

# WEEKLY REPORTS

## Checklist

12/2/16

Darren Springer

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

Sue Allen

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

Sarah London

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

Jessica Gingras

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

Laura Gray

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

James Pepper

- ☐ Department of Labor – Annie Noonan

**To:** Governor Peter Shumlin  
**From:** Lucy Leriche, Secretary - Agency of Commerce and Community Development  
**Date:** December 2, 2016  
**Re:** Weekly Report

---

**LUCY LERICHE, SECRETARY**

**EB 5 Stowe Aviation:** The AG drafted a letter sent to SA by Joan and Michael. The letter essentially contemplates some potential paths forward and asks SA to respond with proposals.

**IBEX:** Lucy heard from Adam Grinold of BDCC that IBEX doesn't think they can find the workforce for their expansion in Brattleboro. Lucy forwarded some reports like we did for PayPal to IBEX earlier this week.

**Pioneer Cold:** This company is doing their homework and making the rounds to prospect for state support and incentives and customers for their cold storage facility to be built potentially in Tim Smith's Saint Albans industrial Park. While the direct jobs might only be 8 or so, the impact really could be huge for food producers looking for infrastructure to help them grow. Lucy, Joan, VEDA, Megan Sullivan, and Susan Murray attended a meeting with the principals. They were on their way to meet with Ag in the Afternoon and are meeting with RPC directors Tim Smith and John Mandeville today.

**Commonwealth Dairy:** is keeping us in suspense but should be making their decision any day now.

**Film Incentives:** We got a proposal back from Margot for the Gunther series. The request is for \$75,000 for the film Institute and \$2 million over 2 years for "Archer Mayor" series. The ACCD team will be discussing this morning and we will try to get something up to the 5<sup>th</sup> floor ASAP.

**Nuclear Decommissioning Citizens Advisory Committee (NDCAP):** Last night's meeting was largely focused on the acquisition of VY to NorthStar Group. Scott State from NorthStar emphasized their track record and culture of transparency and compliance. Most attractive for most was the accelerated pace of decommissioning compared to Energy's schedule. He said he thought the highest and best use for the property once decommissioning is complete would be for a solar farm. Overall, it was fairly convincing, but that is ultimately for the Public Service Board to decide.

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

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

**Coordinating Federal Response re: Forest Dependent Communities**

- Working w/ Sen. Leahy's office, NBRC, USDA RD, EDA, and the Northern Forest Center to prepare ideas for a larger federal response to the crisis in low grade markets.

**Clean Energy Development Fund**

- The CEDF recently announced, in partnership with ANR, a wood stove changeout program.
- Vermonters can now change-out their old non-EPA-certified wood stoves (approximately pre-1988) with a new cleaner and more efficient wood or pellet stove and get up to \$1,500 off the price of the new stove at participating stove retailers.

*For More Information on the Wood Stove Change-out Program contact the Renewable Energy Resource Center (RERC) at:*

Web: [www.RERC-VT.org](http://www.RERC-VT.org) Phone: 877-888-7372

**BUSINESS SUPPORT - Economic Development Policy Specialist ♦ Ian D. Davis, MPA**

- **Talent Pipeline Management:** Employers from around Vermont will be gathering next Tuesday, December 6<sup>th</sup> to hear Mr. Tyszko, Executive Director of the U.S. Chamber of Commerce Foundation present on a new employer-led workforce development initiative. Also in attendance will be several members of Vermont's educational community—including representatives from Lyndon State College, CCV, VTC and Champlain College.
- **Workforce Education and Training Report:** Ian has been reviewing the first draft of the Workforce Education and Training Report that is to be submitted to the Legislature on December 15, 2016. This is a joint report by the Secretaries of Commerce and Community Development, of Education, and of Human Services, and the Commissioner of Labor. ACCD's contributions to the report will include data and findings from the statewide workforce needs assessment.

**VERMONT ECONOMIC PROGRESS COUNCIL ♦ Fred Kenney, Director**

**On November 17, the VEPC Board met and took the following actions:**

- Approved an Initial application from Westminster Cracker of Rutland, giving initial authorization of VEGI incentives of up to \$194,485, to move the recently acquired Lucy's cookie company from Virginia to Vermont and add jobs.
- Reviewed the draft VEGI Policy Review report required by Act 157 (2016).

**VEGI**

- Attended November 14 JFC meeting to hear discussion of Mylan VEGI incentive information request. Certain members of JFC were concerned that Mylan was paid earned incentives despite a layoff and in light of the Epi-pen price increase. VEPC and Tax provided information to JFO, who provided non-confidential information and data to JFC in a memo. Information showed that there is not currently any statutory reason to withhold or recapture the incentives. JFC also met in executive session to discuss details on the Mylan incentives with JFO. Public discussion indicates that the Chairs of Ways and Means and Senate Finance will likely seek changes to the VEGI program confidentiality provisions and VEGI recapture.
- Continued to work with the following to file new VEGI applications for the Dec 8 and January 2017 meetings: Commonwealth Dairy (Brattleboro) and Hermit Thrush Brewery (Brattleboro).
- Worked with four applicants filing Final VEGI Applications for December 8 meeting: Bariatrix (Georgia), Caledonia Spirits (Mont), Chroma (Bellows Falls), and VT Aerospace (St. Johnsbury).
- Worked with Kingdom Pellets (Lunenburg) to file a deferral to start their project in 2017.
- Worked with the following companies that have been acquired to file appropriate requests for incentive reviews: Seventh Generation acquired by Unilever (Burlington), Precyse Solutions acquired by NThrive Solutions (Statewide), and Maponics acquired by Pitney Bowes (White River Junction). All companies plan to continue operations in Vermont.
- With other DED staff and Curt Carter (GBIC), met with Sean Larkin, new Logic Supply President, regarding potential expansion.

**WCEDP**

- Processed amendments to the BDCC-Chroma Expansion incentive agreement and BFADC Grant/Loan.

- Reviewed and approved release of loan balance for SchoolHack.

## **TIF**

- Responded to inquiries regarding Burlington Waterfront TIF vote; analyzed process followed by City of Burlington to confirm compliance with statute and rule regarding process and notice to voters.

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

- Met with Vermont Precision Tool along with Kristie Farnham and Vermont HITEC to discuss their training needs. There is a need for on the job CNC training after the HITEC training as well as the possibility of new positions as the company plans to expand its manufacturing operations.

Meeting with Sathorn Manufacturing, Northern Vermont Regional Hospital this week to explore VTP training needs.

## **VT CENTER FOR GEOGRAPHIC INFORMATION (VCGI) ♦ JOHN E. ADAMS, DIRECTOR**

- **Act 174 – Energy Planning Mapping Standards:** VCGI staff worked to process GIS data needed for regions and municipalities to meet the mapping requirements of Act 174. All datasets are now available and formatted for ease of use in calculating energy targets from a local perspective. New datasets include an updated protected lands layer, hydric soils, vernal pools and all ‘known constraints’ combined into a single layer. Additionally, layers for wind and solar potential were processed to take the constraints into account. The data is now available for download on a [single web page](#) on VCGI’s website.

## **DEPARTMENT OF TOURISM & MARKETING**

### **Megan Smith, Commissioner**

- The big news from VDTM this week is clearly the early season snow and the success of the Audi FIS World Cup in Killington. The press has done an excellent job covering the event but I will say that my favorite moment was the parade of over 1000 young skiers from all over the northeast representing their clubs with such rich history. The announcer did an outstanding job recognizing our deep roots in the sport. The work of the volunteers was also a high point – seeing so many community members working to make the guests feel welcome was truly special.
- Vermont Inns and Bed and Breakfast Assn. is working with us on their testimony for ICAR on the new rules and regulations from the Department of Health and the Department of Public Safety.

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

- **Boston Magazine – Vermont Native Advertising Campaign:** VDTM is testing a native advertising campaign on Boston Magazine. This campaign uses editorial content to deliver our marketing message rather than typical banner advertising. With the growth in ad blocking software we are interested in potentially using similar programs for future advertising. Below are screen shots of the story and the promotional banner promoting the story on the site.



### 2. Spectacular ski resorts

Snowshoeing, snowmobiling, and ice fishing attract outdoor enthusiasts in winter, but nothing compares to a season spent [skiing Vermont](#). Premiere mountain destinations like [Sugarbush Resort](#) in central Vermont and [Mount Snow](#) and [Stratton](#) in the southern part of the state offer breathtaking views that are just off of Route 100—the scenic byway commonly referred to as “Ski Highway” for obvious reasons.

Along the route you'll find top slopes from [Stowe](#), [Magic](#), and [Okemo Mountains](#). There's also the [Jay Peak](#) resort, whose amazing trails and [indoor water park](#) are by the Canadian border. Plus, lots of people can't wait to check out the brand new hotel at [Burke Mountain](#).

Wherever you land, it's easy to [find the best ski resort for your trip](#) based on your desired location, amenities, itinerary, and budget.



### 3. Quaint inns and bed & breakfasts

With the state's ten designated byways ranging in length from 14 to over 400 miles, an exploration down any Vermont path will lead to truly authentic experience. There's everything from the classic [Vermont Inn](#) and nearby ski destination [Killington](#), or romantic hideaways like the [Rabbit Hill Inn](#) in Waterford or Newfane's [Four Columns Inn](#). Searching for a bed and breakfast? Don't worry there are plenty of those too.

And of course, there's the beautiful [Barrow's House](#) in the southern part of the state in Dorset, and

SUBSCRIBE



### FEATURED STORIES



Take Our Exclusive Salary Survey



How Tiger Mama Reversed the Curse



Holiday Events Roundup

### THIS JUST IN

**POLITICS**  
[Bernie Sanders Talks Donald Trump's 'Delusional' Tweets on Conan](#)

**MOVIES**  
[Natalie Portman Talks Working on Her Jackie Kennedy Accent](#)

**POLITICS**  
[Steve Bannon Isn't Coming to Harvard Anymore](#)

**RESTAURANTS**  
[Mapping Eataly Boston](#)

**POLITICS**  
[MIT Profs Oppose Trump Appointments, Stand Up for Science in Letter](#)

**NUTRITION**  
[Juice Press Continues Its Boston](#)



## COMMUNICATIONS ♦ Philip Tortora, Director of Communications

- **Boston Magazine Native Advertising Campaign:** Philip was interviewed by writers at Boston Magazine for a piece on travel to Vermont during the holiday season. Boston Magazine is working with VDTM and Cabot Cheese for 6-8 Vermont-centered articles this winter, as part of the campaign.
- **Internet-Based Lodging Study:** Philip joined Deputy Commissioner Cook at a meeting with folks from the Departments of Taxes, Health, Financial Regulation, and the Division of Fire Safety within the Dept. of Public Safety, for updates on a report that discusses provisions of the law that deal with Internet-based lodging accommodations businesses. The group agreed to coordinate an opportunity in December for public comment with interested stakeholders. The report is due in mid-January.

## MARKETING ♦ Hilary DelRoss, Heritage and Recreation Specialist

- **Byways:** The Vermont Byways will be prominently featured in the 2017 AAA TourBook for the region (Maine/New Hampshire/Vermont) with placement inside the front cover. We are showcasing the map created for the recently updated Explore Vermont Byways brochure, which illustrates the distribution of byways around the state. David designed the ad incorporating components consistent with previous ads in this year's byways campaign.
- **Killington Valley:** The Killington Valley brand launched this weekend at the World Cup. The website [killingtonvalley.com](http://killingtonvalley.com) is now live, although content is still being added to most sections. Navigation is

organized by topics through which users in the region can Experience, Explore and Adventure (the brand's tagline). The biking page has the most content so far and features the newly created "Basecamp: Rutland" video, local trail information and links to more information about mountain biking and road cycling in the region.

The brand was well represented throughout the duration of the World Cup with a mention in the announcements and a booth in the vendor village. Visitors to the booth entered to win a trip provided by Long Trail Brewing Co., Ski Vermont and Killington Resort and learned through five case studies about opportunities and resources available for relocating to the area.

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

- **VSAC Mailer | Planning Meeting:** David met with members of the Vermont Higher Education Council and VSAC to continue the conversation of the VSAC Mailer Project. This project aims to welcome incoming, first year students to Vermont, offer them things to do, planning tools and other related information. The groups goal is to extend the project in hopes to send three mailings – more discussion is needed and the group plans to send a packed proposal to the new administration. David has relayed pertinent information to CMO and will continue to include relevant parties as the project progresses.

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

- **ABA 2017 New England Collaboration:** Kathleen participated in a conference call with tourism representatives from ME, MA, NH, CT, and RI. The group's goal is to leverage the New England brand at the upcoming American Bus Association Marketplace, January 14-17, 2017, to increase traffic at the booths of all six states. The group planned coordination regarding aisle decorations, table samples, raffles, and the networking reception. An advance press release-style email will be sent to the entirety of the ABA buyer list advertising all the New England state offerings, enticing them to frequent our aisle.
- **Bolivian Outreach:** Thirty Spanish-language Vermont brochures, along with Vermont stickers and pins, are headed to Bolivia with a representative from *Where There Be Dragons*-an organization that offers educational travel to developing countries.
- **VermontVacation.com/Amtrak:** Kathleen and Patrick MacCormack have been working diligently with the Amtrak team to assure that the links between VermontVacation.com/Amtrak and the Amtrak webpage are up-to-date and are correctly applying the appropriate discounts for customers travelling to Vermont and within Vermont.

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

- **Advertising:** Chris has continued his sales push for Spring 2017 and beyond, calling on past clients and new prospects. We closed a new client with a full page for Spring '17 -- Londonderry Ventures at \$3,750 -- and closed renewals with Inn at Long Trail for 4x at \$1,180, and Red Clover Inn 4x at \$2,485. Also set up meetings with Sugarbush and Stowe Mountain Resort as we push our Vermont Life Media offerings to the VT ski industry.
- **Economic Development Marketing:** Work continued toward website launch, particularly with time spent searching for and categorizing photos, as well as some website proofing.

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

#### **Deputy Commissioner Hanford**

- **National CDBG Coalition:** With the help of Claire Forbes and Nate Cleveland sent three Vermont Community Development Program project examples to a national coalition of many organizations

preparing to make the case to a new Trump Administration and Congress that the CDBG program is an effective existing federal program that can address infrastructure needs at the local and state level. Many in DC are hopeful that infrastructure is one area that could see bi-partisan support under the new administration.

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

- **Act 157, Recommendations to Improve Housing and Build Infrastructure:** Lucy plans to request a legislative extension to give Chris, Dale, Shaun, Fred and Josh more time to vet recommendations with the new administration, partners and sister agencies and to complete the final report. Initial feedback on the proposed recommendations to improve the quality and quantity of Vermont's housing stock is positive. The last steering committee meeting is scheduled for December 16.
- **ANR – Act 171, Recommendations to Support Forest Integrity:** Lucy and Chris attended this meeting to review proposed changes to Act 250 and municipal planning statutes aimed at limiting forest fragmentation. Unfortunately, there was not enough time to fully understand and vet all the suggestions and ACCD, the Agency of Agriculture and VTrans look forward to sitting down with the leadership at Forest and Parks to identify any red flags before the final committee meeting on December 13.
- **ANR – VW Diesel Settlement:** Chris, Gary, and Annina checked-in with ANR staff to discuss how best to communicate the state's plan to invest its share of the funding to improve air quality to the new administration and members of the general assembly. The CP+R team will work closely with ANR and VTrans on plans to expand Vermont's network of electric vehicle charging stations at local businesses.
- **Municipal Planning Grants:** This year's grants range from \$2,800 to \$20,000 and were selected from 69 communities across the state requesting over \$780,000. The 38 projects slated for funding propose innovative solutions to address growth and development in their community. The team is currently putting the final touches on the press release and case study that shows how the grants have made a difference in communities across the state. Look for the announcement early next week.

#### **State Designation Programs**

- **The Downtown Board met and**
  - Voted to suspend Morristown's downtown benefits for 90 days to give the community more time to collaborate with an RPC and submit a complete application.

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

#### **State Architectural Historian**

- **Retreat Farm, Brattleboro:** Division staff had lunch with Buzz Schmidt, the Executive Director of Retreat Farm, Ltd. in Brattleboro. Established in 1836, the Retreat Farm used to provide the Brattleboro Retreat mental hospital with food raised and processed by patients. Retreat Farm, Ltd., a non-profit established in 2015, now owns the property and is working to develop it as a center for conservation and preservation, cultural and natural history interpretation and education, and other uses. Buzz is very interested in partnering with the Division and the UVM Consulting Archaeology Program to conduct an archaeology field school on the property. It could be a good partnership for the Division to expand our outreach into southeastern Vermont.
- **Covered Bridge Fire Protection:** The National Society for the Preservation of Covered Bridges (NSPCB) is offering \$500 reimbursements to towns that apply fire retardant to historic covered bridges. Devin has asked NSPCB for more details on the program, and VTrans is interested in promoting it as well. With the loss of the Salisbury Covered Bridge to fire in September, there should be a lot of interest from communities that have covered bridges.

## Project Review

- **Stowe:** The Stone Hut Restoration and reconstruction was completed on time and ready to be rented again for the very first time this coming weekend. Devin recently wrote up a nice article about the reconstruction of the Stone Hut for the *Living New Deal* website. Here's a link if you want to check it out:



<https://livingnewdeal.org/ccc-stone-hut->



[rebuilt-fire/](https://livingnewdeal.org/ccc-stone-hut-rebuilt-fire/)



## Historic Sites Section Chief & State Owned Historic Sites

- **Coolidge Site:** The site received some nice publicity in the October issue of *Lufthansa Magazine*. The article, in both German and English, is about Vermont's foliage season and features a photo of seasonal employee Bette Anne Sailer in the Cilley Store.
- We will be loaning objects to two presidential museums in 2017 – a presidential pets exhibit at the Benjamin Harrison Presidential Site and a fishing exhibit at the Herbert Hoover Presidential Library-Museum.

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

- Work on the Roadmap to End Homelessness continues as the deadline for final deliverables approaches. The consultant recently presented some data visualizations that will be in the report. Shaun participated in several discussions about how this information is being presented and what data sources are being underscored. Redrafting is underway with a scheduled meeting of the entire Roadmap steering committee

next week to review a report draft. The report is due from the consultant by the end of December and due to the Legislature January 15<sup>th</sup>.

- The Housing Access Reporting Tool (HART) reports, one result of the Governor's Executive Order 03-16 calling for 15% of publicly funded housing units be available for the homeless, are coming in. Understandably, many reports have gaps in data as the report looks back over the previous year and many organizations had yet to begin collecting the information called for. That said, for those housing organizations that have information on the housing status of their tenants prior to signing a lease many are at or near the 15% goal presently. Our hope is that tracking information in the HART will also encourage greater collaboration between housing providers and service provision organizations. Shaun has been compiling reports to share with AHS, VHFA, and VHCB and is working with Housing VT on designing an efficient, functional database where this information can be stored and accessed.

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

#### **Regular CDBG**

##### **Applications**

- Nine applications were received for the February 9 Community Development Board meeting. There are five Implementation Grants (Brattleboro, Castleton, Hardwick, Marshfield and South Burlington) and four Planning Grants (Guilford, Milton, Montpelier and Newport). Threshold reviews still need to be completed and more details will be provided in future weekly reports.

### **CHIEF MARKETING OFFICE ♦ HEATHER PELHAM, CHIEF MARKETING OFFICER**

- **Economic Development Marketing:** An RFP to develop an earned and owned media program was posted on November 21, with responses due by December 12. The team is hopeful that responses can be reviewed in time to make a recommendation to the incoming Administration on a consultant to help with the implementation of those sections of the Economic Development Marketing Plan.
- **Creative Services:** In preparation for the Dept. of Economic Development's sponsorship of the Women's World Cup Races at Killington last weekend, Erin designed a new tradeshow banner for DED, as well as a "Think VT" temporary tattoo to be distributed at the event. Additional design work (poster and bookmark) has also been completed for the VSNIP program administered by the Dept. for Children and Families, which provides financial assistance for low-income Vermonters to have their pets spayed or neutered.

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

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

**CONFIDENTIAL and PRIVILEGED**

**To: The Honorable Peter Shumlin, Governor**  
**From: Michael S. Pieciak, Commissioner, Department of Financial Regulation**  
**Date: December 2, 2016**  
**Re: Weekly Report**



**General Administration:**

**Jay Peak Boston Globe Story:** Next week the Boston Globe is planning to run the Jay Peak story from the interviews that were conducted in early September. (Note: This is unrelated to Hilary Niles and I suspect will be similar to the Bloomberg Business week article published in October). It is expected to run in the Boston Globe Magazine on Sunday, December 12, and be online either the Tuesday or Wednesday before.

**Jay Peak Receivership Administration:** Mike Goldberg intends to move forward on a number of items now that he had permanently installed by the federal judge. Specifically, he plans to start selling Quiros' personal items including the two New York City condos and the Renaissance Block in Newport. Goldberg will also soon be engaging an investment banker to assist with the eventual sale of the Jay Peak and Burke Mt Resorts.

**Securities Division:**

**Stowe Aviation:** Last week the Vermont Regional Center received a response from Stowe Aviation to our notice of intent to cancel the MOU. The response was adversarial and not particularly helpful; we have asked for some further explanation that is due on December 15. We are working toward finding a creative path forward that will protect the investors and avoid litigation.

**Captives Insurance Division:**

**Two New Captive Insurance Companies:** Two new captive insurance companies signed licenses during the past two weeks, which brings the year-to-date total to 16 and the overall total to 1,079.



License number 1,078 was issued to MedAmerica, which is comprised of three companies that write long-term care policies throughout the U.S. Its primary business is the reinsurance of MedAmerica of Pennsylvania's long-term care policies that were written from 1998 to 2011. MedAmerica, which is owned by Excellus BlueCross/Blue Shield, is redomesticating from the Cayman Islands. The move means all Excellus operations are now under U.S. regulatory governance, which is a good thing. Founded in 1975, its headquarters are in Emeryville, Calif.

License number 1,079 was issued to Evolent Assurance LLC, whose parent company is Evolent Health. Evolent Health's services help health care providers migrate from the tradition fee-for-service model to payment models that reward value-based care.

The Centers for Medicare & Medicaid Services (CMS) recently launched the Next Generation Accountable Care Organization (NGACO) model. The goal of that model is to test whether strong financial incentives for accountable care organizations can improve health outcomes and lower expenditures from the original Medicare fee-for-service model. Participants in the NGACO model receive payments from CMS for a given population based on a benchmark set by CMS. If the NGACO performs better than the benchmark, they retain the funds; if they perform worse, they repay CMS. Evolent Assurance will help the NGACOs manage that downside risk.

Evolent was founded in 2011 and has home offices in Arlington, Va., and San Francisco.



**Privileged and Confidential**

**MEMORANDUM**

---

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

From: Christopher Recchia, Commissioner

Date: December 2, 2016

Subject: Weekly Report

---

**Governor Level Issues:**

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

VY - entergy and Northstar presented its proposed transaction to the NDCAP meeting Thursday night. Discussion was good and many in the audience and panel had generally positive reaction with appropriate cynicism and reserved judgement.

VGS Rate and Alt Reg Filings – Docket Nos. 8710 & 8698

Technical hearings are set to begin on December 8 in the Pavilion auditorium and last for 5 days. VGS has turned down an offer to postpone the hearings and engage in settlement discussions and instead opted to proceed to technical hearing. The parties are coordinating on logistics and developing cross. The time has passed for VGS to file objections to DPS rebuttal, and DPS staff is not aware of any preliminary motions coming. VGS has indicated a desire to perhaps amend certain testimony pertaining to a proposal regarding an accounting order. The Department will likely oppose efforts to supplement or change testimony at this stage, although we also offered them the opportunity to do so if the schedule was extended to accommodate it. Settlement discussions may be able to occur after the technical hearings are complete.

Permanent Wind Noise Rulemaking – No Docket

The Board is hosting a workshop on the wind noise rule today (Friday). We had our experts present on the level of 45 DbA and they were very impressive and credible.

#### Swanton Wind Rule 4.100 PPA – Docket 8571

The Department filed a response to GMP's motion to dismiss the petition because SW has sought approval under the old Rule 4.100. The Department supports the motion and agrees that any PPA related to the wind project should meet the requirements of the new Rule 4.100. Swanton Wind also filed a response to the motion, which the Department is currently reviewing. Further replies are due to the Board by December 8.

#### Vermont Green Line-Docket 8847

400 MW electric transmission line, converter station and associated facilities to be located under Lake Champlain and in the Towns of Ferrisburgh, Waltham and New Haven. A prehearing conference was held on November 30. The Petitioner, Vermont Green Line Devco LLC, proposed a schedule in advance but there was no consensus among the parties at the PHC. The Board gave parties until December 14 to either agree upon a schedule or file competing schedules. The Department is working with ANR and the Petitioner to try to create a mutually agreeable schedule. The Petitioner committed at the PHC that it would go forward with the Project even if it does not prevail in its current dispute with ISO-NE regarding upgrades that ISO-NE deems necessary for the Project's interconnection, which are estimated to cost approximately \$100M. We have not yet evaluated the VGL's proposed state and public benefits in its application. BED is expected to oppose this project even with the upgrades as it may result in curtailment of McNeil. We will be, at least on a preliminary basis, evaluating the project to upgrades needed to support full operation of the line without curtailment of existing Vermont facilities.

#### GMP Innovative Products Tariff Filing – Docket No. 8794

The Department met with GMP on November 17, 2016. GMP agreed to file supplemental testimony as a result of these discussions. Counsel also spoke with various counsel from GMP regarding some of the outstanding legal issues. On November 29, 2016, GMP filed a letter with the Board indicating that it intends on filing supplemental testimony by December 2, 2016 (today). The Department filed a letter requesting until December 14, 2016 to file its testimony. On November 30, 2016, the fuel dealers filed a letter supporting the Department's request until December 14, 2016 to file its testimony, and went on to indicate that if the supplemental materials are "substantive" it may require additional discovery. The Board issued an Order on November 30, 2016 indicating that the parties must file comments on December 5, 2016 indicating when they will be able to file non-petitioner testimony.

The Department received a draft of GMP testimony on Thursday morning with the request to review and provide feedback in order for GMP to file by Friday. Department staff reviewed the GMP testimony that afternoon and found some topics previously discussed and agreed to be lacking. A phone call was held with GMP and Department representatives on Thursday afternoon to convey this feedback. There was extensive and at times intense discussion of whether or not GMP was willing to have shareholders hold any risk for a significant differential between costs and revenues of this program. Conversations continued on Friday and resulted in an agreement that GMP would seek a 1 year extension of the pilot project. The rest of the day today has been spent trying to determine the appropriate mechanism to accomplish this. It was agreed that GMP would file today a request to put the tariff in abeyance and that they would file

the pilot request on Tuesday. Instead, we were surprised when they simply told the board they could not file today and would do so on Tuesday. This is not the first time an agreement has been altered, but it is extremely frustrating. We will discuss with GMP on Monday whether the people we are speaking to have negotiating authority or not. Meanwhile, we will work with what they filed.

**Meetings This Week:**

Nov 28 – Darren Springer meeting

Nov 29 – RPC Meeting on Act 174, Trey Marting and Jim Volz meeting

Nov 30 – Climate economy summit

Dec 01 – NESCOE Manager's meeting, NDCAP Meeting

Dec 02 –

**Meetings Next Week:**

Dec 05 – GMP Panton Meeting

Dec 06 – Act 174 Meeting

Dec 07 –

Dec 08 – CCRPC Act 174 Training

Dec 09 – VEDA Board Meeting

**Media:** Mike Faher on NDCAP and VY, Press Release on Siting Standards, Various media on VY announcement; AP (Dave Gram) on VY, Wind, E-911

**Public Official Contacts:** None

**Everything Else:*****PERD*****Act 174 / RPC Planning**

- Act 174
  - Continued drafting guidance document for towns and regions to assist them in meeting Act 174 planning standards. Coordinated team to complete energy efficiency, transportation, and renewables sections.
  - Received feedback from RPCs Analysis standards guidance. They would like something much simpler, with examples and formulae into which they can just plug their LEAP results.
  - Presented on standards to VPA Planning & Zoning forum attendees along with deputy commissioner and Jim Sullivan of BCRC.
  - Met with pilot RPCs – who form the “core RPC energy training team” – to discuss analysis guidance, maps, and upcoming training. They used the time at the RPC meetup 11/29 to introduce their training materials to the other RPCs. Staff from DPS were in attendance to answer questions.
  - Drafted grant agreement to ACCD for LiDAR mapping and for Act 174 mapping to assist the RPCs and us in (a) determining regional wind and solar targets, and (b) obtaining resource maps with known and possible constraint layers on top, to meet the standards. ACCD's Act 174 portal is available here: <http://vcgi.vermont.gov/opendata/act174>. Received initial cut of map with all

possible constraint layers and note that very little completely “unconstrained” area remains, primarily due to ANR’s Vermont Conservation Design possible constraint layer, which is quite extensive.

#### Energy Efficiency Utility Activities

- Staff met internally to review Tier III and EEU 2017 Annual Plans submitted to the Board.
- Staff met internally to discuss VEIC’s request to form a working group to address potential changes to the way the EEC is calculated. Staff believe a meeting with VEIC to discuss the issues and a path forward would be a good next step.
- Demand Resource Plan Proceeding
  - Staff discussed the following with VEIC
    - Staff finalized drafting a recommendation to the Board indicating that both DPS and VEIC’s proposed definitions related to Peak Demand reductions should be included in electric modeling outputs. DPS maintains a definition of Lifetime Summer and Winter Peak Demand Reduction and VEIC maintains a definition of Forward Capacity Market Resource. Staff passed the memo to the legal division to file.
    - Staff met with VEIC to review round two of scenario modeling and other DRP related issues including:
      - DPS Staff reviewed EVT’s planning tool and met with EVT DRP team to review base case scenario model. All agreed that the proposed lighting baseline jump in 2020 is appropriate for this first round of modeling and is conservative given unknown federal EISA rulemaking. The same assumptions will be used for the BED scenario models and the Potential Study so that they will all be calibrated with each other. As a result savings drops off significantly, however other technologies make up the difference – including EEC funded cold climate heat pumps. This assumption will be revisited before the final round scenario modeling.
      - Reviewed assumptions about pace and load impacts from cold climate heat pumps. Some follow up required to ensure that max sales assumption from T3 aligns with VELCO load forecast.
      - VEIC’s delivery of Development and Support Services draft was due to DPS on November 18 – it remains a work in progress, so it will be late.
    - Board Staff issued a memo requesting comments on a motion for reconsideration filed by Conservation Law Foundation (CLF) requesting the Board amend statements in an Order related to restrictions on use of Thermal Energy and Process Fuel funds. The due date for comments is November 30. However, staff have requested more time. Legal spoke with CLF and they did not have a problem with extending the deadline. In that discussion CLF made mention of requesting a workshop on strategic electrification, including a presentation by the Regulatory Assistance Project, in the DRP proceeding.

- Potential Study: DPS staff had the first check-in with GDS/Cadmus since the kick-off and the project is proceeding on schedule. Data collection from EEUs is nearly complete.
- Staff held a quarterly meeting with VEIC on Resource Acquisition Research and Development
  - More definition on CEI Lite and the Low Income Multi Family pilots was provided and Staff referenced its contractor's feedback on the pilot's evaluability and overall design is forthcoming within the next week. EVT is still planning to pause the Residential Home Energy Report program to re-design the reports to tailor messaging. The pause could be as long as 6 months.

### State Energy Program

- REVEAL
  - Participated in regularly scheduled bi-weekly meeting. EVT reported that there has been just over 30 Home energy scores completed in Vermont. EVT staff are currently testing the revised DOE Home energy score software tool, which was modified to more accurately score homes with CCHP's and Solar PV. They will be providing feedback to DOE on their findings. Nine of the certified VT assessors have lost their certification (assessors must score at least one home every 6 months or they lose their certification), so there are now seventeen remaining.
  - The DOE Program Manager reported that because of the election everything is up in the air and its not looking good that the VT request for additional funding (which was initiated by DOE) will be approved. However final decisions have not yet been made.
  - Reviewed and processed invoices totaling \$25,000.
- Interconnection – Continued the process of handing over PI duties to Bill Jordan
- Base – Annual call with DOE SEP leaders to check in on how the program is going and to provide feedback to DOE. PSD staff received compliments from DOE for fully spending down our last years grant award (no carryover allowed because it was the end of the 3-year program period). They said not many states are able to achieve that.

### Heat Saver Loan/Thermal Energy Finance Pilot

- Received final comments and input on the draft Thermal Energy Finance Pilot “Heat Saver Loan” Program Report from EVT, OCU and VSECU; also PERD staff. The report will be prepared for final distribution next week.
- Assisted with preparations and attended press conference by Governor Shumlin at a HSL participant's home in Montpelier. The Governor provided some statistics from the pilot provided by staff. He also talked about the on-bill finance option connected to Act 56's Tier 3. The event was covered by two TV stations, VPR and others.
- The day after, VSECU reported an uptick in phone calls from prospective borrowers.
- Drafted a transition plan for continuing the HSL after the pilot ends.

### Rural Energy Service – Efficiency Vermont Loan Program

- Received draft proposal outlining the case for re-purposing the loan loss reserve from the now-closed energy loan guarantee program at VEDA (\$500k). Began drafting the department's request to DOE for re-purposing the funds.

### Clean Energy Development Fund

- Started drafting the CEDF annual report
- Continued working on database needed to complete the annual report
- Clean Energy Industry Report – Presented request for guidance on contracting to F&M staff to determine the proper course of action for the fourth report.
- Completed negotiations and drafting on a \$22K contract with BERC for baseline study of VT's advanced wood heating sector
- Submitted and got published an op-ed re: advanced wood heating and its connection to the declining low-grade wood market in the Northeast.
- Had a long meeting with VEDA going over the draft grant agreement to administer an interest rate buy-down program for roof-top solar and advanced wood heating and all the federal restrictions. Progress was made but more work needs to be done to get grant agreement language completed.
- Approved a \$12,500 invoice to Casella for construction work completed on their organic waste receiving facility in Rutland as part of their food waste-to-digester grant.
- Completed draft wood-change out forms and sent them to stove retailers for comment. Spoke to a few of the retailers about the program and the forms.

### Renewable Energy

- Met with ACCD to discuss Act 56 solar screening bylaw report, due to the Legislature Jan. 15. ACCD has compiled the most up-to-date list of towns that have adopted such bylaws, and it is our responsibility to outline the use of those bylaws in 248 proceedings.
- Staff met with representatives from several utilities to discuss implementation and interpretation issues regarding the new net metering rule. The meeting will likely result in comments from the utilities that we may then support.
- Attended public hearing on PSB's new Net Metering rule
- Participated in a call with GMP and the Pine Island Community Farm. GMP will be providing this non-profit farm that works with international refugees, a grant (suggested by CEDF) from their NEIL funds for a solar PV system.

### Standard Offer Program

- Parties submitted second round of comments responding to Board's request for recommendations on how to integrate "Preferred Locations" pilot into the 2017 auction. DPS filing made one point: the procedures for certifying whether a project qualifies as "Preferred" should be consistent with the procedure ultimately developed for Net Metering applications, which are subject to the same definitional categories.
  - REV recommended that storage projects be admitted into program with specific capacity set-aside and price cap.

### Fuel Price Report

- EIA updated the respondent sample used for survey. It now includes one new Propane dealer in Greenfield, MA.

### Other Items

- Climate Cabinet – Collected, wrote and edited materials from PERD staff for the the

Climate Cabinet website. Coordinated with PERD director, ANR staff and website contractor on the energy site structure. Submitted initial materials for review.

- Attended a meeting of the DEV Stakeholder Engagement Committee. VEIC are developing a presentation that stakeholders can use when engaging policy leaders, and the meeting solicited their feedback about useful content, structure, and framing.
- Act 92 (Building Energy Goal Tracking Working Group) Annual Report: all data is in, and GHG calculations complete. Internal draft in process.
- Met with GMP, Sandia National Lab, Lawrence Berkely National Lab, RAP, and Mark Lowry to discuss the future of electric regulation in Vermont and to scope some modeling to be done by the labs. We should get back to them with some ideas about modeling this week.

### ***Regional***

#### **FERC Notice of Proposed Rulemaking on Storage**

- On November 17, FERC issued a Notice of Proposed Rulemaking to encourage the participation of storage in competitive wholesale electricity markets. FERC is proposing that all Regional Transmission Organization establish a specific category for storage, so that the resource does not have to choose to participate as generation or demand response, depending on the individual markets. In addition, FERC is requesting comments on whether and how storage can provide both energy and ancillary services.

#### **Otter Creek Petition for Enforcement at FERC**

- On November 30, in response to Otter Creek's claim at FERC that Vermont was interfering with renewable development and failing to properly implement a federal statute (PURPA), the DPS, Public Service Board, and National Association of Regulated Utility Commissioners filed comments in opposition.

#### **Transmission Cost Allocation for Belmont Municipal**

- The NEPOOL Reliability Committee provides advisory votes on the Transmission Cost Allocation application, although ISO-NE can make its own determination. The Transmission Cost Allocation is a determination as to whether transmission costs are socialized among the region or borne only by the ratepayers served by the constructing transmission owner.
- On November 16, NEPOOL voted against Eversource's Blair Pond substation application, with only 26% in favor. This is the first time that there has ever been a vote against a Transmission Cost Allocation application. It is unclear what ISO-NE will do with Eversource's proposed cost allocation, although there is a good chance that whatever ISO-NE does will result in a complaint at FERC.

### ***Engineering***

#### **Update on VY Groundwater Management Issues**

As of 11/16, approximately 386,000 gallons of intrusion water have been shipped offsite. No water shipment occurred during the 11/21 work week due to the extended Thanksgiving holiday combined with the initial reduction in intrusion water flow rate resulting from recent Seismic Gap resealing efforts. Recent incursion flow rate measurements have the current flow rate at

roughly 300 gallons per day (significantly below the previously typical 950 gallons per day rate). The typical incursion flow rate is expected to roughly 450 gallons per day once spaces that were drained to support the Seismic Gap reseal effort refill with intrusion water. The onsite outdoor intrusion water storage tank has been winterized.

#### Second VY Independent Spent Fuel Storage Installation (ISFSI) Construction Activities

Debris removal from demolishing the former North Warehouse (which was within the footprint for the second ISFSI pad) was completed on 11/18. Excavation for constructing the second ISFSI concrete pad commenced on 11/21 and continues.

#### NRC Completes Fourth Quarter 2016 VY On-Site Inspections

Steve Hammann, the NRC's Region 1 Senior Health Physicist & Lead Decommissioning Inspector for VY, and Jack Parrott, the NRC's Project Manager for VY oversight in the Office of Nuclear Materials Safety and Safeguards (NMSS), completed a week-long, on-site inspection at VY on 11/17. The inspection resulted in no significant findings. The NRC remains satisfied with VY's use of its Condition Report program to identify potential equipment repairs to support Spent Fuel Pool integrity and its subsequent tracking and implementation of those repairs. The NRC is also satisfied with the progress that VY has made in reducing its average daily groundwater intrusion flow rates.

#### State Nuclear Engineer Notified of Upcoming Opportunities for Comments on VY Decommissioning

In an 11/17 meeting, the NRC's Jack Parrott notified the State Nuclear Engineer that Entergy, NorthStar Holdings and NRC Staff will hold a Public Meeting at NRC Headquarters in late January 2017 (after the Presidential Inauguration) to outline NorthStar's proposed purchase of VY, the likely changes to VY's decommissioning schedule and the VY Post-Shutdown Decommissioning Activities Report (PSDAR) that would result from the purchase. Additionally, a 30-day comment period will open in early December for VY's proposed use of US Ecology's hazmat facilities in Idaho for disposing of radiologically contaminated "process" water. This comment period will only be available to the shipment origin state (Vermont) and the shipment destination state (Idaho).

#### Vermont Gas Systems Addison Transmission Pipeline Project Construction

The majority of the ANGP pipeline is completed, however VGS contractors continue to perform pipeline construction and analysis activities related to it and the Phase VII looping project. Erosion control mats are being removed, electric power continues to be installed for system control and monitoring, grading of topography and fencing near above-ground equipment are also in progress.

#### ***Public Advocacy***

##### GMP Hydro Acquisition – Docket No. 8827

GMP has proposed to acquire 4 Vermont and 10 non-Vermont dams from Enel. This docket is a request for a CPG for the 10 non-Vermont dams. The first round of discovery is complete, a second round will be submitted on December 2, with testimony from non-petitioners due on December 23. This case drew an intervention from Allco, which was denied, and which they are seeking reconsideration of. The Department is staying out of that fight.

#### GMP Alt Reg – No Docket

Next year has arrived. GMP filed its ESAM. An initial look indicates that GMP is not claiming under-earnings this year. They also (predictably) beat the synergy savings target and so there will be some money returned to ratepayers next year come October 1. Staff will begin review either later in December or early in January.

The Department continues to wait for GMP to write up a proposal for an agreed-upon resolution to the vegetation management dispute that has been simmering for a couple years.

#### GMCW Noise Investigation – Docket 8613

The Board held an oral argument requested by GMCW to challenge the Hearing Officer's proposal for decision recommending that GMCW be ordered to offer attenuation testing at the McLane residence in response to a sound complaint filed in September, 2015. GMCW argued that the Hearing Officer's finding – that GMCW's sound expert's own report during the project's first year compliance monitoring program indicated that there were at least five instances where project-only sound levels were within 5 dBA of the 45 dBA exterior sound limit, triggering an offer to conduct attenuation test at the McLane residence per the terms of the project noise monitoring protocol – was erroneous because that data had been discarded by the expert for purposes of CPG compliance determination due to wind contamination. The Department agreed with the Hearing Officer that the contaminated sound estimates at issue were properly discarded from consideration of strict CPG compliance, but could be used as a basis for determining whether a reasonable possibility existed that sound levels at the McLane residence were within 5dBA of the exterior sound limit, triggering the attenuation offer. The parties await an order from the Board on the proposal for decision.

#### GMCW Icing Investigation – Docket 8734

The Board held oral argument on GMCW's motion for reconsideration of the Board's order finding GMCW in violation of its CPG and winter operating protocol due to operation of the facility during icing conditions. The sole issue was whether "extreme weather conditions" – a term GMCW included in its winter operating protocol – must be present in addition to one of five enumerated conditions established by Board order prior to initiation of an icing-related turbine shutdown. The Board, Department, and McLanes agree that extreme weather conditions were not required. GMCW sought to convince the Board otherwise, but did not appear to make much headway on that point. The parties await an order from the Board on the motion.

#### Coolidge Solar 20 MW facility in Ludlow - Docket 8685

The petitioner informed all parties that the project has been selected as a winning bid to the Connecticut renewable energy RFP. GMP filed Kim Jones' surrebuttal testimony in which she does not anticipate system stability or reliability issues; but, recommends a four week party comment period and PSB approval of the final SIS. ANR and the petitioner entered into an MOU. The PSD is working with Coolidge to resolve some outstanding aesthetic and engineering issues. Discovery is due on the PSD surrebuttal testimony by November 30<sup>th</sup>.

#### TDI New England Clean Power Link Project – Docket 8400

The PSD requested until January 16, 2017 to vet TDI's recently completed SIS and to provide a status report. The PSD has reached out to BED, GMP and VELCO regarding the issue.

#### Gilman Renewal Solar – Docket 8725

This case concerns a 2.1 MW solar facility on a closed landfill in Lunenburg. Following discovery and a public hearing, the Department determined that its only concern related to the adequacy of the decommissioning fund. A similar concern was addressed in a recent docket, in which PSD successfully advocated for a more robust methodology for calculating the fund requirement. The Petitioner agreed to modify its proposal on this point, and filed supplemental testimony explicitly agreeing to the PSD's methodology. PSD filed a letter on 11/29 advising the PSB that it had no need to cross-examine Petitioner's witnesses, and waiving a hearing. ANR had already entered into a settlement with Petitioner, so there appear to be no contested issues.

#### BDE Fairfield Lazar Solar, LLC 500 kW Group Net-Metered Facility in Fairfield – Docket 16-XXXX-NMP

This Project is sited on agricultural lands that primarily shield the Project from public views based on topography and existing vegetation. The Department filed a comment letter on November 30, 2016, which raises some system stability and reliability concerns to be addressed with GMP and VEC.

#### VWSD, LLC 500 kW Solar Group Net-Metered Facility in Enosburgh – CPG #16-XXXX-NMP

This Project is sited on a retired sand pit surrounded by a forested area. The Department filed a comment letter on November 30, 2016, which raises a number of system stability and reliability concerns to be addressed with the utility. The Department also requested a decommissioning plan in response to a promise by the Project to decommission.

#### GMP EAP Tariff No. 8621

This tariff filing seeks modifications to GMP's Electric Assistance Program and to expend program funds to engage a third party to evaluate efficiency and effectiveness. As modification to the EAP, GMP proposes benefit expansion, continuous arrears forgiveness, an additional arrears assistance element called EAP Power Partners, and balance monitoring and future adjustments. The Department filed a comment letter on November 14, 2016 finding the tariff just and reasonable and recommending Board approval.

#### Swanton Met Tower Penalty Investigation – Docket 8561

This case involves a meteorological tower constructed in Swanton, allegedly without prior Board approval. On November 9<sup>th</sup>, the Board issued an Order granting the Department's Motion for Partial Summary Judgment. The Order requires parties to propose a schedule for the penalty phase of the proceeding. The Department is conferring with other parties on a potential schedule, in hopes of filing a proposal this week. The Department anticipates a discovery period, followed by testimony (the Department does not plan to file testimony, but will brief a penalty recommendation; ANR wishes to file testimony), and likely a hearing.

#### Petition of Robert Garthwaite to Revoke CPG #NM-1771 – Docket 8774

This case involves a complaint that the holder of the CPG, David Blittersdorf, did not construct the turbines in accordance with the CPG application. Mr. Blittersdorf is required to submit a supplemental affidavit that is fully responsive to the Board's previous inquiries by December 8<sup>th</sup>,

followed by a discovery period to commence in January. A site visit will be held on December 15<sup>th</sup>.

Otter Creek Solar, LLC dispute re interconnection with Green Mountain Power Corporation – Docket 8775

This case concerns a dispute among GMP and a solar net metering developer over GMP's treatment of a solar project for which the developer changed its location and GMP subsequently deemed the project's application withdrawn for reason of a "material change". On November 9<sup>th</sup>, the Board issued an Order granting Otter Creek's withdrawal of its petition and remanding the proceeding to a Hearing Officer "to investigate whether a generator that loses or forfeits site control of the property underlying a proposed project still has a viable project for purposes of maintaining its position in a utility's interconnection queue." A status conference will be held on December 1<sup>st</sup> to determine the next steps in this docket.

Otter Creek 4.99 MW Solar in Rutland – Docket 8797 -  
Otter Creek 2.2 MW Solar in Rutland – Docket 8798

These are two of five dockets in which PSD and ANR jointly moved for an order to show cause. As required by the Board, ANR, the Department, and AAFM (with support from DHP) filed a legal brief on November 28<sup>th</sup> addressing the Petitioner's assertion that Otter Creek has legal authority to clear the land, as well as the principal issue raised in the Motion for a Show Cause Order - whether the conduct of a third party landowner can constitute "site preparation" or "construction" within the meaning of Section 248(a)(2). Reply briefs are due on December 5<sup>th</sup>. The Department and the other agencies are discussing whether it is necessary to submit a reply.

VGS-Act 250 jurisdictional inquiry re: Vermont Gas's Addison Facilities-no docket

This request for a jurisdictional opinion was filed by Jim Dumont in August. Following a comment period, Mr. Dumont determined to stay his request for the jurisdictional opinion and, instead, request that the Board re-examine its own jurisdiction with respect to the Project's CPG. He committed to make this filing by November 14, but to date, no such filing has been made.

VGS-Town of Hinesburg condemnation-Docket 8643/ VSC Docket No. 2016-396

This parcel is in a park owned by the Town. The Board issued an order on September 13 granting the condemnation petition. The Resident Intervenors filed a Motion to Reconsider with the Board on September 27, together with a Notice of Appeal to the Supreme Court. On November 3, the Board issued an Order denying the Motion to Reconsider and advising parties that November 3 would be treated as the date of the Notice of Appeal. On November 4, VGS filed a Motion to Lift the Statutory Stay with the Vermont Supreme Court; the Department filed in support of the Motion. On November 14, the Resident Intervenors filed in opposition to the Motion to Lift and VGS submitted a reply to the opposition on November 18. The Resident Intervenors submitted their Docketing Statement on November 22. This is the last parcel needed for the Addison Expansion Project.

GMP-St. Albans Community Digester-Docket 8673

800 kW methane biodigester generation facility to be constructed in St. Albans. After several months of no activity, on September 28, GMP submitted a revised proposal, which Department staff reviewed. On October 25, the Department submitted to GMP a series of questions

regarding the cost of the Project. Since that time, the parties have been negotiating a revised term sheet and discussing GMP's responses to our information requests. The schedule remains suspended.

#### DigSafe violation-Eustis Cable and Comcast-Docket 8854

In response to a June 2016 NOPV issued by the Department to Eustis regarding damage to Comcast's facilities, Eustis denied wrongdoing and requested a hearing. The Board scheduled a technical hearing for November 21, at which point Eustis determined that it would rather pay the fine for the disputed incident -\$250-than litigate the matter. The Department worked with both Eustis and Comcast to facilitate this settlement. Eustis advised the Board of its decision and the hearing was cancelled.

#### Public Records Requests

Requests continue to be made regarding various aspects of the construction, commissioning, and operation of the VGS Addison Expansion. These involve considerable staff time.

#### *Telecommunications*

##### Comcast CPG Renewal - Docket 8301

The Board has already held a technical hearing and all post-hearing briefs have been filed. The Department expects that the Board will issue a final ruling on the docket in the near future as Comcast's current CPG expires at the end of the calendar year.

##### FairPoint Petition to Investigate 5903 Service Metrics - Docket 8701

FairPoint has petitioned the Board to allow it to modify its existing service quality metrics and reporting requirements. FairPoint is requesting that it be permitted to report on service quality only for addresses where its customers do not have access to an alternate landline provider. FairPoint is also requesting that the Board modify the troubles cleared metric so that it is measured at 48 hours instead of 24 hours. The Department and FairPoint have had numerous meetings and conversations to work towards an MOU to resolve contested issues in the docket. There has been agreement on all issues in the docket except for whether FairPoint should provide enhanced bill credits to its captive customers for extended outages. It appears that the disagreement over bill credits is likely to preclude any possible settlement in the docket. FairPoint filed its rebuttal testimony on November 23, and the Department is working on its rebuttal testimony, which is due on December 7. Technical hearings have been scheduled by the Board for December 15 and 16.

##### Verizon § 248a Petition for new tower in Waterbury Center - Docket 8601

Verizon has had an application pending since October, 2015, for the installation of a new tower on a parcel of land located adjacent to the Stowe-Waterbury town line. The application is opposed by several groups of neighbors. The Town of Waterbury and ANR have also both intervened in the docket, and are seeking to have Verizon move the facility location. Attempts at a settlement for a change of the facility location have thus far failed. The Town of Waterbury served discovery requests on the Department which are directed at the Department's RF expert. The Department is reviewing those requests, and is scheduled to provide responses by December 5. The Town has also worked with the Department to schedule a deposition of the Department's RF witness. That deposition was tentatively scheduled for November 30, but the Town and the

Department agreed to reschedule the deposition for January, 2017. Technical hearings are not expected to be held until March, 2017.

#### E-911 Investigations - Dockets 8842 and 8850

The Board has docketed two separate petitions that request an investigation into various issues related to the E-911 system.

Docket 8842 was opened after a petition was filed by Stephen Whitaker and Charles Larkin. The petition requests an investigation into several E-911 outages, but also requests that the Board review several other issues, including redesigns to the CoverageCo project overseen by the Connectivity Division, the Department's 10 year Telecommunications Plan, and battery backup for VoIP providers. They are also requesting that the Board appoint an independent advocate to review all of the issues presented in the docket. The Board requested that parties provide briefing on the issue of the Board's subject matter jurisdiction. At the request of FairPoint, the Board has suspended its briefing schedule and scheduled a prehearing conference for January 12 for parties to address various preliminary issues related to the docket and Board jurisdiction. The petition has received opposition from the E-911 Board, FairPoint, Comcast, and a trade group that represents VoIP providers. The Department intends to recommend that the Board dismiss the petition in its entirety for lack of jurisdiction.

Docket 8850 was initiated by a Department petition. The Department is requesting that the Board investigate the circumstances which led a disruption of traffic to the E-911 network on January 5, 2016. The Department is also requesting that the Board investigate whether there are any changes that should be made to FairPoint's network design to reduce the risk of future disruptions of traffic to the E-911 network. The petition has been docketed and the Board intends to schedule a prehearing conference in the near future.

#### Cellular Broadband

PSD staff determined that AT&T sells wireless broadband service with speeds of 5/2 Mbps and a 25 GB datacap bundled with telephone service for \$60 per month. Verizon sells a similar service without telephone service but with 10 GB datacap for \$60, and a 20 GB datacap for \$90.

Connectivity Initiative Grant Round II: Staff has been contacted by several internet service providers who have expressed intent to respond to the Request for Proposals for the second round of Connectivity Initiative grants for 2016. There is \$550,550 available in this round of grants. Connectivity staff answered questions and provided data on the process used to determine that an address is underserved. There are currently 29,836 addresses that are considered to be conditionally eligible for grant funding. A conditionally eligible location is any location that has not been verified to be served or unserved at 4/1 Mbps or may be eligible for service through another federal or state funded program. Written questions are due to the Department by December 14<sup>th</sup>, and proposals are due from respondents by December 29<sup>th</sup>.

Equipment Distribution Program: After some investigation by Connectivity staff, along with staff from the Vermont Center for Independent Living, it was determined that a participant in the EDP program had obtained a new computer through the state loan program, and had in turn, sold the equipment for profit. A letter was drafted and sent to the consumer, with mandate to return

the equipment or provide payment for the equal value. The consumer has agreed to pay restitution to the program.

#### Consumer contacts:

1. Irasburg: Connectivity staff is working with a consumer located in Irasburg, who hopes to establish internet service at his home. The consumer indicated that he has been working with VTel, but the service currently available to him through VTel does not meet his needs. Connectivity staff researched his address and discovered several alternative provider options. Staff reached out to the telecommunication companies for additional information on service availability and will continue to encourage communications between the consumer and providers.

#### CoverageCo Project

Vanu CoverageCo is a company who was awarded the VTA and EDA Resiliency Projects to provide cellular service in unserved areas of Vermont.

#### Project Activities

CoverageCo has brought the Whitingham resiliency site up once again. The CompactRan unit was replaced 2 weeks ago however the modem needed to be configured. The site is now operational.

CoverageCo has spent time in the field researching locations for new sites. Although all 95 site locations for Project 1 and 165 site locations for the EDA project are known, only 116 of 141 sites for the Incentive project have been identified. CoverageCo is looking for the remaining 25 locations for the Incentive project as well as their own funded sites.

The department has been working on a master database to drive the 3 projects to a completion and has the desire to create a sharing environment where updates by CoverageCo and the department can be seen real time on both sides. The department is working with DII to establish a SharePoint site where the appropriate data can be shared and updated. Early investigations have proved the solution works. DII has assigned a SharePoint site and the set up and trial will begin.

#### Telecom Site Project

The department is researching all available documents relating to land, building, or towers that are license by a state agency or sublicensed by the licensee. To date, the department has reviewed all license, lease and sublicenses provided by ANR and BGS and created a Tower database with all relevant details from them. There were many inconsistencies found that require follow-up with ANR and BGS. The first meeting was held with ANR last week, clearing up many of the issues and a dialogue with BGS has been started. Initial results show there is approximately \$245,000 per year in revenues to the state generated from licenses and leases and final number is not available for sublicenses yet but it appears to be on the order of \$500,000 per year.

#### ***CAPI***

Report period for November 20 to November 26, 2016

### CASES OF THE WEEK

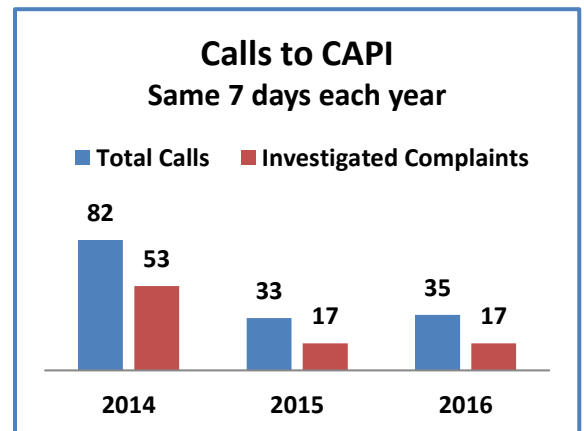
Net metering – two calls about the new law/rule.

CAPI received a call from a new member of a School Board with questions regarding responsibility for internet lines, maintenance and whether a school system is required by the state of Vermont to have broadband service.

### POST CPG COMPLAINTS

1 complaint regarding turbine noise from NM1646 in Vergennes

1 concern from a consumer in Johnson regarding NM0018. Consumer is concerned about a conflict of interest since the beneficiary of the generation is the school and the landowner is the school board chair.



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

**To:** Peter E. Shumlin, Governor  
**From:** Hal Cohen, Secretary, Agency of Human Services  
**Re:** AHS Weekly Report  
**Date:** December 2, 2016

---

**Secretary Update:**

AHS sponsored a two-day summit called, Building Flourishing Communities, where over 300 people attended and the summit was sold out. The focus of this gathering was to learn about tools to prevent and to ameliorate Adverse Childhood Experiences (ACE's) and other traumas. This summit was organized by the AHS Child and Family Trauma workgroup, which was formed in 2004. I addressed the gathering to kick off the summit, which was attended by AHS staff and providers from across the state.

As a group, the Commissioners and I had our first meeting with a member of the transition team. Neale Lunderville met with us and we did a priority setting exercise with him, identifying what we would "build on", "modify", "eliminate", and "start." From our team's perspective, there were no surprises and the following are the five priority areas for focus: reduce duplication/better integration, child adolescent/better system of care, workforce, homelessness and high cost/low benefit. I believe it was an edifying process for Neale.

I've informed all of my Commissioners and well as the staff I work closely with, of my upcoming surgery on Wednesday, December 7. In my absence, Deputy Secretary, Paul Dragon will be Acting Secretary and will respond to any issues as they arise. I am hoping to respond to emails as soon as I can and when possible, spend short amounts of times in the office until I'm fully recovered.

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

**Community Focus on Supporting Families and Children in Brattleboro Area**

There has been an increasing amount of conversation about the number of children in DCF FSD custody in the area. (See article from [The Commons](#).) With this attention, several groups have been working together to talk about how the community can support children and families—not just those involved with DCF FSD. Several community conversations have taken place and several more are planned that present people with information about a continuum of ways they might get involved, from Big Brothers/Big Sisters to becoming a Shared Living Provider. These conversations allow people to support each other without necessarily making a commitment upfront. Several providers are working together to plan future sessions.

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

**Status Update on St. Albans Hub**

The St. Albans Hub will be located at 242 South Main Street, St. Albans and BAART is scheduled to close on the property on December 30. The town approval has been secured and the area has been re-zoned so that BAART can operate at this address. The permit has been filed and will go in front of the select board on December 15, at 6:00 pm. If approved, BAART can close on the property on December 30. Renovations will begin to the site with anticipated opening by the end of March.

#### St. Albans Hub Plan for Transitioning Clients:

The Director, Jason Goguen, met with the Dana Poverman/Chittenden Clinic and her team to discuss transition of patients to the Hub in Franklin County. They will focus on all Medicaid and GMTA (traveling) patients first. The goal is to eliminate a need for GMTA to transport to Burlington and Newport.

The Medical Director is John Brooklyn, MD, who currently oversees Newport and the Chittenden clinics, this will help streamline the transfer of patients to the new Hub. They are planning not to duplicate assessments or other pieces of the admission process to ensure quick transfer of services and they will not be required to redo the intake physical, which will save much time.

There will be approximately 160 patients transferred from the Chittenden and Newport clinics to St. Albans within the first 60 days of opening.

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

##### Vermont Psychiatric Care Hospital

VPCH is maintaining a full census of 25 again this week. Acuity at the hospital is higher than usual with more 1:1 patient staffing needs to reduce potential assaultive behaviors. This demand results in more overtime demands for existing staff. Plans for each individual patient are being pursued to lower acuity.

##### Emergency Departments

This week saw 24 people in need of inpatient treatment with 7 remaining for admission. There are currently 4 involuntary adults waiting for placement, the longest wait being over 8 days with likely inpatient bed availability later this afternoon. There were 4 court ordered adults this week; and 3 remain (one individual has been waiting 4 days). There were 6 voluntary adults; and all were admitted. There were no involuntary children or adolescents requiring inpatient admission this week. There were three voluntary child admissions and all have been admitted.

The overall occupancy rate in the adult inpatient system of care has been averaging 90% occupancy, while the child and adolescent inpatient system of care has had an average occupancy of 79%.

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

##### Farm to Prison Program

Northeast Regional Correctional Facility (NERCF) in St. Johnsbury, was highlighted this week in the VT Digger for their food program. Dining Manager Bryan Mitofsky has been contracting with local farmers to buy "Local" produce for the NERCF meals. This has led to providing healthier meals for the inmates and keeping our tax dollars in the community. Click on the link below to read more about this healthy initiative:

<http://www.sevendaysvt.com/vermont/vt-inmates-take-to-the-kitchen-with-farm-to-prison-program/Content?oid=3853250>

##### Population

The Department's incarcerated population averaged **1751** for the previous week. Last year at this time, the average was **-12** under the current number.

The Department's incarcerated male population averaged **1607** for the previous week. Last year at this time, the average was **-3** under the current number.

The Department's incarcerated female population averaged **144** for the previous week. Last year at this time, the average was **-8** under the current number.

The Department's overall detainer population averaged **418** for the previous week. Last year at this time, the average was **-35** under the current number.

The out of state population is currently at **266**. Last year at this time, the out of state population was - **25** under the current number

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

#### **AFSCME Conveys Intent to Re-open CBA to Negotiate Wages**

The current Collective Bargaining Agreement (CBA) between the State and AFSCME, the exclusive bargaining representative for independent direct support providers, is effective from July 1, 2016, through June 30, 2018. The Agreement provides that if the Consumer Price Index (CPI) for an agreed-upon 12-month period is 1% or greater, either party may re-open the Agreement for the sole purpose of conducting collective bargaining to negotiate wages to be applicable for covered providers between July 1, 2017, and June 30, 2018. The parties would be required to discuss and negotiate wages, but the State would not be obligated to agree to any wage increase above the minimum hourly and daily rates of \$11.04 and \$168.00, respectively, set forth in the Agreement. Further, collective bargaining could occur up through mediation, but neither party would possess a right to factfinding, last best offer or proceedings before the Vermont Labor Relations Board. As the CPI threshold has been met, AFSCME's representative has conveyed the Union's intent to re-open the Agreement, and the parties will meet and commence those negotiations in the coming weeks.

#### **Notification from ARIS re Significant Rate Increase**

ARIS Solutions is the single payroll service in Vermont and provides supports to individuals and families who elect to self-manage their services, hiring and supervising their own contracted workers. Recently, DAIL sought to extend the ARIS contract for another year, as a precursor to a full-blown RFP process. Although we are not aware of any other Vermont-based providers, DAIL is interested in a process to ascertain interest. In the meantime, the ARIS rates have not increased for several years and recently they submitted a formal request for an administrative rate increase to their contract, effective February of 2017. The rate increase request is significant although still less than what neighboring states pay for the same level of service. ARIS has accurately identified some significant changes in the scope of their responsibilities over the last few years. Currently DAIL Business Office staff are analyzing the request and will be meeting with ARIS to discuss it. This could present a budget issue for DAIL which we will need to address.

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

#### **Woodside Youth Facility Receives Highest Ranking in Recent Evaluation**

The Woodside Juvenile Rehabilitation Center (Woodside) is a member of Performance-based Standards (PbS), a program for juvenile justice agencies, facilities and residential care providers to identify, monitor and improve conditions and rehabilitation services provided to youths using national

standards and outcome measures. PbS is a data-driven improvement model grounded in research that holds juvenile justice agencies, facilities and residential care providers to the highest standards for operations, programs and services. Through a constant process of assessing Woodside's performance, adjusting practices and evaluating outcomes, Woodside has achieved Level 4 within the PbS system in a recent evaluation. Level 4 is the highest ranking earned by any facility. We are very proud of this accomplishment and excited to be recognized for the tremendous work being done for youth at Woodside.

#### Impacts of New Federal Rules for Child Care in Vermont

The Office of Child Care (OCC) in the Administration for Children and Families, Department of Health and Human Services has published final rules related to the Child Care and Development Block Grant (CCDBG) Act of 2014. CCDBG is the federal base for Vermont's Child Care Financial Assistance Program (CCFAP). The regulations were finalized after current CCDBG state plans were approved for FFY 2016-2018 and will not come into full effect until the beginning of October 2019. Vermont's policies and practices are well aligned with the new law and regulations with three notable exceptions:

- There is significant pressure to increase subsidy rates to providers. Under the new law, states are required to "certify" that the rates states pay supports access to quality child care for subsidized families and children. It does not include a significant increase in federal funding to achieve this. Vermont has resisted using an assistance wait list to achieve higher rates for providers with current resources. The forthcoming report from the Blue-Ribbon Commission (BRC) identifies inadequate subsidy rates as a barrier to access and quality of child care for subsidized families. The report recommends increasing state funding to increase provider rates.
- The regulations have language that excludes cost as a factor in a state's sliding fee scale for eligibility. The OCC has notified the Child Development Division (CDD) that Vermont's sliding fee scale may be interpreted to include "cost" because the benefit paid on behalf of the family is a percentage of the CCFAP established rates. This stipulation is not expressed in the law, only in regulation which it is not in effect until 2019. Vermont may be able to request a waiver to the interpretation of the sliding fee scale. The BRC did an analysis of how to best structure a sliding fee scale to support access to high quality child care and reduce benefit cliff affects as a family's income increases. The BRC came to consensus that Vermont's sliding fee scale structure achieved those aims better than using a percent of family income with no relation to cost as advised by the new regulations. CDD is beginning a dialogue with Region I staff about the best way forward for Vermont in 2019. Senator Sanders' office is also aware of this issue.
- The new law and regulations require that every regulated child care program is visited at least once annually by state child care licensing staff. CDD has steadily increased the percent of regulated programs that receive at least one annual visit from 48 percent in 2009 to 87 percent in 2016. In 2016, 99 percent of all center-based and preschool programs received an annual visit; 77 percent of registered family child care homes were visited. CDD has nine fully trained Licensing Field Specialists located in proximity to their caseloads throughout the state; caseloads are at 150 – 160 programs per Licensing Field Specialist which is very high. CDD is reaching its maximum visitation capacity and will need at least three more Licensing Field Specialists to comply with the law to visit each regulated program annually. This does not include the BRC's report goal to increase child care capacity statewide.

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

### **Vermont Health Connect**

#### **Strong start to 2017 renewals continues with successful integration of customer files to carriers and payment processor.**

Vermont Health Connect initiated integration with the initial 834 files during the weekend before Thanksgiving and the results have been very positive. Of nearly 21,000 cases sent to carriers, only 288 had yet to be confirmed as effectuated into active coverage as of November 28th. Only 51 cases, or about one-quarter of one percent, were in error status. These cases are being evaluated and are expected to be resolved in the coming days. This year's performance greatly exceeds last year's, when just over 13,000 households were effectuated by the end of November.

Integration with VHC's payment processor, WEX, was even more successful. Fewer than 15 cases encountered an internal error and failed to send from VHC's system, and fewer than 15 of the cases that were sent encountered an error in WEX's system. These cases were being addressed by integration teams this week.

#### **Strong Start to Open Enrollment at Customer Support Center Continues.**

Over the first four weeks of Open Enrollment, call volume has been 31% higher than last year. This increase is attributable to Medicaid renewals.

The call center's performance has been better than both last year and better than the goal. Nine out of ten (89%) calls have been answered within 24 seconds. The abandoned rate is less than 3%.

### **Hepatitis C**

Currently DVHA covers Direct Acting Antiviral Drugs (DAAs) for the treatment of Hepatitis C, for fibrosis level 3 & 4. This has been in place since January of 2015. Current costs for a single treatment/patient can range from \$85K - \$150K. As clinical guidelines have changed over this time, it is highly recommended as a standard of care, that all fibrosis levels are treated to reduce potential complications of advancing disease. Advocacy bodies and Medical organizations are pressuring DVHA to lift all restrictions to obtaining this drug for all fibrosis levels. Potential increase in spend is estimated between \$4-12 million dollars. The Drug Utilization Review Board (DURB) will be meeting on December 6th and will make a recommendation to the Commissioner of DVHA, which will then be discussed with AHSCO & the Governor's Office.

**Other items for consideration:****Vermont Department of Health (VDH):****Pertussis**

Franklin and Grand Isle Counties continue to experience a significant increase in pertussis in the community. Since November 1<sup>st</sup>, 120 reports of suspected pertussis have been investigated and of those, 55 (46%) were classified as pertussis cases while 47 (39%) are still under investigation. This compares to only one reported case in the same district for November 2015.

A [Health Advisory](#), providing clinical treatment, testing and prophylaxis recommendations, was distributed to providers and schools on November 9th. Additional notification letters have been shared with parents of students attending schools or child care facilities where cases have been identified. Most cases (75%) have occurred in vaccinated middle school and high school students. Parents are encouraged to seek medical evaluation for their coughing children as early treatment and antimicrobial prophylaxis of household contacts may help prevent additional transmission.

**Department of Mental Health (DMH):****Vermont Psychiatric Care Hospital Continued**

The Director of Nursing retired effective today. The resulting vacant position has been reclassified as an exempt position to encourage more competitive recruitment and will be posted soon. The Electronic Medical Record (EHR) implementation is now 2 months past “Go-Live” and staff proficiency in the system is progressing as anticipated. The billing component of the new record system is already producing a significant reduction in former manual processes for business office staff and billing time. The VPCH Advisory Committee also met this week and apprised of hospital utilization information and EHR milestones.

**Department of Corrections (DOC):****Incident at SSCF**

On the evening of 12/1/16 the Critical Incident Team at SSCF responded to an event. Matthew Hinton had caused harm to himself by ingesting and inserting foreign objects in to his body. Hinton had a fashioned weapon and had positioned himself in a way that a quick entry would have caused more physical harm to him. After approximately 4 hours of negotiating with him, Hinton allowed staff to safely enter his cell. He was taken to a local hospital and later transferred to Dartmouth and is expected to undergo surgery. Unfortunately, this is not the first time Hinton has caused harm to himself. Hinton is sentenced but also has pending State and Federal Charges. The team at the facility and others on standby performed commendably in keeping Hinton, other inmates and themselves as safe as possible while resolving the incident.

**Department of Disabilities Aging and Independent Living (DAIL):****MFRAU and OIG Meeting with DAIL Staff re Investigation**

The Medicaid Fraud Unit has been meeting with DAIL staff in relation to an investigation into one of our designated agencies, Health Care and Rehabilitative Services (HCRS). At most of the meetings with our staff, the Office of the Inspector General has been present, leading us to conclude that the

interest in the investigation is broader than just the Medicaid Fraud Unit. To-date, we have not been privy to any additional information about the issues.

#### DAIL Meeting with Jason Turner, Director at MFRAU

In order to further develop our working relationship and further our mutual goals around the safety of vulnerable adults and the appropriate use of public dollars, the DAIL Management Team met with Jason Turner, the Director at the Medicaid Fraud and Residential Abuse Unit. We are working to revitalize a MOU between DAIL and MFRAU and will host several more meetings in the new year to better establish an appropriate referral protocol, finalize the MOU and create a more congenial working relationship.

#### Meeting with VABVI

The DAIL Commissioner met recently with the Executive Director for the Vermont Association for the Blind and Visually Impaired (VABVI) to discuss an ongoing shortfall in their budget, particularly in the area of services for older Vermonters experiencing sudden or gradual blindness and visual impairment. We anticipate that this will be an ongoing need and discussed some strategies for a strategic approach to this issue, to include working with some legislative champions to address the issue. There is not currently a plan for a budget increase from the Department but we will continue to monitor the impact on the larger population if services need to be decreased.

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

##### Youth Homelessness Summit – Boston

On November 18<sup>th</sup>, Commissioner Schatz, Family Services Staff and community youth care providers attended the New England Summit on Ending Youth Homelessness in Boston. The Summit was sponsored by the Federal Regional Interagency Council on Homelessness in partnership with the Liberty Mutual Insurance and the Melville Charitable Trust. The Summit brought together key federal, state and local partners as well as community leaders and stakeholders committed to ending youth homelessness in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island and Vermont. It was an opportunity to learn from each other, share resources and forge new relationships to help advance the work in our state and community. During the Summit, we met with our state team to discuss next steps in developing a coordinated community response to end youth homelessness.

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

##### Audits

Audits currently in process, going public or up and coming – week of 11/28/16

KPMG 2016 A133 Single Audit - Medicaid Audit ongoing

KPMG 2016 CAFR audit in progress

SSG Legislative VHC Assessment Review- requests for information and interviews with staff ongoing.  
3 SSG reports are scheduled to come out on 12/14/16 per John Stern.


State Auditor's Office requested status update on two VHC audit reports (Future Improvement Contingent on Successful System Development Project 4/14/2015, Status of Planned Enhancements 11/18/2015) submitted.

OIG Part 2 Allocation discussion conference call scheduled for 11/30/16



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

**CONFIDENTIAL AND PRIVILEGED**  
**MEMORANDUM**

TO: Governor Peter Shumlin   
FROM: Rebecca Holcombe, Secretary, Agency of Education  
SUBJECT: AOE Weekly Report  
DATE: December 2, 2016

---

**HMH and the SLDS contract**

Good news...After confronting what was looking like a breach of contract on our State Longitudinal Data System, our team spent 3 ½ hours with the vendor (HMH) just before Thanksgiving, and got some concrete commitments from them with respect to deliverables and deadlines. We are cautiously optimistic that they can and will deliver what we need. They are committing additional people, including developers, to the project who will be on-site 2 to 3 days a week. They appear to have put a new lead on the project. They will be here for a 2-day working meeting in early December; and work on technical specs is continuing in the meantime. HMH will not be able to make up for all the time they lost, but the leadership is making this project a priority for the first time. Fingers crossed.

**Next Round of Preschool Development Grant**

The Feds just announced the next round of funding of the Preschool Development Grant, and the Congressional Delegation is using this to emphasize the importance of early learning. Some highlights from Vermont's implementation below:

Participation numbers (children) are as follows:

Year 2 442

Year 3 713

Year 4 727

The programs all include full time preschool (based on local school day and school year), curriculum aligned to Vermont's Early Learning Standards, a fully licensed teacher, comprehensive services, healthy meals, daily physical activity, inclusion of students with disabilities, a staff ratio of no more than 10:1, and high quality professional development.

A few notable examples from some recipients:

1. From Joan Cavallo, Superintendent of Franklin Central Supervisory Union : *"The Preschool Development Grant allowed St. Albans City School to leverage our existing infrastructure (building, universal meals and buses) to support 4 year olds, that traditionally would not have access to preschool because parents lack reliable transportation, with a quality full day program. As we enter our second year of the Preschool Development Grant we are seeing more of those students kindergarten ready at the start of their kindergarten year."*

2. In Chittenden Central there has been incredible collaboration of community/state resources that support Little One's University include partnerships with UVM Medical Center, the Howard Center, United Way, the Caring Collaborative, Essex Pediatrics, CCSU Nutrition Services, Burlington District Office Department of Health (includes WIC, Maternal Child Health, and Office of Oral Health), Children's Integrated Services, Agency of Human Services, Reach Up. This collaborative effort has taken years to establish, maintain and sustain. PDEG is supporting this effort. LOU has seen significant change due to PDEG financial support and community collaborations. Direct results include increased in lead and supporting teacher salaries, provided classroom bathroom access, increased STARS quality rating, supported NAEYC accreditation, decreased in childcare licensing violations, provided parent education and professional development opportunities, connected children and families with medical and dental homes, and moved toward financial stability. CCSU, through its food service, transports daily hot meals to LOU to ensure children receive consistent balanced meals.

### **Second census count**

The second census count, which should capture children whose enrollments were delayed by the back up in fingerprinting at CDD, is underway and progressing on schedule. We have received assurances from key legislators that they will move a bill that accepts the second count in place of the official count in statute. In addition, we notified key committees that any reports which rely on PK enrollment or total enrollment data will be delayed. This should resolve itself when the legislature returns. We have not received an update from CDD on their fingerprinting progress, but assume students will be enrolled in time to make the count.

### **Changes to laws related to background supported fingerprint checks**

We have been trying to work with CDD to develop a joint agenda for requests to 16 VSA 255. We have not yet been able to come to agreement on language that reduces duplication and appropriately assigns risk, but are continuing to work on it. If all else fails, we will have to ask the new administration for direction.

### **Forfeiture of Title 1 dollars in Orleans Southwest**

This SU will have to forfeit \$173,216.10 of federal title dollars that it did not spend. This is a pretty large sum for them to decide to forfeit, which suggest some management challenges in the SU. I mention it because it is a sign of system risk in a place that has pretty toxic politics at present and one of the most complex and convoluted governance systems in the state. I don't know what happened, but I do know their children needed these resources. This is one of the regions with the fastest rising incidence of emotional disturbance in the state, yet it was unable to spend almost \$200k earmarked for high need children. When systems are starved, then given too many complex tasks, they run the risk of failure.

## **ESSA**

The feds just pushed back the submission date until April, which means schools won't know if the accountability plan is approved prior to the close of the school year. The State ESSA plan is drafted and about to go out to public comment in the next few weeks.

## **Meetings**

Met with Hal Cohen on PK, met with Dave Sharpe on legislative priorities, met with the transition team on the Dec. 1 tax rate letter and also for a high level overview of ESSA, Career and Technical Education, Act 77, the State Longitudinal Data System and Act 46.

## **Child Nutrition**

It looks like we may need to need to ask the new administration for extra staff in our child nutrition division. Their revenues have decreased, the USDA regulatory demands have increased, the length of the audit cycle has shortened, and we have dramatically increased the number of child and adult cares that we support and must audit. We will wait until the audit report returns, but this is a high risk division at present. Inadequate staffing jeopardizes our ability to draw down resources. We had to forgo a recent Farm to School initiative, as we just don't have staff to support it.

## **Media Contacts:**

**Terri Hallenbeck, Seven Days:** Terri asked if Secretary Holcombe is reapplying for her position (yes).

**Howard Weiss-Tisman, VPR:** Howard asked for the draft minutes from the November State Board of Education meeting, the dates of the public meetings for the proposed independent school rules, and for the handout that Donna Russo-Savage provided to the State Board. Haley sent him all of the information.

**Tiffany Pache, VT Digger:** Tiffany emailed requesting information about the money for the District Management Council contract for Special Education services review. She later asked when the tax letter would come out from the tax department.

**Jess Aloe, Burlington Free Press:** Jess asked to talk to someone about the Spectrum partnership with the Burlington School District. She spoke with Bill Talbott.

**Greg, County Courier:** Greg asked for more information about the Special Education services reviews, including how supervisory unions and school districts were chosen.

**Nora Doyle-Burr, Valley News:** Nora asked for the applications for the Special Education services reviews for Hartford School District and Orange Southwest Supervisory Union. Bill provided them.

**Liam Connors, VPR:** Liam asked to speak with someone about the Special Education services reviews. Bill Talbott talked to him.

**Robert Wolfe, Valley News:** Robert asked if the AOE has heard from the Rivendell School Board about whether it's applying its founding articles of agreement correctly in relation to funding apportionment among the member towns. Haley forwarded the question to Molly Bachman, General Counsel, for more information.

**Matt Hongoltz-Hetling, Valley News:** Matt asked for any kind of regular summary on the use of seclusion and restraint in Vermont schools. Haley forwarded the request to Judy Cutler. He also asked for some context and the state-wide picture of “alternative programs” like Hartford’s Regional Alternative Program, which has about 30 kids with special behavioral needs. He wants to know how many of these programs exist in the state, if that number is growing or shrinking, etc. Haley forwarded these questions to Cindy Moran, State Special Education Director.

OFFICE OF THE SECRETARY

Phone: (802) 828-2657

Fax: (802) 828-3522

**Executive Privilege**

**TO: Governor Peter Shumlin**  
**FROM: Secretary Chris Cole**  
**DATE: Friday, December 2, 2016**  
**SUBJECT: VTrans - Confidential Report to the Governor**

**NOTES FOR GOVERNOR**

Nothing to report that rises to the Governor's level. I did call for an after action report to be conducted by Deputy Secretary Tetreault on the preparations for the freezing rain to ascertain whether there was anything else that should have been done. I'll know next week.

**NOTES FOR STAFF**

**Downtown Board and Morrisville**

Michele Boomhower participated in and Chaired a portion of the Downtown Board meeting on November 30. The Town of Morristown/Morrisville Downtown Designation was placed on a 90 Day suspension. The municipal representative indicated that it is unlikely that they will be able to resolve their differences with Lamoille County Planning Commission which will leave them in the position of not being able to meet all requirements of the designation program and no longer be eligible for incentives.

**Burlington**

I'm meeting with Mayor Weinberger this afternoon to discuss a variety of transportation projects in the City and some changes to infrastructure at the train station to accommodate passenger rail service.

**Ministry of Transport Quebec-VTrans Cooperation**

Karen Songhurst prepared a briefing for Governor Shulman's office on the three port of entry projects on the VT-Quebec border in advance of his trip to Quebec City on Wednesday, November 30. Karen received a formal communication from MTMDDET on a change in their representation on the oversight for the East Richford-Sutton bridge project. We need to prepare a similar notice about the changes in project management at VTrans. Dan Dutcher, VTrans AAG, is assisting to be sure we respond per the language of the MOA for the project.

### **Champlain Parkway**

VTrans and DEC staff met to discuss potential alternative pathways forward for addressing soils remediation for the Parkway project and, potentially, for other Agency projects. A follow-up meeting with additional DEC and VTrans staff will be scheduled shortly. VTrans' cooperative agreement with the City of Burlington makes them financially responsible for the disposition of contaminated soils. Initial tests have indicated that the contamination level is lower than previously thought which reduces Burlington's financial exposure and risk. They are conducting more borings to minimize their risk.

### **State Treasurer's Water Quality Funding Report**

A memo was prepared per the Treasurer's request that describes stormwater program efficiencies the agency has put in place in response to the Lake Champlain cleanup plan. It also described O&E and other costs associated with the agency's work and pressures on the T-Fund and the effects of diverting funds for water quality and not transportation purposes.

### **Exit 16 and the CLF**

Michele Boomhower contacted Sandy Levine of Conservation Law Foundation to discuss their potential involvement related to stormwater appeals of the Exit 16 Interchange project. Sandy will be discussing my concerns internally and getting back to me. Exit 16 is a Circ Alternative project and CLF agreed to support all the Circ Alt projects in exchange for suspending the Circ. Michele reminded them of their obligation; we'll see how they respond.

### **Federal Legislation**

House and Senate return this week and the final wrap-up of bills for this Congress is slated for December 16. Senator Leahy's office is still working to get pre-clearance out of Congress and onto the President's desk before Congress leaves DC. The transition team for the PEOTUS has announced that his pick for USDOT leader is Elaine Chao, former US Labor Secretary under GW Bush and former DOT deputy under GHW Bush. Ms. Chao also happens to be the wife of Senate Leader Mitch McConnell.

### **Interstate Commercial Activities Rulemaking**

Staff confirmed ANR is preparing a response to FHWA Docket requesting comments re: Commercial Activities at Interstate Rest Areas. Their submission will be part of a multistate comment focused on provision of electric vehicle supply equipment (EVSE) at the facilities. Followed up with BGS and recommended their comment focus on "vending" of Vermont products and offered to assist in review of draft language. Comments are due December 27, 2016.

### **Middlebury Airport**

Recall that the neighbors of the Middlebury State Airport were not happy with our runway lengthening project. We managed our way through that process and the project is advancing. I recently met with our Aviation Manager, Guy Rouelle, to discuss a proposal to house a non-aeronautical company on airport property that wouldn't likely be used for

aviation purposes. The company is Good Point Recycling, a current Middlebury company that recycles electronics equipment. They are seeking this move as another company wants to purchase their building because they need to expand and add more employees to their operation. Good Point would like to build a 25,000 sq ft facility at the airport to operate its business. Guy met with Middlebury economic development office and they will work with the Select Board to ensure this project is supported by the local legislative body before we approve of the lease.

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

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

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



Deborah L. Markowitz  
Agency Secretary

Trey Martin  
Deputy Secretary

**State of Vermont  
Agency of Natural Resources**

**CONFIDENTIAL and PRIVILEGED**

**To: Governor Peter Shumlin**

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

**Date: December 2, 2016**

**Subject: ANR Weekly Report**

---

**Governor Level Issues:**

**Champlain Water District & LaPlatte River Lampricide:** Lampricide treatment began on Nov 16<sup>th</sup>. Initial lamprey mortality indicates a successful treatment. Unfortunately, close to 100 Stonecat mortalities were documented (Stonecat is a non-target species that is on our threatened and endangered species list), USFWS and VTANR staff members rescued about 100 struggling Stonecats, resuscitated them, and returned them to the LaPlatte upstream. No lampricide was detected, at the CWD water intake.

**PFOA Updates - Landfill sampling:** Requests for sampling of groundwater for perfluorinated compounds (PFC) were sent to all regulated closed landfills within Bennington and Windham Counties in September. The seven closed landfills all have submitted sampling plans for this work and have completed sampling of at-risk monitoring wells. A couple have results pending, but the summary of those received to date are listed below. No drinking water wells were found at immediate risk of contamination. However, to ensure this assumption is correct some additional sampling of private wells has begun at the locations where detects were found above the 20 ppt health advisory level.

<u>Landfill</u>		<u>Total PFOS + PFOA</u>
Burgess Brothers	(private):	1040 ppt
Halifax	(municipal):	28 ppt
Putney Paper	(private):	29 ppt
Pownal	(municipal):	19 ppt
Dover	(municipal):	13 ppt
Sunderland	(private):	pending
Windham SW Dist	(municipal):	pending

---

## **EVERYTHING ELSE:**

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

**Fish & Wildlife Press Releases:** How the Wild Turkey Contributed to Thanksgiving; Fall Present Deer Hunters with Bird Watching Opportunities; Muzzleloader Antlerless Permits are Mailed

**#OptOutside:** Vermont, along with 20 other states, joined REI (Recreation Equipment, Inc.) for #OptOutside on Black Friday, November 25. #OptOutside promotes spending the day after Thanksgiving in the outdoors with family and friends instead of inside shopping malls. Vermont was [listed as a participating state in national press releases](#) issued by REI and the National Association of State Park Directors.

**Outdoor Recreation Bill and Vermont Trails Economic Impact Study Press Event:** The US House of Representatives, and more recently the Senate, approved legislation authored by Rep. Peter Welch to quantify the economic benefits of outdoor recreation; the bill is now on its way to President Obama for signature. In honor of this historic legislation, on [November 29<sup>th</sup>](#) staff from Rep. Peter Welch's office, FPR and ANR staff, and representatives from Vermont Trails & Greenways Council held a press event at Green Mountain Club headquarters in Waterbury.

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

**Anbaric Greenline:** The Public Service Board held a pre-hearing conference for the Vermont Greenline project. At the hearing the applicant divulged that they are contesting a recently completed ISO-New England system impact study, which concludes the Greenline project would require over \$100 million in associated transmission upgrades if it were to move forward. While Anbaric disputes ISO's findings, they assured the PSB that if they lose the challenge, the project will absorb those costs and still move forward—seeking a separate CPG for the associated transmission upgrades after a CPG is issued for the core Greenline project. Anbaric is also working with ANR/FPR to explore an alternate landfall site for the project in Hawkins Bay in order to avoid potential impacts on recreational use in Kingsland Bay. The alternate route would still come ashore in Kingsland Bay State Park, but at a different location. A meeting is set between Anbaric and FPR to discuss that alternative on 12/9.

**Drought: The Vermont Drought Task Force** met at the SEOC. Two rain events in November have helped, but the central part of the state (from Burlington to White River Junction) is still ranked as severe drought, with other areas in moderate or abnormally dry conditions. Long term prospects for continued drought are anticipated through the Spring of 2017. The task force provided the State of Vermont Emergency Operations Plan 2013 that includes the ANR Drought Management Plan for review and revision. Comments or changes to the plan will be discussed at the next task force meeting - Nov 30<sup>th</sup>.

**ANR PILOT Program:** FY'16 ANR Payment in Lieu of Taxes (PILOT) payments will be mailed out to all Vermont municipalities that have ANR lands within their boundaries. This year's PILOT payments total more than \$2.3 million. We will also be sending a letter out to each municipality that receives a PILOT payment from ANR, describing how their municipality's payment was calculated and summarizing the new legislative changes to ANR PILOT. Given that FY'16 is the first year of a gradual phasing in of the new ANR PILOT formula as enacted by the legislature this past spring, we anticipate some questions from municipalities. It is also the last year that municipalities can appeal their PILOT valuation.

## **SUMMARY OF KEY DEPARTMENT ACTIVITY**

### **Office of the General Counsel (OGC)**

**Brief filed with PSB on Site Preparation Issue for Otter Creek Solar:** ANR, DPS and AAFM, filed a joint brief with the Public Service Board in the Otter Creek Solar dockets (8797/8798) on the issue of "whether the conduct of a third-party landowner can constitute "site preparation" or "construction" within the meaning of Section 248(a)(2)." We took the position that once Board jurisdiction attaches to a Section 248 project, activities which are necessary for the project (such as land clearing) are prohibited regardless of whether the applicant or a third-party landowner performs them.

**Technical Hearing held 11/29/16 on Peck Electric:** As previously reported, the applicant has proposed a small net metering solar array in Charlotte (Docket NM-6691), which is adjacent to Mt. Philo State Park. The Agency originally filed comments raising issues related to Criteria 9K (development affecting public investments) due to the potential impacts to the view-shed from the summit. The Town of Charlotte also filed comments, and argued there would be undue adverse impacts. The Applicant disagreed and, as a result, the Public Service Board opened an investigation into the aesthetics issue and conducted a site visit. The Applicant filed testimony along with a revised site plan proposing to plant vegetation in an attempt to mitigate those impacts. After receiving additional information from the Applicant on the plan, FPR determined the proposed plantings would be insufficient to mitigate impacts, and determined the project as currently proposed still has an undue adverse impact under Criteria 9K.

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

**South Burlington City Center, Snyder Homes:** The DEC wetlands program issued a letter to Snyder Homes specifying additional information the developer must provide to demonstrate compliance with the mitigation sequencing set forth in the Vermont Wetland Rules. Snyder's proposal to develop the South Burlington City Center currently involves the filling of a presumptive Class II wetland. Snyder asserts that the City's form based code, planning goals and financial constraints all leave no feasible alternative for the project except moving forward with those wetland impacts. The letter requested Snyder to further explore opportunities to avoid and

minimize wetland impacts through options to modify the project which appear available through the City's form base code, or to explain why those alternatives are not practicable. If the project provides sufficient evidence to demonstrate they have taken all practicable measures to avoid and minimize wetland impacts, the wetland program will begin to discuss the feasibility of Snyder mitigating wetland impacts through compensation and the establishment of new wetland functions within the watershed.

**Connecticut DEEP RFP:** OPP learned this week that Range Solar and Swanton Wind were successful in winning an RFP issued by Connecticut Dept. of Energy and Environmental Protection (DEEP) for renewable energy generation with a capacity of 20MW and less. Both projects had been seeing PURPA rate assurances in Vermont, a move the PSD was contesting. With the issuance of the CT DEEP award, the project will likely drop their PURPA petitions and use the Connecticut contracts to demonstrate regional need for their power. Ranger has one project – the Ludlow/Coolidge solar project – currently before the PSB and several other Vermont projects in their pipeline, given this award is more likely that Ranger will now move additional projects forward. Swanton Wind may also have a stronger case before the PSB with this CT award; however, it appears the CT program caps generators at 20MW. The Swanton project nameplate capacity is currently 21MW, so the project would need to reduce the capacity of its proposed 7 turbines or drop one of the towers from their proposal.

**New Applications:** Week of November 21<sup>st</sup>, OPP received 5 new Act 250 applications and 1 new Section 248 petition.

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

**LCAR approval of Water Quality Standards.** Watershed Mgt Div successfully completed rulemaking, as LCAR approved the revised Water Quality Standards. Their approval culminates a substantial and sustained effort by the Division to incorporate and implement several opportunities for improvements.

**Vehicle Emissions and Safety Inspection Program Outreach** – Mobile Sources Section staff participated, along with DMV staff and the program contractor, in a major statewide outreach effort regarding the significant changes to Vermont's vehicle emissions and safety inspection program. Fifty-one outreach sessions were held from October 11 through November 9 at seventeen locations across Vermont. The outreach sessions were an opportunity for Vermont's 1,600 inspection stations to learn about upcoming changes to the vehicle inspection program, see a demonstration of the new test equipment, and obtain all information necessary for enrolling in the new program. The vast majority of inspection station personnel attending these sessions were accepting of the program changes, which will significantly improve the effectiveness and efficiency of the vehicle inspection program.

**VT E-Cycles Program Update:** The E-Cycles program continues to collect a steady amount of electronics for recycling, although this past year saw the first slight decline in collection since the program began, with a total of 4.8 million pounds collected. Over five program years since inception, the collection rates have ranged from 4.8 to 4.9 million pounds annually. Could this be

an indicator that we have peaked in collection of old cathode ray tubes? Other states with similar programs (Oregon and Washington State) have also seen a small drop in collection rates.

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

**Deer Season Activity:** The second week of deer season was eventful with many hunters taking terrific bucks. Numerous spike horns were self-reported, and some doe were shot and left or taken home by poachers. Observed violations included hunting over bait, shooting from the road, and shooting from vehicles. Wardens conducted hundreds of hours of night work and struggled to juggle their 10-20 assigned towns in each district. Overall, it was a safe season, and that is what will be remembered.

**Bear Hound Petition Working Group:** Staff prepared notes from the last meeting of the Bear Hound Petition Working Group. Since the last meeting, the Vermont Bear Hound Association (VBHA) has amended their Petition, and the Working Group will need to meet additional times to come up with a set of group recommendations that can be taken to the F&W Board. Also scheduled is a meeting with the entire VBHA Board of Directors to discuss the potential regulation changes that the Working Group has been working on. Negotiations with this group have been challenging, but the results have the potential to greatly improve our enforcement and monitoring of this controversial sport.

**Natural Shoreland Erosion Control Certification Training:** Staff participated in the Natural Shoreland Erosion Control Certification Training that was sponsored by the Department of Environmental Conservation. The training covered shoreland best management practices, including erosion control, stormwater management, and wildlife habitat protection. The course was created to provide training to local landscapers, site workers, engineers, and contractors to ensure that they are aware of the techniques for managing lakeshore property in ways that effectively protect the lake. This training also offered staff the opportunity to become more familiar with the new Shoreland law as well as work with the private contractors on how to accomplish public access projects using these new techniques for lakeshore management and materials.

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

**ANR v. Ken Bacon and Ken Bacon, Jr. dba Bacon Timber Harvesting:** Contempt Hearing was held 11/14. The Environmental Division issued a Contempt Order in July imposing a repayment schedule for accrued outstanding penalties. The initial payment of \$4,426.00 was to be made on October 4, 2016. The Bacons did not submit this payment, and therefore the Agency filed a contempt petition on October 6, 2016. The Environmental Court held a Show Cause hearing on November 14, 2016. At the conclusion of the hearing, the Court found both Ken Bacon and Ken Bacon, Jr. in contempt for failing make the initial payment. The Court ordered the Bacons to pay an amount of \$800.00 within 10 days of the Court's Order – an amount the Bacons indicated during the hearing they had immediately available. The Court also ordered the Bacons to disclose all personal and business assets to ANR within 30 days of the Court's Order, and all individual and business tax returns by April 17, 2017, to include any 2016 filings. The Court also ordered the Bacons to cease all operations in the logging business, not to sign any future logging contracts, or

operate under its present business name or any future name while the Court's Order is outstanding. If they elect to seek employment through another logging entity, they must confer with ANR to determine if that employer is subject to any enforcement action. The Court will schedule a status conference on this new Order in April 2017. These directives will be embodied in a Contempt Order that the Court will issue shortly. The previous Contempt Order remains in full force and effect. Both Orders will be monitored for compliance.

**Shady Rill:** Lands Administration met in early November with the Middlesex Conservation Commission to discuss restoration of the Shady Rill Recreation Area. The Conservation Commission was supportive of working with ANR to develop a restoration plan for this site and will work closely with ANR and a local partner (such as the Friends of Winooski or the Winooski Conservation District) to submit an application for an Ecosystem Restoration Grant for this project later this winter.

**Visitor Numbers:** Total park visitation for the year to date is at almost 990,000 visits. This is around 3% behind 2015. Interestingly, the difference is about equal to weekend attendance for the Vermont Days event in early June which, this year was a total washout due to the weather.



---

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

**To:** The Honorable Peter Shumlin  
**From:** Joe Flynn, Deputy Commissioner of Public Safety  
**Date:** December 2, 2016  
**Subject:** Weekly Report

---

Priorities:

Administration

Notified on 11/22/16 by AOT/GHSP that the DPS request for 1/3 of VSP dash-camera funding has been approved by NHTSA for approximately \$285k for FFY17. This change reduces our ERF annualized payment by about \$80k per year. We've updated the budget Crosswalk with this reduced amount, but the savings is offset by new, higher benefit cost rates that were uploaded into the budget system this week, that increase will be in the \$175k range. Bottom line is that there is no reduction to report to the Transition Team regarding these new Fed funds, but rather now a new net pressure increase due to benefit cost increases. We can discuss in greater detail at our weekly meeting on Friday.

Conducted an Exit Conference with KPMG regarding the Single Audit of the HSGP.

We requested VY's input on billing for the new \$600k two-year agreement as the MOU was silent on how that should be handled.

CJS

Forensic Lab-

All 24 lab positions currently filled; DNA/Serology analyst leaving 12/2 (position posted).

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

Working on decreasing backlog of drugs cases.

Communications-

Damage from falling ice required emergency repairs to be conducted this week at the DPS microwave site on Mount Mansfield.

VCIC-

The Sex Offender Coordinator position has been offered to a current DOC employee (Wendy Perreault) with an anticipated start date of 12/12/2016. After this date the lateral transfer of staff from the Sex Offender Registry (Courtney Gaboriault) to the Marijuana Registry will begin. The currently vacant NCIC Auditor and second Sex Offender Registry positions have been posted (as of 11/28/2016), each search will be

December 2, 2016

conducted rapidly to fill each position. Additionally, one of the VCIC Fingerprint Technicians has taken a position with the VSP – Computer Crimes Unit and transition plans are still being determined.

Vermont Patient's Alliance (Montpelier Dispensary) is in the process of increasing their administrative footprint at their Moretown (Grow Compost) location. Previously this site was used for greenhouse cultivation but are now leasing additional space for laboratory and administrative offices. An update to their security plan has been provided and requires all security steps and procedures to be maintained at both (Montpelier and Moretown) sites.

## DEMHS

Director and Deputy attended the NESEC/ IEMG meeting this week.

SHMO submitted sub-grantee appeal of FEMA R1's 09/27/16 denial re the Vermont Association of Conservation District's 5% Initiative HMGP application (submitted 01/13/13, revised 12/19/14) for flood mitigation outreach.

Final PA disaster close-out request for DR4066 was submitted to FEMA by PAO on behalf of VTrans, the Grantee agency for that 2012 disaster.

There are 17,769 total VT ALERT public users as of 21-November-2016; An initial VT ALERT presentation was provided to the Chittenden County Firefighters Association.

Interviews held this week for Homeland Security Program Manager and Northern Regional Emergency Management Program Coordinator positions.

Local Emergency Operations Plan submission rate for 2016 has reached 90%.

HS Chief facilitated the NCSWIC Planning, Training and Exercise Committee monthly conference call on 12/2.

## Fire Safety

The Division received \$21 million in new plan review construction valuation collecting \$168,000 in permit fee revenue.

The Pro Board inspection team is scheduled to arrive at the fire academy on December 19, 2016 for 3 days. The evaluators will be looking at anything related to cognitive and psychomotor testing at the Vermont Fire Academy. This process will include review of procedures, inspection of documentation, test security review and interviews with staff, instructors, Training Council members, and end users. The academy will be preparing for the visit during the next few weeks.

Due to popular demand, the academy has scheduled an additional 8 Photovoltaic Safety for Firefighters courses throughout the state. This class is critical to first responders and we have offered this at no cost. We have trained hundreds of fire fighters in the past few months.

Peter Lynch, Chief of Fire Service Training recently attended fire service county meetings in Williston, Enosburg Falls, Wells River, Newport, and Groton. The meetings provided the fire service an opportunity to meet and speak with Peter. To date the energy Peter has devoted to outreach has been well received and I have received many positive comments from the fire service.

The draft of the plans for the East Cottage are near completion and we will be reviewing.

The Vt. Hazmat Response Team has responded and or assisted Incident Commanders with 111 hazmat related incidents to date this YTD. The VHMRT has instructed 88 hours of classes to 467 first responders at no cost. Most classes are two hours long and are presented at fire department training at night.

#### Vermont State Police

A Troop-

FF

20 Total Arrests, 10 DUI

Search warrant was executed for a burglary involving items to include a large TV. Troopers received information about a suspect vehicle leaving the scene.

Troopers responded to a burglary where items of a combined value \$1,700 were taken. One arrest has been made and Troopers are still actively searching for other suspects.

Troopers responded to a 911 hang-up which resulted in an arrest for domestic assault and one more arrest for DLS.

B Troop-

FF

12 Total Arrests, 4 DUI

Responded to a residence in St. Johnsbury where the complainant was reporting a hunter's bullet had entered her residence. The offender was processed for Reckless Endangerment.

Troops responded to an underage drinking party in Charleston. Troops issued underage civil tickets and issued the adult responsible a criminal citation.

Troops responded to a vehicle off the road in Brownington. The operator was found to have an active arrest warrant for her. Due to drugs and investigation operator was found to be in possession of controlled substance.

C Troop-

FF

9 Total Arrests, 4 DUI.

Arrest for assault on a LE in Killington.

Investigated a fatal crash involving a passenger vehicle and a tractor trailer on Rt 7 in Clarendon.

Rutland Troopers assisted in the location of a missing hunter in Shrewsbury.

On 11/22, Tpr. located a missing hunter in Mendon.

Canine performed a coordinated drug search of the Mill River High School in the Town of Clarendon.

Rutland Troopers conducted a DUI checkpoint in Rutland Town.

On 11/26 and 11/27, Tpr. and members of the EOD Team worked the International World Cup Ski competition in Killington.

Domestic Assault Arrest/Lodging in Panton.

Presentation at Middlebury Middle School.

Domestic Assault Arrest/Lodging in Ferrisburgh.

Conducted a DUI Sobriety Checkpoint. 257 Vehicles stopped, and 1 DUI Arrest.

Vermont Route 9 was shut down for a period of time due to Black Ice on Woodford / Searsburg Mountain.

D Troop-

FF

13 Total Arrests, 7 DUI

Troopers responded to a report of an unconscious person in a vehicle in Putney; operator of a vehicle drove off; arrested one for DUI.

Stopped a vehicle on I91 in Guilford; operator was operating at 106 miles per hour; arrested one for Excessive Speed, DUI and Negligent Operation.

Investigating an on-going domestic dispute in Londonderry; arrested one for Domestic Assault, Unlawful Restraint & Interference with Access to Emergency Services.

Investigated the theft of a victim's coat at the Westminster Central School in Westminster; inside the coat were the victim's keys to the school and her phone; via the tracking system of the phone, Trooper responded to Springfield and located the perpetrator with the coat, phone & keys; Trooper arrested one for Petit Larceny.

Armed robbery to the Exit 4 Sunoco in Dummerston.

Arrested one in Grafton on 16 counts of Violation of Conditions and 16 counts of Violation of an Abuse Prevention Order.



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

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

*Trey Martin, Secretary*

**PRIVILEGED AND CONFIDENTIAL  
MEMORANDUM TO THE GOVERNOR**

**TO: Governor Peter Shumlin**

**FROM: Secretary Trey Martin**

**DATE: December 2, 2016**

**SUBJECT: Confidential Report to the Governor**

---

**BUILDINGS AND GENERAL RESOURCES**

Williston DPS Land Purchase: The site selection priority list has been set by DPS. Looking to secure option on land until funding available (FY18). Upside to the high purchase price is that we have a property down the street that should get a fair price to offset.

VAEL: Motion to Dismiss was submitted to the Environmental Court. We are waiting for the Judge's ruling on the briefs and the Appellant's Statement of Questions, as well as the Motion to Dismiss. Starting to review the construction documents. Still no word back from the District Commission on our Act 250 application.

Auditor's Requests: All information from Mike Kuhn has been uploaded for the Audit on both the BDH Lab and VPCH Berlin, including supplemental information requests at the preliminary meeting on Berlin.

Windsor District Court: Five Legislators were at the Windsor District Court to view the operation of the District, Family and Traffic Courts.

RUSF – Ice Rink on State House Lawn – Risk Management & Capital Complex Commission: BGS received the revised MOU/Application from the City of Montpelier on November 10<sup>th</sup>. We distributed the meeting notes after internal review, and met with the Capitol Complex Commission on November 22<sup>nd</sup> and accepted the aesthetic aspects of the proposal. We re-drafted the MOU on November 22<sup>nd</sup> and forwarded the MOU to the AG's Office for review along with the application and Bill Duchac's input. On November 30<sup>th</sup> Mike Stevens responded to the questions that Jacob Humbert asked on November 29<sup>th</sup>.

Charging Stations – \$2.5 Million from Volkswagen to SOV – Funding Source: The funds are to be managed by ANR; to make EVSE investments for use by public, municipalities, and states. Fleet has proposed funding charging stations: (1) Behind 134 State Street, (2) in Rutland Parking Garage, and (3) at National Life lower parking lot.

Charging Stations – Installations Pending – Plan to happen before Volkswagen Money is Available:  
WSOC charging stations are being installed this week – the weather cooperated; digging up pavement to run conduit.

Surplus Property – Hoskinson House – Plymouth (Adjacent to Calvin Coolidge Homestead): The Restore Deconstruction Project team will no longer do large deconstruction projects due to liability issues. Terry Lamos to respond to inquiry as to whether Recycle North might be interested in the buildings. Property Management has issued an RFP. Dispose of pole barn, garage, house – to go “as is, where is”. BGS Maintenance has been invited to look at generator/tools.

## **FINANCE AND MANAGEMENT**

Nothing new to report.

## **HEALTH CARE REFORM**

Nothing new to report.

## **HUMAN RESOURCES**

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

All is pretty quiet with the Transition Team. I suspect it will pick up next week.

Submitted FPR Position Pilot approval notice to the legislature.

Finalized and submitted Legal Services Evaluation legislative report.

Sent to department heads the revised Policy 17.0, Employment Related Investigations as well as the notice about contractors on payroll and forthcoming changes to Bulletin 3.5.

Open enrollment ended and went very smoothly.

Working with VTHR to establish a workplan to ensure we can handle the uptick in PARs due to administration change and classification class action reviews.

Finalizing system changes to implement paid sick days for temporary employees.

Spent a fair amount of time on personnel planning due to departures and organizational needs.

Workers Compensation transition to PMA seems to have ongoing challenges. So far we are able to handle internally and will elevate as needed.

## **INFORMATION AND INNOVATION**

### **Evolving Issues:**

Web Updates:

- Training for the Lt. Governor's Website for the incoming administrations will be held 12/2.
- The Agency of Education has approached DII about the prospect of VIC building a dual enrollment system for use by the AOE and state colleges. A meeting to discuss the possibility is scheduled for 12/2.

#### Project Updates:

- **Voice over Internet Protocol (VoIP)** – Transitions this past week include sites located in Saint Albans, White River Junction and Burlington representing 184 lines. VoIP project transitions to date total 2,734.

## **LIBRARIES**

Nothing to report.

## **TAXES**

#### Legislative Update:

Miscellaneous Tax Bill: We walked through our current outline of possible MTB provisions the transition team's policy point. Tax staff is particularly focused on working through both technical and policy issues if the Tax Dept is going to take over administration of the employer health care assessment as desired by DOL and F&M.

#### Operations Update:

VTax Project: We are in the Department's four-day quiet period as we commence conversion of personal income tax into VTax. Very exciting – as of two o'clock yesterday, we had shut off two of our legacy systems for good. Advantage Revenue, circa 2000 and ETM, circa 2010 – two systems that never worked as designed and negatively impacted virtually every phase of our operation. Tomorrow the conversion will be completed and verified. On Monday, we have a soft internal launch and officially open the complete system to the public next Weds. At this point, all our primary taxes and functions are on VTax, except for miscellaneous taxes with few filers that still are on the mainframe and will be converted in the final phase next year. This was accomplished in less than three years from the contract signing – an incredible achievement for Tax staff that went well above and beyond in working with FAST.

**CONFIDENTIAL and PRIVILEGED**

**To: Governor Peter Shumlin**  
**From: Patrick Delaney, Commissioner**  
**Date: December 2, 2016**  
**Re: Weekly Report**

**Vermont Department of Liquor Control**

Legislative Issues/Contacts/Updates:

DC Kessler and I are meeting today with Damien Leonard on the Title VII rewrite project, and DLC Modernization Bill. The initial re-write has been completed, reviewed, and discussed between Legislative Council and the Department. A final list of questions was presented to the Dept. for clarification. A finalized draft version of the re-write will be completed for final review by the second week of December. Our compliments to Damien for keeping this process tracking on schedule.

Press Issues/Releases/Contacts:

Significant Events/Meetings:

The POS Central Office System conference was held yesterday at DLC, with interested vendors in attendance.

Delivery of and implementation of the Point-of-Delivery Scanner technology for the Warehouse and our distribution team has been delayed until January. This extended time frame is a positive due to the peak sales volume experienced throughout December.

Licensing renewals are being sent to municipalities. We anticipate license renewal volume to pick up during ski season, and into the new year. This initial mailing commences the first phase of our licensing season.

Summary of Key Department Activity:

*Agency Issues:*

The Retail Operations Manager, Kim Walker, has concluded two of three regional meetings throughout the State. Her goal is to present and discuss the new operation manual to contracted liquor agents. Meetings are taking place on November 30, December 1 & 2 in Burlington, Montpelier and Pittsford (Rutland area). The objective is to clearly communicate the Dept.'s new standards to elevate the customer retail experience. We wish to promote retailer ownership of these new standards through constructive dialogue.

The Department has received bond payment for liabilities incurred during the closure of the Pownal store. Efforts are ongoing to receive bonding company payout related to the recent failure of the Chelsea liquor agency.

I have been working with the Department's Purchasing Coordinator to prepare for the transition for Bailment Replenishment Ordering. January Bailment Replenishment orders have been completed and submitted to suppliers. This new approach will improve the Dept.'s ability to manage its warehouse inventories, improve our continuity of supply, and improve the customer's buying experience.

The Department is researching options for a lottery of highly allocated products. Our goal is to raise awareness of the DLC, create some excitement about attaining a rare product, and to make this process more transparent and fair. Ultimately, we would like to charge a small fee for entering the lottery. As a public relations effort the Dept. will identify a beverage alcohol related non-profit to receive the entry fee proceeds.

*Staffing:*

The Department has created a revised job title and prepared a request for review by DHR of the classification of our warehouse manager. The new job title is Warehouse Management System Coordinator. Our goal is to more appropriately reflect the updated duties and responsibilities of that position. Our objective is to reward this individual for his extraordinary efforts and ensure his retention.

We hope to submit RFRs as well for the Warehouse Supervisor and the Warehouse Program Services Clerk RFR in the very near future.

Director of Marketing, Theresa Barrows, has updated the Department's Facebook page, and continues work on the 802Spirits monthly magazine.

**Commissioner's Commentary:**

I have recently returned from two weeks in Utah where I completed the sale my residence and moved my family and possessions to Waterbury.

I am currently attending the Supervisory Training required of all supervisors and managers. My first class was held October 31, and I attended one last Monday, November 7<sup>th</sup> and have two remaining in December.

We are anticipating strong retail sales results in November. This is the first month of actual sales from our new supplier retail sales programs. The new approach was successful in raising the amount of programming on the shelves and consumers appeared to have responded.

The performance of our first month of our re-formatted 802 Spirits publication has been very encouraging. Stores have been requesting additional copies due to consumer take away. We

increased in-state distribution to the Southern part of the State. Supplier support for advertising in the publication has increased to cover our increased publication expense. The publication is also posted on our new and improved website.

**116 STATE STREET  
MONTPELIER, VERMONT 05620**



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

**Chuck Ross, SECRETARY**

**STATE OF VERMONT  
AGENCY OF AGRICULTURE**

**Confidential and Privileged**

**TO:** Gov. Peter Shumlin  
**FROM:** Chuck Ross, Secretary of Agriculture  
**RE:** Weekly Memo  
**DATE:** December 2, 2016

**Summary of Key Activity**

Secretary Ross continues to work with Agency staff and James Pepper to explore and understand what we can be done to enable the Agency to provide support for the hemp producers in the state. There are a few critical questions to be addressed before it can be determined if the Agency is going to be able to provide meaningful new support for the emerging hemp farmers and industry in VT.

Secretary Ross participated in two Clean Water Fund and Board meetings. The first meeting included Treasurer Pearce to review and discuss the funding gap for clean water in Vermont and the various funding mechanisms to support the Clean Water Fund. The second meeting was a work session among the Board members to review the draft proposals to monitor and report the progress of the fund's investment in water quality efforts.

Kristin Haas, State Veterinarian, continues to work with a slaughter facility owner whose Act 250 permit prevents him from maintaining animals in the facility over the weekends. This situation is resulting in the owner engaging in illegal activity to meet the permit conditions. These activities also have a potential negative impact on animal and public health and safety. Haas is consulting with legal counsel to determine allowable ways of providing assistance in this situation.

Produce Program Coordinator Kristina Sweet & Food Systems Section Chief Abbey Willard participated in a meeting of the National Association of State Departments of Agriculture (NASDA) Technical Working Group (for implementation of the Food Safety Modernization Act (FSMA) Produce Safety Rule) Farm Inventory Subgroup. The goal of the Farm Inventory Subgroup is to outline strategies for the development of state and federal level inventories of produce farms and to determine common data fields, such as business name, primary contact, annual produce sales, and acres in production. Representatives from FDA specializing in produce safety and IT also participated.

116 STATE STREET  
MONTPELIER, VERMONT 05620



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

Chuck Ross, SECRETARY

STATE OF VERMONT  
AGENCY OF AGRICULTURE

**Confidential and Privileged**

TO: Gov. Peter Shumlin  
FROM: Chuck Ross, Secretary of Agriculture  
RE: Weekly Memo  
DATE: December 2, 2016

**Significant Meeting:**

- Kristin Haas, State Veterinarian, along with VAAFM colleagues, met with VT. Dept. of Health Deputy Commissioner, legal counsel and epidemiologists to discuss the development of an inter-agency communications protocol for use during zoonotic disease outbreaks. The group also discussed the possibility of combining emergency preparedness, response and recovery plans pertaining to zoonotic diseases and food safety emergencies. Haas will draft an MOU for review by the group that will clarify points of communication, triggers for notification and other related items pertinent to these issues.
- State Veterinarians Haas and Mehlenbacher met with the VDH Food and Lodging Director and an entrepreneur who would like to start a business in VT focused on selling cricket powder and whole frozen crickets for human consumption.
- Assistant State Veterinarians attended the Training and Exercise Planning Workshop hosted by the Department of Emergency Management and Homeland Security. The workshop was designed to gather training and exercise needs of emergency responders that support the state's core capability priorities, as determined by the Improvement Planning Workshop held in August. This workshop will identify emergency response related trainings and exercises for 201-2019. VAAFM identified continued training in DLAN and ICS, ICS Section Chief, Unified Command, and COOP basics as needed trainings. Additionally, VAAFM identified a number of table tops and drills such as exercising the COOP plan, exercising a Unified Command in conjunction with USDA, a shared exercise with VDH on a zoonotic disease, and an animal disease outbreak at a local fair to be held in conjunction with local planning commissions.

**Evolving Issues:**

- Kristin Haas, State Veterinarian, continues to provide assistance to a UVM veterinarian who needs to find a slaughter option for research steers
- Animal Health Section met with a former slaughter plant business owner who closed his business and wants to be an agent on his father's livestock dealers license. Section met with this person to review the statutory requirements of dealers, state and federal livestock movement regulations, and animal identification.

**Press Contacts:**

- Kristin Haas, State Veterinarian, was interviewed by a reporter for the Notable Neighbors column in the Citizen paper
- Kristin Haas, State Veterinarian, was interviewed by a WCAX reporter regarding thoughts on the potential benefits of incorporating cannabis derivatives in pet food supplements to provide analgesia and/or behavior modification in dogs. Haas relayed the American Veterinary Medical Association's position statement on the Assessment of New Therapies in Pets and confirmed that legitimate studies

must be completed in order to determine efficacy before the veterinary community would be proactive on this issue.

- Henry Marckres, Chief, Consumer Protection, was interviewed on Friday by Matt Crawford for an article for Vermont Life on maple in Vermont

## **Summary of Key Agency Department Activity**

### **Agricultural Development:**

#### **Land Use:**

##### **Meetings**

The VAAFM attended the Vermont Association of Planning Development Agencies (VAPDA) monthly meeting. Adam Necrason, lobbyist for the Vermont Association of Planning Development Agencies, outlined likely priorities and speculated about appointments under the new administration, legislative agenda, and likelihood of budget pressures building over the next four years.

Associate Agency reports were given by ACCD, VCGI, Public Service Department (PSD), ANR, Vtrans, and the VAAFM. Of note from other agencies and departments are that VCGI will have new LiDAR information and create “derivative maps” of this information, which will be available by the end of the month on its web service. VCGI also updated the conserved or “protected lands” map layer. The PSD explained that it is in the guidance development phase of its energy planning work, including working with VCGI creating a one stop shop for municipal and regional energy planning mapping needs. The PSD also explained that under the new net-metering rule it will be difficult to develop 150-500 kW projects on green fields (unless designated by a municipality through its planning process). Most of this scale of energy development will be located in “preferred locations” as defined by the rule expected to go into effect in January. ANR and the VAAFM shared some of their regulatory activity in both Act 250 and before the Public Service Board. VAAFM also shared the “Milk Cooler” funding opportunity and that it is working on developing guidance for municipal officials addressing new authority due to the change in regulatory jurisdiction in the Required Agricultural Practice Regulations. ACCD shared some of its funding opportunities and a placemaking project it will work on over the winter.

The VAAFM along with ACCD attended a meeting of ANR/VTrans Coordination Committee to gain a better understanding of the direction of ANR in its study and legislative report of potential revisions to Act 250 and to 24 V.S.A. chapter 117, subchapter 7, enabling legislation for municipal bylaws, required under Act 171, to protect contiguous areas of forestland from fragmentation and promote habitat connectivity. A legislative committee worked over the fall to develop and vet proposed recommendations; its final meeting will be on December 13. VAAFM shared its concern that changing Act 250 criteria or the definition of what are “productive forest soils,” and creating overlapping resources could have a significant impact on its review of primary agricultural soils and mitigation process currently in the law. Comments by others included that changes should be made in the context of a modernization of Act 250 and that much larger discussions with stakeholders, such as other state agencies would also be necessary.

### **Food Safety Consumer Protection Division**

#### **Dairy:**

- The application period for the open farm inspector’s position came to an end, 20+ applications have been received.
- Inspectors continue to perform normal duties, despite colds and flu making its rounds. Several sick days were used.
- Tucker Diego, new Food Systems Coordinator continues to expand his knowledge and abilities within his new position.

## **Produce Program:**

### **Produce Program Participation in NASDA/FDA Farm Inventory Discussion**

- Produce Program Coordinator Kristina Sweet & Food Systems Section Chief Abbey Willard participated in a meeting of the National Association of State Departments of Agriculture (NASDA) Technical Working Group (for implementation of the Food Safety Modernization Act (FSMA) Produce Safety Rule) Farm Inventory Subgroup.
  - The goal of the Farm Inventory Subgroup is to outline strategies for the development of state and federal level inventories of produce farms and to determine common data fields, such as business name, primary contact, annual produce sales, and acres in production.
  - Representatives from FDA specializing in produce safety and IT also participated.

### **Produce Program Collaboration with UVM Extension**

- Produce Program Coordinator Kristina Sweet, Food Systems Section Chief Abbey Willard & Assistant State Veterinarian Shelley Mehlenbacher met with UVM Extension staff to discuss implementation of the FSMA Produce Safety Rule and collaboration on providing outreach, education, and technical assistance to all Vermont produce farms, regardless of whether they are subject to the rule.
  - The group outlined agendas for three upcoming meetings with produce growers, service providers, and produce buyers & distributors that will be held in the coming months.
  - The group has met regularly since last fall in order to better align our messages to Vermont produce growers and avoid duplication of services.

### **Produce Program Meeting with Vermont Vegetable & Berry Growers Association**

- Produce Program Coordinator Kristina Sweet & Assistant State Veterinarian Shelley Mehlenbacher joined the annual meeting of the Vermont Vegetable & Berry Growers Association Board to discuss produce program development.
  - Board members shared that the current estimates of ~150 produce farms that will be covered under the FSMA Produce Safety Rule are likely low.
  - Board members also asked questions about the Agency's plans for implementation of the rule and were generally supportive of the Agency's program development and collaboration with FDA thus far.

## **Animal Health & Welfare:**

### **Animal Health:**

- Animal Health Section completed an annual inspection of a fallow deer producer in the Rutland area. As fallow deer are not susceptible to Chronic Wasting Disease, producer is not required to complete a physical herd inventory reconciliation but must keep an up to date herd inventory record, tag new animals or place replacement tags, and keep the facilities in compliance with regulations.
- Animal Health Field Staff
  - Attended the weekly livestock auction at the Addison County Commission Sales to monitor Animal Disease Traceability compliance and complete the livestock market report.
  - Assisted a poultry owner with a positive result of Marek's Disease on the options of dealing with the disease.
  - Assisted Animal Control Officer in Stamford VT regarding owner of animals who recently died and the care of animals left at the residence.
  - Completed voluntary swine biosecurity audits in Addison and Rutland Counties.
  - Attended the weekly livestock auction at the Addison County Commission Sales to monitor Animal Disease Traceability compliance and complete the livestock market report.

**Meat Inspection:**

- Compliance is investigating product that was produced in insanitary conditions and was not properly dressed in a manner that could be considered adulterated or contaminated. Coordination with the FDA may be needed since this product was being shipped interstate.
- Assistant State Veterinarian participated in the DEHMS training and exercise planning workshop on behalf of the agency.
- Assistant State Veterinarian participated in meeting with VDH related to zoonotic disease communication.

**Agricultural Resource Management:****Vermont Agricultural and Environmental Lab**

- New instrumentation for VAEL's metals section has arrived and still awaiting installation by the manufacturer. UVM's maintenance staff has removed our old equipment for disposal and has completed electrical and ventilation modifications required for the new instruments.
- Interviews for the two chemist positions have been completed and the lab director is now following up with applicant's references. Unofficial offers will be made to the lead candidates for each position early next week.
- Lab staff received instrument training for several new instruments, strengthening cross-training among staff and increasing the lab's ability to develop new methods.

**Water Quality:****North Lake Contractor Initiative:**

- Requests for payment continue to roll in and are being processed.
- Staff and supervisors continue to coordinate with North Lake contractors as projects move forward.
- Staff continue to meet every week for status updates on NLC projects.

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

- Staff continue to review numerous applications for LFO permit amendments or applications to become permitted LFOs.
- Inspection report write-ups and edits on Medium and Large Farms are numerous and ongoing.
- Staff members continue to review inspection reports to be submitted to the enforcement team; these efforts will continue until all fall inspections have been adequately documented.
- Compliance/investigative reports are ongoing.
- Staff continue to schedule LFO and MFO inspections to meet deadlines before winter.
- 1 SFO investigative visit (compliant follow up) was conducted by staff in Franklin County, 1 SFO investigative visit (compliant follow up) was conducted in Chittenden County.

**Other water quality work:**

- Farm location data sets being compared and edited in preparation for uploading to database.
- Supervisors continue to meet regarding strategic planning.
- Supervisors meet with staff bi-weekly to discuss progress reports.
- Numerous field checks throughout Vermont were conducted by staff to verify that grant money dispersed for Farm Agronomic Practices (FAP) has been implemented properly.
- A supervisor continues the CAPS program.
- Staff have been researching technical aspects of Vermont's LFO Rule for future rule change considerations.

- Staff continue to attend WQ Communications meetings.
- Staff continue discussions on topics in program development.
- Staff continue to develop RFP program deliverables and framework for Alternative Phosphorous management.
- Staff continue to review many RFP grant applications.
- Staff continue discussions on enforcement process and priorities.
- As the first step in the group's Myers-Briggs Type Indicator process, staff have individually completed surveys.
- Staff are continuing to develop and test the Food Safety Water Quality database.

### **Secretary's Report:**

**Press: No contacts**

### **Meetings:**

- Potential Hemp Program – continue to work with Agency staff and James Pepper to explore and understand what we can be done to enable the Agency to provide support for the hemp producers in the state. There are a few critical questions to be addressed before it can be determined if the Agency is going to be able to provide meaningful new support for the emerging hemp farmers and industry in VT.
- Clean Water Fund and Board – The Clean Water Fund Board met twice. The first meeting included Treasure Pearce to review and discuss the funding gap for clean water in Vermont and the various funding mechanisms to support the Clean Water Fund. The second meeting was a work session among the Board members to review the draft proposals to monitor and report the progress of the fund's investment in water quality efforts.
- Legislature Update on Clean Water – Joined Commissioner Schuren in reporting status and progress on the state's efforts on clean water. Emphasis was on work done to date, the All-in Approach, and Treasurer's Pearce presentation on the discussion of the proposals for funding the state's efforts.
- Internal Planning – met with Agency leadership to plan for transition to new administration including developing the priorities for work before the close of this administration and top priorities for explanation to the next Administration.