

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

**Sent:** Friday, October 14, 2016 8:26 PM

**To:** GPS

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

**Subject:** Weekly Reports - Executive Privilege 10 14 16.pdf

**Attachments:** Weekly Reports - Executive Privilege 10 14 16.pdf; ATT00001.txt

Highlighted weekly attached. Will send public service separately because it came in late.

Gov see DFR items on EB5 and Jay investigation. See also AHS item on inaccurate reporting of Howard Center role in tragedy over weekend.

Good write up of where we are with open enrollment and call center also in AHS.

Magic Mountain update in ANR.

Greg Smith's last day at lottery.

Notes here for Laura, Lawrence, Sue and Scott.

Thanks,  
Darren

# WEEKLY REPORTS

Checklist  
10/14/16

Darren Springer

- ☒ Agency of Commerce and Community Development – Lucy Leriche
- ☒ Department of Financial Regulation – Michael Pieciak
- ☐ Public Service Department – Chris Recchia
- ☒ Agency of Human Services – Hal Cohen

Sue Allen

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

Sarah London

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

Jessica Gingras

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

Laura Gray

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

James Pepper

- ☐ Department of Labor – Annie Noonan

To: Governor Peter Shumlin  
From: Lucy Leriche, Secretary - Agency of Commerce and Community Development  
Date: October 14, 2016  
Re: Weekly Report

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**LUCY LERICHE, SECRETARY**

**CDBG- & Vermont law School & Chroma:** This is the second time Vermont Law School has been in for a CDBG grant for their Veterans Law Program, and the second time the board has voted no funding. The issues are the same: concerns with sustainability primarily, and reluctance to fund an existing program as opposed to something that is being created or significantly expanded.

Chroma Technologies however, gave a great presentation that blew them away! They voted to shave the recommended amount from their request by \$100,000, but even with the full amount requested Chroma is still going to have a significant gap of up to 1 million dollars but we won't know until the new markets tax credit piece gets firmed up. They could very likely be back to WCEDP for additional funding. I am going over the awards with Josh next week, and will be approving Chroma for the full amount of funding requested.

**Kingdom Pellets-NBRC:** The Northern Border Regional Commission voted to allow a \$100,000 application from Kingdom Pellets from the emergency fund. This funding is critical for Kingdom Pellets to be able to open and begin producing pellets this winter. If they had to take the conditions that went with the CDBG award, production would be delayed 6 months.

*Lucy*

**Rock Tenn—VEC:** Vermont Electric Coop brought this business in to discuss their electricity rates and the EV efficiency charge. Rock Tenn has plants all over the country as well as Canada and Canada is the only plant with more expensive electricity than Vermont. Rock Tenn makes paper consumer packaging from recycled product. It is a high volume, low margin business that requires utmost attention to efficiency. The company has invested everywhere it can to lower electric usage and cost. They are very interested in trying to work with the state to reform the rate structure and/or efficiency charge on their bill. They see absolutely no benefit from the efficiency charge because they were early adopters in efficiency investments. The jobs in their Sheldon plant pay very well—in the 60,000 range with good benefits on top of that. Through Act 199 work, ACCD will work to help them find a path to a workable solution.

**Revision Military:** is unhappy about an ABC 22/Fox 44 story that they are moving to New Hampshire. They responded with a number of points emphasizing that they have: “. . . grown in Vermont, will continue to grow in Vermont, and have decided to grow in New Hampshire as well.” They reached out to ACCD for help in setting the record straight. The message seems to have gotten through because we have not seen any more stories about it.

**Act 157, Housing and Infrastructure Study:** At their last meeting, the study's steering committee asked us to check-in with housing developers to get their input on ways to build infrastructure and improve the quality and quantity of housing in and around our centers. With help from VEIC, the Homebuilders and Remodelers Association, the Vermont Realtors and members of our steering committee, we convened a meeting to discuss the challenge and possible solutions. Stakeholders noted that investments to build public infrastructure (roads, sidewalks, utilities, stormwater controls, etc.) have shifted to the private sector and these costs are passed on to the homebuyer or renter. Some solutions discussed involved more options to publicly finance infrastructure and allowing more communities to create Tax Increment Financing districts. Ideas to improve existing rental housing included enforcement of building safety codes with funding to help rental property owners bring their

buildings up to code. Also discussed funding to help homeowners make needed building repairs and possibly linking this funding to Efficiency Vermont programs. Next steps include sharing these ideas with other developers and working to build consensus on the top solutions.

**Vermont Employee Ownership Center:** At Don Jameson's request, I met with Don and Tom Kavet to discuss potential policy initiatives that will encourage more employee ownership in Vermont businesses. The transition made this a limiting and uncertain exercise, but we did identify a couple of no cost regulatory changes that would be meaningful, and discussed other ideas with a range of price tags and difficulty. For now, they are going to work on the no cost options and try to meet with the two Gubernatorial candidates to pitch and gauge support.

**SBA Emerging Leaders Event:** The SBA conducts a competitive process to choose growing businesses for this MBA-style 6-month boot camp. The participating businesses graduated at this event and had glowing reviews for the program and all they learned that will help them grow their businesses. VTC was a partner offering instruction and ACCD was a sponsor.

**Health in All Policies:** Alex Ibey will be taking over for Lucy on this initiative to ensure the Executive Order for Health in All Policies work continues beyond the transition to a new Administration.

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

Ken attended his first meeting as new member of the Connectivity and Telecommunications Advisory Board. This group provides PSD Commissioner Recchia guidance in the state's Telecommunications planning and use of Connectivity and High Cost funds. These funds are allocated from the Universal Service Fund (USF) payments telephone customers pay on their bills. This meeting focused on the allocation of grant funds to several telecom providers for providing broadband access to currently underserved customers. The Advisory Board provided recommendations to spend about \$600,000 chosen from proposals that totaled almost \$6 million. Ken will work to integrate the work of the Connectivity Division with other parts of state government that include E-911 and other public safety functions. Using the existing telecommunications efficiently will require a coordinated effort.

## **DEPARTMENT OF TOURISM & MARKETING**

### **Megan Smith, Commissioner**

- **Banner Fall Season in Vermont:** The fall season continues to exceed our expectations. It is unusual for the leaves to still be at peak the weekend after Columbus Day. We are doing a great deal of PR to get the word out.
- **Lodging Rules:** The Department of Heath sent Megan the latest version of the new, updated Rules. They did an excellent job responding to all of the comments that they received from individual businesses as well as the Vermont Ski Area Association and the Chamber of Commerce.
- **Out-of-Country Visitor Promotion:** This weekend we are hosting 2 Australian/New Zealand travel writers and a New Zealand tour operator specializing in cycle/bike tours.

### **Steven Cook, Deputy Commissioner**

- **Vermont Maple Television Program:** Deputy Cook met with local producer Kevin Chap who is currently producing a program called Sugar Rush. The program is very much like Alaskan Bush People but focusing on the challenging work of Sugaring during maple season. The program is currently broadcast on Maine and VT PBS however there has been some recent interest by Discovery, Nat Geo and the History Channel. Kevin is seeking support not dissimilar to a form of film incentive program which does not currently exist in Vermont.

## **COMMUNICATIONS ♦ Philip Tortora, Director of Communications**

- **Additional Media Support:** VDTM provided information and photos to Cape Air's in-flight magazine, Birds Eye View, for a piece they are doing on holiday travel to the Woodstock, Manchester and Rutland areas. Also provided numerous photos of Manchester for a piece New York Lifestyles Magazine is publishing.

## **MARKETING ♦ Hilary DelRoss, Heritage and Recreation Specialist**

- **Recreation:** As Hilary continues to work with the Killington Valley group on their initiatives to promote Rutland/Killington and the surrounding area as a hub for outdoor recreation, a new structure for the group and related initiatives has been proposed. A joint marketing committee headed by the Rutland Region Chamber of Commerce and Rutland Economic Development Corporation will oversee 3 subcommittees focused on lifestyle and population growth, workforce, and recreation and tourism. This last committee will continue developing the Killington Valley brand in line with its original mission. More information to come as the new structure unfolds and Killington Valley branding launches.

## **SALES ♦ Kathleen Kolva, Sales Manager**

- **VermontVacation.com/Amtrak:** In conjunction with the Amtrak marketing team, VDTM has been working to promote tourism via the train. At the Big E, Sep.16-Oct.2, thousands of pieces of collateral about the Vermonter and Ethan Allen lines were distributed to visitors. When comparing the analytics from August 2016 to September 2016, we saw an impressive increase of 50,000+ sessions and almost 75,000 page views.

### **August 1 through 31, 2016:**

- 72,189 sessions
- 59,804 users
- 187,936 page views

### **September 1 through 30, 2016:**

- 124,979 sessions (52,790 more sessions than Aug.)
- 98,915 users (39,111 more users than Aug.)
- 262,750 page views (74,814 more page views than Aug.)

- **International Awareness:** Vermont's reputation as a must-visit destination continues to grow in the international market. This week, via email, Kathleen guided a Spanish travel agent and an Italian family group in the planning of their multi-day trips to Vermont.
- **National Alcohol Beverage Control Association:** The annual Administrators Conference for the NABCA is being hosted in Burlington this year. This four-day meeting will draw attendees from almost 20 states. VDTM has put together 300 tourism welcome bags, including guides, maps, and germane brochures.

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

- **Advertising:** Last week was spent on 2017 sales generation. We successfully closed renewals with 5 clients for total sales revenue for 2017 of \$24,840. We also had follow-up meeting with Ken Lucci, owner of the Windsor Mansion Inn. He reports receiving over 20 reservations to date from our recent Vermont Life Selects e-mail blast that went out a week earlier. He is thrilled with these results and looks forward to utilizing this digital format again in the future, possibly on a third property he is purchasing. In addition, we discussed the VTlovesNY pilot program for driving NY tourists who attend Yankee home games in their high-end luxury boxes to Vermont through a unique on-site promotional program in partnership with SOV Tourism and Marketing. More details to work out. Possible launch at spring training in Florida.
- **Editorial:** The Winter 2016-'17 issue has gone to the printer, with one final quality-check step before it goes on the press. Judy pulled together the editorial comp list for the print order. Writing and editing is turning toward the Spring 2017 issue, as well as assessment of Summer 2017 features that were filed recently.

- **Feedback:** We continue to receive positive feedback on our feature about 14th Star Brewing Co., the cover story on the Autumn 2016 issue now on newsstands. Ross Wright, a Canadian reader who communicated via Facebook, said, "I truly enjoyed the read in your amazing magazine."

## **DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **FINANCIAL SERVICES ♦ Dan Towle, Director**

- **Vermont is a Finalist for Non-EU Domicile of the Year Award:** It was announced this week that Vermont is a finalist for an award that will be awarded next month in Luxemburg at the European Captive Forum. Dan submitted this application on behalf of Vermont for this highly competitive award. Both Dan Towle and David Provost, Deputy Commissioner of Captive Insurance, will be presenting on a panel at this bi-annual conference. This will be the first time Vermont will be in attendance. Vermont has approximately 80 captives that are owned by EU parent companies. This market has significant potential for growth for Vermont.

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

- Along with Brett Long, met with Quadra-Tek in Arlington who is a specialty injection molding company for aerospace and military. They are in need of tool makers and are looking into VTP to do some internal training.
- Jeldwen doors is getting ready to apply for a VTP grant as they have put in a new custom line and will need to train incumbent staff as well as some new hires.
- Visited NSA Industries, along with a contingent from Economic Development, to talk about all of the new possible business changes that may be coming and to work with them to apply to VTP.
- Met with Motown Mushrooms who is moving their at-home mushroom business to an old renovated barn, which will triple their production. They may not be ready for a VTP application yet but will probably have the need as they become more established.
- Along with Ian Davis, met with Northwest Medical Center to discuss their upcoming electronic medical record system, which will require training for every hospital position and appears to be a major project.

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

### **Deputy Commissioner Hanford**

- **Rural Edge--organizational concerns:** Participated in a discussion organized by Gus Seelig at VHCB concerning Rural Edge, an affordable housing developer/manager covering the Northeast Kingdom. A number of recent high-level staff turn-overs, high vacancy rates at many of their properties and concerns about the organization's financial health prompted this meeting which was also attended by Sarah Carpenter from VHFA and 3 representatives from NeighborWorks America's northeast region office. VHCB will pay for a financial consultant to begin working with Rural Edge and report on actual financial position of the organization. Additional future funding to continue to assist the organization is uncertain at this time.

- **VCDP Board Meeting:** Led the board in an all-day review of 13 applications for CDBG funding. More than \$3.4M in funding has been requested and only \$1.7M is available. The board's funding recommendations will be reviewed with Secretary Leriche for final funding decisions next week.

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

### **Partner and Project Report**

- **VTrans – Springfield Better Connections Project:** Richard participated in the steering committee meeting for the downtown streetscape plan. The Town of Springfield and its partners are hosting an open house to share ideas and build local support for Main Street investments that leverage private investment -- and replicate revitalization success seen in other downtowns. This meeting builds upon Springfield's ongoing work to increase walking and biking opportunities along Main Street and its work to create a path or park that strengthens the connection between the downtown and the river. Learn more about the project, [here](#).

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

### **State Archaeologist**

- Jess was interviewed Friday morning by Matt Hongoltz-Hetling of the Valley News for a piece he was researching on the ethics of metal detecting and accounts of "lost treasure" that have circulated for years around the state. The resulting piece (published Sunday) accurately described the Division's position on the issue.
- Friday afternoon, Jess was interviewed by Ken Picard of Seven Days for a piece he is researching on archaeology and technology for their upcoming tech issue. He is also following up with interviews of Brennan Gauthier (VTrans archaeologist), and representatives of the Lake Champlain Maritime Museum and the University of Vermont Anthropology Program

### **Archaeology Month**

- **The numbers are in:** Vermont Archaeology Month (VAM) had a total of 1,725 cumulative attendees at the 37 events held across the state over the course of September. Overall, there is no doubt that VAM is fulfilling its mission to provide exposure, education, and outreach about archaeology and Vermont's deep and rich past. Our sincere thanks are extended to our sponsors, especially VTrans, our hosts, presenters, volunteers, and administrators.

### **State Architectural Historian**

- **Brattleboro Retreat Farm:** Devin met onsite with Buzz Schmidt, Director, to tour the farm property and discuss future development plans. Buzz is very eager to engage the Division for Historic Preservation in programming at the site, from hosting an archaeological field school to documenting the building history of the complex. He'd like to come to Montpelier to meet with the staff and discuss potential partnerships.

### **Project Review**

- **Perrigo Site Salvage Archaeology Shelburne:** A landowner in Shelburne has proposed building a new residence on part of an extensive Native American site found during the Vermont Electric Power Company, Inc.'s (VELCO) Northwest Reliability Project (NRP) in 2005. Although subject to Town of Shelburne approval, the house construction is not subject to Act 250 or any other regulatory review. The landowner is supportive of minimizing site impacts and Scott worked with the Town and the owner to develop a salvage plan for areas where disturbance could not be avoided. Fortunately, much of the house foundation footprint corresponds with a former barn that has been removed. Unfortunately, the attached garage footprint is directly on top one of the highest density activity areas found in 2005. Given the amount of salvage work necessary, a decision was made to use the remaining money obtained as compensation from VELCO for violations during the NRP construction to hire a consultant. The University of Vermont Consulting Archaeology Program (UVM CAP) is shepherding the project with volunteer help. Following work last

week by Scott and Jess, Scott and Yvonne helped out the UVM CAP crew for a full day on Tuesday. Of course, Yvonne found most of the interesting artifacts including a projectile point, a couple of point tips, and part of a groundstone woodworking tool.

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

- Our illustrious Historic Sites Section Chief is on a much deserved vacation this week.
- **Chimney Point:** Fox 44 Morning Brew highlighted the new Lake Champlain Bridge heritage area Quest program on Wednesday morning with a live studio interview with Jim Brangan and Elizabeth Lee of the Lake Champlain Heritage Partnership and Elsa Gilbertson, representing the sites around the bridge participating in the Quest. Tobi and Maureen helped Elsa on Tuesday with some of the major end of season closing work; much appreciated.
- **Coolidge Site:**
  - The beautiful weather and magnificent foliage are bringing hundreds of individual travelers that, combined with several motor coaches every day are giving a nice boost to ticket and store sales. Bill met the “Presidential Scholars” group led by Richard Norton Smith on October 5. Smith, one-time director of several federal presidential libraries, is a major fan of the Coolidge Site and is also on the Coolidge Foundation’s national advisory board.
- **Bennington Battle Monument:** The weekend is over, with 1700 visitors during the three-day holiday, 7 motor coaches on Saturday, 2 Sunday, none on Monday, a total of 28 coaches for the week. Marylou met with the road commissioner for Old Bennington to discuss some of the traffic problems and neighbor complaints about the traffic. The idea of making the circle one way was nixed by the Old Bennington Trustees, it was decided that Old Bennington would paint ‘no parking’ lines in front of neighbor’s driveways and perhaps put up No Parking signs around the circle. The heavy traffic only happens a few times each season. The fall colors have been late to show up here, the next three weeks should bring the change of color and visitors from all over the world.

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

- Arthur reviewed a proposed lot rent increase and surcharge for capital improvements for the Mountain View Mobile Home Park in Hyde Park for park owner Sharon Fradette. Unfortunately, due to some actions taken by the former owner of the park, Fradette is being required to replace the water system in the park at a cost of approximately \$175,000. The monthly amount of the surcharge based on the financing for the project from the DWSRLF is \$33 per leaseholder for 20 years.

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

#### **Technical Assistance to Potential Projects**

- **Town of Bennington:** Claire and Nathan have continued discussions with the Putnam Block redevelopment team as they refine the scope of work for the anticipated 155,000 square foot redevelopment of the block anchored by the historic Putnam Hotel building in downtown Bennington. A Phase 1 ESA has been completed and the estimated cleanup cost of the 20 REC’s identified is more expensive than initially expected (\$1.6 million for further testing and mitigation measures). VCDP staff will coordinate with DED and ANR to ensure that the town and developers are informed of all potential cleanup funds and programmatic requirements. A follow up conference call is being organized for later next week.

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

- **Consistency in ACCD Communications:** With programming support from Patrick MacCormack, the CMO, Richard Amore and Shelley Pembroke coordinated efforts this week to deploy a common template for ACCD’s various department e-newsletters (VDTM industry newsletter, DHCD Strong Communities,

and DED Think Vermont). Based on the look-and-feel of the new ACCD website, the new e-news template will provide a design consistency across outreach publications that will help to visually reinforce to outside users the collaborative and integrated nature of our programs and agency. The CMO has also developed a Word template, again based on the same look-and-feel, to be used for legislative reports (and other reports as applicable) to further institute a common ACCD style to our communications. Please ask Heather or Erin if you'd like a copy of the template.

#### **VT CENTER FOR GEOGRAPHIC INFORMATION (VCGI) ♦ John E. Adams, Director**

- **Act 174 Renewable Energy Siting Standards:** John and Mike met with PSD staff and stakeholders to discuss mapping standards necessary for Municipal and Regional Plan “determination of energy compliance.” The group discussed the use of much higher resolution solar potential mapping that will become possible as LiDAR becomes available. Current data used by Regional Planning Commissions was developed in 2009 and is highly inaccurate. Given that the standard must be published by November 1<sup>st</sup>, the standard will refer to the best data available. [Click here for an example map of solar potential in St. Albans created by Mike using LiDAR.](#)
- **Open Data Portal Standards and Guidelines Published:** Steve, Jenny and Leslie continue to work towards a late October “public BETA” release of the Open Data Portal. VCGI is working closely with partners (VTrans, ANR, AHS, E911) to coordinate this next release. Meanwhile, VT’s Enterprise GIS Consortium (EGC) has approved the Portal standards and guidelines crafted by VCGI, which are key to the development, deployment, and longer term maintenance of the portal.
- **Enterprise Geospatial Consortium (EGC):** John and Jenny participated in the EGC’s monthly meeting which included a request from the NRB for assistance with trail data, information regarding the option of ‘buying up’ higher resolution ortho photos, and a discussion of Public Safety’s request for assistance with GIS needs. Representatives from DII, ANR, AOT, E911, PSD, AAF&M and AHS expressed the need to have GIS staff at DPS in order for them to assist with the current issues they are facing. DPS staff continues to advocate for a position and will work with VCGI to bring someone on board and keep the EGC current on progress. John was elected chair of the EGC and he will lead the strategic/business plan process.

interesting

**State of Vermont**  
**Department of Financial Regulation**  
89 Main Street  
Montpelier, VT 05620-3101  
[www.dfr.vermont.gov](http://www.dfr.vermont.gov)

For consumer assistance:  
[All Insurance] 800-964-1784  
[Securities] 877-550-3907  
[Banking] 888-568-4547

**CONFIDENTIAL and PRIVILEGED**

**To: The Honorable Peter Shumlin, Governor**  
**From: Michael S. Pieciak, Commissioner, Department of Financial Regulation**  
**Date: October 14, 2016**  
**Re: Weekly Report**

**Administration:**



**Speaking Invitation:** On Thursday U.S. Securities and Exchange Commission Chair Mary Jo White invited Commissioner Michael Pieciak to speak at the SEC's inaugural FinTech Forum to be held at the SEC headquarters on November 14 in Washington DC. The event is a public forum designed to discuss financial technology innovation in the financial services industry.

**Securities Division:**

**Stowe Aviation:** ACCD and DFR are in agreement that the recent USCIS Request for Evidence that challenged the underpinnings of the Stowe Aviation project, provided a good opportunity for the regional center to act and terminate the project. DFR is drafting the termination notice, which will be sent to Stowe Aviation, the escrow agent (to ensure the investors' monies remain safe) and USCIS. Based on the MOU, the termination letter provides Stowe Aviation 30 days to respond. The termination letter will likely be sent next week and will be signed by ACCD and DFR.

**Jay Peak:** On October 20 the federal court in Miami will hold a hearing to determine Quiros' request for attorney fees, which would bring the total amount spent on attorneys to defend this case to over \$1 million. During the hearing the federal court will also hear arguments for and against the Citibank settlement that Mike Goldberg secured.

**Bill Stenger:** The SEC, AG and DFR will hold another round of meetings with Bill Stenger in Vermont during November. The meetings will evaluate Mr. Stenger's information and determine



how useful it is to the federal and state case. In the meantime, the SEC, AG and DFR will review thousands of internal e-mails sent between Stenger, Quiros, Kelly and others, to prepare.

### **Insurance Division:**

**Student Health Insurance:** Last week DFR met with representatives from the Vermont State Colleges to discuss student health insurance for academic year 2017. DFR is continuing to work on improving the framework to allow self-insurance for colleges and is continuing to encourage other insurance companies to enter the market for the 2017-2018 school year.

### **Captive Insurance Division:**

**Magazine Article Praises Vermont:** The examination staff of the Captive Division were commended in a recent article published by the trade magazine Risk Retention Reporter. The article compared examination costs among the most competitive captive jurisdictions and found that “Vermont’s average exam costs as a percentage of surplus and reserves are the lowest of any domicile.” A very big selling point for Vermont.

**VCIA Webinar:** Deputy Commissioner David Provost took part Thursday in a special live webinar presented by the Vermont Captive Insurance Association (VCIA) aimed at explaining recent state and federal legislation. The hour-long webinar examined Vermont’s bill H.538, signed into law last spring, regarding dormant captive insurance companies and several pieces of national legislation intended to clarify existing captive insurance laws.

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

**To:** Peter E. Shumlin, Governor  
**From:** Hal Cohen, Secretary, Agency of Human Services  
**Re:** AHS Weekly Report  
**Date:** October 14, 2016

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**Secretary Update**

In the aftermath of the tragic loss of five teens this past weekend, Washington County Mental Health Services (WCMHS) and Northeastern Family Institute (NFI) provided crisis support services and outreach to grieving high school staff, students, families, and community members.

I do want you to know that the initial role of agency staff has been to support the school crisis team and provide education, grief counseling, suggestions and supportive listening to those affected. They have had 8 -10 staff respond under a Grief Response Team Leader, assigned at different times, over the weekend and as school resumed. In addition, the school has utilized up to 10 private therapists who have offered support for initial needs.

The intensity of daily issues and the duration of response is expected to continue for several weeks ahead. WCMHS met with school staff to assess needs and identify a plan to support the staff and students over the next several weeks. AHS through the Department of Mental Health, has been working closely with the Harwood Community. Commissioner Reed and I spoke to the Superintendent of Schools, Bridget Nease yesterday. She expressed how overwhelmed the school and community are as a result of this tragedy and requested that we support an onsite trauma coordinator at the school for eight weeks. After the conversation, we spoke with Mary Moulton the Director of WCMHS and told her that we would support a trauma coordinator at the school for at least that period of time. My understanding is that as of today, an expert trauma coordinator was assigned to the school. Mary Moulton also thought that the school would benefit from an onsite social worker for the remainder of the school year and that would also require our financial support, which we will consider.

WCMHS is preparing a coordination plan and will be submitting it to AHS and DMH in the next few days. It is anticipated that dedicated, time-limited service coordination and both educational and clinical support services will be part of the plan.

- Lawrence

In the course of the Global Commitment Waiver Negotiations, in the last week CMS has focused on our Woodside treatment facility for youth. They have come to the conclusion that the youth at the facility are considered, according to their regulations, "as inmates", and therefore the program is not eligible for Medicaid match. Woodside used to be a detention facility for youth and in 2011 it transitioned to a treatment facility so that it would be eligible for Medicaid. Over the last year, CMS has tightened their rules around providing Medicaid to facilities associated or attached to the criminal justice system. We do think this is a misguided policy to treat youth like adult offenders. It doesn't appear that CMS is going to back off on their determination that our youth are "inmates". In the short run, it looks like we are going to lose the Medicaid match for Woodside retroactive to October 1, 2016. We will try to push it to the end of this year. In the long run, we plan to certify the facility as a Psychiatric Residential Treatment Facility (PRTF) and open up Woodside to other youth who need similar treatment to those currently residing there. We will also have to do a State Plan Amendment to make that happen. We think that if we take these steps we can restore Medicaid funding to Woodside.

We're still working on the details and the timeline and determining what the financial impact will be in budget adjustment.

### **AHS Highlights:**

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

##### **MAT Integration Program**

Marble Valley correctional facility had their first person this week receive the Vivitrol injection prior to release. Through effective collaborations between the Dept of Corrections staff, and West Ridge Center, he was provided a checklist of appointment dates which were reviewed by his caseworker and medical staff prior to his release. The client went through a rigorous screening process, to ensure his participation in making his orientation and follow up appointments at West Ridge. This will be a big first step in helping offenders re-enter into the community with important supports to assist in their struggle with substance use.

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

##### **National Prescription Drug Take-Back Day – October 22**

The next DEA sponsored National Prescription Drug Take-Back Day is scheduled for October 22, 2016. National Take-Back Day aims to provide a safe, convenient, and responsible means of disposing of prescription drugs, while also educating the general public about the potential for abuse of medications., The Health Department will be issuing a press release in support of take-back day, and promoting the Vermont's Most Dangerous Leftover campaign through social media. Vermonters can locate a drug disposal site in their area by searching on the [DEA website](#) or by calling 2-1-1.

##### **Behavioral Risk Factor Surveillance System Program**

The Behavioral Risk Factor Surveillance System (BRFSS) program recently finished the [2015 data summary report](#). The BRFSS surveys Vermont adults annually and gathers information on a variety of health topics, including health status, health care access, chronic conditions, risk behaviors, and preventive behaviors. Results from 2015 demonstrate, among other things, that the proportion of adults 18-64 with a health plan continues to increase (93% in 2015 vs. 89% in 2011). Marijuana use in the last 30 days among adults increased to 11% in 2015, a significant increase from 7% in 2013.

##### **Narcan**

The Department is working to train and supply partners across the state to ensure the availability of supplies of Narcan. Training was recently conducted with the Burlington and Waterbury Police Departments, and the Orange County Sheriff's Department in Chelsea. The Royalton Police Department was recently sent an additional supply of Narcan.

The Division of Emergency Preparedness and Injury Prevention is working closely with the Island Pond Health Center. Due to the isolated nature of the Health Center, located in Northeastern Vermont, they are one of the first Physician's offices to receive supplies and training on the use of Narcan.

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

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

VPCH census is at 24 currently and will return to 25 with a planned admission tomorrow following essential maintenance and repair of a patient room. Staffing remains stable with slightly higher patient

acuity (1:1 supervision needs) requiring more frequent mandating of overtime across shifts for direct care staff. The new EHR implementation continues to go well with staff transitioning documentation requirements to the new system. Vendor and technical support staff remain on site; and staff assistance needs navigating the new system are as expected at this phase of deployment. VPCH has also received notification from The Joint Commission that its current plan of correction has been accepted and the hospital remains accredited for a 3-year period at this time.

### Emergency Departments

This week saw 33 people in need of inpatient psychiatric hospitalization and 24 have been admitted including 4 of 4 court ordered inpatient evaluations. There remain 7 involuntary adults waiting for inpatient placement, 3 of the 7 have been waiting less than 36 hours. There are potential placements later today for 2 individuals who have been waiting over 94 hours, pending discharges. There is one voluntary adult and one voluntary child waiting for admission; and no involuntary children waiting for hospitalization.

The Brattleboro Retreat decreased its bed capacity in the adolescent unit from 21 to 18 through facility modifications and has been at 100% occupancy with limited discharges. There has also been an increasing trend of adults needing hospitalization. Additionally, 2 beds at Level I hospitals, RRMC and VPCH, are temporarily off line for essential maintenance that cannot be deferred. VPCH repairs will be brief, but RRMC repairs may involve several days.

The overall occupancy rate in the adult inpatient system of care has been averaging 94% occupancy, while the child and adolescent inpatient system of care has had an average occupancy of 88%.

### Media Reporting of Howard Center Screening

Despite ongoing media reporting that the “wrong-way driver” involved in the recent Interstate 89 tragic deaths of five teens was seen three times at UVMC prior to the accident, and the Howard Center was requested to screen the person, there is no information that the Howard Center received such a request from the hospital. DMH has been in communications with Howard Center management to clarify any involvement and the resulting negative attention this is generating with the public and grieving families. While the Howard Center is preparing to make a clarifying statement to this misinformation, they have been requested to withhold making the statement by the State’s Attorney, TJ Donovan citing that the information may hinder their investigation. Given their interest in being good partners with local and state authorities, Howard Center has only issued a statement that they are fully cooperating with the investigation. Nonetheless, the ongoing media accounting remains troubling to the community mental health centers who recognize the need to be seen as resources to individuals who may be in need of mental health supports and have been affected by this tragedy. Public confidence in the publicly funded mental health system is further compromised through this misinformation and disclosure limitation.

### Department of Corrections (DOC):

#### Population

The Department’s incarcerated population averaged **1795** for the previous week. Last year at this time, the average was **-1** under the current number.

The Department’s incarcerated male population averaged **1634** for the previous week. Last year at this time, the average was **+14** over the current number.

The Department's incarcerated female population averaged **161** for the previous week. Last year at this time, the average was **-15** under the current number.

The Department's overall detainer population averaged **448** for the previous week. Last year at this time, the average was **-38** under the current number.

The out of state population is currently at **249**. Last year at this time, the out of state population was **+21** over the current number.

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

#### **Act 158 Report**

DAIL continues to work with DOC and DMH to craft a new report for the legislature in relation to the proposed implement of Act 158. As written, the legislation would create a new level of civil commitment to ensure public safety for individuals with a Traumatic Brain Injury (TBI) without any additional resources to address the needs of those individuals. A single plan of care can easily cost \$250k annually. The report will detail both the statutory and system of care changes necessary to implement the Act and address this resource issues.

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

#### **Vermont Health Connect**

##### **Open Enrollment**

Vermont Health Connect Open Enrollment is less than three weeks away and those weeks will be busy. In the next week, we expect:

- To run the automated renewal process and automatically renew more than 90% of eligible customers.
- Send renewal letters, starting 10/18, to existing customers to let them know what they need to do during Open Enrollment (of course if they are happy with their current plan, they don't have to do anything other than continue to pay their bill).
- Unveil the 2017 version of the online Plan Comparison Tool for customers to use to estimate total costs (not just premium or deductibles) for their particular situation.
- Host a public webinar on October 21, along with VHC staff and staff from each of the three carriers, to introduce Vermonters to the Plan Comparison Tool and to let the carriers highlight features of their plans. This event follows on a similar webinar last week that drew more than 100 Assister participants.

All in all, we are well ahead of where they were last year and expect to meet the goal of renewing customers into their 2017 health plans by December 15th.

#### **Customer Support Center**

In the past week, Tier 1 (Maximus) call center continued to maintain above contracted service levels, answering 80-90+% of calls within 24 seconds. We expect to see contracted service level of 75% of calls answered within 24 seconds to sustain through Open Enrollment.

We are closely partnering with Maximus to reduce Late Payment Notices/dunning and increase customer self-service. Starting the 27th, all customers who call to make a payment will be proactively offered the option to establish automatic recurring payments.

**Other items for consideration:**

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

**Enhancing connection with Brattleboro Retreat**

The Brattleboro AHS Field Services Director met with the social work supervisors at the Brattleboro Retreat. The goal was to inform them of local resources, including Field Services Directors, when they are creating discharge plans. The group was very appreciative to learn of existing resources and teams. They also shared some feedback about the process of discharge planning, especially in the context of short hospital stays.

**BPD**

I attended the monthly empaneled group work session yesterday with the Burlington Police Department, Family Services, Economic Services and STEPS to end Domestic Violence. The time is used to review family cases that involve all of our organizations and to plan together for possible next steps to move each of the families to a more stable position by addressing health, safety and service intervention and possible referral and follow up. The group began a couple of months ago and has already established some important relationships among the providers and the police. We are looking to expand the group to include the state's attorney office as we seek more creative solutions to some very complex family situations. My relationship with BPD has shifted significantly with the arrival of the new Chief Brandon delPozo this year - with this work with DCF as well as the Opioid Alliance. It is a welcome and productive change.

— Sue

**Department of Corrections (DOC):**

**Bennington Arrest**

On 10/7/16 Michael Meyers (5/27/1973) was arrested for Aggravated Assault and Attempted Murder. Myers stabbed his nephew and fled the scene. Myers was located at a residence that due to its location resulted in schools being placed on lock down. Myers was on furlough at the Bennington office for the following charges: Resisting Arrest; DUI 3; Aggravated Assault (2 counts); Reckless Endangerment; Unlawful Trespass; Leaving the Scene of an Accident; and Possession of Heroin. His minimum was 2/26/14 and his maximum is 2/24/24.

**Morrisville Arrest**

On 10/11/16 David Foy (4/20/1973) was arrested for Unlawful Mischief, Unlawful Trespass and Petty larceny. Foy stole items from a vehicle and went inside a building and fell asleep. He was cited and released. About an hour later he was arrested when he stole three laptops and attempted to return them. Foy was arrested on Retail Theft and False Pretenses. He was cited by police. DOC staff were contacted and he was taken in to custody on a furlough violation. Foy was on furlough at the Morrisville office for the following charges: Petty Larceny (5 counts); Aggravated Operation of a Vehicle Without Owner's Consent; Driving with a Suspended License; False Pretenses; Burglary; Grand Larceny; Retail Theft (6 counts); False Information to a Police Officer (3 counts); Violation of Conditions of Release; Possession of Stolen Property (2 counts); Attempted False Pretense; and Attempted Grand Larceny. His minimum was 9/14/2016 and his maximum is 10/6/2028. It was reported on WCAX and the reported that Foy has 120 previous charges with up to 80 convictions.

### Statewide Open House

On Friday, October 21, 2016 between 11:00am and 2:00pm, the Department will hold open houses at all Probation and Parole Offices in the state. The events are open to anyone who works with or could work with individuals who are supervised in the community. The open house is designed to increase the mutual understanding between DOC and community partner organizations. They provide an opportunity to improve collaboration, knowledge and effectiveness in supporting persons who return to the community from incarceration. See the inserted flyer.



PP Open House  
Flyer.pdf

### Joint Justice Legislative Oversight Committee

The Committee met on Wednesday, October 11<sup>th</sup>. Agenda items included:

- Electronic Monitoring: discussion of the policies and procedures needed to expand the Windham County Sheriff's electronic monitoring program statewide. Testimony from the Defender General, Center for Crime Victim Services, and the DOC all support the concept of the program. A team will work together to finalize the program policies in order for other Sheriff Departments to understand the parameters of the program.
- DOC Update: DOC is working with a consultant to develop and expand its Peer Support Team. Peer support is designed to help staff address issues of stress after an event such as a hostage situation and the ongoing stress of working in the corrections field. Kirsten Lewis, of the Arizona DOC worked with the DOC Peer Support team for two days last week and with DOC Senior Management for one day. Ms. Lewis also presented to the attendees of the Northeast Area Corrections Administrators (NACA, a regional division of the Association of State Correctional Administrators) conference held in Burlington over the weekend. Commissioner Menard hosted the annual event for NACA members.
- Juvenile Justice: DOC is working collaboratively with DCF on implementation of Act 153: An act relating to jurisdiction over delinquency proceedings by the Family Division of the Superior Court. A report is due on November 1<sup>st</sup>. The Committee heard a brief overview of the general areas to be addressed in the report.

### Northeast are correctional administrators(NACA) Meeting:

As previously mentioned Commissioner Menard hosted the NACA meeting this past weekend. Commissioners from NY, NJ, NH, RI and CT attended. There were also several former Commissioners present. A lot of information was exchanged and it was a valuable weekend. Commissioner Menard was elected Vice President of NACA at the business meeting. The conference will be hosted by CT next year.

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

#### State Auditor Request re Complaint Against the Francis Foundation

The Deputy State Auditor contacted DAIL's Developmental Disabilities Unit requesting specific information about the Francis Foundation, a DD services agency subcontracted with several of the

Designated Agencies across the state. The complaint was raised by a home provider who had contracted with the Francis Foundation and been subsequently terminated. The client referenced in the complaint has not lodged any type of complaint. The Auditor requested specific information from DAIL but has not indicated what type of followup they may intend to pursue.

#### White Cane Awareness Day

The DAIL Commissioner will be participating in White Cane Awareness Day in Burlington on Friday, October 14th. The event is designed to raise awareness of the mobility challenges facing individuals who are blind or visually impaired through a blindfolded, experiential walk through Burlington.

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

##### New England Child Welfare Commissioners Meeting

DCF Commissioner Ken Schatz attended a meeting in Portsmouth, New Hampshire on September 23<sup>rd</sup> regarding the state of Child Welfare in New England. This meeting was centered around substance abuse and its impact on children and families; policy and practice; strategies for challenges; and the safety of our staff. Our neighboring states are seeing increases in children in custody and relate these increases to the rise in substance addiction. It was good to get together to meet about this and look for ways we as a larger community can work to overcome these barriers to child and family stability.

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

##### APM/ACO

Continuing to work on language related to ACO contract. Continuing to work on a timeline for the Readiness Review.

##### Audits

KPMG 2016 A133 Single Audit - Medicaid Audit ongoing

KPMG 2016 SIM - audit fieldwork wrapping up

KPMG 2016 CAFR audit in progress

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

A133 KPMG Update meeting scheduled for 10/12/16 1pm O&M attending

##### Budget

The 2017 BAA and 2018 Budget were submitted to Finance and Management for DVHA this past week.



219 North Main Street, Suite 402, Barre, VT 05641  
(p) 802-479-1030 | (f) 802-479-1835

**CONFIDENTIAL AND PRIVILEGED  
MEMORANDUM**

TO: Governor Peter Shumlin *PS*  
FROM: Rebecca Holcombe, Secretary, Agency of Education  
SUBJECT: AOE Weekly Report  
DATE: October 14, 2016

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***Good news***

We may be in line for some endowed work to support development of principal leadership on an ongoing basis, in partnership with a nationally recognized consulting group and a national foundation. This could begin in February with two cohorts of principals. Stay tuned for details.

***Aithent data breach***

Aithent has identified 19 educators whose PII was available for view in the online licensing system. The issue has been resolved and both Peer Review and Transcript Review application processes are back online. Our legal division received Aithent's draft notification letter on Thursday, October 13 and has reviewed and provided changes to ensure compliance with Vermont expectations. We are waiting a response from Aithent regarding our edits. In the initial draft received, Aithent is providing a one-year complimentary membership of Experian's ProtectMYID alert.

***Emerson Lynn's Editorial***

**St. Albans Messenger**

**10/13/2016 - Page A04**

Act 46 opponents use poor arguments to suspend the law. Candidates for political office, and all school board members across Vermont are receiving an appeal from the nonprofit group Vermonters for Schools and Communities to hit the pause button on Act 46, the state's school consolidation law.

The group's intent is to have legislation passed that would stop the consolidation process in its tracks, and to spend a full year considering the law's reach, its effects, and its accountability.

This is not unexpected. Act 46 is arguably the most important, and far-reaching educational reform bill ever considered by the Vermont Legislature. It addresses two fundamental issues: equity in educational outcomes, and a 150-year-old educational governance structure dealing with 21st century needs.

What the law recognizes is that we can no longer support an educational system that continues to cost us more money when we are educating far fewer students. It recognizes that this demographic decline has resulted in schools so small that the resources are not available to give the students the education they need and deserve.

As the anti-Act 46 group notes, the law creates losers and winners. It also reduces the numbers of school boards, which reduces the number of people involved in the decision making process. It will also result in the closing of some schools.

Yes, the law may do all that. There is no way to improve our educational standing, and to do so affordably without significant and disruptive changes.

When the anti-Act 46 group first came together, the objective was to have the law repealed. That was never going to happen. The tact now is to have all timelines extended for a year – even for those communities that have approved consolidation plans – and to require a thorough review of the process, including the requirement that all districts rethink their proposals and provide a "robust assessment of all options before coming to the State Board with any single proposal."

In other words, they want to kill the process by overburdening school districts with costly informational requests, requiring in advance proof that the changes will be effective before the changes are even made.

We get the fact that change is difficult, nor are we opposed to those who think they have a better plan for their schools. They should push to make their own cases understood. But they also have to address the issues of equity and cost. It doesn't work for a school to stay as it is just because they want to be excused from these requirements. Nor does it make sense to make those districts that have voted to consolidate to stop the implementation of their plans.

The anti-Act 46 group should also drop its contention that the law has a negative effect on our democracy. Here is the claim: "...if consolidation goes as planned,  $\frac{1}{2}$  to  $\frac{2}{3}$  of the state's school boards will be eliminated. This is especially devastating to fostering women in leadership, since women hold over half of Vermont's school board seats .... Reducing the number of school boards reduces the number of people who serve as community ambassadors for public education, and who have fiduciary responsibility for the well being of our schools."

Oh, my. So, we're supposed to keep in place a costly, out-dated 150 year-old school governance system because it's a place to build local leadership skills?

Not only is that absurd, and incredibly expensive, it ignores the fact that even with a fully implemented Act 46 Vermont still has more school board representation on a per student basis than any other state in the nation.

What the anti-Act 46 crowd is responding to is this: They represent towns that are small in size with schools that are shrinking. They represent towns that have not found a way to consolidate their districts and they worry about what that means for their schools and for their taxpayers who will end up paying higher tax bills to fund those districts that have voted to merge.

This is an offshoot of the urban/rural struggle that affects Vermont and most of the rest of the nation. It's a tough spot. But what Act 46 actually facilitates is the need to address this reality, rather than to pretend it doesn't exist. In other words, is it better to have one school that is strong, one that provides solid educational outcomes for its students, and one that attracts growth to the area, or is it better to remain as is, with three schools, all weak, all losing students, none of which are pillars of strength in

their communities?

Vermont's student count has plummeted by over 20,000 since the mid-1990s. We continue to lose more each year. By 2030, we will be down another 15,000 to 20,000. We are being forced to manage to lower numbers, yet maintain, or improve educational outcomes.

The anti-Act 46 group would have us pretend the challenges don't exist. They do.

### **Presentations**

VT Special Education Directors

VT Principals' Academy

### **Media Contacts**

**Jaimie Seaton, Valley News:** Jaimie emailed to see what percentage of students in Vermont state schools take out loans to pay for college, the percentage of parents who take out loans for their childrens' college, and other statistics related to this. Haley referred her to VSAC.

**Julie Medose, VT-HEC:** Julie asked for the list of current principals and superintendents. Haley directed her to the directory on the website and provided her with the list that includes email addresses.

**Michaela Halnon, Milton Independent:** Michaela was given a PowerPoint presentation from the Milton district that showed SBAC scores that differed from what the AOE had. The numbers differ because the AOE reports all students who were assessed and required to be assessed for a given organization. We include homeschool students, exchange students, career tech students, etc. which can cause the numbers to differ.

**Lee Kittell, WDEV FM:** Lee asked to have Secretary Holcombe come on the radio to talk about the car accident that took the lives of five Harwood students. Haley told Lee that the Secretary was unavailable and provided him with the statement.

**Jack Thurston, NECN:** Jack asked to have someone from the AOE respond to the support Harwood has received from schools throughout the state. Secretary Holcombe spoke on camera with him.

**Keele Smith, WPTZ:** Keele asked if the state is offering any support or services to Harwood. Haley provided her with the Secretary's statement.

**Tiffany Pache, VTDigger:** Tiffany asked why the Rochester School costs the most in the state and why Poultney High School costs the least. Brad explained announced tuition and suggested that she contact the business managers at those schools.

OFFICE OF THE SECRETARY

Phone: (802) 828-2657

Fax: (802) 828-3522

**Executive Privilege**

**TO:** Governor Peter Shumlin  
**FROM:** Secretary Chris Cole  
**DATE:** Friday, October 14, 2016  
**SUBJECT:** VTrans - Confidential Report to the Governor

*long delay  
today*

**NOTES FOR GOVERNOR**

**Waterbury I-89 Bridge Project**

As the Waterbury interstate bridge project begins to wind down, we are expecting delays at the interchange over the next few days. Our team has canvassed all outreach channels to ensure motorists have been notified, however, there is potential for some delays. This contract was structured to provide incentives to the contractor if they completed all three bridges within two construction seasons and they will most likely meet the contract requirements for this incentive. To achieve the incentive date of Friday, October 14, there will be a lot of activity that is necessary to get the interstate lanes and ramps open to traffic. Work that will periodically require lane closures will continue through November 4, but we expect these impacts to be minor. The contractor will be working through December 1, but traffic will not be impacted. The contractor will then be back in the Spring of 2017 to complete all work, however, the nature of the work is minor and should not result in any significant impacts to traffic.

VTrans views this project as a great success. The potential for significant long-term delays to traffic was an identified risk as this project was advancing to construction. However, the model that was used to analyze the traffic and provide information to our customers worked extremely well. Teamwork from VTrans, the contractor, the community and the media resulted in our customers being well informed as to what to expect on a daily, weekly and monthly basis.

**Middlebury Bridge/Rail Project**

The VTrans project team attended a Middlebury Selectboard meeting on Tuesday, October 11 to discuss the new project schedule and discuss the current risks to the project. The schedule was very well received by the board with all of the comments positive. The team was very upfront with the need for construction in four consecutive construction seasons to complete the work on Contract 1 and Contract 2. They were honest and frank about the schedule risks and how they can affect the project. Mr. Dorsey attended with at least one attorney and engineering consultant. He was aggressive and read from his script of questions about project funding and soil contamination concerns. Brian Carpenter, selectboard Chair, noted the funding

assurances that he had received from Secretary Cole, and Matt DiGiavonni did a good job of explaining it from the FHWA perspective. VTrans staff answers were ignored as Mr. Dorsey pressed on with his agenda. The Selectboard was not in agreement with Mr. Dorsey and the remainder of the public did not want him to represent their concerns. Other questions and comments from the public were very civil and informed. This was the first time that we had publicly discussed the 10-week road and rail closure.

The next item on the critical path for this project is to address the issue of three types of endangered bats that nest in the two bridges during the summer. We have made a great deal of progress on the bat issue with the United States Fish and Wildlife. They recently informed us that prior to the official request to USFW to evaluate the bridge habitat, we can do an evaluation of the trees and FHWA can concur with the determination that we can remove trees this winter. Removing trees in the construction site this winter is critical to maintain the proposed schedule. If the trees are not removed this winter, the project schedule is set back a full year.

We have scheduled a public meeting for this project on November 17 in Middlebury. Prior to the meeting we will be having a few dozen one-on-one meetings with key stakeholders in the community and we will be meeting with the RPC to bring them up to speed with the proposed road closures. I expect we will hear a lot from the public on the 17<sup>th</sup> about the 10-week road closure, but this strategy provides the best pathway forward for reducing impacts to the community and the selectboard understands that this approach is best.

## **NOTES FOR STAFF**

### **Electric Vehicle Study**

We are developing recommendations for the legislatively requested Electric Vehicle study. As you may recall, the Senate dropped an increased EV registration fee into the transportation fee bill last session without taking any testimony. We pushed back hard through a variety of channels and what came out of the process was another study; the requirements are as follows:

Sec. 15. PLUG-IN HYBRID AND ELECTRIC VEHICLE REGISTRATION FEES;  
REPORT On or before January 1, 2017, the Secretary of Transportation shall submit a report to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Transportation recommending fees for the registration of plug-in hybrid and electric vehicles.

There are competing policies that the State has adopted: stable revenues for the Tfund and reducing the GHG from the transportation sector. This study only looks at one of them: maintaining a stable revenue stream for the Transportation Fund by ensuring fossil fuel taxes are not eroding due to electric vehicles. The larger issue really is vehicle efficiency and the entire statewide fleet becoming more fuel efficient every year; EV's only make up less than 1% of our entire vehicle fleet so their impacts on Tfund revenues at this point is negligible.

*- Laura*

We will be recommending maintaining the status quo with the registration fees for EV's until such time as EV's achieve 10% of the new car registrations annually at which point EV's would have a registration surcharge: approximately \$120 for an EV and \$70 for a plug-in electric hybrid. This approach maintains the fuel cost savings incentive to purchase an EV until the early adopter phase is completed and doesn't hurt the Vermont brand of a clean green environmental State by erecting a barrier to clean transportation technology. We feel this is a better recommendation than trying to establish expending revenues on an EV incentive to balance the higher registration fees, because providing funding for an incentive had no legs in the Senate.

#### **Alder Brook Culvert – Town of Essex**

I received a letter yesterday from the Town of Essex selectboard indicating they did not support the VTrans preferred alternative of an open bottom culvert that meets the AOP requirements of ANR stream alteration permit requirements due to sewer lines being buried underneath and the associated risk and costs of moving them. I'll be meeting with staff later today to discuss the issue and try to find a resolution. Stay tuned.

#### **Barnard**

A declaration was received from the Barnard Selectboard stating that TH-90 is a class 4 town highway. This road and TH-91 were removed from the Town Highway Map in 2015 following a complaint from the Department of Fish & Wildlife and subsequent review of the information provided by the Town. After review, the documentation was not sufficient to show legal establishment and the roads were removed from the map. A letter to the Barnard Selectboard has been drafted stating the VTrans position with former TH-90 and TH-91 and the roads will not be added to the map without the proper documentation. More to come on this one.

#### **Champlain Parkway**

We are beginning ROW negotiations with Vermont Rail Systems over the rail spurs, which need to be removed to accommodate the parkway, which VRS claims they have legal rights for access. We hope to reach agreement without having to go to court.

#### **Lamoille Valley Rail Trail**

VTrans staff and attorneys have reviewed the proposed lease/maintenance agreement language and have returned it to VAST for review. I anticipate reaching agreement sometime this month. Time will tell whether VAST will have the capacity and ability to fundraise their portion of the project costs as well as the ongoing maintenance costs, but that is the plan.

#### **Vice President Biden's Visit**

Vermont State Police have contacted the Secretary regarding Vice President Biden's visit next week; DMV has also been contacted to potentially provide policing support. From our Maintenance and Operations Bureau, Transportation System Management and Operations and the District will be involved in traffic control/messaging on the variable message boards.

### **Missisquoi Bay Causeway Scoping**

VTrans Planning Staff will be making a presentation to the Northwest Regional Planning Commission TAC on October 13, and then other outreach meetings. The preferred alternative of the scoping report is to remove a small section of the causeway and then monitor the turtles for a year or two to determine whether any additional amounts of the causeway can be removed.

### **Mensa Candidate**

10/06 I-89 south Royalton. A DMV Inspector observed a passenger vehicle traveling at a high rate of speed in excess of the speed limit. The Inspector conducted a traffic stop of the vehicle. A records check of the operator indicated that her license was under civil suspension for insurance. A passenger in the vehicle asked the Inspector if he would run his driver's license to see if it was reinstated so that he could drive the vehicle from the scene. A check of the passenger's license indicated that it was currently under suspension and that he had an active arrest warrant from the Burlington Police Department for Assault and Robbery. A second Inspector was called to assist and the male passenger was taken into custody without incident on the arrest warrant. The passenger was processed and transported to the Southern State Correctional Facility. The operator was given three tickets for speeding, driving under suspension, and operating without valid insurance. The vehicle was towed from the scene.

1 National Life Drive  
Davis 2  
Montpelier, VT 05620-3901

Tel: (802) 828-1294  
Fax: (802) 828-1250

[www.anr.vermont.gov](http://www.anr.vermont.gov)



Deborah L. Markowitz  
Agency Secretary

Trey Martin  
Deputy Secretary

**State of Vermont**  
**Agency of Natural Resources**

**CONFIDENTIAL and PRIVILEGED**

**To: Governor Peter Shumlin**

**From: Deborah Markowitz, Secretary, Agency of Natural Resources**

**Date: October 14, 2016**

**Subject: ANR Weekly Report**

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**Governor Level Issues:**

**Magic Mountain Update:** ANR will provide Ski Magic, by COB Friday, October 14, a summary of outstanding issues and a draft of proposed conditions and compliance schedule that may allow the new buyers of the resort to operate their snowmaking system this winter. The Agency will deliver this information well in advance of the mutually agreed upon deadline of October 19, and less than 2 weeks after initially meeting with Ski Magic to discuss issues associated with the pending sale and their snowmaking system. Ski Magic is feeling an extreme sense of urgency to understand if they will be able to meet the necessary conditions to make snow this winter and how that will affect the pending sale, as such, they have put a great deal of pressure on the Agency to expedite our review. We have done what we can to accommodate their needs, but it has strained the Agency's staff and programs. In order to operate snowmaking this winter (2016/17), it is likely Ski Magic would need to comply with conservation flows for their snowmaking withdrawal, and not make any improvements to the snowmaking pond this year.

In exchange for allowing Ski Magic to operate under those conditions, they would need to agree to a compliance schedule that would require the resort to disconnect the existing snowmaking pond from natural stream(s), e.g. move the existing pond or construct new stream channel(s) to circumvent the existing pond. They would also need to complete a needs and alternatives analyst for snowmaking withdrawal as set forth in the state's snowmaking rule and obtain approval to close the current breach in snowmaking pond damn and subsequently reconstruct the dam. *This will require development of full engineering plans and review by damn safety.* Finally, they will need to amend their Act 250 permit and update/amend any other necessary DEC collateral permits.

Ideally, the work outlined above would be completed within the year and prior to the start of the 2017/18 snowmaking season. It is unclear if Ski Magic will be able to comply with either the short term conditions on 2016/17 withdrawal or have the resources to complete the compliance schedule before the start of next season. We anticipate working actively with Ski Magic next week once they have had the weekend to review the proposal.

**Anbaric Greenline in Kingsland Bay:** FPR executed this week a license agreement between FPR and Anbaric for the use of Kingsland Bay Park for Anbaric's 400MW HVDC electric transmission line project. Also this week, OPP received and responded to an email from the Friends of Kingsland Bay (FoKB) inquiring about the status of actions items resulting from a September 19 meeting amongst ANR, FoKB and Anbaric. FoKB included Addison county Senators Ayer and Bray on the correspondence. OPP director contacted Anbaric separately this week and pushed them to deliver the information and legal analysis they committed to provide the parties at that September 19 meeting. Anbaric has not seemed sufficiently responsive to FoKB's concerns and they risk shifting that relationship from one of cordial distrust to outright opposition.

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## **EVERYTHING ELSE:**

### **Legal/Enforcement:**

- **ANR v. Maxi Green, Inc.: Final Order.** Respondent is a Vermont-registered corporation which owns and operates the Rite Aid Store #10313 located in Springfield, Vermont (EPA ID #VTR000522318) (the facility). Respondent generates hazardous waste incidental to its retail operation. Respondent notified as a Large Quantity Generator (LQG) of hazardous waste pursuant to the VHWMR on June 26, 2014. On May 21, 2015, a representative of the Agency's Hazardous Waste Program conducted an inspection of the facility. During the inspection, the representative observed violations regarding the facility's contingency plan; training program; training records; and short-term storage area inspections and inventory. On August 7, 2015, the Agency issued a Notice of Alleged Violation (NOAV) notifying the Respondent of the violations observed during the May inspection of the facility with specific compliance directives. On November 17, 2015, Respondent notified the Agency that the generator status of the facility had changed from an LQG to a conditionally exempt generator (CEG). As the result of settlement negotiations, an Assurance of Discontinuance was entered as an Order of the Environmental Court on September 29, 2016. The settlement includes a penalty of \$9,000.00. (Randy Miller)

**248:**

- **Ranger Solar's 20 MW Coolidge Solar Project in Ludlow/Cavendish—ANR MOU with Ranger Solar:** ANR will be entering into an MOU with Ranger Solar regarding the Coolidge Solar 20 MW Project in Ludlow/Cavendish this week. ANR has reached agreement with Ranger Solar after determining that the Coolidge Project will not have an

undue adverse effect on the natural environment with due consideration to greenhouse gas impacts. ANR made this determination after receiving and reviewing a full greenhouse gas (GHG) life cycle analysis report prepared by Ranger. The MOU includes conditions for Ranger to report to ANR regarding GHG emissions annually and for Ranger to report the “as-built” component information to ANR. ANR has routinely requested both of these conditions for projects with a generation capacity of 1 MW or more. The MOU also includes conditions regarding deer wintering habitat, fencing, riparian buffers, wetlands, and vegetative maintenance. (Leslie Welts)

### **Permit Appeal:**

- **Morrisville Water & Light Water Quality Certification – Status of the Appeal:** Morrisville Water & Light (MWL) appealed ANR’s issued water quality certification that includes several conditions that will require MWL to make operational changes to its hydroelectric project. American Whitewater & Vermont Paddlers Club, Trout Unlimited, and VNRC have all cross-appealed the decision. The Friends of Green River Reservoir and an individual named Barrett Singer have sought intervention. The Superior Court Environmental Division has scheduled an initial status conference for November 21, 2016, where the parties and the Court will take up matters of intervention, discuss the scope of the appeal, and contemplate a schedule for proceeding. (Leslie Welts)

### **Legislative Issues/Testimony:**

**Universal Recycling Legislator Meeting:** DEC staff met with Reps. Hebert and Forguites; Bob Spencer, Executive Director for Windham Solid Waste District; and Tom Kennedy, Executive Director of the Greater Upper Valley Solid Waste District and the Southern Windsor Windham Solid Waste Districts in Brattleboro at the Windham District’s composting facility, transfer station, and recycling facility. The meeting was also attended by two haulers who shared their perspectives on Universal Recycling implementation. The discussion focused on the upcoming food scrap collection requirements by trash haulers and transfer stations and the exemptions available for these requirements. The Windham District is hoping to expand its composting facility operation to meet some of the projected demand for food scrap processing.

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

**Green Energy Times on Biomass Emissions:** Josh Schlossberg, editor of The Biomass Monitor, is doing a freelance article for Green Energy Times on the Vermont 2016 Comprehensive Energy Plan. Schlossberg wanted to know if we were concerned about increased biomass emissions resulting from the Comprehensive Energy Plan goal of supplying the state’s heating needs with 30% renewable energy. We responded that the 30% could also come from non-biomass burning renewable energy, such as heat pumps. Air quality staff also informed him of recent federal and state regulatory efforts to minimize residential wood emissions from heating, including future and previous residential wood burning change-out programs focused on reducing residential wood

heating emissions. We notified Schlossberg that we provided significant input to the Comprehensive Energy Plan to promote utilization of clean burning combustion technologies in an effort to achieve this goal.

**Fish and Wildlife Press Releases:** West Mountain Shooting Range Opens to the Public; Seminar on Hunter Access for VT Landowners.

**Coverage of Fall Foliage in Vermont:** NECN story on peak foliage; [Boston Magazine](#) featuring Elmore State Park; popular drone fly-over coverage of [Groton State Forest](#)

**WLEB Grants and Loans Now Available:** The Working Lands Enterprise Board announced [\\$650,000 in available grant funds](#), along with two innovative new loan programs, to provide eligible farm and forest product businesses an opportunity to improve infrastructure, process or profitability. Funds support projects across forestry and agriculture that enhance Vermont's communities, economy and culture.

**Tips and Tricks for Great Outdoor Experiences:** This [Wall Street Journal article](#) mentions Vermont State Parks.

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

**Recreation Partnership Talks Continue:** Following the recent Eastern Outdoor Recreation Association meeting in Killington, the FPR Commissioner met with Tom McCarthy and Allison Frazier from Three Mountain Associates, Inc. of Waitsfield to continue a discussion about recreation partnerships in Vermont. He also met with FPR Recreation Coordinator Jessica Savage and Director of State Parks Craig Whipple to talk about plans for the Department to host a meeting for Vermont outdoor recreation industry partners.

**Moretown Landfill Breaches Liner:** DEC issued a Notice of Alleged Violation to the owners of the inactive Moretown Landfill following an incident which resulted in a three-foot diameter hole in the landfill's base liner system. The liner breach occurred while a contractor was drilling an additional landfill gas well as part of the closure construction project. The actions were not in compliance with the approved closure design, the consent order, or the Solid Waste Management Rules. The landfill owners took measures to seal the breach the following day, but additional evaluation of the repair and monitoring of its effectiveness is required. Additional construction quality assurance measures have also been required before any additional drilling is conducted.

**PFOA/PFOS in Pittsford Fire Training Academy Tank:** PFOA/PFOS had been found at 6ppt and 72ppt respectively in the ~60,000-gallon reclamation tank at the academy earlier this year. The combined health advisory level for PFOA/PFOS is 20ppt. No drinking water wells were impacted. The tank was resampled recently after the water had been treated and purged, the sludge at the bottom of the tank removed, and the tank and all associated piping and catch basins cleaned. PFOA/PFOS samples were reported at approximately the same level (PFOS: 64 ppt; PFOA: 13 ppt). We will now do a Site Investigation to determine the source of contamination. We had suspected the sludge was the cause of these results, but that assumption now appears incorrect.

Soil samples, concrete samples and a groundwater investigation is being conducted. A long-term treatment system for discharging the reclamation tank water will also be evaluated.

**Wildfire in Bolton near Robbins Mountain WMA:** Crews were called to respond to signs of smoke near the Robbins Mountain Wildlife Management Area on Friday, October 7. A deep-burning ground fire was identified of approximately 1 acre in size, fueled by dry conditions and moderate winds. Multiple FPR Forestry division staff were involved with fighting the fire. By Sunday evening, the fire was contained.

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## **SUMMARY OF KEY DEPARTMENT ACTIVITY**

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

**Ranger Solar 20 MW Coolidge Solar Project, Ludlow/Cavendish—ANR MOU with Ranger Solar:** ANR will be entering into an MOU with Ranger Solar regarding the Coolidge Solar 20 MW Project in Ludlow/Cavendish this week. ANR has reached agreement with Ranger Solar after determining that the Coolidge Project will not have an undue adverse effect on the natural environment with due consideration to greenhouse gas impacts. ANR made this determination after receiving and reviewing a full greenhouse gas (GHG) life cycle analysis report prepared by Ranger. The MOU includes conditions for Ranger to report to ANR regarding GHG emissions annually and for Ranger to report the “as-built” component information to ANR. ANR has routinely requested both of these conditions for projects with a generation capacity of 1 MW or more. The MOU also includes conditions regarding deer wintering habitat, fencing, riparian buffers, wetlands, and vegetative maintenance.

**Hermitage Act 250 Hearing:** The 3<sup>rd</sup> District 2 Commission hearing for the Hermitage master plan was held on Tuesday evening, October 11. The Commission took up the joinder issue first as the Commission was concerned with the relatively quick sale of the East tract and airport parcels. They did not make a decision at the hearing if the new owners need to be co-applicants or involved with the current master plan proceeding. There will likely be a decision issued with respect to the joinder issue. Hermitage objected to any new evidence being collected with respect to the East tract or airport parcels given that they believe the parcels are no longer involved in the proceeding. DFW presented testimony rebutting the applicant’s earlier assertion that parcels within the proposed bear corridor could not be developed. The assertion is premature given that no wastewater applications or soil suitability information was submitted. DFW indicated that impacts on the Mountain tract were adequately mitigated through avoidance/minimization measures and onsite conservation of bear scared beach habitat. The DEC Wetland program provided a status update of the wetland permitting process with respect to the Mountain tract. No additional information regarding wetlands was provided on the East or airport tracts.

**New Applications:** Week of October 3, OPP received 3 new Act 250 applications and 2 new Section 248 petitions.

## **Environmental Conservation (DEC)**

**Alburg Fire District 1 Visit (Alburg Springs):** DEC staff visited the Alburg Fire District #1 Water System to provide technical assistance. The District utilizes Missisquoi Bay as the public water supply and has been experiencing significant taste and odor challenges with the water. Staff assisted the Fire District personnel with performing bench-scale tests and then adjusting the water treatment process to better address the taste and odor concerns. We have been in regular contact with the District to monitor the treatment system performance.

**Bennington Wastewater Treatment Facility:** The facility has significant infrastructure needs. We are discussing funding options and asset management opportunities with town officials. The facility is currently under a compliance schedule. Bennington is hoping to go to bond for the improvements they need in March 2017 and proceed to construction next summer.

**Elizabeth Mine Solar Project:** Solar arrays are proposed for the top of Elizabeth Mine. A community meeting for this project was held in Strafford last week. The Selectboard members were satisfied with the overall plan. We anticipate that the remaining technical and legal issues can be resolved in time to allow the project to commence this fall, as planned by the developers.

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

**Archery Season Activity:** During the first part of this fall archery season there has been some nice deer taken statewide. There have also been numerous violations detected by wardens who are making some significant cases. These cases included bait piles, illegal means of take, failure to tag and license issues. Other violations that required paperwork for the wardens were tree stand violations, shooting from the road and a cocked crossbow. Great decoy work done over the weekend also led to some violations as well.

**Salmon on Lake Champlain:** Staff continued Lake Champlain salmon monitoring. Low water levels and warmer than normal water temperatures continue to limit salmon runs and hamper sampling efforts in most areas. To date, 49 salmon have been passed upstream from the Winooski River fish lift, and 34 salmon have been processed at the Hatchery Brook return trap. No salmon have been observed in Otter Creek or the Missisquoi River, and 11 salmon have been collected in the southern Inland Sea near the John Guilmette Access Area.



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**State of Vermont**  
**Department of Public Safety**  
103 South Main Street  
Waterbury, Vermont 05671-2101  
[www.dps.state.vt.us](http://www.dps.state.vt.us)

**To:** The Honorable Peter Shumlin  
**From:** Joe Flynn, Deputy Commissioner of Public Safety  
**Date:** October 13, 2016  
**Subject:** Weekly Report

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Priorities:

Administration

Following our budget meeting with Commissioner Pallito we were asked to provide a five-year budget impacts analysis for the body camera / in-car camera project. Also, we are taking a follow up meeting with Emily Byrne, F&M Budget Director to go over the budget details. Nick Foss will be joining us as well.

Rick Hallenbeck and Marie Hayward have both attended Willis system training and began alternating as representatives for Admin on the Classification Committee starting with the October meeting.

Procurement has been attempting to clarify with VSP if they intend to pursue the use of PIF for their document management needs as had been part of the contract planning for several years now. Sgt. Brian Miller, who has recently retired, had been the VSP representative on the project team, and now that he is gone, it appears that VSP now believes that the Spillman system's capabilities are adequate to meet their needs. We are attempting to clarify with VSP whether they wish to back out of the PIF project. VSP staff may not be fully aware of the intent of the project, so we've asked to get together to be sure they are clear on this.

DPS Administration Division, Procurement Office, will be readying the employment of a new Asset Management accountability process to correct our current inventory and maintain an accurate asset inventory going forward. This will include a new barcode tracking system to help manage our Department asset inventory. Each Division, section, and location will give complete and timely support in accomplishing this transition. Each Division location will be tasked to track down equipment that was not accounted for and identify if indeed it is still assigned to a location, or note what the disposition of the equipment was and provide supporting documentation if available. A special Department asset write-off procedure and form will be introduced that will require all section/location managers and Division Directors to document missing equipment, documentation that will eventually make its way to the Commissioner's Office for review. DPS is monitored annually on its asset management procedures from which we have received audit findings due to the issues noted above.

We submitted our FY17 Indirect Rate proposal to the Federal Agency of Health & Human Services (HHS) for approval in December 2015. Our actual cognizant agency is the Department of Homeland Security (DHS) but they use HHS to review and approve the indirect rate proposals. We have had multiple discussions with HHS about our submission this year, mainly because we had questioned Homeland

Security about our ability to charge Indirects to our local share subgrants as it appears to be allowed under 2 CFR 200. HHS then informed us that they do not feel as though they can complete our rate approval so they have returned our application to Homeland Security/FEMA. We contacted FEMA right away to try and resolve these issues so we can get our rate approved and in place for FY17. Danielle Unger our FEMA contact says that FEMA legal is still working on some of the issues that came up in our rate proposal. We have made many attempts to follow-up with FEMA with no replies by them and there is still no response as of this week. It is frustrating that we have been left in this situation without our approved rate and can get no response from our cognizant agency. It is critical for us to have an approved rate as soon as possible.

## CJS

### Forensic Lab-

All 24 existing lab positions currently filled

8 individuals currently cross-training in Latent Print processing/comparison.

Backlogs (as of 9/30/2016):

Blood Alcohol (0)

Drug Chemistry (834)

Serology (91)

DNA (casework) (130)

DNA (CODIS) (43)

Firearms (44)

Latent Prints (478)

Arson (2)

Conducted annual COOP training with DPS COOP lead.

Internal audit is underway (October/November).

### OTM-

Meeting between participants regarding prep work for next week's National Criminal Justice Reform Project trip and meeting in Colorado. Attending will be Commissioner Flynn, Judge Brian Grearson, Monica Weeber of DOC and Dean Hamel of DPS.

As directed by the Law Enforcement Data Sharing Work Group, CRG is doing some research regarding what the laws are around providing data to a researcher and if that means the agency is liable for "*you shared it with them now you have to share it with me*", and to see if there is a technical ability to exclude cases and how to handle redaction orders when data is provided for research use.

Regarding the Police Data Initiative (PDI) VSP Command Staff gave approval to 5 different data sets. This leaves the project with Scott Waterman to now work out a release date and plan with the Commissioner's office and the VSP Colonel. Additional work needs to be done on how the datasets get updated or replaced in the future, but that conversation is going to be delayed until a release date is determined as the resource pool is a little thin right now to take that task on.

Drafts of a VJISS web page that will be used when announcing the Analytics Dashboards has been reviewed, along with other tools and documents to add in the announcement of the Analytics tool, as well as do more to advertise the other tools available.

The EGC (Enterprise GIS Consortium) met and OTM is now represented (on behalf of all DPS) to bring a tighter partnership between DPS and this State Consortium and to also present the DPS needs for feedback from this larger group.

We have been working with GeoComm (emergency contract as DPS has no GIS personnel) on updating the Spillman/E911 GIS Support programming and data. Testing will soon start to verify if the new, updated E911 geobase data has been pulled and is functioning appropriately for accurate dispatching.

We attended the monthly DII lead Sr. IT Leadership meeting in Montpelier on Oct 11th. Highlights of the meeting included an update of the statewide IT reclassification process that DII and HR initiated- about 1/3 of the statewide IT staff submitted for reclassification have been processed by the reclassification committee. This will potentially affect classification levels for 8 DPS IT positions. There was also a request from DII for agencies to provide more agenda items to the meeting, such as concerns about DII processes or change requests in enterprise services. In addition, they asked divisions and departments to bring projects and initiatives they are working on to the table, in an effort to communicate opportunities to other agencies. (Effort to slow the “reinventing of the wheel” within the state.)

VCIC-

The Record Check Section continues to see a high volume of fingerprint-supported record check requests due to the implementation of Act 166 requirements. Current processing times remain at the established two-week window and limited overtime is being utilized to maintain this target.

The selected Deputy Director candidate has accepted the offered position and awaiting the fingerprint record check to return to complete the process (with an anticipated start date of 10/31/2016). The preferred candidate for the new Marijuana Registry position has accepted the position. As this is a lateral transfer within VCIC a new vacancy has been created (within the Sex Offender Registry) and a transition plan is currently being developed. At no point with the SOR be unstaffed as the transition to a new hire will unfold over several months. The preferred candidate for the vacant Criminal Record Specialist position has cleared the necessary fingerprint record check and formally accepted the position with an anticipated start date of 10/31/2016.

VCIC continues to participate in a small-scale pilot to improve how criminal disposition information is relayed to the FBI by switching from a physical submission via CD to a secure federal portal. Initial tests by the FBI and VCIC have validated project viability and federal partners continue to engage in technical engineering tasks. As previously noted Vermont engagement with the process is from an end-user perspective and no technical resources are required.

Several initiatives around data collection are taking shape, primarily around two key areas: data quality and use of force statistics. The FBI Uniform Crime Reporting (UCR) group is participating in both of these initiatives and multiple discussions are moving forward. The data quality initiatives revolve around quality of data available in CAD/RMS systems and by extension the National Incident Based Reporting System

(NIBRS). The FBI has mandated all jurisdictions convert to the NIBRS standard by 2021 (which Vermont achieved in 2005). Current discussions for Vermont are then focused on data quality (including work by the Crime Research Group), highlighting continued training needs, and leveraging federal initiatives at the state level (such as data warehousing and public presentation). The national effort to create a uniform use of force data collection set continues with proposals for specific data items and collection methodologies being discussed.

## DEMHS

Vigilant Guard After Action Conference was conducted and attended by various DEMHS staff at the Army Aviation Support Facility in South Burlington.

Following Hurricane Mathew, several broadcasts for EMAC support have been received by Vermont. DEMHS continues to monitor the requests and forward to the appropriate State Support Functions inquiring if there is any interest and capability to support.

Town of Lyndon and Lyndonville Village Multi-Jurisdictional Hazard Mitigation Plan received formal approval from FEMA for both participating jurisdictions, as did Leicester's HMP.

17 applicants had applied as of 10/10 for the PAC Reservist positions. Applications will close next week to allow for interviewing of top candidates, with the expectation that the position will be re-opened to continue recruitment after the qualified candidates thus far are interviewed and on a roster.

Vermont Silver Jackets met on and USACE staff will coordinate RFI response for the Montpelier Inundation Map Update funding application.

Emergency Management Support Specialist and Operations and Logistics Section Chief met with representatives from the American Red Cross to discuss development of a "Shelter Board" in DisasterLAN. Discussions continue.

Director, COS, and Deputy met with ARC regarding messaging on the LDSI shelter liability coverage.

VT ALERT statistics for the third quarter of calendar 2016 include the following:

17,100 total public users

14,790 private group users

Initial presentations provided to a Cold Weather workgroup and the Agency of Natural Resources.

The 2016 Hazardous Materials Emergency Planning Grant was awarded to DEMHS. The scope of work from the 2015 grant will continue through a subgrant to Two Rivers Ottaquechee Regional Planning Commission. Work with the Regional Planning Commission on the application will begin shortly.

The monthly test of the Emergency Alert System was conducted this week.

EM Planner facilitated School Crisis Planning Team meeting.

EM Planner facilitated Child Care Emergency Response Plan template meeting.

EM Planner and EM Coordinator assisted HS Training Coordinator with training data validation for input into the Learning Management System.

Local Emergency Operations Plan submission rate is currently at 89% for 2016.

CI Planner met with Killington Resort regarding emergency planning review and assistance for the World Cup event in November.

CI Planner attended EPA Lake Champlain Oil Spill Workshop.

Director, Planning Chief and Chief of Staff met with RPC representatives to begin strategizing for EMPG 2017 Scope of Work.

PIO manned a booth at the Vermont League of Cities and Towns annual fair highlighting VT-Alert. Contact made with more than 20 towns and most are scheduling demonstrations and trainings for town personnel.

PIO met with state Geologist to discuss public messaging around landslide hazards in Vermont.

PIO distributed letter to Fire, Police, EMS, and EMD listservs on behalf of the Director inviting all to Emergency Preparedness Conference.

HS Program Manager and Chief attended a VCOMM Steering Committee meeting at Lamoille County Sheriff's Department. An update on the status of funds was provided. Discussion was had regarding the Console RFP TA session being held on the 18th. The Executive Order and membership appointments was discussed and agreed upon that nothing will happen with this until after the administration change. Paul Duquette announced that as of January 1 he would be moving to Montana, and would not be looking for a reappointment to the Board.

HS Program Manager completed and sent out the follow up letter for the Barre City Fire Department Programmatic Site visit.

HS Training Coordinator and Chief met with VSP to discuss the application and use of the LMS.

### Fire Safety

The Division received \$1.3 million in new plan review construction valuation collecting \$10,400.00 in permit fee revenue.

The PFOS and PFOA issue at the fire academy continues. After the underground storage tank was completely cleaned the test results came back positive and in fact one of the numbers was higher. BGS and Stone Environmental are working on next steps but this is frustrating. The test results are barely over (parts per trillion) drinking water standards and this water is simply used for training. BGS in the initial stages of apply for an ACT 250 permit for the new burn building and this issues of PFOS and PFOA will likely impact this. Additionally, there may be a fee for space charge for some of the water discharge operations moving forward. I will know more within a week. I met with Mike Stevens, Deputy Commissioner of BGS last week to discuss all of this.

The town of Williston has approached me to discuss an inspection agreement. We cannot turn over anymore plan review agreements because of the loss of revenue. Williston Fire Department is exploring just taking over the purchase and sale inspections which is approximately \$6000.00 per year. As you know we likely lose money on these so this is something we could pursue with them.

DPS Admin came over yesterday to meet with the elevator safety board to discuss financial aspects of the program for transparency purposes. The board was very pleased with the presentation and we answered some questions for them.

I reached out to Williston Fire Chief and extended our thoughts and support to him and the fire department for the response to the car accident on interstate 89.

The Haz Mat Team has responded to 89 incidents this year. VHMRT is at 89.

The haz mat team recently reviewed and updated their SOG/SOP.

Todd Cosgrove, Chief of Haz Mat is reviewing TIER II reports and finding companies who failed to report last year. One large company Todd found was Champlain Oil. Todd will send out the 2016 reporting bills soon.

The Fire Academy is aggressively going out into the field to meet with regional fire groups to better understand the needs of our end-users. Senior staff is also meeting with current classes to introduce themselves and to encourage the students to continue to train. This week they were in Randolph at VTC, South Hero at Grand Isle County Firefighter I, Burlington at a Chittenden County Association meeting, and Brandon for the Rutland/Addison County Firefighter I. There is a lot of needed outreach activity going on at the academy.

Work continues on the ACT 156 legislative Report should have this completed within a week.

The new building codes went into effect on Monday October 10, 2016.

### Vermont State Police

A Troop-

FF

17 Total Arrests, 5 DUI

Troopers responded to a missing hiker on Mount Mansfield in Cambridge. Chris Boutin (19 y/o & autistic) was hiking alone in the slides (not on a trail) above the information both parking lot in Smugglers Notch. His mother advised he called to advise he was lost. This is technical terrain and required the Stowe Mountain Rescue team. SAR Lt. and Neil Vandyke responded. The team got Boutin out uninjured around 2AM.

Two females Becca Cohen and Jennifer Derosiers reported they were lost on Mt Mansfield. Sgt. Hammond and Trooper Kelly located their vehicle at Underhill State Park lot. The park rangers had a good idea of where the two went off trail. Jericho/Underhill FD, Colchester Tech and Stowe HTT assisted with locating the females and walking them out of the woods.

At 2352 hours, 911 dispatchers received a call of a motor vehicle crash on Interstate 89 at mile marker 80.8 in the Town of Williston. The Williston Police Department was the first to arrive on scene, and observed a two vehicle crash with one of the vehicles engulfed in flames in the median. The Williston officer retrieved a fire extinguisher and ran towards the engulfed vehicle. The Williston officer pulled one female victim away from the engulfed vehicle. As the officer was attempting to extinguish the fire, a male, later identified as Steven D. Bourgoin (36), entered the Williston police cruiser and began to drive south at a high rate of speed. The Williston Officer radioed that his cruiser was stolen. A Richmond Police Officer set up at the U-turn at mile marker 77 to intercept the stolen police cruiser. Prior to meeting with the Richmond officer, Bourgoin turned around on the interstate. Bourgoin then traveled northbound in the southbound lane back towards the original crash scene at a high rate of speed whereupon he struck his pick-up truck at a high rate of speed and then veered into seven other vehicles. Bourgoin was thrown from the vehicle and the cruiser burst into flames. Bourgoin was taken into custody and transported to the University of Vermont Medical Center with non-life threatening injuries. The primary crash resulted in five (5) fatalities. There were 5 injuries in the second crash, and those folks were transported to UVM medical Center with non-life threatening injuries.

At about 1500 hours, Bolton FD, Richmond Rescue advised they were responding to a lost and injured hiker on the long trail. They advised a 32 y/o female injured her ankle and could not move without assistance. She was with her husband. Bolton FD advised they were all set and did not need VSP SAR. They later called for assistance from Jericho/Underhill FD, Huntington FD, Colchester Tech & Stowe HTT. At approximately 2100 hours, Bolton FD called back requesting VSP SAR and VFWL as their search party got lost and they lost radio communication with them. Northern SAR Team was activated and assisted. All parties were out of the woods at 0300 hours.

Troopers responded to a call resulting in an arrest with the subject being charged with 1st degree aggravated domestic assault, unlawful mischief, resisting arrest and attempt to assault a police officer.

BCI

16 year old male in Elmore reported he was a victim of a fraud. Female reached out to him on Facebook requesting they have digital sex. Male admitted o masturbating on the chat. Female then attempted to reach out to the male demanding he pay her money or she would post a video of him masturbating.

Fraud case assigned out of Charlotte. Elderly female reports that her son sold their house and kept her money. Female is currently staying in a hotel in Charlotte as she now has no place to live.

Assault case at CRCF. Female inmate assaulted a CO. Multiple reports regarding threatening cases from the inmate.

Fraud case a CRCF. Inmate reports that his identity was stolen.

Sex offence reported at motel 6 in Colchester. CUSI assigned.

Blood spatter and CSST training.

6 year old male disclosing that his father has been sexually abusing him. NUSI assigned

Male student at school possibly in possession of child pornography. Male was showing sexual images to his friends. When the phone was seized the student took off on foot. Mother intercepted child. Interviews scheduled for this week.

Untimely death in Jericho. Male found deceased in his locked bedroom by his mother. Indication of overdose.

Special Invest for DOC.

Untimely death of a 79 year old female. Natural causes.

Four pre-employment polygraphs for OPD.

Work up and scheduling for two upcoming criminal exams.

Working on new protocol for admitting new criminal exam requests.

B Troop-

FF

18 Total Arrests, 7 DUI

Attempted to initiate a motor vehicle stop in Lyndon, VT. A pursuit ensued and traveled several miles, eventually ending on a class IV road. The operator, Brandon Bolton, was arrested and processed for multiple offenses, to include DUI, DLS-C, GNO, and ATE.

VSP-St. Johnsbury assisted VT Fish and Wildlife with a search warrant in Danville. The occupants of the residence were found to have numerous marijuana plants in various stages of processing. Approximately 38 plants were removed from the residence, along with several pounds of processed marijuana.

BCI

Assist to NHSP with follow up regarding Burglary suspects.

New Sex Assault Case. Report of an Uncle sexually assaulting a 14 yr. old male with an object.

Follow up on Sex Assault where victim is pregnant as a result of the assault.

Report of a 13 yr. old female sexting with a 22 yr. old male who resides in a foreign country.

Armed Robbery of Convenience store in Orleans.

Assisted D troop with Missing Juvenile investigation (Sanville).

Follow up on allegation of sex offense in Prison (Consensual between guard and inmate) appears unfounded.

Death - Maidstone, VT 64 yr. old female-appears natural (Autopsy Pending).

October 13, 2016

Death St. Johnsbury, VT 85 yr. old male with extensive medical history-Natural.

Death Corinth, VT 61 yr. old male with diabetes- Natural.

C Troop-

FF

20 Total Arrests, 9 DUI

Arrested one for Neg Op and Poss of a Regulated Drug after the male was involved in two motor vehicle crashes in the span of thirty minutes in Rutland and Cuttingsville.

Arrested one for DUI, Neg Op, Criminal DLS and OOC in Bomoseen.

Arrested one for Agg Domestic Assault and for Fugitive from Justice in Rutland.

Arrested one for DUI, Neg Op, Attempting to Allude and excessive after a pursuit in Wallingford.

Arrested one for DUI in Rutland.

Arrested one for 1st degree Domestic Assault in Pittsford.

Arrested one for DUI in Sudbury.

Arrested one for DUI Drugs, Gross Neg Op, Attempting to Elude, Assault on an LE and LSA after a long pursuit where the operator was driving in the wrong lane, forcing other motorists off the road and attempted on two occasions to run over to LE officers.

ATE and Violation of Conditions Arrests (plus, civil MJ possession) in Bristol.

Heroin trafficking / transportation / possession / 179 bags hidden in a child seat.

BCI

Obtained new inquest subpoena for jail calls and served at DOC regarding Poultney kidnapping.

Return of property in Proctor regarding 2015 accidental shooting.

Suicide by firearm and high speed crash of a depressed 27-year-old male in Whittingham, Windham County.

Assist with deaths of five teenagers in Williston.

Completed reviewing 1400 pages of transcripts in Hart homicide (Laraway & Stone).

Evidence officer audit of all evidence at New Haven.

CSST Training (1 Day).

Attended RIST Training (2 Days).

Scan Rutland Long Term evidence room/Old homicides.

Instructed LPO 12 at the VFA.

Weight of evidence hearing in the Agg. Assault case from Ripton.

Meeting with Attorney in Hatch case.

Received information from correctional center regarding a phone call between an inmate and female claiming she was being held against her will. Female, Rachel Shandoval, located in Bennington and all set.

LPO (week 2)

Attended training Killington with ATF/Fire Unit.

Follow up on Cornwall bridge fire.

Assist with missing teen D-troop.

Dead body 73-year-old male believed to have committed suicide, possible overdose of Morphine that he was prescribed due to chronic back pain and surgery. A note was left. Autopsy pending.

Dead body 57-year-old male found in bed by his partner. Possible cardiac event. No other health conditions other than blood pressure medication. Autopsy pending.

Started back ground on new applicant.

Went to NYSP barracks troop G to get evidence for the Schaff case.

Assisted Bennington County Sheriffs with a possible warrant situation on a house on Granger Hollow Rd. in Shaftsbury.

D Troop-

FF

16 Total Arrests, 6 DUI

Responded to a domestic on 09/30 in Saxtons River; upon arrival, the accused had left the scene; he was located on 10/03 and arrested for Domestic Assault.

Stopped a vehicle on I91 in Windsor for operating 107 miles per hour in a 65 mph zone.

Stopped a vehicle in Rockingham; arrested one on an outstanding warrant.

Stopped a vehicle on Route 103 in Rockingham; arrested one for DUI.

Responded to Route 9 in Marlboro for a crash; single car, operator deceased at the scene.

Stopped a vehicle in Marlboro – arrested one for DUI.

Responded to a dispute in Halifax – the accused had fled the scene, but was later stopped by the Shaftsbury Barracks and arrested for DUI.

Troopers took a report of a missing 27 year old male from Whitingham; subject was found the following morning, deceased from apparent suicide.

Stopped a vehicle on I91 in Rockingham; arrested one for DLS.

Troopers responded to a lost elderly male in the woods in Windham; subject was later located.

Responded to a two single vehicle crashes in Halifax; arrests for DUI.

Stopped to check on a disabled vehicle and arrested the operator for DUI.

Arrested a female for Violating Conditions of Release after she was served a TRO.

Arrested a juvenile after he repeatedly threatening to kill his mother who is a vulnerable adult.

Stopped a vehicle on I-89 SB for speed. During a consent search he located 650 bags of heroin in the glove box. Two females from MA were arrested. NIU was contacted and spoke with the females.

Stopped a vehicle travelling on I-89 SB at 106 mph and arrested the operator for Excessive Speed and DUI.

BCI

ATF Training on Fire Investigation.

Evidence scanning in Westminster.

RIST Day #1.

Federal Jury Trial-Burlington Mon/Tuesday.

Follow up on Sex Assault at BFUHS-more Warrant for 4 FB accounts.

Subpoena for video at BFUHS.

PREA Sex Offense – Southern State – Follow up interviews with witnesses.

Windsor SIU case review meeting.

Suicide Investigation by gunshot I-91 south rest area Westminster 60 year old male.

Suicide by gunshot Saxtons River of a sexual assault subject reference Sgt. Albright's case.

Untimely death of a 50 year old female in Braintree, apparent overdose.

Missing juvenile Autumn Sanville Investigation – Weathersfield.

Assist to Rutland with Prints and photographs for sex case their investigating.

Fugitive From Justice Case at SSCF.

LPO training week at VPA x2.

Assist Williston BCI with 5 person fatal investigation.



**State of Vermont**  
**Agency of Administration**  
**Office of the Secretary**  
Pavilion Office Building  
109 State Street  
Montpelier, VT 05609-0201  
[www.adm.state.vt.us](http://www.adm.state.vt.us)

[phone] 802-828-3322  
[fax] 802-828-3320

*Trey Martin, Secretary*

**PRIVILEGED AND CONFIDENTIAL  
MEMORANDUM TO THE GOVERNOR**

**TO: Governor Peter Shumlin**

**FROM: Secretary Trey Martin**

**DATE: October 14, 2016**

**SUBJECT: Confidential Report to the Governor**

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**BUILDINGS AND GENERAL RESOURCES**

**Issue Updates:**

Montpelier – The Taylor Street Parking Lot lease renewal is in the works for the next Legislative Session.

VSECU – We are working with VSECU on partnership options for 144 State Street in the future.

Windsor – The survey is in process for redistribution of land. An agreement has been reached on the lot BGS retains and surveyor is working on it. Easements will be needed for waterlines and road access.

Randolph VAEI – Our attorney is reaching out to Pierre and his attorney in an attempt to resolution to the DRB appeal. They provided a list of items for consideration and our attorney is developing a proposal for settlement inclusive of our responses to the list of items. The Act 250 District Commission is currently deliberating and developing the Findings of Fact. No schedule for when it will be issued, but it appears there will not be another Recess Order. Construction Document Phase is continuing as we are receiving questions from the design team and responding.

RUSF – Ice Rink on State House Lawn – Risk Management & Capital Complex Commission – The MOU/Application was submitted by the City of Montpelier on September 22<sup>nd</sup>. A meeting was held with BGS on October 3<sup>rd</sup> with input from Risk Management to review the documents. We sent the MOU/Application revisions back to the City of Montpelier on Monday, October 10<sup>th</sup>.

Exit 7 – Berlin – Public/Private Partnership – The October 14-15, 2016, grand opening celebration is scheduled and being organized by the Maplewood folks. The Maplewood Travel Service Center sanctioned by the State at Exit 7 on I-89 is open as of September 2, 2016. Electronic signs were installed along I-89 the morning of September 7<sup>th</sup>. Permanent highway signage has been installed; VTrans is working on it. Ed, Lisa, Penny are collaborating with Maplewood. We need to resolve reporting of visitor count to staff at 134 State Street.

## **FINANCE AND MANAGEMENT**

Nothing new to report.

## **HEALTH CARE REFORM**

Nothing new to report.

## **HUMAN RESOURCES**

Nothing new to report.

## **INFORMATION AND INNOVATION**

### **Issue Updates:**

### **Web Updates:**

- Finance will be moving its data for the Town Payments reporting into the Open Data Portal as a part of their new Website launching this fall.
- The new Spotlight Website will be linking to the Open Data Portal for data sets containing annual pay and vendor payment data.
- A Web Portal Board Meeting has been scheduled for 10/14 at 3:00.

## **LIBRARIES**

Nothing new to report.

## **TAXES**

Nothing new to report.

**CONFIDENTIAL and PRIVILEGED**

**To: Governor Peter Shumlin**  
**From: Patrick Delaney, Commissioner**  
**Date: October 14, 2016**  
**Re: Weekly Report**

**Vermont Department of Liquor Control**

Legislative Issues/Contacts/Updates:

Our on-going meetings with Damien Leonard, legislative council, continue. We completed a two-chapter review on October 12. Our next scheduled meeting to continue work on the Title 7 re-write project is on October 25th. Damien has put together a list of questions to start the discussion.

Press Issues/Releases/Contacts:

Significant Events/Meetings:

The Liquor Control Board met October 12.

Deputy Commissioner Kessler and I conducted second round interviews last week for the Marketing Director position. We are in the process of contacting referrals. Approval for a salary range has been submitted and we hope to make an offer soon. We will attempt to do an introduction at the next board meeting before moving forward.

Three hundred attendees will be converging on Burlington next week for the N.A.B.C.A. Administrators Conference. Board chair, Stephanie O'Brien played a key role in scheduling his meeting from October 16-19th in Vermont. It will be a very productive meeting of industry professionals

Summary of Key Department Activity:

*Agency Issues:*

The agency in Chelsea was closed October 11, 2016, with merchandise picked up at that time. The change of ownership at the Danville agency location is progressing to closure at the end of the month.

The highly embellished October addition of our agency newsletter was distributed via Mail Chimp to provide us with a greatly enhanced ability to determine who is reading the information and who is passing it forward to their employees. Reading this material is one criteria of many that we are currently using to evaluate the performance of our agents.

*Staffing:*

Second round Marketing Director interviews were conducted last week, and we hope to make an offer soon.

We re-posted a job opening for a part time driver to attempt to achieve full staffing for the busy holiday season.

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

*Warehouse Reorganization:*

I met with Warehouse Manager Barry Richardson and Kim walker on Thursday October 13 to discuss our current delivery schedules. We identified numerous opportunities to change delivery schedules to agencies to better balance deliveries to sales volume.

Additionally, we identified 30 stores that will be transitioned to pallet deliveries after the first of the year to improve delivery efficiencies. We are looking into purchasing pallet jacks and lift gates for two delivery trucks to improve efficiencies.

**Commissioner's Commentary:** We are completing scheduling and meeting arrangements for the annual industry/department marketing meeting in Burlington. The initial participant numbers look strong.

**+CONFIDENTIAL and PRIVILEGED**

**To: Governor Peter Shumlin**  
**From: Greg Smith, Executive Director, VT Lottery**  
**Date: Oct 14, 2016**  
**Re: Weekly Report**

**Status of Governor's Priorities:**

none

**Legislative Issues/Contacts:**

none

**Press Issues/Releases/Contacts:**

none

**Significant Events/Meetings:**

none

**Evolving Issues:**

none

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**Summary of Key Agency Department Activity:**

Our results through Sept continue to be strong. Here are our preliminary results:

	YTD Actual	YTD Plan	YTD LY	Diff to Plan	Diff to LY
Sales	\$28,053,000	\$26,446,000	\$26,435,000	\$1,609,000	\$1,617,000
Profits	\$ 5,400,000	\$ 4,800,000	\$ 5,100,000	\$ 600,000	\$ 300,000

VLC is actively working on transition plan and recruiting effort to find a new Executive Director. Current management team will be submitting three different contracts or amendments for Admin approval over the next 1-2 months.

**Executive Director's Commentary:**

This is my last report and last day in this position. Thanks for assistance and support that I have received from the Administration during my time in state govt.

Sent from my iPad