

WEEKLY REPORTS

Checklist
9/9/2011

Bill Lofy

☒ Agency of Commerce and Community Development – Lawrence Miller

☒ Agency of Agriculture – Chuck Ross

☐ Agency of Transportation – Brian Searles

☒ Department of Labor – Annie Noonan

Alex MacLean

☒ Agency of Natural Resources – Deb Markowitz

☐ Department of Public Safety – Keith Flynn

☐ Public Service Department – Liz Miller* (shared with Beth)

Susan Bartlett

☒ Agency of Human Services – Doug Racine

Beth Robinson

☒ BISHCA – Steve Kimbell* (shared with Anya)

Jeb Spaulding

☒ Agency of Administration – Jeb Spaulding

Special Reports

☒ Additional Report: Education

☒ Additional Report: GIRO

☐ Additional Report: _____

To: Governor Peter Shumlin
From: Lawrence Miller, Secretary, Agency of Commerce and Community Development
Date: September 9, 2011
Re: ACCD Weekly Report

- Led by Jen, the **Irene Housing Task Force** had its first meeting with FEMA by conference call. Leading the task force is one of ACCD's responsibilities in the state's emergency operations plan. Focus first on immediate temporary housing then replacement of permanent stock. The meaningful work right now is getting current rental availability to FEMA to connect Vermonters with immediate housing. Longer term is looking for 4+ unit buildings that can be rehabilitated for permanent housing using FEMA \$\$ **FEMA has 45 displaced families without housing today, all on the call think this will go much higher.**
- **We want to encourage people not to re-build in harm's way and to consider adding efficiency options not just replace what was. We also want to make sure FEMA's process includes Vermont's land-use planning priorities - which are not always on their list; it will be a specific ask.**
- Noelle and Jen participated in a meeting with key staff to plan for the development of ACCD's portion of the **Unified Economic Development Budget**. Really want to extinguish this in the next legislative session. No one seems to use it and it is a lot of work in many agencies.
- We will be hosting Deb, Chris and Ginny here for the next couple weeks; ANR IT staff for a while.
- VDTM has activated the "**Vermont Foliage Force**", a group of industry leaders who will be concentrating their time and effort into promoting Vermont during the upcoming foliage season. We will launch a campaign titled "See Vermont like a Local" in the early part of next week. The strategy of the campaign is to gather content from Vermonters regarding the best foliage locations, and drives that are currently open. We will convey a positive story about Vermont as a foliage destination, keeping the consumer in the forefront by informing them of places to visit, and places that may be off the beaten path due to Tropical Storm Irene, but well worth the effort and additional time to venture to. The "Vermont Foliage Force" is made of up representatives from SkiVermont, the Vermont Ski Areas Association, the Vermont State Chamber of Commerce, the State Convention Bureau, the Vermont Department of Forest, Parks and Recreation and VTRANS.
- We have been keeping some longer term work moving, but slowly. We will be getting back to more regular priorities next week in addition to Irene response, including a review of the strategic planning done so far and how that might change now.
- Lawrence, Jen and Noelle are meeting with Neale Monday at 3:00 to brief on Irene housing work.

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Department of Economic, Housing and Community Development

- Lawrence, Noelle, Kiersten and Arthur Hamlin **toured mobile home parks** in the southern part of the state with members of the FEMA and Corps of Engineers teams to assess damage and identify potential temporary housing.
- Lawrence and Jen participated in a call between Governor Shumlin and **HUD Secretary Donovan**. The Governor requested disaster recovery assistance from HUD. Coordinating with Federal Delegation. Includes increases in CDBG and HOME, additional Section 8 vouchers, waivers of certain restrictions; also requesting increase in Low Income Housing Tax Credit allotment from Treasury.
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Historic Preservation

- **Irene Flood Response:** Gio's been communicating daily with the broader historic preservation community about flood recovery, including VT Historical Society, State Archivist, State Librarian, Arts Council, and Preservation Trust of VT. She helped Forest, Parks, & Recreation's Frank Spaulding coordinate rescue of Perry Merrill's original CCC state lands maps to State Archives. Also Gio helped coordinate FEMA and the Chief Medical Examiner and his team on their Rochester Cemetery work.
- **State Historic Sites Damage Assessment:** The sites team reported very little damage to the state sites, we were very very lucky. Nonetheless, there was some landscape damage to some of the sites (i.e. major debris fields). Gio reported this to Bill Duchac at Rick Management. Some of this work may be eligible for FEMA Public Assistance so John Dumville will attend an Applicant's Briefing tomorrow and submit a Request for Assistance.
- **VT Archeology Center Update:** We received final design plans for review from Black River Design for the new Archeo Center and rehab at VHS in Barre. Also a new and improved draft of the MOU among ACCD, DHP, VHS, BGS, and Vtrans.
- **Bennington Battle Monument:** Visitor's going to the top of the monument have consistently been beating Washington Monument numbers since August 24th.
- **Plymouth Cheese & Harvest Festival:** It was decided to cancel the Plymouth Cheese & Harvest Festival scheduled for September 10 (this involved contacting dozens of volunteer participants). The Grace Coolidge Musicale, scheduled for September 11, has been postponed to September 25.

Vermont Global Trade Partnership

- **Allocca Enterprises:** Despite the damaging effects of Irene on the southern part of the state, registrations are coming in for the full-day Export Compliance program scheduled in Springfield on September 22nd at the Howard Dean Education Center. The program will be presented by Allocca Enterprises and will be co-hosted by the VGTP and the Springfield Regional Development Corporation.

Tourism & Marketing and Vermont Life

Commissioner's Report ♦ Megan Smith, Commissioner

- VDTM has been keeping very busy this week. Last week Megan and Steve attended the Educational Seminar for Tourism Organization (E.S.T.O.) national convention in Salt Lake City. While there they meet with counterparts from New Orleans, Memphis and other regions who had dealt with tropical storm-related issues in the past. Our entire delegation from Discover New England was there, so we lobbied to get a seat on the board of the new Corporation for Travel Promotion. This is a new organization that was set up through Congress - funded with money from visas - to promote the U.S.

internationally. There is already \$900,000 in the fund, and it can't be utilized by Congress since it is a non-profit organization. The Corporation for Travel Promotion will be using this money as "match" for overseas marketing efforts. Discover New England (of which we are a member) already has an extensive overseas marketing program, so this will certainly enhance the work we are already doing in this area. I also see this "match" money as a resource for marketing Porter Air over the second and third year of our agreement with the Toronto-based airline.

- The State Innkeepers Association has officially formed, and will begin with a huge industry mentoring program and reach to for those affected by Tropical Storm Irene.
- VDTM has sent out two "Commissioner's Newsletters" to the industry in an on-going effort to keep the lines of communication open. Through this medium, we are able to help those businesses in need and get information out about the attractions and tourism-related establishments that are open for business. Everyone has been keeping in very close touch with us from the smallest properties to the big resorts.
- 1-800-VERMONT is up and running with very few incidents compared to the huge volume of calls that has been received.

Marketing Efforts ♦ Steve Cook, Deputy Commissioner

- VDTM has activated the "**Vermont Foliage Force**", a group of industry leaders who will be concentrating their time and effort into promoting Vermont during the upcoming foliage season. We will launch a campaign titled "See Vermont like a Local" in the early part of next week. The strategy of the campaign is to gather content from Vermonters regarding the best foliage locations, and drives that are currently open. We will convey a positive story about Vermont as a foliage destination, keeping the consumer in the forefront by informing them of places to visit, and places that may be off the beaten path due to Tropical Storm Irene, but well worth the effort and additional time to venture to. The "Vermont Foliage Force" is made of up representatives from SkiVermont, the Vermont Ski Areas Association, the Vermont State Chamber of Commerce, the State Convention Bureau, the Vermont Department of Forest, Parks and Recreation and VTRANS.
- **Boston Billboards:** VDTM received free support from our media partners in Boston. The billboards below went live yesterday on Interstate 93.





Domestic & International Sales ♦ Christiane Skinner

- Following Tropical Storm Irene, Christiane has been answering inquiries from motorcoach companies, members of the Vermont tourism industry and visitors to the State. She has also gather information on the status of tourism businesses around the State; whether they're open or closed. This information has been shared with the industry.
- Christiane has also been working on the "Big E", the annual 17-day fair in West Springfield, Massachusetts, which will start on September 16th. One of her primary focuses this year will be to ensure that visitors to the fair know that Vermont is open for business.

Research and Statistics ♦ Greg Gerdel

Post Irene Communications

- Overview: The immediate and ongoing challenge has been to defuse the impact of overblown media coverage at the national level, while respecting the reality of the many communities that have suffered serious damage from the floods.
- The combined objective has been to affirm that most of Vermont is open for business; the leaves are on the trees and many of the affected roads will be open by late September. In the meantime, we have worked with media inquiries, the CRMI Call Center and the Vermont State Information Centers to communicate to travelers what roads are fully open and to avoid all but essential travel on the roads where repair work is ongoing.

Call Center Flooded with 511 Calls

- The CRMI Call Center in Newport, VT ramped up quickly and effectively to the virtual avalanche of calls to 511 that came on Monday, August 29. Of the record 721 calls that day, CRMI had only 45 hang-ups, handling 93.7 percent of all calls. **This is slamming our budget.**

Call Center Volume: Aug 29 - Sep 6		
	511	800-Vermont
Monday	721	56
Tuesday	527	77
Wednesday	352	88
Thursday	241	79
Friday	203	65
Saturday	202	24
Sunday	100	9
Labor Day	163	30
Tuesday	231	44
Normal Avg.	3 - 4	30

At the same time, the volume of calls to 800-Vermont also increased, generally double the average volume.

Relief Messaging on 800-Vermont

- At the request of the Governor's Office, Steve Cook and Greg Gerdel recorded a new announcement and reprogrammed the prompts on the toll-free line to provide immediate information about volunteering for storm clean-up, or for making donations to the Disaster Relief Fund or the Red Cross.
- We had a few technical challenges last Friday evening, September 2nd, but all is in place and the calls are going smoothly at the call center.

Labor Day Weekend Information Center Counts

- Although the Fair Haven and Guilford information centers had substantial drops in their counts for the four-day weekend, traffic at other centers declined far less. Southbound Canadian traffic brought a 5.1 percent increase at Randolph South. Sharon North had a modest -2.7 percent decline.

	2010	2011	Percent
Center	Totals	Totals	Change
Fair Haven	3,009	2040	-32.2%
Georgia South	2,591	2435	-6.0%
Guilford	14,059	11608	-17.4%
Randolph South	5,614	5903	5.1%
Sharon North	8,869	8631	-2.7%
Williston North	7,188	6849	-4.7%
Williston South	4817	4191	-13.0%
Total	46147	41657	-9.7%

- In all, the electronic door counts at these key centers were down -9.7 percent. Please remember that while there is a loose correlation between information center counts and actual visitor counts, statistically it provides more of a trend than a proportional correlation.

Richards, Alyson

From: Miller, Lawrence
Sent: Friday, September 09, 2011 2:43 PM
To: Richards, Alyson; Allen, Susan; Johnson, Harriet
Subject: Late Addition

For weekly and daily:

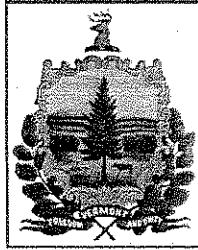
- Thirteen mobile home parks in five counties damaged. 216 homes flooded. 141 destroyed or abandoned. Some owners making the decision to close. Mobile home park law closure restrictions will need to be reviewed. Owners asking for financial assistance. Debris removal and cost to residents of disposing of homes major concern.

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Lawrence Miller, Secretary
Agency of Commerce and Community Development
State of Vermont
National Life Building, 6th Floor
Montpelier, VT 05620-0501
(802) 828-5204
lawrence.miller@state.vt.us

The mission of the Agency of Commerce and Community Development is to help Vermonters improve their quality of life and build strong communities.

To 116 STATE STREET
MONTPELIER, VERMONT 05620



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

Chuck Ross, SECRETARY

STATE OF VERMONT
AGENCY OF AGRICULTURE

Confidential and Privileged

TO: Gov. Peter Shumlin
FROM: Chuck Ross, Secretary of Agriculture
RE: Weekly Memo
DATE: September 9, 2011

Secretary's Top 5 Issues:

Flooding affects on Farmers

Agency of Agriculture and FDA on produce and livestock feed

Agency of Ag staff have been working closely with FDA regarding produce and livestock crops inundated with flood waters. FDA has guidance and regulation affecting produce – fruits and vegetables that have come in contact with flood waters are adulterated and are not for human consumption - cannot be sold or donated. This includes root crops. FDA has regulatory authority and could take regulatory action against a farmer that chooses to sell fruits or vegetables that have been inundated with Flood water and considered adulterated. FDA provided one small glimmer of hope for a **VERY LIMITED** number of produce farms – a one by one assessment of produce farms that are at the very headwaters of a river can provide an assessment and FDA MAY provide a variance. FDA provided very little guidance on information required but did not give hope that they would approve a variance. We are mapping farms with EPA and ANR to determine which farms at the headwaters of watershed that could submit an assessment for a possible variance. The mapping will include spills and overruns of gas stations, sewer treatment plants, potential heavy metals, potential pesticide spills and potential for PCP or other contaminants. **Farms that are down stream of any of these issues would not be eligible.** Testing is not accepted by FDA due to the need for a statistically valid sampling program and research to back up the premise of testing results. Working with UVM Extension on these farms and making it extremely clear that this is a **LONG SHOT** to receive a variance from FDA. Possibly 6 farms.

Crops for Livestock Feed are held to a different standard than produce with FDA. The Agency of Ag has been provided a letter from FDA that was sent to other Departments of Agriculture in the Northeast. Letter states that:

*As currently harvested, these crops **would not be acceptable for use in animal feed.** The flood water may contain sewage, pathogenic organisms, pesticides, chemical wastes or other toxic substances. Even more serious is the mold growth which may occur in wet feeds. Certain molds produce mycotoxins which are toxic or carcinogenic to certain animals including man and if present in animal feed, can result in the presence of unsafe residues in foods produced by the ingesting animal.*

Different than produce, FDA has offered the Agency of Agriculture the chance to mitigate the issues of using these crops for animal feed. We are developing a plan to submit to FDA that would mitigate the affect of mycotoxins, heavy metals, pathogenic bacteria, pesticides and presence of PCB's. Farmers will need to make a choice to discard the livestock crop that has been inundated with flood water or harvest the livestock crop for animal feed abiding by the Agency of Agriculture mitigation plan once approved by FDA. This will include testing the feed and milk from the animals that are consuming animal feed. FDA approved mitigation plan will

assure the safety of animals and human health through a series of testing and other protocols. The plan will be submitted on Friday, September 9 and we hope to receive approval from FDA by Wednesday of next week.

Working with UVM Extension on information dissemination for farmers with livestock feed to provide best management practices to meet mitigation plan.

Agency of Ag Emergency Assessment teams

- 2 person teams organized to follow-up with farms with issues from flooding. Teams visiting farms, making assessment and organizing follow-up. Working with partners at UVM, USDA Farm Services Agency and Natural Resource Service to send work teams to farms once assessments completed. Communication between work teams and Emergency Assessment teams on how farm progressing.
- The Agency of Agriculture animal health office has deployed 3 2-person teams, each consisting of a state dairy inspector and a USDA veterinarian or animal health technician, to visit dairy farms in Windsor, Windham, Bennington and Rutland counties that are along watersheds in those areas. 67 farms will be visited in a span of several days in order to perform animal health and welfare checks, provide farmers with information on financial and other resources, and to ensure that they have all of the personnel resources that they need to mitigate the effects of storm damage.

Information on farms visited

- Staff met with farmer in Waitsfield - will coordinate with ANR on streambank stabilization efforts.
- Made necessary contacts to assist farmer in Moretown with bridge replacement.
- Submitted a request to UVM Extension for a site visit and crop/field advise at farm in Rochester.
- Contacted farmer in Berlin with crop damage – referred to EOC
- Contacted farmer in Manchester with debris in pasture – referred to EOC
- Provided advice to pumpkin farmer in Southeastern VT on how to preserve his crop following flooding.
- Evaluated storm-related streambank damage on farm in Fairfax to assist in farm's enrollment in the Conservation Reserve Enhancement Program (CREP)
- Coordinating efforts with VTDEC to assist farmer in West Woodstock is repairing a breach in his field cause by the river jumping its channel.
- Been working continually with Farm in Moretown to coordinate access recovery.

UVM Extension Teams working with 10 farms identified and sent to them by Agency of Ag.

Milk Hauling for Farms Affected by Flooding

- According to Dairy Co-ops - As of September 9, 2011 – 1 farm remaining –Wright Farm in Bethel. Road and Bridge issues that do not allow milk truck to access farms

Waterbury Complex Agricultural Lab

- Agency staff building inventory and costs of replacement equipment. All staff people have been relocated to 116 State Street and will be temporarily reassigned to assist with flooding relief, data entry and other activities. Arrangements made for needed testing in the interim with other laboratories in the region.

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STATE OF VERMONT
AGENCY OF AGRICULTURE

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TO: Gov. Peter Shumlin
FROM: Chuck Ross, Secretary of Agriculture
RE: Weekly Memo
DATE: September 9, 2011

Status of Governor's Priorities:

Jobs in Agriculture

Press Issues/Releases/Contacts:

- State veterinarian was interviewed on 9/8 by Judy Simpson with WCAX regarding feed and forages impacted by the floods. WCAX was advised that the agency is working closely with FDA and other state resources to develop recommendations related to harvest and use of forage feeds impacted by the floods and anticipates to have those available by early next week, but that if farmers must harvest flood-impacted feeds before then, they should be segregated from those that were not impacted.

Press Issues/Releases/Contacts:

Significant Events/Meetings:

Saturday, September 10 – Scaling Up: Producing & Processing for the Larger Regional Market at SEVCA in Westminster. This is the fourth in a series of workshops that bring producers and processors together to discuss the growth of the Vermont livestock industry. It will focus on selling meat to institutions and other large-scale buyers throughout the New England region. In the afternoon, there will be a tour of Westminster Meats slaughter facility.

Evolving Issues:

Summary of Key Agency Department Activity:

Administration

Ag Development

Met with Vermont Whey-Fed Pork team to discuss a model for aggregation and marketing of pigs produced by small-scale cheese-makers. Whey, which is normally a waste product for cheese-makers, will be added to the pigs' ration. The pork will be processed into value-added products at the Mad River Food Hub. We are reaching out to partner organizations to support this exciting model.

Food Safety and Animal Health and Consumer Protection

The Agency of Agriculture animal health office has deployed 3 2-person teams, each consisting of a state dairy inspector and a USDA veterinarian or animal health technician, to visit dairy farms in Windsor, Windham, Bennington and Rutland counties that are along watersheds in those areas. 67 farms will be visited in a span of several days in order to perform animal health and welfare checks, provide farmers with information on financial and other resources, and to ensure that they have all of the personnel resources that they need to mitigate the effects of storm damage.

The Agency of Agriculture animal health office has corresponded with VT veterinarians to provide them with appropriate contact information for their clients to report animal related emergency needs and ask for assistance.

The Livestock Care Standards Advisory Council met today, in part to develop animal health and welfare recommendations for livestock owners impacted by Irene. These will be released by September 12th and will be circulated widely.

Animal Health Personnel

- Attended FDA Tissue Residue training in Burlington VT
- Checked animals in at the CVE
- Checked animals in at the Guilford Fair
- Helped move equipment out of Waterbury Lab
- Performed field assessments of farms affected by Irene
- Tested poultry at Dresser Hill Farm

Assistant State Veterinarian

- Checked paper work at the CVE for the horse pulls
- Staffed the EOC and carried out SSF-11 duties
- Organized Animal Health Field Assessment Teams for deployment to farms affected by Irene
- Carried out emergency management duties at the Agency of Agriculture

Meat Inspection Points of Interest

- Continuing with fourth round of Public Health Information System training required by federal government to continue to provide inspection services for the Federal government under the 100% reimbursed Cross Utilization program
- We received our budget allocation from the USDA FSIS for FY 2011, which was \$14000 less than was requested. The Agency determined it would not request more this federal fiscal year.
- Our federal Civil Rights review will be September 27th. We are responding to questions in preparation for that meeting.
- Working to organize the last return trip of Erika Voogd, to visit any remaining establishments who would like her input for humane handling. The final trip will be the week of October 3.
- The meat inspection's annual self assessment report to the USDA FSIS for determination of equal to status is due November 15, so we are working on this analysis of our program. There is a need for the Vet to conduct 2-3 Food safety assessments at state establishments by this date. These assessments take 1-2 full weeks each.
- Working with VDH laboratory to have our water samples run there while the AG laboratory gets dried out and rebuilt from the flooding.

Meat Inspection Compliance:

- Pete Roy of PT Farm notified the Agency of a non-compliance he received for humane handling. USDA meat inspector was working in the plant at the time of the non-compliance. The preventive measures he gave to the USDA included rebuilding the stun gun, and not killing beef unless there is more than one person present on the kill floor. He said that he felt it was not the stun gun, but having only one person that day on the kill floor, and the stress of it resulted in haste on the part of the worker.

Ag Resource Management

Secretary's Commentary:

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To: Honorable Governor Peter Shumlin

From: Annie Noonan, VDOL Commissioner

Re: Weekly Report for week ending September 9, 2011

1. Initial (new) Unemployment Claims increased last week and, we anticipate, this week. Week ending 8/27/11 = 334; week ending 9/3/11 = 677; and we are on pace to exceed that number by 6pm this evening.

We have received "rapid response assistance" from the town of Wilmington and for "mass unemployment assistance" from Killington Resort (350 workers laid off until mid-September). All UI staff members have been put on the phone lines to make sure that we are keeping the "wait time" as minimal as possible. The time today was

2. We filed with the Feds for the Disaster Unemployment Assistance money, totaling \$933,026 to administer the Disaster Unemployment Assistance (DUA) program due to severe storms and flooding beginning August 27, 2011.

3. Workforce Development filed for a new NEG Grant totaling \$1.68M to enable us to place long-term unemployed workers. This is on top of the existing \$1.2M grant we had for the flooding in May.

4. Even with the inevitable increase in unemployment related to the storm, we do not anticipate borrowing from the Feds for our UI Fund during September or October, (and hopefully not November, but that's yet to be determined). We owe the interest on the UI Trust Fund at the end of this month. I was asked by Steve Klein if we have finalized the number, but we need to wait until closer to the end of the month.

5. VDOL took "job orders" of approximately 500 new jobs, mainly relating to the disaster clean-up and rebuilding. We have put our regional office staff members.

6. All VOSHA and WorkSafe staff members are out in the field in consultative roles to the employers involved in clean up and repair. BGS has been utilizing WorkSafe to a significant degree.

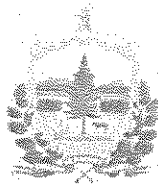
7. Regional Workforce Development/WIB grants have been determined, and every grant applicant received a significant portion of their request, so they should be pleased. Adult Tech Ed grant application is finalized and going out (we met with ATE folks today), and Internship grant application is nearly ready.

8. NEG Disaster Grant has approved one new worksite (Cambridge Green Pathways), with 4 already approved.

103 South Main Street
Center Building
Waterbury, VT 05671-0301

Tel: (802) 241-3600
Fax: (802) 244-1102

www.anr.state.vt.us



Deborah L. Markowitz
Agency Secretary

Christopher Recchia
Deputy Secretary

**State of Vermont
Agency of Natural Resources**

CONFIDENTIAL and PRIVILEGED

To: Governor Peter Shumlin

From: Deborah Markowitz, Secretary, Agency of Natural Resources

Date: September 9, 2011

Subject: ANR Weekly Report

Governor Level Issues:

- **Flood Response:** Staff have been working extremely hard on two fronts: dealing with the affect of Irene on our offices and workspace in Waterbury, and assisting around the state on recovery and response efforts. On the latter, we are addressing:
 - **Gravel** – Our River Engineering staff are out assisting municipalities, VTrans and individuals with relocating streams to their original channels, gaining gravel from filled in areas for replacing roads, and ensuring we are doing whatever is possible to restore the rivers and streams so they are functioning and capable of handling any new rainfall. This is being done under our emergency authorities. **We are NOT waiving or relaxing environmental standards nor do we need to do so to be responsive.** Our staff is actively involved in a cooperative and productive way to ensure we are doing everything possible to help restoration of roads, bridges, culverts and stream channel correction/restoration.

It is critically important that the message on gravel removal and stream channel work be accurate. Our action and words now will have consequences for the rest of our lifetimes – not on fish or natural resources, but on future floods and lives. Thanks for taking time to talk with me this week about being on message.

We are also providing technical support and guidance dealing with the following environmental issues:

- Debris – Working with the Solid Waste Districts
- Air Quality – Putting out an advisory in consultation with the DOH

- Hazardous Materials – responding to oil spills and contaminated water – particularly in basements, Household Hazardous Waste disposal.
- Sewage Treatment – monitoring and assisting wastewater treatment facilities
- Water Supply – monitoring and assisting public water supplies and helping advise on private systems
- Parks – all are open except five. Access to Camels hump is impossible so we're recommending people stay away from there.
- F&W - Accessing access areas and conducting damage assessments. Roxbury fish hatchery was severely impacted.

Several of these issues are discussed in more detail below

Legislative Issues/Contacts:

- We responded to many legislative inquiries, either directly, or routed through the Governor's office. Many related to stream alteration permit issues, primarily questions about gravel extraction from stream and river beds. We have prepared and distributed a fact sheet about stream alteration permits during this period of widespread emergency response to flooding.

Press Issues/Releases/Contacts:

- Flood related press releases issued this week:

Hazardous Waste Drop-Off Locations

Technical Assistance for Working in Wetlands, Lakes and Ponds, and on Stormwater Projects

Guidelines for Failed Septic Systems

Information on Location Changes for Key Services

Warning about Recreating in Waters Impacted by Irene

Warning about Access to Hiking Trails and Trail Closures

Significant Events/Meetings:

- Emergency flood response has been our overwhelming priority over the past week. We have continuously staffed the State Emergency Operations Center and have had a variety of emergency response staff deployed across the state as discussed below to deal with spills, road and bridge damage, solid and hazardous waste disposal, and a variety of other flood-related issues.
- We have also been engaged in a series of meetings and conversations with BGS, DII, DHR and other state officials regarding relocation of our Waterbury-based staff to other offices.
- In all, this has been a week that placed significant demands and stresses on our staff and capacity.

SUMMARY OF KEY DEPARTMENT ACTIVITY

- Irene Recovery Summary - All ANR data and systems were back online by Wednesday morning 8/31. The emergency relocation of all Waterbury-based ANR servers to Montpelier was successful in providing access to data and mapping services to support the flood damage assessment and recovery efforts.

Environmental Conservation

- We have been coordinating with the Department of Health in responding to inquiries about the health effects associated with dust and fumes associated with the flood damage response efforts and will shortly release a fact sheet with recommendations. In short, the majority of risks from airborne contamination can be safely managed with a range of dust masks.
- Our environmental enforcement officers have been responding to a range of flood related complaints and assisting with emergency response by directing callers to the appropriate personnel within state and local government.
- Permit and compliance assistance staff have also been fielding and responding to questions or directing questions to the appropriate personnel within federal, state or local government.
- Although we are still gathering information on dam failures and problems, it is encouraging that after receiving reports from various parts of the State, we have heard of only a few instances of serious damage. Only one non-jurisdictional dam reported to breached with a loss of pond contents. The following is a summary of the status of dams within DEC's jurisdiction:

High Hazard dams (DEC jurisdiction)

- **Waterbury:** Flood storage being released via turbine and HB valve. Normal operation should return Monday or Tuesday depending on rain this weekend.
- **Wrightsville:** Flood storage still being released through flood control conduit. Reservoir at elevation 647.1 feet versus normal level of 634.0 feet elevation. Pool dropping at about 5 feet per day while WEC generates, 3 feet per day with no generation.
- **East Barre:** Pond level returned to normal as of 9/1/11.
- **Jewell Brook #1, #2, #3, #5, Ludlow:** Report from Rob Allen of NRCS. Dams performed fine, but two of them may have activated spillways. Not substantiated at this time.
- **Lake Mansfield, Stowe:** Visually inspected by Dam Safety on 9/1/11. No deficiencies noted, water level in lake at normal summer pool. Appeared that lake rose about 1 foot during storm. Attendant at lodge reported that stoplogs had been pulled prior to storm and that about 7 inches of rain fell in the area.

- **Mackville, Nichols Pond, Hardwick:** Dams are owned by Hardwick Electric Department. As reported by Shawn Patenaude, P.E. of Dubois & King, no problems noted.
- **Snow Lake, Dover:** Reported by Mount Snow to have overtopped, but is ok. Ed Floyd, P.E. of Technicon reported to be inspecting dam, but has not reported back to Dam Safety yet.
- **Star Lake, Mt Holly:** As reported by Morris Root, P.E. dam overtopped but did not fail, no signs of erosion noted (from video of overtopping). Morris will attempt to inspect next week.
- **Stiles Pond, Waterford:** As reported by Water Treatment plant operator, pond was lowered six inches prior to storm, all discharge stayed in principal spillway.
- **Thurman Dix Reservoir, Barre:** cursory visual inspection by dam safety on 8/29 revealed no deficiencies, appeared that all flows easily passed through spillway.
- **Wantastiquet Lake, Weston:** As reported by Morris Root, P.E. (through conversation with caretaker) no major deficiencies noted, minor erosion of abutment at principal spillway that was replacement last fall. Morris will attempt to inspect next week.
- **Warren Lake, Warren:** Visually inspected by dam safety on 9/2/11. Dam performed very well, no deficiencies noted.

Geology

- **Landslides:** We usually hear from Emergency Management if someone is reporting a landslide but have not had any calls from them so assume that no homes are directly affected or there are high banks cut by streams that are part of flood erosion recovery. The state geologist is available to visit slides if the need is there.

We looked at a location of a mudslide on an air photo image by USGS but it appears to be away from houses west of the Rutland City reservoir and then west of the western loop of the post road extension.

- **Sand and Gravel:** NRCS contacted us about geologic information that can help locate sand and gravel resources. Given our office situation and limited access to our files and maps, we referred them to the surficial geologic maps at our web site saying that people can call and we will get back to explain how the maps can apply. This would also hold for any future requests and we can visit towns with this information if they are looking for new sources away from streams.

Waste Management Division

- The Spill Team mobilized cleanup contractors in the Waterbury complex and in the Village of Waterbury, set up temporary headquarters in the Rusty Parker Park, and then in the home of Sue Thayer and Tim Cropley. The majority of the team was in action for the entire week with 113 significant spills and counting. We will attach the list of spills in an amended report since it is evolving by the minute with this writing. Spill Central will continue for the foreseeable future.

- Staff assisted in Preliminary Damage Assessment teams with USEPA, USCG, the Vermont Haz Mat Response Team, and FEMA that mobilized out of the Burlington JFO (joint field office) as part of the evaluation of the hot spots of hazardous waste releases and infrastructure impacts – primarily water, wastewater plants and ancillary facilities.
- Debris management plans were drafted with the assistance of the Solid Waste Districts and alliances, and discussed with EPA at the SEOC late Friday. Of particular importance is the need to work out the details of the plan for obtaining EPA resources to provide for the collection and disposal of household hazardous waste (HHW) retrieved from the debris as well as coordinate the collection of electronic waste and white goods (appliances) that are generated.
- Additional USEPA assets are also being coordinated through the teams in the SEOC in order to provide up additional capacity for pumping oils and other hazardous wastes using vacuum trucks and frac tanks for the southern areas that were devastated.

Wastewater Management Division

- **Wastewater Treatment Plants:** We have been responding to and assisting with wastewater treatment plants that were impacted by the flooding. Our staff provided assistance and guidance to communities and wastewater treatment plant operators to provide technical guidance and we have participated in doing damage assessments.
- **Non-hazardous waste sludge management:** We have been responding to requests for assistance for guidance related to how best to manage non-hazardous sludge associated with the flood cleanup.

Water Quality Division

- **Stormwater Program** staff is in contact with the regulated community, and field visits are occurring. No new permit issuance will be possible until we have the program's administrative staff located in a temporary office with access to the network and internet.
- The **Lake Champlain monitoring program** is continuing on a reduced number of priority parameters for the time being until complete sample preparation and storage capabilities are available.
- **Biomonitoring** program staff conducted a herculean effort to save public records and well over \$100k of technical equipment. Staff has established an interim field staging area in Montpelier, and MAPP manager is coordinating with other WQD and DEC staff to ensure continuity of surface water monitoring and assessment operations, including temporary lab space and analytical capacity. The Lake Champlain Basin Program is offering limited financial assistance if needed to maintain Lake Champlain monitoring program at full capacity. This is a top priority for maintenance of operations.
- **River Program:** During recovery from this flood disaster, Rivers Program staff is continuously out in Vermont communities to provide technical assistance and problem solving. Recognizing that recovery in the aftermath of a State-wide flood disaster requires extensive instream work, the Program is assisting landowners, municipalities, and other agencies in the design of restoration projects that supports

recovery operations in a manner which will reduce vulnerability, loss, and public safety hazards during the next flood. The Program, integral to its technical assistance mission, will assess and explain how rivers and streams behave during floods to better inform decisions concerning stream, infrastructure, and property restoration. We must acknowledge that the conditions that existed prior to the flood may not be desirable or even possible to recreate. The decisions we make recovering from this flood may well determine how we fare during the next one.

- Vermont Emergency Management and the Hazard Mitigation Committee are proposing changes to the **Emergency Relief Assistance Fund (ERAF)** rule. FEMA provides Public Assistance (PA) grants to Vermont communities to repair damaged public infrastructure after a presidentially declared disaster. The ERAF rule establishes the process for distributing the State's contribution of the non-Federal match. The proposed new rule maintains the State contribution of funds at 50% of the non-Federal cost-share, if communities implement certain hazard mitigation measures and standards. Municipalities can qualify for an increase in state match by implementing best hazard mitigation measures (i.e., no new development in the FEH and mapped floodplain). VEM and ANR are scheduled to give a brief presentation to ICAR on Sept. 12th.

Water Supply Division

- We have been working to provide technical support to municipal water supply systems across the state, particularly in the southern part of the state. In addition, we are participating in damage assessments for communities and the state, and also tracking the status of the systems as part of supporting and coordinating with the emergency response.

Fish and Wildlife

- **Warden Assists:** In the northern sections of the state Tropical Storm Hurricane Irene had very limited impact. Several of the wardens assigned to the north assisted in attempting to salvage and subsequently clean equipment that was flooded in the Waterbury Complex storage areas.

The storm's effects in the central and southern regions were much more devastating. Wardens in these regions supported both local and state entities by answering calls for assistance. Early in the week wardens continued welfare checks in areas that were cut off, especially in the Stockbridge, Pittsfield, and Rochester areas. As the week progressed, those efforts changed to delivering aid and supplies to cut off communities and roads. In the Wilmington/Brattleboro region, wardens acted in security roles at roadblocks and FEMA meetings.

- **Harriman Reservoir:** Harriman Reservoir was severely impacted by the large volume of floodwaters. Several wardens spent several days clearing hazardous debris floating in the water. Some examples of the debris were oil and propane tanks (some up to 1000 gallons in size), hazardous chemicals, cleaning supplies, and entire trees. The reservoir continues to have a large flooding debris field but most of the hazardous chemicals have been removed.
- **Damage Assessments Wildlife Management Areas (WMAs):** Staff conducted Hurricane Irene damage assessments at Bill Sladyk WMA, Wenlock WMA, West Mtn. WMA, and installed road closed signs.

- **Roxbury Hatchery:** The Roxbury Hatchery and Lab sustained significant damage when Flint Brook flood waters breached a retaining wall and flowed through the property. The flood waters washed through the five ponds and two concrete raceways used to rear trout at the hatchery, filling them in with gravel and putting one to two feet of water in the hatchery and lab buildings. The Roxbury hatchery raises brook trout and rainbow trout, and lost most of the fish (80,000 to 90,000 trout) in the outside ponds and raceways. It appears that about 10,000 trout are still alive in the lowest pond. The Department will explore all options to cover the lost fish to minimize impacts to fishing in 2012 and beyond. Roxbury rears 100% of the two-year-old "trophy" brook trout stocked in Vermont and over 20% of the one-year-old inland trout stocking.
- **Waterbury Fish & Wildlife Lab:** The lab building received significant mud and water damage.
- **Bald Hill Hatchery:** At the Bald Hill hatchery in Newark, the intake became plugged with sediments, impeding the flow of water to its fish. Only about 400 one-year-old brood stock salmon were killed before workers were able to fix the problem.
- **Bennington Hatchery:** A similar situation occurred at the Bennington hatchery, where a swollen South Stream dislodged the pre-filtration plates on its water intake. On-site staff quickly detected the problem and were able to use emergency pumps to recirculate hatchery water until the intake could be cleared. None of the 140,000 trout was lost.
- **Sea Lamprey Control:** Application of lampricide has been delayed, but is still expected to proceed this fall with a tentative treatment date for the Poultney River of September 28. The Poultney River is the only river in Vermont scheduled for sea lamprey control treatment this year.

Forest, Parks and Recreation

- **Plum Creek v. State of Vermont** - Discovery has commenced and depositions are being scheduled for end of September, early October. Tentative dates for trial in this matter are November 15-17.
- **Parks Division** - No new damage or significant issues due to last weekend's storm. Updates on the following parks impacted by the flooding -

Gifford Woods - park still closed due to limited access. Power and phone restored. Main sewer line washed away in flood. A temporary repair should be in place this week. Once access is restored park will be open.

Camp Plymouth - Has significant flood damage. Park closed for season. Engineers on site 9/7 to consult on repairs. Staff has and will continue to consult with D.E.C. and UVM archeology on project. Goal is to have the clean-up and repairs completed by November and have park ready for re-opening in the spring. Repairs include:

1. Re-routing Buffalo Brook back to its normal course, (it is currently running through pavilion area).

2. Concession building had two feet of water in it and needs be repaired.
3. The entire park needs significant clean-up of the 6" to 2' of mud covering most of it.

Coolidge - Park will be accessible starting Wednesday from rte. 100 and 100A and open for business. Still no access from the Bridgewater side of 100A.

- **The following parks have re-opened though experience some limited access**

Jamaica, Townshend, Silver Lake, Molly Stark, Woodford, Half Moon

Waterbury Center - closed for season.

- Park staff has done a tremendous job preparing for storms. The minimal damage to park infrastructure is a testament to our hazard tree program and diligence with our road and culvert maintenance.
- The call center is functioning at the Barre Office - Normal park operations continue.
- Work as normal including planned capital projects continues even in the flood zone.

Forestry Division - District office staff are busy assessing forest highways, trails and parking areas for damage from flooding. The information is being collected on the Dept. web site at:

www.vtfpr.org/resource/RoadsandTrails.cfm A companion site to help people begin to deal with storm damaged landscapes and plants is taking shape at: www.vtfpr.org/resource/storms.cfm

- Access to some roads and trails are affected by damage to town roads that lead to them. Staff are not able to thoroughly check on some state lands in Killington, Plymouth, Shrewsbury, Mendon and Bridgewater yet.
- At least two timber sales on state lands will be interrupted by the storm damage. In one, two bridges in a Right of Way have failed, but the logger may be able to replace those this fall. In another, the sale had not yet started, so talks with the contractor are underway to see what is needed. Several sales that were ready for showing/bidding are being postponed, although we are able to move forward with some others.
- The VT Tax Department has extended the deadline for Use Value Appraisal Applications. These were due September 1, but have pushed back to October 1. The usual deadline for Forestry UVA plans to County Foresters is October 1. We will be prepared to offer some extensions to folks in flooded areas, but probably not blanket extensions.
- The Farm Services Agency may offer the Emergency Forest Restoration Program for flood damage, but it is unclear how helpful this will be as it can only be used to clear unmerchantable woody debris that interferes with forest growth. It is not available for road repair or waterbar replacement. The Natural Resources Conservation Service is extending some of their practice program deadlines to assist forest and farm owners.

- The Forest Protection staff makes annual summer flights to map forest landscapes from the air for signs of stress or dieback. These flights were not able to happen due to contractor equipment issues and of course, the weather. But staff members noted that there are increased flights by other agencies right now, including the Civil air Patrol. They have made arrangements to hop some of these flights to complete their forest health surveys.
- **Ski Areas:** With the exception of Killington, most of the seven ski areas that lease state forest land escaped major flood damage. A recent addition to the K-1 Baselodge at Killington located within the leasehold boundary was totally destroyed by the flood. Plans are underway to replace this addition with a temporary structure. There was also significant damage at Jay Peak, though nearly all of the damage was outside the lease area on land owned by Jay Peak Resort. Although Ludlow received heavy flood damage, Okemo Ski Area was largely unscathed. There was some minor damage to the Okemo Mt. Rd. that has since been repaired. Burke Mt. received very little flood damage. Burke has completed construction of a wind turbine within the lease area boundary and are working on upgrading the powerline up the mountain. Burke is tentatively planning a ribbon cutting ceremony for this new wind turbine (with the Governor, hopefully) on October 22. Details are still being worked out. Burke continues to work on a new upper mountain lift that is scheduled to be operational by December 15. A major lift replacement project continues at Stowe.

Privileged and Confidential
Memorandum

To: Peter E. Shumlin, Governor
From: Douglas A. Racine, Secretary of Human Services
Re: AHS Weekly Report
Date: September 9, 2011

Vermont Department of Health (VDH)

The Health Department has been working closely this week with the Agency of Agriculture to provide guidance on safety of produce affected by flooding that is consistent with FDA regulations.

During the recovery phase, the Health Department has worked with Vermont Emergency Management, Agriculture, Natural Resources and Mental Health on informing the public about food and drinking water safety, safe re-entry of homes, cleanup of mold and other health and safety hazards, proper disposal waste, drinking water testing, staying emotionally well, etc.

More than 500 water test kits have been distributed so far by the Health Department Laboratory and 12 district offices. Requests for the kits have been increasing throughout the week. District office staff has also been working to distribute public health and safety information along with N-95 respirators and non-latex gloves to volunteers and residents for safe cleanup of debris, silt, mud and dirt.

The Office of the Chief Medical Examiner also continues the difficult process of identifying the remains of family members buried in washed away section of the Woodlawn Cemetery in Rochester, all in coordination with the Vermont State Police, Colchester Technical Rescue, and assistant medical examiners who have served as the primary searchers.

The Health Department, FEMA and the State Emergency Operations Center continue to integrate health and disaster data to inform emergency response and recovery actions. The Health Department is also offering space to displaced Waterbury State Office Complex employees and they are transitioning smoothly.

Department of Mental Health (DMH)

Media Contact

Commissioner Oliver spoke to the following media about the status of the Vermont State Hospital – current patients and future plans:

- Brattleboro Reformer
- Waterbury Record
- Vermont Digger

Governor's Priorities – Vermont State Hospital

DMH continues to monitor the patients who were dislocated by the flood. Commissioner Oliver held a meeting with numerous community partners to discuss interim operations. The emergency placements will not hold for the longer-term. The Brattleboro Retreat, several hospitals and designated agencies participated. The meeting went well. All of our partners continue to be extremely supportive. Christine has been exploring options for a replacement hospital in the event that the Waterbury complex remains unusable. The most viable option at this point appears to be a modular hospital unit – quickest to get operational. Christine will obtain an initial cost estimate and explore this option with BGS.

In addition, Commissioner Oliver spoke to a Keith Sauders, U.S. Secret Service Agent. He inquired about the location of a VSH patient who had previously threatened former President Bush. Keith had no concerns with the physical move of the patient and is agreeable to any placement option that is best for her in the future.

Programmatic Challenges

Vermont State Hospital - the biggest challenge DMH faces in the aftermath of the flooding is a mid-term plan for VSH services. Most immediately, DMH needs to find an alternative for the patients currently housed at the Southern State Correctional Facility and address new patients needing VSH level services. There has already been one patient in restraints for an extended period of time in the Central Vermont emergency room because there are no beds available. Fletcher Allen and the Brattleboro Retreat are working with DMH but are already beyond their capacity. Commissioner Oliver is contacting BGS for assistance in exploring a modular hospital that could be built quickly and last for 2-3 years (while a permanent replacement is constructed).

In addition, sending staff to work with patients at multiple sites is extremely challenging to coordinate and very disruptive to staff.

Department of Disabilities, Aging and Independent Living (DAIL)

Irene impact on core populations

No nursing homes were evacuated. Many lost power and generators worked adequately. All had adequate food and staff. Two facilities, one in Bennington and one in Rutland anticipated a possible evacuation one week after the flooding due to water shortages but this has not materialized.

Seven residential care facilities evacuated. All but one returned within 24 hours; the 7th returned after one week. No loss of life or limb.

Our partners in the Area Agencies on Aging reported no significant problems and noted how well communities were coping.

A 17 year young man with a developmental disability who is served by Families First has been missing since the flooding began. No details are available at present. This young man is a service recipient but he is not in our custody.

SEOC contact

At request of Bob Cosatino, I visited Melrose Terrace in Brattleboro on Sunday. Melrose Terrace is a property of the Brattleboro Housing Authority and is comprised of 80, one bedroom apartment homes for low income seniors and persons with disabilities. Hayes Court which is above Melrose has 72 apartments and was also evacuated. In all, 150 residents were evacuated. Everyone is safe and temporary housing is being provided by families, in motels, nursing homes and residential care facilities. Executive Director Christine Hart expects everyone to return and all apartments to be re-occupied but over half of the units will be uninhabitable for at least 2-4 months. Temporary housing is clearly the most critical need for this population at this time. Residents are being directed to FEMA for individual assistance with rental support.

FEMA contact

FEMA and Vermont Center for Independent Living (VCIL) have joined to develop stronger statewide partnerships designed to insure that disaster recovery centers (DRCs) and disaster supports are accessible by persons with disabilities. This is a new strategy for FEMA and an outgrowth of lessons learned in Alabama. Commissioner Wehry participated in the initiatory meeting and DAIL will be an active member of that coalition. FEMA is taking the lead on providing sign language interpreters for community meetings, providing durable medical equipment at shelters, addressing site accessibility issues and mental health needs. Once the situation is stabilized, FEMA and VCIL will initiate disaster preparedness trainings.

Ongoing operations

About 2/3 of our workforce centered in Waterbury has returned to work in temporary work sites.

Adult Protective Services

Operations have continued throughout Irene ordeal; intake and screening were essentially uninterrupted but there have been isolated complaints of difficulty with sending faxes. There has been no change in the volume of calls. Field investigations have been hampered by washed out roads and bridges and impact of storm on field investigators.

We have 7 vacant positions and recruitment is underway. Filling positions is the number one priority. The target date for hiring, orienting and placing in field is now pushed out to Oct. 31st.

Long term care

Our ability to make payments to both nursing home and home health providers was threatened by the unavailability of the federal server due to flooding in Waterbury causing some considerable anxiety among providers. We have been in consultation with the regional administrators in Boston and a solution is in the works. We have a way to work around the problem if it is not and we have reassured our providers they will be paid.

The second challenge is the processing of financial eligibility for Medicaid so that we can enroll qualified recipients in the Choices for Care Program. This is one of our most pressing needs and one that has the full attention of Commissioner Yacavone and the Secretary's office.

Department of Corrections (DOC)

Population Updates:

The department's population remained stable during the hurricane Irene event and the aftermath. The department is still recording detention numbers near the 400 inmate mark. The total incarcerated offender population is maintaining above the 2100 mark and the female incarcerated population remains at or above the 160 mark. The female detention numbers are remaining near or above the 50 person mark. The department is supervising 63 inmates on Reintegration Furlough, 17 inmates on Home Confinement and zero inmates on Home Detention.

Facilities, Field, and Central Office:

The correctional facilities continued on normal operations internally. The Marble Valley Regional Correctional Facility is still dealing with water concerns expressed by the Town. As of Friday, the Town water supply was still above emergency levels and no water restrictions had been imposed. The MVRFCF has contacted the remaining facilities in state and organized delivery of emergency water supplies should restrictions be imposed.

As indicated in the DOC after action report, all facilities have reported no significant damage or concerns from the storm. Normal activity and communication between the Central Office functions and each facility is still challenging, but being managed. Finance functions are being coordinated by Marcey Hodgdon and each facility seems to be getting their needs met. Communication with my office is still remote (cellular telephones) until the Executive Offices of the DOC are established with telephone lines and network connectivity.

The VSH patients residing at SSCF are doing well according to the Superintendent. There have been no concerns reported from either the facility or VSH. The executive order is still not finalized. I've been working with Bob LaRose to clarify some of the language around the security needs and procedures in the event of an emergency. He was provided the requested directives on these issues this morning.

All Probation and Parole Offices were operational as of Tuesday August 30th. Offenders were supervised during the aftermath of Irene. During the storm District Managers were instructed to keep field staff safe and have contact with local law enforcement. The courts statewide were contacted and informed that the DOC is without computers and requested that if possible and prudent to push back reporting instructions to facilities and Probation offices. We also informed the courts that we would not be able to complete court mandated reports and to have the due dates pushed back until our computers were back on-line. The court did assist us in our request.

All Probation and Parole Managers were approved to deploy as many community service work crews as possible to areas that needed assistance in the recovery. Managers are contacting towns that were impacted by the flood to offer any assistance. Sites were approved for overtime for staff in order to get this assignment accomplished. There were multiple crews sent to the Hartford and Waterbury areas as those areas sustained significant damage from Hurricane Irene. As of Sept. 8th over 250 offenders and 3000 man hours have been donated to communities

impacted by this event. Sunday August 28th, field staff from Hartford and Springfield Probation and Parole was assigned to Springfield Correctional Facility to assist their operations due to VSH patients being moved there.

The DOC is orchestrating several work crews to assist employees in moving out of the Waterbury Complex for the week of September 12th. Today we are coordinating with Martha Giglio to assign work crews to each department for Tuesday through Thursday. The instructions, as relayed by Patrick Flood, were to assist with moving personal belongings from the complex to personal vehicles and leaving work belongings on site until BGS organizes the relocation of these items. Mike Touchette and Dominic Damato preliminarily have arranged 10 work crews with about 85 workers to assist with this move.

Dale Crook and Mike Touchette worked on identifying space within the DOC for displaced Central Office staff. These updates and contact information are updated daily as space is identified. Most staff were at their new work location on Tuesday September 6th. Burlington P&P, Barre P&P, AHS building in Winooski, and the Community High School of Vermont, Burlington Campus as been the primary work locations for staff. Additionally a lease has tentatively been secured in Williston for the Commissioner and his staff. It is expected that on Monday September 12th all Central Office Staff will be at their new work locations. Communication in many areas remains a challenge and staff awaits connectivity to phone lines, network capabilities, and office equipment.

This week, several staff members from different offices were able to access vital records and equipment in Waterbury through coordination with BGS security. We've managed to assist on-site in Waterbury through supplying particulate masks and boxes for workers and employees who have been authorized to enter the complex. Last week, we provided nearly 1000 particulate masks and this week, we issued another 320. We still have an ample supply in Waterbury and reserves throughout the state in the correctional facilities should the Agency need them.

DOC has reached out to 25 communities in reference to community service crews so far:

Department for Children and Families (DCF)

Due to herculean efforts by countless state employees all of our payments to Vermonters that were suppose to go out have, and several additional ones are on schedule to go out next week as they would normally. Specifically our child care providers were paid, 3SquareVT Participants had their accounts replenished as planned, child support payments were processed and our payments to foster care families are scheduled for next week as usual!

Our centralized intake for receiving calls of alleged child abuse and neglect (we receive a call every 33 minutes) never lost functioning during the storm as we moved the line to the house of one of our employees and have cobbled a short term functioning plan until our new call center is up, which we expect to be late next week.

The area where we are struggling the most is in processing benefits. Prior to Irene we had around 600 applications for public assistance that were older than 30 days which is the court imposed standard and we had made great progress in this area from last summer when nearly 3,000 applications were older than 30 days. Today we estimate that number to be 8500 and growing. As soon as we get our computer work stations up and running at IBM we will be able to start attacking the back log and we will reassign staff in our Reach-Up unit to help us. While we run the risk of penalties in the Reach-Up program for failing to meet our "Work Participation" rates I am confident we can address that challenge in the future. We need to deal with this crisis first.

We are experiencing heavy foot traffic at our district offices as our call center for benefits is down. The lines at the district offices are long and the face to face encounters that were normally handled by our call center are slowing down our worker productivity. We are averaging nearly 4000 phone calls a day at our district offices.

While we are encountering huge challenges, I am confident due to the incredible dedication of our staff that we will weather this storm in due time and come out stronger than ever.

Department of Vermont Health Access (DVHA)

- (1) All DVHA functions are operational. Enrolled beneficiaries continue to be covered and providers continue to be paid.
- (2) Re-establishing application and enrollment functions within DCF, specifically HAEU, is a priority for us.
- (3) There may be Vermonters who applied for health care benefits on August 24-26 whose application may have lost before processing. Anyone concerned about the status of their application should call or re-apply.
- (4) Vermonters without health care coverage who have been impacted by Hurricane Irene are encouraged to apply for Green Mountain Care programs, including VHAP, Dr. D. and Catamount.



State of Vermont
Agency of Administration
Office of the Secretary
Pavilion Office Building
109 State Street
Montpelier, VT 05609-0201
www.adm.state.vt.us

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

Jeb Spaulding, Secretary

**PRIVILEGED AND CONFIDENTIAL
MEMORANDUM TO THE GOVERNOR**

TO: Governor Peter Shumlin
FROM: Secretary Jeb Spaulding
DATE: September 9, 2011
SUBJECT: Confidential Report to the Governor

CONNECT VT

Status of Governor's Priorities:

VTA Update of Activities: Cellular request for proposal has been finalized and issued, seeking proposals for build out and funding of three strategies:

- Retail carriers- responders would include ATT, Verizon, US Cellular, Sprint, and T Mobile- with proposals to work collaboratively on development of sites. This category is the next step building on our meetings through the summer with carriers.
- Alternative strategies- rural roaming carriers or equipment suppliers, spectrum suppliers will respond to this.
- Tower Companies- third party entities that would build towers for carriers.

All of this work builds on previous steps through the summer: request for comment, target corridors and drop zones, meetings with carriers to define where they will build and where VTA investments can accelerate activity.

Responses to RFP are due October 5, we anticipate that the board will be considering proposals and funding in the November/ December time frame.

Fiber Request for Comment: Released with comments due October 6. The RFC outlines the VTA fiber investment strategy and three areas of the state: Northeast Kingdom (routes 14 and 16), Orange/ Central (302, 2, 125) and central/south down 100. This RFC will dovetail in timing with the release of the target communities GIS work that is due September 30.

Hardwick – Newport: Request for comment on Hardwick Newport \$500K was released, responded to. Of the responses, Fairpoint was opposed to fiber build seeking more information regarding use. The proposed fiber route is 14, serving needs of Vt Electric Coop, VTel, potential cell sites, and offering a contiguous run between Hardwick (several fiber assets juncture here) and Newport. We are working to get additional comment on strategy from all partners.

Significant Events/Meetings:

Verizon Wireless: Came back to the table and discussed capital plans through 2013. We have a good sense of their planned activity and the additional 52 sites that are on their target list. These remaining sites are where collaboration between tower companies, VTA, RR carriers takes place to build. We have made significant progress with both major carriers, with them gaining the understanding that we will fund infrastructure projects for mobile and their participation in a strategy that creates coverage faster is key. The risk/ unpredictable factor is allocation of capital by these companies.

Verizon will likely have two tower completion events that we can co-opt for Gov involvement/ press in early October.

Cloud Alliance tower completion has been delayed due to design specs, now anticipate November.

BUILDINGS AND GENERAL RESOURCES

Status of Governor's Priorities:

BGS striving to keep focus on other priority assignments and establishing normalcy while dealing with the Waterbury State Complex disaster asset protection and state employee relocation.

Significant Events/Meetings:

Meetings held with AHS, ANR, State Colleges and Agriculture Agency regarding the condition of their Waterbury quarters and plans for their buildings, employee relocation and associated logistics. BGS conducted a Waterbury flood debriefing every day during the work week. Met with LT Governor Scott regarding the proposed VSH site and to talk about the effects of Irene on the SOV and strategies to meet the challenge.

FINANCE AND MANAGEMENT

Evolving Issues:

Irene Flood Costs for Clean-up, Repair and Replacement - Statewide: Finance and Management, in consultation with BGS-Risk Management, has developed a one-page coding matrix related to Tropical Storm Irene. The matrix will be a reference document for business managers and staff about coding and tracking clean-up costs and purchases related to Irene. The matrix and a cover memo from Commissioner Reardon were distributed this morning, following the releases of the Department of Human Resources communiqué on time coding relative to Irene. The coding structure developed for both payroll and the purchases of service and goods will provide the detail level information required by FEMA and the State's insurance carrier for the claims process. Commissioner Reardon is meeting

with FEMA this afternoon in Burlington to ascertain more detailed information on coverage, process and requirements.

Irene - Vermont Veterans' Home (VVH): The public water supply in Bennington has been re-established. Overtime costs have steadily decreased over the past month. We have continued to hire staff to fill our open positions and our off payroll hours have decreased. A Licensed Nursing Assistant (LNA) class will begin 9/26 and continue until 11/8/11. 12 individuals are enrolled in this program. Upon successful completion of this course and the State test these individuals will fill the remaining open LNA positions. Our Geothermal renovation has entered its final phase and all construction work is scheduled to be completed by the end of October.

HUMAN RESOURCES

Significant Events/Meetings:

Discussions with the VSEA: Commissioner Duffy participated in numerous discussions with the VSEA regarding the application of collective bargaining provisions in the wake of Irene. Secretary Spaulding and Commissioner Duffy met with VSEA representatives on Wednesday evening and advised them that the Governor has the authority to determine when an Emergency Closing ends and has determined that the state was only operating on an emergency closure status on August 29, 2011. Secretaries and Commissioners have been advised of this decision, and instructions on how to code time sheets has been provided to employees.

One area of discussion with the VSEA is around the ability of the state to reassign state employees to their home as an alternate work site. VSEA believes that the state does not have the right to assign people to their home as an alternate work site and has proposed an agreement to permit this work. Of note, this proposal would require the state "to provide all equipment and expenses necessary for employees to perform their job duties, including but not limited to costs of internet, phones, and other communication equipment, computer equipment, etc." DHR believes the State has discretion to assign an employee to his or her home as an alternate work location. However, Commissioner Duffy understands that VSEA has privacy related concerns and will attempt to work with the VSEA to resolve those privacy related issues.

Relocation of State Employees Assigned to the Waterbury Complex: Commissioner Duffy is working with Secretaries Racine and Markowitz to reassign state employees to alternate work locations. DHR itself is reassigning the work location for approximately 35 employees.

INFORMATION AND INNOVATION

Status of Governor's Priorities:

Irene Recovery:

- The Waterbury data room has been relocated to 133 State Street data center and 100% of AHS and ANR production systems are recovered and available to users, however there is still some work to do in order to recover a few remaining development (non user serving) environments. VCGI's services have also been relocated to Montpelier and 100% of their production has been restored. All of the services were recovered with no data loss. While this is a monumental achievement, we are not "out of the

water” yet. Some of these systems have been recovered using spare parts and sometimes even prior junked equipment, so the services are still at risk. AHS and DII staff are working to convert these at risk services to the iTOP architecture as quickly as possible.

- The VSP and DPS sites were disrupted by Irene (electrical failure in DPS) and the choice was made to not recover. Rather DPS began porting their data over to VIC for inclusion on Vermont.gov. These sites are not 100% populated with data, but DPS and DII worked together to hurry these sites into production. VSP went live Tuesday night and DPS went live on Wednesday.
- VIC created a Flood Response Dashboard on the Governor’s site to provide a one stop view of conditions following the Hurricane.
(<http://governor.vermont.gov/response>)
- While the AHS website was being recovered, VIC helped put together a temporary website for AHS which was used until the original site was restored.
- The ERP Tech Services group has been busy assisting with process adjustments and on-site assistance for displaced employees in order to ensure payroll is processed on schedule and critical financial processing is supported.
- DII, in coordination with BGS, AHS and ANR is working with Secure Shred to collect, inventory and appropriately destroy desktop and laptop computers damaged by the flood. To date, over 350 machines have been secured and inventoried.
- DII worked with AOT to make high resolution photos available from VCGI, boost file storage and email capabilities and increase bandwidth to AOT command centers.

Other:

- Worked with the MS-ISAC (nationwide security organization) and DII and Dept. of Ed’s networking teams to evaluate the Denial of Service (DoS) attack of Aug. 26 through Aug. 27 that disrupted Internet service prior to the storm. This attack originated overseas and was targeted at machines in the Dept. of Education. The investigation also revealed that a computer virus attack in Education is most likely a related incident. This has been reported through DPS to Homeland Security and they involved MS-ISAC.

Press/Media Notes:

Spoke with Anne Galloway (VTDigger) regarding a rumor she heard about hundreds of new computers lost in Waterbury. I assured her the computers she spoke of were safe, but that many desktop computers below flood level were damaged and how we were managing that. Spoke with Daniel Staples (Times Argus) regarding our IT recovery efforts. His article is available here: <http://timesargus.com/article/20110908/NEWS02/709089893>

Evolving Issues:

Web/VIC Updates

- Harry met with the Governor’s Office concerning their vision for the Governor’s Web site the week of August 15th. Harry is still awaiting the requirements Ari is putting together.

- The Hurricane knocked out the AHS Web server while efforts are under way to recover the content of the old AHS site a temporary site was set up by VIC.
(<http://humanservices.vermont.gov/>)
- **BGS New Site Activities:**
 - **Redstone** – 30 phone lines installed and network connectivity is 100% ready.
 - **372 Hurricane Lane** – 10 phone lines installed; additional 20 on order; Network 5MG WAN circuit in progress; Current IT equipment being moved from the Tel/Data room by 9/8. Telecom survey yields feeder requirement to Fairpoint Demarc. Chad expects to be complete by Friday.
 - **208 Hurricane Lane** – Fairpoint Flexi service being configured and contract amended to add the Phone service. Bill L. advises the service could be expected for as long as 12 months. 10MG WAN circuit in progress. IT Walk through scheduled for 9/8
 - **289 Hurricane Lane** – Fairpoint Flexi service being configured and contract amended to add the Phone service. Bill L. advises the service could be expected for as long as 12 months. 10MG WAN circuit in progress. IT Walk through scheduled for 9/8. AHS has submitted a few one off phone line requests to be installed in existing State space. WAN Circuit is in place however - Prior to Irene we were planning a circuit transition from Level (3) to Fairpoint to be completed by 9/12. IT Walk through to determine the new space tie in plan scheduled for 9/8.
 - **IBM buildings 967 & 965** – Spoke with site contact Deb McCanna and will be meeting for an IT Site Survey on 9/8. Discussed possibility of IBM billing the State back for phone service off their existing telephone system. Fairpoint conducting facilities check.
 - **VSAC** – 10 East Allen St. – Spoke with Site Contact Pat Leduke and will be coordinating an IT Site Survey for 9/9. Discussed possibility of VSAC billing the State back for phone service off their existing telephone system. Fairpoint conducting facilities check.
 - **Fairpoint conducting facilities checks:**
 - 379 South Barre Road, Barre
 - 542 Rt. 302, Berlin
 - 81 River St, Montpelier
 - Montpelier Post Office - **87 State Street**
 - 208 South Park Drive, Colchester
 - 220 Colchester Ave, Burlington
 - 26 University Place, Burlington
 - Outside Fairpoint Territory which means new contract:
 - Northern Power Building, Rt. 100 Waitsfield – Champlain Valley Telecom

LIBRARIES

Status of Vermont Public Libraries: Marty Reid has contacted all public libraries in storm-damaged communities and have received good reports from most. The worst damage was at the West Hartford Public Library where the lower level was completely submerged. They lost 60% of their book collection and their children's room. Reid visited the library and have met with the Library Director and Library

Trustees. Other reports of damage include washed-out driveway (Gaysville), roof leak (Jamaica), mold and water seepage (Manchester) and many wet basements and carpets.

Storm-related Info on DOL Website: Libraries continue to post storm-related information on their website (<http://libraries.vermont.gov/>) that will help libraries and the citizens that they serve. In addition Reid has sent regular bulletins out to library listservs: from VEM, the Conservator's Emergency Response Team, FEMA, other state agencies, and Historic Preservation. She has had very positive feedback and librarians report that this information is much needed.

Donations to the Vermont Public Library Foundation: Now posted on their website: For those who want to make donations to assist Vermont public libraries who suffered damage or flooding as a result of Tropical Storm Irene, please send checks to the Vermont Public Library Foundation, c/o State Librarian, Vermont Department of Libraries, 109 State Street, Montpelier, VT 05609 Checks payable to: Vermont Public Library Foundation, Inc. Funds will be used for repairs, mold abatement, clean-up and replacement of books, furniture and computers. Any funds left over will be kept in a separate account to assist public libraries in future disaster-related events.

Libraries has already received several donations and Marty Reid created a new "Emergency Relief" fund for public libraries damaged in Storm Irene. This will be a permanent fund from which we can make grants to libraries for emergency repairs etc. resulting from floods and other events.

Fund Created to Assist Vermont Librarians: The Vermont Library Association is starting a relief fund to help librarians who have lost or sustained damage to their homes. The children's librarian at the library in Killington lost her home and that was the motivation for starting this fund.

Space Available for Displaced State Workers: Today DII installed new computers and monitors in libraries computer training lab at the Midstate Library Service Center in Berlin. They use this lab to conduct training for librarians but can make this available to displaced workers from Waterbury. The lab has ten new workstations. There is some additional space for tables and chairs (and computers). The room has WiFi and a VSMS port. DII could switch computers from public use to state use very easily. Libraries is also working to clear the conference room in the same building. Currently they have many boxes of books which will need to be moved. This is a fairly large room with tables, chairs, wifi and a VSMS port. There is also a kitchen area.

TAXES

Flood Response

IRS Tax Relief/Vermont Piggybacks: The Commissioner and staff had a regularly scheduled meeting with tax preparers that was dominated by interpreting the IRS relief sections. After several discussions with IRS officials we believe that we have a pretty good handle to walk taxpayers through it. The bottom line we hear from other states is that this is one instance where the IRS is generous and forgiving. To reiterate the IRS relief:

Income Tax: extension for income tax returns and payments due in the August 25 – October 31 time frame until October 31 (extension based on the location of residence, business, preparer and/or records). This extension also covers government and philanthropic relief workers.

Casualty loss: taxpayers have the option of claiming uninsured casualty losses in 2010 or 2011. Amending last year's return will result in an expedited refund (although a taxpayer ultimately might receive a greater tax benefit by waiting to file this year). The IRS tells us the amended return is popular since it gives cash in hand. (The forms are somewhat complex, even the preparers were daunted – however the IRS suggested they contact their brethren in frequently hit states and their national organizations.)

The Department is in the process of finalizing its own provisions to conform extensions and other relief for state taxes (should be finished Friday morning). As noted, the Department suggests that estimated payments due September 15 require a simple certification of damage to receive extension until October 31. Sales/Use and Rooms/Meals remittances for August will be accepted until October 31 upon the same certification. As with the IRS, withholding remittances are not extended except for hardship. We have guidelines for how taxpayers might reconstruct records. Susan Mesner is in touch with Jeff Carr about how all of these provisions might affect revenues anticipated for September and October.

Property Tax Relief: We have been discussing possible tax relief measures with DOE and VLCT. (It should be noted that the Auditor sent along a Killington question from Rep. Eckhardt on this, sure it is only the start). As we resolved with the spring flooding, all are still in agreement that abatement decisions are made at the local level, and it would require legislation for the State to bear the education fund portion. With a “relatively” small problem such as the spring flooding, Tax, DOE and even VLCT (although not on the record) were of a mind that any such legislation could sow mischief and discontent among the towns. Obviously, this situation is much different given the breadth of damage. We will discuss a possible strategy of signaling the intent to introduce a bill that would forgive the towns' education fund liability as long as the abatements follow certain ground rules. (We also will consider if there are any more robust solutions.)

In floating the possibility by Steve Jeffrey, at first blush he thought this might be helpful under the circumstances, and at this point should cover both the spring floods and Hurricane damage. He also thought that we should consider giving extensions for town payments due to schools in December. (Complicated how the money transfers around the system, but very roughly, the old “sending” towns still end up transferring money out to schools.)

With respect to extensions for payments by property owners to the towns (most towns will have some payment due this fall), VLCT is preparing an FAQ that advises that towns do *not* have the authority to extend the deadlines for those payments. At least at the moment, VLCT is advising the towns to handle any missed payments through the abatement process where they can forgive penalty and interest.

Space: The Department has charted out the office moves that will vacate our half of the 5th floor and our basement space at 133 State for DII and AHS. BGS is now working to make the moves happen. The Commissioner has learned first-hand that space is the third rail of state bureaucracy.



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

TO: Governor Shumlin
CC: State Board of Education
FROM: Armando Vilaseca, Commissioner
DATE: September 9, 2011

Pearson/CCSSO International Education Conference: As part of CCSSO's continuing commitment to study and experience international best practices, I was offered the opportunity to travel to Brazil with other State Education leaders, September 9th – 16th. Brazil was most recently featured as part of the PISA 2010: World Class Education for Global Competitiveness report, due to their rapidly improving education system. The Pearson Foundation is generously supporting this initiative through a grant intended to encourage chiefs to travel internationally to exchange ideas and create partnerships for the benefit of all students. I will be one of about a dozen chiefs in attendance and much of the conference will be focused on teacher effectiveness and improving the Achievement Gap, two areas that Brazil has shown great accomplishments in.

Delegation of Responsibilities: While I am out of the country for the next 5 days, I am assigning responsibility for all IT/Finance matters to Bill Talbott, CFO and all programmatic decisions to Rae Ann Knopf, Deputy Commissioner. Any decisions that fall outside of these two areas will be decided jointly by the two of them. I will be available by phone and e-mail, should my authorization be needed and I will be in regular contact with my office during this time.

Irene's Impact on Vermont's Education System: Many schools remain closed at the end of this week, mostly due to the transportation issues, as both staff and students still have to solve the challenge of gaining safe access to their schools. Those schools that are still closed can be viewed via this link: http://www.education.vermont.gov/new/pdfdoc/dept/commissioner_memos/EDU-Vermont_Schools_Affected_by_the_Storm.pdf The DOE is open to looking at waivers for attendance, and will put some guidance out on that in the next week or so. Additionally, school finance staff has been in conversation with the tax department to explore possible education property tax relief ideas related property losses from the Irene floods. We also have fielded calls from local officials regarding school property damage from the flooding and possible funding sources for the repair efforts. We will continue to be in communication with the Administration to keep them apprised of all situations, to help with the overall assessment of flood damage, and to contribute ideas.

VSA: On Thursday I attended the Vermont Superintendents Association's (VSA) all members meeting. I used this opportunity to speak to the group about the NCLB waiver, the Comcast Internet Essentials broadband program, and drivers education, specifically how we are trying to find a way to increase opportunities and lower the costs, which may be achieved by possibly offering these courses through DMV trainers instead of teachers licensed through DOE.

Educator License Renewal Process: In case you should get any complaints from the field/public, I wanted you to know that due to staff vacancies, we are struggling with our educator renewal process, and at times, the delay is significant. We have been offering phone support and are trying to be as flexible as possible. Hopefully, next year we will be able to move to an automated system that will make the licensing process much more efficient and less labor-intensive.

RttT Early Learning Challenge Grant: We continue to work on this and are hoping that with several AHS staff soon to be housed here, that there will be an even greater opportunity for collaboration on this.

Farm to School: A Celebration of Farm to School will be taking place at the Randolph Elementary School on Monday, September 19, 2011 4-6PM. More info is available via this link: <http://www.vtfeed.org/civCRM/event/info?reset=1&id=36>

MEMORANDUM TO GOV. PETER SHUMLIN

To: The Honorable Peter Shumlin
From: Governor's Information and Referral Office
Date: September 9, 2011
RE: Weekly Constituent Update

Current Issues

- The bulk of our calls this week were in relation to volunteer opportunities. Specifically, volunteers were looking for hours at 211 call centers, to offer their second/rental homes, to donate money, and to find volunteer efforts locally.
- We also received flood recovery concerns in regard to road closures, stream rerouting, and local management of recovery efforts.
- In addition, there were some concerns about FEMA assistance. Mobile home parks had especially felt neglected (i.e., Duxbury).
- Few calls regarding *how* to apply for FEMA aid, suggesting clear and consistent messaging statewide.
- Questions regarding state and alternate means of monetary assistance.
- We spoke with volunteer and individual workers wondering about compensation/hire for clean-up.

Appointments September 8, 2011

Fire Service Training Council:

REAPPOINTED: Aaron Collette, Waltham
REAPPOINTED: Gary Oulette, Berlin
REAPPOINTED: Troy Ruggles, St. Johnsbury

Passenger Tramway Board –

REAPPOINT: Peter Mackey, Salisbury
APPOINTED: Karen Keene, Montpelier

Statewide Independent Living Council:

APPOINTED: Steven Pouliot, South Burlington

Vermont Housing Council:

APPOINTED: Kenn Sassorossi, Williston
APPOINTED: Brenda Torpy, South Hero
APPOINTED: Chris Snyder, South Burlington
APPOINTED: Maryllen Griffin, Peacham

Vermont Economic Development Authority:

APPOINTED: John Snow, Charlotte

Vermont Center for Geographic Information:

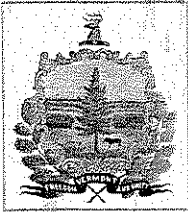
APPOINTED: Richard Boes, Montpelier, CHAIR –

Workforce Development Council:

APPOINTED: Teresa A. Miele, Clarendon

Vermont Housing Finance Agency:

APPOINTED: Lamont Barnet, Bellows Falls



State of Vermont...

Department of Banking, Insurance, Securities & Health Care Administration (BISHCA)

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

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

www.bishca.state.vt.us

Memo from Commissioner Steve Kimbell

CONFIDENTIAL AND PRIVILEGED – NO SHARING Report to the Governor for Week Ending September 9, 2011

Governor's Priorities

Ongoing Storm Irene-Related Activities

Since the storm, BISHCA has received 17 phone calls and 1 email from consumers relating to damage. None of the calls were complaints about insurance company practices or denials of claims. Insurance Division personnel have met with regional and local FEMA representatives and will continue to communicate, as needed.

The Commissioner issued two bulletins to the industry giving the Department's guidance on storm-related insurance issues. To expand public access to the information, the bulletins were the subject of a press release and were posted on the BISHCA website.

Deputy Commissioner Susan Donegan spoke with all Vermont domestic property and casualty carriers last Friday to confirm they are giving storm victims relief from cancellations and late-payment penalties on a case-by-case basis. The Commissioner, in a press release, reminded consumers to make sure their insurance policies remain in force and urging them to contact their carriers in the event of hardship.

The League of Cities and Towns, a self-funded insurance company regulated by BISHCA, reports that its members are receiving coverage for damage to buildings, bridges and equipment from the flood. Flooding and water damage is specifically covered by the League unlike private market policies which do not. The League has a deductible of \$500,000 (per occurrence -- the storm is considered one occurrence) and then reinsurance is activated.

Evolving Issues

The State will be a defendant in an adversary proceeding in the Bankruptcy Court for the Middle District in Florida. A company which had entered into a multi-state settlement went bankrupt and the trustee is seeking to recoup the settlement amounts. Vermont received \$321K. The Attorney General's office will be handling the matter.

