

WEEKLY REPORTS

Checklist
5/29/15

Darren Springer/Alyson Richards

- Agency of Commerce and Community Development – Patricia Moulton
- Department of Labor – Annie Noonan
- Department of Financial Regulation – Susan Donegan (**no report this week**)
- Agency of Education – Rebecca Holcombe
- VT Commission on Lottery – Greg Smith

TBD

- Agency of Transportation – Sue Minter
- Agency of Human Services – Hal Cohen

Sue Allen

- Agency of Agriculture – Chuck Ross
- Agency of Natural Resources – Deb Markowitz
- Public Service Department – Chris Recchia

Sarah London

- Department of Public Safety – Keith Flynn
- Agency of Administration – Justin Johnson

Susan Spaulding

- Boards and Commissions – Susan Spaulding
- Department of Liquor Control – Mike Hogan

To: Governor Peter Shumlin
From: Lucy Leriche, Deputy Secretary - Agency of Commerce and Community Development
Date: May 29, 2015
Re: Weekly Report

LUCY LERICHE, DEPUTY SECRETARY

- **CONFIDENTIAL - Auditor Hoffer** is working on a report on the Vermont Training Program (VTP). ACCD leadership shared a fact-based response, including a recommendation that he share the draft with VDOL since he discusses the accuracy and value of their methodology for calculating wage increases for participants in the program. We hope this will help to temper his report a bit. Besides the wage issue just mentioned, the auditor highlights what he sees as ACCD lack of monitoring and documentation of awardees, as well as compliance with statute where the training paid for by the program cannot be training the company would do on their own—essentially a “but for.” Per Liz’s excellent suggestion, we have teed up businesses to help respond to the press if necessary. As of this writing, the report has not yet been released.
- **Economic Development Marketing:** Pat and Lucy met with the marketing leadership team yesterday to discuss the plan for maximizing the effectiveness of the new marketing appropriation for economic development. The team is doing research and will use it to fill out the marketing plan that Lisa Gosselin had begun. The team will identify gaps in capacity where hiring help from the outside may be appropriate. Everyone agreed that Heather Pelham would be the best person to lead the project, but there is some question around whether her current workload will allow. Still lots of details to work out but our talented team is very excited about the opportunity.
- **CONFIDENTIAL - Quebec Marketing:** As folks are well aware, the appropriation and press event for the LCCC to do Quebec recruitment caused quite a fire storm from the RPC’s and the statewide Chamber. Tim Smith in Franklin County claims to have already spent \$30,000 on such efforts and is quite upset. The editorial from Emerson Lynn only helped fuel the fire. Pat is having many conversations to calm things down which are showing some promise. Pat and Lucy spoke with Bill Botzow about the issue, and he offered to write a letter of legislative intent around the appropriation which should also help. The letter will highlight the funds are for the benefit of the whole state (not just Chittenden County). Kiersten is working on a plan for the money so that this can be as transparent as possible. Ultimately, everyone is going to have to figure out how to work together. As Pat reminds us: there is plenty of work for everyone to do!
- **Granting Plan Bulletin 5:** ACCD has completed and submitted our granting plan and will begin using the risk assessment form and guidance document as we begin our new round of granting agency wide.
- **Reports/Studies/New Initiatives:** Lucy has compiled a spreadsheet with all the studies, reports, commissions, new initiatives and tasks from the 2015 Legislative session. Pat and Lucy will work to assign leads where appropriate.

VT CENTER FOR GEOGRAPHIC INFORMATION (VCGI) ♦ Steve Sharp, Interim Director

- **GIS Data**
 - **New/Update Data and Web Services:** Two new/updated datasets were recently loaded into VT's Open GeoData Portal: 1) VT Electric Cooperative's overhead and underground distribution lines (NEW), and 2) VT's Bridge and Culvert Inventory – collected by towns and RPCs for structures managed and maintained by municipalities.
- **VCGI Imagery Program**
 - **LIDAR:** Leslie and Mike are planning an outreach effort to notify partners and potential partners about the 2016 Broad Area Announcement (grant opportunity) for 2016. Goal is to secure funding to collect data along the Connecticut River/East side of VT.
- **Outreach and Professional Development Program:** Leslie finished up preparations for the June 2 *VT Geospatial Forum* at the Capitol Plaza Hotel (including UAV-drone demo at the Dept. of Labor!). She also collected GPS data for the Parcourse trail and exercise stations and started to create a map! She plans to create a hard copy and online map that will include pictures of each station's sign.

DEPARTMENT OF TOURISM & MARKETING

Megan Smith, Commissioner

- **Australian Tour Operator Visit:** This weekend we had an Australian Tour Operator in state prior to his attending IPW (International Pow Wow) in Orlando. He is looking at a 4 day itinerary in Vermont as part of a New England vacation originating in New York. He saw much of the state and loved it all. He hopes to be selling it next week as part of his presentation. Megan will be meeting with him at IPW to be sure he has all the info he needs on Vermont.
- **Porter Air:** Megan met with Senator Leahy's staff and Gene Richards about the future of Porter Air. We all agree that the flight is very important to maintain but, even as preclearance feels inevitable, it will not be ready for next winter. The Gene will be reaching out to the Vermont CBP director to see if we can get an exception for one more year to do a temporary customs station at BTV. She was not very happy about it last year but we are hoping she will agree since if we stop it we will lose momentum. The staff member from the Washington DC office said that the owner of Porter, Bob Deluce, met with the Senator last week.

Steve Cook, Deputy Commissioner

- **VT State Parks – VT Fish & Wildlife – VDTM COOP:** VDTM is working with ANR for an out of state push to promote Fish & Camp packages. VDTM will place all media produced by ANR on YouTube. The campaign includes television broadcasts already placed by ANR. VDTM and ANR will each invest \$10K in this campaign which will run for the entire month of June.
- **Yonder:** Cook had a cooperative marketing discussion with members of Yonder, developers of the Yonder outdoors mobile application based in Woodstock. The team discussed a cooperative promotion to focus on the Long Trail. The team is working on details and will have more information soon.

COMMUNICATIONS ♦ Laura Peterson, Director of Communications

- **Media Outreach:** Laura worked with several reporters on stories about our state parks and the benefits of getting outside. She also worked on placing stories about the Lake Champlain Byway and the Mad River Byway in USA Today. A recent fam tour resulted in a story about Grafton in the Chicago Tribune.

RESEARCH & STATISTICS ♦ Greg Gerdel, Research & Operations Chief

Research

- **Memorial Weekend Indicators:** Generally fine weather over the holiday weekend brought steady traffic through the state's welcome and visitor centers and record participation in the Vermont City Marathon in Burlington. Apparently, many visitors made an early start, Lisa Sanchez at the Vermont Information Center Division reports that Sharon Northbound was exceptionally busy on Thursday, well before the traditional rush of traffic on Friday. In all, visitor counts at the gateway visitor centers were up 7.8 percent over 2014's Memorial Weekend record. The new Bennington Welcome Center had a 33.8 percent increase over last year.

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

- **Circulation:** The spring direct mail campaign is going gangbusters. We have a more than 4% response rate, which is largely unheard of. The DM campaign ended up costing us less than \$300 because of all the subscription income it generated. Many people are signing up for two years, which helps our bottom line. We had canceled our late summer direct mail campaign as a cost-savings measure when Legislature was considering cutting VL, but S+O tells us we would be foolish to not run the campaign—for a few hundred dollars we gain thousands of subscriptions. We will be discussing with senior management.
- **Business/Accounting:** Mary and Sky met with Shain + Oringer to discuss a business plan. We have a long list of possible cuts we could make and are working on the pros/cons of each. Some would affect the look, feel and quality of the magazine; some are more systemic. We will be meeting with Pat to discuss.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Joan Goldstein, Commissioner

- **GW Plastics:** Met with CEO, Ben Riehl and CFO, Tom Johansen, and HR director, Cathy Tempesta. They are planning an expansion and are about to send the job growth and capex figures to Fred for the prelim VEGI calculation.

It is estimated to create 75 jobs. GW has been at the forefront in job training with apprenticeship, school of tech, and the scholarship program. They just graduated their first class of 10 students from Randolph Union HS and will have another class this fall. The students attend GW twice per week and learn all about what the business does, the types of jobs available, and what it takes to get a job in a place like GW. We would like to develop this program across the state as it is extremely necessary and complements the personal learning plans that are being instituted at the schools.

Having said all of that, the demand for labor (the number of applicants is still very low) is still quite acute. They are thinking about developing a program where they could hire and train nonviolent offenders that are being released from the prison system. It brings up however the dire need for affordable housing as some of the transitional folks would not be able to afford the homes/rentals in the area. It also brings up the need for adequate transportation as many may not have access to autos. We will need to coordinate within and across agencies on this.

- Attended the Expo last week and went to the rising stars/young professional's luncheon. The luncheon was impressive in that at each table a young professional led and moderated the discussion amongst a wide array of business folks. Some of the takeaways:
 - VT needs to be more open to outsiders. If we want more people to come and locate here we need to stop saying how many generations –'born and bred Vermonter' have been here. It is very exclusionary. It also does not emphasize the need for each of us - wherever we are from - needs to make a contribution...and the need to be open to diversity of opinions, views, etc.

- The elders should act as mentors to the young professionals.
- The businesses should participate in the legislative policy discussions in order to make a difference.
- Some of the department heads at some of the post-secondary schools encourage students to go to the metro areas.
- Businesses need to be more present at UVM to recruit the grads.
- Peter Odierna, Director of Bennington County Industrial Corporation, is having discussions with NSK about renting out the former Plasan Carbon facility. Plasan has a board meeting next week in which they will discuss the opportunity. They would prefer to sell the facility; however, there seems to be decent interest in this.

NSK is busy as auto sales are chugging along at a healthy clip. They would use the facility primarily for storage; however, it would open up production space at their facility across the street. Peter will keep us posted.

- **Road Pitch:** We will sponsor the road pitch this year. Comcast will be taping a story on it at three different locations: Essex, Lowell, and Rutland. Lt. Governor Phil Scott will do the kickoff event on 8/3 in Essex. This event received national press last year which is how Comcast sold it to their New England Division and will show several segments of the ‘story’ in the CT and MA markets. This event will do us good in that it shows Investing/Advising the Vermont Way! The element of fun in our everyday lives, and the intersection of tourism and economic development.

BUSINESS SUPPORT - Economic Development ♦ Jared Duval, Director

- Continuing to work with Robin Scheu to explore ACEDC becoming a Kiva Zip trustee, which would provide a no-interest, crowd-lending resource (approved by DFR) in Addison Co., especially for working lands businesses who have asked for this type of capital. ACEDC Board voted to move forward. Also connected NVDA/Dave Snedeker with Kiva Zip, and they are exploring becoming a trustee as well.

VERMONT ECONOMIC PROGRESS COUNCIL ♦ Fred Kenney, Director

VEGI

- Continued working with Maponics, Community Surgical Supply, and Revision Ballistics regarding Initial VEGI applications for May meeting.
- Met with Brenan Riehl and Tom Johansen regarding potential growth and application.

VERMONT TRAINING PROGRAM ♦ Beth Demers, Director

- **NuHarbor:** Beth Demers spoke with Justin Finley of the Burlington based cyber security firm NuHarbor. Justin is the former cyber security officer at Keurig. He started his own firm in 2013 and now has 12 employees. The company is seeing great demand and is working with companies such as the Department of Energy, American Airlines, and several large banks. Justin expects to add an additional 10 employees over the next year. Beth has scheduled a face-to-face meeting with him for next week.
- **Flex-A-Seal:** Beth Demers and Curt Carter met with Steve Pointbrand about a possible VTP grant application. The company has recently hired 10 machinists and is actively looking for a larger physical space. Additional new hires are expected.
- **Hearthstone:** Beth Demers met with David Kufal of the Morrisville based wood & gas stove manufacturer. With new EPA regulations the company is looking to maintain its industry leader status by

redesigning all of its stoves. In addition, the company is looking to engage in a process by which they will have significant productivity gains.

- **Draft applications:** Beth is actively working with the following companies on draft applications: Housing Vermont, Competitive Computing, Vermont Castings, Von Bargaen's.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Commissioner MacKay and Deputy Commissioner Hollar

Commissioner MacKay

- **Comprehensive Energy Plan (CEP) Update:** Joined Secretary Moulton, Deputy Secretary Leriche, Commissioner Goldstein, Ken Jones and Chris Cochran at a meeting with Asa Hopkins from the Department of Public Service to discuss the upcoming CEP update. Once again it will be a cross-Agency effort as this plan touches on many different sectors. DHCD will be concentrating on the policy implications to housing, historic preservation and land use and have identified the areas that we will provide support and those that we would like to have more of a hand in writing.
- **Grace Coolidge's Dresses:** Grace Coolidge was known as a fashion icon of her time. Seeing some of her clothing on display at the new exhibit during opening day at the Calvin Coolidge Historic Sites, I think she would be an icon today. Bill Jenney and the team at the site put together an amazing display of some of Mrs. Coolidge's clothing, jewelry and accessories owned by the State. It is a must see and I hope folks with bring friends and family to visit while the exhibit is there this season!

Deputy Commissioner Hollar

- **Arthur:** As many of you know, Arthur's father passed away recently. He will be out of the office for a month while settling things at his dad's home in Oregon and then driving back across the country. He is blogging as he goes and you can see the sites along with him at [Travels with George](#).
- **Disaster Condemnation:** The first training for town health officials was well received and went smoothly. Shaun Gilpin and Mike Desrochers from the Division of Fire Safety reviewed the background, purpose and process for condemning homes post-disaster at a VLCT sponsored event in South Burlington. Jen and Mike will offer a second session on Saturday in Montpelier. Others will follow in the fall. It was gratifying to hear from a couple of THOs in office after Tropical Storm Irene that they believe this newly established condemnation authority will be very helpful in the event of a future disaster.
- **Housing Partners:** We have learned of several changes in leadership among key partner organizations recently. Merten Bagemman-Johnson, Executive Director of Rural Edge, is leaving to return to the Northwest to be closer to his aging parents. John Broderick, ED of Shires Housing, is moving on to a housing and health services organization in New York State and Nancy Eldridge of Cathedral Square Corporation will soon become the Executive Director of the National Center for Healthy Housing which is based in Washington, DC.

COMMUNITY PLANNING & REVITALIZATION ♦ Chris Cochran, Director

Partner Report

- **VEIC + GMP – CEED Funding for Downtowns:** Annina, Gary and Chris participated in call to design the program to quickly install municipally-owned electric vehicle "DC fast charging stations" in downtowns (within the former CVPS service area). The group agreed to offer between \$25-30,000 to the first 5 or 6 targeted downtowns that lack fast charging infrastructure (Bennington, Brattleboro, Rutland, St. Albans, St. Johnsbury, and Springfield). If these communities cannot commit to installing the equipment

before the end of the year, the funding will be offered to other designated downtowns and villages within the former service area.

- **Statewide Parcel Data Workgroup Meeting:** Project consultants, AppGeo, gave an overview presentation of their return on investment (ROI) and parcel lifecycle report. The ROI quantified the benefits from several specific case studies related to economic development, public safety, stormwater and forest fragmentation, and found that conservative estimates for the benefits from these cases alone far exceed the investments needed to create and maintain statewide parcel data. The draft report will be available in June. Next steps include selecting a program structure, identifying possible funding streams and identifying any necessary legislation needed to maintain the data.

Downtown Report

- **Downtown Board:** At its Tuesday meeting, the Board
 - Awarded Village Center designation to Williamstown
 - Renewed Benson and Northfield Village Center designations
 - Accepted the 5-year review of Hartford's 20 year Growth Center designation
 - Approved St. Johnsbury's Downtown designation renewal

HISTORIC PRESERVATION ♦Laura Trieschmann, State Historic Preservation Officer

Project Review

- **Essex Junction:** With Dale Azaria's assistance, a Memorandum of Understanding (MOU) was developed for treatments to a historic property located within the Pearl Street Historic District and listed in the State Register of Historic Places. The subject property is 8 Pearl Street, and was newly purchased by the Owner of the recently permitted, mixed-use development at 4 Pearl Street on an adjacent parcel, and formerly a Chittenden Bank branch office located at the "Five Corners" intersection in the Village. The new owner only has an interest in using the land for shared parking and placement of utilities for the 4 Pearl project, which was recently issued a Land Use Permit under Act 250. He has no interest in the retaining ownership of the late-19th-century, Shingle-style house at 8 Pearl, most recently adapted for office space. Rather, the Owner intends to demolish a non-contributing, 20th-century addition to achieve his goals for 4 Pearl Street; this will trigger a substantial change to the existing permitted development. Easements will be placed in the deed to create these right-of-ways on the property. Having no interest in the building, he has offered to the stabilization of the exterior envelope, after removing the non-contributing addition, and donate the structure to the Village with the intent for it to be rehabilitated and used by the Essex Historical Society, or another Village entity, who would be responsible for its stewardship. This will require a Bond Vote by the Village to approve the initiative and to provide funding for its rehabilitation. The MOU establishes clear expectations for the degree of stabilization expected of the Owner prior to conveyance, a responsibility on the Owner to place the 8 Pearl building back into service should the Town fail to secure approval, funding or completion of the required work and identifies appropriate benchmarks and timelines. A draft has been circulated for review and concurrence by the Owner and SHPO.
- **Bolton:** Jamie and Elizabeth represented VDHP at the Department of Forest, Parks and Recreation's (FPR) Open House at the Preston-Lafreniere Farmstead in Bolton as they continue to seek a party interested in purchasing and rehabilitating a circa 1820 farmhouse listed in the National Register of Historic Places. FPR was never able to find a use for this building, which as a result has suffered from decades of deferred maintenance. The conveyance of this property out of state control, and protection, is subject to deed restrictions and future owners will need to consult with DHP for approval of their construction plans. This is FPR's second attempt to sell the property, as no bids were submitted in the first round when the appraised value (approx. \$123,000 for the structure and 30 acre-parcel) was set as the minimum bid. This time around there is no minimum, and a number of interested parties attended and appeared to have greater

interest in submitting bids. Bids are due June 10th and DHP will participate in the review of submittals with FPR and Buildings & General Services (BGS).

- **QBurke Resort Construction:** Forest, Parks, & Recreation personnel recently determined that the proposed 150,000 gallon water storage tank for the Mid-Mountain Lodge facility is located on top of a historic foundation. Scott met with Peak CM and QBurke project managers to look at the site, which appears to be the remains of steam-driven sawmill. The resort has hired the University of Vermont Consulting Archaeology Program to document the site and confirm its origin. Pending the completion of this work, the current plan is to allow the storage tank construction at this location. If the site is determined to be significant, the water tank may be shifted to avoid the foundation.

VERMONT COMMUNITY DEVELOPMENT PROGRAM ♦ Josh Hanford, Director

CDBG-Disaster Work

- **Town of Barnard:** Staff met to discuss the application submitted by the town of Barnard to repair a failed road bank. The bank stabilization project on Mount Hunger Road is directly across from the Town Highway Garage and Recycling Center. The bank stabilization would protect two town highways from further damage, and would also protect a bridge on VT Route 12 that was replaced after Tropical Storm Irene from future damage. A site visit is being scheduled next week to view the site and gain a better understanding of the proposed project from Two Rivers RPC, ANR and the Town.

Regular CDBG

Applications

- Staff worked on finalizing analyses for the upcoming June 11 CD Board meeting. It is one of the busiest Board meetings in a long time as there are a total of 10 applications with requests totaling \$4.1 million plus one Disaster Recovery application for \$98,000. **Please see the [attached summary of all applications](#).**

CHIEF MARKETING OFFICE ♦ Heather Pelham, Marketing Manager

- **Boston Public Market:** Led by a team at the Agency of Agriculture, plans are progressing rapidly for a Vermont retail space at the soon-to-be-open Boston Public Market in the Haymarket district of downtown Boston. The concept will be similar to Faneuil Hall or the Pike Place Market in Seattle – with permanent retail stalls featuring fresh produce, local meats and seafood, baked goods and prepared foods. The Vermont stand will be operated by Harlow Farm of Westminster under the brand “Harlow’s Vermont Farmstand” and will showcase Vermont products from 35+ contributing suppliers. The CMO met this week with other members of the VDTM team and AAFM to discuss coordinated communications efforts, the initial design fit up of the space, and integration with future VDTM marketing in the Boston market.



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CONFIDENTIAL AND PRIVILEGED MEMORANDUM

TO: Governor Peter Shumlin *PH*
FROM: Rebecca Holcombe, Secretary, Agency of Education
SUBJECT: AOE Weekly Report
DATE: May 29, 2015

Media Contacts:

- Amy Nixon, VTDigger, sought comments on S.66 and the related Deaf and Hard of Hearing Council letter from the Senate Government Operations Committee.
- Amy Nixon, VTDigger, requested comments on Vermont Legal Aid's Kicked Out discipline report and the subsequent Senate Education letter requesting data.
- Lola Duffort, Rutland Herald, sought Early College and Dual Enrollment data for Rutland County.
- Rich Scheir, Montpelier Bridge, sought assistance in discussing a model he is proposing for regional AP courses.
- WCAX interviewed AOE's John Spinney regarding career transitions for students with disabilities at a career planning conference.
- Zach Despart, Burlington Free Press, followed up and apologized regarding some misunderstanding of dual enrollment in last week's paper.
- Jill Remick submitted a Letter to the Editor offering factual corrections to the Caledonian Record regarding their misunderstanding of dual enrollment funding.
- Motoko Rich, New York Times, requested AOE comment on the emphasis on play for kindergarten students. She will interview Manuela Fonseca today.
- Charlotte Albright, VPR, interviewed Deputy Secretary Amy Fowler regarding the Educator Equity Plan required by US ED.
- Rachel Goff, Valley News, interviewed Michael Hock about SBAC implementation.
- Alexei Rubenstein, WCAX, sought comment on JRS 9 and the student visa program.
- Michael Debowski, Hardwick Gazette, sought information on a student in the Hazen Union High School district who is a foreign student on a visa and whether he is required to pay tuition to attend the local district.
- Jacob Colon, Bennington Banner, sought information on whether a school treasurer for the Sunderland school district was entitled to a minimum percentage of Education Fund dollars.

Public Presentations/Speeches/Meetings:

There was less public profile this week, lots of internal house cleaning.

I opened up the Transition to Careers Conference (340 people, co-sponsored with VSAC) and identified H.361 as a tool to reorganize in order to better achieve educational goals.

I met with VSBA and VSA and VPA to begin to coordinate a joint strategy to support initial implementation of H.361.

Evolving Issues:

Initial "summit" for SUs which might want to pursue accelerated mergers under H.361.

I am working with the VSA and the VSBA on a two-day workshop for SUs interested in pursuing the accelerated mergers. We are inviting teams that include at least the superintendent and the SU board chair to present plans and get initial feedback. We thought this would be a good way to get an initial sense of how folk were responding, how many SUs might be interested in the accelerated merger, as well as what problems might arise. This also gives us a chance to give some early feedback. We sent out the invitation yesterday, and already have 7 SUs signed up.

- Washington Central
- Windsor Southeast
- Caledonia Central
- Franklin Northeast
- Lamoille South
- Washington Northeast
- Washington West

It is still unclear which of these will get over the end line, but it suggests some strong interest. I have heard rumors that more are to come.

Initial support for H.361

Some SUs seem to be rushing out the door to either affirm they are perfect and don't need to change, or to move quickly to propose changes in governance.

I sent a letter to the field today, to try to encourage folks to take a deep breath and refocus on the intent of H.361: to provide greater depth and breadth of opportunities, in a personalized and equitable way, at a better price. I will follow up at intervals with guidance in an attempt to steer the conversation a little. To build support of key stakeholder groups, I am convening a meeting of the major professional groups to try to get them all on the same page around H.361. We will meet on June 8 to begin the work of coming up with guiding principles. I am hopeful this will reduce conflict in the field and keep us focused on priorities and creating good schools when hard decisions have to be made. Invitees include:

- The Vermont Principals' Association
- The Vermont-NEA
- The Vermont Superintendents Association
- The Vermont School Boards Association
- The Vermont Association of School Business Officers

- The Vermont Council of Special Education Administrators
- The Vermont School Boards Insurance Trust

In particular, I am trying to constructively engage the VT-NEA.

Research

We have been working hard to figure out, given our diminished capacity, how we can best influence the field for the better. We have gotten the best traction so far by focusing our efforts at the supervisory level (60 points of contact, instead of 277), and leveraging data to provide better performance feedback, most effectively at the SU level. In addition, we are trying to build up a team with good quantitative people, so that we can take on more ambitious policy analyses, including:

- examining the effect of different PK pathways on student learning,
- evaluating the impact of dual enrollment on post-secondary attainment,
- looking at the relationship in Vermont schools between school climate indicators and student performance, and
- identifying strategies for assessing systems efficiencies.

We are currently recruiting for another researcher, and have been pleasantly surprised by the caliber of the applicants compared to our previous searches. We are trying hard to figure out whether there is a way to seize this opportunity to hire an additional researcher to move a more ambitious agenda. Unfortunately, federal dollars can't be used to support state priorities, and the quality candidates typically are not interested in grant funded positions. We are still working on squeezing water out of a stone on this one.

Have a great weekend all.

Rebecca

CONFIDENTIAL and PRIVILEGED

To: Governor Peter Shumlin
From: Greg Smith, Executive Director, VT Lottery
Date: May 29, 2015
Re: Weekly Report

Status of Governor's Priorities: .

none

Legislative Issues/Contacts:

none.

Press Issues/Releases/Contacts:

none

Significant Events/Meetings:

Began discussions with VT Sports Properties about opportunities for partnering with UVM sports and marketing. This could range from a banner in the basketball arena to an instant ticket branded with the school.

I attended the VT Business Expo last week and made some good contacts with VT businesses for marketing and website development services. We are contacting VT firms so they know when our marketing RFP goes out and to be thinking about it.

Evolving Issues:

none

Summary of Key Agency Department Activity:

Regular lottery office work this week. No significant occurrences.

Executive Director's Commentary:

As expected, our problem gambling grantee, VAMHAR, has decided to not continue working with us. We began making contacts in this field yesterday and expect to post our grant next week. I am developing an exit strategy and review of what grant requirements will be met to determine any future payments to VAMHAR.

Today we will see what we hope will be the final creative for our new website.

Executive Privilege

TO: Governor Peter Shumlin
FROM: Secretary Sue Minter
DATE: Friday, May 29, 2015
SUBJECT: VTrans - Confidential Report to the Governor

NOTES FOR GOVERNOR

Bridge Openings

It was a pleasure to be able to open the Brookfield bridge with you last weekend -- our second bridge opening in two days. The positive response to the Stowe bridge opening was another tribute to the successes of our accelerated bridge program and road closure which enabled that Town to complete a project in six weeks that had been ignored for over a decade (due to the environmental and traffic challenges of a normal construction process). It was great that you were also able to feature that in our TBill signing -- especially the fact that it saves \$\$\$. More bridges are ahead this summer, including the innovative "lateral slide" project in Hartford which will enable us to reconstruct a bridge in a one weekend interstate closure. We are trying to interest media in a tour of that project later this summer.

TIGER application

We have been working hard, in consultation with the Congressional Delegation, to develop a strong application for this TIGER round, which is essential to our completion of Western corridor projects and eventual delivery of Amtrak services to Burlington. We are also engaging supporters in a letter-writing campaign (support letters from Mayors and business leaders). We will enlist you in the phone call campaign at the strategic time (after application is submitted).

TriState Brattleboro visit

I participated in the VT, NH and ME DOT strategic meeting that our three states hold on a quarterly basis to share best practices and address mutual challenges. We toured the (now infamous) Brattleboro I-91 bridge. I also met with Mike Mrowicki, Becca Ballant and Mollie Burke to discuss their issues for the area, including the Putney Park-and-Ride which I am trying to troubleshoot (meeting with legal team later today).

NASTO

As the current president of the Northeast Association of State Transportation Officials (NASTO), I will be presiding over and delivering remarks to the Annual Conference and Board Meeting in Delaware next week. I have also developed a project focus for NASTO for the upcoming year which is to further our efforts around "climate resilient infrastructure and extreme weather preparedness".

Michele Boomhower

Thank you for your kind note to Michele. Her surgery went well and her recovery, for the moment, seems strong. All our thoughts are with her; her outlook appears very good.

NOTES FOR STAFF

I-89 Bridges Project – Waterbury

The I-89 bridges project continues to run on schedule. The bridge deck is scheduled to be poured next week and as of now, the southbound bridge should be finished by the expected completion date of July 17th. Traffic delays have been minimal, although continued attention is being paid to identifying any additional potential measures that could be taken to reduce speed and improve driver awareness through the work zone. Another accident occurred in the work zone over the holiday weekend; however, it is reported to have involved excessive speed and alcohol.

Brattleboro Bridge

- The Traffic Congestion Strategy for Exit 3 was implemented on 5/25/15. The plan was successful and no traffic delays were noted. Overall traffic volumes were lower than expected based on data from 2014. Staff are still evaluating the mitigation strategy moving forward.
- The remainder of the Fracture Critical inspection of bridge 9S is still under development. The tentative plan is for early Sunday morning daylight inspections with a tentative date of June 28th and July 12th. This will be a one-lane closure from 5:00 a.m. to 9:00 a.m. This plan will be reviewed by the TSMO section and cleared by management before implementation.
- Work on project consists of lowering the dance floor and launching the form traveler; this will take several weeks to accomplish.

Derby Walmart

A meeting with the developer's consultant design engineers is scheduled for 6/4. This is intended to expedite the back and forth between the VTrans review team and the developer's design team. There are no red flags or show stoppers from VTrans perspective and a list of contingent items is being developed so that a permit can be issued in advance of all final design decisions.

Williston Stormwater

A news article in the Williston Observer highlighted that VTrans is refusing to pay a stormwater fee imposed by the Town of Williston. The article also indicated that the VT National Guard is also refusing to pay the fee. VTrans has held the same position since 2005: that absent a direct benefit or service provided to VTrans for treating our stormwater, the fee is actually a tax and the town lacks statutory authority to impose a tax onto the State. Additionally, VTrans is subject to regulatory authority under the MS4 program and is required to treat and mitigate its highway stormwater runoff, partnering with MS4 communities. Further, DEC is working on a general permit for VTrans called a TS4, which will require VTrans to fund retrofits to the state highway system that treats its stormwater impacts.

This is an inter-agency matter and policy conundrum of sorts. One arm of the state is requiring municipalities to address their stormwater, while another argues it is not subject to the fee associated with stormwater management. When we first encountered this with South Burlington, Brian and I had staff work through a mutual agreement with the City of South Burlington. We are working with ANR to address the policy/statutory issues, and also with the Town to assess a strategy for moving forward.

Deputy Secretary Cole, Commissioner Mears and legal counsel for both the Agency and Department recently met and agreed that a unified front on this issue was preferred. Neither DEC nor VTrans differed at all on the policy objectives on how to treat stormwater from the state highway system. It makes no sense for VTrans to pay fees to municipalities while simultaneously being regulated to treat the stormwater for which the municipality is charging a fee. Both DEC and VTrans agreed that it didn't further state interests for this to be litigated. Deputy Secretary Cole and Commissioner Mears are going to schedule a meeting with the Town of Williston to present a united front and try and resolve this issue.

Aircraft Owners and Pilots Association (AOPA)

Deputy Secretary Cole and Guy Rouelle, Aviation Director, recently met with Jared Esselman, Director of State Government Affairs at AOPA at the request of the Governor's Office. AOPA was interested in several aviation tax policies of the State that we will be evaluating for their merits in encouraging aviation business development. Vermont currently has a sales tax exemption for aircraft parts and labor. This exemption will sunset next session and they were encouraging VT to make this exemption permanent. Aviation staff will be researching the economic impacts of this exemption to VT. The original exemption was adopted through the efforts of former Lieutenant Governor Dubie. AOPA also encouraged VT to eliminate its aircraft purchase and use tax, as we are the only state in New England to have such a tax and as airplanes aren't particularly mobile, we probably don't collect too much tax, if any. Staff is also researching the fiscal impacts to this proposal. AOPA also wanted to see the casual and occasional sales tax between private parties eliminated. We also found out

that VT was one of the few New England states that didn't charge an aircraft registration fee, and that will be analyzed as well for ease of administrative implementation. AOPA thanked the Governor for making his Agency staff available for the meeting.

Space Needs at National Life

VTrans is undergoing a space crunch at National Life and has been quietly exploring other options to house employees. There is an opportunity to acquire space at the former Lane Press building, across from the Berlin Airport, at \$4 a square foot less than the lease rates at National Life. VTrans is conducting an evaluation of the possible scenarios of moving employees from the Dewey building to the former Lane Press building and will be supplying this information the Secretary of Administration's Office.

Middlebury Airport

Deputy Secretary Cole attended a public hearing at the Middlebury Airport hosted by the Selectboard on May 19. The comments from the public were over concerns about noise from additional aircraft, potential risks to the town aquifer, oversight and accountability at the airport and further expansion of the airport. VTrans staff will be providing additional information regarding the questions that were raised; there will be some acoustical testing regarding noise that exceeds the FAA process for determining acceptable noise and we will continue to proceed with the project as designed in a very transparent manner. The Selectboard support for this project has not wavered.

Employee Development

We have had concluded a very active spring recruitment campaign (focused predominantly on summer jobs/internships), but are also engaging in longer term recruitment strategies which remain a high priority with succession planning (especially given our liabilities with the retirement incentive package). We are doing everything we can to try and engage young Vermonters in public service and in transportation.

FY17 Budget

We officially kicked off our process for FY17 budget development. We are taking a more proactive and team approach to this year's budget where the various program managers will have a chance to better understand the short and long term needs of their program areas and assess the trade-offs and risks associated with various levels of investments. Critical questions emerge such as: what happens to our bridges and pavement in 10 years at various levels of investment; what can we afford, in the long run, for rail ownership; how can we finance the replacement of transit vehicles over the next 10 years).

Motor Vehicle Crash Statistics (as of May 25, 2015)

Fatal Crashes **May 19, 2015 – May 25, 2015:**

5/22/15: Georgia, Polly Hubbard Rd. Motorcycle ran off road into a tree, driver fatality. Helmet worn, unknown alcohol/drug use. Speed a factor.

5/24/15: Woodford, VT 9. Motorcycle lost control on corner. Driver & passenger fatalities. Helmets worn.

2015 Fatalities: **14** Total – **8** vehicle operators, **4** passengers, **2** bicyclists

As of **May 25 in each calendar year:**

<u>Year</u>	<u>Fatalities (people)</u>	<u>Fatal Crashes</u>
2015	14	10
2014	13	13
2013	20	19
2012	31	26

Privileged and Confidential
Memorandum

To: Peter E. Shumlin, Governor
From: Hal Cohen, Secretary, Agency of Human Services
Re: AHS Weekly Report
Date: May 29, 2015

Highlights:

AHS CO

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Secretary's Message

Angus Chaney and I had a very exciting meeting with Chris Snyder, President of Snyder Homes. As you probably know, Chris is a major housing developer in Chittenden County. I wanted to meet with Chris to find out what are the barriers that private developers face in building affordable housing, and what role can the State play to ease those barriers. In our initiative to end family homelessness by 2020, we know that we can't solve this problem without building and renovating additional units. We also know that the public housing developers, who do a great job, have an average cost that runs approximately \$230,000/unit! The high cost per unit is related to the many state and federal hoops that the public housing developers have to jump through. They also need to support their infrastructure through development fees. Again, they play an important role, but I believe that the private sector has a role as well and can build units at a much lower cost, though they also face expensive fees and complex regulations. Chris confirmed this fact. When I asked him about the barriers he faced, he said

that they were primarily related to expensive permitting fees, the time it takes to develop a project and especially the risk associated with those barriers. Surprisingly, accessing capital was not an issue. As an extreme example, he mentioned the Taft Corner's project that he built (I believe over 400 housing units). The permits alone cost his company \$2 million and it took ten years before he could break ground. Obviously, there was great risk involved in this process. I believe that the State could really play a role in supporting quicker and less expensive development. One idea is to offer a developer State land that we pre-approve for development i.e. Site-ready for development. In exchange for the land, and any development costs we put in, the developer builds affordable units and we get a number of those units, essentially without additional costs, for homeless Vermonters. The remaining units could be sold by the developer in the \$135,000/150,000 range. Chris thinks this is very doable and is excited by this prospect. For example, he mentioned that the State owns about 15 acres of land in Essex Junction that houses two State buildings; he believes he could easily develop 10 of those acres and create 50 affordable units. I would like to discuss this further with you and the possibility of putting together a small group that would include BGS, Department of Housing and Community Development, and some others you may suggest.

Since starting in the Secretary's position, I have become extremely concerned about the substance abuse crisis in our State. I knew it was a problem, but did not realize how significant it is. I have been exploring, with staff, additional, innovative options for addressing this issue. On the one hand, we need to invest heavily in prevention. In this regard, the Department of Health has applied for a major federal grant to support this prevention effort and we will know if we will receive this grant by the fall. Another area of concern is the diversion of buprenorphine, which is used similarly to methadone, given in pill forms and is distributed by approved doctors in our Hub and Spoke network. I have recently learned of a drug called Vivitrol, which is administered by injection once a month, and apparently reduces the craving for opiates and blocks the opiate brain receptors. This means if an addict were to attempt to get high, the drug taken would have no effect. There are some doctors in our State who are apparently using this drug successfully and I am in the process of learning more. I am meeting soon with Barbara Cimaglio and Dr. Roberts from the Northwestern Medical Center who is a proponent of this treatment. This could be a very interesting option for addicts getting out of prison or even as a pretrial treatment option and as a substitute for methadone and buprenorphine. I will keep you posted on our progress.

As you are aware, suicide prevention is one of the Agency's Strategic Plan priorities. DMH is applying for a SAMHSA grant specific to youth suicide prevention and will submit the grant with letters of support from the various Departments to bolster their submission. Although this grant is for youth and targets prevention and early intervention, with the "across the age span" approach that we have adopted, any work that we are able to do on behalf of youth will benefit all Vermonters. This funding is also crucial to ensure that we can continue to support work that happens at the Center for Health Learning, our primary partner in the development of the suicide prevention platform in Vermont.

AHS and AOE continue to meet to develop an initiative to address safe and healthy schools and communities through a full service school model. Currently, we are working across our two agencies

to gather the data elements that will enable us to identify the most at risk communities. Once we have that information, we intend to match it against current community services and then plan for an individualized, targeted response. It is exciting work and could enable us to get to the heart of the issues facing some of our most vulnerable communities.

I would also like to remind you and your staff, I will out of the office from June 5th through June 15th. I'll be at a conference in Portland Oregon for a national board that I am a member of. I am taking a couple personal days at the beginning and end of the trip. I will have my cell phone with me in case of emergencies and will be checking email periodically. My Deputy Secretary, Dixie Henry, will be available should you need anything.

Agency of Human Services Central Office (AHS CO)

Redefining the Social Contract in Human Services

AHS is working with the Governor's Office and our Non-Profit Partners to develop a structure by which we can better re-define the social contract between the state and our community partners. We imagine a structure similar to the Governor's Poverty Council which will create a forum to discuss how to re-define expectations for a social safety net, our collective role in meeting those expectations and the possible options for re-purposing our current system to meet those needs within our current resources. AHS will be taking the lead on this endeavor.

Trauma Informed Resilient Child Welfare Agencies: A New England Learning Community

A team from Vermont, including representation from the Secretary's office, participated in a two-day convening with the other New England states and national experts. This meeting was the second of three such events and focused specifically on the topic of "Supervision and Communication to Create and Maintain Healthy Organizations." Next steps are to further explore learnings tailored to Vermont's current needs. Under consideration are an in-state event with the presenter on Media Communications, as well as some specific strategies related to both supervision practice and wellness activities for individuals and organizations.

Rutland Planning for Cold Weather Shelter

In Rutland, the cold weather subcommittee of our Continuum of Care has developed a plan for the upcoming winter in regard to a low-barrier shelter. There is some opposition to this plan from the director of our local shelter for singles (not currently a low-barrier shelter), and we continue to communicate with her around the need for such a resource. Our hope is to bring folks from the Central level to Rutland to weigh in on this as well.

Vermont Department of Health (VDH)

VDH/ADAP Hosts Provider Meeting

VDH/ADAP held a meeting with all grantees and contractors who provide the full continuum of substance abuse services including prevention, early intervention, treatment, recovery and housing on May 26. The purpose of the day was to increase collaboration and coordination among service providers. Grant requirements for FY 16 were reviewed.

Hospital Utilization Data

Overall hospital utilization rates are now available on the VDH Maps & Trends pages, including inpatient discharge rates, outpatient procedure rates, and emergency department visit rates. The hospital utilization data on Maps & Trends and links to Healthy Vermonters 2020 (HV2020) indicators measured by Vermont Uniform Hospital Discharge Data can all be found here:

http://healthvermont.gov/research/hospital-utilization/maps_trends.aspx.

Maternal and Child Health

The VDH was chosen as one of 5 states to participate in the national Adolescent and Young Adult Health Collaborative Improvement and Innovation Network (AYAH CoIIN). VDH will work with partners across state government and the private sector to implement evidence-informed strategies for improving access to and quality of preventive care services for adolescents and young adults.

Vermont Doctors Prescribe the Great Outdoors to Boost Physical Activity

On May 27, Commissioner Chen joined Governor Shumlin for a press conference to kick off Vermont's Exercise is Medicine initiative, a collaboration between the Vermont Governor's Council on Physical Fitness and Sports, and the Departments of Health, and Forest, Parks and Recreation. Through the program, 16 medical offices statewide will "prescribe" one-day park passes to patients to encourage Vermonters to get outside and active. With 75% of Vermont youth falling short of the recommended 60 minutes of physical activity every day, and 20% of adults physically inactive, this push to promote activity is an important part of improving the health and wellness of our state.

Ladies First Offers State Park Passes to Members

The Ladies First program will distribute more than 100 Vermont state park passes to participating members this spring. Recipients of the 10-day park passes include members who have received their heart health screening, set a goal for fitness, nutrition or tobacco cessation, and are involved in a weight management or health coaching program. This five-year partnership with the Department of Forests and Parks aims to promote outdoor physical activity to income-eligible Vermont women with chronic disease risk factors.

Health Department Applauds CHAMPPS Grantees for Years of Service

Due to recent elimination of CHAMPPS funding from the FY16 state budget, FY15-17 Combined Community Grants from VDH will be amended by July 1, 2015. The ten grantees impacted and their funding reductions include:

- Brattleboro Area Prevention Coalition (\$20,000)
- The Collaborative (\$40,000)
- Community Connections of Vermont (\$40,000)
- Deerfield Valley Community Partnership (\$10,000)
- Franklin County Caring Communities (\$40,000)
- Lamoille Prevention Coalition (\$40,000)
- Milton Community Youth Coalition (\$20,000)
- Northeast Kingdom Learning Services (\$40,000)
- Rutland Area Prevention Coalition (\$40,000)
- Winooski Coalition for a Safe and Peaceful Community (\$40,000)

Over the past several years, these coalitions have made important contributions to the health of Vermonters. As a result of their efforts, municipal plans now address health as a key part of overall community vibrancy, including enhanced emphasis on parks, sidewalks and trails, as well as access to farmers markets and community gardens.

Department of Mental Health (DMH)

Vermont Psychiatric Care Hospital (VPCH)

Deputy Commissioner Reed and VPCH CEO Rothenberg met with Commissioner Spellman and HR staff to review potential recruitment and incentive initiatives to support direct service hospital staff while hiring efforts for personnel continue. Mandating of overtime for hospital staff continues on a more frequent basis as hospital acuity remains high. Short term merit recognition, hiring and retention bonuses and overtime incentives are being considered. Bonuses or incentives would require bargaining with the union and will be discussed with the Secretary of the Administration before any conversations would be initiated with the union.

Middlesex Therapeutic Community Residence

The Division of Licensing and Protection conducted a two-day review of the facility this week following up on recent self-reported resident events at the facility. The review was positive with no findings or recommendations reported.

University of Vermont Medical Center (UVMC)

DMH is working with AHS Central Office and Finance and Management on the UVMC cost settlement for Level 1 beds received earlier this month. Independent consultant review and opinion of the current cost settlement request suggests that it is not reasonable given prior year cost trends and the number of patients served during the reconciliation period under review. Next steps for negotiating the several hundred thousand dollar discrepancies are still pending input from above.

Valley News: Rick Jurgins

Deputy Commissioner Reed will be interviewed by Mr. Jurgins 5/29 on Vermont's Mental Health System as a follow-up to an earlier interview with VPCH CEO Rothenberg on the Vermont Psychiatric Care Hospital's first several months of operations. Mr. Jurgins is planning an article to update Vermonters on overall mental health reform progress given that many components of Act 79 are now at various stages of implementation.

Rutland Mental Health Services Update

Deputy Commissioner Reed, Developmental Services Director George, and General Counsel from AHS and DMH met with the Board of Directors earlier this week to elaborate on the number of deficiencies identified over the past several months at the Designated Agency as part of the every four year re-designation process. Many of the deficiencies point to administrative and leadership shortcomings that are impacting staff morale, retention, and client care. The meeting was intended to be a fairly direct conversation with the Board on organizational changes that may be needed to right the direction of the community mental health agency. Rutland Regional Medical Center, a key stakeholder and community partner, has offered its support wherever needed to assist the agency should the Board determine that senior leadership changes are necessary.

A separate adult protective services ("APS") investigation, arising from the circumstances surrounding a patient death in 2014, is concluding and will be the subject of a separate report to the Board of

RMHS. If a decision is made to place RMHS on provisional status “with intent to de-designate,” of if the DASIL APS report results in findings adverse to RMHS, we should expect some not insignificant media scrutiny. The timeline for such a de-designation decision terminates in late June or early July. The APS report may issue in early June, 2015.

Department of Disabilities, Aging and Independent Living (DAIL)

Perceived Conflict of Interest Complaint Received Against Office of Public Guardian

A man named Dan Dickie has contacted multiple agencies to complain that a developmental services (DS) waiver recipient resides in a shared living provider’s home that is cohabitated by a state funded public guardian. This guardian represents several consumers. Historically, full time state employees commonly served as shared living providers and respite companions for DS consumers. To our knowledge, no evidence of exploitation or impropriety has ever been identified but the practice has led to considerable weakening of professional boundaries, questionable judgment on occasion and the appearance of conflict of interest. The Director of the Office of Public Guardians has been systematically addressing this. The current arrangement is the last of what was a very common occurrence after the closing of Brandon Training School.

Developmental Disabilities Service (DS) Recipient Charged with Misdemeanor

Yesterday evening, a 24 year-old man who is supported by a home provider was found by the home provider to be engaging sexually with an animal. Animal Control was notified. Animal Control investigated and Mr. Durkee was cited for animal cruelty. Mr. Durkee is currently in sex offender treatment for an offensive incident against an adolescent male substantiated by DCF. He is neither on Act 248 nor under DOC supervision at this time. The DS Director has investigated and feels that the designated agency is doing all they need to and that the home provider was diligent in reporting and taking appropriate next steps.

Father of DS Consumer Highly Critical of Rutland Mental Health Services (RMHS)

Two DAIL staff will meet tomorrow with Jaron Bartshe who has made serious allegations to both DAIL and DMH about the conduct of staff at CAP, the program that serves DS consumers in Rutland. He may also have contacted media. It is worth noting that another designated agency also attempted to serve Mr. Bartshe’s son, Shane, with similarly unsatisfactory results from Mr. Bartshe’s perspective. We will try to get a clearer picture of his complaint on Friday and will alert your office as necessary.

Commissioner & Deputy Attend invitational forum

Commissioner Wehry and DC Schurr participated in a Boston Regional Forum in lead up to a White House Conference on Aging to be held in July. Four major themes were addressed: healthy aging, long term services and supports, elder justice and financial security and policy priorities identified. We will be distributing summary to staff and all of our aging network partners.

Department of Corrections (DOC)

Video Arraignment in Chittenden and St. Albans Facilities

The DOC, in conjunction with the Judiciary, has started the process of trying video arraignments at both the Chittenden and St Albans facilities. Equipment installation will occur in the last week of June. Testing the system in place will occur the 1st week of July. Real-time use of the system is not scheduled as of yet, the discussion thus far has been about slowly phasing in the use of the system but nothing has been decided. Each facility will be furnished with 2 video/phone systems. One will be in the booking area to help facilitate attorney access and one in an area to be used as the “court room.”

CRCF has identified the current CFSS office outside of booking; NWSCF has identified the current attorney room, outside of booking. The booking unit will be a smaller unit for 1 on 1 video discussions, the court room unit will be larger with a larger screen for viewing the larger court room.

The DOC, in collaboration with the DMH, is also exploring the feasibility of using this system for client assessment. It is hoped this would allow delayed placement persons to spend less time in a correctional setting.

Media Alerts on Transfer and Placement of Male Inmates House Out of State

The DOC is attracting much media over the past two weeks regarding the transfer and placement of males housed out of state with the GEO Group in Baldwin, Michigan. This transfer will take place in late June, via aircraft. Additionally, the DOC is getting media attention regarding the low incarceration numbers. These are the lowest numbers since 2002 and the lowest out of state numbers since 1999.

Population

The Department's incarcerated population averaged 1903 for the previous week. The Department's incarcerated male population averaged 1744 for the previous week. The out of state population is currently at 299. The female population averaged 159 for the previous week.

Andy Pallito on Leave

Commissioner Pallito will be on leave from Tuesday, June 2nd thru Friday, June 5th. Deputy Commissioner Menard will be covering throughout this period.

Department for Children and Families (DCF)

Trauma-Informed Resilient Child Welfare Agencies

On May 20-21, 2015 an interagency group of nine members from AHS, DCF, HR, and CWTP staff traveled to Nashua, NH for the second in the series of three New England Learning Communities on *Trauma-Informed Resilient Child Welfare Agencies*. These learning communities were created in response to the New England Association of Child Welfare Commissioners and Directors (NEACWCD) recognition that concentrated efforts should be made to advance the national and regional work focus on building trauma-informed resilient child welfare agencies. The convening series is made possible through the collaborative efforts of the NEACWCD, The Judge Baker Center Children's Center, and Casey Family Programs.

The focus of the work during the first convening centered on looking at the role of leadership in shaping organizational culture and creating a culture of safety and resilience in child welfare. State teams also had the opportunity to take a deeper dive into other state's practices around reflective supervision, staff self-care, and responding to critical incidents. Last week's convening focused on three main topic areas: *The Impact of and Intersection Between Trauma, Resilience, and Organizational Health; Promoting Organizational Health through Supervision: Making it Intentional, Meaningful, and Systematic; and Strategic Communications: Promoting Organizational Health and Managing Public Perceptions.*

Consistent throughout all the convening's is the goal of creating a regional shared learning community while allowing the space and time for state teams to work on identification of "next steps" for ongoing learning and integration of the convening materials. The final convening will be held in the fall of 2015.

Annual Youth Justice Summit

The 3rd Annual Youth Justice Summit, *Truancy: A Refreshing Perspective*, was held on May 22, 2015. The Summit was co-sponsored by FSD, the UVM Child Welfare Training Partnership and the Court Improvement Project. The Summit brought together social workers, attorneys, GAL's, judges, educators, and restorative/community justice partners for a multi-disciplinary day of exploring how to develop a supportive community response to the growing concern of truancy. School failure and dropout are easily identified as cause for concern. Yet, *in most cases*, truancy and school absenteeism are often symptoms of greater underlying challenges such as a young person's unmet substance abuse or mental health needs, parent mental health issues, poverty, bullying, or an unidentified learning disability. In fact, truancy can serve as an *early symptom* before more significant complications develop.

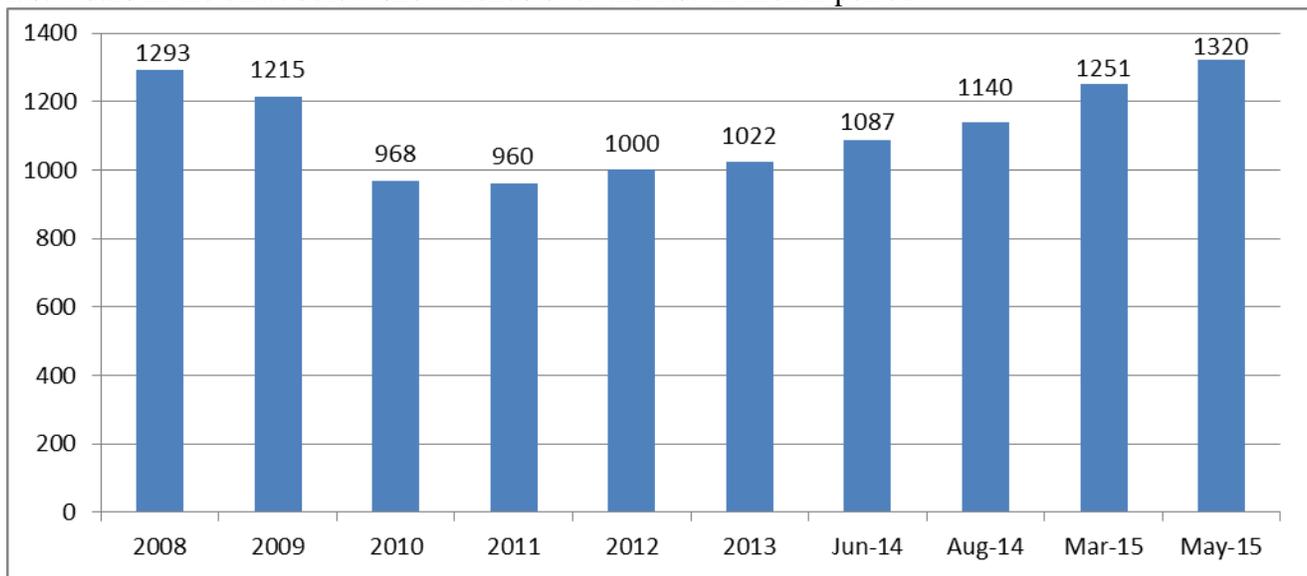
There are annual awards recognizing FSD staff and community providers who demonstrate excellence in youth justice practice and have worked to enhance and move this practice forward. The Family Services Youth Justice Award for Moving the Practice Forward was presented to Larry Reed. Larry has worked for the Rutland Family Services office for 23 years; comes up with solutions for youth, despite a shortage of resources; is a regular member of the Juvenile Justice Workgroup; and is moving the practice forward by modeling good social work practice for his team and the State.

The David Jacques Memorial Award for Excellence in Youth Justice was presented to Honorable Alison Arms. Judge Arms joined the Franklin County Juvenile Treatment Court in September of 2014. Judge Arms has courageously provided the leadership necessary to deliver the best treatment and outcomes possible for the youth we serve. Judge Arms has created trusting relationships with the youth and their families; challenges youth and holds them accountable, while recognizing and celebrating their success.

VT Digger was present and will be releasing an article on the Summit soon.

Children in DCF Custody

The following chart shows the trend in the number of children in DCF custody. After several years of reduced numbers, in 2014 the number of children in custody began to rise dramatically. Note that the last 4 bars in the chart below show trends over the last 12 month period.



In spite of the addition of 18 social workers in early FY15, average caseloads are higher than they were a year ago. The statewide average is 17.6 families per social worker. The recommended standard is 12 families per social worker. In addition to social worker workload, contractual resources are also in short supply, such as coaching support for parent-child visits.

Family Services Records Request

DCF and the AAGs are currently responding to a records request from Disability Rights Vermont (DRVT) related to the March 2015 attempted hanging of a youth at Woodside Juvenile Rehabilitation Center. The request includes incident reports, licensing reports, medical reports as well as all records of building repairs requested in the two years prior to the incident. AAG Kristin Clouser is reviewing documents and working on a response to the request.

Department of Vermont Health Access (DVHA)

Blueprint

Work continues to activate the decisions made in the legislative session; Blueprint-ACO/Provider Network collaboration continues including payment model development and data systems planning; Blueprint Registry migration from Covisint to VITL; and getting ready to conduct the national pilot of a new, more streamlined NCQA Patient-Centered Medical Home re-certification process this summer. Regular meetings with ACO/Provider Network partners to advance the ACO-Blueprint integration plan, payment model, and Unified Community Collaborative development.

Craig Jones, MD, met with Greg Robinson, OneCare's new VP ACO Finance & Informatics and Chief Information Officer, to walk through the Blueprint's clinical and claims data linkage work and plans for the Blueprint Registry. Mr. Robinson was particularly interested in plans for long-term/sustainable financing of registry infrastructure and maintenance.

Vermont Health Connect

Vermont Health Connect Project Update:

In March, a series of [milestones were outlined for improved customer service](#) for Vermonters using Vermont Health Connect. The first of these milestones occurs on June 1 when systems updates are scheduled to go live, allowing customer service staff to process consumer requests more quickly. The deployment of this upgrade will require the Vermont Health Connect health insurance application and user accounts to be unavailable starting this evening and running through the weekend.

The following information is intended to help Vermonters understand what to expect during that time period.

The Transition

Vermont Health Connect's Customer Support Center will remain open Thursday and Friday, from 8am to 4:30pm, to help customers with urgent medical needs. Staff will have limited access to back-end systems, however, and basic, non-urgent requests will be processed following the system upgrade. Vermonters are encouraged to wait until after June 1 to call with non-urgent questions and requests to ensure a smoother process.

Customers who have already reported changes

Customers with pending changes do not need to call, as their requested changes will be moved to the new system and processed in the weeks following the systems update. The new functionality is intended to improve service for these Vermonters who have seen a change in their status – they were married, had a change in household income, moved to a new address, etc. – by decreasing the amount of time it takes to process changes.

New applicants

Vermonters who were impacted by the federal fee for not having health insurance last year have 60 days from the date they discovered they would be subject to the fee – but no later than May 31 – to apply and select a plan. Vermont Health Connect will work with any of these last-minute applicants who call during the downtime – along with any other Vermonters who call to report a qualifying event that impacts their health insurance needs – to get coverage after the system comes back up.

Additional information can be found on the Systems Update FAQ, available at:

<http://info.healthconnect.vermont.gov/sites/hcexchange/files/FAQ%20May%20systems%20update.pdf>

Vermont Health Connect Operations Update:

Renewals & Change of Circumstances

There are 368 renewals left to process after go-live; 326 of these cases are waiting on customer. All of these customers have been previously invoiced. There are 129 cases pending in the Lion's Den. New renewals processing was halted as of 5/19 to ensure that all remaining cases make it through the pipeline prior to deployment. The number of half-finished cases is projected to be well below 100. The State has implemented an interim Access to Care (ATC) process with the carriers while the system is down for deployment. Calls will be escalated directly to the Health Access Eligibility Unit (HAEU) on Thursday and Friday. There are 8,817 2015 Change of Circumstance (CoCs) in the backlog.

Operational Readiness

Basic Training on Release 1 is complete for all staff. Advanced Training for Group 1 Begins 5/27 at 1pm. User Validation Testing is scheduled for Saturday once the system comes back up.

On Monday, VHC will begin processing cases with a team of approximately 22 trained staff. Additional staff will be trained in each consecutive week as we are able to validate that business processes are working as planned. Training all staff on business processes that are not validated and tested presents significant operational risks that will have a negative impact on both staff and customers.

Goal: to process CoC requests within the mandated 30 day timeline by open enrollment.

Risk: Not all workarounds are being tested, which means functionality must be validated in live. This may result in unintended defects and roadblocks.

Risk: The number of workarounds and the constricted development timeline may make it difficult to achieve the goal of a minimized backlog by open enrollment.

Staff Development

The State is moving forward with classification review of HAEU job specifications during the July timeline. Supervisor training & team building was scheduled on Wednesday. Staff development activities are scheduled during system downtime (Thursday and Friday). This will include:

- Training on dealing with change
- Team building
- Building bridges across HAEU & DVHA Staff
- Taking time for these activities is critical given the amount of organizational change that has occurred. It will improve the staff's ability to be successful as we deploy R.1.

Emerging Risks

MVP continues to push back on reinstatements and retroactive terminations. Our premium processing team is spending a great deal of time sending screenshots and transcripts of conversations only to have the request denied. Mitigation: Lori Collins and Cass Gekas are working with Dan Gauthier to remedy.

Retroactivity in coverage is raising claims payment concerns for providers, particularly for Medicaid. Timely filing requirements and prior authorization may make it difficult to facilitate retroactive reimbursement. The Medical Society has requested a response re: how we are going to handle. Mitigation: Lori Collins & Cass Gekas engaged with conversation with HP about how to coordinate.

VHC Outreach and Education Update

Exchange Update to the Legislature

Last year, outside of the legislative session, Vermont Health Connect provided a monthly report to the Health Care Oversight Committee. Earlier this month, the Health Reform Oversight Committee requested an in-session version of this report. On April 16th, Vermont Health Connect submitted a report that provided metrics on several areas, including: current QHP and Medicaid coverage numbers including data from the insurance carriers and ACCESS, new QHP and Medicaid enrollments, financial assistance, plan selection, customer support metrics, and system performance.

Release 1 Preparation

The Outreach & Education unit is working with project staff to prepare communication to Assisters, stakeholders, and the public on how Release 1 will impact the system and their experience with it. This includes explaining the new CoC functionality, training requirements for the Vermont Health Connect Training Unit and internal staff, new reporting functionality, website updates, and how long the system will be down for the new update.

University of Massachusetts Survey

At least one customer has asked how Vermont Health Connect came to select the University of Massachusetts to survey customers across the state about their renewal and enrollment experiences. Last year DVHA put the customer evaluation project out to bid. The Department received eight proposals and the Vermont Health Connect research team selected UMass based on an assessment of each bidder's quality of experience and capacity to perform, the strength of the proposals, and cost. Neither UVM nor the Castleton Polling Institute submitted proposals.

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Chuck Ross, SECRETARY

STATE OF VERMONT
AGENCY OF AGRICULTURE

Confidential and Privileged

TO: Gov. Peter Shumlin
FROM: Chuck Ross, Secretary of Agriculture
RE: Weekly Memo
DATE: May 29, 2015

Secretary's Top Issues

VTC/VEC Water Quality Conference

Senior Agricultural Development Coordinator Alex DePillis presented "Digesters and Nutrient Management" for the Vermont Environmental Consortium's "4th Annual Water Quality Conference: Learning from Other Successes," covering the current situation for digesters in Vermont, the changes in nutrient management facilitated by a digester, and touching on greenhouse gas reduction and upcoming initiatives. Assistant Ag Resource Management Director Laura DiPietro also gave a presentation, and Secretary Ross co-moderated a panel with DEC Commissioner David Mears. Secretary Ross also gave closing remarks to the entire conference.

Semi-Annual VT Farm Show Trustees Meeting

Vermont Farm Show: Deputy Secretary LaClair attend the semi-annual Vermont Farm Show Trustees Meeting, reporting on the success of the annual Consumer Night which includes the Buy Local Market (45 vendors) and the Capital Cook Off featuring teams from the House, Senate and the Agency of Ag. The Agency will continue to produce this annual afternoon/evening event, a feature of the 3 day Vermont Farm Show. Over 13,000 attendees this year. An effort to attract a younger audience, new and beginning farmers, as well as non-traditional Vermont Ag Associations with potential to attract new attendees.

Highly Pathogenic Avian Influenza

The High Path Avian Influenza outbreak in the Midwest continues to evolve. A situation update and outbreak statistics provided by USDA APHIS is as follows:

- States which have had positive highly pathogenic avian influenza cases in commercial premises, backyard flocks, captive wild birds or wild birds: 20 (AR, CA, IA, ID, IN, KS, KY, MN, MO, MT, NE, ND, NM, NV, OR, SD, UT, WA, WI, WY)
- Commercial poultry depopulated or pending depopulation:
 - Turkeys: approximately 6.96 million (4% pending depopulation)
 - Chickens, layers and pullets: approximately 40.01 million (59% pending depopulation)
 - Ducks: 35,600
- As of 5/26, the above losses represent
 - 6.75% of U.S. turkey inventory; 9.46% of U.S. layer inventory; 3.55% of U.S. pullet inventory

Mosquito Update

Patti Casey, along with 3 seasonal field technicians, has been establishing trap sites for mosquito arbovirus surveillance which will start on June 1st. This year we will be surveying and testing mosquitoes in all 14 counties in Vermont. We have been providing technical assistance to the mosquito districts and assisting with the survey of larval and adult mosquitoes.

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TO: Gov. Peter Shumlin
FROM: Chuck Ross, Secretary of Agriculture
RE: Weekly Memo
DATE: May 29, 2015

Status of Governor's Priorities:

Press

- Reporter for VT Life magazine inquired about the use of wild caught venison in restaurants. VT Dept of Health responded with regulatory citations stating requirement for inspection. Meat inspection provided information stating that the inspection of those animals for sale to restaurants is not possible because part of the inspection process includes an Ante-Mortem (before death) inspection to verify normal motor functions and detection of central nervous system disorders as well as post mortem inspection of the lymphatic system and all major organs which are not always present. The Meat Inspection program however does provide a voluntary inspection system for a fee for farm raised deer when containment is a possibility
- Alan Graham was interviewed by WCAX Channel 3 News about an unusual case of a young woman in Chittenden who was bitten by a black widow spider while handling grapes purchased from a local grocery store.

Significant Events/Meetings:

- Assistant State Veterinarian provided the Green Mountain Poultry Association with import requirements for out of state poultry. The Association is hosting its first annual poultry show at the Tunbridge Fairgrounds on May 31. The Association provided testing requirements to participants but neglected to research and share the out of state requirements for poultry. Out of state participants not meeting import requirements are expected to leave the premises of the show if checked by an inspector.
- Animal Health placed a quarantine on a farm with a positive brucellosis test result in a group of heifers destined for Turkey. Confirmatory testing is being conducted at the National Veterinary Services Laboratory in Ames, IA and results are expected early next week.

Evolving Issues:

- The High Path Avian Influenza outbreak in the Midwest continues to evolve. A situation update and outbreak statistics provided by USDA APHIS as of 5/28/15 is as follows:
 - States which have had positive highly pathogenic avian influenza cases in commercial premises, backyard flocks, captive wild birds or wild birds: 20 (AR, CA, IA, ID, IN, KS, KY, MN, MO, MT, NE, ND, NM, NV, OR, SD, UT, WA, WI, WY)
 - Laboratory-confirmed premises for H5 avian influenza number 202 —183 commercial, 19 backyard
 - 3 commercial premises = MN-94, IA-61, WI-9, SD-9, NE-3, CA-2, MO-2, ND-2, and AR-1
 - Commercial poultry depopulated or pending depopulation:
 - Turkeys: approximately 6.96 million (4% pending depopulation)
 - Chickens, layers and pullets: approximately 40.01 million (59% pending depopulation)
 - Ducks: 35,600
 - As of 5/26, the above losses represent
 - 6.75% of U.S. turkey inventory
 - 9.46% of U.S. layer inventory
 - 3.55% of U.S. pullet inventory

- Broiler depopulation has been quite limited and represents less than 0.01% of U.S. broiler inventory.
- Kristin Haas, State Veterinarian, coordinated a New England regional seminar-based emergency exercise in White River Junction on 5/27 and 5/28. Discussion focused largely on deployment of National Veterinary Stockpile (NVS) resources to Vermont during a Foot and Mouth Disease outbreak. The NVS is a federal cache of animal disease emergency response supplies, equipment and trained personnel that could be utilized once state resources are overwhelmed during the response. The associated issues discussed at the exercise also have applicability to the more imminent concern of Highly Pathogenic Avian Influenza impacting Vermont.
- Kristin Haas, State Veterinarian, participated in a conference call on 5/26 with colleagues in the Division of Emergency Management and Homeland Security to answer questions regarding the Highly Pathogenic Avian Influenza outbreak and to discuss potential challenges that would exist in Vermont should we be impacted by the outbreak. Action items identified during the conversation were to engage the Department of Environmental Conservation to begin discussing options for poultry carcass disposal and to try to schedule a date to exercise the VT AI response plan, which is in need of updating. This exercise may be able to happen the first week of August.
- Kristin Haas, State Veterinarian, issued a quarantine on a VT poultry premises consisting of approximately 120 meat birds and laying hens as a result of a confirmed diagnosis of Infectious Laryngotracheitis (ILT). ILT is caused by a herpes virus that is extremely difficult to eliminate from a flock, and depopulation is generally recommended as a control measure. The owner will be slaughtering the birds over the next month for her family's consumption as the disease does not infect people. The quarantine will be lifted once all birds are depopulated, and she will be allowed to acquire new poultry after a thorough cleaning and disinfection of the poultry houses.
- The Food Safety and Consumer Protection Division has completed all preparatory work needed to launch the farmers market inspection program, and inspections/audits of markets are expected to commence in early June. There has been excellent cooperation of all FSCP employees to get to this point, and all staff members have been extremely forthcoming in their willingness to perform inspections of markets in their geographic territories. Staff members are currently being provided with inspection binders that include educational materials, inspection forms, and a FAQ document to guide the inspection activities; these binders are even monogrammed thanks to Stephanie Parks and Carrie Roberts, which is also extremely exciting! ☺ Market managers will be notified early in the first week of June about the fact that these audits will be commencing.
- Animal Health Section completed a cervid herd inventory and found a number of unaccounted for animals with no explanation of their whereabouts from the producer. The Animal Health Office will follow up in the next week and will consider issuing a Notice of Violation. An incomplete herd inventory could result in the producer not being able to move cervids, in this case elk, off of the premises as the farm is no longer in compliance with the Cervid Rules and has not achieved certified Chronic Wasting Disease herd status.
- Animal Health field staff are getting the run around from a cervid producer in Fairlee who is overdue for the annual inspection and the physical herd inventory reconciliation. The producer has provided a number of 'explanations' of why he is not ready for the inspection.

Summary of Key agency Department Activity

Administration:

Vermont Farm Show: Deputy Secretary LaClair attend the semi-annual Vermont Farm Show Trustees Meeting, reporting on the success of the annual Consumer Night which includes the Buy Local Market (45 vendors) and the Capital Cook Off featuring teams from the House, Senate and the Agency of Ag. The Agency will continue to produce this annual afternoon/evening event, a feature of the 3 day Vermont Farm Show. Over 13,000 attendees this year. An effort to attract a younger audience, new and beginning farmers, as well as non-traditional Vermont Ag Associations with potential to attract new attendees.

On May 22, the Agency attended a hearing for Act 250 Application #3R1089, the Green Mountain Center at Exit 4 in Randolph. The Applicant seeks partial findings on Criterion 9(B), impacts to primary agricultural soils, and on Criterion 10.

The Agency wrote a review letter dated 9/16/14, considering the information presented by the applicant concerning the reduction in the agricultural potential of the soil on the site due to development. This letter solely focuses on whether there are primary ag soils present on the property, whether the project reduces the potential of the soils, and whether any

proposed mitigation is adequate. After the District Commission (DC) determined that the Conservation Law Foundation and Vermont Natural Resources Council and their members had party status on both Criteria 9(B) and 10, the Applicant and his representatives presented the scope of the project and testified on the project's compliance with 9(B) and its sub criteria, and 10 V.S.A. §6093 which addresses flexible mitigation. The DC recessed the hearing and a hearing recess order is expected.

Agricultural Development:

Local Foods

Vermont Specialty Crop Block Grant Program Review Committee Considers High-Quality Proposals

Produce Safety Coordinator Kristina Sweet convened a Vermont Specialty Crop Block Grant Program (SCBGP) review committee of industry and service provider stakeholders to consider 8 high-quality proposals for funding.

- The Vermont SCBGP will award approximately \$178,000 through a competitive award process in 2015.
- Proposed projects would benefit fruit, herbs, honey, hops, maple, mushroom, and vegetable industries.
- More information on the Vermont SCBGP is available at <http://bit.ly/VTSCBGP>.

Participation in National Conference Call on Food Safety Modernization Act Implementation

Produce Safety Coordinator Kristina Sweet participated in a national conference call organized by Katy Coba, Director of the Oregon Department of Agriculture and current chair of the Food Regulation Committee to discuss the Food Safety Modernization Act (FSMA). States were invited to share their thoughts regarding—

- FSMA implementation
- How state food safety programs will fit into implementation of FSMA
- FDA final FSMA rules in 2015 and 2016, and
- U.S. congressional funding for implementation

VAAFM Farm To School Coordinator, Zipparo, Assists Agency of Education and USDA Farm to School Program in Outreach for Census of All Schools in Vermont

- The USDA Farm to School Census is taken every two years, and is distributed to all school food authorities in the United States. The census is due on Friday, May 29.
- Vermont's response rate during the last census was only 58%. The current response rate is nearly 100%, making Vermont the most responsive state in the country.
- The information gathered in the census is comprehensive, and gives a more accurate picture of local food, school garden, and curricular engagement around farm to school than previously possible.
- The close partnership between USDA Farm to School, VAAFM and the Agency of Education Child Nutrition Program, as well as the efforts of food service directors throughout the state, has been a key part of the success Vermont has seen in its response rate, thus leading to better information.
- Results for the census are expected to be released in the fall of 2016.

VAAFM Launches Re-Designed State of Vermont Workplace CSA Program

- The State of Vermont (SOV) Workplace Community Supported Agriculture (CSA) Program began as a pilot in 2012 to expose farmers to SOV employees as a new market to sell product, increase SOV employees' access to local food, improve workplace wellness, engage state employees in learning about Vermont's food system, and facilitate awareness opportunities. The program is coordinated by the Agency of Agriculture, Food and Markets (VAAFM) with support from the State Employees Wellness Program.
- Approximately 100 employees participated in the program, with only a handful of farms delivering to worksites, over the course of three years.
- Based on survey results, most employees who use the program are new to CSAs (75% in 2012 and 57% in 2014), and the vast majority (90% in 2012 and 80% in 2014) would sign-up for the SOV Workplace CSA Program again.
- Most SOV CSA participants surveyed like the quality, volume, variety, and the value of the food they got in their CSA shares. Convenience was a significant factor in participant satisfaction, as well.
- As a result of the relatively low participation rate, VAAFM will introduce a larger, more comprehensive SOV Local Food Wellness and Awareness Initiative, promoting all direct and intermediate markets for local food. The SOV

Workplace CSA Program will continue, but will be more focused on promoting opportunities, rather than facilitating relationships, allowing more capacity to be available for the more inclusive initiative. The Workplace CSA Program website launch is the first step in the new initiative, with the other components being introduced in coming weeks.

Food Safety and Animal Health and Consumer Protection:

Meat Inspection:

- VT State inspection was inaugurated this date to a new red meat slaughter facility in Milton
- Program continues to monitor a particular exempt facility for adherence to sanitary standards. This is above and beyond our normal oversight of these types of operations
- Several inquiries received from VT Health dept. sanitarians concerning regulations associated with the production of meat products and allowable activities when produced under a home catering license
- Conversations have been taking place with a swine producer from Michigan looking to move the operation to VT to raise Mangalitsa pork which will be intended for high end charcuterie products like dry cured salamis and prosciutto

Animal Health:

- Animal Health Field Staff
 - Attended weekly auction at ACCS and checked for ADT compliance and completed market report.
 - Certified a new National Poultry Improvement Program (NPIP) participant by completing Pullorum testing and a facility inspection (records, sanitation, and hatchery equipment).
 - Completed the annual inspection of an NPIP participant in Bristol.
 - Met with Shelburne Farms farmyard manager and USDA VMO Dr. Russo to discuss biosecurity and the national avian influenza outbreak and how it could impact their animal exhibition.
 - Completed an annual inspection of a horse dealer in Starksboro.

Agricultural Resource Management:

Plant Industry Entomology

- Patti Casey and Alan Graham attended the annual Northeastern EEE conference, held this year in New Haven, CT on May 8th. Alan presented an update on EEE virus activity in Vermont. The vector management group has been collecting ticks and will be sending them to the VAAFM lab in Burlington to test for 3 tick-borne diseases.
- Patti Casey, along with 3 seasonal field technicians, has been establishing trap sites for mosquito arbovirus surveillance which will start on June 1st. This year we will be surveying and testing mosquitoes in all 14 counties in Vermont. We have been providing technical assistance to the mosquito districts and assisting with the survey of larval and adult mosquitoes.

North Lake Farm Survey Initiative:

- Staff are conducting water quality surveys of farms in Franklin and Orleans Counties as part of the North Lake Farm Survey Initiative. There are approximately 350 farms in the survey area and surveys are being conducted by 8 ARM Division staff members. The following number of farm facilities were surveyed within the last week as part of this initiative:
 - 8 SFOs

Medium Farm Operation (MFO) and Large Farm Operation (LFO) Programs:

- Staff conducted an inspection on a MFO in Addison County related to two complaints regarding the farm's manure management and manure field stacking site.
- Staff worked with ANR-DEC regarding a complaint ANR received about field ditching in Addison County. The farm was believed to be a MFO so AAFM contacted the farm to see if they were ditching or installing tile/field drainage.
- Staff are drafting reports and memos related to inspections and enforcement cases and following up as needed.
- Staff sent out applications, processed grants and corresponded with applicants for the Farm Agronomic Practices (FAP) Program.
- Staff are continuing to test the FoodSafety WQ database and we have sent comments to the database designer.

Conservation Reserve Enhancement Program (CREP):

- Staff worked on certifying CREP plantings at two SFOs in Lamoille County with NRCS and FSA staff. They also preformed spot checks to two old CREP projects in Lamoille County.
- Staff performed CREP field work with three landowners in Windsor County and trained VACD staff as well during the visits.
- Staff visited a SFO in Chittenden County to flag out a draft CREP fence line and to discuss the project with the landowners (father and son).
- Staff are working on maps for SFO CREP projects, preparing for CREP visits, and confirming upcoming CREP visits/planting inspections/meetings with planting contractors.

Water Quality Enforcement

- A Medium Farm in Fairfield was issued a Notice of Violation with proposed penalty for building a barn that will allow him to house over the LFO threshold number of mature dairy animals, without first obtaining a LFO permit from the Agency. [violations of the MFO General Permit]
- A Small Farm in Glover was issued a corrective action letter for violations of the AAPs for failing to manage their manure stacking area in such a way as to prevent the runoff of waste to surface water.
- A Small Farm in Stowe was issued a corrective action letter for violations of the AAPs. The pasture adjacent to the Farm's production area is not being managed in a way to prevent livestock impacts to the streambank and resulting in excessive streambank erosion.
- A Small Farm in Highgate was issued a corrective action letter for violations of the AAPs. This small beef operation is stacking manure in violation of the required setbacks to property boundaries and surface water, and is not managing the manure stacking area in a way to prevent the runoff of wastes to the stream. Unrestricted livestock access to the stream has also resulted in degradation of the streambanks.
- A Small Farm / backyard horse operation in Barre was issued a corrective action letter for violations of the AAPs. The horse paddock is immediately adjacent to the property line and is not being managed in a way to prevent the runoff of wastes across property lines. Horse manure is also stacked within the required setbacks to property lines and drinking water wells.

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Deborah L. Markowitz
Agency Secretary

Trey Martin
Deputy Secretary

State of Vermont
Agency of Natural Resources

CONFIDENTIAL and PRIVILEGED

To: Governor Peter Shumlin

From: Deborah Markowitz, Secretary, Agency of Natural Resources

Date: May 29, 2015

Subject: ANR Weekly Report

Governor Level Issues:

Vermont Gas Phase I – Colchester mitigation parcel: At meeting this week, the Town of Colchester Selectboard withheld approval of a proposed conveyance of a conservation easement from Vermont Gas Systems to the Department of Fish and Wildlife. The roughly 60-acre parcel to be conserved contains areas of sandplain forest, a significant natural community, and will serve as mitigation for project impacts to sandplain forest elsewhere along the project alignment. The Phase I certificate of public good requires that VGS acquire the parcel and either conserve or convey it to FWD prior to commencing construction on that section of the alignment. VGS would like to commence construction in this area in early June, so they are highly motivated to move forward with the transaction. Ultimately VGS would like to convey the parcel in fee to DFW, but an abutter recently trespassed on the property and caused damage, which VGS will need to clean up prior to the transfer, so they are conveying only the easement at this time.

It is FWD's practice to seek municipal approval of acquisitions, even though that approval is not required in statute. The Town did not approve the conveyance this week due in part to the Town's interest in securing a mitigation parcel for other developments in Colchester that may impact sandplain forests. FWD legal counsel has communicated to the town's attorney that this parcel cannot serve as mitigation for the town's project and the Selectboard will meet again Monday to consider the transfer, at which time we expect they will approve. If not, FWD may elect to pursue Governor's acceptance of the acquisition without the Town's sign off.

IBM: DEC received a transfer of ownership application from IBM for transfer of their recently issued permit for the main Essex Facility to Global Foundries on July 1. Once we receive the

necessary documentation following transfer and confirm the new entity is listed with Secretary of State, we will transfer the current permit for the Facility.

Lake Fairlee Dam: A news report in the Valley News indicated that the bond vote to fund reconstruction of the Lake Fairlee Dam was successful. The total voter-authorized amount is \$850,000. The article also quoted the Tri-Town Committee Chairman as hopeful that the project can start in late June. Dam Safety has notified the Tri-Town Committee that there are still outstanding design issues that need to be resolved before a Chapter 43 Order can be issued.

TDI New England Clean Power Link

OPLA met this week with most of the technical experts that will provide testimony in ANR's initial filing with the Public Service Board on this matter. ANR's first round of testimony is due June 12, and the purpose of the meeting was to run through the list of unresolved issues associated with the project, flag areas of cross-program coordination and begin to develop the Agency's detailed position. OPLA and DEC legal and planning staff will work with DEC and FWD technical staff over the next week to finalize ANR's testimony and compile it in advance of the June 12 filing. The overarching goal of the testimony is to identify project impacts of concern and, where possible, indicate means for the applicant to modify the project to avoid or minimize those impacts. The testimony should provide a clear roadmap of action steps for TDI to follow if they choose to resolve outstanding issue and settle with ANR prior to the end of the proceeding.

Exit 4 Development Proposal: The District 3 Act 250 Commission held an initial hearing on the proposed project at I-89 Exit 4 interchange. The applicant is seeking partial findings under criterion 9B (Ag Soils) and criterion 10 (Town and Regional Plan). The Commission also heard and granted petitions for preliminary party status from Conservation Law Foundation and Vermont Natural Resources Council. A final decision on party status will be made at the close of the proceeding. A second hearing is scheduled for July for parties other than the applicant to present their concerns under criterion 9B. The main issue is whether the applicant can utilize off site mitigation for impacts to Ag soils.

Eagles Landing: In 2014, the Vermont General Assembly approved an expedited Act 250 permit review for projects in designated downtowns. Eagles Landing is a housing project at Champlain College in Burlington that is going through that expedited review process. The review process is going well. However, it came to our attention that Eagles Landing started construction on the project by demolishing exiting buildings and doing site work before obtaining approval. The Natural Resources Board and ANR are pursuing a joint enforcement action because there may be hazardous materials in the demolition debris. The applicant has been cooperative.

EVERYTHING ELSE:

Press Issues/Releases:

Kickoff to Summer in Vermont State Parks: WCAX Channel 3 featured Craig Whipple, Director of State Parks, in a news story that aired during Memorial Day weekend:

Getting the Parks Ready: The Rutland Herald interviewed State parks staff for a recent article about getting ready for the busy season:

Forest Pest First Detector Training: Enjoy spending time outdoors? Concerned about the health of Vermont's forests? Then we need YOUR help! First Detector volunteers are our front-line defense against invasive tree pest infestations. The Vermont Forest Pest First Detector Program is hosting a FREE volunteer training session on **Saturday June 13, 9:30 a.m.-4:15 p.m. in Montpelier**. We are training volunteers to (1) inform the public about the tangible threat Vermont's primary pests pose (namely the Asian longhorned beetle, emerald ash borer, and hemlock woolly adelgid), (2) prepare their communities for a response in the event of an infestation, and (3) screen potential pest sightings. Early detection of invasive pests mitigates the economic and ecological impact to forests and prevents pest populations from becoming established in the state. Come volunteer with us! YOU can help protect Vermont's forests! Learn more about Vermont's First Detector Program. For more information, visit vtinvasives.org/first-detectors.

Summer Programs to be Announced: Both the Reel Fun fishing program in partnership with the Department of Fish and Wildlife and the Park Prescription program with the Governor's Council on Physical Fitness and Sports are being announced this week. The Park Prescription program will be a feature of the Governor's weekly press conference to be held Wednesday at Waterbury Center State Park.

FWD Launches New "All In" Habitat Stamp for Vermonters Interested in Conservation: FWD is announcing a new way to directly fund the conservation of open spaces and wildlife habitat in Vermont. Fashioned on the success of the federal duck stamp, Vermont is releasing the new Habitat Stamp, a voluntary way to donate to protecting wild places in the state. Donations start at \$10.



Brookfield Angler Wins VTFWD Online Kayak: Nathan Brien, 25, of Brookfield, Vermont likes to go fishing, but he's never fished from a kayak before. That changed May 19 when the FWD drew a winner for a new L.L. Bean "Manitou" Angler Kayak donated by the Freeport, ME, retailer. Nathan became the lucky winner of the kayak by purchasing his hunting and fishing licenses on FWD's website (vtfishandwildlife.com). He was one of more than 24,000 people who were automatically entered into the kayak lottery that began in December.

Significant Events/Meetings:

Envirothon: This annual event took place Tuesday, May 19 at Hulbert Outdoor Center in Fairlee. Eighty-five high school students competed from eight different high schools in this natural science competition day. Two other high schools participated in the program throughout the school year but were unable to participate in the day. Envirothon is FPR's one big high school conservation education program. Teams of five high school students study four topic areas throughout the school year and then compete in hands-on exams in these four areas: forestry, soils, wildlife and aquatic ecology.

Eagle Mountain Fire in Milton: On Friday, May 22, a 6.5 acre forest fire was reported on Eagle Mountain in Milton. The Milton Fire Department requested assistance from FPR. Strong winds off Lake Champlain continued to spread the fire throughout the morning. Crews worked on the fire all day Friday. FPR supplied water to the fire with approximately 1 mile of fire hose and a high pressure pump. Local fire departments were impressed with the Department's ability to supply water to such a difficult fire. Crews returned for a partial day on Saturday to mop up the fire, which was out by 12:00 noon. [Here is a link](#) to an article about the fire.

SUMMARY OF KEY DEPARTMENT ACTIVITY

Office of Planning and Legal Affairs (OPLA)

VELCO Connecticut River Project: OPLA will facilitate a meeting Friday, May 29, with Vermont Electric Power Company representatives and staff from a number of DEC and FWD programs to discuss VELCO's Connecticut River Project, a major transmission upgrade that runs 14 miles from Cavendish to Weathersfield. The project will require a number of DEC collateral permits and a certificate of public good from the Public Service Board. The purpose of the meeting is for VELCO to present the project and received initial feedback from ANR on potential natural resource constraints, means to avoid or minimize those impacts and to discuss what permits will be required and the schedule for obtaining them.

New Applications: During the Week of May 17, OPLA received 4 new Act 250 applications and 4 new Section 248 petitions.

Environmental Conservation (DEC)

Accreditation Inspection: The annual inspection of ANR's environmental laboratory to confirm its compliance with the National Environmental Laboratory Accreditation Conference took place from May 14th to May 19th. The inspection went very well with only minor recommendations made by the inspector, Bill Hall. The lab will receive a draft report from the inspector within 30 days, but it is expected that the lab passed and will retain primary accreditation for its certified parameters.

Brattleboro Carbon Harvest: DEC received a transfer of ownership application from Brattleboro Organic Energy, LLC to take over the former Brattleboro Carbon Harvest facility that went into bankruptcy. The Facility utilizes two internal combustion engines to combust landfill gas to produce electricity. The existing permit was also coming up for renewal and an extension was granted to file the application. The new owners intend to install a demonstration food waste digester to supplement the landfill gas and to create a high quality fertilizer from the digested material.

VT Department of Health Advisories for Cyanotoxins: The Vermont Department of Health has provided a memo that sets out the recommended drinking water health advisories for the toxins produced by cyanobacteria (blue-green algae). DEC continues to work with Health to ensure that we have monitoring systems and operating protocols sufficient to ensure that and public drinking water systems that rely on surface water from lakes and ponds are not contaminated by these toxins.

Vermont Air National Guard: Staff performed a site visit at the Vermont Air National Guard facility in South Burlington to review the facility's progress in implementing their pollution prevention goals. The facility uses an Environmental Management System in lieu of a traditional pollution prevention plan and has identified ongoing waste reduction measures to meet their pollution prevention goals.

Permit Brochure: DEC permit assistance staff have revised the *Do You Need a State Permit?* brochure and we hope to reprint these in the coming week. In June, we hope to conduct a mailing to municipal offices with these and several other DEC brochures that are of interest the general public. We are going to try and set up a process where municipal offices can request certain DEC brochures for display and dissemination in their offices on a regular basis.

Wrightsville Dam Property: We have started conversations with the Wrightsville Beach District (WBD) about transferring ownership of the roughly 650 acres of DEC fee lands to the District, excluding the dam. Management of this property has been the responsibility of the Dam Safety Section, which consumes valuable time and money (~ \$15K per year) that from the Dam Safety Program perspective would be better spent on dam inspections and maintenance of state-owned dams.

Department of Health (DOH) Rental Housing Health Code: Solid Waste Program staff having been collaborating with Lillian Curasado, Public Health Policy Advisor on revisions to

their Rental Housing Health Code to align it with VT's Universal Recycling law. DOH has been working to require landlords to provide containers for recyclables and food scraps in line with Universal Recycling's timeline. Lillian is working through the rule making process and has alerted Town Health Officers to these pending changes through their quarterly DOH newsletter.

Vermont Yankee Decommissioning: We performed an inspection of VY to look at the decommissioning efforts so far and their handling of hazardous waste. Some violations were identified and will be the subject of a notice of alleged violation. We also continue to press Entergy to respond to outstanding information requests.

Fish Disease Outbreak – Lake Memphremagog and Associated Watershed: We were informed by FWD of an outbreak of melanoma in Brown Bullhead from Lake Memphremagog. Approximately 26 % of this species exhibited melanomas in 2014, while this year the number reached 37%, which is a very high incidence for any abnormality in fish. We are meeting with Fish and Wildlife staff to discuss what the Agency response should be and determine if follow up sampling for possible analysis of fish tissues or sediment contaminants is warranted.

Hydropower Regulatory Modernization Act: The United States House of Representatives' Energy and Commerce Committee has held hearings and taken testimony on a "discussion draft" of the Hydropower Regulatory and Modernization Act (<http://energycommerce.house.gov/hearing/discussion-drafts-addressing-hydropower-regulatory-modernization-and-ferc-process>). Among a host of provisions that would reduce environmental review for hydroelectric projects, the proposed legislation would grant FERC the exclusive authority on final determinations for all license terms and conditions, thereby stripping the states of their authority to certify and condition projects under Section 401 of the Clean Water Act. We have contacted Congressman Welch's office to indicate our opposition to this bill since it would undermine the states authority under the Clean Water Act.

Fish & Wildlife (FWD)

Industrial Scale Maple Sugaring Concerns: FWD staff met with FPR staff last week to discuss concerns with industrial scale maple sugaring done by Sweet Tree on forest legacy lands in Norton and Averill. Although staff from both departments share concerns regarding impacts to wildlife and dispersed public access, the departments are using this as an opportunity to monitor and better understand the effects of large-scale sugaring on wildlife and habitat.

Teaching Outreach: FWD staff taught a half-day fisheries sampling techniques field class to 24 Grad students as part of the seventh annual Northeast Section of the Wildlife Society's field course. The 2-week field course is held every May and is based out of the department's Kehoe conservation camp on Lake Bomoseen. Staff conducted seine netting and backpack electrofishing on Lake Bomoseen to discuss differences in sampling techniques and fish diversity and abundances between different types of habitats sampled.

Spring stocking continues: Staff stocked large size trout in the Special Regulations section of the Passumpsic River in St. Johnsbury as part of our state-wide Trophy Trout program. This

program provides an exciting fishing experience for anglers in higher population areas where public access to the river is available and easy.

Not a good week to be a Moose: A sick moose in Plymouth was dispatched by Warden Carey. Another moose that collided with a vehicle was removed by SW Majeski. Warden Scott ran a moose out of Lyndonville and back into its natural habitat. Warden Gravelle also had to dispatch another sick moose in Bridgewater.

Search and Rescue Adventures: Wardens responded to Mt. Ascutney for a hiker with medical issues. Warden Hungerford flew with VSP to assist in locating the missing Sudbury woman from months ago, still no sign of the missing woman. Warden Butler assisted VSP with a suicidal person in Killington.

Not to be eluded again: Warden Snyder was eluded last week by a male on a 3 wheeled ATV. Making a mental note of the make/model, he spotted the rig this past weekend parked behind a pizza shop not far from where he first saw the operator. Warden Snyder waited for the male to exit and made his approach: he was not to be eluded again!

Forests, Parks and Recreation (FPR)

Telecommunication Licenses: FPR is very close to finalizing a new telecommunications license agreement with VTel for their project at the Killington electronic communications site at the top of Killington Peak.

Memorial Day Weekend: With the weather largely cooperating, Memorial Day weekend at state parks was a major success. Parks were very busy and there were few incidents. Prior to the weekend, early season visitation was 10% ahead of last year and camping reservation activity is tracking about 5.5% ahead.

Becoming an Outdoor Family: The highly-regarded, annual Becoming-an-Outdoor-Family event happens this coming weekend at Stillwater State Park and other locations within the Groton State Forest.

Middlebury Elementary School "Trout Release Day": On May 20, FPR hosted Middlebury Elementary School 3rd graders at a forestry field station along the upper stretch of the Middlebury River in Hancock with. Approximately 45 students along with their attendant educators joined the Addison County Forester and several other natural resource professionals for their "Trout Release Day". Having raised the trout all winter in a school aquarium, the students tromped between several educational work stations to better understand the links between the trout and the environment that ensures their health and vigor. We studied tree canopies, roots, coarse woody debris, attenuation, temperature, and food. They ate cookies, fell in the water, turned over rocks, compared conifer shade to hardwood shade, and set the fish free. Then they all went home with wet socks and hope that the released fish would be okay. [Here is a link](#) to an article about the event.

EAB: New York State revised its emerald ash borer quarantine boundary effective May 1st. The revision affects any business that brings untreated ash wood products or hardwood firewood into Vermont from any part of New York, even the uninfested areas of the Adirondacks and the Champlain Valley.

Natural Resources Board (NRB)

9L Guidance: The NRB and ACCD met to continue work on the procedure and guidance on Act 250 criterion 9L per the directives in S.138. We are making good progress on the procedure and guidance and intend to have a draft ready for review by stakeholders next month.

Chelsea Retail Proposal: A proposed retail store in Chelsea was denied by the District 3 Act 250 Commission under criterion 9L and 10. The applicant failed to present any evidence on whether the retail store, which was to be located right on a rural section of a state highway, will be magnet for other retail development in the area that is currently farms and fields and contribute to strip development. The project was denied under criterion 10 because both the Town and Regional Plan allow this type of retails development only in Chelsea village.



Privileged and Confidential

MEMORANDUM

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

From: Christopher Recchia, Commissioner

Date: May 29, 2015

Subject: Weekly Report

Governor Level Issues:

Status of Priorities and Cases of Interest:

VY: We had a call with the NRC this afternoon with the AGO, NY and MA AGOs to discuss our various appeals and concern about expenditures from the Decommissioning trust Fund. NRC was very cautious and tried to emphasize they were considering our concerns carefully. That said, my impression is they are going to rule against us at pretty much every turn. With regard to the Entergy negotiations, I am developing a counter-proposal based on our meeting early in the week. As you heard from one of the radio operators of the EPZ program when in Brattleboro this week, they are one of many that will be affected by the payment cuts, but we will do the best we can. Spoke to Mike Twomey on Thursday just to tell him we were still working on it. .. an added wrinkle to our plan is that Twomey says the additional \$95M on SFM will NOT be reimbursable by the DOE as it is related to decommissioning the plant and not fuel disposal. That will make them less likely to agree to pay for those costs outside the NDT. We'll see.

Your New Chief of Staff: We will miss him – be nice to him 😊

Meetings this Week:

May 26 – Chris at Monthly VY Interagency Meeting

May 28 – Chris Entergy meeting in Brattleboro; Chris at NDCAP meeting

May 29 – Chris VEDA board meeting

Meetings next Week:

Jun 1 – Chris monthly check-in with Jim Volz

Jun 2 – PSD meeting with Dori Wolfe/Elizabeth Mine Solar Array project

Media: Chris spoke with John Dillon/VPR re TDI

Everything Else:***PERD*****2015 Comprehensive Energy Plan Update**

- Formally launched the public phase of the 2015 CEP update via a press release and publication of a request for information.
- 2015 CEP webpage and public comment forms published at http://publicservice.vermont.gov/publications/energy_plan/2015_plan.
- Scheduling and Logistics for public focus groups
 - Worked out details for two sets of events, June 24th at Vt. College for Fine Arts (Noble Hall) and June 30th at Capitol Plaza.
- Drafted revised Gantt chart for CEP actions June through December
- Met with ACCD leadership to discuss how their agency can and will be involved in the CEP update.
- Staff began review of content for assigned sections

Public Service Board Dockets

- 7970: Staff completed rebuttal testimony, to be filed on 5/27. Testimony addresses conversion costs, the economic impact of lost sales in the delivered fuel industry and increased sales in the NG industry, and particular methodological issues with others' testimony.
- EEU 2015-02: Staff developed a draft Transition Period Plan schedule to share with VGS, VEIC and BED in advance of the pre-hearing conference on May 28.
- 8486: Staff attended the prehearing conference on Wednesday May 20 related to the Petition of Vermont Energy Investment Corporation for approval of collateral and security arrangements to be implemented in connection with Efficiency Vermont's participation in RUS energy efficiency and conservation loans. BED expressed concerns about BED ratepayers EEC being held as Security and/ or collateral for services BED ratepayers would not benefit from. DPS stated the same concern for future VGS ratepayer EEC funds held by the Fiscal Agent. The Chairman advised that it is best for

any issues to be worked out among the parties prior to VEIC filing proposed terms for collateral and security. A number of other technical questions about how to develop security and collateral terms while at the same time protecting ratepayer funds from unnecessary risk remain unanswered. Staff continue to explore potential solutions with the parties.

- 8544: VEIC Overall Performance Assessment – Staff continued strategic planning for the development of Direct Testimony due on June 26, 2015. VPPSA and AIV interventions were approved by the Board and no parties filed comments on the historical performance data submitted on the due date of May 22.
- 8395 (CEED) – Staff met with GMP to identify agenda items for forthcoming meetings with GMP and program administrators (VEIC, EnSave, Native Energy) to review NSB calculation methodology and other component of the 2014 and 2015 evaluation of CEED investments.

Thermal Energy Finance Pilot (Heat Saver Loan)

- Worked with OEO State Weatherization Program to understand how to address issues related to asbestos and vermiculite that impede energy efficiency upgrades for program participants. Drafted an action plan for allowing these customers to obtain HSL financing through the TEF Pilot. Set a meeting with Dept. of Health and OEO for June 5th to work through a process that will meet the safety requirements of the state. Target is to create a pathway by early summer.
- Revised the HSL application form to allow customers of VGS who cannot participate in their program (usage too small) to gain access to HSLs via Home Performance

Clean Energy Development Fund

- Worked with VEIC administrators of the SSREIP on a sub-contract with REV for REV's administration of the Solar Partnership program and creation of an on-line database on qualified renewable energy installers (PV, SHW, Small Wind, & Advanced Wood Heating).
- Together with the State Wood Energy Team drafted an RFP for advanced wood heating conversions at schools and non-profit low-income housing state-wide.
- Windham Solar Finance Program
 - Created list of solar PV and solar hot water installers for residential solar projects in Windham County. Three vendors responded to the initial request for listing. More may be added throughout the program as they apply.
 - VSECU is in their final walk through with internal steps needed to open the program.
 - Current timeline is to open the program around the middle of next week.
- Community Solar Finance Program
 - Began drafting program design and grant agreement for VSECU for this DOE Sunshot-funded initiative. This grant is basically an expansion of the credit enhancement program currently being set up in Windham County, this time to

serve solar PV markets statewide. The award will be for \$125,000 to establish an interest rate buy-down for solar PV residential net metered projects.

- Community Solar Grant Program
 - Began processing final invoice for the Shrewsbury Mountain School Solar PV installation (Rutland South Supervisory Union). Invoice will be paid minus the 5% holdback per the grant agreement.

Renewable Energy Items

- Attended the Sun-Shot funded VT Solar Pathways stakeholder meeting
- Attended and presented at a public meeting in Stowe regarding Stowe Electric’s proposed 1MW solar project
- Compiled response for legislative request regarding a Brattleboro schools’ net metering questions regarding the need for a town vote as well as the ability to belong to multiple net metering groups.
- Agreed to participate in Sept. 9 Municipal Day being organized by ANR, to discuss net metering.
- Responded to questions on H. 40 as passed from ANR as well as from several renewable energy developers and other organizations.

Net Metering

- Attended Act 99 rate design and general processes working groups. Began compiling Act 99 “general process” comments to share internally in the next couple of weeks, prior to the deadline for filing comments with the Board of June 12.
- Staff began to consider whether the PURPA redesign for rule 4.100 could be profitably harnessed to work well with the 5.100 net metering redesign. Developed and refined a matrix summarizing possible treatment of different sizes of generators under different programs.

<u>Net Metering Activity 5/16/15 – 5/22/15</u>				
	Registrations	Applications	45 Day Notice	CPGs Granted
Count	24	3	1	34
kWAC	138.64	800	500	890.00
Ave Size kW	5.777	266.667	500	26.176
Cumulative Capacity of ALL Formal Notices Submitted**				
	Year Total to Date		Total Since 1999	
2014 kW	2015 kW	1999 – 2015 kW		% of 15% NM Cap

13,693.48

24,044.67

91626.03

~ 61.1%

****NOTE: This table includes all systems over 150 kW that go through the full 248 process. It also includes systems for which 45 day notices have been filed, in addition to those for which formal 248 applications have been filed.**

Transportation

- *VT Clean Cities Coalition* - Staff attended Board meeting. At meeting, staff awarded \$20,000 to Clean Cities for continued electric vehicle work place charging outreach. Board members attending included: DPS, VEIC, Casella, Bourne's, Burlington, VGS, and a biodiesel seller/representative. In addition to background on Clean Cities, its mission and purpose, Board members identified areas of opportunity/barriers with regard to alternative fuels. Topics of discussion included: desired CNG fleet vehicle expansion (Casella); adopting EVs in fleet, CNG fueling station expansion needed, and technical resource needs (Burlington); reducing redundancy in CNG fueling stations (i.e. Casella/VGS); desire to sell more CNG (i.e. VGS); desire for increased political pressure re more biodiesel opportunities (bio diesel dealer/Bourne's); utilizing propane filling stations for propane vehicles (Bourne's).
- Note, the UVM Transportation Research Center hosts the NE Transportation Workforce Center, 1 of 6 regional centers focused on transportation workforce development and how the transportation work force is changing and what skills workers need. VT Clean Cities Coalition interfaces with the Transportation Workforce Center on alternative fuels issues.

Other Items

- The SEMP manager informed the Department that the Vt. Superintendents Association would no longer be pursuing work funded via the federal government. They decided that the federal requirements that accompany the proposed funding would place too severe burden on their limited resources. SEMP also bowed out of other efforts such as the USFS-funded biomass State Wood Energy Team.

Engineering

Vermont Yankee Spent Fuel Management & Decommissioning

Systems maintenance and testing to support Spent Fuel Pool integrity continued during the reporting period. Most notably, monthly surveillance testing of the "A" Emergency Diesel Generator and the Station Blackout (SBO) Diesel Generator were completed. No issues identified during the reporting period impacted Spent Fuel Pool integrity. One fuel assembly was repositioned within the Spent Fuel Pool without impacting Spent Fuel Pool integrity (details discussed below). Reconfiguration of several onsite security structures (consistent with VY's recently revised security plan) concluded during the reporting period.

Single Spent Fuel Assembly Repositioned in the Spent Fuel Pool

On 5/19, VY moved an older spent fuel assembly from one position to another within the Spent

Fuel Pool. VY had originally intended to move the assembly in December 2010 using the “monorail hoist” (an auxiliary Reactor Building crane), however, the hoist was unable to lift the assembly out of position. The assembly was declared “stuck” and was designated for reassessment, which had to be completed before the assembly could be designated for transfer to a Dry Cask fuel storage canister. The purpose of the May 19 move was to determine whether the assembly could be moved using the (primary) reactor building crane or if development of a special handling procedure would be necessary. The fuel move was successfully completed using the reactor building crane and without challenging Spent Fuel Pool integrity. Hence, the fuel assembly can be moved using VY’s standard fuel transfer procedures.

Suspicious Activity Incident at VY Site

On Friday, 5/22, local law enforcement and VY Site Security responded to reports of an individual scaling the outermost (Owner Controlled Area) fence at a remote part of the VY Site (north of the switchyards and the Vernon substation). The individual was identified as a Burlington High School student who had interviewed a VY spokesman at the Governor Hunt House earlier that morning as part of a school project on nuclear power. The student indicated that he climbed the fence because he wanted several photos of the VY site. The student’s camera was confiscated by VY Security, but was later returned to him once the photos were deleted. At no point did the student challenge the defenses for the site’s Protected Area (nor does it appear that he ever set foot within the Owner Controlled Area).

Vermont Gas Systems ANGP project

VGS planned and assessed four Horizontal Directional Drill (HDD) pipeline installations within the most northerly 11 mile segment of the Addison Natural Gas Pipeline project. These include so-called trenchless-technology pipeline construction sites which cross I-89 in Williston, Redmond Rd. in Williston, Rt. 2A in Essex, and a sensitive sandplain site in Colchester. Installation of a test pipe segment into the bored hole at the Redmond Rd. site was unsuccessful due to significant pipe damage caused by underground obstruction(s). It is believed the bore-path passes through a landfill site. Following consideration of the damage and several available methods to protect pipelines installed by HDD, the company has determined to abandon the bored hole and install the segment by conventional open-trench methods. VGS and its contractor continue to prepare for HDD installation at the remaining three sites.

NAPSR Eastern Region Meeting

The Department Gas Engineer attended the annual Eastern Region National Association of Pipeline Safety Representatives meeting in Portland ME during this report period. In addition to topics described in the most-recent weekly report (last week), the group received presentations on current and emerging sensor technologies which are applicable for assessing the condition of steel pipelines. Methods to utilize multiple sensors via “in-line inspections” (configurations of sensors, location devices, power supplies and data loggers are inserted inside pipeline segments and collect information while traveling through the pipe) were also reviewed. Representatives from the Eastern Region the US DOT Pipeline and Hazardous

Materials Safety Administration (PHMSA) described methods used by the administration to schedule and execute inspections of interstate pipeline facilities and the companies which operate those facilities.

Docket 8400 TDI New England Clean Power Link Site Visit

Engineering participated in the PSB site visit for this docket. The project corridor from Benson to Ludlow was viewed by bus, with TDI explaining which side of the road the line would be on, and approximately how far off the road the line would be buried. We also hiked into the location for the proposed converter station, and viewed the VELCO Coolidge substation (to which the TDI project would interconnect).

Periodic Meeting with VELCO Engineers

Engineering met with VELCO engineers to discuss current topics. Discussion topics included: Essex STATCOM refurbishment (VELCO believes a Section 248 filing is not required for this), Long Range Plan update, upcoming projects filing update (PV20 replacement to be filed in June, Connecticut River valley project to be filed in August), VELCO design standards presentation, project cost estimating presentation, and the TDI NECPL system impact study.

Regional Policy

U.S. House bill on capacity markets

- There is draft legislation in the U.S. House that would require RTOs with a capacity market to file a report with FERC on whether the market is structured to ensure a diverse and flexible generation portfolio, long-term reliability, stable pricing for customers, and adequate prices for generators. The bill also encourages capacity markets to support generation that has dual-fuel capabilities and/or firm fuel supplies. The House Energy and Commerce Committee has taken testimony on the bill.

Fast Start Pricing Methodology

- Fast start resources are units that can deliver energy from an off-line status within 30 minutes, and as such are important for reliability purposes. The resulting energy output tends to be more expensive and fairly “lumpy” in that, when the units come on-line, they cannot simply produce a single MW, but have to produce a block of hundreds of MWs. Due to this characteristic, other resources are often required to back down production to accommodate the fast start unit’s production.
- Under the current pricing methodology, fast start units cannot set the clearing price, primarily due to the fact that the pricing software was developed more than a decade ago and was not able to account for these resources. Accordingly, the clearing price is set by the marginal cost of the most expensive non-fast start unit, even when the fast start units are dispatched. The fast start units are paid uplift costs to account for the fact that the clearing price does not adequately compensate these units for the full costs of production.
- For the past few years, the External Market Monitor has recommended that ISO-NE modify its pricing methodology to account for fast start units in setting the clearing

price. ISO-NE has proposed such a change and the proposal will be voted on at the upcoming NEPOOL Markets Committee. Because the overall number of hours that fast start units would set the clearing price is low, the costs of the proposal are fairly low (less than \$20 million per year in a multi-billion dollar energy market). ISO-NE also has argued that the improved market efficiency will result in savings for ratepayers in capacity and reserve markets. Vermont utilities support the proposal. NESCOE has also recommended support of the proposal.

Finance and Economics

Electric

PSB Board Rule 4.100: Following the workshop, staff has begun to draft a revised Rule and also prepare a bullet list of provisions that would be desirable to see in the Rule. Drafts of a new Proposed Rule are due by May 29. An internal meeting was held to consider combining two Rule changes that are closely related---the net metering-Rule 5.100 and the PURPA-Rule 4.100. The Department has requested these two rules be considered together and to extend the due date for providing drafts to June 26. All parties have agreed to the request.

Stowe Electric Department (SED): Tariff 8553-Rate Design- Stowe filed for approval of its updated/new rate designs that include updated cost allocations, consolidation of customer rate classes and new optional Time of Use and Critical Peak Pricing rates. The Department filed a recommendation to open an investigation and the PSB held a public hearing on May 12, 2015 which was sparsely attended. Finance & Economics is preparing an initial round of discovery with emphasis on the commercial class rate increase. Parties are scheduled to file stipulation or litigation schedule on July 1, 2015.

Natural Gas

VGS – Docket 8471 Petition of Vermont Gas Systems for a one year renewal if it's Successor Alternative Regulation Plan. A prehearing conference was held on May 5, 2015, where the Board provided VGS and the Department questions about the renewal. We are preparing responses covering cost recovery for certain capital investments, accounting for DSM, and tariff revisions for TransCanada pipeline tolls among others. A Department response to PSB questions was completed and submitted before the due date of May 29, 2015.

VGS - Docket 8472 Petition Pursuant to 30 VSA §248 Requesting a CPG to Construct Phase VII Looping Project; VGS filed a petition to construct and install approximately 3.0 miles of 16" transmission line starting from the end of the Phase VI looping line and extending through Georgia, Vermont that will address estimated customer growth through 2019. Phase VII is a continuation of the transmission system expansion that began in 1995 to provide increased capacity and improved reliability. The project is estimated to cost \$10.8 million. Finance & Economics forwarded discovery questions concerning customer forecasts, demand growth and role of efficiency in deferring the project. A Department recommendation due date has not been set.

EEU

EEC Uncommitted Funds – Years 2012 to 2014 – Staff met with VEIC to discuss the EEC Uncommitted Funds 2012-2014 calculation. VEIC will be making additional adjustments to the estimate for Smart Grid. Final numbers will be determined after the yearly EEU audit has been completed.

Public Advocacy

Rule 4.100 & 5.100 Rulemakings – No Docket – Proposed revisions to Rule 4.100 (PURPA implementation) were due May 29. Separately, the Board established June 12 & 26 as the deadline for initial and reply comments on proposed revisions to Rule 5.100 (net metering). As staff's thinking has progressed on Rule 4.100, it became evident that there was enough of an overlap between the two programs to require some measure of coordination among the two sets of revisions. Accordingly, the Department proposed that the Board extend the deadline for revisions to Rule 4.100 to June 26, to align with the deadline for revisions to Rule 5.100. A handful of parties supported the request. None opposed.

SPEED Wheeling Charges – Docket No. 8492 – The Board initiated an investigation into the methodology used to allocate wheeling charges to SPEED facilities. This investigation comes on the heels of a long-simmering dispute between VEPPI and VEC related to the manner in which VEC levies wheeling charges on SPEED facilities located in its service territory. The Board's investigation will address this issue, as well as forward-looking issues involving dispute resolution and a possible revised wheeling methodology.

VGS Addison Expansion—Docket 7970— In the second remand, rebuttal testimony from all parties was originally due May 27, but the Board granted a one-day extension requested by AARP with the support of the Department and VGS. The Department's testimony is prepared and will be filed on May 28. It sets forth the Department's continued support for the Project and offers harsh criticism of the AARP witness and more subtle criticism of a portion of the VGS analysis. The Palmers have filed a Motion to Compel VGS to supplement and/or file responses on issues which have been objected to in discovery.

VGS filed notice of non-substantial changes to the project design on April 3 and requested a Board ruling by June 1. Only the Palmers have filed in opposition. VGS circulated a Proposal for Decision to the Department and ANR and requested their support. The Department has signed off on the Proposal.

On May 7, VGS filed a letter with the Board advising that it had discovered an agent of the Gauthiers filling in wetlands on the Gauthier property in Colchester that VGS has purchased from them. This parcel is one of the subjects of the MOU between VGS and ANR in this docket. The Board has requested comments on this filing by June 5.

TDI New England Clean Power Link Project – Docket 8400- PSD met with AOT to discuss the MOU between the agencies regarding fiber in the ROW. PSD attended the May 21st site visit. With reference to our 30 V.S.A § 218c(7) obligations, the PSD is scheduled to meet with the Castleton Selectboard on June 8th. The PSD is internally discussing TDI's proposed MOU

language. DPS testimony is due June 12th.

Petition of VEIC to use EEC Funds as Collateral for RUS Loan Program – Docket 8486 - The Department met internally to explore issues related to this loan program, including what specific income streams should be used for the collateral and the reserve funds, whether this proceeding should be a contested case, and the significance of risks being placed on ratepayers. PSD and VEIC will be meeting on 5/28 to discuss the numerous issues raised by the petition and by the Board discussion at the workshop. PSD support for the proposal is uncertain at this time.

Vermont Solar Farmers 2.2 MW Facility in Bondville, VT - Docket 8443- The Department and ANR attempted to schedule a teleconference with Petitioner’s counsel to discuss uncertainties about the project’s line extension, but upon learning the subject matter, Petitioner’s counsel cancelled the call. Counsel appears to be unaware of Petitioner’s burden with respect to review of the line extension. Petitioners then propounded discovery on PSD and ANR that seeks attorney work product and makes other objectionable demands. PSD and ANR reached out to Petitioner’s counsel to try and clarify our intent, in order to get the matter more on track. If they refuse we will be responding to discovery, and objecting to the objectionable discovery.

VY 30-Day Notice LAR – NRC 50-271-LA-3 – The State filed a response to Entergy and NRC opposition to its petition. The ASLB will likely schedule an oral argument regarding admissibility of the State’s contentions soon.

Entergy Second ISFSI – Docket 8300 – The Department, ANR, and New England Coalition served first sets of information requests on Entergy. The Department’s requests focused heavily on Entergy’s ability to provide the financial assurances of adequate funding for spent fuel storage activities required by 10 VSA § 6522. First round responses are due June 17.

FairPoint Service Quality Investigation – Docket 8390 – The Board’s hearing officer has scheduled an evidentiary hearing for June 12 on the Department’s motion to compel that has been pending before the Board for four weeks. The Department will seek additional time to file rebuttal testimony in the event the hearing officer rules in the Department’s favor. Rebuttal testimony is currently due on June 10.

VEC/VELCO Newport Substation Reconstruction – Docket 8385 – The PSB held a technical hearing on this matter on 5/27. The Board had a few questions about the MOU between PSD and the Petitioner but this was clarified off the record. Petitioner presented additional live testimony on a minor issue. The Hearing Officer indicated he would be drafting edits to the Petitioner’s draft Proposal for Decision and circulating it to the parties within the next two weeks.

VGS Looping Phase VII-Docket 8472- Engineering and Finance are reviewing the petition and preparing discovery requests which are due to be served on June 1. A site visit and public hearing were scheduled for May 26, but the Board neglected to send out the formal notice so they were cancelled. These events have not yet been rescheduled.

Lincoln Renewable Gas-no docket—This is the proposed biomethane digester project in Salisbury. It was filed as a §248(j). The Board has issued a memo posing questions to the Department, ANR and the developer. On May 28, Department staff is meeting with the developer and VGS to discuss. ANR is not yet prepared to meet as it was not properly served and has not had adequate time to review. The Board requested answers to its questions by June 1, but ANR and the Department will both request an extension. We have worked with this developer for over a year and support the project.

VTC Methane Digester – Docket No. 8447 – VTC appears to be making progress on the odor issue associated with its Methane Digester, and has circulated a draft stipulation that aims to resolve the present dispute. The Board approved a request to extend the schedule another 30 days in order to allow the parties to reach a final resolution to this odor complaint. A response from VTC is now due June 22. Parties are meeting June 1 to discuss the draft stipulation.

GMP Alternative Regulation – No Docket – On May 15, the Department sent out discovery related to GMP's 2015 Q2 power adjustor filing, as well as its exogenous filing that seeks to recover approx. \$15 million for the December 2014 major storm. Responses are due in a couple weeks. On May 26, GMP filed a minor revision to its exogenous filing, reflecting additional recoupment of costs from telecoms for storm restoration expense. On May 27, the Department sent a second round of discovery on the Q2 power adjustor.

Lajeunesse Interiors, Inc. Compliance with CPG - Docket 8446 - On Friday, May 22, 2015 the Hearing Officer issued a Procedural Order asking the Department to comment on whether to admit the stipulation filed jointly by Lajeunesse, Catamount, and the Korshaks into the record without further hearing, and requesting comments from the parties as to whether a penalty should be imposed pursuant to 30 V.S.A. § 30. The Department's comments are due by June 5, 2015. In that Order the Hearing Officer denied Catamount's intervention request and, surprisingly, noted that the Korshaks – the complainants who initiated the investigation through their Petition to Revoke the Certificate of Public Good - do not have party status in this proceeding. We understand that the Korshaks, through their attorney, are likely to contest their apparent non-party status.

VEC Petition for Declaratory Ruling – no docket number yet – Vermont Electric Cooperative has filed a petition requesting a declaratory ruling that a member-proposed bylaw amendment is inconsistent with 30 V.S.A. Ch. 81 and is vague, arbitrary, unreasonable and oppressive. The proposed amendment would preclude individuals who hold public elective office or certain appointed offices from serving on the VEC Board of Directors. The Department is reviewing VEC's claims based on previous precedent, and is inclined to support the company's position.

New England Power d/b/a National Grid Harriman Switchyard Upgrade – Docket 8493 – New England Power d/b/a National Grid has filed a petition pursuant to Section 248 requesting approval for a number of proposed upgrades at its existing Harriman Switchyard located in Readsboro/Whitingham. A prehearing conference has been scheduled for June 1st. The

Department is engaging in informal discovery with the company and is discussing a potential docket schedule.

Green Mountain Power §248(j) re: Upgrade of GMP Wallingford Substation – no docket yet – GMP has filed a petition requesting approval for a number of upgrades, including replacement of the existing 5 MVA transformer with a 7.5 MVA transformer, upgrading of the existing voltage regulators from 328 Amp to 438 Amp, and installation of a security system.

Woodstock Aqueduct Company – Docket 8462 – Motions to intervene are due by May 28th. If no motions to intervene are received, the PSD anticipates recommending the PSB allow an 18.066% rate increase instead of Woodstock's request for a 20.249% rate increase.

NGRID Transmission Line Construction/Removal Waterford and Barnet– Docket 8444 – The PSD is communicating with the petitioner and anticipates entering into an MOU. The tentative technical hearing date is June 18th.

Mountain Water – No Docket – The PSD requested the company explain its commercial customer rate calculation. Additionally, the PSD requested a few additional changes to its tariff. The PSD is hopeful these issues will be resolved in the near term and that the company can revise its current tariff accordingly.

GMP IRP – Docket 8397 – GMP submitted an action plan update to its 2014 IRP.

Telecommunications

Broadbandvt.org and Telecomvt.org Websites – PSD staff is reviewing these websites to determine which if any of the information posted there should be transferred to the PSD website. Of particular interest on the broadbandvt.org website are maps and statistics from 2010 through 2014 for both broadband and cellular coverage.

Interactive Broadband Availability Website – The broadbandvt.org website has an interactive map that shows broadband availability at the census block level (the percentage of E-911 locations in each census block with and without coverage). There are no plans in place to have a similar interactive broadband map on the PSD site, or even to create the specific data required for such a map.

TDI Fiber – Staff met with AOT staff to work through issues related to a proposed transmission line that will run from Auburg to Ludlow. As part of the project, TDI has tentatively agreed to lay fiber in the same right-of-way. The Department is negotiating with TDI for the placement of fiber and fiber access points. Staff recommends asking for the placement of at least 10 fiber access points, as well as access to any points the company may install for its own purposes. The Department is separately negotiating a memorandum of understanding with AoT to delineate the obligations each agency has to one another. Questions remain on ownership, maintenance,

and how the Department will sell licenses to third parties. Federal highway administration regulations require the state to lease the asset at fair market value.

Staff strongly encourages that the MOU between DPS and AoT have detailed language outlining the ownership rights of the fiber. The cost of maintaining fiber can be considerable. This fiber will also be used to as part of AoT's intelligent transportation network and TDI's transmission system. Because these entities have an immediate use for the fiber for their own purposes, they ought to be responsible for maintaining it. An option to license would give the Department the ability to reserve fiber for Connectivity purposes and exercise its option when it needs it. This will reduce liability, and cost to the Department while ensuring that the fiber can be used for broadband expansion in the future.

VUSF Administrator Proposals - In January, the Public Service Board issued a request for proposals for the Vermont Universal Service Fund administrator. The current administrator's contract ends at the end of this year. In light of H.117 passing both the House and the Senate, the Public Service Board has decided not to make a selection. Instead, the Department will choose the administrator. The Board received two proposals: one from Rolka Loube (the incumbent administrator) and one from Solix. Staff reviewed both proposals and believes that the Department should select Solix. Staff's opinion is based solely on the responses to the RFP.

Both Bids were competitive, and both have a demonstrated ability to provide VUSF administrator services. Both have experience managing Vermont's USF. Solix, however, currently manages Telecommunications programs in over a dozen states, indicating a greater amount of current experience with state USF management. Solix also has more personnel. Solix's bid suggests that it has a web based interface that will allow providers to electronically remit payments with greater ease. Solix will cost less per year than Rolka for administrator services, and its per diem rate for other services (such as legal and auditing) is also lower cost per hour. While both proposals seem reasonable, I believe Solix is capable of providing adequate administrator services at a slightly lower cost.

Pear DFL – Staff negotiated a fiber license agreement with Pear Networks. Pear expects to sign it soon. Pear plans to build a fiber to the home project in the North East Kingdom. The agreement calls for Pear to pay a capital contribution to the construction cost of the fiber. However, if Pear builds a fiber network that serves underserved communities, Pear's contribution will be reduced. Pear's CEO expressed hesitation over the agreement because he was afraid that forces outside Pear's control would delay the project and put Pear at risk for the full amount of the contribution. Pear's main concern was that FairPoint would not complete make ready work on time, thus delaying the project beyond the 18 month time frame Pear has to complete construction. Staff added language that allows the VTA/DPS, in its discretion, to issue an extension of time for the project in such circumstances.

VTA to DPS Transition – VTA staff attended a meeting with staff from the Treasury and Finance and Management on the VTA transition. At the meeting, Finance and Management staff expressed concern that the Department would not be able to spend any of the cash assets it

receives from the VTA because the money was not appropriated. Others present at the meeting believed that this is an easily solved issue.

FairPoint Pole Attachment Complaint against Comcast and Charter – DPS staff has prepared a response to FairPoint's complaint over unpaid pole attachment charges and the motion to dismiss the complaint which was filed by Comcast and Charter. The Department is recommending that the Board dismiss the complaint without prejudice.

Comcast CPG Renewal – Division staff are working with CAPI staff to prepare an RFP for surveys to be completed in connection with the community needs assessment that will be completed in connection with the Comcast CPG renewal docket. DPS staff are also preparing a schedule to complete meetings for the community needs in every county in Vermont over the months of September and October.

Wireless Telecommunications Facilities (248a) Petitions — Division staff filed recommendation letters with the Board for the following projects:

- T-Mobile application for *de minimis* modifications to a 100 foot tower in Hartford;
- T-Mobile application for *de minimis* modifications to a 115 foot tower in Putney;
- T-Mobile application for *de minimis* modifications to a 113 foot tower in Springfield;
- VELCO application for *de minimis* modifications to a 150 tower in Orwell.
-
- AT&T application for *de minimis* modification to telecommunications equipment installed on a water tank at the UVM campus in Burlington;
- AT&T limited size and scope application to construct a 120 foot tower in Barre Town;
- VELCO application for modifications to a 105 foot tower in Woodbury.

AT&T Brookfield Project — AT&T withdrew its application to construct a new telecommunications tower in Brookfield. The parties are currently working on preparing a stipulated dismissal with the Board.

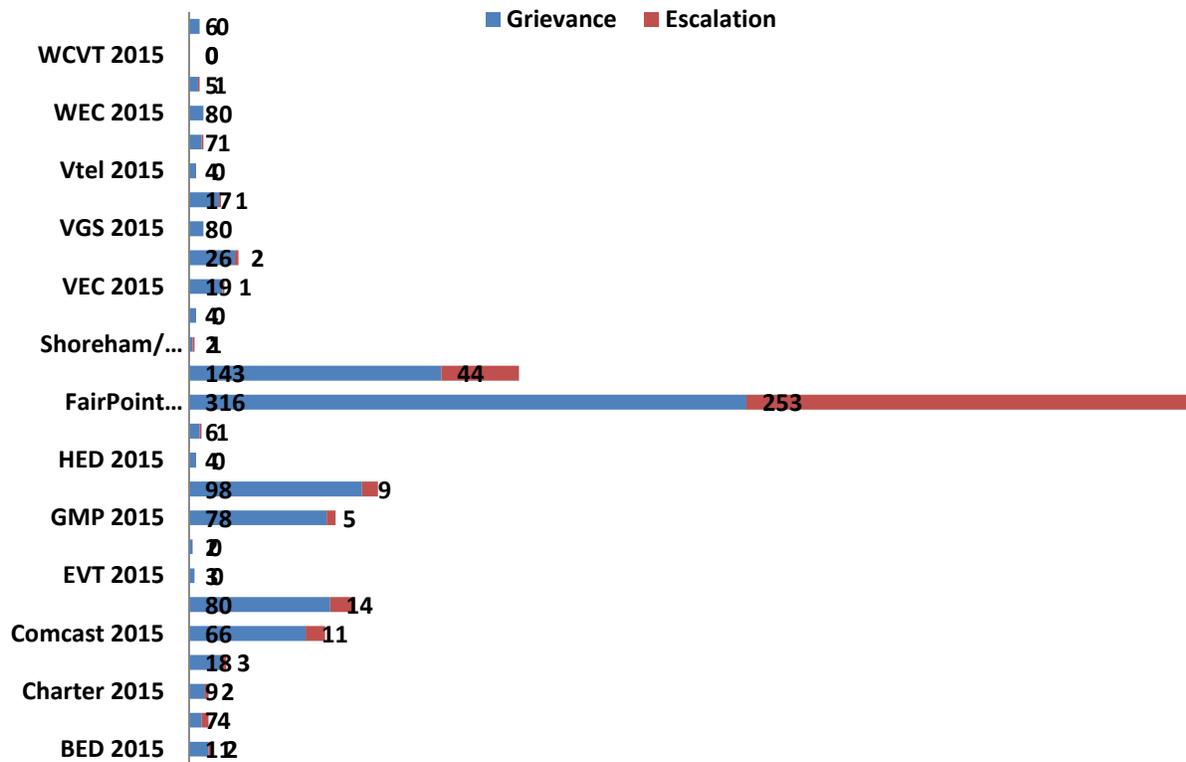
VTel Calais Projects — VTel filed an application for the Calais site on Friday, May 15. The Department has retained aesthetic and radiofrequency engineers to review the project. The Department will submit its comments and expert reports on the application by Friday, June 5.

DPS received the following new 248a petitions and notices:

- AT&T application for *de minimis* modifications to a 77 foot tower in Colchester.

CAPI

Number of Complaints Investigated, by Company YTD 2014 and 2015



OTHER DIVISION ACTIVITY

Duncan Cable, docket 8438: Staff distributed a survey to community leaders that were invited to participate in Community Needs Assessment focus groups but did not attend. The survey seeks feedback regarding Duncan cable and the PEG Access station. Responses are due back Friday, June 5th.

SNAP call: Staff participated in the monthly SNAP call, which included an update from the FCC on the Urban Rate Survey for both voice and broadband service. The benchmark monthly rate for voice service is \$21.22 (up from last year's benchmark of \$20.46), with a high end limit of \$47.48/month. The benchmark monthly rate for broadband service is somewhat more complicated; it depends on the download/upload speeds available, as well as the usage allowance. The benchmark broadband rates are below, using the following download/upload speeds and usage allowances:

<u>Download/Upload</u>	<u>Usage allowance</u>	<u>Benchmark monthly rate</u>
10/1 Mb	100 Gb	\$71.40
10/1 Mb	Unlimited Gb	\$77.80
25/5 Mb	Unlimited Gb	\$96.89



State of Vermont
Department of Public Safety
103 South Main Street
Waterbury, Vermont 05671-2101
www.dps.state.vt.us

To: The Honorable Peter Shumlin
From: Keith Flynn, Commissioner of Public Safety
Date: May 29, 2015
Subject: Weekly Report

DEMHS

DEMHS hosted a conference call with the Agency of Agriculture to discuss potential impacts to Vermont should the latest strain of avian flu impact the state. Several states in the Midwest are experiencing problems with the poultry industry and the impact the avian flu has on industry. Discussions included DEMHS representation on the Avian Influenza Working Group, the potential for SEOC involvement should a case be found in the state, and the potential for a tabletop exercise later this summer. CI Planner Sears has been assigned as the POC to provide planning support as VAAFAM updates their plans.

RERP Staff reached out to the EMDs to coordinate the update of local plans as well as to discuss the upcoming integration of local RERP plans into the LEOPs.

73% of 2015 LEOPs have been submitted.

FEMA obligated new versions of two high-priority Irene projects: Jamaica's Goodaleville Road Bridge for an additional \$360k, and Brandon's Green Park for an additional \$9k.

FEMA continued obligating projects for DR4207. As of 05/26, 48 out of an expected 74 project worksheets (65%, up from 51% last week) have been written and entered in EMMIE. Project Certification and Completion reports were sent out for towns that have had all projects obligated, and the first five exit briefings were conducted. Total federal funds obligated to date for DR4207 are now \$1.053 million (up from \$89k when last reported on 04/29/15). A PW to Vermont Electric Coop for \$1.8 million is pending in the congressional review queue.

Vermont State Police

A Troop

On 5/22 at approximately 2350 hours, St. Albans Troopers were dispatched to a reported motorcycle crash on Polly Hubbard Road in the town of Georgia. A Franklin County Sheriff's Deputy who came upon the crash rendered first aid to the operator, 20 year old Timothee Morgan, before Georgia Fire and Am Care arrived on scene. The operator was pronounced deceased at the scene.

Troopers took a complaint regarding mailbox thefts in the town of Richford; this has been an ongoing issue since December 2014. Subsequent investigation & with assistance from the

Richford Postmaster and town residents, revealed that Jamie Hurlbut was checking mailboxes for packages and envelopes that looked like they might contain money, while on her paper delivery route. During the course of the investigation, Hurlbut was found to have in her possession several checks from a local rubbish removal company.

BCI

Eighteen year old alleges she was sexually assaulted by an unknown male in the woods of Franklin County, unknown male. Initial taken by Sgt. Denis over the weekend, NUSI to follow up.

Untimely in Franklin, 91 year old male, natural.

Untimely in Moretown, 75 year old male with COPD and heart disease found deceased in the home, natural.

Untimely in Waterbury, 63 year old collapsed at the flea market, not suspicious, sent up to OCME for autopsy.

Arson attempt in Richmond on a six unit apartment complex, matches and cardboard located, \$50.00 damage.

Fire in Waitsfield involving a two story home, undetermined cause, but not suspicious. NUSI, L&L involving a 6 year old and his father, history of false allegations from victim in the past.

Sgt. taught 3 days of Patrol Procedures at the VPA.

Suicide in Franklin, 61 year old male shot himself in the chest after his wife left him a few days earlier.

SOR checks done in Chittenden County (VSP towns), part of County wide sweep coordinated by CUSI.

Assist to Hinesburg PD on a burglary case.

Assist to Barre City PD on a dumpster fire.

Assist to Traffic Safety Team on a MV stop, DRE evaluation conducted by Sgt. Ambroz.

Inmate vs. inmate assault at NWRCF.

EOD K9 detail at marathon, Sweitzer.

LCSIU, assist to USMS on federal SOR violation.

Death in Fayston, 79 year old male died under hospice care, natural.

WCISIU, child abuse case in Cabot, 16 year old male vs. mother's boyfriend. This did not meet elements of assault.

Assault at the Berlin State Hospital on staff member by patient, case will be sent for SA review.

B Troop

Arrested Robert South for VCR.

Trooper arrested & lodged Maria Luggelle for domestic assault to her infant and assault on the teenage babysitter.

On 05/22, BCI and uniform troops assisted St. Johnsbury PD with missing person Kimberly Willis. She was later located Saturday deceased in Barton a half mile from her vehicle. DUI drugs, 2 search warrants for drugs, Heroin-coke-pills.

BCI

Death Investigation- Albany VT Kimberly Willis found deceased in Woods. Cause of Death Pending Toxicology, possible overdose as there was evidence of alcohol and drugs present. She was reported missing two days prior to St. Johnsbury Police Dept.

Death Investigation- Groton, VT 75 yr old male Deceased- Natural

Death Investigation- Concord, VT 70 yr old female with Cancer

Death Investigation-Derby, VT 64 yr old male –Natural

EOD detail in Burlington-Petersen

Two Civilian Backgrounds assigned to Det. Trooper Tallmadge.

Case Follow up on Several L&L cases

Sex offender Registry Case of Potential violation in Caledonia County

C Troop

Mt. Holly citizen dispute which led one person pulling a hand gun on another and threatening them. Multiple charges.

Night shift responded to an LSA, vehicle located in a nearby town, Vergennes PD responded to scene and did a successful K-9 track to a residence, the operator was located inside and taken into custody for LSA and false info to LE.

Drugs-18 marijuana plants and 1 pound of marijuana inside a residence.

Investigated a Fatal single vehicle motorcycle crash on VT RT 9 in Woodford (operator and passenger killed).

Death investigation - Bristol – 97 year-old Joseph Bolduc. Cause of death: Natural.

Drug investigation Correctional Center – Inmate suspected of transporting Suboxone into facility.

New Case: Sex Offense. It was reported a 14 year old girl may have been sexually abused by her 14 year old half-brother. Town of West Rutland. Victim Interviewed.

New Case: Sex Offense. It was reported a 4 year old girl may have been sexually abused by a 13 year old half-brother. Town of Poultney. Interview Pending.

New Intake from DCF on old case, State VS. Clancy. Interview with 12 year old scheduled for 5/26.

Death investigation Monkton. 73 year old male found in his home after a week. Natural causes

Initially called in as a dead body, 90 year old female in Bridport, found to be semi-conscious after a fall in her home. No suspicious circumstances.

Death investigation, Wallingford. 51 year old male called 911 with difficulty breathing. Found dead by rescue several minutes later. Evidence of both underlying medical and drug issues. Case open pending autopsy results

Air & ground search for Hart case. The air search consisted on the river and the flooded area on both sides of the riverbank. The ground search consisted of the location where the last ping of her phone was received. The ping was reported as a low confidence location. Attended Vermont Women in Law Enforcement annual meeting

D Troop

Conducted a mv stop on I91 in Rockingham; arrested two for Possession of Heroin (a total of 78 bags)

Tpr conducted a mv stop on I91 in Rockingham; arrested two for Possession of Heroin (a total of 78 bags)

Tpr stopped a vehicle on I91 in Rockingham; arrested two for Trafficking Heroin (40.87 grams of heroin seized during consent search); also PCP located.

TT unit crash – two TT units crashed after a camper cut off one of the TT unit's and went thru a U-turn. One trucker had video in his truck which captured the incident.

Execution of Search Warrant for State of Georgia Homicide

DCF intake from North Carolina, alleged fondling occurred in Grafton, VT, appears non-criminal

DCF intake for sexual interaction between juveniles, interview at CAC in Norwich, non-criminal

DCF intake from 2014 regarding lewd and lascivious acts with juvenile, no disclosure originally made, juvenile was now ready to talk and had 2nd interview at CAC in Brattleboro Assisted MCU Sgt. Dunlap with interviewing inmates for cold case murder (Hunter)

Heroin parif located, felon in possession of 32, ATF referral.

58.4 grams of crack cocaine seized from a consent search, 1 arrest and possible conspiracy case derived from Middlesex barracks.

Stopped vehicle on I89 SB-consent denied after K9 alert-vehicle and subject's seized-warrant obtained and during search found half full McD's soda in cup holder that had a ripped open plastic sandwich bag inside-liquid tested for heroin and cocaine-318grams. USAO took the case-subjects to be indicted Tuesday in Federal court-both lodged at 4-C's.

MAJOR CRIMES

Hunter homicide, updated Morrison's cell mates and where they are currently residing. Interviewed two of them and attempted to locate a third. Completed supplemental for the interviews.

Guilford shooting, contacted victim's parents regarding threats being made to victim.

Springfield homicide, reviewed Facebook search warrant material.

Lott homicide, met with three troopers at Brattleboro barracks to take their boots as evidence to be used for comparison purposes.

Assisted Rutland VSP with attempting to locate an offender in the Manchester area. Worked on Lisa Huyler Death Investigation

Huyler Death Investigation case book to the Caledonia County SA

Met with Detective Pat Call, Springfield PD, Delivered Wing Case book to him

Attempts to locate Darrell Barror for additional arrest in Wing Homicide case, did not locate him.

Johnson homicide: FB search warrant review (40,000 pages total)

Attempting to arrange interview with Christina Allcock's daughter

Prep materials for weight of evidence/bail hearing; conference with SA in Johnson Homicide

Moore homicide (cold case): meet with victim's son

Evidence to lab

Worked with Windsor SA on Bethel shooting- reports and case filing. Etc

Search in Middlebury/HRD canines-previous residence of Robert Durst

Fire Safety

The division reviewed \$11.8 million in new construction valuation collecting \$64,500.00 in permit fee revenue.

Interviews are being conducted on June 3, 2015 for the vacant electrical inspector position in Williston.



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Justin Johnson, Secretary

**PRIVILEGED AND CONFIDENTIAL
MEMORANDUM TO THE GOVERNOR**

TO: Governor Peter Shumlin

FROM: Secretary Justin Johnson

DATE: May 29, 2015

SUBJECT: Confidential Report to the Governor

BUILDINGS AND GENERAL RESOURCES

Of Special Interest to 5th Floor from BGS Directors

Randolph - AG/LAB: Another public hearing held Tuesday, May 26th to discuss building location on the north site. Also discussed access/egress issues to the site and screening, buffers, and landscaping. Also meeting with representatives from various Town Departments in preparation for submitting permit applications. Cannon Design is working to complete schematic design phase this week and provide presentation to staff sometime next week.

Colchester New Health Lab: Met with PCC to emphasize need to get project complete. Discussed punch list, warranty items, proposed change order issues as well as new work initiative.

Pittsford Police Academy: Proposal for a new appraisal of the gravel pit at the Police Academy received, **\$10K**. Not looking like the way we will go. We have been in touch with Casella and they are hung up in permitting. They want to proceed but approval is soft and it may not come thru. In the meantime, Allen is working on material cost to determine how the 5 yr old lease aligns with current rates.

FINANCE AND MANAGEMENT

Issue Updates:

Budget and management continues to work on the review of the Big Bill anticipating that it will come from the Legislature at the beginning of next week.

This week Finance and Management contacted departments and agencies to let them know what parts of the labor savings plans were accepted by the Secretary of Administration (reductions needed to meet the FY2016 pay act reduction and \$5M labor savings target outlined in the Budget bill). The funds associated with these targets will be swept from departments and agencies early in the FY2016 budget year.

HEALTH CARE REFORM

All Payer Model:

Call with CMMI: Lawrence, Robin, Michael, and GMCB staff conducted our weekly call with CMMI. We asked for a waiver term of 2017 – 2021 to align with our Medicaid waiver. This is a departure from the fed’s previous position that Vermont engage in a waiver from 2016 – 2020 that entails some operational change in 2016 that changes how Medicare pays. The feds seemed fine with a changed timeline provided we agree that (a) the goal is still to reach agreement on a term sheet outlining the deal as soon as feasible and (b) that we would continue to consider what steps Medicare might take in 2016 to demonstrate progress. We are fine with these requests, but the timeline to strike a deal within a mutually agreed upon term sheet is now moved into the Fall of 2015.

APM Work Group: The multi-agency APM work group met on Thursday to accomplish three goals. The team includes GMCB staff, staff from AHS, health care reform staff from AOA, contractors, Lawrence Miller, Hal Cohen, Dixie Henry, and Steven Costantino. First, Michael Costa and Ena Backus of the GMCB updated the team on our discussions with the federal government, including setting a waiver timeline of 2017 – 2021 that would run concurrently with Vermont’s 1115 Medicaid Waiver renewal. Second, Michael gave a presentation that attempted to get everyone on the same page regarding the key issues, concepts, and terminology within this complex project. Third, Michael facilitated an exercise where team members were asked to identify key questions that need to be resolved, generating 32 high level questions. Michael and Ena will now work to embed those questions within the overall project plan.

Times Argus Article: The APM Project is evolving rapidly. Accordingly, the comments attributed to the Governor in Neal Goswami’s May 22nd article did not reflect the current state of the project. Notable quotes are listed below italicized with clarification in plain text afterward.

Gov. Peter Shumlin says the state will get its application in by the end of June for a federal waiver that would be a key step toward a major reform in health care: changing the payment structure.

Technically, we are not submitting an application & using this term is creating confusion in the provider community. The Administration and GMCB are discussing a “term sheet” with CMMI. The discussions are conceptual, and they represent the first step towards a federal waiver. There is no application per se in this process, but the term sheet starts the move from conceptual to waiver terms and conditions.

What is called an all-payer waiver would allow the state to move forward with a plan to eliminate the current fee-for-service model that pays providers for each procedure and replace it with a system that pays providers on the quality of care they provide and the health outcomes of their patients. State officials say if Vermont obtains the waiver from the federal Centers for Medicare and Medicaid Services, or CMS, all insurance plans will pay the same amount and providers will have an incentive to work collectively to have the best health outcome that is not paid for based on the number of tests and

procedures performed.

The State has not finalized a payment model for the All Payer Model. Accordingly, comments about rates generally, and rate parity specifically, are very premature. The all payer waiver legally only applies to Medicare, so it would be better to talk about the all payer model, which would be the regulatory system used by the GMCB and applied to all payers, assuming we are granted waivers from both Medicare and Medicaid.

In Vermont, the goal is to take it further and include primary care providers and specialists as well as hospitals. "What we're talking about in Vermont is doing it with everybody, including Medicare, which is, of course, where the bulk of our money is," Shumlin said. "It really is a very, very significant conversation."

The goal is to take it further and include other provider types, but this will need to be phased based on the GMCB's ability to take on more regulatory authority. Be careful not to overpromise how fast this will go. Again, the State has not finalized a payment model. The regulated revenue and providers inside the potential agreement's scope is not yet clear.

Officials with CMS will visit Vermont in the next couple of weeks to work with state officials on the application.

The plan has been for CMMI to come up to Vermont in early June, but no further in person meetings are set at this time. And now CMMI is saying it might be easier for us to go there.

The process requires rolling at least two waivers into one document that the state and federal government can agree on. Shumlin said his administration will have the document completed by the end of June, and the state should have an idea this fall whether the project is feasible.

Discussions with CMMI are evolving rapidly, and this timeframe is no longer under consideration. Also, we anticipate the waivers being aligned but separate legal agreements.

SIM/VHCIP:

The SIM Team submitted several documents to CMMI on Monday. The documents included an APM/SIM alignment PowerPoint and proposed milestones for 2015. This is the first part of the submission to CMMI that will enable us to release the pending contract approvals. We are also preparing new budget documents to submit early next week. There is a SOV/CMMI call scheduled for Friday afternoon (the call includes SIM and APM folks from both CMMI and SOV).

At the SIM Steering Committee meeting, the SIM Team explained the process around redefining the project milestones and contract constraints.

SIM hosted a Symposium for its sub-grantees on May 27th. Half of the sub-grantees presented on their lessons learned, challenges faced and project opportunities. It was also nice to highlight the hard work out in our provider community.

The spending compliance review began this week as well. Sue Zeller has convened a team to review SIM contracts and invoices as well as administrative costs. All of the respective business offices have

been notified and are providing information. It also looks likely that SIM will be subject to the single state agency audit this year, because it will hit the spending threshold.

Robin is working with Hal and AHS CO to consolidate CMS conversations appropriately and ensure that we have better coordination with CMS.

Cadillac Tax: We have received two bids and are proceeding with the review of the bids.

Employer Survey: We are finalizing the employer survey in the next week or so. We are not planning a big roll out, but will ensure that the information is publically available.

HUMAN RESOURCES

Legislative Update:

Ban the Box: A working group is drafting policy language.

Grievance Arbitration: Bill has been signed.

Cadillac Tax: Michael Costa reports that bids have been received from a number of consultants. Michael will propose a plan later this week.

Communications Update:

Press Requests: Following up on her request about Sen. MacAllister's pay post-arrest, Terri Hallenbeck of Seven Days requested information regarding any legislator who took home less pay than the standard paycheck. There were four such legislators, all from the House.

A freelance reporter, Nancy West, doing work for VTDigger inquired about the State personnel files, specifically whether they are public or not. We coordinated with DPS in our response.

DHR Communications: The first edition of HR Connect had a 31% open rate and a 7% click rate. The highest clicks were for the SERW luncheon photos and the Corporate Cup results. Shelley Martin was very pleased with the updated newsletter.

Significant Events/Meetings:

- Labor Relations staff met with DOC to plan for discussions with VSEA regarding the implementation of background checks for existing employees as required by PREA.
- Labor Relations staff has been working on RIF calculations and letters; Field staff report receiving several questions from managers and employees about the retirement incentive and RIF's. VSEA will be notified today (Friday) of 14 impending RIFS.
- Legal staff drafted the revised Remedy contract, incorporating language from FAST contract.
- Responded to VSEA's PR request for CIGNA audit.
- The first cohort of the new supervisory training program ended and evaluations were very positive. Enrollment for future sessions is strong. DEC requested on-site supervisory training; consultative planning session scheduled for next week.

- A participant in the supervisory training program from the Secretary of State's office raised a question about how we represent supervisory records on employees and matters of public record. DHR General Counsel has scheduled a meeting with representatives of SoS to discuss and ensure we accurately represent policy and law.

INFORMATION AND INNOVATION

Evolving Issues:

Web:

- The Web Portal Board item providing for an enterprise wide standard rate for credit card and ACH transactions that was approved in December is being forwarded to the Joint Fiscal Committee after it was overlooked for inclusion in the fee bill during session.
- Harry is working with VIC to automate the inclusion of various data sets into the Open data Portal. This will include the Public records Request data, the Town data and the Online Phonebook data.

LIBRARIES

No report.

TAXES

Legislative Update:

“Non-Revenue/Current Use Bill” and “Revenue Bill/Current Use Bill”: Staff has been briefed on the changes in H.489 that impact their respective divisions and are working to develop an implementation plan. By far the most time consuming and resource heavy changes are in the Current Use section. The easy out, with the ability to withdraw part of a parcel, is going to be very challenging when combined with the regular churn of current use and eCuse.

We have already scheduled a webinar with the Retail and Grocers Association to discuss the legislative changes that impact their members. In addition, we will be developing fact sheets and handouts detailing the changes.

Water Quality: We continue to work through the issue around the effective date. We are working with VIC to figure out their timeline on updating the electronic portal (ePTTR). That will dictate our outreach and instructions for filing. If the bill is signed on June 16, our plan is to say that the surcharge is effective June 17. The form has been changed and is in testing. The fact sheet is nearing completion. Both of these items will be published on our website as soon as they are ready and we will begin our outreach – however that is determined by the capability of the vendor. We should know more by the end of the week.

If the bill is not signed until June 30 and the surcharge is effective July 1, it will allow more time for our vendor to work on programming and also for more effective outreach. Hoping to get an answer by the beginning of next week.

Cloud: Language for S.97 passed in S.138.

Education Finance: The file was run the past weekend with no issues to have the applicable percentage back at 1.8% per H.361.

Operations:

As of May 26, we have processed 329,291 returns and issued 214,072 refunds (\$99,848,164 in total refunds). Of the returns, 80% have been filed electronically. We are ahead of last year by over 2,500 returns. Now that the individual income tax return backlog is shrinking, folks are moving to processing the Homestead Declarations and Property Tax Adjustments as those need to go to the towns by July 1. To date we have sent 162,832 Homestead Declarations to the towns.

As we get into the summer months, we are working on our outreach plan to businesses around our Phase 2 launch of VTax.

Presentations/Press:

Staff is presenting at the VT National Association of Tax Professionals in White River Junction on June 2. We are also speaking at the IRS Liaison Meeting next Thursday in Montpelier.

As part of our outreach around legislative changes, we will be publishing a special edition of our VTax Connect Newsletter to practitioners. This is expected to go out mid-June.

We have received two background press calls – one on education property tax collections (from Stowe Reporter) and one on Local Option Tax collections (Rutland Herald).

CONFIDENTIAL MEMORANDUM TO GOV. PETER SHUMLIN

From: Susan Spaulding
Date: May 29, 2015
RE: Boards and Commissions Update

APPOINTMENTS MADE 5/28/2015

Downtown Development Board:

APPOINTED: Tom Torti, Essex Junction (Assoc. of Chamber Execs)

Emergency Preparedness Advisory Council:

REAPPOINTED: Mary Nemeth, Rutland (Health Care/Hosp rep)

Children & Family Council for Prevention Programs:

APPOINTED: Cheryl Elovirta, Winooski (Dept. of Corrections)

Criminal Justice Training Council:

REAPPOINTED: Stephen Benard, Rutland (VT Sheriffs Association)

Fire Service Training Council:

REAPPOINTED: John Marcus, Jericho (Public Member)

Electricians Licensing Board:

REAPPOINTED: Robert Williams, Poultney (Utilities Rep.)

REAPPOINTED: Timothy Watkins, Colchester (Journeyman Electrician)

Board of Psychological Examiners:

APPOINTED: James Huitt, Burlington (Professional)

Vermont Communications Board:

REAPPOINTED: Stephen Benard, Rutland (VT Sheriffs Association)

Vermont Housing Council:

REAPPOINTED: Christopher Snyder, Charlotte (Private Sector Housing Provider)

Livestock Care Standards Advisory Council:

REAPPOINTED: Brian Kemp, Cornwall (Beef Industry)

Travel & Recreation Council:

REAPPOINTED: Parker Riehle, So. Burlington (Ski Association)

Symptom Relief Oversight Committee:

REAPPOINTED: Alice Angel Means, Burlington (Registered Nurse)

REAPPOINTED: Mark Tucci, Manchester Center (Registered Patient)

Vermont Real Estate Commission:

APPOINTED: Mikail Stein, So. Burlington (Sales)

State Board of Education:

APPOINTED: Rainbow Chen, Winooski (Student Member)