similar to our concerns with Winhall; however, this effort is in the formative stage and we want to make sure the new provisions for the education of resident children are established according to law.

In both cases we want to make sure that the public school boards maintain a proper arms length relationship with the independent schools operating in their buildings.

**School Visits:** This week I traveled to Lake Region Union High School (LRUHS) to learn more about their "3 in 2" model of math instruction: a model that requires that most of their students take three math courses (Algebra, Geometry, and Algebra 2) in their first two years at LRUHS. This model is a very innovative and humane way of assuring that all students are exposed to Algebra, Geometry and Algebra II and could be a model for other high schools in Vermont as we work to incorporate this level of math courses for all students. The hope is that by increasing the math expectations of all students, not only will proficiency results improve but students will be better prepared for their junior/senior science courses (chemistry and physics), which are heavily laden with mathematics. And, of course, these efforts will also better prepare students for many career and college paths.

**Vermont Adult Learning (VAL):** On Friday I served on a panel at the Vermont Adult Learning Retreat at Lake Morey where we discussed the vision for adult education and literacy (AEL) in Vermont and how VAL can and does contribute to this. The retreat focused on the role of VAL, with an emphasis on educational technology, in bringing greater educational opportunities to our adult education students, leading to enhanced employment.

**Legislative Testimony:** Some major pieces of legislation affecting education have seen significant action at the statehouse this week. H.776, the bill expanding dual enrollment for high school students, continues to work its way through education and fiscal committees. I published an Op Ed on this bill earlier this week. I believe strongly that this is an opportunity to make a concrete investment in our education, our population, and our economic future as a state. In addition, H.440 was voted out of the Senate Education Committee this morning, and the same is expected of the miscellaneous education bill, H.771.

As an aside, I am concerned about the language in H.440 that I believe may cause some gridlock in moving forward the Governor's agenda. I understand the politics behind it, but I still believe that having a State Board of Education will add another layer of bureaucracy.

# IRENE RECOVERY REPORT

April 13, 2012

## Irene Recovery Office Update: (Additional Info & Details below)

### 1) Waterbury State Office Complex: work begins

A state working group has been developed to match the needs of FEMA for moving forward expeditiously on WSOC. A sub-group meets regularly to plan strategy on maximizing federal participation. Witt is advising and we are set for our first meeting of the WSOC Work Group on Monday. This team will meet weekly throughout the process. We anticipate the need for addition staff and have requested full time assistance from the Attorney General's office – an AAG assigned to this case. With the largest building construction project in the state's history and some \$150 mill. at stake, we believe we must deploy adequate staff resources, including legal support, for this critical mission.

### 2) Mobile Homes & Condemnation Authority: first case review by FEMA

Sarah has worked with FEMA to develop a condemnation letter to support their acceptance of condemnation for the mobile homes de-constructed with support from state (Leut. Gov) and Mobile Home Project. If accepted, this would apply to 85+ mobile home owners who were denied the full FEMA benefit due to the lack of clear condemnation authorization for the homes. We are extremely hopeful this effort will succeed. We will develop the next set of cases, and corresponding letter of authorization next week. If successful there are some 500 mobile home owners that **might** get a second review and potentially receive additional benefits. (!)

### 3) 90/10 Status: no progress – request for Congressional assistance

Bridge 501 (\$13mill) remains at OMB. This is a LONG (frustrating) wait. Congressional delegation will pursue & push if necessary.

### 4) Request 90/10 for all 2011 storms?

The Congressional Delegation has suggested we consider requesting 90/10 for all storms. There is precedent for this (Florida, 2004) is one recent example. We have not pursued this to date, but believe we should. Await your advice.

### 5) After Action Conference & Potential Ongoing FEMA support for Community Recovery

VEM held a well-attended After Action conference & is developing a significant list or recommendations for improvement and preparation for the next disaster. IRO has requested additional assistance from FEMA on community recovery. Workshop with large group of "recovery partners" (ad all levels) to be held today. The event, facilitated by FEMA, will review ongoing needs and develop next steps, including possible FEMA support.

### 6) Media:

Green Up To Recover, well received. Valley New report on FEMA: in spite of many bad news stories regarding FEMA public assistance at the towns, I kept my comments on FEMA positive. Next week: Housing & Barren Rental Assistance project.

### 7) Working on a Status Report for the Recovery Mission/ Operation, hope to complete by end of April

## Transportation

Transportation Resilience Planning Project: The purpose of the project is to develop a methodology for identifying vulnerable transportation facilities, assessing risk, identifying mitigation strategies and developing an implementation program on a watershed/transportation corridor basis. Started process of identifying candidate study corridors based on available river corridor management plans and Irene damage.

Transportation System Recovery Expenditures through April 2, 2012: \$121,995,560.

	Total	Federal	State	Local
FHWA ER	83,461,867.57	71,333,836.84	8,357,930.46	3,770,100.27
FEMA – 4022	38,533,692.52	37,986,060.63	547,631.89	0.00
	121,995,560.09	109,319,897.47	8,905,562.35	3,770,100.27

## Economic Development

- Small Business Champion group met to brainstorm possible state projects that we could propose for funding from EDA and/or CDBG-DR funding. List of potential projects agreed to with assignments for projects to develop.
- Reviewed comments from EDA on ACCD's \$300,000 proposal that was submitted in November and developed next steps to answer questions. Additional information and forms due May 1.

## Housing

- Work continues between ACCD/VEM/ VHCB (and SAIC consultants) to coordinate the 25% local match for HMGP buyouts.
- Continued work with FEMA IA and Governor's Office on condemnation letters. Obtained Routine Use list from FEMA of mobile home with significant damages.
- Worked with legislators on mobile home legislation that includes financing program to assist survivors.
- Status update with Homeownership Centers of development of housing recovery proposal through CDBG-DR.
- Received state-level approval of HMGP funding for DEHCD work on improving disaster resilience of mobile home parks.

## Community Development

- Participated in Community Recovery Partnership meeting facilitated by FEMA.
- Attended After Action Review Conference.

## Long Term Recovery Committees – Status Report (4/2/12)

At our request FEMA developed a review of the Long Term Recovery Committees. Highlights below: There are nine (9) standing Long Term Recovery Committees (LTRCs) serving Vermont in response to Tropical Storm Irene.

## Unmet Needs:

The primary function of a Long Term Recovery Committee is to meet the remaining serious disaster-related needs of survivors after all other forms of assistance have been exhausted. Each of the LTRCs in Vermont has been working tirelessly to identify those needs within their communities and to find resources to meet them.

The following list was derived from initial outreach to survivors who indicated they need more help. For the most part, the type of help needed was not indicated, nor have the LTRCs been able to assign costs to these needs. LTRCs are now in the process of assessing and prioritizing these cases. Some LTRCs have the expertise in house to estimate the cost of repairs, while others are looking for Construction Coordinators. It is hoped that the person who will occupy the grant-funded statewide Construction Analyst position will also provide technical assistance.

In the meantime, LTRCs continue to provide assistance to households where the need is clearly defined and where they have resources to meet them. Many LTRCs have submitted cases for funding from the Vermont Disaster Relief Fund, and others are preparing cases for presentation in the near future.

The breakdown of open cases is as follows:

Southeastern Vermont Irene LTRC	150
Central Vermont LTRC	150
Rutland County LTRC	200
Upper Valley Strong LTRC	100
ReBuild Waterbury LTRC	70
Northfield-Roxbury LTRC	37
Mad River Flood Recovery	27
Precision Valley Disaster Recovery Committee	25*
Good Night Irene LTRC	20
Woodstock	<u>24</u>

TOTAL: **803**

\*Precision Valley figures are estimated based on FEMA registrations.

The total reflects approximately 9 % of FEMA registrations, a percentage that correlates to typical unmet need figures nationally. This figure also represents about 15% of those cases referred to the FEMA Individuals and Households Program (IHP), which is again in line with national figures. Usually, only a relatively small percentage of these cases will require major construction. A clearer picture will emerge as the Construction Coordinators complete their estimates.

The general consensus among LTRC Chairs is that needs fall within the following categories:

- Homes Awaiting Disaster Mitigation Buyout
- Rebuilds/Major Repairs
- Foundation Repair/Replacement
- Water Bank Stabilization
- Mold Assessment and Remediation
- Sewage and Propane Contamination
- Wells

Debris Removal  
Driveway Repair

Outreach:

All LTRCs are using their FEMA and 2-1-1 lists as well as their own intake information to develop master lists of Irene-affected households in their area. Most LTRCs have been contacting these households by phone and some have used volunteers to go door-to-door to offer services and assess need. Northfield-Roxbury LTRC used what is perhaps the most creative method to reach out to survivors. A flyer with their contact information was inserted into each utility bill for residents in the community they serve.

Starting Over Strong (SOS) counselors have also been invaluable in providing outreach and referral to the LTRCs because they have direct contact with much of the affected population.

Recommendations:

Additional training is recommended for committee chairs/staff in the following areas:

- Construction Management
- Fundraising
- Volunteer Coordination

Continued staffing help such as Americorps VISTAs, interns and positions funded by the Department of Labor will increase LTRC capacity and ensure continuity as the committees experience turnover throughout the recovery period. National Civilian Community Corps (NCCC) teams could also be an excellent resource for those LTRCs who have the ability to house and supervise them.

While strong ties are already in place between the Home Ownership Centers in Brattleboro, Springfield and Rutland, stronger ties should be developed between the center in Barre and the LTRCs located within its service area.

Summary:

Non-profit organizations, community and faith-based groups and volunteers and in Vermont have created an exemplary network of Long Term Recovery Committees throughout the areas affected by Tropical Storm Irene. These committees will require continued support and coordination from the State Recovery Office, the Vermont Long-Term Disaster Recovery Group and from FEMA until they have the skills to meet the needs of their community members. Each LTRC looks to be sustainable and able to meet its mission.

**To:** Governor Peter Shumlin  
**From:** Lawrence Miller, Secretary - Agency of Commerce and Community Development  
**Date:** April 13, 2012  
**Re:** Weekly Report

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Lawrence spoke on Governor's behalf to the Travel Industry Conference in Killington. We appreciated the importance of tourism to the Vermont economy, and were incredibly impressed with the level of industry coordination seen after Irene. We expressed thanks to those properties that took in Vermonter's and visitors who were displaced, and who showed great hospitality to the recovery workers who were working long hours far from home. We also congratulated the industry for pulling together to bring Porter Air to Vermont and thanked Adam Wilcox of Porter for their efforts. They will be running a summer schedule, by the way. Greg Gerdel in VDTM won Travel Person of the Year and the Foliage Force received the Governor's Award for Marketing.

We began the reorganization of Historic Preservation by meeting with Giovanna Peebles and then the staff announcing restoration of the SHPO position (which Gio had been doing for a few years) and a variety of other changes. Gio took it well and supported the change. She will revert to just being the state archaeologist. This will resolve the concerns of the National Park Service and be a good operational improvement.

At the Energy Finance Forum Crea asked why, if geothermal/heat-pumps were such a great idea we couldn't just mandate them, and other things. Lawrence was on the panel at that time and somewhat firmly responded that mandates are just not a reasonable choice for a number of reasons.

**Columbia Forest Products – Newport:** Jim Greenwood from NVDA and Ken Horseman paid the company a visit to find the company doing well. Business with Home Depot has increased and employment is up to 160 fulltime with the division administrative offices at 25. They are working two shifts and are hiring. Issues of concern going forward included a discussion around available workforce, especially with the plans to build AnC Bio.

**Vermont Captive Insurance Association Employer Higher-Ed Roundtable:** Dan Towle was part of a roundtable discussion in an attempt to better partner the needs of the captive insurance industry, with local employers and local colleges, universities and high schools. The group was an excellent representation of higher education, the captive insurance industry and the State of Vermont

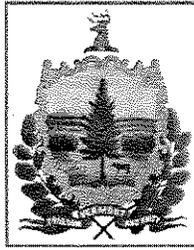
**Vermont State Parks:** The CMO's office is helping the VSP team formulate a 'camping in Vermont' awareness campaign with Eastern Mountain Sports that involves engaging EMS customers to download the new VSP App as well as purchase VSP gift certificates valid for this upcoming summer/fall camping season.

WCAX is working on an EB-5 story. Their questions were all centered, and quite tilted, on "why isn't Jay Peak hitting their job creation numbers." They were basing this on the small change in covered employment in that labor market. I called Anson and let him know that Jay Peak has in fact met all of their direct job creation targets and he should review their approach to the story. I subsequently spent a while talking to the reporter about the difference between direct and indirect jobs and asked what she thought would have happened in the Newport area over the course of the recession if Jay had NOT done these projects.

We met with several members of the Software Developers' Alliance. They are changing to the Vermont Technology Alliance and will be a useful component of the cluster strategy.



To 116 STATE STREET  
MONTPELIER, VERMONT 05620



OFFICE OF THE SECRETARY  
TEL: (802) 828-1619  
FAX: (802) 828-2361

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:** April 13, 2012

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**Secretary's Top Issues:**

State veterinarian met with Len Bull this week, who is the training officer for the Vermont Disaster Animal Response Team (VDART). Initial plans were made to roll out a training curriculum in VT for first responders interested in animal-related disaster response. This training would focus primarily on animal emergency shelter set up and management, would be sponsored by VDART, and would be supported by VAAF.

In re: Chaput Family Farm, PSB#7542. Agency counsel worked with ARMS Division staff to formulate pre-filed testimony on the Agency's role in regulating nutrient management for this LFO. The testimony is expected to support the farm's request for an amendment to its CPG which contemplates the importation of food processing waste from out of state.

The animal health office has received several calls over the past 6 months from a New Hampshire resident who has concerns about the fact that a Vermont resident is selling psittacine birds without a pet merchant license. Most recently, the caller was instructed to send any information that he has on this issue to the Agency, and it would be reviewed with legal counsel to determine next steps. Historically, the animal health section has not devoted its limited resources to pet merchant license compliance, especially after completion of the Division strategic planning process recently. The caller is threatening to go to the media and to lodge a complaint with the Governor's office. To date, he has not sent any of the requested information to the agency.

From 4/9/12 thru 4/13/12 Animal Health staff worked with newly hired Animal Health Specialist Patrick Nevers providing him with information as to what happens in the Animal Health Section and assisting him with acquiring the needed materials and tools. These activities included an introduction to McCracken's Livestock and observing the operations there during tagging and shipping of feeder calves to Canada. That particular day there 300 head of calves sent for export. Additionally, Nevers has accompanied incumbent animal health staff during a cervid facility inspection and an inspection/technical assistance call to the Addison County Commission Sales to perform routine duties and assist with Traceability implementation.

Agency of Agriculture and the Division of Vocational Rehabilitation are exploring how to continue the Rural Vocational Rehabilitation Program. This program is supported with federal funds and provided vocational and rehabilitation services to farmers in Vermont. The program in the past was operated by UVM Extension but the cost of staffing at the University was becoming more than 80% of the grant total leaving very few funds to provide for the actual implements needed for vocational and rehabilitation retrofits. Three models are being explored – 1. Agency of Agriculture manages field staff and Division of Vocational Rehabilitation coordinates grant funding, grant reporting and purchasing of retrofits. 2. Program becomes a part of the EAP program in conjunction with the Farm First program and 3. Develop an RFP and provide the grant funding to another organization to implement the program. All three options are being explored. Deadline for a new entity to operate the program is September 30, 2012.

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**Confidential and Privileged**

**TO:** Gov. Peter Shumlin  
**FROM:** Chuck Ross, Secretary of Agriculture  
**RE:** Weekly Memo  
**DATE:** April 13, 2012

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**Legislative Issues**

State veterinarian provided testimony to the House Agriculture committee on 4/11 pertaining to S.142. Since the latest iteration of this bill focuses primarily on the municipal kennel permitting system, there is only negligible impact on VAAF. However, committee members had questions about the different layers of licensure, both at the local and state levels, for dog breeders.

H.774 in Senate Agriculture Committee. This bill is now the Agency's housekeeping bill by action of the House Ag Committee through a strike-all. It contains formaldehyde regulatory authority, miscellaneous dairy amendments, a weights & measures fix, and clarification for itinerant slaughterers. The Senate passed it out of Committee with minimal clarifying amendment.

**Status of Governor's Priorities:**

Jobs in Agriculture

Green Mountain Farm-to-School, a nonprofit organization in northern Vermont, has two AmeriCorps job openings:

- The Farm-to-School Coordinator will work with school staff to develop, implement and evaluate Farm to School program activities such as taste tests, farm field trips, nutrition education, and more. The Farm-to-School Coordinators also work at the school district level to coordinate local food purchasing, provide professional development, and disseminate best practices. Start date: August 2012.
- The Nutrition and Agriculture Educator will develop, grow, and deliver GMFTS' educational programs including school gardening, taste tests, farm field trips and in-class workshops. Start date: August 2012.

Press Issues/Releases/Contacts:

This week there was a lot of media activity surrounding the predicted drop in milk pricing. The Burlington Free Press ran a front page story, and several reporters attended the hearing at the Statehouse on 4/11.

The Agency has responded by providing spokespeople when requested. Diane Bothfeld appeared live on WCAX, and will be interviewed by VPR on 4/13.

Other items of note include the Agency's efforts to coordinate with the Dept. of Health to release a message regarding produce safety and the importance of supporting local farms as they recover from Tropical Storm Irene. Chuck Ross will be live with Jane Lindholm on Monday to discuss this issue, and we are working on a press release for the week of 4/16.

The Agency continues to work toward re-launching our website. We also sent representatives to West Springfield, Mass last week to meet with the Big E management and the building managers from the Avenue of

the States. Finally, we are coordinating with Lisa Kunin in the Gov's office to arrange a reception for the Premier and the Quebec delegation when they visit next month.

Below is the media inquiry log for the week

Date	Media Outlet	Reporter	Topic	Request	Action Taken	Outcome
4.9	WCAX	Scott Waterman	stolen hay bales in Williamstown	more info	inquired with staff - no more info available	called him back and told him we hadn't heard anything
4.9	WCAX The 130	Aiden Pellett	Pesticides and colony collapse	interview Steve Paris	requested interview with Steve	Steve unable to accommodate due to schedule
4.9	Fox 44	Lesley Engle	Checking in	story ideas	working to set up interview with Jan Tunnel	tbd
4.9	WCAX	Keegan Harsha	milk prices	requested Diane B live on the morning newscast		<a href="http://www.wcax.com/story/1788247/more-vc-dairy-farms-close-2011-sources-Seven-Days-E-mail-Newsletters-Sunny-campaign-07/24/11">http://www.wcax.com/story/1788247/more-vc-dairy-farms-close-2011-sources-Seven-Days-E-mail-Newsletters-Sunny-campaign-07/24/11</a> Daily 7 Wednesd ay 04 11 12:01 in medium-email
4.10	Seven Days	Kate Flagg		interview on meat processing with Chelsea	Chelsea interviewed	tbd
4.11	VPR	Nancy Cohen	LaPlatte River Ang Impact of greek yogurt on dairy pricing	interview with Diane B	DB will speak with her Friday morning	tbd

### Significant Events/Meetings:

State veterinarian met with Len Bull this week, who is the training officer for the Vermont Disaster Animal Response Team (VDART). Initial plans were made to roll out a training curriculum in VT for first responders interested in animal-related disaster response. This training would focus primarily on animal emergency shelter set up and management, would be sponsored by VDART, and would be supported by VAAFM.

### Evolving Issues:

The animal health office has received several calls over the past 6 months from a New Hampshire resident who has concerns about the fact that a Vermont resident is selling psittacine birds without a pet merchant license. Most recently, the caller was instructed to send any information that he has on this issue to the Agency, and it would be reviewed with legal counsel to determine next steps. Historically, the animal health section has not devoted its limited resources to pet merchant license compliance, especially after completion of the Division strategic planning process recently. The caller is threatening to go to the media and to lodge a complaint with the Governor's office. To date, he has not sent any of the requested information to the agency.

State veterinarian performed a comparative cervical TB test (CCT) on a heifer located in Brookfield as followup to a suspect Caudal Fold Test result obtained by a private accredited veterinarian last week. The confirmatory CCT was negative for TB, and the quarantine that had been in place since the suspect CFT result was obtained was lifted, effective immediately. The heifer was originally tested as a prerequisite for going to the Jersey sale slated for the end of this month.

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

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### **Administration**

In re: Four Hills Farm Partnership, PSB#7845. The PSB issued a certificate of public good to this LFO this week for construction and operation of a digester. AAFM had submitted comments which the Board accepted and incorporated into the CPG.

In re: Chaput Family Farm, PSB#7542. Agency counsel worked with ARMS Division staff to formulate pre-filed testimony on the Agency's role in regulating nutrient management for this LFO. The testimony is expected to support the farm's request for an amendment to its CPG which contemplates the importation of food processing waste from out of state.

### **Agricultural Development**

Agency of Agriculture and the Division of Vocational Rehabilitation are exploring how to continue the Rural Vocational Rehabilitation Program. This program is supported with federal funds and provided vocational and rehabilitation services to farmers in Vermont. The program in the past was operated by UVM Extension but the cost of staffing at the University was becoming more than 80% of the grant total leaving very few funds to provide for the actual implements needed for vocational and rehabilitation retrofits. Three models are being explored – 1. Agency of Agriculture manages field staff and Division of Vocational Rehabilitation coordinates grant funding, grant reporting and purchasing of retrofits. 2. Program becomes a part of the EAP program in conjunction with the Farm First program and 3. Develop an RFP and provide the grant funding to another organization to implement the program. All three options are being explored. Deadline for a new entity to operate the program is September 30, 2012.

### **Food Safety and Animal Health and Consumer Protection**

On 4/5/12 Animal Health Program Coordinator Jim Cameron provided Livestock Transporter License applications to three peoples transporting for Empire Livestock in Enosburg and to date we have received one application back. Also the Dealer License for a new Livestock Dealer in Highgate was finalized the same day.

From 4/9/12 thru 4/13/12 Animal Health staff worked with newly hired Animal Health Specialist Patrick Nevers providing him with information as to what happens in the Animal Health Section and assisting him with acquiring the needed materials and tools. These activities included an introduction to McCracken's Livestock and observing the operations there during tagging and shipping of feeder calves to Canada. That particular day there 300 head of calves sent for export. Additionally, Nevers has accompanied incumbent animal health staff during a cervid facility inspection and an inspection/technical assistance call to the Addison County Commission Sales to perform routine duties and assist with Traceability implementation.

The Animal Health staff continues to prepare for the implementation of the new ADT (Animal Disease Traceability) rules. Staff collaborated with our Federal partners in such areas as traceability effectiveness, compliance and monitoring of the NUES (National Uniform Eartagging System).

### **Agricultural Resource Management**

Amanda St. Pierre called Agency around 1:40 pm this afternoon. Apparently a manure tank lost a plug as it was traveling on the road from East Berkshire to Montgomery (Vermont Route 118?). St. Pierre has mobilized to remove manure from the roadway and will forward pictures to Agency. From Amanda description of the spill manure no significant amount of manure reached road side ditches and no manure is expected to reach surface water.

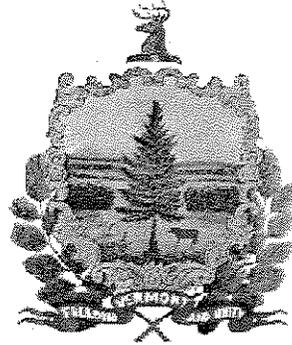
ANR has received a complaint from a member of the public and advised them to contact us.

St. Pierre may need to work with Town Highway Departments, Agency of Transportation, and or Local or State Law Enforcement to ensure that roadway is cleaned and address public safety concerns.

**Secretary's Comments**



# Memo



TO: Governor Peter Shumlin  
FROM: Keith W. Flynn, Commissioner  
DATE: April 15, 2012  
SUBJECT: Governor's Report

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## EMERGENCY MANAGEMENT

### Issues/Updates:

- a. Experiencing issues between the new phone systems at HQ and the alert notification system.
- b. Experiencing problems with paging service provided by CVC paging who bought Rinker's network.
- c. Set May 7<sup>th</sup> as the effective date for FEMA Public Assistance (PA) to migrate to VEM.
- d. Attended the Regional Interagency Steering Committee (RISC) meeting in Mystic, CT., where the exercise scenario was a hurricane hitting New England with a track nearly the same as TS Irene.
- e. Military Emergency Preparedness Liaison Officers (EPLO) will tour the SEOC on Friday.
- f. Updating child care routes and maps to facilities to get evacuation resources to them.
- g. Working on replacement strategy for radiological detection meters
- h. Documentation continues on HMGP applications and final submission to FEMA.
- i. Conducted the TS Irene After Action Conference on April 12, 2012.
- j. Program staff working on EMPG 2012 application development.
- k. Worked continues on DPS COOP planning.
- l. Met with The Judicial Branch on their completed COOP Plan.
- m. Met with Brattleboro office planners, SSF6, VDH representatives and Red Cross representatives to discuss VY Reception Center and Shelter planning.

### General Information/Other:

- a. Attended LEPC 1 in Chittenden County.
- b. Attended LEPC 2 meeting (mini-tabletop exercise).
- c. All staff continued to participate in the flood recovery efforts.
- d. Participated in multiple JFO and Recovery Office coordination meetings and calls.
- e. Attended the VT VOAD meeting.
- f. Participated in the Executive Task Force conference call for EMAC.
- g. Collected information for contractor on Evacuation Traffic Estimate in the EPZ.
- h. Conducted a Plan review with the Town of Marlboro.
- i. Deputy and Emergency Mgmt. Coordinator attended Emergency Planning training in Albany, NY.

- j. Worked on Emergency Preparedness Conference scheduled for September 17 and 18, 2012.
- k. Met with Mike Cannon at Colchester Technical Rescue.



**STATE POLICE**

Weekly Report  
Time Period: April 2 - 8 2012

Location	Narrative
<b>A Troop – Field Force</b>	<ul style="list-style-type: none"> <li>▪ search warrant written and executed for computer examination - nography and Violation of Sex offender Registry</li> <li>▪ Bomb threat at Union 32 High School which was related to a strir schools; offender ID'd by Barre City PD and cited into juvenile co</li> <li>▪ Search warrant authored and executed for an indoor MJ grow, 5f resulting. 21 year old arrested for furnishing alcohol to minors an addition 6 juveniles were issued civil PMB paperwork</li> </ul>
<b>A Troop – BCI</b>	<ul style="list-style-type: none"> <li>▪ Assigned Threatening case involving State Employees / 12A101211/ All parties int conduct/ Reports completed</li> <li>▪ Assisted Uniform with Child Pornography case / CPU Search warrant and residen</li> <li>▪ Worked on the armed robbery at the Champlain Farms in Swanton that came in or searching for the suspect</li> <li>▪ Again communicated with a detective in Hawaii in reference to a sexual assa 1999-2005, which wasn't reported and the victim now resides in VT.</li> </ul>
<b>B Troop – Field Force</b>	<ul style="list-style-type: none"> <li>▪ Pursued Kimberly Saunders for over half and hours after Saunde ders was arrested and lodged on charges of DUI, ATE, Possessi Trespassing.</li> </ul>
<b>B Troop – BCI</b>	<ul style="list-style-type: none"> <li>▪ Assist on Jenkins homicide</li> <li>▪ Assist to uniform in Newport with armed standoff with Suicidal Ma</li> <li>▪ American Legion Newport Center Embezzlement case complet</li> </ul>
<b>C Troop – Field Force</b>	<ul style="list-style-type: none"> <li>▪ Proctor High School- Lockdown- Troops entered the school and f male (mental evaluation</li> <li>▪ D/C ARREST/Mental Health Examination, ("Suicide by Cop" situ that the male yelling "I have a gun, shoot me" did not have a wea charged- they transitioned to and implemented the taser)</li> </ul>
<b>C Troop – BCI</b>	<ul style="list-style-type: none"> <li>▪ Assist to Prescription Drug Investigators.</li> <li>▪ Bomb threat at Marble Valley Correctional Facility</li> <li>▪ Complete casebook for Duclos Accidental Death</li> <li>▪ Assisted Bennington PD with stabbing call in Bennington</li> <li>▪ Assisted Bennington PD with attempting to locate Travis Nutbrow of NY</li> </ul>
<b>D Troop – Field Force</b>	<ul style="list-style-type: none"> <li>▪ Numerous burglaries reported &amp; investigated in the Newfane, To ordination between LLE (meetings) has occurred. Patrol time has</li> </ul>
<b>D Troop – BCI</b>	<ul style="list-style-type: none"> <li>▪ Follow up on accidental/natural death in Weston from 2009 (witn</li> <li>▪ Bank robbery follow up (discovery)</li> <li>▪ Sex Assault reported by Boston PD to have occurred in Reading</li> <li>▪ Called out for missing hiker in Westminster, Subject located</li> <li>▪ Bank robbery follow up and discovery request work done</li> <li>▪ Warrant for case in Halifax to obtain computers and cell phones f</li> </ul>
<b>TOPS Unit</b>	<ul style="list-style-type: none"> <li>▪ Traffic Safety Without Borders Detail</li> </ul>
<b>Arson Unit</b>	<ul style="list-style-type: none"> <li>▪ Assisted with the Brattleboro fire investigations. Sgt. Hill and Lt. scenes on Tuesday.</li> <li>▪ Responded to Jericho for a series of brush fires. Several differer area and an old "pump house" was burned. it is believed some k</li> <li>▪ Responded to the East Montpelier barn fire. The barn was a tota idence had some pictures of the fire just prior to the arrival of the helped to identify the area of origin. It is believed the fire may ha problem in a breaker box.</li> <li>▪ Residential fire in Springfield – fire set inside apartment house ne children, ruled arson. Worked with Springfield PD and got confes charge of attempted murder as well as Arson 1</li> <li>▪ Assist Middlesex uniform troops with Cabot school breaks</li> <li>▪ Assist with indoor grow search warrant in Middlesex area\</li> <li>▪ Follow up with the Lyndonville fire – working with the insurance c</li> </ul>

## FIRE SAFETY

### Issues / Updates:

- The division reviewed \$16,500,000.00 in new construction valuation collecting \$92,000.00 in permit fee revenue.
- Tim Angell will start work on April 23, 2012 conducting initial residential apartment building inspections as well as conducting high priority follow ups. This is a temp position housed in Berlin.
- Two applicants for the Engineer position have been forwarded to us from recruitment. We will be setting up an interview panel shortly.
- On Monday April 16, 2012, we will be meeting with Suburban Propane to discuss the replacement of two 30,000 gallon propane tanks in Brattleboro. On April 16, 2012 we are meeting with Brattleboro Fire Dept to provide more data base training.
- Wayne Ploof's attorney claims all violations have been repaired. Robert Mackin is schedule to conduct the final inspection on May 1, 2012
- Preparation under way for Ski Inn court case. (Review of file indicates that current employee John Vergin, as a trooper, did original inspection and found same violations back in 1964. The Governors office at the time halted any further inspections or follow up)
- Fire safety Education program being rolled out.
- Media release on heightened fire danger (reduced since rains)