

Legislative Advisory Committee on the State House – Minutes

Meeting Record

Tuesday, June 22, 2021

Attendance: MEMBERS

- **Rep. Alice M. Emmons, Chair**
- **Sen. Joe Benning**
- **Sen. Alison Clarkson**
- **Sen. Anthony Pollina**
- **Sen. Ruth Hardy**
- **Rep. Janet Ancel**
- **Rep. John L. Bartholomew**
- **Rep. Charles “Butch” Shaw**
- **Janet Miller, Sgt-at-Arms**
- **John Dumville, chair, Friends of the State House**
- **Jennifer M.V. Fitch, P.E., BGS Commissioner**
- **Karen Mittelman, Vermont Arts Council**
- **Stephen Perkins, Vermont Historical Society**
- **Mike Ferrant, Committee Assistant**

Other Attendees:

- **Rebecca Wasserman, Legislative Counsel**
- **Kevin Moore, Legislative Director of IT**

BGS Staff:

- **Stephen Frey, Senior Facility Architect & Planner**
- **David Schutz, State Curator**
- **Teigh Southworth, HVAC Engineer**

9:30 AM

Meeting Called to Order

- **Rebecca Wasserman, Legislative Counsel, Office of Legislative Counsel**

Review of Committee's Statutory Charge

- **Rebecca Wasserman, Legislative Counsel, Office of Legislative Counsel**
- **Becky Wasserman reviewed the recent statutory changes for the committee—including the addition of one more member from the House and Senate. She also reviewed the charge tasked to this committee. It has been asked to report by mid-August on recommended space and design proposals for the State House that would allow the return of the legislature in January and would address longer-term space challenges in the building. The plan is due August 15th, and the recommendation would go to the Joint Legislative Management and Joint Rules committees for a decision.**

Election of Chair

- **Rebecca Wasserman, Legislative Counsel, Office of Legislative Counsel**
- **Sen. Benning nominated Rep. Alice Emmons to serve as chair of the committee, mentioning a rumor to the effect that she might have been present when the State House was completed in**

1859. The nomination was quickly seconded, and all members voted her election as chair, with one abstention.

- Rep. Emmons expressed relief that so many members of the committee were able to be physically present for this meeting. She sees this as a first step toward getting the legislature back to conducting its business in person—particularly when the next session resumes in January—and beginning to address longer-term space issues the State House has suffered from as the other part of the committee charge. She asked all members to go around the room to introduce themselves.

Discussion of short-term and long-term needs for the General Assembly

Space

Airflow and HVAC

- Returning to the charge, Rep. Emmons reiterated that it is the duty of this committee to vet all issues that stand in the way of returning to physically use the State House again—and to evaluate its long-term space challenges. The committee makes its recommendations—and it might be one or multiple options—and presents those findings to the Joint Legislative Management and Rules committees.

Spaces have already been put aside for legislative use in 109 and 133 State Street to be used as committee space or even staff spaces. BGS has also swapped space longer-term by giving 2 and 4 Aiken Ave. to the legislature while it relocates to the 5th floor of 133 State St. The Aiken Ave. spaces might be available for possible Legislative Council use.

- Sen. Benning mentioned the recent Freeman French Freeman study that was delivered to the legislature in April—which assumed Covid-19 would be among us, and yet in June, it appears it will not. So, the social distancing and masking of the past may not need to be addressed in the ways suggested only a month or two ago. However, the committee will need to consider airflow and HVAC issues in its study and recommendations—particularly as it relates to returning legislators, lobbyists, press and the general public to the State House.
- Sgt-at-Arms Janet Miller stated that she had four alternative plans that might help the committee to focus on the short-term challenge of returning. One involves simply returning to the State House and using only its space. The second would add four rooms at 109 State St. to be used in addition to the State House. The third would add three spaces at 133 State St. to those other two buildings. And the fourth would be to return to the State House and ignore airflow capacity concerns—returning to the way things were before the pandemic.

She reported that with the assistance of BGS, ASHRAE standards were used to test the airflow in each room of the building, and a capacity number was assigned.

The Sgt-at-Arms is proposing that the State House reopen to the public on Tuesday, July 6th, using only the rear west entrance for visitors who would self-guide throughout the major chambers of the building. From that point on, the building would be open M-F, standard hours. On July 15th, joint legislative committees would return to the building, using four large areas for their meetings—the Lounge and Rooms 9, 10 and 11. These meetings would offer a hybrid access option, but not allow the public in these rooms for now. There might be an October session—but these would allow the first hybrid use of the State House in getting close to a plan for the January session.

In addition, the development of a new HVAC system for the State House has just begun. The design is to be developed with Freeman French Freeman—and could take two years before going out to bid. More on that later.

Miller reiterated her four alternatives to stay focused on the short-term needs of the report. But some of the decision-making might have long-term implications—with drivers such as the need for larger committee spaces, more offices, a better cafeteria, more effective security—and how to successfully accommodate school groups, lobbyists, the press, and the general public.

- BGS Commissioner Jennifer Fitch explained, with the help of BGS HVAC engineer Teigh Southworth, what the ASHRAE standards are—emphasizing that they are simply best practices that are not based in any code. They also predate the State House system—much of which is 50 years old and cobbled together with updates that were added with expansion and restoration projects in more recent decades. BGS tested all rooms throughout the State House and assigned a recommended capacity that is advisory only. They address airflow, the recommendations of the FFF plan, and address the charge. Southworth explained that the HVAC design team is looking at this as the system stands currently.
- Sen. Clarkson asked if the committee might address assumptions related to vaccinations—and the possibility that people might need to prove that status in order to gain entrance to the State House. Rep. Emmons mentioned that such a protocol would require clear methods employed by the Capitol Police and the sgt-at-arms. Sen. Benning mentioned this might also involve a discussion of constitutionality. He also brought up the use of Zoom as another option if bringing people physically back continues to be problematic.
- BGS planning architect Stephen Frey mentioned that airflow is all about continuing health and physical comfort. Rep. Emmons introduced Frey as the employee who would work closely with the committee in coming weeks to develop its report. Other members mentioned the layers of security in outside locations as well as the problematic airflow in very small rooms such as Senate Agriculture where members would go to sleep—and seemed to lack adequate oxygen. Commissioner Fitch mentioned that air quality in the State House has been repeatedly tested and found adequate with the exception of the summer mold outbreak of a couple years ago. It is difficult to address the different perceptions of people when the building is overcrowded in particular. Southworth described the 8 air handlers and their different purposes and ages. In Senate committee rooms there is actually an override option that brings outside air into the building if necessary—but the tradeoff can mean the outside air in winter is too dry and causes itchy eyes and other symptoms.

Rep. Shaw brought up the different security layers with Capitol Police and other collaborative security forces—and the special challenges that such layering poses—something the committee needs to be aware of as decisions are made.

- Rep. Emmons explained that as HVAC design begins, it's important to note this project has been anticipated and driven by pre-Covid conditions and concerns. FFF will report back this winter—and conclude the design sometime next summer Schematic Design would be complete by October 24th, Design Development by April of 2022, and construction documents developed beginning in July and going out to bid in October 2022—with completion of work by Feb-March of 2024.

Commissioner Fitch suggested that BGS might be able to expedite the schedule if certain decisions are made. There is a lot to juggle, but if a construction manager were brought on board soon, a different model might allow faster development of the project. A contract probably would be needed very soon for this approach to be viable. She explained what that

model would entail, and how continuing construction during the legislative session would also shorten the amount of time required.

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- Rep. Emmons suggested we begin to discuss the role of IT and technology in coming to decisions. She introduced Legislative Director of IT Kevin Moore and asked him to provide an overview of the future from his perspective. Moore discussed the pre-pandemic ban on virtual testimony. He also mentioned the return of a hybrid-use of technology and physical members with this meeting as well as the joint committees beginning July 15th. Camera angles are perhaps the biggest challenge ahead for online audiences. He’s also preparing for a possible October session—and then ultimately to the challenge of the January return. The IT staff is concerned with a long list of equipment needs and staffing requirements—but they by and large are not audio-visual specialists. They are also working closely with State Curator David Schutz to ensure minimal disruption to the historic preservation concerns of his office. Many questions need answers from livestreaming to impact on different parts of the State House—the chambers in particular. We need to make many decisions within a very tight timeframe. Public access and overflow locations are key decision points—and any and all protocols to be followed to allow those decisions to go forward. Moore also has short, medium, and long-term goals that allow for very different outcomes.

Moore also identified a new Legislative IT Data Center which will be developed on the first floor of 133 State St. over an 18-month timeframe. That has major ramifications for his work in coming months and years.

Rep. Janet Ancel, as if on cue, appeared on the screen upon joining the group after a previous Zoom meeting, and she immediately mentioned how challenging she was finding the hybrid model— unable to see faces very well or to appreciate who was speaking. Moore explained that this is the challenge of a single camera hybrid Zoom, and the cameras that will be needed to enhance audience and member participation as the totally virtual experience morphs into the hybrid model.

Committee Discussion and Plan Ahead

setting timeline for Report due August 15, 2021

future meetings planning

other priorities of the committee

- Sen. Benning suggested that the committee take a “baby step” toward making decisions by acting upon his suggestion that Room 9 would henceforth not be considered the coatroom. But other members asked for more time to understand the different spaces involved, and he agreed to withdraw his motion. Nevertheless, all agreed that it had prompted a good discussion the illuminated how complex the problems and their solutions will be as the committee continues to work in the next month and a half.

Commissioner Fitch agreed with Sen. Benning’s suggestion that we avoid too much discussion of the HVAC project, and focus on the shorter-term challenges for the report. She also suggested

the committee use BGS Planner Stephen Frey to advantage by asking him to interview all members—and to support the Sgt-at-Arms in particular by focusing on her four alternatives—the legislature return to the State House only; or the State House and 109 State St.; or the State House, 109 AND 133 State St.; or ignore ASHRAE capacity and return to the State House alone.

- Rep. Emmons and other members supported that objective, asking Frey to interview all members as well as non-legislative members—and report back, if possible, by the next meeting. She encouraged weekly meetings of the committee going forward, and it was agreed that the next meeting would take place in the same room at 109 State Street from 1 to 4 pm on Tuesday, June 29th.
- The committee adjourned, and two tours were conducted following the meeting to show members the spaces involved.