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MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF
BURLINGTON, CITY OF SOUTH BURLINGTON, AND CITY OF
WINOOSKI

WHEREAS, the City of Burlington owns and operates the Burlington International Airport (Airport), which is physically located in South Burlington, and is an important contributor to the local, regional, and statewide economy; and,

WHEREAS, the Airport prepared its first Federal Aviation Administration (FAA) Part 150 Noise Study in the 1980s, produced its most recent Noise Compatibility Program (NCP) update in 2008, and created its most recent Noise Exposure Map (NEM) in 2019; and,

WHEREAS, the Airport has updated and published the NEM, and updated and published draft NCP documents in 2019 with final documents published, submitted, and approved by the FAA in August 2020; and,

WHEREAS, the Noise Exposure Maps, which are accepted by the FAA, include the modeling of weighted day-night average noise levels (dnl) for areas surrounding the Airport affected by Airport sound, along with a display of 65+ decibels (dB), 70+ dB, and 75+ dB dnl contour lines; and,

WHEREAS, the FAA has determined that residential land use and related structures are not compatible and should be prohibited, or allowable with conditions, within the 65+ dB dnl contour, and therefore, federal funds may be made available to assist with sound mitigation within that area through the Airport Improvement Program (AIP); and,

WHEREAS, through the Airport's FAA approved Noise Compatibility Programs, the Airport has acquired residential properties with FAA AIP funds since the 1990s; built a living sound wall which did not work effectively; made operational changes on the terminal apron including aircraft startup and pushback procedures; and completed taxiway golf redesign in 2020 to move the taxiway further from the neighborhood; and,

WHEREAS, Noise Exposure Maps released in late 2015, reflective of current operations at the Airport, identified 976 residential units in South Burlington, Winooski, Colchester, and Burlington within 65+ dB dnl contours that would be eligible for FAA AIP funds for all sound mitigation efforts approved by the FAA in the Airport's NCP; and,

WHEREAS, a draft updated Noise Exposure Map was released for public comment on May 28, 2019, and has now incorporated public comments which was then published, along with answers to public questions, and accepted by the FAA on September 26, 2019; and,

WHEREAS, this 2019 Noise Exposure Map is reflective of future operations at the Airport and has identified 2,640 homes in South Burlington, Winooski, Colchester, and Burlington within the 65+ dB dnl contours; and,

WHEREAS, it is expected that a significant portion of those homes may be eligible for FAA AIP funds, if available, for sound mitigation efforts, once the Airport's NCP is approved by the FAA; and,

WHEREAS, the administrations and legislative bodies in Burlington, South Burlington, and Winooski have expressed a strong and continued commitment to increasing the supply of affordable and moderately-priced homes in the region through development incentives and housing retention efforts; and,

WHEREAS, the current administrations and legislative bodies of all three cities believe that removing existing housing is not their preferred method of sound mitigation within the identified contours; and,

WHEREAS, as the Airport sponsor under FAA rules, the City of Burlington may apply for AIP grants to carry out its approved Noise Compatibility Program; and,

WHEREAS, all three cities have expressed a desire for a new Noise Compatibility Program that includes a variety of techniques for ensuring compatibility of land uses, including sales assistance, purchase assurance, and sound insulation to reduce indoor sound levels; and

WHEREAS, the Airport has ensured that the Technical Papers considered by the Technical Advisory Committee that describe each of the potential sound mitigation options are posted to the Airport's website for public availability; and

WHEREAS, the Airport has ensured that the community comments and concerns made during the NEM Public Comment period were fully integrated into the final 14 CFR Part 150 Update; and

WHEREAS, the Airport has ensured that comments were solicited from the Technical Advisory Committee and integrated into the NCP; and

WHEREAS, the Airport has ensured that comments presented by the legislative bodies of affected communities were recognized and integrated into the NCP; and

WHEREAS, the Airport submitted the Noise Compatibility Program application to the FAA , and they were approved by the FAA on August 27, 2020; and

WHEREAS, the Airport is now working with a qualified noise consultant to implement the initial program, referred to as the Pilot program, to design approximately 10 eligible properties under the noise insulation criteria of the NCP. Within the calendar year 2021, this program is expected to be funded by FAA and sound insulation installed, contingent upon available federal funding. Each year thereafter, the airport will continue to coordinate, design, and install the approved mitigation programs outlined in the NCP by applying for federal funds; and

WHEREAS, the Airport has also received a FAA grant for the design of a ventilation package for the Chamberlin Elementary School that will effectively allow sound mitigation within the school building;

NOW THEREFORE, the Cities of Burlington, South Burlington, and Winooski, for the commitments set forth herein, do hereby state their understanding and intentions to be as follows:

1. The City of Burlington shall:
 - a. Continue to work to transition from the home purchase and demolition program to a sound insulation program, pending approval from City of Burlington officials, the Airport Commission, and the FAA.
 - b. Complete the design of a ventilation package for the Chamberlin Elementary School, in consultation with South Burlington officials.
 - c. Provide quarterly written updates on general airport operations, including the status of FAA grants, to the four communities surrounding Burlington—South Burlington, Winooski, Williston, Colchester—and post these updates on the Airport's website www.BTVsound.com

- d. Attempt to comply with requests for presentations to the boards of those five surrounding communities as long as they are consistent with Airport operations.
- e. Continue to pursue an amendment to the Burlington City Charter to add a voting seat for the City of Winooski to the Airport Commission.
- f. Apply for an FAA grant that will include a consultant to manage the NCP program, under the direction of the Airport. Once the NCP has been approved, commit to submit requests for FAA NCP funding annually.
- g. Partner with VGS to use \$550,000 of Energy Efficiency Utility funds to provide the 10 percent local match that is required to secure federal funding. 2021 and 2022 will be considered pilot years during which the program will be launched and adjusted as necessary, and VGS and the Airport will work together to lay the groundwork for investment at similar levels in the years to follow.
- h. If additional funds are needed beyond the committed VGS Energy Efficiency Utility funds or if VGS decides to terminate the program, work with Cities of South Burlington and Winooski and other surrounding communities to advocate at the State legislature for state funding for the local match and to identify other sources to meet the local match requirement of the FAA funding, including contacting Vermont's federal delegation for assistance at the federal level.
- i. Continue to explore opportunities to partner with other funders to maximize the improvement of housing stock within the entire 65+ dnl as sound mitigation efforts are under way. This could include partnerships with Efficiency Vermont, the LEAD program, HOME dollars or other local, state and federal funding partners.
- j. Commit to working with all eligible property owners that wish to participate in the NCP programs to work with the FAA, following all federal regulations and guidelines, to apply for grant funding for as many eligible property owners annually.
- k. If the joint efforts to pursue State and Federal funding for the local match do not meet the full necessary dollar amount, the City of Burlington will explore using Airport revenues to meet the local match requirement.

2. The City of South Burlington shall:

- a. Continue to actively participate in the Airport's process around sound mitigation, as outlined above.
- b. Support and hear regular reports from its representatives to the Airport Commission and Technical Advisory Committee.
- c. Explore options for creating compatible land uses in the areas affected by the Airport and compatible building code requirements for future buildings.
- d. Explore appropriate roadway and transportation network modifications to support Airport operations.
- e. Invite Airport personnel to meetings of City of South Burlington boards to address administration or public concerns.
- f. Work with the Airport to address issues associated with various noise mitigation options, such as the tax consequences of property improvements and of property taken out of residential use while repairs are made.
- g. Commit to funding local match portions of all NCP grants using the allocated Local Option Taxes collected from Aviation Fuel Sales annually.
- h. Work with Cities of Burlington and Winooski and other surrounding communities to advocate at the State legislature for state funding for the local match and to identify

other sources to meet the local match requirement of the FAA funding, including contacting Vermont's federal delegation for assistance at the federal level.

- i. Commit to explore opportunities to partner with other funders to maximize the improvement housing stock within the entire 65+dnl as sound mitigation efforts are under way. This could include partnerships with Efficiency Vermont, the LEAD program, HOME dollars or other local, state and federal funding partners.

3. The City of Winooski shall:

- a. Continue to actively participate in the Airport's process around sound mitigation, as outlined above.
- b. Provide a representative to serve on the Airport Commission upon changing of the Burlington City Charter to allow the additional seat.
- c. Attend public meetings of the Technical Advisory Committee or other Airport meetings.
- d. Explore options for creating compatible land uses in the areas affected by the Airport and compatible building code requirements for future buildings.
- e. Explore appropriate roadway and transportation network modifications to support Airport operations.
- f. Invite Airport personnel to meetings of City of Winooski boards to address administration or public concerns.
- g. Work with the Airport to address issues associated with various noise mitigation options, such as the tax consequences of property improvements and of property taken out of residential use while repairs are made.
- h. Work with Cities of Burlington and South Burlington and other surrounding communities to advocate at the State legislature for state funding for the local match and to identify other sources to meet the local match requirement of the FAA funding, including contacting Vermont's federal delegation for assistance at the federal level.
- i. Commit to explore opportunities to partner with other funders to maximize the improvement housing stock within the entire 65+dnl as sound mitigation efforts are under way. This could include partnerships with Efficiency Vermont, the LEAD program, HOME dollars or other local, state and federal funding partners.

4. The Cities of Burlington, South Burlington, and Winooski agree that the three cities will do everything feasible to ensure that the general funds of the three communities are not responsible for the local match. The three communities also agree to continue working with local utilities to maximize the availability of weatherization incentive money.

5. The Cities of Burlington, South Burlington, and Winooski agree that nothing in this Memorandum of Understanding affects homeowners who have already been identified as eligible for home buyout through an AIP grant for home acquisition that is open as of the date stated directly above the signatures below. In addition, while home buyout may not be the preferred method of easing noise concerns, the parties acknowledge that as a condition of any AIP grant, the FAA may require the Airport to continue to offer acquisition to certain homeowners—for example, those within the 75 dB DNL contour area in any future NEM.

6. The Cities of Burlington, South Burlington, and Winooski agree that any party shall have the right to terminate this Memorandum of Understanding upon 90-days written notice to the others.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE TO FOLLOW]

DRAFT

City of Burlington

By: _____
Miro Weinberger, Mayor of the City of Burlington, Vermont

Date: _____

City of South Burlington

By: _____
Kevin Dorn, City Manager of the City of South Burlington, Vermont

Date: _____

City of Winooski

By: _____
Kristine Lott, Mayor of the City of Winooski, Vermont

Date: _____