

# WEEKLY REPORTS

Checklist  
5/20/16

Darren Springer

- Agency of Commerce and Community Development – Patricia Moulton
- Department of Financial Regulation – Susan Donegan
- 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 – Justin Johnson

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, Deputy Secretary - Agency of Commerce and Community Development**  
**Date: May 20, 2016**  
**Re: Weekly Report**

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**LUCY LERICHE, DEPUTY SECRETARY**

*Pat had several late night meetings, and will catch up next week.*

**Transition:** The ACCD leadership team is about to begin our transition plan, which will include strategies to help ensure the continuance of the most important Shumlin Administration initiatives and working partnerships.

**Vermont Businesses for Social Responsibility Spring Conference:** With attendance at around 300 people, this was a great opportunity for Lucy to network with Vermont businesses and share information and referrals about the network of businesses assistance available to Vermont businesses.

**Climate Economy Report:** Gaye Symington of the High Meadows Fund contacted Lucy to discuss the recommendations in the VCRD Climate Economy report. Specifically, she wanted to gauge the support of the Administration for the implementation of the report's recommendations, and wanted a sense of whether the implementation of the recommendations might survive the transition to a new administration. Lucy shared her opinion that the administration did indeed support the report's recommendations with the exception of carbon pricing. She also encouraged Gaye and High Meadows to prioritize one or two of the recommendations rather than provide general support for all of the recommendations as a way to increase possibility for success. Some of the recommendations are big, complex projects are trying to do everything at once will dilute energy and effectiveness.

**Vermont Life:** Lucy spoke with Adam Howard, a successful magazine publisher from Cambridge about strategies around Vermont Life Magazine. His assessment after a lengthy conversation, was that the value proposition of Vermont Life was substantial and important, even with the accrued operating deficits. He and Lucy did some good brainstorming, and came up with a few ideas to try to reduce the operating gap into the future. Lucy will be meeting with him again to further develop a few of these ideas.

**Food Incubators:** Sarah Waring From the Vermont Food Venture Center and Robin Morris from the Mad River Food Hub met with Lucy and Jared, and folks from the Agriculture Agency, VHCB, UVM Extension, VtSBDC, and the VSJF to discuss their recent learning visit to Michigan. The group discussed gaps and weaknesses in the spectrum of services and support for food entrepreneurs in Vermont. A number of specific action items were identified and the group agreed to continue to meet and find ways to improve.

**Grants:** Lucy, John Kessler and Christine Deweya worked together to create a new more efficient system for partner grants administration for all administration and Department of economic Development grants.

**KIERSTEN BOURGEOIS, SENIOR PROJECTS MANAGER**

**Brownfields**

- **Administrator McCarthy Press Event:** Have been working with Congressman Welch's office and EPA to ensure a very successful event for May 20th in Burlington. The Administrator will be announcing Vermont assessment grants as well as those for the rest of the US. This is a very exciting opportunity to showcase our projects and program.
- **J&L BERA Meeting** will be held next week. A full update will be included in next week's report.

**Vermont Quebec Enterprise Initiative**

- **Maerix:** This small company from Montreal will be locating an office in Burlington and hiring a few programmers to start. This is a direct result of our outreach on behalf of the VQEI program. (Whooohoooo)

- **ICT Outbound Event:** There are no more slots available and we have finalized the B2B meetings between our companies and the pre-selected Quebec ones. Looking forward to a great event.
- **Haut-Richelieu:** Had a very productive phone call with Erica Zoia, Deputy Director of the Haut-Richelieu economic development organization. This region basically includes St. Jean and environs. They are very interested in our food production sector, so we will be meeting next week in person to discuss additional opportunities. They also are going to be in Burlington to meet with Mayor Weinberger later in June to talk about potential partnerships between the two cities.

### **Recruitment**

- **Elmet Technologies:** Heard from our contact at Elmet, based in Covington, GA. They are finalizing a project in South Korea then can pay full attention to their relocation to the Northeast. I emailed him the specs on the former Bogner building and he said that it would be included in their real estate considerations. I also flipped the Bogner info to a prospect that I have been working with in Pointe Claire. No response, yet.
- **CONFIDENTIAL – PayPal:** Submitted some workforce information and additional information on the VSAC building, without naming the actual site. I walked the property with Tom Little and he was VERY concerned that we wouldn't be able to keep this information confidential, because he doesn't want his employees to think that they are moving. I assured him that the team in VT was solid. Really. I think that our next step is to push them for a date to visit.

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

- Ken Jones and Steve Cook presented to the Okemo Chamber of Commerce on topics related to the local tourism and recreation economy. Steve responded to questions about the Vermont marketing activities that were implemented during the winter and are ramping up for the summer season. Ken provided results from credit card receipts that describe a profile of visitors to the Okemo area during the prime tourism seasons of winter, summer and foliage.

### **DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Joan Goldstein, Commissioner**

- **CONFIDENTIAL:** I received a call from Jeff Somple. They're one of 3 finalists for the Tesla Powerwall and want to know what we can do to help them win this bid. The other finalists are from California and Texas. He knows about VEGI but was of course inquiring about VEF. If they win this, it could mean \$10mm in Capex and 20-40 jobs. If the projections of Tesla are to be correct then it could mean a real estate expansion for Mack. Perhaps we can get creative here in terms of incentives...i.e. special power deal with GMP? I did not promise anything at this juncture and he said he does not yet have permission to share with all of us "government officials" and he would get back to me by end of week.
- **CONFIDENTIAL:** IBEX still talking about an expansion and move from their current WRJ headquarters. They are also in the stage where they are preparing themselves for a sale so location is important part of this. Burlington at this juncture looks attractive. They have a board meeting in June to discuss. They have options in NH and also Colorado. The CEO, Ted Manning, believes they would stay in 802. They know about VEGI, etc. and will reach out again mid-June.
- **CONFIDENTIAL:** Lake Champlain Chocolates is looking to bring in another automated line which can fit within their Williston location but not the Burlington location. Although it would not be an increase in the line jobs (obviously due to automation) it does not mean they would not grow employment in other areas such as sales, marketing, ecommerce, etc. Discussed VEGI but too early as of right now.
- **Economic Development Marketing Plan:** Circulated the [plan](#) to the Legislature and other influencers. Will have follow up meetings to collaborate where we can with other marketing efforts throughout the state. Working now on the implementation plan and are interested in possibly utilizing the Vermont Life staff for their significant storytelling prowess.
- **Workforce Needs Assessment:** Continuing our efforts in Chittenden County. So far have met with 12 businesses. This past week met with Hallam ICS and Lake Champlain Chocolates - two businesses that could NOT be more different. Will be meeting with the refugee resettlement program to develop a possible "English as a second language with specificity to industry" as it is a strong theme emerging from our meetings with Global Foundries, Fab-tech, Lake Champlain, and others.

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

- **Working Lands Enterprise Initiative:** On Tuesday we held a press event announcing the 2016 Working Lands business and service provider grantees. Here is the [press release](#). \$634,000 was awarded across 44 grantees (including 24 trade show assistance grants). Governor Shumlin was in attendance.

Pictured below, L to R: Deputy Secretary Jolinda LaClair, Agency of Agriculture, Food, and Markets; Andy Boutin, Chief Operating Officer, Renewable Fuels of Vermont; Governor Peter Shumlin; Secretary Chuck Ross, Agency of Agriculture, Food, and Markets; Commissioner Michael Snyder, Dept. of Forests, Parks, and Recreation, and Deputy Secretary Lucy Leriche, Agency of Commerce and Community Development.



- **NBRC Applicants Engaged:** Craftsbury Public House; Fairbanks Museum; Dailey Memorial Library (Derby); Town of Groton; Vermont Land Trust; Town of Craftsbury; Lamoille Housing Partnership; Fairbanks Museum; Friends of Burke Mountain; Island Arts; Lyndon Institute; Northeast Kingdom Solid Waste Management District (NEKSWMD).

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

- Met with Burton Snowboards to discuss STEP funding and Vermont Training Program.

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

- **Hanco LLC dba Williston Workwear – Williston:** Matt Cohen contacted Babette Lizotte informed that things were happening for them as they had just won a \$30,000 bid with CCTA and are waiting on if they won a bid from VTrans.
- **Fire Technologies International, LLC – Killington:** Elizabeth Adams along with representatives from SBDC and REDC met with Barry Leete. Barry has invented and patented a piece of equipment that will mitigate the dangerous condition of “water hammer” that occurs on firefighting apparatus producing water that has the potential to reduce the chance of regular injuries created by this phenomenon and reduce the personnel needed to perform the task, freeing up additional members to fight the blaze. This technology replaces the need for a human to man the pressure of the water leaving the pump. Barry is interested in learning who in the government purchases fire apparatus. They may be more opportunities for Sub-contracting, but Barry will be attending the workshop Elizabeth will be holding in Rutland.

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

- Met with Critical Process Systems Group who is transitioning from a downturn in business to being fully staffed again. The company had a VTP grant and was unable to use it but is possibly in a position to look at a new application.
- A new web startup company called the Neutral Zone in Rutland is at the point of hiring employees and are looking to see if they may qualify for VTP support. Had a meeting with them and REDC to better understand their needs and the possibility of VTP.
- Along with Joan and Ian, I met with Hallam Associates and Lake Champlain Chocolates to understand the companies needs and challenges.
- SB Electronics is starting to gain traction with their new technology capacitors and are considering adding up to 10 new positions within the next year.
- Met with Jeld Wen and Advanced Drainage Systems along with Brett Long and Bob Flint. Jeld Wen has some historical high turnover rates but is working on changing the culture and feel training will help along with new tools which will need to be trained on.
- Visited the St Albans Cooperative creamery to tour the facility and to attend the Franklin County Workforce Collaborative meeting.

- Meetings scheduled are with: VEIC, UVM Continuing Ed., Senior Healthcare Work Force Collaborative, and Rhino Foods.
- NuHarbor Security has a grant soon to be in the review process to train and establish a center in VT for cyber security.

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

### **Commissioner MacKay**

- **Digital Parcel Mapping Update – Silo Busting!!:** Joined David, Leslie and Steve at a meeting with AOT Deputy Secretary Rich Tetreault and other members of their right of way and IT teams. All the pieces of this project are coming together.  
As a recap: an interagency technical team, led by Leslie, met to outline the technical, return on investment and cost of developing and implementing a state-wide digital parcel mapping program. AOT was able to raise 80% of the cost for the initial state-wide mapping. Noelle and Rich went on a fundraising tour and were able to receive support from Agencies of Admin, Natural Resources, and Ag as well as Departments of Tax and Public Service and Division of Emergency Management and Homeland Security to fund the 20% match for the initial mapping as well as ongoing maintenance costs. Legislation supporting the development, funding and interagency cooperation passed in the Transportation Bill and an interagency MOU is currently circulating for signature. The above group met to discuss roles and responsibilities for this new program. ACCD will manage the overall program and AOT will project manage the first phase of mapping with ACCD project managing the maintenance. AOT and ACCD support this structure and there was no need for rock/paper/scissors. We are now developing project documents to begin to detail and cement our discussions.
- **VERI: Brattleboro Implementation Project:** Noelle and Chris met with member from VHCB and Lauren Oats from DEMHS to discuss funding sources for one of the recommendations in Brattleboro’s VERI report – the purchase of 8-12 acres along the Whetstone. Purchase and floodplain reclamation would help reduce flooding downstream. This project along with the restoration of the land where Melrose Terrace currently sits would reduce flooding in Brattleboro’s downtown, especially along Flat Street which floods regularly and hosts several businesses. The Town along with the Brattleboro Housing Authority are working on funding for these projects. Our group met to determine how best to coordinate funding to ensure this opportunity to reduce flooding, protect homes and businesses from future flooding and reduce costs is not missed.
- **Climate Cabinet:** Noelle joined Pat, Chris and Ken at the Climate Cabinet meeting. AHS provided a presentation on Climate, Health and Messaging as well as an overview of the new Health in All Policies that is in statute and AHS is working to implement across State Agencies. We also had an update from AOT on how they are working to develop solar projects at their regional garages, on public ROW and other AOT owned land. They outlined the issues surrounding federal regulations, siting and policy development. But AOT is really leading by example. We also had a robust discussion on how best to cement this work so it lasts past this administration.
- **Transition List:** Working through my list of to-dos before my last day in June. Focus on completing all staff evaluations due in the next several months as well as drafting transition documents are top of the list. Let me know if there is anything you would like me to put on that list!!

### **Deputy Commissioner Hanford**

- **Vermont Community Development Association (VCDA):** Participated in and with Carl Bohlen helped coordinate the well-attended and successful VCDA Spring Meeting titled The Entrepreneurial Pipeline: The Role of Maker Spaces, Co-working Spaces and Incubators. The presenters which included our friend Lars Hasselblad-Torres, Generator Makerspace, Dimitri Garder, from Lighting Jar, Jim Schenck, from The Foundry Workshop, Robin Morris, from Mad River Food HUB and Sarah Warning, from VT Food Venture Center provided excellent information and thought provoking discussion. A big thanks to DED for helping to sponsor the conference.



- **June 9<sup>th</sup> Board Meeting Applications:** Met with VCDP & GMS staff to review several applications for the upcoming board meeting. Staff is finalizing their analysis of each project this week and tracking down open

questions and issues with each project. Also held a meeting with the Winooski Hotel developer and his investor to gain a better understanding of the current bank-CNB and SBA commitments for the project.

- **Richmond Creamery – Update:** The project is back on track! Buttermilk and the Senior Group have signed an Option Agreement. This article provides a pretty accurate account of what happened. <http://www.sevendaysvt.com/vermont/richmond-revival-back-on-track-after-senior-moment/Content?oid=3363272> VCDP & GMS staff have already scheduled a technical assistance visit with the Town & Buttermilk to assist them in moving forward with the project and meeting the award conditions.

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

#### **Partner and Program Report**

- **AARP, ‘Better Block’ Project Announced:** Faith participated in evaluating applications for a **Better Block** demonstration that AARP-VT is offering to one Vermont community this year. Out of six strong applicants, Bethel’s proposal to jump-start a more vibrant downtown won, with the community’s clear commitment to public outreach and opportunities to combine streetscape improvements with business and housing development. Staff from the Better Block Foundation will create a temporary installation and event that will model changes the community wants to make. If the demonstration in Bethel is successful, AARP plans to offer this opportunity again next year.
- **ANR+VTrans, Coordinating Stormwater Assistance to Towns:** Richard and Faith convened an interagency meeting to coordinate stormwater planning and construction resources for municipalities. DEC’s Terisa Thomas met with CP+R, VTrans, ANR-DEC and FP+R staff to discuss ways that we can work together to help municipalities secure funding for stormwater master planning and construction projects. DEC has increased its focus on providing towns with technical assistance in applying for funds and now provides more opportunities for addressing stormwater issues. Terisa agreed to be part of ACCD’s municipal day’s sessions.
- **Municipal Planning Grant Program:** We received over 200 completed surveys (15% more than previous surveys) from professional planners and state and municipal officials. Initial results show that over 80% of respondents consider the program very important in helping communities meet their planning goals. Respondents identified lack of funding and insufficient municipal capacity as the primary obstacles to achieving their goals. Two lucky respondents won a 1-year subscription to Vermont Life or admission to this year’s Historic Preservation and Downtown Conference in Waterbury on June 10<sup>th</sup>.

#### **State Designation Programs**

- **Efficiency Vermont, Downtown Pilot:** Gary and Caitlin met with Efficiency Vermont, town officials, members of the energy committee and downtown organizations in White River Junction and Barre for an initial kick off meeting to discuss the pilot program aimed at integrating sustainable energy solutions with downtown revitalization efforts. Efforts have been underway since January in Bennington and Randolph and efforts in White River Junction and Barre will start in July. They discussed energy goals, identified potential projects and developed a list of ideas. Next steps will include developing a plan of action including meetings with interested property owners, participating in community events and other marketing initiatives to raise awareness.
- **West Hartford:** Caitlin and Gary met with the Hartford Historical Society and local municipal officials to tour the former Elks Club. The Historical Society is considering purchasing the building and is interested in the funding that may be available to help in making necessary repairs and improvements to the building. The group discussed the possibility of Village Center Designation for Hartford Village (White River Junction is currently a Designated Downtown and Quechee is currently a Designated Village Center). This would open the door to Downtown and Village Center Tax Credits. Historic Preservation grant funding may also be available.

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

- **French Block, Montpelier:** Caitlin, Laura, Jamie, and Elizabeth attended a meeting to review the ongoing affordable housing project to rehabilitate Montpelier’s French Block. Attendees included representatives from Housing Vermont and Downstreet Housing, the project developers; Black River Design, the architectural firm on the project; Vermont Housing and Conservation Board, a funder and the ACCD’s Division for Historic Preservation and Vermont Community Development Program. The group discussed some of the ongoing challenges related to Environmental Review and balancing preservation with the various other needs of the project. Laura will be the point on this project for VDHP. Caitlin will be part of a smaller group that will meet in the next week to go over the proposed floor plan/circulation and review existing window conditions related to the federal rehabilitation tax credits. Jamie will join the window survey team to assess the conditions and processes moving forward for rehab versus replacement. Laura is working with the federal preservation officer of HID, our own Nancy Boone, to lay out the best practices for this review, which will inform other similar projects throughout the state. This is a very significant property in downtown Montpelier, which has been vacant on the

upper stories for about 70 years. Partnering of all those who play a part in this project, big or small, will greatly affect its success.



### **State Archaeologist**

#### **Archaeology Heritage Center**

- On Wednesday night, Jess hosted Dr. Fred Wiseman for a lecture at the Vermont Archaeology Heritage Center, entitled: "The Hidden Heritage of Indigenous/Roman Catholic Spiritual Syncretism". It was fascinating. A total of 10 people attended. Four people visited the Heritage Center on Tuesday, and one visited last Thursday.

#### **State Architectural Historian**

- **106 East Allen Street, Winooski:** This small, c. 1840 Gothic Revival house is slated for demolition but may instead be relocated to a new site in Burlington. The city has approved a variance to the parking requirements for the proposed relocation site on Manhattan Drive in Burlington, and the move is scheduled for mid-June. Following relocation, the house will be rehabilitated for use as a rental property. This opportunity for saving the building by relocating it was part of the mitigation package put forth several years ago when new development began in Winooski.
- **Hartford Historic Preservation Issues:** One of the oldest houses in Hartford, built c. 1775, was demolished last month. This has generated talk at the local level about whether or not there should be a local historic preservation ordinance to try to prevent this from happening again. Devin and Laura will reach out to the town to offer support and guidance on establishing a local ordinance, which the town officials have explored previously but recognize now might be the opportunity to move forward at some level. [Click here for an article in the Valley News about the demolition.](#)

#### **Project Review**

- **Ferrisburgh:** Laura, Dale and Jamie met with Attorney Leslie Caldwell and Consultant Martha Staskus, representing the Basin Harbor Club to discuss and negotiate resolution as ordered by the Public Service Board in regards to the BHC solar array that was constructed without the appropriate identification of and evaluation to historic resources. The group had a productive meeting and appears likely to submit agreement to the PSB prior to the May 20 deadline.

#### **Historic Sites Section Chief and State-Owned Historic Sites**

- This month is all about gearing up for the start of the season at the State Historic Sites. Seven sites will open to the public on Saturday, May 28. In the weeks leading up to the opening we are hiring and training seasonal employees, installing new displays and exhibits, having trees trimmed, lawns mowed, all manner of equipment inspected, and cleaning, cleaning, cleaning.
- On Monday afternoon Tracy met with Heather Pelham to review the Historic Sites' marketing plan and budget for the season. Heather has been a wise (and patient) counselor, helping Tracy to get the most "bang for her buck." I believe we can safely say that we have a plan for every last penny.
- **Mount Independence:** Site interpreters Tobi Calvin and Maureen Bertrand have been working with Elsa on getting ready to open activities. Steve Bird and Phil Keyes are doing fine trail work.
  - Mount Independence Coalition board member Ron Morgan has an article just posted in the influential online *Journal of the American Revolution*, about the 1777 decision made by the Americans to withdraw from Mount Independence and Fort Ticonderoga as the British drew closer. Two articles on the Mount in this journal in two weeks! <https://allthingsliberty.com/2016/05/arthur-st-clairs-decision-to-abandon-fort-ticonderoga-and-mount-independence/>
  - **Chimney Point:** We learned of the passing away last week of Michael Smith, who did an excellent job repairing the cracked plaster here after the Lake Champlain Bridge project. He was such a neat and careful

craftsperson, and would talk to visitors about his technique. We are grateful for the special touch he left on the historic Chimney Point tavern and on us too.

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

- Dianne Carter agreed to mediate the Fairview Estates lot rent case. The mediation is scheduled for May 31<sup>st</sup> in Barton.
- State Senator Rodgers contacted the Agency about HUD's new manufactured housing installation standards, on behalf of a constituent who is replacing a mobile home with a new double wide. Arthur gave Sen. Rodgers the "101" and explained that the dealer is generally responsible for ensuring that the homes are installed properly by a HUD licensed installer.
- Shaun attended the monthly meeting of the Vermont Coalition to End Homelessness. The Coalition was very pleased with the recent HUD allocation of funding for homeless services. Due to Vermont's ability to align funding priorities with HUD guidance, Vermont received more federal funds than we had been counting on and generally performed much better than many other states in the eyes of HUD. The continued collaboration of efforts and resources happening within this group is paying off.

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

##### **Regular VCDP**

##### **Applications**

- **City of Winooski:** Staff met with Adam Dubroff regarding the City's application for the Winooski Hotel Project. There are still many open issues that may not be resolved in time for the June 9<sup>th</sup> Board Meeting, including the completion of the underwriting analysis and bank approval from Community National Bank.

##### **Existing Grants**

- **City of Barre:** The City has FINALLY met all Award Conditions for its \$800,000 Implementation Grant for the \$8.8 million Downstreet Apartments project (formerly Summer Street project) so a grant agreement can now be offered after final edits are completed. Unfortunately, the project was bumped to second priority due to another Downstreet project in Montpelier needing an analysis completed before Carl is out for six days of jury duty and the CD Board meeting coming up on June 9.
- **Town of Thetford:** As reported back in February, the Town's \$300,000 grant award from December 2012 assisting the Creative Spirit Children's Center, a licensed child care facility, emerged from a long legal dispute with its neighbors, but it has now hit new snags that may result in the project not happening at all. Bob Haynes of GMEDC is working with the Town and Creative Spirit, and the first hurdle is a clear determination of what the seller will now sell for as he apparently wants to recover "holding costs" for the 3 years of litigation. Once that is determined, Creative Spirit will determine if they want/can move forward. If moving forward, I have suggested a meeting of GMEDC, Creative Spirit, VCDP staff (Josh, Quin, GMS rep and me) and possibly the town to discuss the other open issues and how and whether to move forward. I also suggested shooting for a meeting on June 1, 2 or 3.

##### **Other**

- **Northeast Kingdom Collaborative:** Nathan attended the monthly meeting of the NEK Collaborative Board of Directors in Newport on Wednesday. The NEK Collaborative is a group of leaders from various sectors in the Northeast Kingdom who set strategic guidelines for the use of USDA-RD REAP zone funds in the NEK. The discussion was focused on the housing challenges and opportunities in the NEK and how VCDP can be used to fund various housing projects.

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

- **Economic Development Marketing Plan:** The final Plan was submitted to the Legislature this week, as well as shared with all of the partners who participated in the research and discovery phase of the project. Over the next few weeks, we will present the Plan to stakeholder groups such as the RDCs and Travel Recreation Council to explore ways outside groups may be able to assist and partner with implementation. Internally we have been exploring additional strategies for implementation, based on the skills and capacity we have in-house vs. what services will need to be outsourced.
- **State CMS Web Template:** The next round of enhancements to the state CMS template has been completed by the state's eGovernment partner, Vermont Information Consortium. The CMO and DII will now conduct user testing over the next two weeks to ensure all issues identified have been addressed by the developers and the new features are working as intended.

#### **VT CENTER FOR GEOGRAPHIC INFORMATION (VCGI) ♦ Steve Sharp, GIS Operations Manager**

- **VCGI Operations**

- VCGI Temporary Technician, Jenny Bower, started working part time with us on May 18 to help build our Open Geodata Portal and work on other data-related tasks. Welcome Jenny!

## **DEPARTMENT OF TOURISM & MARKETING**

### **Megan Smith, Commissioner**

- **Taste of Vermont:** Megan is in Washington DC attending the luncheon for Vermont Convention Bureau with 40+ meeting planners and Taste of Vermont.

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

- **New York By Rail:** Philip is attending the New York By Rail Penn Station Travel Show in New York City (Thursday), where he is representing the Vermont Tourism table and distributing Vermont Tourism materials. Will provide a recap upon his return.
- **Open Farm Week Planning:** Collaborated with Rachel Carter of the Vermont Farm to Plate and Grace Meyer of the Vermont Fresh Network on press release and social media strategy for Open Farm Week. Our communications will be rolled out over the course of the next few months. Hilary DelRoss is also heavily involved in organizing this campaign.
- **Social Media:** We continue to see nice traction with videos on Facebook. A Vermont summer marketing video on the Elements has now topped 42,000 views, and a more recent aerial view of Vermont video by contributor Vince Franke has topped 13,000 views.

We also shared to Facebook the Summer in Vermont section of our website, which reached over 13,000 Facebook news feeds and generated clicks to the site from over 500 people.

A post on the federal grant that will restore the Rutland-Burlington rail line reached over 10,000 people.

### **MARKETING ♦ Patrick MacCormack, Digital Marketing Coordinator**

- **VermontVacation.com:** VDTM has added the [June Events](#) to the media room. Additional changes have been made throughout the website including [festivals](#), [family attractions](#), [colleges](#), and [plan your visit](#) pages.
- **511 Website:** VDTM provided updated URL's, including UTM codes, for referral tracking to the team responsible for updating the 511 New England website. These UTM codes will help VDTM track referral numbers through Google Analytics.

### **MARKETING & DESIGN ♦ David Burnell, Marketing Coordinator**

- **Vermont Days | Campaign Development:** David, Steve and Heather met to discuss the upcoming Vermont Days campaign. The group decided to leverage the current summer campaign to promote the event, June 11+12. Deliverables include a poster, a business-card sized handout for participants to enter to win after Vermont Days, video, and form/web integration. VDTM is performing the bulk of the tasks – imagery to support the campaign is still pending.
- **Summer Campaign | Additional Media Fulfillment + St. Michael's Class Visit:** VDTM's campaign *The Elements Await* is now in full swing. Additional out-of-home placements have been fulfilled. Also, David and Phil will accompany Jerry Swope, Associate Professor of Media Studies, Journalism and Digital Arts at Saint Michael's College, in lecture. The class has offered to create promotional media as part of the class requirements. This is a great partnership and grand, real-life experience for the students, as well as a positive opportunity for VDTM to be active in an educational space of the community.
- **The Big E | VDTM Booth Remodel Update:** David and Kathleen are still moving forward with this project. We have now compiled estimates relating to the booth upgrade needs and coordinating other components of the upgrade. Next steps are to present the 'wish list' to Amtrak for funding, acquire décor, and oversee installation.



THE BIG E, VDTM BOOTH 2015



THE BIG E, PROPOSED VDTM BOOTH 2016

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

- **Daytrips & Destinations Show:** VDTM, VT Campground Association, and the Bennington Chamber shared a double booth at the Daytrips & Destinations show in Plantsville, CT on Saturday, May 14<sup>th</sup>. The show was very well executed and well attended, with over 4,250 guests in a six-hour period. Vermont had a strong showing, taking up almost an entire row; other exhibitors included: Smugglers' Notch, Lake Morey Resort, Honora Winery, J'ville Brewery, Okemo Valley Regional Chamber, and Vermont Rail Systems. As usual, the Official

Vacation Guide and VAA Roadmap were extremely popular as well as the Winery Passport and Cheesemakers Map.



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

- **Advertising:** Autumn ads are starting to pick up. Chris McGee, our new advertising sales director, has continued to seek out new clients and renew contacts that have languished. Chris says he has been delighted to find that the Vermont Life name opens doors that were often closed to him in other selling capacities, and it is respected as a brand with integrity.
- **Calendars:** Vermont artist Sabra Field was in the office on Monday for color corrections of the images for her calendar; she also commented on how much she admired the cover of the current issue, Summer 2016. Printer proofs of the various 2017 calendars are arriving for final inspection. A press check date was also confirmed for the calendar boxes. Overall, we are on track to be in stores for July 4. Judy was also working on preparations to pay our photographers.

#### **ITS/CONNECT VERMONT ♦ Robert White, ConnectVermont Director**

##### **Activities and Accomplishments**

##### **ITS**

- Attended FHWA National Performance Management Measures Rulemaking teleconference.
- Attended AMBER Alert Exercise at VEM.
- Met with CBP Program Managers to discuss Derby Line and Highgate Port projects.
- Attended VT Weather Analytics Center Workshop.
- Attended New England ITS Annual Interchange.

##### **Future Plans/Activities**

- Attend I-95CC Standard Lexicon for ATMS Inputs Meeting.

##### **Obstacles and Opportunities**

- none

**State of Vermont**  
**Department of Financial Regulation**  
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[www.dfr.vermont.gov](http://www.dfr.vermont.gov)

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[Securities] 877-550-3907  
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**CONFIDENTIAL and PRIVILEGED**

**To: The Honorable Peter Shumlin, Governor**  
**From: Susan L. Donegan, Commissioner, Department of Financial Regulation**  
**Date: May 20, 2016**  
**Re: Weekly Report**



**Insurance Division:**

Bluestone Life of Burlington has submitted an application with DFR for a certificate of authority, which, if granted, will establish it as a new life insurance company able to sell policies in Vermont. The company will be a Vermont Benefit Corporation and a member of 1% for the Planet. The company was awarded a certificate of general good from the department in 2015, which enabled it to raise start-up capital. Since then, it has registered as a corporation with the Secretary of State's Office and raised approximately \$2 million in assets. DFR is currently conducting a thorough financial and corporate governance review of the application.

**Banking Division:**

Cynthia Stuart, deputy commissioner of the Banking Division, serves on the Federal Financial Institutions Examination Council (FFIEC) Task Force on Reports, which is currently working on a proposal that will reduce the amount of data in certain federally mandated reports. Smaller banks with Vermont offices that have \$1 billion in assets or less will be able to submit fewer statistics regarding assets, investments and loans, among other things, which will significantly impact time and efficiency.

The following chart illustrates an upward trend in Vermont licenses issued to various types of lenders since 2011 and in particular an increase in mortgage originator licenses. The results likely reflect the rebounding housing activity across the U.S. that is expected to positively impact Vermont as the economy improves.



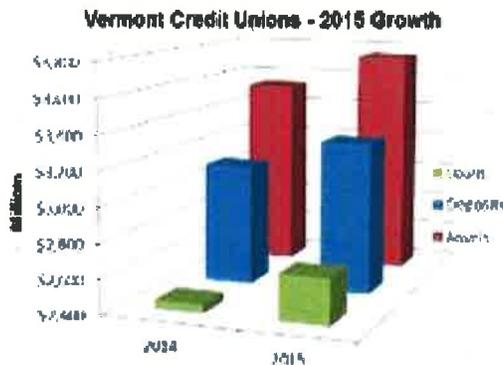
**STATE LICENSEES**

<b>LICENSED LENDERS (INCLUDING COMMERCIAL LENDERS)</b>
<b>MORTGAGE BROKERS</b>
<b>MORTGAGE LOAN ORIGINATORS (including Approved - Inactive)</b>
<b>LOAN SERVICERS</b>
<b>SALES FINANCE COMPANIES (RETAIL &amp; MOTOR VEHICLE)</b>
<b>DEBT ADJUSTER</b>
<b>MONEY TRANSMITTERS</b>
<b>CHECK CASHERS/CURRENCY EXCHANGERS</b>
<b>DEVELOPMENT CREDIT CORPORATION</b>

	<u>Dec-11</u>	<u>Dec-12</u>	<u>Dec-13</u>	<u>Dec-14</u>	<u>Dec-15</u>	<u>Apr-16</u>
LICENSED LENDERS (INCLUDING COMMERCIAL LENDERS)	353	410	445	525	618	648
MORTGAGE BROKERS	176	189	190	219	236	235
MORTGAGE LOAN ORIGINATORS (including Approved - Inactive)	851	1004	1301	1530	1700	1654
LOAN SERVICERS	102	137	193	213	216	227
SALES FINANCE COMPANIES (RETAIL & MOTOR VEHICLE)	101	113	122	169	195	201
DEBT ADJUSTER	23	24	26	28	28	26
MONEY TRANSMITTERS	29	33	39	47	61	63
CHECK CASHERS/CURRENCY EXCHANGERS	3	3	5	5	5	4
DEVELOPMENT CREDIT CORPORATION	1	1	1	1	1	1
<b>TOTAL</b>	<b>1639</b>	<b>1914</b>	<b>2322</b>	<b>2745</b>	<b>3060</b>	<b>3059</b>

The Association of Vermont Credit Unions printed the following information in a recent weekly newsletter regarding Vermont credit union growth:

**Loan Portfolios at Vermont Credit Unions Grew 8.7% in 2015**



According to NCUA 5300 Call Report data, for the third consecutive year, statewide collective loan growth at Vermont credit unions in 2015 outpaced the growth rates of both assets and deposits. Q4 2015 data shows lending grew by more than \$213 million (8.69%) over Q4 2014, while assets grew by \$204 million (5.78%) and deposits grew \$176 million (5.68%). Growth percentages for those same categories were 6.4%, 6.1% and 5.76% respectively in 2014 and 9.57%, 5.2%, and 5.53% in 2013. *(Click image for larger version)*

At the end of 2015, Vermont credit unions had \$3.72 billion in assets under control, loan portfolios totaling \$2.65 billion, and share deposits of \$3.27 billion. Membership, which grew steadily and outpaced the national average in 2012 (3.16%) and 2013 (4.48%) continued the slow down it began in 2014 (2.04%) and only grew about one third of one percent in 2015 to 344,318. Still, given that Vermont's July 2015 population was estimated by the US Census Bureau to be approximately 626,000, far in excess of 50% of the state's residents belong to a credit union.



**Privileged and Confidential**

**MEMORANDUM**

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

From: Christopher Recchia, Commissioner

Date: May 20, 2016

Subject: Weekly Report

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**Governor Level Issues:**

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

**City of South Burlington 248(j) 1.55 MW Solar Group Net-Metered Facility on the Closed Landfill – Docket 8722** – The City of South Burlington requests approval for a 1.55 MW group net-metered facility consisting of approximately 6,768 solar modules. The Board issued a memo requesting supplemental testimony addressing whether additional municipal services will be required for emergency response. The Department filed a letter on May 18<sup>th</sup> indicating it believes the project does not raise any significant issues with respect to the Section 248 criteria. However, as South Burlington did not include with its petition an explicit statement from GMP that it consents to treatment of the project as a net-metering facility pursuant to 30 V.S.A. § 219a(m)(2), the Department has communicated the need to obtain such a statement. While South Burlington was unable to provide that confirmation by the filing deadline, the letter indicates that the Department anticipates South Burlington will file a confirmation with the Board, upon receipt of which South Burlington will have shown consistency with the net metering requirements.

**GMP-St. Albans Community Digester-Docket 8673**- 800 kW methane biodigester generation facility to be constructed in St. Albans. Department staff has continued to meet internally to discuss our upcoming testimony; it was originally due on May 20, but all parties have agreed to an extension until May 27. The Department continues to be troubled by the price of the project

and the appropriateness of certain of these costs being borne by ratepayers. The Department has also been in touch with ANR and AAFM to discuss the positions of these state agencies.

**VGS Rate and Alt Reg Filings – Docket Nos. 8710 & 8698** – The Department will submit a 4<sup>th</sup> round of discovery on Vermont Gas later this week. Department staff has solicited the input from both CLF and AARP regarding public hearings and has proposed that two be held, which all parties to the proceeding supported. Department staff had a call with AARP to discuss any ideas on the public hearing. As a result of this, Department staff is developing a fact sheet to post on our website and provide at the public hearings that describes, in plain English, how the cases affect residential customers.

**GMCW/McLane Sound Complaint – Docket 8613** – The Department’s sound expert, Payam Ashtiani, has completed analysis of GMCW’s sound modeling and has concluded that the modeling does justify additional attenuation testing at the McLane residence. This will be filed today (Friday).

**GMP Vegetation Management – No Docket** –Department staff has prepared a round of discovery to follow up on the new information and positions advanced by GMP at the meeting and submitted it to leadership. That discovery was transmitted Thursday.

**Provision for RPC Funding Mistakenly Left Out of S.230** - The Department has drafted a letter to Senator Bray and Rep. Klein that commits to funding the training and technical assistance required in S.230 at a level of \$115k through December, 2016. These funds would flow to the RPC’s to provide these services to towns. Bray, Klein, along with Chairs of the two Appropriations Committees will sign a letter committing to include the \$300k provision from S.230 in the FY’17 Budget Adjustment Act. Neither of these letters will be transmitted until and if S.230 is signed into law.

**Meetings/Calls this Week:**

- May 16 – Check-In with Darren Springer
- May 17 – Climate Cabinet meeting
- May 18 –
- May 19 –
- May 20 – VEIC meeting

**Meetings next Week:**

- May 23 – TransCanada meeting with Justin Johnson
- May 24 – Entergy VY monthly meeting
- May 25 –
- May 26 – NDCAP meeting
- May 27 – VEDA Board meeting

**Media:** Press release with CESA and Public Safety for the Fire Fighting PV training that happened on 5/16/16 at the fire academy. Release of the Clean Energy Industry Report covered by VPR, WCAX, VTDigger.

## **Public Official Contacts:**

### ***PERD***

#### State Energy Program (SEP)

- SEP Formula Grant
  - Staff is working on wrapping up all the current SEP projects before the end of the FY in June and making sure all funds will be spent as we can't carryover any money this year as it's the end of the three year performance period.

#### Financing

- Launched the Heat Saver Loan Vermiculite remediation component in conjunction with OEO, OCU and VSECU. All partners are authorized now to begin efforts to help clients in the Weatherization Program to access the Heat Saver Loan.
- Was interviewed by Lauren McNutt from Dunskey Energy Consulting, which is “conducting a study for the California Public Utilities Commission to identify financing initiatives that demonstrate best practices and strategies to successfully attract critical partners such as private lenders and contractors.” The request from Dunskey stated, “The Heat Saver Loan is recognized as a successful financing program, with multiple lending partners and contractors, and has similar program characteristics to CPUC’s planned initiatives.” PERD staff provided background information on the program to Ms. McNutt, who said that she will share the draft write up on the program with the Department prior to final release. The report is due to CPUC in June 2016.
- Began final reporting with Energy Futures Group for their assistance with marketing under the TEF Pilot program. Upon approval of the final report, staff will process their final invoice.

#### Clean Energy Development Fund

- Fully executed a grant for \$21,593 with Bourne’s Energy for the construction of a wood pellet storage silo in Hyde Park. Total project cost is \$61,693.
- Had a meeting with a representative from Sterling College (in Craftsbury). The college is undergoing a multi-year capital campaign and they want to make the conversion from heating oil to wood heat a component of that campaign. CEDF agreed to help them investigate the costs and feasibility of a conversion to wood heat.
- Participated in a meeting with the consultant working on the Brattleboro Hospital’s new heating plant. The Hospital is interested in wood heat but not willing to spend an additional \$2 million to make it happen. The other wood advocates on the call said that Brattleboro is in an area that makes them eligible for New Market Tax Credits and that these could be worth ~30% of the cost of the project. The consultant thought that bring the cost of the wood option down 30% would make it attractive for the hospital to do, especially with the other support for wood heat that exists in Windham County and state-wide.
- Attended GMP’s Renewable Energy Development Fund’s Executive Committee (AKA the Cow Power Committee) where several new developments in Ag. digesters were discussed, including at least two new companies active in VT looking to implement a 3rd party ownership structure for farm-based digesters in Vermont.

## ***Regional***

### TransCanada Hydro Facilities

- DPS and ANR staff had a call with H2O Power, which operates a number of hydroelectric facilities owned by PSP Investments (the holder of over \$100 billion in Canadian public pension fund assets). H2O Power recently acquired Northfield Mountain and some smaller hydro facilities on the Connecticut River and associated tributaries in Massachusetts.
- H2O Power seems to be primarily interested in securing a power purchase agreement with Vermont rather than partnering with Vermont to acquire an ownership interest.
- H2O Power will be reaching out to Vermont electric distribution utilities to discuss potential PPA and partnership opportunities.

## ***Engineering***

### Follow-Up to DOE / FRA VY Site Visit

Department of Energy (DOE) and Federal Railroad Administration (FRA) officials visiting VY last week were largely pleased with VY's onsite Spent Nuclear Fuel (SNF) storage and the state of the area's transportation infrastructure. It is expected that the availability and the state of rail infrastructure at and near VY will make the removal of SNF from site much simpler than the efforts expected at other permanently shut down reactor sites. New England Central Railroad satisfactorily demonstrated that it has safely transported hazardous materials and freight as heavy as loaded SNF canisters on its existing rail line. Removal of SNF from the VY site will begin in 2026 (as currently scheduled) if and only if Congress acts in 2016 to allow a national SNF repository at a site other than Yucca Mountain.

### Update on VY Groundwater Management Issues

5/12 Update: The pumping of Turbine Building Incursion Water and Process Water to the six ~20,000 gallon holding tanks outside the Turbine Building continues. Two truckloads (~10,000 gallons) of contaminated groundwater shipped to Energy Solutions during the 5/9 to 5/12 work week. No additional groundwater shipments are planned for this week (most likely due to the onsite drills scheduled for this week). VY is currently constructing a new storage tank in the Turbine Building to sample and chemically treat incursion water separately from process water. This could allow VY to release cleaned incursion water through its onsite storm drain system, something VY has not done since the late 1980s. VY is actively discussing this potential release mechanism with ANR before initiating.

### Vermont Gas Systems Addison Natural Gas Project (ANGP) Construction

Contractors holding project positions of Construction Management Lead, Chief Inspector and Lead Welding Inspector began work preparing for construction activity next month. Additional inspectors will arrive later this week and next week. Comprehensive project designs and specifications, related to 2016 construction, remained unavailable for Department review this report period; however the company indicated again they are close to completion and should be available later this week.

Construction of a pipe-yard in New Haven is currently underway and expected to begin receiving project materials next week. Right of Way Support crews are planned to begin preparing access areas for nine Horizontal Directional Drilling (HDD) locations following their arrival, training and qualification next week. The majority of specific HDD installation designs

have been developed by the contractors and are currently under review by the firm which originally engineered the ANGP. A portion of the Main-line construction crews are expected to arrive in Vermont next week; these individuals' qualifications will be evaluated and they will be trained to utilize project specifications and procedures at that time. The majority of Main-line contractors are expected after June 6th.

VGS is continuing to arrange testing and analysis to determine the condition of the ANGP pipeline installed during 2014 and 2015 (11 miles). The Department has requested the company plans for performing pipe coating and corrosion protection system effectiveness-testing via close interval survey (CIS) testing. The CIS testing vendor has not been selected. The Department also requested a final report of the inline inspection (ILI) recently performed utilizing Magnetic Flux Leakage (MFL) technology and the company plans for integration of the testing results data to analyze pipeline condition.

### ***Public Advocacy***

VY Second ISFSI – Docket 8300 – New England coalition filed another motion seeking an “interim” ruling related to its previous motion seeking admission of additional evidence after the conclusion of the technical hearing based on alleged falsehoods offered by ENVY witnesses at the hearing – chief among them an alleged misrepresentation by ENVY’s aesthetic witness that the project would not be visible from a public viewshed. NEC later filed supplemental material from the NRC outlining line of sight security requirements that prevent the extension of an existing barrier wall as a means of aesthetic mitigation. NEC appears to have withdrawn its objections to ENVY’s testimony re aesthetics. A board order on the project is pending.

Irasburg/Blittersdorf MET Tower Investigation – Docket 8585 – The Department and Blittersdorf’s counsel discussed proposed changes to the draft stipulation that aims to resolve the § 246 violation. The Department has proposed, after consultation with Blittersdorf’s counsel, payment of a \$6,000 college scholarship to an Irasburg higher ed student in lieu of a penalty payment. The stipulation draft will be circulated to ANR and a representative of the town once the DPS changes are finalized. The deadline for filing a stipulation is June 8.

Kingdom Community Wind – Docket 7621 – The Department’s sound experts (Acentech) conducted a series of turbine shutdowns to determine background noise at the continuous monitoring site during the week of May 9. The experts are analyzing that data now. The Department is working to obtain a voluminous set of data gathered during May 2015 as part of the KCW continuous monitoring program. GMP has requested copies of the May 2015 raw data. When the data is provided to GMP the Department expects to make it available to all parties.

GMCW/McLane Icing Complaint – No Docket – The Department has reached out to the McLanes in an effort to facilitate a discussion between the McLanes and GMCW (with a mediator present if necessary). The McLanes are receptive to a discussion about and possible resolution of those concerns, but they do not want to limit the discussion to only potential changes to the icing/winter operational protocol proposed by GMCW. The parties continue to work on scoping a potential meeting. The McLanes have also indicated they may wish to have Brian Dubie present at the meeting, but this would likely prove to be a non-starter from GMCW’s perspective.

South 40 Solar – Docket 8600 – The Department received a final round of discovery responses from SFS detailing the input and output analysis of the JEDI model SFS used to substantiate its § 248(b)(4) economic benefit analysis. The Department’s witness (Asa Hopkins) is reviewing the information. Department response to the SFS modeling and final conclusions related to the economic benefit criteria will be presented either through live surrebuttal testimony or through a combination of cross examination and redirect at the technical hearing. The Department currently holds the view that the project will provide an economic benefit notwithstanding the \$.19/kWh PPA price. The Department is also finalizing a stipulation with SFS that resolves any issues related to the aesthetics criterion.

Lamoille River Solar – Docket 8634 – The Board’s hearing officer held a technical hearing in the proceeding. The Department generally approves of the project but has an issue with the decommissioning fund level and elicited responses from petitioner’s witnesses that indicated that its decommissioning cost estimate had netted out the salvage value of many of the project components, contrary to Board order. Project landowner and party Ed Robinson has filed what the hearing officer termed testimony on the eve of the technical hearing but failed to appear at the hearing. The hearing officer sought to determine whether the Robinson testimony should be admitted into the evidentiary record despite his absence. The HO also wished to question a petitioner witness about the circumstances of the lease negotiations with Robinson to determine whether those circumstances gave rise to a § 248(a) concern about whether the project is in the public good. The petitioner and the Department agreed that such a line of inquiry from the HO might be outside the Board’s jurisdiction and may prejudice likely civil litigation between petitioner and Robinson. The HO will issue an information request and the parties will brief the legal issues prior to a HO determination as to whether the inquiry will take place at a later date.

SunCSA 22, LLC 150 kW Group Net Metered Facility in New Haven – CPG #NM-6199 – On May 11, 2016, the Town of New Haven filed a Motion for Continuance of the Oral Argument currently scheduled for May 19. The Town sought a one week continuance because counsel for the Town will be out of state on May 19. The Town also requested an opportunity to file a written response to the Applicant’s comments on the hearing officer’s proposal for decision. Neither ANR nor the Department objected to the continuance. The Department does not believe that the continuance would unduly delay the proceeding. By email dated May 17, the Applicant notified the Clerk that the Applicant opposes the continuance. The Applicant asserts that only the Applicant’s rights to due process are implicated by the Oral Argument because only the Applicant requested an Oral Argument, and that the Board’s rules do not allow written responses to comments on a proposal for decision. By order dated May 18, the Board granted the Town’s Motion. The Town may file a written response to the Applicant’s comments of May 2 by May 23, the Applicant may file a written response to the Town’s written comments by May 30, and an Oral Argument will be held on June 10.

SunCSA 58, LLC 150 kW Group Net Metered Facility in Addison – CPG #NM-6841 - In this case, an adjoining landowner objects to the proposed project on the basis that the Applicant has not proposed reasonable aesthetic mitigation measures. It is unclear from the adjoining landowner’s filings what further mitigation it believes to be necessary. The Board granted a hearing on this issue and a site visit was held on May 16. The site visit was attended by the hearing officer, the Department, the Applicant and their attorney and aesthetics expert, the

project property owners, the adjoining landowner and their attorney and aesthetic expert, and a gentleman from the Town of Addison in his personal capacity. Testimony is due on June 6. The Department did not raise an issue with this application and does not intend to file testimony.

Peck Electric, 150 kW Group Net Metered Facility in Charlotte – CPG #NM-6691 - The Board granted a hearing to resolve issues concerning aesthetics raised by the Town of Charlotte. Specifically, the Town asserts that the project fails to take reasonable aesthetic mitigation measures relating to potential views of the project from VT Route 7 and the summit of Mt. Philo. A prehearing conference was held on May 17, and was attended by representatives for the Applicant, Encore Development, and the Town of Charlotte. The Department and ANR were represented by counsel. A site visit will be held on May 23. Although the hearing was granted at the Town's request, the Town is not a party because it did not file a motion to intervene. The hearing officer set a deadline of May 27 for the Town to file a motion to intervene.

Gilman Renewable Solar, LLC 2.1 MW Net Metered Facility in Lunenburg (Gilman Landfill Solar Project) – Docket 8725 – On May 16, the Department filed a response to Mr. Lazar's comments which asserted that the Board must make a determination, at the outset, as to whether the Petitioner meets the eligibility criteria for net metering under § 219a(m)(2) or whether the Petitioner and GMP have or are likely to enter into a power purchase agreement (PPA) for the project's output. Mr. Lazar believes that such a determination is a pre-requisite to review of the project under § 248. Mr. Lazar further asserts that if the Petitioner has not demonstrated eligibility or a PPA at the outset, then the Petition must be dismissed and the project removed from GMP's interconnection queue. The Department does not agree. The Department's comments concluded that the Petitioner must demonstrate eligibility for net metering under § 219a(m)(2) before a CPG is granted, but not necessarily as a pre-requisite to review under § 248. The Department reached this conclusion because in this case the Petitioner intends to pursue a CPG whether or not the project is granted net metering status, and the review criteria and process is the same whether the project proceeds as a net metering project or under some other arrangement for the sale of the project output. Similarly, the existence of a PPA is not a pre-requisite to § 248 review, although in some cases it may be relevant to certain § 248 criteria as part of the review. The Department also concluded that the project was properly in the GMP interconnection queue under Board Rule 5.500 and there was no evidence justifying removal of the project from the queue. The Petitioner also filed a response to Mr. Lazar's comments stating that neither satisfaction of the eligibility criteria under § 219a(m)(2) nor existence of a PPA is relevant under Board Rule 5.500 or § 248. A site visit and public hearing will be held in Lunenburg on June 1.

WEC Retail Electricity Provider Determination – Docket 8714 – In advance of the May 24<sup>th</sup> prehearing, the PSD, WEC, and BED met via conference call during which WEC objected to the PSD's position that a utility given this designation cannot use net metering to satisfy its tier 3 obligations. WEC raised additional concerns regarding this issue being raised in this docket stating a strong preference to resolve the issue in the RES 8550 docket. The PSD is amenable to resolving the issue in either docket, but does not want to delay the PSD's decision in the 8550 docket. The PSD contacted the hearing officer, who held a status conference and took the issue under advisement noting that comments will need to be filed quickly if he determines 8550 is the appropriate venue. The PSD is working on comments.

GMPSolar Williamstown – Docket 8682 – The PSB implemented the protective agreement with the clarification that it protects materials provided in disclosures and discovery, not materials proffered for inclusion in the record. The PSD had numerous communications with the petitioner, the PSD aesthetic witness and the Williamstown Planning Commission in order to resolve the landscape mitigation plan. The PSD is cautiously hopeful that the issue is resolved.

GMPSolar Richmond – Docket 8564, S. Ct. Docket 2016-034 – Allco Renewables appealed to the Vermont Supreme Court from PSB orders denying its intervention requests. Appellees GMPSolar-Richmond and PSD filed reply briefs on April 28; Appellant filed its reply brief on May 12. GMPSolar has requested oral argument. The project in question received a CPG on March 23. Allco has also appealed from the final order issuing a CPG.

VELCO PV 20 Replacement Project – Docket 8604 – The petitioner provided the PSD with a PFD to review. After review, the PSD did not object to the PFD and waived its rights under 3 V.S.A. § 811 to comment and present oral argument on the Hearing Officer’s proposal for decision, provided that the proposal for decision is consistent with the MOU with ANR and the petitioner’s proposed PFD.

Triland 2.2 MW Solar in Pownal – Docket 8610 – The PSB found the project will promote the general good and issued it a CPG, subject to expected conditions.

Chelsea Solar 2.0 MW Standard Offer Project in Bennington - Docket 8302- Chelsea Solar made two additional filings last week. The first was a Motion to Strike the PSD and ANR Responses to their post judgment motions on the theory that PSD and ANR violated a contractual obligation created by the Memoranda of Understanding entered into by each agency, which required the agencies to support the project. Chelsea Solar ignores the clauses of those Memoranda that hold that should the Board fail to approve the stipulation in all material aspects the agreements within the Memoranda are terminated. Counsel for the Department sent a courtesy email to Chelsea Solar informing them ahead of time that on the basis of such clauses, we would be filing comments that did not support the project. Chelsea does not cite the clauses in their filing. Chelsea’s second filing was a reply to all responses to their post Order motions, rejecting all the arguments in those responses and asking the Board to hold a hearing on the motions, which is discretionary under the Vermont Rules of Civil Procedure. As part of that request, Chelsea Solar seeks “to have each Board member state whether or not the Board member read the entire record prior to issuing the Order, and if not, have the Board member state which part or parts of the record the Board member did read prior to issuing the Order.” It seems unlikely that the Board will grant a hearing on the pending motions. We will be filing a brief response to both filings.

Apple Hill Solar 2.0 MW Standard Offer Project in Bennington - Docket 8454- Apple Hill Solar made two additional filings last week. The first was a Motion to Strike the PSD and ANR Responses to prior post hearing motions on the theory that PSD and ANR violated a contractual obligation created by the Memoranda of Understanding entered into by each agency, which required the agencies to support the project. Apple Hill Solar ignores the clauses of those Memoranda that require the Department under any circumstance to discharge its obligations

under Title 30. Counsel for the Department sent a courtesy email to Apple Hill Solar informing them ahead of time that the Department viewed the post hearing filings as procedural, not substantive, and that we believed opposing the motions on procedural grounds was consistent with our duties under Title 30. Apple Hill does not cite the clauses in their filing. Apple Hill's second filing was a reply to all responses to their post Order motions, rejecting all the arguments in those responses and asking the Board to hold a hearing on the motions, which is discretionary under the Vermont Rules of Civil Procedure. It seems unlikely that the Board will grant a hearing on the pending motions. We will be filing a brief response to both filings.

Elizabeth Mine Solar 5 MW Project in Strafford and Ludlow - Docket 8632 - PSD reviewed a draft Proposal for Decision from the petitioner and filed comments with the Board indicating we supported the project and waived our right to have a Board Hearing Officer issue a Proposal for Decision.

Charlotte Solar Enforcement - Docket 8638 – Parties will propose mid-June dates for a technical hearing to the Board, but one party is unavailable at that time and has waived his right to attend the hearing. Parties also attended an informal site visit on May 16<sup>th</sup> to assess the status of the facility prior to replanting landscape mitigation. Parties are negotiating how to address certain additional changes in the planting plan, necessitated by Petitioner's unilateral decision to build the project access road in a different location than is specified on the site plan for the facility.

WEC 248(j) to Upgrade its Landfill Gas to Electric Facility in Coventry – Docket 8721 – WEC requests approval to construct upgrades to its Coventry facility, including installation of a Siloxane Removal System and related facilities to reduce the concentration of siloxane compounds in the landfill gas, replacement of the existing emissions stacks, and increasing their height by 6.4 feet to address Air Quality Permit standards. The Department filed a letter on May 17<sup>th</sup> indicating it believes the project does not raise any significant issues with respect to the Section 248 criteria.

VGS Addison Expansion—Docket 7970- On May 12, the Board issued an order granting VGS's 5<sup>th</sup> non-substantial change determination request. This change involved the Old Stage Road/Hurlburt re-route. The 4<sup>th</sup> non-substantial change determination request involving the Palmer re-route is still pending before the Board.

CLF declaratory ruling that an amended CPG is needed for the VGS Addison Expansion-Docket 8330- On May 15, Jim Dumont shared a draft withdrawal of AARP and the Cuneos from this matter; his other individual client, Mrs. Broughton, is still a party. The stipulated set of facts, as well as the schedule, are before the Board. Initial briefs are due May 31.

VGS-Broughton condemnation-Docket 8641 - This parcel is in Monkton and is owned by Mrs. Broughton's Revocable Trust. On May 13, VGS filed a Motion to Compel the production of certain trust and power of attorney documents. On May 16, counsel for Mrs. Broughton agreed that he would not oppose the issuance of an order compelling the production of these documents and the Board issued the Order on May 18. Mrs. Broughton's motion to extend the schedule is still outstanding, but, hopefully, the trust documents when produced will suggest a path forward.

VGS-Town of Hinesburg condemnation-Docket 8643-This parcel is in a park owned by the Town. The Motion to Reconsider the previously denied intervention requests is still pending, as is the Motion to Dismiss the Petition filed by the Town. Non-petitioners were due to file testimony on May 18, but have been granted an extension until May 23. VGS continues to work with the selectboard and believes it can structure a new, acceptable deal that will soon be ready for a vote by the selectboard.

Generic Rule 4.100 Ratesetting Proceeding – Docket No. 8684 –VIPPA’s motion to enlarge the time for discovery and clarify scope remains outstanding. The Department is expecting discovery responses from Allco – the only producer that filed testimony – on May 18. PSD (and other rebuttal) testimony will be due on May 24.

GMP Base Rates Filing – No Docket – GMP has submitted its list of proposed capital additions for the 2017 Base Rates filing to the Department’s rate consultant. The consultant will come out to do an on-site review next week. GMP has proposed a schedule for the proceeding that would allow for a late (July 12) update to the filing that is open-ended. Department staff expressed concern about the late date, especially where the update was done before July 1 last year. Further discussions have lead Department staff to question the reasonableness of allowing any July update filing. Given that there is such a short time for review, it seems unreasonable to allow for such an update (which would not be allowed under traditional regulation). Department staff is reviewing the basis and origin of the July update and will respond to GMP next week about it.

GMP 2015 ESAM Filing – No Docket – Department staff and our outside consultant are working toward finalizing a report within the next week or so on GMP’s 2015 ESAM filing. The report will focus on the change in projected to actual plant additions from the base filing to the ESAM and the impact that has on the alt reg process.

North Hartland Rule 4.100 Contract – Docket No. 8569 – The Department filed testimony on May 16. The testimony found that a PPA at Docket No. 8010 rates (non-levelized over 20 years) for an existing hydro fails (b)(2) and (b)(4).

### ***Telecommunications***

Comcast Line Extensions – Since the 2010 revision to the PSB cable line extensions rule, Comcast has deployed about 44 miles per year. It has called this operation Business as Usual and is at least in part funded by consumers though their direct payments in Contribution in Aid of Construction. Comcast has offered annual projected Construction Budgets that indicate a slightly larger average of 49 miles per year. If Comcast were to build 50 miles per year over the next 11 years of its license currently pending renewal this would be 550 miles. For context, there are approximately 3,300 miles of road that lack cable service that are outside of the territory FairPoint has pledged to serve with FCC funding. The Department is requesting a CPG condition in the Comcast CPG renewal proceeding whereby Comcast would be required to build 50 miles per year in new cable plant.

CoverageCo Project – The EDA has not issued approval of the resiliency project redesign, but it is expected any day now. Last week, staff submitted an amended financial report to the EDA that

made corrections requested by the EDA project manager. Division staff also reviewed CoverageCo invoices, one of which contained an error. CoverageCo corrected the invoice and resubmitted it for payment. There is about \$165,000 in invoice payments due.

Department Fiber Projects – Staff issued a notice of availability for the OCFC-West. This fiber is officially online and ECFiber is installing drops along the OCFC west route. ECFiber will provide broadband internet service to locations in Randolph, Brookfield, and Braintree.

Construction was wrapping up on the Reading Project last week, and the contractor expects to begin installing fiber enclosures along the route this week. The Department is coordinating with ECFiber to ensure that the enclosures are placed in the right spots.

The Central Greens project is still experiencing delays. Engineering work continues on the GMP transmission line. Ulteig, the Department's engineering contractor, expects to finish its work on June 17. The Department is negotiating with VELCO separately for lease of its existing dark fiber along that route. If the Department can successfully lease dark fiber from VELCO, the Department will abandon any attempt to attach to the GMP transmission line. The make ready cost and ongoing licensing expenses of the transmission line make this project unfeasible for ECFiber, since ECFiber will own the cable and be responsible for those ongoing expenses.

E911 Overpayment – The fiscal agent provided E911 with additional information that shows all of the payments made to E911 since 2006. The fiscal agent has asked the E911 if they have a preference for how the overpayment is recouped. The E911 director said she would review the information and respond to the fiscal agent this week. E911's director previously asserted that the overpayments were the result of prior underpayments to E911, but that does not appear to be the case.

AT&T Lease Renewal on Mount Snow – Division staff will meet with AT&T on Wednesday to discuss the renewal of AT&T's lease on Mt. Snow. The Secretary of Administration has given the Department authority to negotiate two leases on Mt. Snow.

Comcast CPG Renewal (Docket 8301) – DPS received an extension for submitting its rebuttal testimony until May 18, 2016 in order to attempt to resolve several issues with Comcast. VAN submitted rebuttal testimony on Friday, May 13, which included extensive testimony from five different witnesses that discussed public access issues.

Burlington Telecom CPG Renewal (Docket 8719) – The Board has scheduled a public hearing for May 25 in Burlington City Hall. The Board also issued a prehearing memorandum and scheduling order. The Department's first round of discovery is due in mid-June and the first round of testimony is due in mid-July. CAPI Division staff are preparing a series of questions that will be used in a scientific telephone survey that will be used as part of the Department's community needs assessment. Telecom Division staff have provided a draft of the of the survey questions to Burlington Telecom and the AMO organizations for feedback before they are finalized.

Board Procedures Order for High Cost Fund – Comcast is challenging the Board's jurisdiction to issue a procedures order for the implementation of the high cost fund because of unnoticed revisions to 30 V.S.A. § 7515. Act 41 (2015) revised portions of Chapter 88 of Title 30 to give

the Department oversight over the fiscal agent that manages the USF fund. However, when the statutory update (pocket part) was published, several portions of § 7515 were inadvertently amended to substitute the Department for the Board, including a subsection that requires of adoption by rule standards and procedures for implementing the high cost fund. The Department believes that the revisions were inadvertent and unlawful, but Legislative Council has advised that a technical amendment may be necessary to cure the discrepancy. Comcast is arguing that the Board cannot implement the high cost procedures order because of the discrepancy.

FairPoint Service Quality Metrics Investigation (Docket 8701) – The Board has scheduled public hearing for the docket for May 18 in Underhill. There was also a public hearing held in Brattleboro on May 9, and only one member of the public attended. FairPoint is also requesting that the Board change the date for a workshop in the docket, which had been scheduled for June 10.

Investigation into Consumer Complaints against Charter (8715) – The Board has scheduled a prehearing conference for the docket for June 2. DPS staff intend to work with the ratepayers who brought the complaint and Charter to prepare a proposed docket schedule prior to the prehearing conference.

Lease with AT&T for Use of a Tower at Mount Snow – Telecom Division staff have been tasked with negotiating the terms of a lease amendment for AT&T to operate equipment on a tower that is owned by Public Safety and located on federal forest service land. Division staff are reviewing the prior leasing history of the site and attempting to determine appropriate terms for a lease extension. Division staff believe that it will be necessary to raise this issue with Public Safety officials before finalizing any lease agreement as Public Safety has a lease with the US Forest Service for the tower. Division staff do not want to execute a lease that would result in a conflict with Public Safety's obligations to the federal government.

Other § 248a Applications – The Department filed a recommendation letter for an AT&T *de minimis* application to replace equipment at a facility in Moretown.

Division Annual Report to Legislature – Staff is drafting a report to the legislature to include overview of activities during FY16, including Connectivity Initiative grants awarded; an action plan; and update on broadband availability at speed tiers 4/1, 25/3, and 100/100.

Connectivity Initiative Grant RFP: Staff has drafted the language for use in the 2016 Connectivity Initiative grant program. This grant seeks bids from broadband Internet Service Providers to extend broadband service to “underserved” locations throughout Vermont, as defined in 30 V.S.A. § 7515b(a).

Consumer Contacts: Connectivity staff worked with a Wilmington resident who was unhappy with the internet data caps imposed by his cable company. Internet service is not regulated under current Federal Communication Commission rules, which means that as a state agency, we do not have regulatory authority over internet service or service providers. We understand the consumer's frustration but were unable to offer assistance, as the division does not have the ability to enforce any changes in the service provision.

## **CAPI**

VGS – is now at the end of the first three years of its implementation of the Low Income Assistance Program. The Board order requires VGS to conduct a review of this period. They started the process by scheduling a phone meeting with CAPI and meeting with DCF about renewing the administrative contract.

CPG Complaint Protocol – We have started to draft the complaint protocol required by the passage of H.577. We talked with PA and Telecom about complaint processes for wind, solar and wireless towers. We are working with

Admin to develop a process in the new case data management system where all staff will have one place to put these complaints.

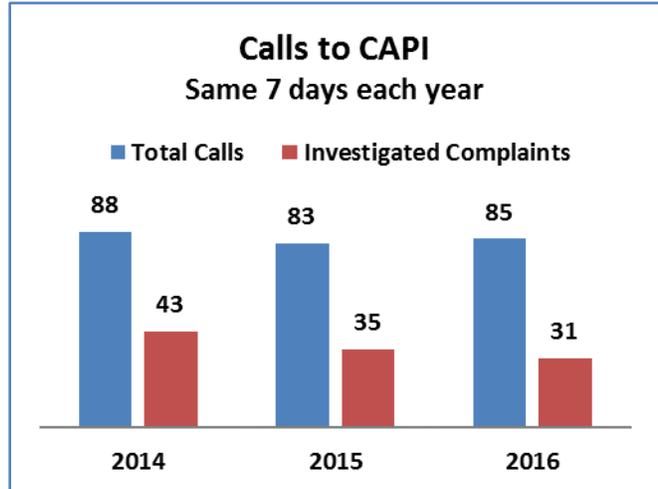
Communications planning – the CAPI team held its final planning meeting and finished setting goals and making plans for public information and outreach activities for fiscal year 2017.

Lifeline – a complaint was filed with CAPI about DCF’s new eligibility determination requirement that all applicants provide a copy of their Federal Income Tax filing. This requirement seems contrary to FCC guidelines and Vermont statute. We are looking into it. Work continues with DCF and TracFone to bring their services to the Lifeline eligible community.

Comcast -- CAPI joined a Telecom conference call with Comcast with the purpose of continued support for our request for a senior citizen discount for basic broadband services.

Outreach to utilities about disconnection notices -- we recently discovered via a consumer complaint that VEC is sending disconnection notices to customers who are current with valid payment arrangements. CAPI has historically not supported this practice. If a customer has a payment arrangement in place, the customer is ineligible for disconnection unless the payment arrangement is broken or their current charges are past due. The consumer can be mailed a broken payment arrangement notice per PSB rules if that is the case. This was a long standing practice at VEC and the company is not able to change the billing system to stop notices from being sent to these customers. VEC has pledged to address this with a manual process. Because this issue is not discussed explicitly in PSB Rules, CAPI reached out to all the utilities letting them know that we do not support this policy and encouraging them to contact us to work towards a solution.

FairPoint -- CAPI staff attending the public hearing for Docket 8701. One member of the public attended. She expressed concern about the safety for consumers whose phone service is not repaired within 24 hours. She lost phone service for 3 days in August of last year. The consumer pointed out that while multiple services are available in some areas, not everyone can afford them.



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

**To:** Peter E. Shumlin, Governor  
**From:** Hal Cohen, Secretary, Agency of Human Services  
**Re:** AHS Weekly Report  
**Date:** May 20, 2016

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**Secretary's Message:**

Over the last month, I've been working with a number of my staff from the Health and Human Services Enterprise (HSE) on how to restructure our HSE governance to ensure the success of the various programs across the enterprise. As part of that restructuring, I have changed the leadership of the HSE portfolio office. By mutual agreement, the current Portfolio Director, Stephanie Beck, who has return rights, will move to a different state position and I am appointing John Stern, Deputy CIO, the interim HSE Portfolio Director. John is a relatively new state employee, who is currently the IE lead and has already been playing an important role in stabilizing VHC and the other programs. I've already spoken to the core HSE staff and they are very encouraged by this change. My charge to John and the HSE staff is to bring all the programs to a "green status" by the end of this administration.

This week, I met with the Brattleboro Retreat CEO, CFO and other key staff, along with DMH Commissioner, Frank Reed and DVHA Commissioner, Steven Costantino. Due to a change in the provider tax that adversely effects the Brattleboro Retreat, they were signaling to us that they would have to close their adolescent and children unit. This is on the heels of the closing of the Cheshire Medical Center/Dartmouth-Hitchcock Keene unit as well. This would be a terrible blow to our treatment network. In our discussion, we looked at a number of solutions and we believe that we have found a way to offset the financial hit that the Retreat is taking. We are currently verifying if these solutions will work and meet regulations as we plan our course forward.

## **AHS Highlights:**

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

#### **Initiative to Improve Substance Abuse Services for Older Vermonters**

DAIL and VDH created a shared position to work on improving substance abuse services for older adults, Vermonters age 65 and older. 1% of all Vermont adults treated for substance abuse are age 65 and older while the rates of chronic and binge drinking by older Vermonters are significantly higher than the national averages (6% versus 4% for chronic drinking and 9% versus 7% for binge drinking). Through this collaboration, older Vermonters are being identified for evidence-based substance abuse screening and age-specific treatment and prevention services.

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

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

VPCH census is at 24. Staffing has remained stable during the past week, but overtime staffing coverage needs persist. The newly authorized compensation plan for nurses was communicated this week. The Department of Human Resources has held multiple group meetings to let staff know of changes and has met individually with nursing staff as needed. The compensation adjustments have been well received by nursing personnel.

#### **Emergency Departments**

There were 25 people in need of inpatient psychiatric beds and 21 have been admitted. All involuntary adults have been placed. With the exception of one involuntary adult, all were placed within 24 hours or less. There were two court ordered individuals this week and both were placed; one waited one day in DOC and the other was a direct admission from court with no wait. There are two involuntary minors waiting at this time, one less than six hours and the other is expected to be converted to voluntary tomorrow for an admission at an out-of-state inpatient facility.

The adult inpatient system of care has had an average occupancy rate of 86%, while the child/adolescent inpatient system of care has had an average occupancy rate of 91%.

#### **Supreme Court Decision**

The Attorney General's Office has been developing an amicus brief on behalf of the Secretary of the Agency of Human Services in support of the motions for re-argument being filed by the defendants in the recent Vermont Supreme Court decision in the Kuligoski vs. Brattleboro Retreat and Northeast Kingdom Human Services. The expanded "duty to warn" requirements, the new requirements for "caretaker" training, and the Court's broad reading of HIPAA, without adequate definition or guidance, will likely compel more involuntary commitments and introduce more barriers to discharges from inpatient care. The legal briefs are to be submitted today (5/20).

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

#### **Alzheimer's and the Blueprint**

DAIL staff met with the Assistant Director of the Blueprint to engage them in considering how to improve referral practices among primary care and internal medicine doctors to appropriate support services for individuals diagnosed with Alzheimer's or Dementia. Data indicates that many individuals and families are not receiving referral information and not taking advantage of appropriate and

available services related to Alzheimer's and Dementia. We have mapped out an initial strategy and will meet to discuss regularly as we work to roll out some strategies for physicians.

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

#### **Population**

The Department's incarcerated population averaged 1744 for the previous week. The Department's incarcerated male population averaged 1602 for the previous week. The out of state population is currently at 236. The female population averaged 142 for the previous week.

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

#### **Federal Homelessness Assistance Funding**

HUD has announced awards for the competitive Federal Continuum of Care (CoC) Program which provides funding to support homeless assistance programs. Approximately \$4.34 million in Vermont projects will be supported under the oversight of the Chittenden Continuum of Care (Chittenden Homeless Alliance) and the Balance of State Continuum of Care (Vermont Coalition to End Homelessness). This represents approximately a 15% increase in CoC projects. The vast majority of funds will support rental assistance, either temporary or permanent, and will be targeted to homeless individuals and families. For the full press release and further information, please visit:

<http://helpingtohousevt.org/wp-content/uploads/2016/05/HUD-Notice-VT-CoC-Tier-2-Funds-Released.pdf>

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

#### **Vermont Health Connect**

*VHC Medicaid Renewals:* Termination notices for the first set of non-responders were sent this week. The SOV/Optum M&O "surge" team is also expanding work to test and generate a passive file to automatically renew households who have SSN, MAGI, Citizenship & Immigration verified. The team will be analyzing results of 717 cases that were run through a verification hub call process on Friday to see how many of the above verification items have indeed been verified.

*Medicaid Billing:* The State is reviewing the Wex Health (formerly Benaissance) contract. Once completed it will move into the signature process. The State is carrying a risk related to the lack of Systems Integrator and lack of an identified funding source for a Systems Integrator contract to support the Wex Health Contract Period of Performance. An additional contract mechanism will need to be put in place in order to integrate the Wex Health solution within VHC. Information related to this outstanding scope has been forwarded on to the Agency for consideration

## **Other Agency Report Items for Consideration:**

### **Agency of Human Services AHS CO:**

#### **FY17 Appropriations Bill**

The AHS fiscal team is working collaboratively with Finance & Management and departments to review and provide feedback on H.875 – FY17 Appropriations Bill.

#### **FY16 Closeout**

The AHS fiscal team is working to develop a path towards closeout of FY16. This includes working with Finance & Management to discuss options to cover the potential general fund shortfall in FY16 and cover the 53<sup>rd</sup> week of Medicaid.

#### **VHC Audit Prep**

AHS Fiscal met with leaders of the Agency of Administration and the Agency of Human Services to prepare for the successful audit of DVHA/VHC for the FY16 CAFR.

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

### **HRSA Grant**

The Children with Special Health Needs program took the lead on applying to HRSA for the Innovation in Care Integration for Children and Youth with Autism Spectrum Disorders (ASD) and Other Developmental Disabilities Program, which is a three-year grant opportunity beginning in September. The application submission was a collaborative process with AHS partners including Children's Integrated Services, Integrating Family Services, and DAIL Children's Services, as well as with Vermont Family Network, Vermont Child Health Improvement Program (VCHIP), and Leadership Education in Neurodevelopmental Disorders (LEND). With this funding, Vermont would be able to mitigate some of the current barriers to early detection, screening, diagnosis, and treatment of children with ASD and developmental disorders.

### **Public Health Survey Services**

ICF International closed their local, Burlington-based call center in early May. They are the Health Department's primary vendor for public health survey services. While they will be maintaining some program staff in Vermont, their interviewing staff will now be based in Virginia. This means that our surveys, such as the BRFSS, will be performed by persons outside Vermont. This is notable because respondents often prefer to be interviewed by someone who "sounds like me." It may be harder for ICF to complete surveys among some Vermonters. Also, many Vermonters feel strongly that state dollars should be spent in-state, supporting local businesses. Therefore, it is likely that VDH will receive more calls from the public to comment or complain about the survey work being performed outside Vermont. Unfortunately, there are no professional survey companies that utilize Vermont residents and bid on the RFPs or able to meet the contractual requirements.

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

### **NAMI-VT Annual Conference**

The annual NAMI-VT conference was held this week at Lake Morey with nearly 300 in attendance. Commissioner Reed offered welcoming remarks to the assembled group of family members, advocates, providers, and individuals with lived experience of mental illness. Robert Whitaker, author of "Anatomy of an Epidemic" was a conference keynote presenter on the rise of psychotropic medication use and the scientific research behind its overall efficacy and role in long term management and treatment of individuals with mental health conditions.

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

#### **DAIL Collaborates with Vermont Agency of Transportation**

DAIL was contacted by Scott Davidson, Chief of the Governor's Highway Safety Program to provide feedback on several new ads being developed for print, radio and TV related to use of seatbelts. The ads were designed to target younger men who are still not using seatbelts and target their potential loss of independence if they sustain significant injuries. Chief Davidson was concerned about the appropriateness of language and visuals related to wheelchair use. Our Developmental Services and Traumatic Brain Injury program directors reviewed the ads and pronounced them respectful and effective.

#### **Governor's Commission on Successful Aging and Health**

DAIL, VDH and DMH met with members of the Commission, scheduled to sunset soon, to build collaboration and focus into our ongoing work. The three departments will invite DVHA to join a workgroup focused on Successful Aging, charged with prioritizing recommendations from the Commission's report to the Governor and embedding initiatives into the ongoing work of the Departments.

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

#### **Information on updated medication guidelines at correctional facilities.**

- Physician over-prescribing of medications with the potential for addiction, abuse, misuse, and diversion has created a serious problem in society and specifically in the correctional environment. Health care providers within correctional facilities have a unique opportunity and responsibility to address the issue.
- Correctional health care providers across the country, have sought responsible alternatives to medications that 1.) Pose less of a security risk to patients, staff and the correctional facility 2.) Have a more robust evidence base supporting their efficacy. These guidelines are not a one size fits all but a strategy for addressing patient needs in a more evidence based and case by case basis.
- Centurion, Vermont's contracted provider of correctional health care services, has, in coordination with Centurion's Medical Directors from across the country, developed guidelines for the prescription of several medications over the past several years. To develop the guidelines, input was garnered from Pharmacists and Addiction Medicine Specialists. These guidelines will impact the overall prescribing of narcotics for correctional patients. In addition, the guidelines recommend alternative treatment modalities like increasing the utilization of Pain Specialist consultations, Physical Therapists, and other interventions.
- The DOC Health Services Division will oversee the appropriate implementation of the guidelines through a series of Quality Assurance audits to ensure that patients are offered timely, appropriate, and physician-ordered alternatives.
- This is likely to garner attention from patients, their family members, and advocates.

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

### **Update on SSMIS System Outage**

Last week a critical DCF system, SSMIS, was down. This outage lasted almost a week. While we are happy to report the system is back up, the outage did have significant impact. We were able to get the Foster Care Payroll out the door in time to ensure foster parent payments were not late. This effort required two developers and a full day of manual work from a Business Office person. In addition, child custody and placement records could not be entered and tracked via the system during the outage. Now that the system is back up, back data entry must be caught up.

Perhaps most significantly, safety decision-making was compromised during the outage. Family Services' Centralized intake was unable to look up our history of involvement with families; Emergency Services was unable to look up current placements for children in crisis, etc. SSMIS is a 30-year-old legacy system that is Family Services' "lifeblood" when it comes to making good decisions about child and family safety.

### **Update on Federal Data Breach of VT Office of Child Support Information**

The May 5, 2016, DCF Governor's Report alerted the Governor's Office about a possible data breach that occurred on a federal facility involving data submitted by the Vermont Office of Child Support pursuant to a routine federal audit. The federal office (DHHS) now informs us that law enforcement has no evidence that personally identifiable information has been accessed from the stolen external hard drives and believes there is a high likelihood that any data that may have been on the drives has been destroyed and could not be exploited to conduct identity theft. Based on the investigation, Federal Protective Services has concluded the preponderance of the evidence in the case suggests that the drives were donated to Goodwill Industries who then stripped them down to the component level and sold them to a metal recycler. The metal recycler reported they would have destroyed the components by feeding them into a metal crusher. Given the nature of this crime, the lack of evidence that personally identifiable information has been accessed and the high likelihood the devices were destroyed, federal officials believe the risk for exposure of any data possibly contained on the devices is very low. Privacy and risk analysis professionals from across the Department (HHS Privacy Incident Response Team (PIRT)) have reviewed the information available from this incident and concluded no further action is needed at this time.

### **Youth Justice Summit**

The Youth Justice Summit brings together social workers, restorative justice partners, attorneys, GALs, educators and judges from across the state to train and work collaboratively around current issues affecting youth. In its 4th year, on Friday, May 20, 2016, the Youth Justice Summit is excited to bring experts from around the country to discuss the topic of "Collaboration and Engagement with Better Results." These experts include Shay Bilchik, Founder and Director of Georgetown University's Center for Juvenile Justice Reform; Judge Patricia Macias, Managing Director of Casey Family Programs Judicial Engagement Team and retired Judge of the 388th Judicial District Family Court in El Paso, Texas; Judge Brian Grearson, Vermont Chief Superior Judge; Tim Decker, Director of Children's Division of the Missouri Department of Social Services; and Judge Colleen McNally, Superior Court Judge, Maricopa County, Arizona. The day-long Summit will provide a rare opportunity for collaboration and engagement between multiple stakeholders in Vermont's Youth Justice System in order to move towards best practice when working with youth at risk.

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

**Blueprint**

The Blueprint hosted its Blueprint Executive Committee and Planning and Evaluation Committee Meeting on Wednesday May 18. Topics covered included implementation of the new (January 2016) payment model, an introduction to the women's health initiative, and an overview of the Blueprint's latest data infrastructure and measurement systems. Lastly, OneCare updated the group on ACO negotiations and the planned payment models.

The Journal of Substance Abuse Treatment has now published the Blueprint's article about the impact of Medication Assisted Treatment on health care expenditures and utilization. This article covers the period prior to Hub & Spoke implementation and so will serve as a baseline for measurement of the impact of Hub & Spoke. The article can be accessed here:

<http://www.journalofsubstanceabusetreatment.com/article/S0740-5472%2815%2930065-9/pdf>

The Blueprint continues to design and plan a Women's Health Initiative aimed at increasing the use of LARC (long acting contraception) and decreasing unplanned pregnancy. The Blueprint met with Planned Parenthood of Northern New England on Tuesday. The first Steering Committee meeting will take place in June. Launch of the program in provider offices is planned for January 2017.

The Blueprint and OnPoint have completed the first data extract from the Blueprint Clinical Registry since the Registry migration.



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**CONFIDENTIAL AND PRIVILEGED  
MEMORANDUM**

TO: Governor Peter Shumlin *PH*  
FROM: Rebecca Holcombe, Secretary, Agency of Education  
SUBJECT: AOE Weekly Report  
DATE: May 20, 2016

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**Emerging Issues**

***ESSA***

Vermont AOE presented to the CCSO webinar to other state leaders on Equity and ESSA today. Vermont was invited to present our approach to involving stakeholders and bringing forward their input to make decisions that will serve our most vulnerable youth well.

***EA Personal Contracts***

The AOE is trying to carry out work that requires educators from across the state to serve on panels for short term work. For example, during peer review for a music license we will need three licensed music teachers to sit on a panel to review the portfolio of work. This review is generally 3 hours at most and we compensate with mileage to increase geographic representation. Previously an EA was allowed but is no longer allowed as this was found to be a non-competitive bid for work. We have also explored grants and hiring them as temporary employees. We need a solution for this problem as soon as possible. We have asked Justin for a meeting to follow up.

***Supplement Not Supplant***

Under the new federal ESSA law, the accounting practices and funding of schools will change. The US Department of Education proposed regulations, however negotiated rule making broke down. This promises to be controversial and important for Vermont schools. We recently presented the attached materials to the State Board of Education to help them understand the importance of this issue.

***Burlington College / Early College***

Burlington College's closure left two early college students without a place to go next year. Other nearby institutions have reached their statutory cap, so we are looking into a way to consider them "Burlington College" college students for FY17, even though BC closed, so that the students are not harmed.

## Meetings

VSA/VSCEA - Conference on Trauma informed practice - Thursday

State Board Meeting - Tuesday

## Media Contacts:

**Jack Thurston, NECN:** Jack emailed to schedule an interview with someone at the AOE about the Obama Administration's order on bathroom use by transgender students. We referred him to the superintendent of Two Rivers SU in Ludlow, but he specifically wanted to speak with someone at the Agency about this. I am serving as the spokesperson on this topic, and I talked to Jack on camera in my Barre office.

**Tiffany Pache, VTDigger:** Haley reached out to Tiffany after hearing that she may have had some trouble getting answers from the AOE about Pre-K. She offered to connect her with someone who could answer questions on this topic while the Pre-K coordinator was on vacation. She called to say she was sorry for any confusion and added that she had asked a State Board of Education member for a copy of a document related to Pre-K. She is hoping to get a copy of a report from The Edge Gym, a Pre-K provider in Chittenden County, to see their application to become a 4-star program. She also wanted to fact check whether the vouchers distributed by the school district can be used wherever parents choose to use them. Her questions were forwarded to Melissa Riegel-Garrett, Kate Rogers and Karin Edwards. Karin said she would be unable to find The Edge report and that Melissa would be the go-to person to answer Tiffany's questions. Melissa was out of the office until May 19. At the State Board meeting on May 17, Tiffany asked for updated numbers regarding the number of Pre-K programs and was still waiting for The Edge report. Melissa said she would follow up with her on Friday to answer her questions.

**Representative Cindy Weed:** Alicia Hanrahan reached out to Representative Weed after an email from Monica Ogelby at DHS requested that Alicia reach out to Representative Weed to answer questions she had about homeschooling children with special needs. Alicia called Representative Weed and explained that a student enrolled in a home study program is not entitled to a Free and Appropriate Public Education, which means the student isn't eligible for any supports and services from the school district. She also explained the consultation process and mentioned service plans. Representative Weed said she is drafting a response to the family and will send it to Alicia to look at for accuracy.

**Emilie Munson, Addison Independent:** Emilie contacted Greg Glennon for a story she was working on about the implementation of Act 166 in Addison County. She wanted to know how much the state predicts to spend on Act 166 funding next year and what percent of the state budget the act comprises. Greg forwarded the request to Haley Dover and Brad James to formulate a reply. Brad drafted a statement that said the AOE has not made a prediction on how much will be spent on Act 166 for the coming year. Budget data are not collected at

that level of detail. Any cost will be dependent on how many kids go where. Emilie was provided with Brad's statement.

**Lola Duffort, Rutland Herald:** Lola emailed to get a comment about the lawsuit against the AOE and AHS from a local, church-based Pre-K provider for allegedly wrongfully denying them status as a "pre-qualified" Pre-K provider. The request was forwarded to Greg Glennon, who drafted a statement referring Lola to the Office of the Attorney General for any questions since the Attorney General is representing the state in this case.

**Patti Daniels, VPR:** Patti called Robert looking to have an AOE spokesperson on Vermont Edition on Wednesday to talk about how schools handle transgender students and a review of the best practices guidelines. Patti also reached out to Tom Aloisi to see if he would be available to talk about the guidelines. I went on Vermont Edition on Wednesday to discuss the topic.

**Matt Hongoltz-Helting, Valley News:** Matt reached out to Stephanie to see how many provisional licenses have been issued per year in the state over the last few years. This request was forwarded to Judy Cutler, who received the data from Dave Kelley. Judy sent Matt the information. Matt emailed later asking to have someone from the AOE put those numbers into context sometime next week. That request was forwarded to Debi Price and she will talk to him next week.

**Tiffany Pache, VTDigger:** Tiffany asked for permission to use a quote of mine from the State Board of Education Meeting regarding universal Pre-K. A copy of the quote was sent to me and I provided a more accurate statement. The updated version was sent to Tiffany.

**Darren Allen, NEA:** Darren asked for to be added to the email press release distribution list. He will now receive press releases from the AOE.

**Compliance Manager, US Department of Education:** A woman from the U.S. Department of Education called Suzanne Sprague wondering who she could talk to in regards to overseeing the Federal Student Aid after the announcement of the closure of Burlington College. Stephanie suggested that she be referred directly to Burlington College. Suzanne has also received several emails from students who cannot get through to the college via phone.

**Dorian Friedman, Pew Charitable Trusts:** Dorian reached out to Wendy Geller for a national assessment detailing how states are leveraging data to inform policy, budgeting, and operational decision-making. He is contacting all 50 states, and he is hoping to have a phone call with Wendy to answer some questions about her work. Dorian was contacted to get a list of questions he wants to ask Wendy so she has a better idea of the information he is looking for and can be prepared.

# ESSA Update

Amy Fowler, Deputy  
May 17, 2016

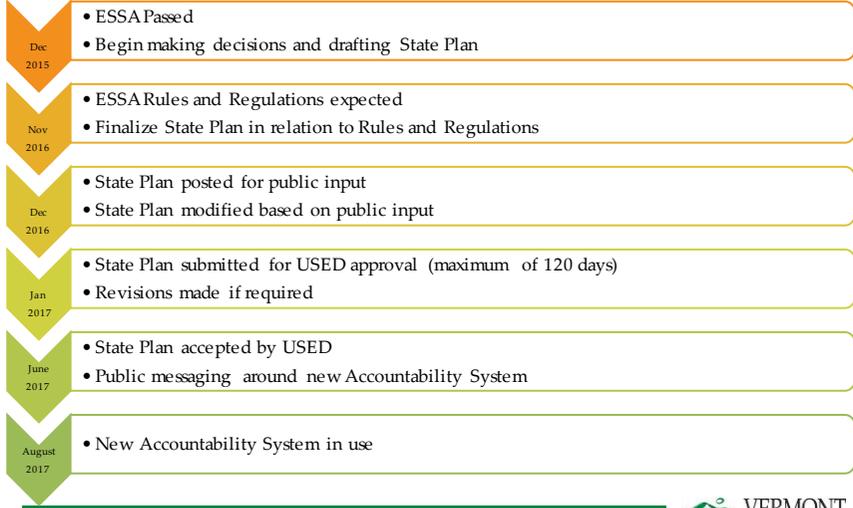


## Linking ESSA and EQR

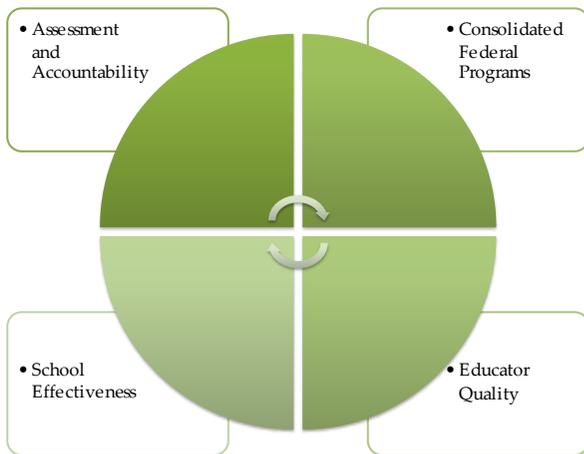
- Provide a single, coherent accountability system
- Leverage federal and state resources to support the same work
- Reduce the strain of implementing two parallel accountability systems on schools and AOE
- Accomplish this without losing our hard work on EQR to date by
  - Selecting Snapshot “outcomes indicators” to create the index
  - Using Snapshot “input indicators” to shape improvement plans and technical assistance
  - Using Integrated Field Reviews as a form of technical assistance or exit criteria



## Timeline for ESSA State Plan



## State Plan Management Team

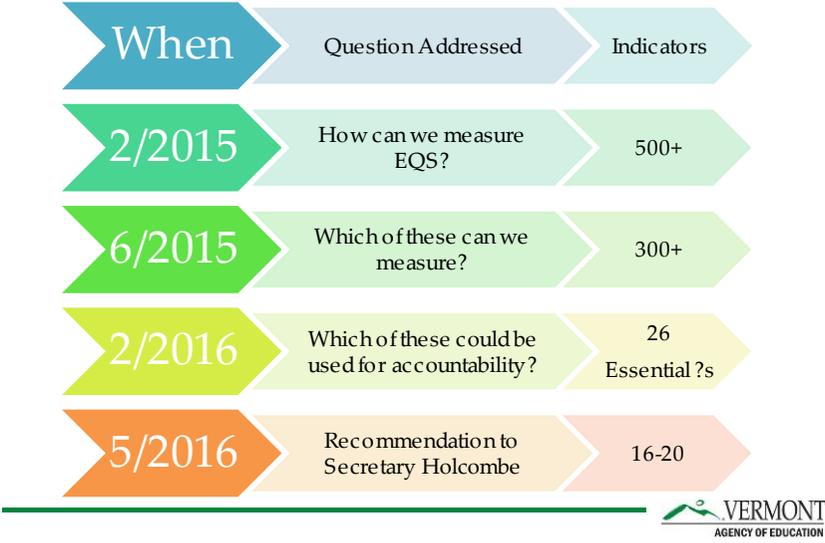


AOE Staff lead four teams dedicated to making recommendations to Secretary Holcombe on the 50+ options for flexibility ESSA provides. The public can track these recommendations and decisions on the AOE website.

<http://education.vermont.gov/essa>



### Identifying Indicators and Measures



### EQS is Vermont's Definition of a "well-rounded education"

Category	A good education provides students with...
<b>Academic Proficiency</b>	Opportunities to develop their skills and knowledge to be career and college ready.
<b>Personalized Learning</b>	Opportunities to shape their own learning and to provide authentic engagement.
<b>Safe, School Climate</b>	Environments where students feel healthy, safe and supported in achieving their goals.
<b>High Quality Staffing</b>	Educators who are well trained and qualified to meet their needs.
<b>Financial Efficiencies</b>	Quality experiences at a price which the community believes is appropriate.

### Next Discussion Topic

Date:

Meeting location:

- How will the measures be combined to identify schools eligible for support?
- How will the measures be weighted across categories?
- How will the manner of combining indicators impact improvement supports and strategies?



### Sample Data

School	Reading/ELA	Math	Science	Grad. Rate	PIP	Climate	Staff Satisfaction	Return on Investment	Average
Jones High School	58	65	61	98	72	64	76	15	63.6
Smith Academy High	35	37	36	76	79	56	39	29	48.4
Frakes Secondary School	24	29	31	59	21	75	35	26	37.5
Madson High School	86	80	85	43	54	96	80	82	75.8
Darwish Secondary High School	32	25	35	72	70	57	58	56	50.6
Icenogle High School	86	84	79	84	61	25	72	78	71.1
Palmquist Secondary School	95	89	82	94	35	68	92	89	80.5
Solina High School	31	26	36	35	63	95	47	16	43.6
Spencer Community School	65	63	70	61	49	64	63	73	63.5
Lindsay High School	23	27	25	57	67	43	50	64	44.5



## Policy Update: Supplement, Not Supplant

- The new ESSA statutory language reads as follows:
  - (1) IN GENERAL. — A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.
  - (2) COMPLIANCE. — To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.1



## Policy Update: Comparability

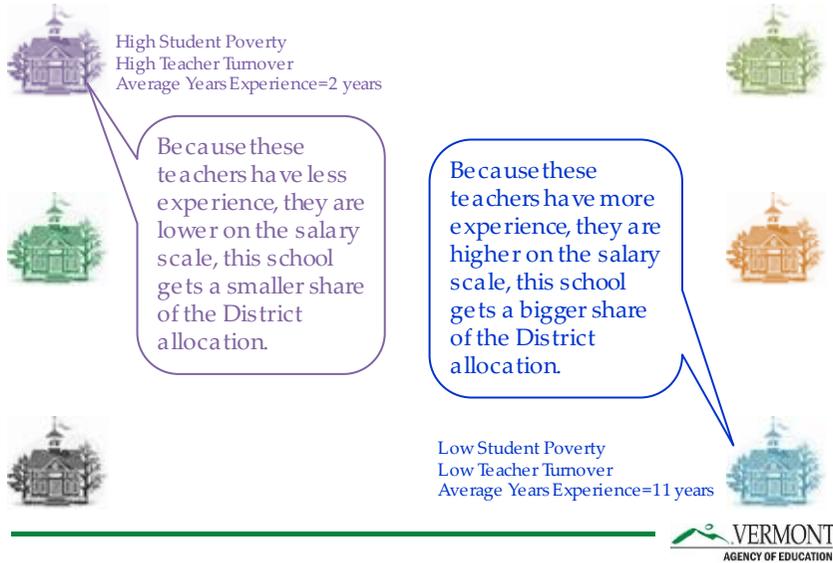
“This provision requires that a comparable level of services be provided with state and local funds in Title I-A schools compared with non-Title I-A schools prior to the receipt of Title I-A funds. The statutory language states that an LEA will be considered to have met this requirement if the LEA has filed a written assurance with the SEA that such LEA has established and implemented:

1. a LEA agency-wide salary schedule;
2. a policy to ensure equivalence among schools in teachers, administrators, and other staff; and
3. a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

However, in making a determination regarding comparability, there is a statutory prohibition against LEAs using staff salary differentials for years of employment when determining expenditures per pupil from state and local funds or instructional salaries per pupil from state and local funds.”



## Policy Update: What does this mean?



## Impact on Vermont

- Vermont has a long history of attending to equitable inputs- we support the idea but are concerned about the method for tracking and accounting.
- Possible Problems:
  - Tracking services paid for at the SU/SD level to schools.
  - Current SU (our LEA for ESSA) have different town budgets that fund different services and pay different contractual rates.
  - Degree to which the Chart of Accounts work will support or be hindered by this change
  - Lack of information related to the auditing process

# Questions and Discussion



**Executive Privilege**

**TO: Governor Peter Shumlin**  
**FROM: Secretary Chris Cole**  
**DATE: Friday, May 20, 2016**  
**SUBJECT: VTrans - Confidential Report to the Governor**

**NOTES FOR GOVERNOR**

**TCI**

I attended a Transportation Climate Initiative meeting in NYC to meet with the leadership team and discuss the work we want to complete in the next four months and then what is the document we want to leave for the next administration. I suggested we develop a working agreement that spells out what the five leadership states of CT, NY, DE, RI and VT all agree on in terms of a market-based pricing policy on carbon in the transportation sector and identify those areas where we need additional analysis. There is a retreat in July in NY I will be attending that will in large part determine where we end up this year. Essentially we want to have enough momentum and potentially get other states to join so that the next administration will need to address the policy issue.

**Champlain Parkway**

VTrans staff attended the monthly coordination meeting on May 18. All ROW is advancing – Allen Lumber has signed off (this is a big deal!), VRS and Havey appraisals are underway. VTrans will be preparing a letter for the City outlining the City's ability to pursue other project improvements in the area of the Parkway post Parkway construction. Contaminated soils still remains an issue for the City but our cooperative agreement indicates clearly that this is a City responsibility. The City still wants to discuss the issue but I'm not inclined to change our position and subject the State to that liability.

**Return of Service to Montreal**

The news from Canada is that their Parliament is likely to introduce the required legislation for preclearance sometime this June. We are working closely with Senator Leahy's staff to find a legislative vehicle for the US ratification of this aspect of the treaty.

## **NOTES FOR STAFF**

### **Construction**

We have 38 active work zones: 18 bridge, 8 safety, 3 paving, 3 reclaim, 1 roadway and 5 rail. We anticipate 90 contracts active this year.

The US 302 Barre-Montpelier resurfacing project contains a rail crossing by the Price Chopper drive. The plans do not provide additional space to maintain both lanes of traffic while replacing the at grade crossing, but the contractor will try to use the existing footprint as best they can. The work is going to occur this weekend (Fri, Sat, Sun, Mon) and at times there will be one lane of traffic. The traffic data suggests no real difference in volumes mid-week versus the weekend. There will be delays. We are sending out a PR blast, using message boards to alert folks, updating 511 and will monitor the situation. VTrans staff will contact the Construction Director, David Hoyne, if it turns into a parking lot and if we should abort. The road diet lanes are also in effect. FYI there might be some feedback.

### **Railyard Enterprise Project**

VTrans and Burlington City staff will be meeting on June 1 to discuss the possibility of advancing this project as a local/state funded effort.

### **Newport Airport (NEKI)**

Michael Goldberg (Receiver) has agreed to release the FBO agreement and the airport lease; the paperwork is with the judge and a response is expected by Friday with termination immediately. We have a temp position number to cover Dan Gauvin, owner of Lakeview Aviation (the previous FBO), for operations until the RFP process is complete – we will be able to bring him on immediately – we had already sent out the RFP as a simplified bid to 3 qualified parties; Dan was the only respondent.

Porsche Rally – Our offer on the table currently involves FAA signoffs, contractor coordination, site control during the event, and emergency response in support of their emergency response. \$15K staff, up to \$50K for contractor shut downs, FAA Safety Plan has been updated, Larry and Jen, along with Tom Howell (Jay Peak Security) are completing these – we won't have to do a complete FAA Safety Plan rewrite – which would have cost us \$10K. The costs will be part of the negotiated settlement to release QResorts from the FBO agreement, fuel farm, and lease properties. We anticipate acquiring the hanger that QResorts built as State property as a result of this transaction. We have a plan for the Porsche rally; we need the receiver and the judge to sign off on that plan which includes this global settlement agreement.

### **Stowe Airport**

We are working on an amendment to extend the completion of the parking lot. Half of the lease currently includes the land where the terminal building will be; we will defer rental payments on that section of the property until the terminal project advances.

### **5339(b) Bus & Bus Facilities Grant**

VTrans submitted a grant application to the Federal Transit Administration (FTA) on May 12, 2016 for the replacement of seventeen (17) heavy-duty transit buses for Green Mountain Transit (GMT formerly CCTA). These vehicles have met and exceeded their useful design life. Proposed replacement vehicles will be low-floor, fully ADA-compliant, with automated stop notification. The total federal amount requested is \$6.1M with \$1.5M in non-federal match to be provided in partnership by VTrans and GMT. GMT's services, based out of Burlington and including the adjacent rural regions, account for over 60% of Vermont's more than 5 million annual public transit trips. If we are awarded this grant, it will significantly reduce our backlog of vehicles needing replacement.

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Deborah L. Markowitz  
Agency Secretary

Trey Martin  
Deputy Secretary

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

**CONFIDENTIAL and PRIVILEGED**

**To: Governor Peter Shumlin**

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

**Date: May 20, 2016**

**Subject: ANR Weekly Report**

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**Governor Level Issues:**

**PFOA Updates:** The Health Department is analyzing the newly issued health limits of PFOA set by EPA at 70 ppt. Once they can view the underlying data and studies we can determine how the new information impacts our standard which is 20 ppt.

Private drinking water well sampling continued in the Bennington area. An additional 40 samples were collected in both North Bennington and in the area south of the landfill. Saint-Gobain indicated May 5 that they would not fund bottled water and Point of Entry Treatment Systems (POETs) for the wells impacted with PFOA, located south of the Bennington Landfill. Saint-Gobain had previously committed to covering these costs in a call with the Governor and Commissioner Schuren. After discussions Commissioner Schuren and ANR General Counsel Jen Duggan, Saint-Gobain changed their mind and have now agreed (again) to cover these costs.

The Vermont Department of Health has added three more PFOA blood draw clinics for people in Bennington and North Bennington affected by PFOA contamination of drinking water. Two clinics are scheduled for June, and one will be held in late May for students who are returning home from college. The blood draw clinics are being conducted with support from Southwestern Vermont Medical Center.

DEC staff met with a PFOA science group in Hoosick Falls on May 6. The group was a mix of high school teachers, NYDEC staff, Bennington College professors and students, a professor from RPI, a hydro consultant, and a few New York citizens. The goal was to better understand the fate and transport of PFOA. Bennington College has a grant to consider this issue. RPI is studying the fate and transport of PFOA in soils/surficial materials from the vadose to saturated zone.

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## **EVERYTHING ELSE:**

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

**Follow-up on Truck Through Ice:** DEC's Enforcement Office was contacted by the Newport Daily Express regarding a truck that went through the ice on Lake Memphremagog this winter.

**FWD Press Release Headlines:** Anglers Reminded of Lake Sturgeon Protection and State Law; VT Bass Fishing Season to Open June 11, 2016; 4,156 Acres of Habitat Improved on State Wildlife Areas in 2015; Cliff Tops and Overlooks Closed to Protect Nesting Peregrines; and Fish stocking kicks off in VT: VTFWD to stock over 750,000 fish in 2016.

**Prescribed Fire:** Protection Forester Dan Dillner was quoted in this Fox 44 news story about last week's controlled burn at Victory Basin Wildlife Management Area. This was one of several recent prescribed fires that FPR staff took part in.

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

**Water Quality Standards Rule Stakeholder Meeting:** A first pre-rulemaking outreach session was held May 16. DEC staff presented revisions to the Water Quality Standards Rule, as required by passage of H.517. A suite of prospective modifications to the rule were presented to stakeholders for consideration. DEC received good feedback and stakeholders were glad to be asked.

**Celebrations:** Governor Shumlin and Commissioner Snyder spoke at the Working Lands Enterprise Board press event, held at Vermont Tree Goods in New Haven to congratulate recipients of the most recent round of Working Lands Enterprise Initiative grants. Commissioner Snyder also joined Governor Shumlin for a "board cutting" to commemorate the expansion of Fontaine's Mill in East Montpelier.

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## **SUMMARY OF KEY DEPARTMENT ACTIVITY**

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

**Anbaric Green Line T&E Permit:** Anbaric has begun the application process for a Threatened & Endangered Species Taking Permit for their proposed 400MW electric transmission line project. The application focuses on an area in Kingsland Bay where protected mussels may exist at depth 30' and less. The permit will cover a diver survey to determine whether the protected species are present and then a plan to address project impacts to the species if they are.

**Green Mountain Power St. Albans Bio-Digester Testimony Filed:** ANR filed its direct testimony with the Public Service Board on Wed, May 18 in the GMP digester CPG proceeding. In their CPG petition GMP represented that the project could remove up to 30% of the annual phosphorus running into St. Albans Bay and therefore could provide great public benefits related to water quality. GMP has used these claims of improved water quality as the primary justification for an especially high rate for the power generated by the digester. The Agency's testimony, led by DEC Watershed Management Staff confirms the project has the technological potential to remove high levels of phosphorus, but that a number of practices by GMP and their participating farmers are necessary to ensure the project's phosphorus reduction benefits. The testimony lays out several steps GMP must take to provide the Agency certainty around the purported claims. The Agency also filed testimony on the relative GHG reduction and air quality costs/benefits of the project. The testimony establishes a roadmap for forthcoming settlement negotiations with GMP.

**Ranger Solar (Brandon):** Ranger Solar is moving forward with their second 20MW solar project in Vermont, this time in the Brandon area. Ranger has filed their 45-day notice of intent with the PSB and has reached out to ANR through the Planning Office to discuss the project's natural resource impacts. DFW staff have raised significant concerns regarding the project's location, which is in the middle of a regionally significant wildlife corridor that connects the Adirondacks with the Greens and the Greens with the Taconics. The solar project will occupy roughly a 100 acres, so it is important that the design and layout of the project maintains functional connectivity and allows sufficient permeability for wildlife to pass through. A phone conference to discuss the issue is being scheduled.

**Iberdrola/Deerfield Wind Starts Construction:** OPP joined staff from several DEC regulatory programs on Mon, May 16, for a meeting with Iberdrola and their consultant VHB to discuss the start of project construction for their wind project in Deerfield. Iberdrola plans to begin site preparation and clearing this October with major road and foundation construction in the spring of 2017, turbine delivery beginning in mid-July with commissioning by the end of '17. Iberdrola has conducted baseline water quality monitoring and bear studies, which will continue to be tracked during construction and operations.

**Iberdrola/Atlantic Wind (Windham/Grafton):** OPP and DFW staff met with Iberdrola on Tues, May 17, to discuss the current status of their Atlantic Wind project proposed in Windham and Grafton. The project is the largest wind project proposed to date in Vermont and Iberdrola is working to build community support in both towns in advance of town votes on the project scheduled for November. If the towns support the project Iberdrola will gather additional natural resources data next fall, winter and spring and begin the permitting process in summer/fall of '17. The 28-turbine project's current layout calls for a what is essentially a tick-tack-toe grid of roads and turbine locations across a 5000-acre parcel of managed timberland. The current proposed layout raises concerns related to forest fragmentation, and ANR strongly encouraged Iberdrola to begin to engage with the Agency on the fragmentation issue sooner than later. Staff was left with the feeling that Iberdrola would prefer to not have issues such as fragmentation

highlighted in advance of the town votes in the fall, so it is unclear whether they will engage in further dialog with ANR before then.

**NRB Chair Training:** OPP provided a training to NRB staff and new Board Chair Dianne Snelling on Thurs, May 19. At Dianne's request, we provided an overview of ANR's role in the Act 250 process, both as party and applicant for projects on state lands, and provided an in depth overview of the many DEC permits that feed into Act 250 and often provide a presumption of compliance for certain Act 250 criteria. Also discussed where ways to improve communication and information sharing and making the review process more efficient.

**New Applications for the Week of May 2:** OPP received 3 new Act 250 applications and 3 new Section 248 petitions.

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

**Wilk Paving, Inc. Enforcement Action (Rutland):** DEC reached a settlement with Wilk Paving, Inc. for \$10,253 for permit violations involving an exceedance of their annual hot mix asphalt production limit. The settlement amount reflects a penalty, takes into account the economic benefit from the violation, and secures a commitment from Wilk Paving to abide by the permit in its future operation of the plant.

**Sadawga Dam Reconstruction (Whitingham):** The construction contract to rehabilitate this high hazard dam was awarded in the amount of \$492,340, which is being funded with State general obligation bonds. The water level of the lake will be lowered four feet after July 1 and a cofferdam will be installed in order to dewater the work area without dewatering the lake further. Flow will be passed downstream via piping during the project. The piping will be designed to pass the 25-year storm. The existing upstream concrete wall and concrete cap weirs will be removed. A replacement concrete wall, anchored to bedrock, will be installed upstream of the stone dam. This wall will in effect be a stand-alone dam independent of the existing stone dam. New (replacement) concrete cap weirs will be installed extending over the stone dam. Upon completion of the project, the dam will be operated in an inflow equals outflow manner. A separate concurrent project is the installation of a mineral toe drain system downstream of the right embankment.

**Mercury Thermostat Extended Producer Responsibility:** This week the solid waste program sent a letter to TRC, the stewardship organization for manufacturers who implement the statutorily required mercury thermostat collection program. The collection rate of mercury thermostats has declined in recent years in Vermont, while studies indicate there still are a large number of mercury thermostats in use and being replaced. Rather than debate whether the statutory collection goal is being met, the program is recommending that TRC conduct more outreach about the collection program and work more closely with collectors, especially retailers and solid waste districts. The letter included specific actions be taken by TRC.

**Vermont Pesticide Advisory Council (VPAC):** VPAC held its annual Pesticide Permit Review Meeting on May 11 at National Life. It reviewed Utilities, Railways and VTrans pesticide permits. The Washington County Railroad permit has received considerable attention due to strong opposition to pesticide applications within the Montpelier section. The Council made recommendations to Secretary Ross to amend permit(s) to allow Railways and Municipalities to pursue alternative vegetation management methods in areas identified as frequently used by the public or with high potential for public exposure.

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

**Snake Mountain WMA and Mountain Bikers:** Department staff met with mountain bike riders who have used Snake Mountain WMA for many years. This use is illegal on Snake Mountain WMA. Staff have worked with the bike riders to build awareness of the value of Snake Mountain and why we own it. Ultimately, in working with Commissioner Porter it was decided that Snake Mountain WMA is not suitable for Mountain bike riding and we conveyed that decision to the riders. Tom Stuessy from VMBA has been very helpful in addressing this situation.

**Bear Springtime Activity:** Bears and humans are still struggling to find middle ground. There have been numerous complaints around the state. One bear was killed in Thetford after ongoing damage to a farmer's chickens. There have been a couple of cubs that have been delivered to a rehabber in NH. An additional cub was found in the NW and was also delivered to the rehabber where it was discovered the cub may have been struck by a car.

**Turkey! It's what's for dinner:** Turkey season has continued rolling along. Unfortunately, wardens have been notified of another HRSI in the Island Pond area involving some pellet strikes to a person's leg. Other violations this season have included; illegal blinds, shooting from the road case in the NEK, turkey shot through a house window in Derby, and a hunting under revocation violation in Chittenden county led to an arrest and multiple charges.

**Eagle Creek Hydro:** Staff had a site meeting at Ball Mountain with the Army Corps of Engineers, Eagle Creek Hydro, USGS, and Alden Labs to discuss fish passage trials at the newly installed hydro facility. In order to determine if the fish bypass pipe is safe and effective two series of trials will be conducted this spring and fall. To test safety, hatchery brook trout will be placed in the bypass pipe and in the tailwater. Fish will be collected using a specially designed net placed in the tailwater. To test effectiveness a PIT tag study using wild trout was slated for the fall. However, based on feedback from USGS a radio telemetry study might have to substitute due to the amount of metal and potential interference with the tags. Staff will continue to work with group to ensure the studies produce viable results.

**Repeal of Felt-Soled Waders:** Staff worked on developing a press release and other outreach materials relating to the pending repeal of the ban on felt-soled waders. This repeal, once signed by the Governor, will go into effect on July 1. The FWD plans on conducting outreach to inform the public of the repeal and the reasons why, but also reinforce key messages for Aquatic

Invasive Species spread prevention, such as Clean Drain Dry. The Department does not want the public to mistakenly think that the repeal of the felt-sole ban means that AIS introduction and spread issues are not important. Other outreach efforts will include information in the 2017 digest, access area kiosk signs, social media information, interviews on WCAX and VPR if they can be arranged, as well as other efforts.

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

**AMP Rules:** We are working on finalizing the final proposed AMP rule to file with LCAR. The rules need to be adopted by July 15. We may request that LCAR grant an extension.



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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:** May 19, 2016  
**Subject:** Weekly Report

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Priorities:

DPS Division of Fire Safety was notified of receipt of a FEMA Assistance to Firefighter Grant (AFG). The award is for \$500,000 to replace the 25-year old "Burn Building" at the academy in Pittsford. State and Local permits will need to be obtained and BGS is working on this.

Directed by the Commissioner DPS is working with The National Criminal Justice Reform project. Vermont has a very robust statewide Justice Information Sharing Program spawning a significant interest in participating in The National Criminal Justice Reform Project through the NCJA. The technical infrastructure of our information sharing program is 100% compliant with the principals of The Global Reference Architecture from the Global Advisory Committee, and Vermont is one of the first states in the nation to implement a state-wide information sharing platform that provides federated statewide access to all state law incident data on real-time basis. Some of the crime analytics components of our program have been funded by The Arnold Foundation. Our accomplishments have been recognized by a number of criminal justice related organizations at the federal level, and the Vermont State Police have just become the first state-level law enforcement agency to join the White House Police Data Initiative. The small state of Vermont is taking a leadership role in this important work.

Administration

We are still working with Finance and Management on the VSP Pay Act projections.

CJS

Forensic Lab-

Staffing:

- All 24 existing lab positions currently filled
- 1 analyst currently training in Alcohol and another 7 cross-training in Latent Print analysis
- 1 DNA analyst will be leaving July 20th for Grad School
- Will have 4 summer interns (unpaid) for several projects

Backlogs (as of 4/30/2016):

- Blood Alcohol (0)
- Drug Chemistry (768)
- Serology (67)
- DNA (casework) (161)
- DNA (CODIS) (311)
- Firearms (34)
- Latent Prints (478)

Arson (0)

Building:

Power issues on 5/10 identified instability of lab's UPS system; major concern as instrumentation relies on that for protection against damage and loss of sample runs

Miscellaneous:

VOSHA on site 3/23 re: complaint of HR retention of medical records (report pending).

ASCLD/LAB surveillance visit for accreditation conducted May 17th

Communications-

Our work for the past few weeks have been focused on Westminster facility. We are coordinating most of the technology projects at the site and several staff members are involved in this project to ensure a smooth transition.

We had scheduled our first live test of the facility and technology for Monday May 23rd but yesterday decided to delay this test to allow for additional time for FairPoint to complete their work and for Carousel Industries to finish the programming of the telephone system. This delay is also partially caused by the time spent initially evaluating the DII solution vs our premise based solution. I was hopeful that we could accelerate our work and meet the testing milestones, but our dependencies on outside resources limited our ability to meet the schedule. The new live test date is scheduled for May 31st.

There has been an increase in request for new telephones services at the SP offices. We have encountered some difficulties meeting these request due to technology and wiring limitations at the facilities. We are working with DII to have additional cabling installed and our vendor to expand our capabilities at these sites.

The Green Mountain Power in Waterbury identified some faults in our power protection systems. The new Waterbury site generator did not come up to speed quick enough and assume the power load. This delay caused the Forensic Laboratory UPS system to operate longer than expected and eventually failed during the extended period. When the UPS failed, systems relying on this power source turned off resulting in a partial IT network failure in our building. Because our telephone systems rely on network connectivity; when the network went down we lost some of the telephones in the building. Additionally, the building badge access system also relies on the UPS. We have discussed the problem with Dave Jennison at BGS and they agree that this is their issue and responsibility. Since the failure, BGS has evaluated the UPS unit and determined that the unit requires new batteries which have been ordered. We will continue to track this issue and keep staff informed of the repair progress.

We are working with Thom Combes at DII to facilitate the upgrade the telephone system at Fire Safety (Berlin office)to the DII-VoIP phone solution.

We continue to work on the Camp Johnson telephone project (backup EOC). We have requested Atrion (DII technical support vendor) to open a data path through the State's fire wall to allow for VoIP traffic at the site. We are waiting on Atrion to complete their work before we can proceed with our installation. We have also ordered telephone service from FairPoint for this system and are coordinating microwave connectivity at the site. These services collectively provide the basis for reliability.

VCIC-

Legislative and Executive Branch Contacts

A meeting was held with Sgt. Cleveland of Montpelier PD concerning a Leadership in Police Organizations (LPO) project concerning sex offenders. The discussion focused on several key areas, including misconceptions within law enforcement around the capabilities/role of the registry and how to better leverage information sharing. There may also be some interest by local agencies to become actively involved in monitoring/processing of offenders (requiring a potential legislative change).

### Summary of Weekly Activities

The first non-criminal justice agency has been on-boarded for criminal history training and testing. The Department of Human Resources (Montpelier) served as a pilot agency and reported success with initial testing and training. A second tier of agencies is being reviewed for a larger rollout and will include Chittenden CUSI (which has some non-criminal justice support staff) and the Burlington School District. The technology platform is the same that is currently utilized by criminal justice agencies state-wide.

A meeting was held with Jennifer Benedict from the Department of Children and Families (DCF) concerning their fingerprinting requirements as part of a federal child development block grant. They are currently considering a phased-in approach and estimate an additional 4,500 fingerprints could be submitted as part of the process during the last half of 2016. It was reiterated that additional resources would be necessary in order to process these in a timely manner, including funding for dedicated staff time and/or overtime. The longer term volume and work flow process is still being developed by DCF.

### Project Progress

A multi-state discussion between Maine, New Hampshire, and Vermont was held concerning the continued development of the Tri-State AFIS (fingerprint) system. Each state re-iterated their commitment to the process but Maine may be considering issuing a drop-dead date for project initiation (due to concerns about funding).

### Other Pertinent Information/Activities

Given recent changes to statutes governing the Medical Marijuana program additional staffing may be required to meet registration deadlines set forth in statute. Additional research is being completed at this time and will be forwarded when available.

### DEMHS

As of 5/12, 60% of municipalities have submitted Local Emergency Operations Plans for 2016.

Public Assistance Officer attended the annual Public Assistance Working Group at Emergency Management Institute in Maryland.

Hazard Mitigation Officer participated in a panel presentation on 05/20 during day 1 of the Resilient Vermont Conference at Norwich University. Recovery and Mitigation Chief attended day 2 on 05/21 as a resource for local officials.

FEMA Region 1 gave final approval, as adopted, to Local Hazard Mitigation Plans for Chester, Pittsford, Weston, and Windsor, raising the percentage of Vermont communities with FEMA-approved LHMPs to 50%.

VT ALERT meeting held on May 19, 2016 with the Agency of Human Services in Franklin County.

A RACES Communications test was conducted this week between the SEOC and several of the AOT district garages. This is the first test conducted since installation of communication equipment at the district garages.

SEOC Training was provided to all SSF's on May 20, 2016.

VT-Alert banner and promotional materials displayed at Home Depot for Williston Store's Hurricane Preparedness event Sunday May 15th.

EM Planner met with interim BGS Security Director regarding COOP.

EM Planner facilitated School Crisis Planning Team meeting.

EM Planner attended childcare planning meeting with AHS on 5/18

Exercise Planners trained the CST and other National Guard members on the Homeland Security Training and Exercise Program.

HS Program Manager conducted a Programmatic Monitoring visit with St. Johnsbury Fire Department.

DEMHS VG Planning staff participated in an in progress review for VG on 5/20.

Southern Exercise Planner observed the Rutland Regional Airport Full-scale exercise supported by DHS' Infrastructure Protection Branch.

### Fire Safety

The Division received \$14.8 Million in new plan review construction valuation collecting \$82,000.00 in fees.

I attended the Northeast Regional County Mutual Aid Meeting on Monday night held at the Island Pond Fire Department. The group expressed some dissatisfaction stemming from training mandates and the lack of communication between the academy and their group. 50% of the group does not have email and many have no phone service and in fact some live off the grid so we will start sending a person from the academy to several of the county meetings which is all they expect. The group was overwhelming appreciative that I took the time to come meet with them. There were about 20 attendees, mostly fire chiefs and fire officers from the surrounding area of the Northeast Kingdom.

The draft rule changes will be filed with ICAR next Friday allowing us on the schedule. Once the filing is completed Bob Patterson and Robert Sponable we will assemble a stakeholder group to review the draft rules and we will start planning the public hearings which Robert Patterson and Robert Sponable will take care of.

My self and Jim Litevich have been working with BGS on putting forth a permit amendment for the academy as we are in violation of the old local zoning permit and State Land Use Permit. This was identified when the water testing investigation was initiated. A number of issues/conditions on the permits are no longer applicable as there has been so many changes at the academy regarding training evolutions over the past 25 years.

### Vermont State Police

A Troop-

FF

8 Total Arrests, 5 DUI

Conducted a search warrant on a vehicle involved in a motor vehicle collision and located numerous bags of heroin and approximately 100 used needles. Op charged with Neg operation.

Executed a search warrant for a "honey Oil" lab in Richford.

BCI

Crime-stoppers tip of a male threatening a judge. Contact with the male was made and interviewed. Male advised he never made the threats and could not be verified.

Assisted uniform with multiple search warrants related to burglary sting in Chittenden County.

Background completed for Trooper applicant Dylan Gates.

Assigned assault case at CRCF. Female inmate assaulting staff and other inmates. Inmate has numerous previous arrests for same.

Worked with Lamoille Cty Sheriff's Department on an arson in Wolcott. Land owner looking at fine from ANR for intentionally set house on fire. Arson unit working with LCSD for criminal prosecution.

Clan Lab team members worked a BHO lab in Richford. One male suspect arrested.

Williston evidence room barcoded.....DONE!

17 year old female alleged she was sexually assaulted on New Year's Eve in Milton / CUSI assigned

14 year old female alleging she was assaulted by a male friend in Essex / CUSI assigned

29 year old female claiming she was sexually assaulted by her grandfather since she was 4. / CUSI assigned

Missing person case out of Jericho. Male left VOLUNTARY treatment facility. Uniform put male into VCIC and press release for missing person. BCI continue to look for him. But the male left voluntarily and he is not a threat to himself or others.

Wire warrant execution of an offender in a grand larceny case. This was a uniform case however BCI assisted with the warrant and the interrogation of the suspect.

Untimely death of a male riding a four wheeler on his private property. Male had his 6 year old son with him during the time of the accident. 6 year old walked a mile out of the woods looking for help and brought police to his father where he was found deceased.

Wire warrant for a sex assault case conducted by Det Tpr

Forensic Interviewing training in S Burlington attended by 2/Det/Tprs.

Trooper applicant background completed. Forsyth

Report from a caller stating she believed a fire form 2010 was set on purpose. D/Sgt MacCallum.

Trooper Background assigned. D/Sgt assigned

Bail hearing for Marvin Martin. This is the male from Orange that had the standoff with police.

Sex Offence at U-32. Three freshman student reported being inappropriately touched by another freshman student.

B Troop-

FF

15 Total Arrests, 8 DUI

Able to locate the operator of the motor vehicle that crashed into a parked car and residence during the early morning hours of 04/30/2016.

Responded to a motor vehicle accident in Danville, VT, where the operator struck several mailboxes and overturned. The operator, Remick was transported to NVRH where he was processed for DUI.

K9 event at the Coventry school.

Responded to a single vehicle crash in Newbury where the operator, Lonewolf Cheyanne, was suspected of being under the influence of drugs. Cheyanne was transported to Cottage Hospital in Woodsville, NH to be treated for injuries, and also processed for DUI-drugs.

BCI

Correctional Center Inmate vs Inmate assault in StJ

Evidence rooms are still being cleared out of old evidence that is no longer considered evidence

Assisted Bradford troops with medication missing from nursing home in Newbury.

Background investigations completed

Accidental Shooting Glover. 16 yr old accidentally shot himself in foot with .22 cal rifle.

Hunting accident/accidental shooting in Derby. 15 yr old male accidentally shot his 15 yr old friend with a shotgun. Two pellets struck victim in the leg. One was lodged in leg. They were illegally shooting at a duck. One was on one side of the pond...and the other was across on the opposite side. Very minor injury.

Sex Assault case in Troy, VT.

Thetford, VT – 27 yr old male with Stage IV cancer. Natural

Walden, VT -36 yr old male –Suicide by gun.

Follow ups on pending Sex Assault cases

New intake of Juvenile who was sexually assaulted

One Juvenile arrest for L&L

C Troop-

FF

20 Total Arrests, 3 DUI

Kenn Hayes radio show/interview on WSYB

Tpr. McNeil assist to Rutland Town PD of a report of 2 dogs thrown out of moving car on US 4, reported via FaceBook. This was false, as the dogs were local dogs, and the car that had reportedly “thrown them out” was actually trying to catch them and remove them from the highway.

Hosted a car seat safety install/check at the New Haven Barracks as part of our community outreach program, multiple community members showed up to take advantage of the service.

This week marked Sgt. Gary Gaboury's 24th year anniversary.

Stopped a vehicle on I91 in Rockingham; consent search done; arrested one for Possession of Heroin.

BCI

Continued investigation of Poultney sexual assault kidnapping to include supplemental reports, review of victim's cell phone download, execution of NTO for DNA at corrections, and meeting with victim's family in Poultney for additional exhibits.

HQ trip for VFL submissions and deliver laptop to IT

Hart homicide follow-up

Continue Trooper Applicant background

Consult with Windham County SA re: blood spatter

New case: Callout for death investigation in Orwell. 51y/o male, apparent heart attack. Natural – no autopsy.

Review of Pelletier depo

Case follow up –Sex offense (3 days)

MDT Meeting

Meeting with members of Middlebury College re: LEO/Sex Offenses/Evidence Collection

Civilian background: meet with applicant at residence in Florence/neighbors; spoke with references/family members

SIU Investigators meeting at Addison County SA office

Torch Run organizing for VSP Rutland /t-shirt order collection

Spoke with US Attorney regarding Pendwarden case (case from 2014)

Continued scanning Rutland Long Term and Temporary evidence room. Research cases, scan evidence, create reports on evidence that is destroyed due to cases being closed or reaching the statute of limitations.

Assist Detective Tpr. with scene review looking for evidence and cause of death at a death scene in Leicester.

Continue working on background investigation for Courtney Baker

Assist Pittsford PD with interviews to fill two upcoming positions.

Case follow up Schaff missing person case

Background investigation for applicant in Fair Haven, quick turn-around.

EHS Training for Special Team leaders at HQ

New Case: Untimely death in Readsboro – 60 year old male died of a cardiac event at the Herriman Station Power plant. No Autopsy; Natural

Continued investigation and consultation with Medical Examiner's Office on Leicester death investigation.

Completed arrest paperwork on jail case.

Worked with Crystal Lake, IL police department in the apprehension of Alan Van Overbeke reference 2003 Lewd and Lascivious conduct charge. Also working with Maine State Police on apprehension of Lee Laughlin (witness with outstanding warrant).

Assisted uniform with accident / death investigation – Pownal.

Completed phone download and examined contents on Killington suicide.

Assisted Correctional Center with suspicious vehicle.

Completed review of Pelletier Homicide Deposition.

Case Follow-Up: Sex Offense. Town of Brandon. It was reported a 15 year old girl was sexually abused by an unknown 23 year old male subject and gave birth. Case Completed.

Case Follow-Up: Agency Assist. City of Rutland. Assisted Brattleboro DCF with taking a three day old infant into protective custody. Case Completed.

New Case: Agency Assist. Town of Poultney. Assisted Detective Corporal of the Rutland City Police Department with a Sexual Assault Investigation at Green Mountain College. Case Completed.

New Case: Agency Assist. Town of Poultney. Assisted Detective Sergeant of the Rutland County Sheriff's Department with a Sexual Assault Investigation at Green Mountain College. Numerous interviews conducted. Case Completed.

New Case: Sex Offense. City of Rutland. Conducted courtesy interview for the New York State Police (Syracuse Office). It was reported a 13 year old girl was sexually abused by her 13 year old step-brother. Case Completed.

New Case: Sex Offense. Town of Ira. It was reported a 40 year old female was sexually molested by an 83 year old male on Easter Sunday. Case Completed.

New Case: Sex Offense. Town of Pittsford. It was reported a 42 year old woman was sexually abused by her unknown boyfriend. Victim Interviewed.

Case Follow-Up: CSST Activation. City of South Burlington. Processed vehicle involved in a shooting in the State of New York. Assistance requested by the New York State Police. Case Completed.

New Case: Sex Offense. City of Rutland. It was reported a 13 year old girl may have been sexually abused by an unknown male subject when she was 3 years of age. Victim Interviewed.

New Case: Sex Offense. Town of Brandon. It was reported a 15 year old girl may have been sexually abused by a 22 year old male subject. Victim Interviewed.

New Case: Sex Offense. City of Rutland. It was reported an 11 year old boy may have been sexually abused by his 58 year old uncle. Victim Interviewed.

Continued to work the recent Winooski Fire Investigation. Met with assigned ATF Agent at the scene to discuss findings and also conducted interviews with nearby witnesses.

Set up training regimen with local attorney to prepare me for future Dalbert hearing regarding a fire investigation I was the lead case officer.

New case, sex offense involving Bennington School ex teacher. Interviews conducted and victim denied allegations. Offender interviewed and denied allegations.

Airbag download on vehicle in Marlboro for CRT

Interview on sex offense involving BBA student on another student. Allegations denied. Second victim interview pending

D Troop-

FF

21 Total Arrests, 7 DUI

Troopers responded to a report of an assault outside of a residence in Westminster. According to the victim, the accused asked the victim to come outside of the victim's residence and then once outside the accused began to strike the victim in the head area multiple times. The accused was a known associate of the victim due to the two being involved in the sale and distribution of illegal narcotics. Although the accused was known to the victim there was not a sufficient amount of information provided to be able to make a positive identification of the accused.

Received information reference to marijuana cultivation in Londonderry; search done; plants and seedlings located; arrested one for Cultivation of marijuana.

Responded to Westminster to a call of a subject pointing a firearm at a dog and a child was nearby; arrested one for Disorderly Conduct, Reckless Endangerment, Simple Assault, and Cruelty to Animals.

Troopers & BCI are assisting P&P in attempting to locate a high risk sex offender who escaped from furlough supervision on 05/09/16.

Initiated a motor vehicle stop in Brattleboro; operator continued driving into NH and was stopped by NH law enforcement and arrested for DUI; possible charges in VT pending.

Tpr. stopped a vehicle for erratic operation on Route 9 in Brattleboro; arrested one for DUI-Drugs; this case is also a pending a search warrant to be obtained.

Closed out an investigation with an arrest for home improvement fraud. Arrest made.

Closed out a long term investigation into an embezzlement at a church. Arrest made.

BCI

Completed Middletown Springs Fatal

Completed two suspicious fires in Westminster

Completed assist to Ludlow FD on Origin/Cause

Sex Offense- NTO Authored for photographs

Dead body Dummerston. Natural death due to Alzheimer's (male). No Autopsy per AME Archer Mayor.

8 DRE Evaluations Reviewed

Called out for Aggravated Assault Investigation in Westminster, initially thought to be serious injuries, victim released that morning with minor injuries to her head area, incident involved a drug dealer from MA assaulting the victim outside of her home presumably because she was an informant, suspect not yet identified, victim uncooperative with description, name, etc.

New jail case, assault by bodily fluids on CO by inmate, officers interviewed and inmate cited

Assigned background investigation for applicant Daniel Cragin

Overdose, dropped off heroin at lab for testing

Assisted to locate escaped high risk sex offender

Bomb Squad assist to Secret Service for Senator Sanders

Windham County Sex Offender Registry Sweep planning meeting

Bomb Squad training explosive breaching with TSU and VTANG EOD

TOPS

Two consent searches and two Heroin arrests

CCU:

Continued forensic examinations on several state and federal child exploitation cases.

Eric assisted with the AG's with a CP Search Warrant in Shelburne. Target – school janitor

Interviews conducted for open CCU sworn position.

Gregg Jager's final week of work (civilian examiner). He'll be taking AL this week. Civilian Examiner position is vacant, working on posting requirements changes with HR.

Current Cases: 6

Pending Cases: 13

New Cases This Week: 1

OCME:

11 autopsies

NAMUS uploads

Polygraph:

One pre-employment polygraph for OPD

Prepared for court hearings

Prepared for criminal polygraph for NUSI

Major Crimes Unit:

Marzilli homicide (Shrewsbury): computer extension warrants authored and signed; jail calls warrant return of service; listened to jail house phone calls

Kevin Smith Homicide (Brownington): worked on cell records warrants; follow up investigation; interview 2 witnesses. Preparing electronic case submission for SA review ahead of OCME manner of death ruling.

Russ fraud investigation (Special invest): Met with Department of Public Service (Montpelier), continued investigation on Russ Fraud (St. J).

Burlington OIS: prep for press conference, review Chittenden SA documents. Press conference, meeting with BPD (return of duty weapon etc)

Lott Homicide: Suppression hearing, Windham County

Gaudette Homicide (unsolved list-Lyndonville): Case file management, spoke with original case officer (Dennis Morell), attempting to locate Sheila Goss

Rashed Homicide (Brattleboro): Obtained elimination prints of witness Steven Jones (reference print found on exterior of victim's vehicle)

Bristol assault/kidnaping investigation: Completed and submitted case book to USA Office (Heather Ross)

Guilford shooting case: requested follow up by the Windham SA's office

Taught death investigation/OCME segment with Dr Shapiro at VPA



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*Justin Johnson, Secretary*

**PRIVILEGED AND CONFIDENTIAL  
MEMORANDUM TO THE GOVERNOR**

**TO:** Governor Peter Shumlin  
**FROM:** Secretary Justin Johnson  
**DATE:** May 20, 2016  
**SUBJECT:** Confidential Report to the Governor

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**BUILDINGS AND GENERAL RESOURCES**

**Issue Updates:**

With the return to WSOC: it appears that we have a significant number of “vacant offices”. Not sure of the reasons, but I am sure it will be addressed as this represents a significant amount of money in underutilized and carrying cost.

Occupancy Amended Permit – 43 Randall Street: Looks like we have a good offer and are working up the Purchase and Sales agreement and will push to close asap.

RMMTC: Structural analysis is being contracted for the latest problem discovered. The contract is signed and activity should start this week. I was contacted by local media for details and responded.

DMV – Bennington: Is looking for a new home. Finally heard from the owner of current space and he is working on the issues list but – too little too late. Options are in review and trying to see how this plays out with the current lease ending in December.

Randolph VAEL – New Construction: We are almost through the public comment period for the Environmental Assessment. As of last week, there had been no comments received. We are working on the Act 250 Permit application for submission on Wednesday or Thursday of this week. The CM Services RFP is being reviewed by Contract Administration and Jeff Lively. We are meeting this Thursday to revise per their requirements. We are also working on the Commissioning Services RFP hoping to issue in the next two weeks. We have been meeting on the Design Development Submissions this week providing feedback from the users and others to the design team. The budget estimate came in high and we will be looking at it in detail this week and next.

Sharon – Information Center – Septic Tank Replacement: The project has been permitted by the DEC Wastewater Division. We are preparing to advertise for bids. We are working with VTrans to satisfy their funding and bid requirements.

Westminster – Public Safety Facility – New Construction: DFS and the electrical inspector completed their inspections on May 16<sup>th</sup>. The GC is working to finalize punch list items. Site paving is done and line striping is scheduled for May 17<sup>th</sup>. We are expecting to do a substantial completion certificate at the project meeting on May 18<sup>th</sup>. Security and intrusion systems will be operational on Friday the 20<sup>th</sup> and the BGS locksmith will install the State’s keying systems at that time. There is an issue with final construction of the Stormwater detention, which will hold up final completion for a month or six weeks.

### **State Energy Management Program:**

Current energy projects: NWSCF WWTF, Springfield SOB, 32 Cherry Street, 133 State Street, State House Lighting, Auditor’s Office, State House air sealing and insulation phase III.

Proposed energy Projects: Sharon welcome center HVAC and Domestic HW upgrades, Barre SOB elevator shaft damper. WSOC BTU meters, Welcome center/rest area lighting, 109 State Street BAS retuning, 4 Aiken Governor Avenue air sealing and weatherization, 108 Cherry Street lighting, Correctional facilities laundry commercial Ozone washer upgrades.

Policy: to promote the smart use of efficient space heaters in BGS buildings has been established as a deliverable for the Energy Office.

## **FINANCE AND MANAGEMENT**

Nothing new to report.

## **HEALTH CARE REFORM**

### **All Payer Model:**

#### Federal Negotiations:

We are receiving positive feedback from federal staff as the potential agreement marches through the clearance process. Several key issues remain, including:

- Base: getting more money in the base to reflect the fact Vermont is a low cost, high growth state
- Investments: retaining and expanding federal programs that are set to end, including Blueprint, SASH, and Hub and Spoke
- Parity: determining how best to memorialize a mutual policy goal to bring Medicaid rates up to Medicare levels
- LTSS/Institutional Care Services: The feds want some way to include LTSS Institutional Care services in the agreement

AOA staff is developing a package of “asks” that can be presented to the Governor so he can consider when and how to elevate these issues. Robin discussed the potential for escalation with the Congressional delegation health staffers at the monthly call. We agreed to move forward with finding some potential dates for a briefing. One of the delegation offices in Burlington will host, because they can teleconference in the DC staffers. SASH and Blueprint continuation are of specific interest to Sanders office.

## **SIM/VHCIP:**

SIM restarted its work groups this week with lots of updates around ongoing activities. There was specific focus on the Medicaid Shared Savings Program and the Event Notification System (PatientPing) this week. Next week, the Steering Committee will meet and discuss upcoming activities for the remainder of the project.

We are still awaiting federal approvals on numerous contracts and working with AHS-CO and F&M to make sure all obligations are understood as we transition from SFY16 to SFY17.

## **HIT Plan:**

The GMCB discussed what the next steps are with the HIT Plan. Two members (Con & Allen) were ready to approve it. Al was concerned that he had heard from VITL and the CIO from Northwestern Hospital that there were issues. Robin agreed that we would talk with them, but did not commit to resolving the issues if the state did not agree with their positions. Robin indicated we'd come back with an issues list for the GMCB. Betty was concerned that the GMCB was somehow authorizing spending on the estimates for each of the initiatives. Robin reminded the Board that, at Justin's & their request, we had modified the plan so that it was more of a transition plan for the next administration and an explanation of potential projects that the next Governor could prioritize. Georgia will follow up to ensure that Betty's concerns are satisfied. Jessica was concerned that she didn't have enough information about the specific projects. Georgia will follow up to see what additional information she might want. VITL apparently has been complaining to the GMCB about the HIT Plan, but has not talked with Robin or Georgia, nor have they requested to meet with the Secretary of Administration.

In the alternative, we could withdraw the HIT Plan and indicate that we will make a recommendation to the next Administration and leave the update to them.

## **VITL:**

DVHA has determined that VITL has been using federal dollars for unallowable expenses and working through that issue with them. Georgia is in the loop on this topic. VITL is also proposing a change to the HIT Plan to modify the consent policy. This is ironic given their opposition to the HIT Plan at the GMCB. The consent policy is very controversial and we should not support a modification at this point in the administration.

## **HUMAN RESOURCES**

### **Legislative/Policy Update:**

Federal Dept. of Labor issued final rules that make major changes to the Fair Labor Standards Act. Importantly, it doubles the salary threshold for employees entitled to cash overtime (1.5x rate). This will not have a significant impact on state employees as we already provide more generous coverage than law required through our collective bargaining agreements. It will require some administrative/implementation changes.

Received a public records request looking for wage/per diem/travel expenses for Senator Zuckerman and Representative Ram. Appeared to be a research firm.

## **Significant Events/Meetings:**

Patrick Brown, an employee from the Environmental Health Division, passed away unexpectedly last Tuesday while on a work trip in Bennington. A Workers' Comp claim was filed on 5/12/16. Rebecca White from WC is handling the claim. WC will notify Mrs. Brown of claim determination and answer questions on the compensation piece.

We anticipate a large number of Class Action RFRs this summer. We already know DCF will submit RFRs for social workers (approximately 225 positions). The statewide IT committee is working on a variety of IT specific class action reviews (270+ positions).

We will have a sizable presence at the Vermont Career Connection, one of the largest career fairs in the state. Staff is co-chairing the event this year, volunteering at the event and staffing our table.

We plan to run a life insurance open enrollment during the month of June and change life insurance to an opt-out v. the current opt-in a time of hire (starting 1 July). This should dramatically increase the number of state employees covered by life insurance.

## **INFORMATION AND INNOVATION**

### **Evolving Issues:**

#### **Web Updates:**

- A meeting of the Web Portal Board to discuss the contract extension and amendment was held on 3/11. A final version of the new language was approved by both the AGO and the VIC legal team. The board was provided with the new language on 5/6. A minor edit was requested by board chair Michael Clasen and approved by both legal teams. The edit was distributed to board members on 5/10. Once approval was complete but before the amendment could go to signature the Treasurer's Office requested a meeting to discuss the out-of-state bank provision. At that meeting VIC was asked to drop that portion of the amendment and agree to move their accounts to an in-state bank. This is now under negotiation. It is possible that a contract extension to avoid the June 9<sup>th</sup> expiration date might be needed if final language cannot be completed and approved by the board by that date.
- A meeting to begin the Auditors Office management audit of the Web Portal Program was held 5/12. Follow up meetings requested by the Auditor's Office were held on 6/17 and 5/19 with DII and VIC.

## **LIBRARIES**

Nothing to report.

## **TAXES**

Nothing to report.

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Chuck Ross, SECRETARY

STATE OF VERMONT  
AGENCY OF AGRICULTURE

**Confidential and Privileged**

**TO:** Gov. Peter Shumlin  
**FROM:** Chuck Ross, Secretary of Agriculture  
**RE:** Weekly Memo  
**DATE:** May 20, 2016

**Secretary's Top Issues**

**Growing Water Quality Team**

The Water Quality Team is very excited to announce that on Monday, May 16<sup>th</sup> we welcomed three (3) new employees to the Water Quality Team. Their agricultural backgrounds and experiences are an excellent addition to our skills and knowledge base and have already strengthened the team.

**Entomology Update and Plans for the Year**

VAAFAM made a presentation at the Northeastern Eastern Equine Encephalitis virus conference in New Haven, Connecticut. This is a small group that meets yearly to present results from individual state and collaborative regional studies, providing an opportunity to share information about EEE virus. This year VAAFAM vector management team will do a statewide survey for tick-borne diseases. The spring sampling for ticks began on May 11 and will continue until June 1, when the mosquito surveillance season will begin. The fall tick survey will begin on October 15<sup>th</sup> at the end of the mosquito season and the beginning of the adult tick season.

**RAP Filing**

The RAPs have been formally filed with the Secretary of State's Office. VAAFAM will now schedule a number of meetings to take input from the public.

**Working Lands**

VAAFAM, the Board, ACCD and FPR hosted their annual working lands award ceremony and celebration in Bristol this week. The Governor attended and help to award some of the grant funding. The event also celebrated and highlighted the many positive outcomes created by the program from job creation, to increases in gross revenue from award recipients to the leveraging of additional investments into the working lands economy.

**Executive Assistant Search**

VAAFAM is conducting as search to replace the Executive Assistant to the Secretary. Sam Werbel who occupies that role now is moving on to create his own business. VAAFAM has identified some good candidates and hope to make an offer in the next few days. VAAFAM also held meeting to chart the course for the remaining months of this administration.

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**TO:** Gov. Peter Shumlin  
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**Significant Events/Meetings:**

- Assistant State Veterinarian participated in the meeting of the Northeast Animal Health Association, of which VT was the host for this year. Meeting allowed facilitation of state-federal-industry partnership and information sharing of comment issues, such as brucellosis in commercial swine due to contact with feral hogs, response to high path avian influenza, animal disease traceability data collection, options, and testing for Johnes's disease. Animal Health Section staff also attended the meeting.
- Animal Health Section staff provided Pullorum testing for birds at the Wellwood Orchards annual bird swap through the VT Bird Fanciers Association. When AH staff work at the poultry exhibits, they also collect tracheal swabs for avian influenza testing as part of the VT surveillance plan formed with USDA Veterinary Services. Staff also assisted a producer with initiating the process to become a participant in the National Poultry Improvement plan, which requires a flock and facility inspection and approval and baseline Pullorum testing on all birds.
- Animal Health Section submitted a brain sample for Chronic Wasting Disease testing from a reindeer that died suddenly on the farm and received negative test results.

**Summary of Key Agency Department Activity**

**Administration:**

- Deputy Secretary Bothfeld and Financial Director Hodgdon met with leadership of the USDA Farm Services Agency to discuss the organic certification reimbursement program. Proposed changes at the USDA level would move this reimbursement program from states to USDA Farm Services Agency in government fiscal year 18. The discussion was to alert our local USDA Farm Services Agency of this upcoming change and how the program has run at the state level for over 10 years. The Agency of Ag received indirect federal funds to operate this program and it is unclear if these funds would be available to the Agency of AG with the proposed changes for FY18. With the expedited budget work in State Government beginning in August 2016, the discussion with USDA Farm Services Agency was needed and a decision will be needed by September of 2016 on which entity runs this important program for VT Organic certified farmers and processors.
- Secretary Ross and Deputy Secretary Bothfeld attended a meeting sponsored by Agri-Mark Cooperative to discuss Water Quality Issues and the current economic climate for Dairy Farmers in VT. The price paid for milk is very low and margins on VT dairy farms are thin if not negative. Ross and Bothfeld tried to reassure farmers that steps must be taken to address water quality concerns but a multi-year plan can be designed and there are cost share funds at USDA and the Agency of Agriculture to offset the majority of cost to implement Water Quality fixes. There is fear that increase scrutiny will result in increased regulatory penalties that the farmers cannot afford at this point. The Agency will be sensitive but cannot turn a blind eye to issues affecting water quality but will work with all farmers to design plans to come into compliance.

### Farmland Conservation

Stephanie Smith, Chief Policy Enforcement Officer met with staff from the Vermont Land Trust and Vermont Housing and Conservation Board on the site of a co held conserved to conduct an investigation into an apparent violation of the farmland conservation easement. The violation consists of renovating and occupying two buildings in the farmstead complex for a “rural enterprise” without approval from the co holders. Rural enterprise is a restricted use under the conservation easement. The business is loosely related to agriculture in that some of the inputs are grown on the conserved farm and adjacent farmland under the same ownership, but much of the inputs in the manufacturing business are shipped to the facility.

The character of the farm complex remains largely unchanged, but the complex is used intensely. The business employs approximately 40 individuals and parking is located within the complex, panel trucks/vans come to the site to ship out products daily (DHL, UPS, FedEx), and there are two tractor trailer deliveries/ week. All business activities take place in a majority of existing farm complex buildings, which were substantially renovated, (property was once a dairy farm). The conserved farmland outside the complex is still in agricultural use, and produces an organic hay and corn crops and provides pasture for beef cattle. This land is managed by another farmer in the area.

The conservation partners will meet to review the conservation easement and VHCB Rural Enterprise guidance to determine if the business is appropriate under the restrictions in the easement and as guided by the policy.

### Land Use

May 13 Stephanie Smith made a presentation at the Vermont Planners Association Spring conference on Rural Vermont Success Stories. The all-day conference focused on the future of rural Vermont and covered trends in development, Act 250 criteria 9(L), and concluded with a walking tour of downtown Springfield, VT.

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

### **Meat Inspection:**

- Assistant State Veterinarian has been attending the National Alliance of State Animal and Agricultural Emergency Programs summit regarding emergency preparedness.

### **Animal Health:**

- Kristin Haas, State Veterinarian, participated in, and worked with Dr. Mehlenbacher to host, the Northeast US Animal Health Association meeting this week in Stowe, VT. Meeting attendance was higher than in recent years, and multiple topics pertinent to regulatory animal health were presented. Secretary Ross delivered a welcome address to meeting attendees.
- State Veterinarians Haas and Mehlenbacher worked with USDA APHIS and the State of New Jersey to facilitate the transport of five Brucellosis positive pigs to a VT slaughter facility for slaughter and post-mortem disease sampling. The swine were transported with 35 other Brucellosis-exposed pigs from the same herd, and a state meat inspection program inspector unsealed the trailer upon arrival and confirmed identification of the positive animals. Two more shipments of 67 more swine are expected to be shipped into VT for slaughter from the same farm during the coming month.
- Animal Health Field Staff...
  - Attended the weekly livestock auction at the Addison County Commission Sales to monitor Animal Disease Traceability compliance and complete the livestock market report.
  - Completed annual inspection of licensed livestock dealer. Checked records, and inspected facility and trailers.
  - Followed up on Animal Welfare complaint regarding lame animal owned by a dairy farmer who is also a licensed livestock dealer
  - Provided ear tags and applicators for Animal Disease Traceability compliance to a cervid producer.

- Inspected enclosures for a cervid farm in Rutland Town. New handling equipment has been purchased and new fencing being installed.

## **Agricultural Resource Management:**

### **Exciting Water Quality Team News**

The Water Quality Team is very excited to announce that on Monday, May 16<sup>th</sup> we welcomed three (3) new employees to the Water Quality Team.

Steve Cash, Tyler Knapp and Clark Parmelee joined the team as Agriculture Water Quality Specialists and are working out of the Williston Office. Their agricultural backgrounds and experiences are an excellent addition to our skills and knowledge base and have already strengthened the team. Steve and Tyler are currently working within the MFO and LFO programs and Clark is working within the SFO program.

We welcome them to our team and look forward to their contributions in helping to achieve our mission.

### **North Lake Farm Survey Initiative:**

- Staff are conducting water quality surveys of farms in Franklin and Orleans Counties as part of the North Lake Farm Survey Initiative. Approximately 360 farms have been identified in the survey area and surveys are being conducted by several ARM Division staff members. To date, over 332 farms have been fully surveyed and approximately 21 farms are left to survey as part of this effort. The following number of farms were surveyed within the last week as part of the survey initiative:
  - 4 SFOs

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

- Staff conducted a complaint investigation on SFO in Rutland County related to manure stacking and property boundaries.
- Staff conducted a compliance check on SFO in Franklin County to evaluate recommended repairs to a waste storage structure as a result of a North Lake Survey. The farm had implemented recommendations which reduces the risk of water quality impacts.
- Staff attended a training held by NRCS regarding land treatment plans (LTPs). LTPs are an integral component to nutrient management plans and assess land management. It is a general resource inventory including mapping, a waste production calculation, soil loss estimates, a waste storage assessment, and conservation recommendations, from which a NMP is developed.
- Staff attended a 20yr budget meeting to discuss funding sources to address water quality related to Agriculture. A series of meetings occurred to discuss the costs and potential funding sources of funding to assist water quality in Vermont.
- Staff are processing annual report submissions from MFOs which are due to the Agency by April 30. We are in the final steps of cataloging materials submitted by MFOs this reporting cycle.
- Staff are preparing documentation for the ARM Division Enforcement Section as a result of review of LFO annual reports. The review included nutrient management plans (NMPs) submitted by LFOs as part of their annual reporting as well as other permit compliance concerns.
- Staff are working with the ARM Division financial management team to review Farm Agronomic Practices (FAP) Program applications for education/outreach grants and develop grants agreements with the applicants.
- Staff are continuing to work on and test the FoodSafety Water Quality database. The Agency recently hired a new project manager and we are currently developing a new strategy to complete the water quality database.

### **Conservation Reserve Enhancement Program (CREP):**

- Staff visited a SFO in Lamoille County to discuss BMP fencing and to delineate a fence line and meet with fence contractor,
- Staff visited a SFO in Orange County to certify the installation of cattle laneway.
- Staff met at the NRCS State Office for meeting with a Missisquoi basin planner, Friends of Northern Lake Champlain and other partners for a CREP training/webinar and to also work collaboratively on CREP projects.
- Staff visited a SFO in Franklin County to plan/develop CREP on a pasture.

### **Entomology:**

- On May 6 Alan Graham and Patti Casey made a presentation at the Northeastern Eastern Equine Encephalitis virus conference in New Haven, Connecticut. This is a small group that meets yearly to present results from individual state and collaborative regional studies, providing an opportunity to share information about EEE virus.
- Alan Graham and Patti Casey attended an Integrated Tick Management Symposium in Washington DC on May 16-17. Current tick management strategies were discussed along with the need for funding to find new and innovative methods to reduce the risk of tick-borne diseases.
- This year VAAFM vector management team will do a statewide survey for tick-borne diseases. The spring sampling for ticks began on May 11 and will continue until June 1, when the mosquito surveillance season will begin. The fall tick survey will begin on October 15<sup>th</sup> at the end of the mosquito season and the beginning of the adult tick season.

### **Secretary's Comments:**

*Water Quality* –The RAPs have been formally filed with the Secretary of State's Office. VAAFM will now schedule a number of meetings to take input from the public.

*Food Safety Modernization Act (aka FSMA)* – VAAFM staff continue to work to apply for FSMA (food safety modernization act) for resources from the FDA to support the Agency's food safety work under the FSMA. VAAFM plans on submitting the application next week which if successful could lead to a multi year grant from the FDA to fund the work which will be required of VAAFM to fulfill the regulatory partnership with FDA with respect to implementing FSMA.

*Working Lands Event* – VAAFM, the Board, ACCD and FPR hosted their annual working lands award ceremony and celebration in Bristol this week. The Governor attended and help to award some of the grant funding. The event also celebrated and highlighted the many positive outcomes created by the program from job creation, to increases in gross revenue from award recipients to the leveraging of additional investments into the working lands economy.

*Executive Assistant Search* – VAAFM is conducting a search to replace the Executive Assistant to the Secretary. Sam Werbel who occupies that role now is moving on to create his own business. VAAFM has identified some good candidates and hope to make an offer in the next few days.

*VLITE* – Secretary will be attending the spring meeting of the VLITE Board to consider applications to the board to support energy work in Vermont.

*Management Meeting* – VAAFM held an internal management meeting to chart the course for the remaining months of this administration.

LOTTERY Weekly Report 5/20/16

Laura, I am off today and traveling out of state. You can reach me by phone until 12:30 if we need to talk. 802-522-8127

No legislative or media contact this week.

We are down three people which causes us to focus on getting our work done. Outside auditors for tri state lottery were in this week, and outside auditors for vermont lottery are in next week.

Greg