

# WEEKLY REPORTS

Checklist

5/4/2012

Bill Lofy

☒ Agency of Commerce and Community Development – Lawrence Miller

☒ Agency of Agriculture – Chuck Ross

☒ Agency of Transportation – Brian Searles

☐ Department of Labor – Annie Noonan

Alex MacLean

☒ Agency of Natural Resources – Deb Markowitz

☐ Department of Public Safety – Keith Flynn

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

Susan Bartlett

☒ Agency of Human Services – Doug Racine

Sarah London

☒ Department of Financial Regulation – Steve Kimbell

Jeb Spaulding

☒ Agency of Administration – Jeb Spaulding

Special Reports

☒ Additional Report: Education

☐ Additional Report: Lottery

☐ Additional Report: Irene Recovery Office

☒ Additional Report: Boards and Commissions

**CONFIDENTIAL and PRIVILEGED—No Sharing**

**To: Governor Peter Shumlin**  
**From: Pat Moulton Powden, Deputy Secretary, Agency of Commerce and Community Dev.**  
**Date: May 4, 2012**  
**Re: Weekly Report**

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**Status of Governor's Priorities:**

**Mylan-St. Albans:** The NRB indicated most of their equipment is NOT part of construction, therefore the additional \$59K in Act 250 fees is not owed. NRB is revisiting the Hard Cider Act 250 application from Middlebury expansion to see about a refund.

FEMA wrap up meetings in Waterbury and Wilmington. LOTS of good leaders emerging from this planning process. Good projects. The need now is \$ to implement.

**Legislation:** I am not even doing to *try* to summarize this week!

**Evolving Issues:** US Economic Development Administration (EDA) workshop at today, convened by us and Sen. Leahy, Sanders and Congressman Welch's office. Approx. 30 folks in attendance from 15 towns and/or regional organizations to learn about applying to EDA. Good session.

ACCD will pursue a \$5million dollar, perhaps more, application to EDA to re-start the flood program at VEDA. This will be tied to technical assistance for businesses. Specifics on the TA piece still being worked out.

Additional ideas being considered for both EDA and CDBG-DR.

**DEPARTMENT OF ECONOMIC, HOUSING and COMMUNITY DEVELOPMENT**

Continued discussions with HUD and congressional delegation on the requirement that 80% of CDBG-DR funding be targeted to Windsor and Washington counties. HUD will provide a framework for ACCD to make the case for expansion to Windham County. We must demonstrate that making more funding available to Windham will not impact our ability to meet the most severe needs in Washington and Windsor. This is a significant concession on the part of HUD.

Coordination with IRO, Governor's Office and FEMA on condemnation letters continued this week. As of May 3, 2012, the Governor's Office sent 105 condemnation letters to FEMA. FEMA has reviewed 68 and provided an additional \$250,150 to people who lost mobile homes in Irene. Still in process are another 37 letters for \$338,805. Arthur Hamlin preparing outreach letters for Phase II of the effort.

**HISTORIC PRESERVATION ♦ Giovanna Peebles, Director**

**VCNAA:** Two more Abenaki Tribe applications have made their way through legislation and are waiting for the Governor to sign into law their state recognition; The Abenaki Nation at Missisquoi, St. Francis-Sokoki Band, and the Koasek Traditional Band of the Koas Abenaki Nation.

**Manchester Village, Village Country Inn:** The Manchester DRB voted unanimously last month to deny a proposed project that would have involved the demolition of the historic Village Country Inn and the construction of a new Hampton Inn on the site. The Division had provided preliminary comments to the developer for the purposes of Act 250 stating that, as designed, the proposed project would have an undue adverse effect on historic resources. The developer has said they are not going to appeal the DRB's decision, so it appears that the project will not move forward.

**VERMONT TRAINING PROGRAM ♦ Phil Fagan, Director**

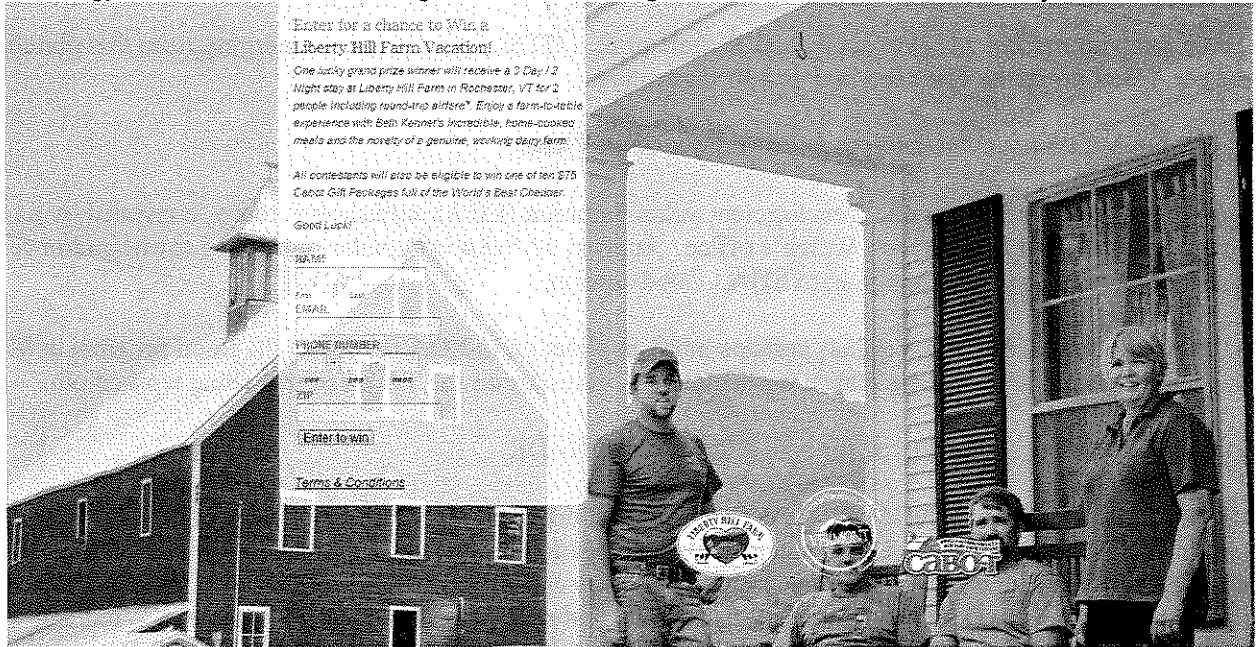
**PAR Springer Miller:** Signed a Vermont Training Program (VTP) grant to provide upgrade classroom training to seventeen (17) employees in the area of Cloud Computing, Agile Team Practices, Visual Studios, and SQL Servers. The VTP will contribute a maximum of \$4,250.00. The grant term is May 1, 2012 through November 30, 2012.

## DEPARTMENT OF TOURISM & MARKETING

### Steve Cook, Deputy Commissioner

**Marketing:** The Vermont Department of Tourism and Marketing has been actively developing creative for this summer's advertising program. The department has strayed from the historical model of leaning on an outside advertising agency for services and has instead activated local department talent to produce a strong summer strategy. This model has, and will, save VDTM significant dollars that can be reinvested in direct media for future programs.

**Vermont Farm Getaway Contest:** In collaboration with Cabot, staff from VDTM have designed and implemented a Vermont farm getaway. This component makes is a significant part of Vermont's summer media strategy and combines vacationing with Vermont's agricultural and cultural community.



- **Vermont Life Digital Edition:** We are converting the Summer 2012 magazine to digital. We continue to work with fulfillment house CDS to finalize the costs to fulfill a digital edition. Production Manager David Goodman is working on the Kindle Fire-compatible PDF version, while Sky Barsch is developing a version for iPhone/iPad/desktop.
- **"I AM VERMONT STRONG" License Plates:** Vermont Life ordered 500 more plates this week, bringing our total purchase since January to 4,500.

To 116 STATE STREET  
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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 4, 2012

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**Secretary's Top Issues:**

The animal health/DMV cooperative program is working well to deter livestock haulers from moving livestock in interstate commerce without the necessary veterinary examinations and associated health charts. Officers have called animal health personnel regarding un-licensed transporters that have been detained and to inquire about requirements for the cattle that they are moving.

The mobile slaughter unit for red meat slaughter has been ordered and should be ready in August. The owner is going to set up a brick and mortar processing facility to which to bring the carcasses after slaughter for processing. This will continue to expand slaughter capacity in the state and will allow small livestock growers to access slaughter at locations closer to their farms. Mobile red meat slaughter unit is a tractor trailer and may not be able to reach all farm locations due to remote locations and narrow dirt roads. Owner understands this limitation and is working to have centralized sites in towns for farms to access.

Enforcement Sensitive: Apiary investigation continues regarding the potential misuse of pesticides for varroa mite control. 51 hives inspected on 4/30 and 14 residue samples obtained. Sample analysis has begun. Possible FDA involvement in this case as a result of a pesticide residue in honey for which there is no legal tolerance.

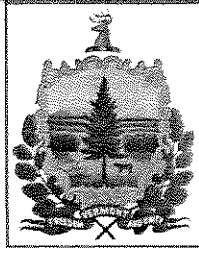
Air sampling/formaldehyde: Representatives from ATSDR (Agency for Toxic Substances and Disease Registry) were in Vermont this week to set up ambient air monitoring equipment in Berkshire and train Dept. of Health and Agency of Ag personnel on sampling protocols. State staff will be collecting samples over the next month at this sampling site. A second site will be established as well where more controlled sampling/formaldehyde use will occur. It is anticipated that a report from ATSDR will be available approximately 6 weeks after sampling ceases. The Vermont Dept. of Health proposes to have a report available approximately 4 weeks after sampling ceases. In related news, the attorney for Amy Cochran has made a public records request for sampling related records to both the Health Dept and the Agency of Ag.

USDA FSIS has determined that it is allowable for a federal slaughter establishment to have federal and state inspection in one facility provided the inspection is separated by time or space. Therefore federal establishments could elect to do state processing on certain days of the week. This will expand marketing opportunities for meat producers in the state.

Agency of Agriculture is working with Castleton State College Polling institute to complete a survey of farmers affected by Tropical Storm Irene. To date 96 out of a potential total of 375 have responded to the survey. Survey is being completed both electronically and by phone. Results will be shared with Irene Recovery Office and the Governor's Office.

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TO: Gov. Peter Shumlin  
FROM: Chuck Ross, Secretary of Agriculture  
RE: Weekly Memo  
DATE: May 4, 2012

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**Legislative Issues**

Pertinent personnel in the Agency provided feedback, through Secretary Ross, to members of the House and Senate Ag committees and other legislators on various aspects of H.774, including language pertaining to itinerant slaughterers, formaldehyde use, and swine gestation crates.

S.93 – The portion of the bill addressing voluntary certification passed out of House Ag. The portion on the proposed classification changes was removed from the bill for further public input.

**Status of Governor's Priorities:**

**Significant Events/Meetings:**

Vermont Maple Festival – The festival was held on the 27<sup>th</sup> – 29<sup>th</sup> in St. Albans. Secretary Ross opened the Festival at noon on Friday with a welcome and a maple milk toast. Although Friday was very cold, the rest of the weekend went well, with large crowds.

Presentations – I gave presentations at the Leader Evaporator Open House on Friday and Saturday in Swanton. The topic was the proposed grading system changes and packing maple syrup. Approximately 1,500 people attended the 2 day event.

**Evolving Issues:**

Enforcement Sensitive: Apiary investigation continues regarding the potential misuse of pesticides for varroa mite control. 51 hives inspected on 4/30 and 14 residue samples obtained. Sample analysis has begun. Possible FDA involvement in this case as a result of a pesticide residue in honey for which there is no legal tolerance.

**Summary of Key Agency Department Activity:**

**Administration**

In re Lawson Farm, 34-2-10 Oscv. Lawson Farms and the Agency filed an agreement with the Orleans Superior Court this week to settle the farm's appeal of administrative penalty assessments in three separate cases. The violations occurred more than 5 years ago. Lawson Farms will pay \$1750.00 in administrative penalties for AAP violations in two of the cases. The Agency agreed to dismiss the third case.

Agency management team met with Representative from Human Resources to discuss Agency's strategic plan and performance measures.

### **Agricultural Development**

The Agency visited three sites in Colchester that have ACT 250 comments/ reviews due in the near future.

Agency of Agriculture is working with Castleton State College Polling institute to complete a survey of farmers affected by Tropical Storm Irene. To date 96 out of a potential total of 375 have responded to the survey. Survey is being completed both electronically and by phone. Results will be shared with Irene Recovery Office and the Governor's Office.

The Agency of Agriculture continues discussions with the Employee Assistance Program and the Division of Vocational Rehabilitation regarding the Rural and Vocational Rehabilitation Program. This program is grant funded and the current grant runs out on September 30. The parties are reviewing the current program as provided by the grant recipient, how this program could be done at the state level and the potential to combine resources from the Agency of Agriculture, EAP and the division of Vocational Rehabilitation to operate this program. A meeting with Secretary Ross and Racine is scheduled for late this month to present the finding and ask for a recommendation from the Secretaries.

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

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The Animal Health Staff attended the first annual Vermont Bird Fanciers Club Poultry Swap in St. Albans on Sunday. A good turnout enabled the staff to test several flocks for Avian Influenza and Pullorum/Typhoid. Although the bird swaps provide a unique atmosphere for many different types of birds to be bought and sold, these forums also represent a biosecurity hazard/contagious disease transmission threat as many backyard flocks are commingled. It is for this reason that ongoing surveillance for these diseases in these types of environments is important. In addition, animal health staff members have remained busy testing individual flocks at owners' request due to morbidity/mortality issues.

The animal health/DMV cooperative program is working well to deter livestock haulers from moving livestock in interstate commerce without the necessary veterinary examinations and associated health charts. Officers have called animal health personnel regarding un-licensed transporters that have been detained and to inquire about requirements for the cattle that they are moving.

An animal health section investigation continues regarding an individual acting as a livestock dealer without a license to do so.

Animal Health staff members continue to provide outreach to stakeholders on Animal Disease Traceability implementation.

Animal Health and Dairy personnel jointly responded to a complaint lodged through the HSUS concerning cow and housing conditions on a Dairy Farm in Lyndonville. It was found that while there were improvements that could be made there were no animal welfare issues at the time of inspection. Cows and young stock were clean, well fed and cared for and in excellent body condition.

Animal Health staff assisted USDA colleagues this week with Scrapie Flock Certification Program inspections and with the harvesting of obex samples as part of the Scrapie Slaughter Surveillance Program.

Seasonal livestock dealer and pet merchant inspections are increasing in frequency as the weather warms and livestock-related activities intensify.

Consumer Protection Staff have been engaged in the testing and inspection of both asphalt and redi-mix plants. New staff continue to be trained on the principles and procedures for these plants to meet requirements of both weights and measures law and other agency requirements (AOT).

Weights and Measures Specialist performed product grading at the World Maple Festival in St. Johnsbury. Interaction with Northeast sugarmakers and Caledonia Record reporter (April 30th publication).

#### Meat Inspection

- The mobile unit for red meat slaughter has been ordered and should be ready in August. The owner is going to set up a brick and mortar processing facility to which to bring the carcasses after slaughter for processing.
- Farm in Wilmington is beginning to investigate building a red meat and poultry slaughter operation. Chief did a site review.
- Working out the details to work with Charm Sciences in order to validate the KIS test, a carcass side test for antibiotic residue, on species such as the alpaca.
- USDA FSIS has determined that it is allowable for a federal slaughter establishment to have federal and state inspection in one facility provided the inspection is separated by time or space. Therefore federal establishments could elect to do state processing on certain days of the week. This will expand marketing opportunities for meat producers in the state.

#### Agricultural Resource Management

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##### Zoning – Land Use

Champlain Orchards in Shoreham has been issued an Agency decision regarding the status of their processing building expansion and re-establishment of a farm pond for use in irrigation. The expansion qualifies as a farm structure and the construction of a farm pond is an accepted agricultural practice. Therefore, both activities are exempt from local zoning under Title 24 §4413(d).

LizDick Farm in Newbury has been issued a variance to local setbacks for the upgrading of an existing manure pit which is located directly adjacent to a side property line. This project also required the issuance of a variance to Section 4.02(a) of the Accepted Agricultural Practices Regulations which requires the storage of manure to be at least 100 feet from property lines.

Air sampling/formaldehyde: Representatives from ATSDR (Agency for Toxic Substances and Disease Registry) were Vermont this week to set up ambient air monitoring equipment in Berkshire and train Dept. of Health and Agency of Ag personnel on sampling protocols. State staff will be collecting samples over the next month at this sampling site. A second site will be established as well where more controlled sampling/formaldehyde use will occur. It is anticipated that a report from ATSDR will be available approximately 6 weeks after sampling ceases. The Vermont Dept. of Health proposes to have a report available approximately 4 weeks after sampling ceases. In related news, the attorney for Amy Cochran has made a public records request for sampling related records to both the Health Dept and the Agency of Ag.

Vermont Pesticide Advisory Council met for review of Right of Way herbicide use permit applications. Utilities, municipalities, VTRANS, and railroads must obtain a permit annually to use herbicides for vegetation control within the right of way.

Agency staff met with DEC staff to discuss implementation of the NPDES (National Pollutant Discharge Elimination System) General Permit for pesticide use for mosquito control. This is a new permit requirement this year as a result of federal court cases related to the federal clean water act. The General Permit will impact the state's three mosquito control districts by requiring more recordkeeping and reporting, primarily. The meeting was an effort to understand what these requirements were and how they would be implemented. DEC and AG staff will be meeting with mosquito control district staff next week. There are some policy and technical issues that will need to be worked out relative to the Agency's involvement with the districts and requirements of the General Permit.

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Lab Status: Met with UVM Facilities Design staff and contractors regarding fit up of the Hills building for laboratory services. Primary designs will need to be available for contract bid by May 22. Work will need to start by June in order to meet the August 1 completion deadline. Equipment and supplies move from Waterbury to Hills will need to occur in the last week of May. Agency lab staff will be packing the second floor of the Waterbury lab next week. The Hills fit up and move will require substantial time and coordination of Agency staff over the next few months. Jim Leland, Division Director will also be meeting with UVM staff and City of Burlington staff next week to discuss permitting issues etc. The University and BGS have been incredibly positive and helpful during this process; we would not accomplish our goals of a temporary lab space (3 year) without them.

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

Secretary Ross spent numerous hours in the legislature this week working on H.774 in conference committee, working landscape bill in conference committee and S.93 the maple bill. Working landscape bill has come out of conference committee and approved by both sides. As of the writing of this report – H.774 and S.93 are still in active discussion by legislators.

Secretary Ross met with Gus Selig and Gil Livingston to discuss conservation issues. Governor has requested further information on conservation easements and this meeting served to clarify what information is needed and how the partners can work to provide the information requested.

Secretary Ross attended the UVM College of Life Sciences Advisory Meeting.

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**Executive Privilege**

**TO:** Governor Peter Shumlin  
**FROM:** Secretary Brian R. Searles  
**DATE:** Friday, May 4, 2012  
**SUBJECT:** VTrans - Confidential Report to the Governor

**Legislative Update**

Of course, as you already know, agreement was reached on an historic Transportation Bill that includes spending of \$658 million, up 19% from last year, the highest total in history. With \$94 million in Irene spending and a full plate of projects from the regular queue the bar has been raised significantly for our Agency, consultants and contractors to get all the work done. Building on the spirit of the Irene effort, we expect to get all federal funds obligated by the September 30, 2012 deadline.

Another important piece of legislation that has been largely ignored is a bill that makes changes to the Condemnation process. We have been looking for incremental progress on the right-of-way process for several years now and this year we got some. There are changes in the roles played by the courts and the T-Board, but the big change for us is that once Necessity has been established by the court, we can make a fair offer based on our appraisal process and, even if the landowner appeals, we can move forward with the project without waiting for that appeal to be decided. We simply put our offer into an escrow account and go ahead with the taking. Kudos to Sue Minter, who chaired a pre-Irene committee to look at the problem and Chris Cole and Assistant AG Bill Rice who led the effort to convince the Judiciary Committees to sign on.

**Champlain Parkway**

In a 63-page ruling issued on April 27 the District #4 Environmental Commission found that the proposed Champlain Parkway "will not cause or result in a detriment to public health, safety or general welfare" under Vermont's Act 250. However, the District Commission stopped short of issuing an actual Act 250 permit until storm water permits are issued by the Vermont Agency of Natural Resources.

I am meeting this afternoon with Mayor Weinberger to find out where he is on this project which many feel is flawed by its terminus in a densely populated and historic low-income neighborhood that includes the intersections of Pine Street with Maple and King Streets.

### **Knowledge Corridor**

Months of tough negotiations with MassDOT, Pan Am Railroad, Amtrak and Conn. DOT have finally yielded an agreement that will allow the Federal Rail Administration to award the \$72 million grant to MassDOT to improve the so-called Knowledge Corridor from the Vermont border to Springfield so that passenger service can be provided to places like Greenfield and Amherst. This will eliminate the extra 35 minutes that it takes *The Vermonter* to follow the NECR to Palmer, MA where the train has to reverse direction in order to get to Springfield. In the end, it took several conversations between new MassDOT Secretary Richard Davey and me to get to a comfort level for both states. MA Congressman John Olver's office had been heavily lobbying our delegation with a message that Vermont was holding up the entire deal and putting the money at risk. In fact, we were simply protecting our interests from the Commonwealth of Massachusetts which refused, until the end, to acknowledge that *The Vermonter* was an advantage for them, particularly on the new corridor where it will serve UMASS and other schools. Cost and revenue sharing are critical to the devolving of costs by Congress to the states under PRIAA legislation that takes effect in October.

### **Circ Alternative Project Update (Intersection of Rt. 2 and Industrial Avenue)**

This intersection improvement which is being scoped by the CCRPC is linked to the next round of talks by the Circ Alt Task Force and last Friday we learned that a key piece of property was going on the market. Jeff Nick of J.L. Davis, who is also active with the CCRPC and the Circ Alt Task Force got word from the Pyramid Corp of Syracuse, NY that they wanted to sell a .64 acre lot at the intersection in question. Nick also said that there was a private abutting landowner waiting in the wings. The asking price is \$85,000.

Knowing that the property would be needed for any intersection improvement and that the new owner would likely raise the price at the time a project was identified, I authorized and signed a letter of intent to purchase the property. We now have 45 days to clear ROW, get a TIP amendment (TAC approved on Wed. night at their meeting) and approved by the CCRPC Board on 5/18.

This is the kind of flexibility that is needed to assure that mutually agreed upon goals are met in the most cost-effective way possible. From the time Jeff Nick tipped me on this until the Letter of Intent was issued was only four hours; hardly time to call a meeting of the Joint Transportation Oversight Committee. I did notify the Transportation Chairs of this transaction, although that is not required. The new T-Bill sets a limit on such transactions of \$500,000 which I think is reasonable as a matter of policy.

### **Next Week**

I know you want to a bill-signing next week on the T-Bill and I certainly would like to be present for it. I have blocked Monday for an appearance in Superior Court as a witness in the Burlington Airport's lawsuit against CAH Enterprises, the Park and Shuttle operator for not remitting parking revenues during part of 2008. I'm not sure of the timing of my appearance.

On Wednesday afternoon I will travel to D.C. to meet with Senator Leahy and former Ambassador Raymond Chretien concerning the financing of the CBP pre-clearance facility in Montreal. I also have a separate meeting with a Leahy staffer on another matter and will not return to Vermont until Thursday night the 10<sup>th</sup>.



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Deborah L. Markowitz  
Agency Secretary

Christopher Recchia  
Deputy Secretary

**State of Vermont  
Agency of Natural Resources**

**CONFIDENTIAL and PRIVILEGED**

**To:** Governor Peter Shumlin  
**From:** Deborah Markowitz, Secretary, Agency of Natural Resources  
**Date:** May 4, 2012  
**Subject:** ANR Weekly Report

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**Governor Level Issues:**

- **Legislature:** Winding down very successfully from our standpoint. Thanks very much to your great team at the statehouse – especially to Alex, Bill and Dru who helped us on a daily basis.
  - **Today is Arbor Day:** See you on the front lawn of the Statehouse!
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**EVERYTHING ELSE:**

**Legislative Issues/Testimony:** Nothing further to report

**Press Issues/Releases:**

**Governor's Award for Environmental Excellence:** The press release announcing winners of the 2012 awards was issued on May 1. The ceremony will be held in conjunction with the VBSR annual conference on May 15<sup>th</sup>.

**Recreational Water Safety:** We coordinated the development of a press release concerning recreational water safety post-Irene in conjunction with VTDOH health experts and communications staff. The release

was developed in response to numerous calls recently received regarding the suitability of waters for recreation post-Irene.

**May Deer Hearings Set for St Albans and Springfield:** We announced that the Fish & Wildlife Department will hold two public hearings on white-tailed deer management in May to give Vermonters the opportunity to review 2011 hunting season results and discuss the details of the 2012 Antlerless Permitting and Youth Season recommendations. One meeting will be Monday, May 14, in St. Albans and the other Tuesday, May 15, in Springfield.

**Public Hearings May 22 & 23 on Proposed Bear Hunting Regulation:** We also announced that the Vermont Fish & Wildlife Board will hold two public hearings to discuss a proposed bear hunting regulation designed to increase bear hunting opportunities, stabilize Vermont's growing bear population and provide Fish & Wildlife Department biologists with additional data to better manage black bears in Vermont.

**Kids' Fishing Events Being Held This Spring:** The Fish & Wildlife Department has released a list of upcoming fishing events, most of them intended for kids.

**Many Vermont Streams are Producing Good Trout Fishing:** Anglers are finding some very good trout fishing on many Vermont stream sections, including on some rivers that were hit hard by Tropical Storm Irene.

**'VPT's Outdoor Journal' Begins Season 10 on May 1, 2012, Airs Call-In on Post-Irene Streams May 3, 2012:** Vermont Public Television's "Outdoor Journal" begins its 10th season tonight, May 1<sup>st</sup> at 7:30 exploring with viewers the many ways to enjoy and conserve wildlife and natural habitats.

**Emerald Ash Borer Publication:** The Department of Forests, Parks and Recreation has completed a new publication to help forest managers understand potential impacts of an insect pest that is poised at Vermont's borders. The publication, Ash Management Guidelines for Forest Managers can be found at <http://www.vtfpr.org/htm/forestry.cfm>.

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

**Environmental Leadership Award:** Jim Pease, ERP, was recognized by the Green Mountain Environmental Association and received an environmental leadership award as part of his efforts with the Chittenden County area regional stream team.

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## **SUMMARY OF KEY DEPARTMENT ACTIVITY**

### **Environmental Conservation**

**Chittenden County Climate Action Planning:** Staff attended the Chittenden County Regional Planning Commission (CCRPC) GHG Emissions Inventory Workgroup meeting on Thursday. CCRPC presented

preliminary draft Chittenden County transportation GHG emissions data resulting from initial runs of the US EPA Motor Vehicle Emissions Simulator (MOVES) model. In addition, the workgroup continued discussions regarding building energy use (both space heating and electricity consumption), and waste management issues. The next meeting of the group is scheduled for May 24, 2012 to continue discussions about electricity, waste, and transportation - as well as begin discussions regarding agricultural emissions and forestry / land use issues. We have also has been working with CCRPC staff on the prioritization tool that is proposed for evaluating potential climate change actions in Chittenden County, as part of the Climate Action Planning Advisory Committee.

**2011 PEP Report:** The 2011 PEP report (the annual report to the legislature of DEC's permit activity) was finalized and submitted to the legislature on April 27<sup>th</sup>. Those interested in reviewing the report can access it at: <http://www.leg.state.vt.us/reports/2012ExternalReports/280360.pdf> It is important to remember that this report does not include the post flood operations, i.e. it covers only July 2010 – June 2011.

**DEC Frozen Records:** DEC's records officer gave the vendor Document Reprocessors the go-ahead to finish imaging all the files that will be kept. Files will be digitally referenced by their paper file name for now. These digital files will still need to be reviewed and weeded before integrating into a future records management system.

**Interim Lab Location:** The interim (3 years) home of the chemistry laboratory was decided this week. It will be located in the Hills Building at UVM after renovation, which is planned to be completed by August 1<sup>st</sup>. This is a very aggressive schedule, but based on steps that UVM has taken since the decision was made. We are optimistic that this deadline will be met. This space in the Hills Building will also include the F&W Fish Health Laboratory and storage and lab space for the Lakes and Ponds program. Progress will be reported each week. Concurrently, BGS and UVM are negotiating a lease agreement to formalize our use at the Hills Building.

The lab is open and will continue to be throughout the summer despite the tight quarters at our current location in Jeffords Hall (UVM). We have also contracted with TestAmerica to help with our backlog of metal samples. At this time, we expect to be able to handle the sampling load even during the transition to Hills. Starting in May, we anticipate receiving multiple water samples from volunteer groups as part of the LaRosa Partnership program.

**Vandalized water supply - Levesque residence, Sheldon:** Several weeks ago the spill response program received a report of a shallow dug well that had been vandalized. The Levesque family arose one morning and after flushing the toilets, they were horrified to see the toilet refilling with black water. Upon checking the well in the back yard, Mr. Levesque found the lid ajar, and a threatening note attached to the top of the well tile. The Vermont State Police were called in to investigate this serious act of vandalism; once they had finished collecting their evidence, the DEC spill team worked closely with the Water Supply program and the Department of Health. Water samples pulled from the well showed disturbing contaminants: human waste, cow manure, and used tampons, very high coliform and cryptosporidium levels as well as gasoline constituents. The Levesque's insurance company agreed with the consultant's recommendation that the best way to restore drinking water to this home is to drill a new well.

**Meeting with Thermostat Recycling Corporation:** Staff met with Thermostat Recycling Corporation to review their recently submitted annual report on state thermostat collections and future program



enhancements related to marketing the program to contactors and residents. In calendar year 2011, we had our best year for statewide collection of mercury thermostats, with over 3500 collected.

**Teleconference with VT Product Stewardship Council on Mercury Lamps:** Staff participated in a teleconference with the Vermont Product Stewardship Council to discuss the implementation of manufacturer-funded mercury lamp collection for municipal solid waste districts and retailers. There are still many details to be worked out on how the program will work, especially for districts with multiple collection sites, such as transfer stations, and districts that collect lamps from both covered and non-covered entities. The program implementation date is July 1.

**Tire Clean-Up at Rhoades Salvage, Milton:** Bids for the cleanup of waste tires at Rhoades Salvage were received last Friday, and on Tuesday a draft contract with the selected contractor was completed and sent for review at the DEC Business Office and the Attorney General's Office. The \$75,000 budgeted will clean up approximately half of the 200,000 scrap tires on site, reducing the fire, environmental, and public health threat. The AGs continues working on the ongoing court case, including the investigation of the Rhoades' finances that was authorized by the court and securing liens on the property.

**Brownfields week:** Brownfield Program staff coordinated and produced a whirlwind of brownfield activity all Earth Week – Monday - met with various practitioners and EPA on the PREPARED training; Tuesday – met with EPA's Regional Administrator Curt Spalding and the developer at the Vermont Tissue Mill site redevelopment in Bennington; Wednesday and Thursday - coordinated ASTM Phase I Environmental Assessment/All Appropriate Inquiry training with EPA and consultants, RPCs and municipalities; and Friday, they led an All Grantees meeting with EPA and RPCs, RDCs, municipalities and consultants.

**Water Quality Report:** The final 2012 Biennial Water Quality Assessment will be ready for release during the week of May 7<sup>th</sup>. We expect to issue a press release on the content of this important report.

### **Fish and Wildlife**

**Search & Rescue:** Wardens, with the assistance of K-9 officer, Rufus, were called to assist in locating a lost autistic 12-year-old boy. Using a scent article from the lost child, Rufus tracked the child for over two hours. He was located by Wardens Sterling and Eckhart in a heavily wooded area approximately 1 mile from his home. The child had fallen into a stream and had removed his pants and shirt. The unseasonably cold temperatures could have been life threatening if the child had not been located before nightfall.

**Marijuana Felony discovered:** A warden noticed a strong smell of marijuana coming from a house he had visited on a fish and wildlife complaint. He applied for a search warrant and recovered 28 ounces of processed marijuana and an elaborate marijuana cultivation system with 107 cultivated marijuana plants. The resident was charged with three felony counts of possession, cultivation and distribution of marijuana.

**Antlerless Deer Proposal:** Staff prepared, reviewed and presented the 2012 antlerless deer season recommendation for the Fish and Wildlife Board on April 25, 2012. The first vote passed unanimously.

**"Great Outdoors":** Staff gave a radio interview for the "Great Outdoors" show that aired on WOKO on Saturday April 28, 2012. The radio show usually has between 12,000-15,000 listeners.

**Fish Ladder:** Staff with assistance of the Conte Anadromous Fish Research Center prepared the Vernon fish ladder for the spring opening on Monday, April 30, 2012. The American shad run appears to be ahead of normal.

**Alterations affecting fish population:** Following the recent heavy rains that occurred May 21, 2012 through May 23, 2012 river flow has been high; however, sites on Adams Hill Brook (~200 ft) and Dover Brook (~600 ft) heavily impacted by post-flood channel alteration work were checked and are in need of further correction: Alterations in both streams consisted of filling the channels with large quarry rock and other fill essentially raising the bed elevation and burying the stream flow. In addition to burying aquatic habitat, the elevated bed obstructs aquatic organism passage and may delay re-colonization of upstream reaches where fish were flushed downstream during the flood. Unless these obstructions are corrected the period of time for fish population build up could take an undetermined number of years.

**Low Impact Hydropower Institute:** Many licensed hydro projects are currently applying to certification through the Low Impact Hydropower Institute (LIHI) in order to receive renewable energy credits. LIHI is a non-profit organization seeking to reduce the impacts of hydropower generation by certifying projects that have avoided or reduced their environmental impacts pursuant to specific criteria. As part of this process, applicants and LIHI seek ANR input concerning project compliance and environmental impact. This has been problematic because many of the projects were licensed 25 years ago and have not been inspected for many years. It may be difficult for ANR to re-evaluate these old projects, so it is possible that some may receive certifications that do not deserve it.

**Vermont League of Cities and Towns:** Reviewed and provided comment on model subdivision standards for Vermont League of Cities and Towns. Recommended a two-tiered standard where elements of different scales (e.g. contiguous forest vs. rare species) can receive different standards of protection.

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

**Plum Creek v. State:** Plum Creek rejected the state's settlement offer. The state is proceeding to prepare for trial.

**US Forest Service Roadless Rule Amicus Request:** The state of Wyoming submitted a request for other states to consider supporting its petition for certiorari to the US Supreme Court as amicus. The longstanding litigation involves multiple challenges to the US Forest Service "Roadless Rule", which designated over 50 million acres of National Forest System lands as "roadless" and prohibits any road construction, reconstruction, mechanical, motorized, or timber harvesting activities except for extremely limited exceptions. The Department is reviewing the request and the underlying district Court and 10<sup>th</sup> Circuit Court of Appeals decisions, and will provide input to the AG's office.

**Ben C. Wilemann, III, Moose Mountain Forestry, LLC v. State of Vermont ANR:** This appeal relates to the denial of a document prepared by an FPR forester at the request of counsel, and is related to litigation before the PSB and potential enforcement action as well as attorney client privileged. The complaint was filed in Washington Superior Court on April 16, 2012. The state must file an answer by June 18 or determine whether to waive the privileges and exemptions and release the document. A second request for public records was received May 2, 2012 requesting numerous documents related to this matter and the document denied. This request for public records is improper as the matter is now in litigation and the rules of discovery apply.

**Town of Plymouth, Wheeler Bridge:** The Town of Plymouth requested FEMA funding for damage to the so-called Wheeler Bridge but was denied due to the unknown ownership of the bridge. FPR staff have researched the issue and have no record of state ownership, although it is possible the bridge may have been constructed by the CCC. The bridge is not on state land. FPR will provide the Town a letter stating its opinion that the state does not own the bridge, which may allow the Town to claim ownership or a ROW and receive FEMA approval for funding.

**Green River Reservoir Manosh Encroachment:** FPR counsel will prepare a letter to Mr. Manosh to instruct that he cease and desist with any further work related to the installation of utility (power) facilities and structures on state land. FPR staff will consult with DEC staff related to three brook crossings, and we will seek additional information to determine the appropriate response and remedy.

**State Land Transactions:** FPR and Vermont Land Trust (VLT) met again this week with the Town of Bolton Selectboard to discuss the Bolton Nordic project and the proposed sale of the former Lafreniere homestead. Selectboard members were unanimous in their support for the proposed Bolton Nordic land conservation project. They also indicated their support for the Department's preferred configuration for the Lafreniere homestead sale parcel which will include the house, barns and 27 acres (including a few acres of agricultural land adjacent to the barns). It appears the legislature is poised to approve the Department's proposed 2012 Joint Resolution (JRS 054), excluding the proposed exchange with Markowski Excavation in Plymouth pending additional evaluation to increase the public benefits of this transaction. The joint resolution covers the Alburgh Dunes State Park exchange the extension of Camp Downer's lease at Downer State Forest.

**Parks:** The annual spring training for Park Rangers and other key operating staff is occurring this week in Killington. The 75 returning key staff members have spent one day, and the 25 new staff will remain through Thursday for a comprehensive exposure to both the details and the broad philosophical basis for managing Vermont State Parks. They are a well recruited, highly motivated and enthusiastic group. The balance of the approximately 280 person workforce will be coming on board over the next several weeks.

**Kamp Kill Kare:** Another \$15,500 in donations has been received from Kamp Kill Kare alumni toward creation of interpretive displays in the hotel building (Rocky Point House) at the park, which also served as the main activity building for the camp. The museum display is currently under design by Shadows and Light, the preeminent Vermont design firm for displays of this nature. The display is expected to be completed for dedication during the August 3 and 4 alumni reunion, coinciding with the 100<sup>th</sup> anniversary of the founding of the summer camp.

**Lake St. Catherine State Park:** \$5,000 is being donated by the Vermont Chapter of the Modern Woodmen of America toward the new playground system being installed at Lake St. Catherine State Park this summer. The balance of the project will be funded through capital appropriation.

**Forestry:** The Vermont Forest Products Association held 'Regional Roundup' meetings in Rutland and Newport. There were over 150 participants including FPR personnel, local mills, loggers, Green Mountain National Forest personnel and foresters from around the state. Commissioner Snyder and many others spoke about working together, and there was good conversation on a wide range of topics including education of the public and lawmakers, AMP changes, and the desire on the part of the industry to increase harvest on state and federal land.

About 50 consulting foresters met with FPR Forestry staff in Randolph on April 24 to discuss a variety of issues, including pending legislation with Commissioner Snyder and UVA administration with the County foresters. Chris Casey and Frank Thompson from the Green Mountain National Forest gave an afternoon field workshop on evaluating regeneration and tree quality.

**SCORP (Statewide Comprehensive Outdoor Recreation Plan):** A new SCORP is required by the

**Conservation Education:** Arbor Day is coming up on May 4, and all plans are set for the ceremony at the Statehouse with the Growing Works of Art contest winners and their classmates. Miss Vermont will be joining Governor Shumlin for the ceremony this year.

A successful early childhood Project Learning Tree workshop was held in Middlebury on Saturday, April 28. Fifteen early childhood educators and childcare providers from around Addison County participated in learning about teaching the youngest children about trees and forests.

### **Business Office**

**Year End activities begin:** This is an especially busy time for the Business Offices as we close the 10th month of the year, begin year end close activities including early deadlines for requisitions and purchase order activity, perform budget trend analysis to ensure adequate funding to close the year, and complete the annual internal controls self-assessments. Most of our annual internal service fund charges have been received for FY12 though we are expediting the Single Audit charge from the State Auditor's Office.

**Clean Energy Development Fund:** The 1st request for reimbursement from the Clean Energy Development Fund for our Natural Resource Mapping project went out this week.

**Going Paperless:** The Central Office Admin Services Team has begun to purchase additional monitors to allow dual-monitor work in preparation for going paperless in our accounts payable process and paperless overall as we move to National Life. We are also assessing whether there are adequate scanners as we move forward.



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

**To:** Peter E. Shumlin, Governor  
**From:** Douglas A. Racine, Secretary of Human Services  
**Re:** AHS Weekly Report  
**Date:** May 4, 2012

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**Vermont Department of Health (VDH)**

Rutland methadone program development. Dr. Chen met with Rutland Regional Medical Center CEO Tom Heubner and Rutland Mental Health Center CEO Dan Quinn to assist then in moving this project along more quickly. Mr. Heubner is going to take a higher profile role along with Quinn in site development. We think this will engender a higher level of community support. They are still struggling to secure a viable site. Rutland Plywood is still under consideration.

Formaldehyde. The CDC's Agency for Toxic Substances and Disease Registry (ATSDR) was requested jointly by Ag Secretary Ross and Health Commissioner Chen to assist the State of Vermont with a public exposure investigation focused on formaldehyde in outdoor and indoor air near dairy farm fields. Formaldehyde used to treat a hoof ailment in the dairy cows may be disposed of into the manure pits from which liquid manure is pumped into tanks for spreading on fields. Sampling is now occurring at one site in East Berkshire and will likely begin at a second site in a different location so that a better assessment can be conducted on the recommendation of ATSDR. The sampling will take place over approximately 32 days and results will be analyzed by ATSDR and shared with the state.

Lyme Disease Prevention. The Health Department is partnering with Green Up Vermont to get the word out about preventing tick bites and Lyme disease.

**Department of Mental Health (DMH)**

This week was a very tough week in terms of finding hospital beds for individuals in need. We had several instances of people stuck in emergency rooms waiting for a bed, including one today as we approach the weekend. The main problem is just the lack of beds. In fact, on a daily basis we have approximately 23-24 beds for people who need VSH level of care. We now have a definition of VSH level of care patients, that we call "Level I". Rutland is serving 5-6 Level I people at any time; FAHC no more than 6-7. The Retreat has 15 beds for this population, but unfortunately some longer term patients are stuck there, for lack of the secure residential facility. In effect the Retreat has about 11 beds for Level I patients. This adds up to 23 or 24 at any given time statewide, not the 36 in the Governor's plan, never mind the 45 in the final Act 79. Until the Morrisville facility opens and the Secure Residential facility opens we will continue to be in a significant crisis mode. DMH will ramp up our efforts on all fronts, but we are facing a tough summer.

Springfield. The Board of Health agreed to extend the temporary license for the SSCF unit for 6 more months. We described our commitment to closing that unit as soon as possible, by either implementing the Secure Residential facility and/or finding individual community placements for some of the individuals housed there. Commissioner Flood visited the Springfield unit this week to meet with patients and staff to assure them that DMH is doing all we can to find alternatives as quickly as possible.

Morrisville. Planning is proceeding well. An issue has arisen regarding fire/safety. The fire safety division conducted a review of the facility and told DMH the whole facility, not just the 2 wings we are leasing, need to meet hospital code. We need to request a variance from the fire/safety division. This is underway and hopefully will not delay the opening.

New hospital. A working group has been convened, which includes all the usual suspects including the hospitals and the advocates. There is some difference of opinion about what the facility should look like or include, but the process is early enough that we can process these ideas and come to a conclusion in a timely fashion. These discussions do not need to delay permit work.

Secure residential. DMH is considering two sites, one on the grounds of Second Spring in Williamstown, the other property in Waterbury that we have been told we can purchase. In an initial meeting with Sen. MacDonald, he made it clear that the community of Williamstown had been told when Second Spring was developed that the State would not force people to go there, nor would they be locked in, nor would there be a fence. He described this new interest as “bait and switch”. It does not appear that he will be. We will continue to work on this possibility, and reach out to town leaders. The other option is property (2.5 acres) in Waterbury for sale. We could put a modular unit there fairly quickly. We believe the town would be supportive. Commissioner Flood intends to finish investigating the options and making a decision by the end of next week. There is a critical need to move forward.

Contracts with hospitals. At long last DMH is ready to sign contracts with RRMC and the Retreat on both the renovations and services and payments. Finishing touches are happening and contracts should be signed by the middle of next week.

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

### **Ongoing Issues**

Adult Protective Service. We remain on a steady course. Final interviews for permanent chief are this week. Senate Health and Welfare passed an amended H.290. We succeeded in reducing excessive reports (though added one element that will add 15K in costs) but did not eliminate the duplicative study (75K). No press interest this week.

Adult Protective Services Litigation. The plaintiffs, through their attorney, have proposed initiating a settlement discussion. It is unclear if this is a serious overture and our attorneys are reviewing it. Our position is that we are happy to have a conversation but to point out that previous conversations have not yielded any meaningful progress.

**Legislature**

Reps. Treiber and Partridge have requested follow-up on the timeline that led to McGirr's closing. We have a two pronged process underway as described below.

**Evolving issues**

All McGirr's residents found new homes by close of business on April 28<sup>th</sup>. Some went to other nursing homes (one out of state because of mental health needs that no Vermont home felt able to address); one went home with family; one returned to an apartment; one went to a family care home.

Susan Wehry received a very strong and positive commendation from Glenn Cordner at Springfield Hospital for DAIL's efforts to find placements for the residents. Our next step is to retrace how Margaret Perry, McGirr's Director, arrived at this outcome and to ask what more, if anything, the state could or should have done to effect a different outcome. The second endeavor underway is two-pronged: to look at how our state survey unit is performing and to look at how our current system is/is not addressing the needs of adults with mental health needs in nursing homes. This is an area of expertise for the Commissioner who is providing a national webinar today on the topic.

**Department of Corrections (DOC)****Press Issues/Releases/Contacts**

Assault at the Southern State Correctional Facility (SOSCF). Commissioner Pallito spoke with a reporter from the Eagle Times regarding the assault that occurred at the Southern State Correctional Facility. The inmate who was attacked is back at the facility and appears to be making a full recovery. Dakota Gardner is facing federal criminal charges now and may be facing state charges stemming from the assault.

**Other**

Chittenden Superintendent Recruitment. The panel for the recruitment of the Superintendent of Chittenden assembles this week to begin reviewing applicants. The group is reviewing more than twenty applications. The panel consists of three members of the DOC and two members of the White Paper Group.

**Population**

The Department is supervising an incarcerated population which is maintaining in the 2050 range. The out of state portion of this population is currently at 487 and the female population is maintaining in the 130 to 140 range. The Chittenden facility has started the first phase of construction on the new booking unit, so the lower female population is helpful in planning the stages of this construction. The overall detention population is ranging between 350 and 370. The Department is supervising four individuals on home detention and 47 in home confinement. The overall offender population being supervised in the community is 9,120 on May 2<sup>nd</sup>.



## Department for Children and Families (DCF)

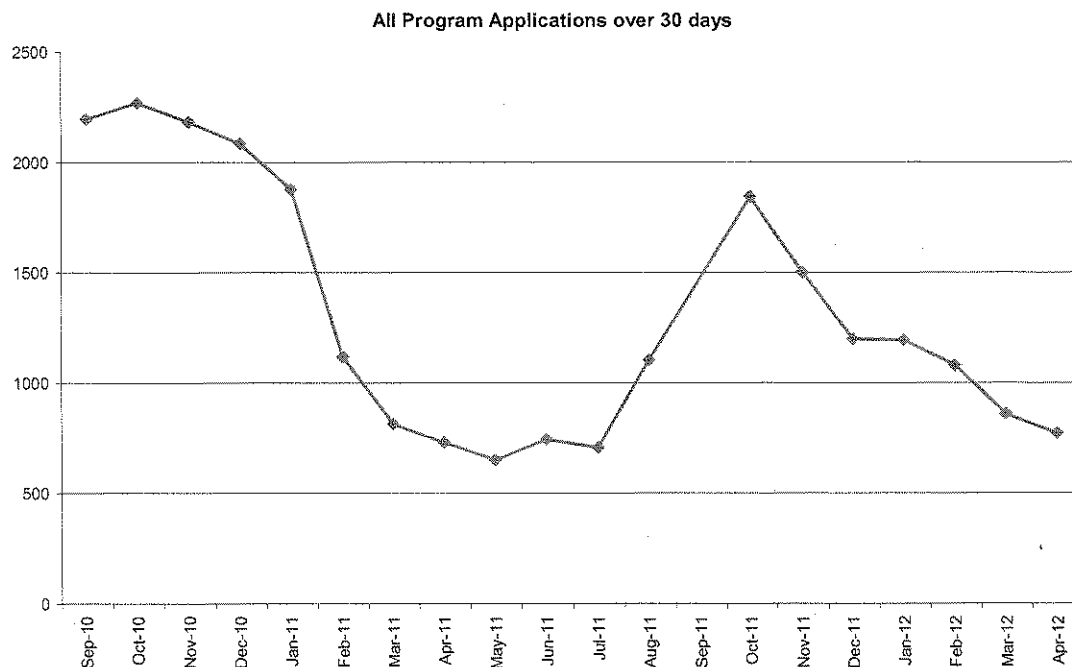
### **Significant Events/Meetings**

Woodside Incident. On April 28<sup>th</sup> four Woodside Residents caused a disturbance in the Blue Unit dayroom. The rest of the residents were evacuated to a safe location. The residents assaulted staff and damaged the building. The damage included fire safety equipment which resulted in Essex Fire Department responding. The emergency responders cleared the alarm and left the premises.

The Woodside Director, Clinical Director and Psychiatrist arrived to help resolve the dangerous situation. The incident was resolved without injury to staff or residents. Essex Police were called to the scene to determine if criminal charges were going to be filed. It appears at this time that three of the four youths will be charged with crimes.

### **Evolving Issues**

Progress At A Glance. The snap-shot below shows the progress we have made in DCF to address the back-log of benefit applications older than 30 days. The spike that occurred last fall was the direct result of Irene. We are fast approaching pre-Irene levels and expect ongoing improved performance. It should be noted that 40% of the applications that are pending more than 30 days are due to applicants who have not returned their paper work.



\*\*September, 2011 data is unavailable due to Tropical Storm Irene.

\*\*Applications included 3SqVT, Reach Up and/or Health Care.

## Department of Vermont Health Access (DVHA)

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

Burlington Green Mountain Care Listening Session. Mark Larson and I attended the Green Mountain Care listening session in Burlington on Wednesday; approximately 50 people attended.

Gartner contract. In January, a decision was made that contracted assistance was needed to support planning and implementation of health care IT projects. Gartner was identified as the best resource for this service. Despite ongoing discussion, agreement on a contract has not occurred and has been pushed off again due to lack of agreement on specific terms of the contract.

### **Legislative Issues/Contacts**

DVHA budget items. Mark Larson worked with House and Senate Conference Committee members this week to resolve issues related to DVHA positions and recovery center funding/hub and spoke funding.

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

VT Digger. Lindsey Tucker spoke with Vermont Digger journalist Hamilton Davis on Thursday about the reasoning for creating a sole market within the Exchange.

Sam Hemmingway. Mark Larson spoke with Sam Hemmingway from the Burlington Free Press on Monday about a physician referred to the medical practice board by DVHA for concerns about their inappropriate prescribing practices. DVHA was advised by the AG's office that we could not divulge the name of the physician, nor the specific behavior that led us to refer the physician to the board.

### **Significant Events/Meetings**

DUAL's. The public comment period for the draft DUAL's demonstration project proposal ended on April 30<sup>th</sup>. A final draft of the proposal will be developed and submitted to CMS by May 10<sup>th</sup>.

Dartmouth Hospital. Mark Larson joined Jeb Spaulding and Jim Reardon in a meeting with Dartmouth Hospital regarding Dartmouth's concern about its Medicaid reimbursement rates. DVHA will be preparing some information to inform a next meeting with Dartmouth.

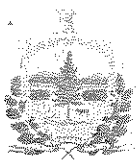
DVHA Medical Director. Mark Larson and Vicki Loner met with UVM to discuss concerns about the performance of the DVHA Medical Director who works for DVHA through contract with UVM. DVHA will be working with UVM to determine whether a corrective action plan can be agreed to or if the Department will assert provisions of the contract that allow the Department to declare that it is dissatisfied and request a replacement be found.

### **Emerging Issues**

Developmental Screening Description. The American Academy of Pediatrics (AAP) recommends that all infants and young children should be screened for developmental delays at regular intervals, and that valid reliable screening instruments should be used. In 2009 the DVHA, DCF (Children's Integrated Services), VDH, AHS (Integrated Family Services), and the

AAP (Vermont Chapter) initiated a two year project to improve surveillance and screening, and to increase the use of valid reliable screening instruments in primary care practices serving children. The project produced a recommended list of screening instruments (developmental & autism) for practitioners to choose; these screening instruments are linked to DVHA reimbursement. The project provided direct support to 37 primary care practices to improve surveillance and screening. The results indicate a slight increase in surveillance at most recommended visits with a large increase for children at the 30 month visit. There were increases in developmental screening at all recommended visits with the largest increase at the 30 month visit. In addition there are over 35 practices now using valid reliable screening instruments to screen for developmental delays or autism. DVHA is exploring ways to encourage the use of standardized screening tools in more child serving practices.

The January 2012 “Final Report: Developmental & Autism Screening in Primary Care” has been delivered; the contract with the Vermont Child Health Improvement Program has concluded.



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*Jeb Spaulding, Secretary*

**PRIVILEGED AND CONFIDENTIAL**  
**MEMORANDUM TO THE GOVERNOR**

**TO: Governor Peter Shumlin**

**FROM: Secretary Jeb Spaulding**

**DATE: May 4, 2012**

**SUBJECT: Confidential Report to the Governor**

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**CONNECT VT**

**Status of Governor's priorities:**

There has been a significant change in the roaming agreement between ATT and VTEL that will materially affect the expansion of cell service.

Change: In order to create a network for calls to roam, VTEL would deploy both its AWS and PCS spectrum licenses in Vermont. The VTEL AWS licenses cover all of Vermont, VTEL PCS covers southern VT below Route 4. ATT has made an engineering decision at the corporate level that it will not allow roaming of customer phones on AWS spectrum for 3G services. It WILL allow roaming on PCS spectrum for 3 G services. ATT does own PCS spectrum in the northern portion of the state but areas remain where they have not and will not likely build network installations ( Franklin county, NEK, Orange). There was a significant discussion this week between ATT/ VTEL regarding alternate solutions to the AWS issue, including the sharing of the PCS spectrum, to no avail. This may be an area for political pressure. T Mobile, with which VTEL also has a roaming agreement, WILL allow roaming on both PCS and AWS.

VTEL WILL proceed to build the 4G LTE voice/data components for cellular service, and indications are that these carriers will sign to roam. This could best be characterized as "building to the future": LTE supports data transfer only and currently, Voice over LTE does not exist. The VTEL 4G network used for mobile will support data but not voice initially. Manufacturers are set to release phones that perform voice over LTE at the end of 2012. We are in the midst of a global shift from 3G to 4G LTE that will govern market adoption. The good news: Vermont will be ready. The interim challenge: expansion of voice on 3G.

### Impact:

- 1) ATT customers in the northern part of the state where ATT service is marginal or not existent will not have expanded service as a result of the VTEL roaming network.
- 2) Without the roaming revenue from ATT in the northern part of the state, the financial model for VTEL as a roaming provider becomes more challenging and net negative on an operating basis. ATT roaming revenue from northern VT is a gating issue because 3G operation is expensive, more so than the eventual 4G solution for mobile.
- 3) VTEL is considering alternative scenarios for the 3G service offering, including scoping the offering of 3G service to the southern part of the state ( good) while continuing the statewide 4G LTE voice/data build to support cellular. This might be staged as follows:
  - a. Build 3G on PCS in southern VT, use a leased core to support the network versus a 6M investment in an owned core, ATT and T Mobile roam.
  - b. Then build 3G on AWS in northern VT, use a leased core, T Mobile roams
    - i. In either scenario, VTEL could enter the market as a retailer of 3G voice and data
    - ii. Determine the financial impact of a scoped project and ability of the company to support net losses
    - iii. Allow for time and market evolution
  - c. Then transition all providers (ATT, T Mobile, VTEL) to 4G as the market adopts.
    - i. From the beginning, VTEL will install a 4G core to support mobile LTE
- 4) VTA approved 5M for support of the 3G build will need to be reconfigured.
- 5) Administration could consider very high level pressure on ATT to request sharing of their northern PCS spectrum with VTEL for 3G operation, in areas where they will not commit to building a network asset to support service between now and 2014. This needs to be discussed.

While this is an overall setback for the cellular expansion plan, it is indicative of the rapid evolution of the marketplace where all carriers are trying to define how to manage exploding demand for bandwidth, the transition from 3G to 4G, and how to best deploy capital. Our goal is to not let Vermont be "left behind" in the interim transition period between 3G and 4G, which some experts estimate could be 10 years.

## **BUILDINGS AND GENERAL RESOURCES**

### Legislative Issues/Contacts:

- Met with HCIC and SIC chairs regarding out of session expectations and with the Speaker.
- Contacted by Rep. Lanpher of Vergennes about status of Job Corps and the moving of the train station.
- Chairs of SIC and HCIC would appreciate H. 785 bill signing scheduled so they and their committees can attend.

### Evolving Issues:

- Held meeting with FFF to expedite the Waterbury project.
- FFF will not be able to meet the 6/1 special committee report deadline; more likely 10/1. We will notify chairs of SIC and HCIC.
- In order to accomplish REVISED draft B, the administration needs to decide number of folks to be returned to Waterbury.

- National Life fit up needs decisions regarding status of overall ownership, fit up financing commitments, and number to be moved.

## **FINANCE AND MANAGEMENT**

### **Issues Update:**

#### **ERP Project – HCM:**

- Financials Upgrade – A discussion was held around program budgeting and performance measurements. Strategy discussions should begin very soon to determine what needs to happen in conjunction with the financials upgrade (next project phase). Items already on the list to consider are: the Chart of Accounts, Project Costing, Contract Management, E-Procurement and several efficiency measures.

Department of Vermont Health Access (DVHA): DVHA's Home Health program billings are now in VISION production. Two more programs remain to complete DVHA's current functional configuration requests.

FY 2013 Budget: Last week, the Senate passed its version of H.781, the FY 2013 Appropriations bill. The bill is now in conference committee. Commissioner Reardon continues to work with legislators on items of concern to the Administration.

## **HEALTH CARE REFORM**

Nothing to report.

## **HUMAN RESOURCES**

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

Strategic Planning: We are in the final stage to complete the first year of the Governor's Strategic Planning initiative. Most Agencies and Departments have fine tuned their performance measures, although a few Agencies and Departments still need to complete their plans. DHR will now work with Agencies and Departments on action plans and reporting on performance measures.

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

Agency Fee: Commissioner Duffy continues to monitor legislative efforts by VSEA to impose an agency fee on state employees by statute. At present, this effort appears to have failed, but the VSEA has indicated it will continue its efforts to attach the provision to any germane bill in order to force a vote on the issue.

The Pay Act: Commissioner Duffy testified several times on the Pay Act, in anticipation of the committee on conference. The conferees agreed to a recommendation, which has been adopted by the Senate. DHR anticipates adoption by the House in the near future. DHR will then take steps to implement the Pay Act by providing instructions to appointing authorities on the process.

### **Press/Media Notes:**

Communications and Marketing Positions Policy: Commissioner Duffy provided several reporters with copies of the newly adopted policy on the appropriate use of communications and marketing positions in state government. Commissioner Duffy has responded to some follow up questions on the policy, and will provide additional information that has been requested by Terri Hallenbeck on existing communications and marketing positions.

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

Public Service Recognition Week: Public Service Recognition Week begins on Monday, May 7<sup>th</sup>. A celebration banquet is planned for the 7<sup>th</sup>, at the Montpelier Elks. Approximately 220 people will attend. DHR is working with the Governor's office and the Secretary of Administration's office on talking points and themes for the luncheon.

### **Evolving Issues:**

ERP Expansion Project: In light of an ongoing lack of staffing at DHR, the go-live date for January 1<sup>st</sup> raises concerns. DHR has engaged in discussions internally and with the state's consultants regarding project resources and the future state organization necessary to support the new system and business processes. Additional positions and funding will need to be identified and in place in time for testing in August 2012. Commissioner Duffy will schedule a meeting with Secretary Spaulding and Deputy Secretary Clasen to discuss these issues.

## **INFORMATION AND INNOVATION**

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

Healthcare: The Healthcare Technology initiatives/plans continue to develop with primary efforts from DII focusing on Project Oversight and Enterprise Architecture (EA). It is critical that a unified Enterprise Architecture responsibility be established quickly and DII is taking this lead. Current focus is on acquiring both vendor EA resources as well as shift internal resources where possible to facilitate EA throughout the Health related projects. Enterprise Architecture across the following domains (Technical/Infrastructure, Application/Integration, Information/Data) will standardize, document and establish clear architectural design patterns and roadmaps for all Healthcare related projects to utilize. Clear expectations are to establish shared healthcare services/systems for financials, customer support and all ancillary backend systems. The first vendor sourced EA should be in place by mid June at the latest with others following.

Market Factor: IT Compensation and Classification Study - Gallagher Flynn and Co. (GFC) presented preliminary findings Monday April 30th. The agenda was primarily focused on the issues/problems they had identified to date. GFC also presented preliminary work on grouping and "rebranding" job titles. The problems they have identified so far include:

1. For selected positions, particularly those above pay grade 26, pay grades are not competitive.
2. State pay increases do not match the increasing contribution/value of employees as they gain experience, particularly in the 5-10 year range.

3. The private sector uses pay ranges differently than the State.
4. State has very little recruiting capability. Private sector has increased focus on recruitment.

DII believes GFC is on the right path to deliver a work product that can be used by DHR to accomplish next steps. The primary issue at this point is to make sure GFC is getting the quality data they need from DII.

Governor's Dashboard: DII has reached agreement with Doug Hoffer on contract language and payment terms. Contract not to exceed \$15K will be signed by next week. First deliverables will be available by 11 May. The first deliverable will not include final documentation, but will include a list of measures with the analysis Doug expects to perform. This will allow us to decide which measures are the most appropriate to publish on the dashboard.

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

Commissioner Boes spent a fair amount of time at the State House this past week, talking with senate and house members about the web portal board language in H.769. The conference committee has reached agreement that the language for initiating a web fee can remain the same, but added a 3 year review through W&M. They also asked for a report on the appropriateness of fees established by the web portal board and on the cost effectiveness of our web strategy. Both of these additions are acceptable.

On H.781, the conference committee has not reached agreement, but has agreed to the IT control language we proposed through the senate. They have also agreed with the 7 AHS IT positions added to the bill. Both of these items are welcome additions.

H.254 has passed both the house and the senate and includes the addition of "information security" responsibility within DII and significant updates to breach law and personally identifiable information. These changes are also good.

### **Evolving Issues:**

DII is currently in an independent review process for new software for state-wide IT asset management, desktop management and problem ticketing/response. While this effort is largely funded with federal funds to offset audit findings within AHS, DII has expanded the effort to include other areas. This software will result in some great efficiency increases but the change management, communication and implementation will need to be closely coordinated as the impacts are far reaching.

## **LIBRARIES**

### **Department Initiatives**

Google Equipment Donation Program: 100 refurbished computers and monitors for use in Vermont public libraries and adult education centers were delivered this past week. This equipment was donated by Google, and included a grant for \$10,000 which we used to purchase and load software. This program, initiated by Matt Dunne, was coordinated by the Department of Libraries with assistance from Helen Laban Jordan of the e-Vt Broadband Project.



2<sup>nd</sup> Google Grant: Videoconferencing in Libraries: We have been working with Google on a project that will site community videoconferencing equipment in 6 (?) public libraries and at the Midstate Library Service Center in Berlin. We are working with DOE with the intention of connecting these centers with the LNV for access to programming, and other uses. This videoconference equipment would be used by libraries (programming, training), community groups, and individuals in the local community (job interviews; medical/health; education, etc.). The department will use this “network” for conducting trainings for librarians, etc. We are also looking forward to a new state contract for webinars so we can conduct regular communication sessions (“Update from the State Librarian”) with library staff and trustees across the state. Once this is in place we will start to develop webinar-based trainings that can replace some of our in-person classes.

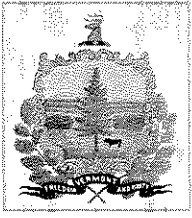
Vermont FiberConnect: 42 libraries will receive high speed fiber-optic connections with Sovernet as part of this federal broadband grant. (This is a change from 53 libraries included in the original grant application. Despite our hard work to get them on board, 12 libraries opted out of the program because of the increased telecommunications costs. ) All 42 libraries have now signed agreements with Sovernet for the fiber service and we are waiting to see the current build schedule from Sovernet so we know which libraries will be connected in 2012.

Meanwhile, Libraries are working with DII to develop a wide area network (WAN) that will aggregate and fund Internet access for these 42 libraries. The department will purchase the required “premise equipment” for each library and also the equipment needed at DII. Karen Marshall continues her efforts with the legislature to “claw back” unused VTA funds that were allocated earlier for WiFi service.

e-Vermont Community Broadband Project: The final conference will be next week (5/8) at Champlain College. One track for the conference is “Digital Literacy” and I will facilitate a morning panel on that topic. Dept of Libraries has delivered computer equipment to libraries in the 24 e-VT towns and are working on spending the last bit of money from that grant dedicated to libraries.

## **TAXES**

Nothing to report.



## ***State of Vermont...***

### **Department of Financial Regulation**

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

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

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

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## **CONFIDENTIAL AND PRIVILEGED – NO SHARING Report to the Governor for Week Ending May 4, 2012**

### **Governor's Priorities**

#### **Health Care Reform**

The H.559 (Health Care Reform) conference committee report will be passed by the House on Friday and be sent to you for signature.

### **General Information**

Vermont, Massachusetts, Oklahoma, Rhode Island and Washington are the first states to manage licenses for a range of non-depository companies, including money transmitters, debt collectors and sales finance companies using the Nationwide Mortgage Licensing System. The use of a nationwide electronic licensing system is a benefit to the state regulator and industry participants, and will make it easier for the consumer to research financial service providers. Vermont has been a leader in this nationwide licensing effort.

Two Banking Division examiners are the first in the nation to be Certified Money Service Business Examiners. Division examiners have received certifications as bank examiners, credit union examiners, mortgage lender examiners, BSA examiners and now money service business examiners. The Division has received accreditation separately for the banking, credit union and mortgage company oversight function.



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

**CONFIDENTIAL AND PRIVILEGED: NO SHARING  
MEMORANDUM**

TO: Governor Shumlin  
FROM: Armando Vilaseca, Commissioner  
DATE: May 4, 2012

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**H.440:** Thank you for including me in the signing of this bill. I look forward to our collective work on behalf of all of Vermont's students.

**Mathematics Talent Search Program:** The Vermont State Mathematics Coalition has sponsored a statewide "Mathematics Talent Search Program" every year since 1993. On Tuesday, I attended the Coalition's dinner to honor the top 12 students in the state. The Talent Search is conducted by sending eight challenging math problems to each of the eighty (public and independent) high schools in the state, four times a year. Copies of the test are given to interested students and topics covered include arithmetic, Geometry, algebra, and pre-calculus. The students have four weeks to solve the eight problems and then each student submits his/her solutions to the director of the program for grading. The tests are scored, statistics are gathered, and results are returned to the students along with the next series of tests. At the end of the year the top students are awarded prizes and are honored at a dinner along with their parents; the students are also invited to attend a week-long "Mathematics, Science, and Technology Summer Enrichment Institute" at the University of Vermont.

**Winooski High School:** On Wednesday, Susan Bartlett and I visited Winooski High School. We were joined by Mary Martineau, superintendent; the City Manager, School Board President and two board members as we toured the school, visited some classrooms and enjoyed lunch in the cafeteria. As you know, Winooski has a very diverse student population, with 27 languages represented and 40% of enrolled students being English Language Learners (ELL). Daily, they face the challenges of meeting the varying needs of these students. The school is clean, orderly and well-organized and students there seem happy and engaged in their learning. Despite low NECAP scores, I think this is a great school where a lot of good things are happening on a regular basis.

**Vermont Vision for a Multicultural Future:** On Thursday, I attended this participant-driven conference organized by a volunteer group of Windham County community leaders. The conference was designed for visionary leaders from business, education, government and non-private sectors. The purpose was to address some of the challenges and opportunities of a more multiracial, multiethnic, and multicultural Vermont by establishing an ongoing Vermont-centered network for sharing and supporting policies, structures and programs aligned with evolving state demographics.

**Cuba Program at Burlington College:** I want to let you know that I have been offered the opportunity to teach a class at Burlington College, which will be bringing a group of educators to Cuba, and I will be going with them. The group will visit Cuban primary and secondary schools and have the opportunity to interact and exchange professional ideas and experiences with Cuban teachers. This is the only program in the country that is bringing educators to Cuba (legally) to learn about the highly successful Cuban education system.

**Gifted Children:** On the page that follows is a copy of a letter that I have received from about 70 "petitioners." I will be responding to this letter soon, indicating that there are many options in the public schools that benefit gifted students, such as dual enrollment, flexible pathways to learning, differentiated instruction, etc. I will also include that our goal is a challenging and rigorous curriculum for **all** students, and lastly, that the reality is, this is a local issue.

Greetings,

I just signed the following petition addressed to: Commissioner of Education Armando Vilaseca.

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Provide public education options for gifted children

Public schools throughout Vermont are failing to provide our brightest students with an appropriate education. Parents have to choose between paying for a private school, homeschooling their children, or leaving them in an inadequate educational situation. Low-income families don't even have any choice!

I first became aware of this issue when my own elementary-aged children began to have issues in school. My eldest son, in first grade, would beg to stay home and his behavior in school was problematic. We ran the gamut of testing, including neurological issues, medical issues, ADHD, psychological evaluations, etc. The results all the tests were clear: we had a very bright and creative boy whose cognitive abilities outstripped his age. In short, he was an "intellectually gifted" child who was bored and acting out.

As I began to research how to help him, many people told me that I would need to homeschool. This is not something I wanted to do. However, I was told repeatedly by parents and professionals that "Vermont schools do not address the needs of gifted children." Over the past year, I have realized that this is absolutely true. I've met dozens of parents who have chosen to homeschool their children because their local schools ignore or refuse to address their specific academic needs.

One Chittenden County mother told me of her profoundly gifted son who, in 2nd grade, was achieving between a fifth and tenth grade level. However, he was still required to sit in the classroom with his age-mates doing the same level work as the rest. "In first grade," she explained to me, "he became frustrated with the 'new math', because it required him to draw several ducks and add them to more ducks and then count the total and show his work. It took quite an effort on my part to explain to his teacher that he was far beyond adding ducks."

Acceleration, in many forms, has been shown to be the single most effective intervention for these bright students. However, Vermont schools almost unilaterally state that this is "socially damaging" to the child. I have spoken with dozens of parents whose local schools have refused acceleration of their academically talented students. (A synthesis of research on acceleration and its effectiveness for gifted children can be found here: [http://www.davidsongifted.org/db/Articles\\_id\\_10004.aspx](http://www.davidsongifted.org/db/Articles_id_10004.aspx))

This is not just a Vermont issue. A recent article in Education Week wrote about how, in this time of increasing budget pressures and the need to ensure all students "meet the standard," our country is neglecting our brightest students. (Read the full article here: <http://tinyurl.com/7udd46t>)

Vermont's education statutes define "gifted and talented." Under Title 16, it also states, "each public school shall develop and maintain an educational support system for students who require additional assistance in order to succeed OR TO BE CHALLENGED in the general education environment." (emphasis added) This is not happening. Schools say, "We don't have the funding or the mandate. We wish we could do something." State legislators say, "Talk to the local school. This is a local issue."

I say, this is NOT a local issue. This is an issue endemic throughout the state! Vermont school children should receive a grade-level appropriate education! Children deserve to experience academic challenge!

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## **CONFIDENTIAL MEMORANDUM TO GOV. PETER SHUMLIN**

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From: Susan Spaulding, Appointments to Boards & Commissions  
Date: May 4, 2012  
RE: Boards and Commissions Update

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### **Appointments made May 4 , 2012**

#### **Governor's Council on Physical Fitness and Sports:**

APPOINTED: Tracy Gallo, Montpelier

#### **Vermont Developmental Disabilities Council:**

APPOINTED: Cheryl Phaneuf, East Hardwick

APPOINTED: Cynthia Smith, Fair Haven

APPROVED: election of Wendy Kruger, Hardwick - President.

#### **State Program Standing Committee for Developmental Services:**

APPOINTED: Susan Yuan, Jericho-

APPOINTED: Kyle Moriarty, Montpelier

APPOINTED: Julie Martin, Stowe

APPOINTED: Ann Bakeman, Shelburne

REAPPOINTED: Joe Greenwald, South Burlington

REAPPOINTED: Jessica Sanville, East Haven

REAPPOINTED: Tracy Thresher, Barre

#### **Act 264 Advisory Board:**

REAPPOINTED: Jolene Blanchard, South Hero

REAPPOINTED: Cynthia Smith, Fair Haven

REAPPOINTED: Karen Woolsey, Bethel

#### **Children & Family Council for Prevention Programs:**

APPOINTED: Hannah Phillips, Brattleboro

#### **Enhanced 911 Board:**

REAPPOINTED: Donald Patch, Mount Holly

#### **Endangered Species Committee:**

REAPPOINTED: Jennifer Ramstetter, Brattleboro – (Flora)

#### **Commission on Successful Aging:**

APPOINTED: Toby Young, Putney – CHAIR

APPOINTED: Marion Milne, Washington

APPOINTED: Judy Rosenstreich, Burlington

APPOINTED: William Rowe, South Burlington

#### **Board of Medical Practice:**

APPOINT: Amelia "Ame" Silver – Manchester Center

**Council for the Blind and Visually Impaired:**

APPOINTED: Margaret Howard, Berlin

APPOINTED: Teresa Faust, Montpelier

**Domestic Violence Fatality Review Commission:**

REAPPOINTED: Samuel Hill, Montpelier

REAPPOINTED: Gail Yanowitch, Waterbury Ctr.

**Access Board:**

REAPPOINTED: Cleary Buckley, South Burlington

**Advisory Council on Historic Preservation:**

REAPPOINTED: Glenn Andres, Salisbury

REAPPOINTED: Ronald Kilburn, Swanton

REAPPOINTED: John Vetter, Glover

REAPPOINTED: Lisa Randall, Colchester

**DAIL Advisory Board:**

APPOINTED: Beth Stern, Marshfield

**Commission on Alzheimer's Disease & Related Disorders:**

REAPPOINTED: Martha Richardson, Colchester

**Statewide Independent Living Council:**

APPOINTED: Jerry Wood, Waterbury Center

APPOINTED: Lori Jean Tamarattia, Brattleboro

**National Ocean Council, Regional Planning Bodies**

APPOINTED: Joseph Roman, PhD, Burlington

# Memorandum

Vermont Department of Public Service

## Privileged and Confidential

**To:** Hon. Peter Shumlin, Governor & Sarah London, Governor's Counsel  
**From:** Elizabeth H. Miller, Commissioner & Sarah Hofmann, Deputy  
**Subject:** Weekly Report – Priorities Version  
**Date:** May 4, 2012

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**Status of Priorities:** Energy bill in streamlined and less costly/less aggressive form seems to have survived the legislature, so long as House votes yes today without amendment. Along with a package of other energy legislation this year, we should view it as a major accomplishment. Our team worked very hard across the street. As of this writing, the legislature had not actually interfered with the merger; our reply legal brief is being filed today and the Board should be in a position to issue an order within a month or so. We have to turn to selection of VLITE board members in the next couple of weeks; we'll consult with your staff in that process. Vermont Yankee is on track for a Board proceeding; the Department has retained excellent outside counsel to assist (a partner at Wilmer Hale in Boston who specializes in environmental and regulatory litigation, and who has represented detainees at Guantanamo, among other interesting legal cases). That information will probably be public in the next couple of weeks.

**Legislative Issues/Contacts:** Legion, once again. Merger, energy bill, Vermont Gas low income, Universal Service Fund, Yankee tax . . . .

**Press Issues/Releases/Contacts:** Montpelier district heating press conference; energy bill; VY hearing; merger background.

**Significant Meetings/Events:** Nothing of significance this week beyond activity under the Golden Dome; Liz attended a moot court session in preparation for her D.C. Circuit argument next week regarding the NRC license for Yankee. New York AG's office attended, along with many other folks from the VT AG, ANR, DPS, CLF, Vermont Law School, etc.

**Evolving Issues:** VLITE selection; LNG/CNG business expansion as noted in previous weeklies.





## **IRENE RECOVERY REPORT**

May 2, 2012

Highlights here & details below

### **90/10:**

Our letter to the President was launched (yesterday). FEMA told us they would review and deliver to White House early next week. Congressional delegation is already sending letter & strategizing follow up. Fingers crossed!!

### **Mobile Home Condemnation:**

Phase 1 (mobile homes already removed) is underway. 78 of condemnation letters being processed. \$588,955 committed to date (some still in process). Phase 2 (mobile homes not yet removed, but "uninhabitable") underway. Letters from ACCD/ IRO mailed this week, and we await response from individuals and will send out team to inspect the site (Health or DPS). Seeking funds to cover removal costs. Possibilities: Community Foundation, Disaster Relief Fund, ERAF.

### **Community recovery:**

FEMA- sponsored Long Term Community Recovery Meetings were held this week in Wilmington & Waterbury. Excellent meetings, very strong participation (local, state, federal, philanthropic). Communities have excellent projects for driving their future recovery. This process was a very good way to help communities come together in a positive direction. The next challenge is finding funds to implement (and, for us, managing expectations).

### **Green Up To Recover:**

Green Up Day strong. IRO seeking additional staff through DOL grant to focus on making this recovery effort a success. Will do GPS media/PSA soon.

### **1- Year Anniversary Planning**

Good first meeting to bring together creative people to brainstorm ideas and activities. One idea is a GPS tour, highlighting recovery successes, the week before. State/IRO will focus on encouraging & enabling community-driven events, with goal of 1 central event, probably on State House lawn the evening of 8/28.

### **FEMA – JFO future:**

Knowing that FEMA is ramping down its operations in early/mid June, we are assessing what resources we can ask for, that may be useful to us, before it is too late to ask. Also developing, with FEMA, a transition plan for their demobilization.

### **HMGP :**

Submitting second round of Hazard Mitigation Grants. To date, we are confirmed at **\$20.9 million** in HMGP for the four declared disasters in 2011. There are 69 separate project applications from the two rounds of HMGP; in several cases, multiple projects/structures have been combined into a single application from the town. Total selected projects costs are approximately \$25.2 million, with a federal share of \$18.8 million. We anticipate holding a 3<sup>rd</sup> round of HMGP when we have the additional funding confirmed by FEMA at the 12<sup>th</sup> month point from the disaster declaration.

**VTrans**  
**Program Development Division**

**Right-of Way.** Number of property owners identified and within the Acquisition Section: 138

- Total: 138
- Total assigned: 126

**Environmental**

FEMA related work will continue through the fall. This is because some oversight is required through construction on the more complex projects. Examples include the Bartonsville Covered Bridge, Bowers Covered bridge, the Worrall Covered Bridge, the Putney Follet Stone arch, among others. Continue to clear projects after-the-fact in some cases as FEMA makes requests. One of the reasons this work extends is because some Town's were late in advancing FEMA projects, probably because they were underwater. Another is the sheer volume of work. Given the ongoing nature of FEMA work it seems reasonable to keep the following FEMA references in the weekly:

- VTrans HP and Arch Officers are conducting Section 106 reviews for all FEMA projects affecting historic
- transportation resources
- Advancing covered, stone arch, truss, and masonry arch bridge repair projects w/ FEMA
- Coordination with Towns and RPCs for FEMA jurisdiction projects.
- Working through FEMA's list of town bridges damaged by TS Irene

**Hydraulics**

- 3 new requests from towns, 2 were still Irene related.

**ROADWAY DESIGN**

- Waterbury FEGC F013-4(13) – Main Street reconstruction - The status of this project became a topic of interest in the Legislature recently due to its possible relation to other planned work in downtown Waterbury. Due to the Irene flooding in Waterbury, the State Complex is scheduled for reconstruction. The Town of Waterbury is starting to investigate the optimal sequence of events that would result in the least impact to businesses and residents within the downtown area. VTrans is currently updating the Preliminary Plans for the Main Street reconstruction, and working with the various utilities to design their relocations. Construction is not anticipated until 2015, assuming all goes well.

**Operations Division**

- Districts 1 through 9: No change in Irene site status

**Policy, Planning and Intermodal Development**

- Nothing new to report.

**Finance and Administration Division**

Transportation System Recovery Expenditures through April 25, 2012: **\$142,787,364.**

	Totals	Federal	State	Local
	85,376,350.41	72,956,166.81	8,594,822.82	3,825,360.78
FHWA ER	48,166,345.71	47,479,029.34	687,316.37	0.00
FEMA – 4022	9,244,668.17	0.00	9,244,668.17	0.00
	142,787,364.29	120,435,196.15	18,526,807.36	3,825,360.78

#### **Economic Development:**

- DEHCD received the economic development recovery ideas that were identified in the Small Business Champion meetings and further developed by members of the team. DEHCD will meet with Matt Suchodolski to discuss these ideas as potential funding opportunities for EDA. Also looking at how they might match with CDBG-DR funding priorities.
- Continue to speak with businesses still struggling with recovery in Brattleboro. DEHCD is exploring how best to gather the ongoing needs for businesses in impacted communities.
- \* ACCD and congressional delegation hosted event with EDA staff of disaster funding.

#### **Community Development:**

- DEHCD working with VEM and IRO on follow up on April 13th meeting on potential on going support from FEMA on long-term community recovery issues.
- \* Engaged in discussions with HUD's and congressional delegation regarding requirements for CDBG Disaster Recovery Action Plan and 80% targeting requirement.
- \* Attended capstone events in Wilmington and Waterbury for FEMA's ESF-14 Long Term Community Recovery effort.

#### **Housing:**

Phase I of condemnation letter effort nearly complete. As of May 2, 2012, Governor's office sent 81 condemnation letters to FEMA. It has processed 55 and provided an additional \$215,894 to survivors. Still in process are another 26 letters for another \$248, 300. ACCD will mail Phase II outreach letters by the end of the week.

Agency staff met with RPCs to further develop plans for administering CDBG-DR funding for HMGP 25% match. Continued coordination with IRO and VEM.

Participated in weekly disaster case manager call.

#### **Legislation:**

Pushing for Downtown Tax Credit and Affordable Housing Credit expansions to assist Irene-impacted individuals and businesses.

Facilitating negotiations between the House and Senate on final issues with mobile home bill. Session nearing a close.

