Agenda
Executive Committee
Wednesday, May 3, 2017
5:45 p.m.
Small Conference Room, CCRPC Offices
110 West Canal Street, Suite 202, Winooski, VT

1. Changes to the Agenda, Members’ Items

2. Approval of April 5, 2017 Executive Committee Meeting Minutes* (Action)

3. Act 250 & Sec 248 Application
   a. VTrans/Park N Ride/Colchester App. #4C0471-8 *

4. FY18 UPWP & Budget Recommendation* (Action)

5. Public Participation Plan Amendments recommendation* (Action)


7. Lake Champlain Byway Chittenden County Corridor Management Plan* (Action)

8. Report on Nominations for FY18 officers – Andy Montroll

9. Chair/Executive Director Report (Discussion)
   a. Regional Dispatch Update
   b. Water Quality Implementation Role
   c. Annual Meeting – June 21st at Catamount Country Club

10. Agenda Review for May 17, 2017 Board Meeting* (Action)

11. Other Business (Discussion)

12. Executive Session – for the discussion of personnel issues (Action)

13. Adjournment (Action)

*Attachments

NEXT MEETING – Executive Committee – Wed. June 7, 2017; 5:45 p.m.
CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
EXECUTIVE COMMITTEE
MEETING MINUTES
DRAFT

Date: Wednesday, April 5, 2017
Time: 5:45 p.m.
Place: 110 W. Canal Street, Suite 202; Winooski, VT 05404
Present: Chris Roy, Chair Mike O’Brien, Vice-Chair
Brian Bigelow, Sec-Treas. Barbara Elliott, At-Large
John Zicconi, At-Large Andy Montroll, Immed. Past Chair (6:46 p.m.)
Staff: Charlie Baker, Executive Director Regina Mahony, Planning Program Manager
Eleni Churchill, Transportation Planning Manager
Forest Cohen, Business Manager Bernie Ferenc. Trans. Business Manager

The meeting was called to order at 5:45 p.m. by the Chair, Chris Roy. He can only stay for a short time, so he asked Mike O’Brien to take over the meeting when he leaves.

1. Changes to the Agenda, Members’ Items: Chris noted we will move Items 6 and 12 up after approval of minutes. We will add an item for comments on draft brownfields rules as items 8a.

2. Approval of March 8, 2017 Executive Committee Meeting Minutes. MIKE O’BRIEN MADE A MOTION, SECONDED BY ANDY MONTROLL TO APPROVE THE MINUTES OF MARCH 8, 2017. MOTION CARRIED WITH BRIAN Bigelow ABSTAINING.

6. FY18 UPWP and Budget. Charlie asked members to review the budget spreadsheet first. Line 14, MPO staff time, is down $89,910 from FY17, which is due primarily to the lower indirect rate. Items highlighted in yellow are things that are pending and the dollars are placeholders (lines 45, 50 and 51). Line 51 deals with water quality that is being talked about by ANR and the legislature. Charlie then reviewed the expense side. He noted that we project a deficit of $131,525 for FY18. We added notes at the bottom of the sheet to give a history of our indirect rate over the past 5 years, as well as the revenue over expenses for each fiscal year. What this shows is that over these years we have received more enough to cover this deficit. The indirect rate is going down to 67.42% for FY18. We have an agreement with VTrans which determines the indirect rate process. We made money in FY16, so that is what affects FY18 indirect rate. We do expect that this deficit amount will actually be lower. When asked if we’re going to have to send back the $300,000, Charlie noted the idea is that over time it will even out. Andy noted that we dealt with this a couple of years ago too. Discussion ensued about our budget being the same structure we’ve used, but with a lower indirect rate; and the fact that lowering expenses will further reduce the indirect rate and therefore recover even less. We build our budget on actual costs. Charlie explained that although this looks bad with such a large deficit, we had recovered costs higher than estimated. Chris Roy suggested that VTrans and the feds should have a maximum sway in the rate. Charlie said 3 or 4 years ago the RPCs entered into a MOU with VTrans about how to calculate indirect rate. Lengthy discussion continued. Charlie noted we did talk to the chief auditor about this and VAPDA will discuss this again tomorrow probably leading to an update of the MOU over the summer. Mike said he noticed that we already made some cuts in our expenses. Charlie noted that we have budgeted a 3% raise for salaries.
12. Executive Session. MIKE O’BRIEN MADE A MOTION TO GO INTO EXECUTIVE SESSION AT 6:07 P.M. TO DISCUSSION PERSONNEL ISSUES AND HAVE THE EXECUTIVE DIRECTOR JOIN US. BARBARA ELLIOTT SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

BARBARA ELLIOTT MADE A MOTION, SECONDED BY MIKE O’BRIEN, TO COME OUT OF EXECUTIVE SESSION AT 6:26 P.M. MOTION CARRIED UNANIMOUSLY.

BARBARA ELLIOTT MADE A MOTION, SECONDED BY ANDY MONTROLL, THAT THE EXECUTIVE COMMITTEE RECOGNIZE EMPLOYEE ACHIEVEMENT AND AUTHORIZES THE EXECUTIVE DIRECTOR TO SPEND UP TO 100% OF THE FY18 SALARY BUDGET AS DETERMINED BY THE EXECUTIVE DIRECTOR FOR STAFF AND AS DETERMINED BY THE EXECUTIVE COMMITTEE FOR THE EXECUTIVE DIRECTOR. MOTION CARRIED UNANIMOUSLY. Chris Roy left the meeting and Mike O’Brien took over as chair.

3. Act 250 & Section 248 Application.
   a. Bellis, Richmond. Application #4CO558-5B. Regina referred to the letter in the packet. The site plan is actually from their previous application to show the location. This is a partial review of Wildlife Habitat addressing proposed onsite and offsite mitigation to protect a deer wintering area that will be affected by the creation of a two-lot subdivision and the construction of one single-family residence, an accessory dwelling, shared driveway, onsite water and sewer; and preservation of 42.88 acres of land on Lot 2. We have conferred with Richmond, but this project has been in the works for a long time and they aren’t sure if local approval was given. JOHN ZICCONI MADE A MOTION THAT WE SEND THE LETTER TO THE D.E.C. BARBARA ELLIOTT SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

4. Bylaw Amendments. Charlie noted that we did not take action at the March meeting as Milton had given us a couple of edits. The first had to do with municipal service agreements – page 10, line 33 – they wanted it clarified that this related to municipal service agreements with the CCRPC and not with other municipalities. John Zicconi questioned page 11, line 29 and whether we should remove the “or nonprofit” and just say “…other entities and governmental organizations…” Members agreed to remove “nonprofit”. On page 17, under CWAC, Milton wondered if we should include Champlain Water District, which brought up discussion about whether other organizations should be included, such as other water districts. There is some possibility that ANR may require a formal relationship with these organizations. The CWAC had added: There shall be up to 24 members and representatives of organizations as follows (and lists them). Charlie asked if we agree with the addition of “voting” members. After a brief discussion, it was agreed by Executive Committee that instead of saying – other organizations as may be determined appropriate by the CWAC or the CCRPC; that we say something like, “Other organizations as may be determined appropriate by the CCRPC may be added in a voting or non-voting capacity, as recommended by the CWAC.” Discussion continued on voting. Other RPCs are adding conservation district members, etc. Charlie would be more comfortable with the board making the decision on the voting rights at the time an organization or entity is added. JOHN ZICCONI MADE A MOTION, SECONDED BY ANDY MONTROLL, TO RECOMMEND THE CHANGES TO THE BYLAWS TO THE BOARD TAKING INTO CONSIDERATION THE CHANGES WE MADE TODAY. MOTION CARRIED UNANIMOUSLY.

5. Procurement Policy Update. Although we will not take action on this topic today, members had questions.
a. Mike O’Brien asked if the question we had about Local Motion billing us full costs for the bike racks even though they received a commission is addressed in this document. Charlie said yes, under procurement Code of conduct, second bullet.

b. When asked why we’re amending this, Charlie said it is a federal requirement noted in our audit. Christine Forde did research to get our policy compliant with 2 CFR, Part 200 (Super circular) and Vermont Agency of Administration Bulletin 3.5 dealing with procurement and contracting procedures.

c. Page 8, retainer contractors – some members did not understand, so staff explained that we solicit firms to be pre-qualified so that when projects come up, we can choose the firm best fitted for the work.

d. Barbara questioned page 4 – Procurement by competitive proposals (Standard Bid Process) and the word “adequate” and suggested we change it to “at least 3”, unless a valid reason why not.

e. Barbara also noted that under Procurement Types and Requirements, we say there are four methods of procurement, but only list three. We need to add sealed bids.

As it turns out, Charlie talked to Amy Bell this morning and she asked that we table action on this until we clarify some things to be sure all RPCs have similar procurement policies, by perhaps forming a working committee. Our audit requires that we must have a new policy in place by June 30th. Barbara presented Charlie with a marked up copy with grammatical/spelling/punctuation corrections.

Discussion went back briefly to a note on the FY18 budget regarding a sound system in the main conference room. When Charlie asked members if there has been a concern about not being able to hear in the conference room, members thought perhaps the issue is the conference telephone and not the need for a sound system. They did suggest we bring this question up to the full board. Charlie noted we have another month before the Executive Committee needs to make a recommendation to the Board on the UPWP and Budget.

6. Chittenden County Active Transportation Plan. There is a memo in the meeting packet describing changes since the Board presentation last September after another round of comment/review solicitation. Staff asked for the Executive Committee to make a recommendation to the board to approve the Active Transportation Plan. Since members had not reviewed the most recent document, they did not make a recommendation and will defer to the TAC’s opinion.

8. Discuss Auditor Selection for FY17 Audit. Brian Bigelow noted that there was a question about whether we want to do an RFP since it’d been five years. Mike O’Brien said another question was whether the staff auditor was becoming too familiar with our system. Charlie had asked Fred Duplessis if there are industry standards regarding when new audit firms or staff should be solicited, but there were none. Members agreed that it might be time to send out an RFP. Nobody has an issue with Sullivan Powers, but we want to keep a check on the costs.

8 a. Brownfields – comments on Draft Investigation and Remediation of Contaminated Properties Rule (i-Rule). Regina distributed staff comments to send to Vermont Dept. of Environmental Conservation and asked members what they want to do. The current rule is too costly to implement. Another study was done and new rules have been prepared to address the issue, but they haven’t. This document takes the Mayor’s suggestion verbatim. We’d like to have the Brownfields Committee review this at their meeting next week since they’re familiar with the Rule; and then bring any additional comments to the board at the meeting, since comments are due April 19, 2017. Staff is looking for a recommendation
from the Brownfields Committee. Members agreed to recommend the board take the recommendation from the Brownfields Committee.

9. Chair/Executive Director’s Report.
   a. Regional Dispatch Update. Charlie has three more towns to get to on the regional dispatch update. Andy Montroll noted the Mayor is in favor per his State of the City speech. Essex is the one town that has tabled action about joining the Joint Survey Committee.
   b. Water Quality Implementation Role. The legislature and DEC are considering funding the RPCs to help manage water quality implementation projects.
   c. Annual Meeting Location and Guest Speaker. We have confirmed with Catamount Country Club on Mountain View Road in Williston for June 21st and the guest speaker will be Julie Moore, ANR Secretary.

10. Agenda review for April 19, 2017 board meeting. Members felt the agenda was too full and asked what could come off. The energy plan contract requires us to have a draft by the end of May, so we wanted to give a heads up at the April meeting. It was agreed to postpone any presentation until May.

Andy asked Executive Committee members to let him know if they do not want to continue to serve, as the Board Development Committee will be charged with coming up with a slate of officers for FY18 by the May meeting.

There being no further business, JOHN ZICCONI MADE A MOTION, SECONDED BY ANDY MONTROLL TO ADJOURN THE MEETING AT 7:15 P.M. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Bernadette Ferenc.
May 4, 2017

Peter E. Keibel
Act 250 Coordinator
111 West Street
Essex Junction, VT 05452

RE: VTrans Park and Ride; Colchester; Application #4C0471-8

Dear Mr. Keibel:

The Chittenden County Regional Planning Commission’s Staff and Executive Committee have reviewed this Act 250 application for a Project described as the conversion of an existing parking lot to a Park and Ride on Route 7, directly west of the intersection with Hercules Drive. While all criteria will be evaluated, we understand that the hearing will focus on Criterion 4 (Soil Erosion and Drainage) and Criterion 5 (Transportation). This project has been approved by the Colchester Development Review Board. We offer the following comments:

The project is located within the Metro Planning Area as defined in the Chittenden County Regional Plan, entitled the 2013 Chittenden County ECOS Plan. We find this project to be consistent with the Planning Areas for the following reasons:

1. The Metro Planning Area is identified as an area where local zoning accommodates a compact development pattern that supports transit service. The establishment of a Park and Ride in this location supports transit service.
2. This use is consistent with the local regulations.

Therefore, we find this project to be in conformance with the Planning Areas of the 2013 Chittenden County Regional Plan.

We also find that this project meets the requirements of Criterion 9(L). Criterion 9(L) is intended to prevent strip development. Because this project is not a commercial development, and because it is limited to the improvement of an existing parking lot rather than new construction, it does not contribute to strip development. Further, Park and Rides increase use of public transportation, thus minimizing sprawl and supporting Vermont’s historic settlement patterns.

Due to the detailed level of development review in most Chittenden County municipalities and the environmental permit reviews at the Department of Environmental Conservation, CCRPC will give specific attention in its Act 250 reviews to the type of use and the Planning Areas
section of the 2013 Chittenden County ECOS Plan. While there are many other topics covered in the 2013 Chittenden County ECOS Plan, there has been significant analysis at the Regional level regarding transportation impacts. The CCRPC will also focus its attention on transportation, where appropriate, in accordance with the Metropolitan Transportation Plan, which is within the 2013 Chittenden County ECOS Plan. This project is included in CCRPC’s Transportation Improvement Program for Fiscal Years 2017-2020. We have no comments about traffic impacts at this time.

These comments are based on information currently available; we may have additional comments as the process continues. Please feel free to contact me should you have any questions.

Sincerely,

Charlie Baker
Executive Director

Cc: CCRPC Board
Certificate of Service
FY18 Unified Planning Work Program & Budget

Background:

Each year the CCRPC undertakes the development and implementation of a Unified Planning Work Program (UPWP). The Board of Directors of the CCRPC has established a Committee process for the development of the UPWP. The following FY 18 UPWP Committee members were appointed by the Chair:

- Board: Mike O’Brien, Chair; John Zicconi, Andrea Morgante
- PAC: Ken Beliveau; Joss Besse
- TAC: Barbara Elliott, Justin Rabidoux
- VTrans: Amy Bell
- Ex-Officio: Chris Jolly, FHWA; Leah Sirim, FTA; David Armstrong, GMT

The UPWP Committee met on January 26th, February 23rd, and March 23rd to discuss and evaluate all project applications from Chittenden County municipalities, partner organizations and the public.

At their March 22nd meeting, the CCRPC Board voted to warn a FY 18 UPWP & Budget Public Hearing for Wednesday, May 17, 2017 at 6:00 p.m. The public hearing draft documents were posted on the CCRPC website (http://www.ccrpcvt.org/about-us/commission/annual-work-plan-budget-finances/), sent to all municipalities and the Burlington Free Press. As expected, small adjustments were made to the UPWP after the public hearing documents were posted as more details were known for the upcoming fiscal year. An updated version of the FY 18 UPWP & Budget was presented to the CCRPC Board on April 19th.

Recommendations:

**UPWP Committee:**

The UPWP Committee recommends CCRPC Board approval of the FY18 UPWP and Budget.

**Transportation Advisory Committee (TAC):**

The TAC recommends CCRPC Board approval of the FY18 UPWP.

**CCRPC Staff:**

Staff advises that the Executive Committee recommends approval of the FY18 UPWP & Budget to the CCRPC Board.

**For more information contact:**

Charlie Baker, cbaker@ccrpcvt.org or 861-0115 or
Marshall Distel, mdistel@ccrpcvt.org or 861-0121
Chittenden County RPC Executive Committee  
May 3, 2017  
Agenda Item 5: Action Item

Public Participation Plan Amendments

Issues: In 2014 CCPRC updated the Public Participation Plan. This update explored traditional and innovative outreach methods to meet the needs of our growing and increasingly diverse community. The plan also added consistency to CCRPC’s outreach efforts for our Regional Plan, Metropolitan Transportation Plan (MTP), Unified Planning Work Program (UPWP) and Transportation Improvement Program (TIP). State law requires a 30-day comment period for regional plans. However, State and Federal law have no specific comment period requirements for the MTP, the UPWP or the TIP. Rather, Federal law requires that “the MPO shall provide all interested parties with a reasonable opportunity to comment.” MPOs must develop a Public Participation Plan and must follow outreach procedures documented in the plan.

Prior to the 2014 Public Participation Plan, notice requirements for the MTP, UPWP and TIP were specified in the Bylaws and they were 15 days.

The practical impact of increasing the notice period from 15 to 30 days is that there is not enough time for the Board to warn a public hearing one month and hold the public hearing the following month. Staff have addressed this issue by having the Board warn a public hearing two meetings before the hearing date, but frequently there is not complete information on the topic of the public hearing for the Board to make an informed recommendation.

This proposed change reinstates the 15-day public notice requirement for the UPWP and the TIP so the Board can hold the public hearing in the month following the warning.

Staff Recommendation: Recommend that the 2014 Public Participation Plan be amended as attached.

For more information contact: Christine Forde  
cforde@ccrpcvt.org or 846-4490 ext. *13
8. EVALUATING THE PUBLIC PARTICIPATION PLAN

This Public Participation Plan describes the roles and responsibilities of the CCRPC in meeting federal and state requirements, and in honoring our commitment to involving the public and other interested parties in transportation and regional planning in Chittenden County. The Plan also describes the techniques used by the CCRPC to reach and engage the public in its projects and activities. In order to determine the effectiveness of those techniques, a means to evaluate each of them is necessary.

Table 3 identifies evaluation criteria, performance goals, and methods to reach the goals for each public engagement technique. There are several ways to determine whether or not those goals have been achieved. Short surveys of event participants, CCRPC contacts, and other members of the public can assess which outreach techniques are effective or ineffective, and why. Analyzing the time spent by CCRPC staff on each technique and their subsequent success rate can help guide decisions on how to improve outreach methods, or which methods are ineffective and should be discontinued. On an annual basis, CCRPC staff and/or a communications consultant will use the following evaluation table to track the effectiveness of each public engagement technique. A summary report of the results will highlight successful public engagement efforts, note areas that could be improved, and offer recommendations that would benefit the public and the organization alike. The Public Participation Plan Advisory Committee will get together once a year for a review to assess the effectiveness of the PPP and the evaluation methods below.

Table 3: Evaluation Criteria and Performance Goals for Public Participation Techniques

<table>
<thead>
<tr>
<th>Technique</th>
<th>Public Participation Strategy</th>
<th>Performance Measure</th>
<th>Evaluation Criteria</th>
<th>Methods to Meet Goals</th>
<th>Spectrum Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCRPC Contact</td>
<td>Keep database current</td>
<td>Number of returned items</td>
<td>Make immediate corrections when items are returned</td>
<td>Inform</td>
<td></td>
</tr>
<tr>
<td>Information Database</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CCRPC website</td>
<td>Annual increase in unique website visitors</td>
<td>Number of hits (monthly Google Analytics report)</td>
<td>Use other public participation tools to increase awareness of the website as an effective resource</td>
<td>Inform</td>
<td></td>
</tr>
<tr>
<td>CCRPC newsletter</td>
<td>Minimum of 15% opening rate</td>
<td>Number of persons reached</td>
<td>Update recipient list based on undeliverable email (and/or postal addresses)</td>
<td>Inform</td>
<td></td>
</tr>
<tr>
<td>Calendar of events</td>
<td>Keep calendar current</td>
<td>Calendar reflects all currently known events</td>
<td>Post on website in a timely manner</td>
<td>Inform</td>
<td></td>
</tr>
<tr>
<td>Legal advertisements</td>
<td>Advertise all required public hearings for 15-30 days in advance unless required by law</td>
<td>All required public hearings are advertised for 15-30 days in advance unless required by law</td>
<td>Ensure system is in place to advertise public hearings with enough lead time</td>
<td>Consult</td>
<td></td>
</tr>
</tbody>
</table>

Note: For organizational techniques, the spectrum level is Inform (I). For legal advertisements, the spectrum level is Consult (C).
3. SUMMARY OF CCRPC PUBLIC PARTICIPATION POLICIES

The Public Participation Plan describes in detail the major activities of the CCRPC, and the accompanying public participation methods and processes. The following table includes an overview of the CCRPC’s formal Public Participation Policies, including the comment period for each program. We recommend confirming all regular public meetings with CCRPC staff or via the website: www.ccrpcvt.org.

Table 1: Summary of CCRPC Public Participation Policies

<table>
<thead>
<tr>
<th>Plan/Program Adoption</th>
<th>Public Meetings</th>
<th>Public Hearing Comment Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Participation Plan (PPP)</td>
<td>Public can comment at Transportation Advisory Committee (TAC), Planning Advisory Committee (PAC) and Board meetings, as well as via mail, email or phone.</td>
<td>45 Days as per Title 23 U.S.C. Section 134 and 23 CFR Part 450.316</td>
</tr>
<tr>
<td>Regional Plan and Metropolitan Transportation Plan (MTP)</td>
<td>Two or more public meetings held for proposed plan or amendments. Public can comment at TAC, LRPC PAC and Board meetings, as well as via mail, email or phone.</td>
<td>Regional Plan: 30 Days as per 24 V.S.A. § 4348 and Title 23 U.S.C. Section 134 and 23 CFR Part 450.316</td>
</tr>
<tr>
<td>Unified Planning Work Program (UPWP)</td>
<td>Public can comment at TAC, PAC and Board meetings, as well as via mail, email or phone.</td>
<td>15 Days</td>
</tr>
<tr>
<td>Transportation Improvement Plan (TIP)</td>
<td>Public can comment at TAC and Board meetings, as well as via mail, email or phone.</td>
<td>15 Days</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Plan/Program Amendments</th>
<th>Public Meetings</th>
<th>Public Comment Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Participation Plan</td>
<td>Public hearing for major amendments.</td>
<td>45 Days</td>
</tr>
<tr>
<td>Regional Plan and Metropolitan Transportation Plan (MTP)</td>
<td>Two or more public meetings held for proposed major amendments to Regional Plan. Public hearing for major MTP amendments. No meeting required for minor amendments.</td>
<td>30 Days</td>
</tr>
<tr>
<td>Transportation Improvement Program (TIP)</td>
<td>See Appendix D for details.</td>
<td>15 Days</td>
</tr>
<tr>
<td>Unified Planning Work Program (UPWP)</td>
<td>Public hearing for major amendments. No meeting required for minor amendments.</td>
<td>15 Days</td>
</tr>
</tbody>
</table>
## Open Meetings

<table>
<thead>
<tr>
<th>Meeting</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCRPC Board</td>
<td>Regular meetings are held at 6:00pm at the CCRPC office on the third Wednesday of every month (except August and November).</td>
</tr>
<tr>
<td>Long Range Planning Committee (LRPC)</td>
<td>Meets on a semi-annual basis or as needed for Regional Plan and MTP updates.</td>
</tr>
<tr>
<td>Transportation Advisory Committee (TAC)</td>
<td>Regular meetings are held at 9:00am at the CCRPC office the first Tuesday of every month.</td>
</tr>
<tr>
<td>Planning Advisory Committee (PAC)</td>
<td>Regular meetings are held at 2:30pm at the CCRPC office the second or third Wednesday of every month.</td>
</tr>
<tr>
<td>Executive Committee</td>
<td>Regular meetings are held at 5:30pm at the CCRPC office the first Wednesday of every month.</td>
</tr>
<tr>
<td>Finance Committee</td>
<td>Meets on a quarterly basis or as needed.</td>
</tr>
<tr>
<td>Board Development Committee</td>
<td>Meets on a semi-annual basis or as needed.</td>
</tr>
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## 4. PUBLIC PARTICIPATION PRINCIPLES & GOALS

Public participation is a dynamic activity that requires commitment at all levels of the organization. In crafting the Public Participation Plan, we are striving to meet these relevant principles in the ECOS Plan:

**ECOS Principle # 6: Cultivate collaboration.** Sustainable communities engage all facets of society in working together for the benefit of the whole. Local governments in these communities bring government representatives, community members and organization together and create a culture of collaboration that encourages innovation, sharing of resources, and jointly shared accountability for results.

**ECOS Principle # 7: Ensure equity.** Sustainable communities allocate resources and opportunities fairly so that all people who do the full range of jobs that a community needs can thrive in it. Local governments in these communities actively eliminate barriers to full participation in community life and work to correct past injustices.

**ECOS Principle # 8: Embrace diversity.** Sustainable communities feature a tapestry of peoples, cultures and economies underpinned by a richly functioning natural environment. Local governments in these communities celebrate and foster ethnic, cultural, economic and biological diversity and encourage multiple approaches to accomplish a goal.

To ensure that all constituents are provided with substantive opportunities to participate in CCRPC activities, the organization pledges to follow the federal mandates outlined in the Legal Regulations and Requirements Section, as well as the Principles, Goal and Objectives in the following section.
Chittenden County RPC Executive Committee  
May 3, 2017  
Agenda Item 6: Action Item

Stormwater Program Agreement

Background: The attached agreement has been worked on by CCRPC staff and by the Municipal Separate Storm Sewer System ("MS4") municipalities and organizations over the past 18 months. Initial adoption was put on hold while CCRPC worked to amend its bylaws to incorporate language formally authorizing Intermunicipal Service Agreements.

This MOU formally merges the Regional Stormwater Education Program (RSEP) and the Chittenden County Stream Team (CCST), two regional efforts for which CCRPC has acted as the Lead Agency. They operated under two separate MOUs as RSEP started in 2003 and CCST started in 2011. The RSEP MOU was also reauthorized in 2008 and 20013 while the CCST MOU was reauthorized in 2016. After the CCRPC’s Board adoption of the bylaw revision at its April 19th meeting, this Agreement has been circulated to the 9 municipalities and 3 entities for review and action by their governing bodies prior to July 1st.

Staff Recommendation: Staff advises that the Executive Committee recommends the Board approval of the attached agreement.

For more information, contact: Dan Albrecht
dalbrecht@ccrpcvt.org or 846-4490 ext. *29
Preamble

This Stormwater Program Agreement ("Agreement") is entered into by and between a group of Municipal Separate Storm Sewer System ("MS4") permittees ("MS4 Permittees") and the Chittenden County Regional Planning Commission ("CCRPC") to operate an MS4 Stormwater Program ("Program") that conforms with and satisfies the relevant requirements of both Minimum Control Measure One (Public Outreach and Education) and Minimum Control Measure Two (Public Involvement and Participation) of the Phase II NPDES Permit issued by the Vermont Department of Environmental Conservation ("DEC") on December 2012 through General Permit 3-9014 ("MS4 Permit"), as these requirements may be continued, renewed, amended, or otherwise modified during the term of this Agreement.

1. Prior Agreements – Effective July 1, 2017, this Agreement

   a. supersedes an MOU signed by the CCRPC and twelve MS4 permittees, effective March 10, 2013 through March 9, 2018, governing the operation of a Regional Stormwater Education Program to satisfy the relevant requirements of Minimum Control Measure One (Public Outreach and Education), and

   b. supersedes an MOU signed by the CCRPC and eleven MS4 permittees, effective July 1, 2011 through June 30, 2016, and an amendment to this MOU extending its effective date through June 30, 2017, governing the operation of a Regional Stormwater Public Involvement and Participation Program to satisfy the relevant requirements of Minimum Control Measure Two (Public Involvement and Participation).

2. Service Agreement – This Agreement constitutes a service agreement pursuant to 24 V.S.A. § 4345b (Intermunicipal Service Agreements).

3. Definitions — For purposes of this Agreement, the term "MS4 Permittees" includes the Vermont Agency of Transportation, which on December 28, 2016 became eligible for coverage under General Permit 3-9007 for Stormwater Discharges from the State Transportation Separate Storm Sewer System (TS4).

4. Parties – The following are the parties to this Agreement:

   a. MS4 Permittees – the undersigned MS4 Permittees, and

   b. CCRPC – the undersigned regional planning commission.

5. MS4 Steering Committee

   a. Composition – The Members of the Steering Committee shall consist of one representative from each of the signatory MS4 Permittees to this Agreement. Another MS4 may request to join this Agreement if approved by a two-thirds vote of the Members. The Members shall be appointed
either by the governing bodies of their municipalities at publicly warned meetings or, if a Member representing an MS4 Permittee is non-municipal agency, via a process consistent with that agency’s policies. At its first meeting, the Steering Committee shall elect a Chair by a majority vote. The Chair shall serve until such time as the Chair resigns or the Steering Committee elects a new Chair.

b. **Duties** – The Steering Committee shall direct the CCRPC on the development and performance of Program Services in particular and on all other matters bearing on the administration of this Agreement. All actions of the Steering Committee shall be by majority vote unless otherwise specified in this Agreement.

c. **Organization of Meetings** – The Steering Committee shall meet on a quarterly basis at a minimum. The CCRPC shall provide Steering Committee Members with reasonable notice of meetings. Notice shall include a meeting agenda and draft meeting minutes. In addition, the CCRPC shall post notice of Steering Committee meetings on its website and on the Program website.

6. **CCRPC**

a. **Duties** – The CCRPC shall:

1) Administer this Agreement and agreements with contractors (including executing contracts approved by the Steering Committee, receiving and disbursing funds, and monitoring the provision of services) for the benefit of the MS4 Permittees.

2) Provide other services contributing to the operation of the Program (including, but not limited to, social media management, public relations, grant writing, creating and managing a Program website, organizing meetings as set forth in Section 4.c, above, etc.) as directed by the Steering Committee; and at a level consistent with each year’s Program Budget as described in Section 8.b, below.

3) Provide a quarterly budget report to the Steering Committee detailing expenses the CCRPC incurred and the payments it has received.

4) Pay contractors and vendors for charges consistent with the relevant contract, using funds from the Program Budget, as defined in Section 8, below.

5) Upon approval of the Steering Committee or its designee, reimburse itself for personnel and other expenses for charges consistent with its duties, using funds from the Program Budget.

6) Consult with the Steering Committee prior to authorizing any contractor activities or charges outside the scope of work of a contract.

7) Notify the Steering Committee when 75% of the annual budget (as defined in Section 8, below) for an individual category of expenses (e.g., contractors, CCRPC fees, advertising, etc.) is reached. When these levels are reached, subsequent expenditures by the CCRPC in that category shall be reviewed and approved by the Steering Committee Chair in advance.
8) At the request of the Steering Committee, assign any or all contracts that the CCRPC has entered into pursuant to this Agreement to the MS4 Permittees who are signatories to this Agreement at the time or to another contractor of the Steering Committee’s choosing.

9) Comply with all applicable federal, state, and local laws, including Burlington’s Livable Wage Ordinance as applicable.

b. **Compensation** – Through the Program Budget, the MS4 Permittees shall compensate the CCRPC for the actual costs of performing its duties defined in Section 5.a, above; provided, however, that the CCRPC shall not be entitled to compensation that would exceed ten percent (10%) of the Program Budget as specified in Section 8.b, below, without the prior approval of a majority of the Steering Committee.

c. **Invoices** – The CCRPC shall invoice the Program to cover personnel charges, mileage reimbursement, and other direct expenses necessary to perform its duties. Personnel charges for CCRPC staff shall be calculated at a rate of salary plus fringe. The CCRPC shall not charge the Program an Indirect Rate. As set forth in Section 5.b, above, upon approval of the Steering Committee or its designee, the CCRPC may reimburse itself for charges consistent with its duties, using funds from the Program Budget.

7. **Selection of Contractors**

a. The CCRPC, in consultation with the Steering Committee, shall competitively bid for contract(s) for Program services that collectively satisfy the requirements for Minimum Control Measure One (Public Outreach and Education) and Minimum Control Measure Two (Public Involvement and Participation) of the Phase II NPDES Permit then in effect. The parties to the contracts shall be the contractors and the CCRPC. All contracts shall require the contractor to indemnify and hold harmless the MS4 Permittees from any claims related to the contract and to procure and maintain liability insurance for all services performed under the contract.

b. All contracts shall be awarded based on qualifications, price, and the ability of the entity to provide services that meet the relevant MS4 Permit requirements. The selection of contractors shall comply with the procurement policy of the CCRPC and with applicable state and federal procurement laws and procedures.

c. Contracts shall generally be 1 to 5 years in length and shall include, but not be limited to, a Maximum Limiting Amount and the right of the CCRPC to 1) cancel a contract if services are not being adequately provided, 2) specify that payments to contractors shall be made only for services rendered, 3) specify the annual scope of work and budget as approved by the Steering Committee, 4) allow a contract extension if desired, and 5) assign the contract to the MS4 Permittees that are signatories to this Agreement at the time of the assignment or to a contractor of the Steering Committee’s choosing.

d. Contracting for services under this Agreement shall comply with the Fair Employment Act and Americans with Disabilities Act: the CCRPC shall comply with the requirement of Title 21 V.S.A Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. The CCRPC shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, that qualified individuals with disabilities receive equitable access to the services,
programs, and activities provided by the Steering Committee under this Agreement. This provision shall also be included in all contracts and subcontracts executed under this Agreement.

e. The CCRPC and the Steering Committee recognize the important contribution and vital impact which small businesses have on the State’s economy. In this regard, the CCRPC shall ensure a free and open bidding process that affords all businesses equal access and opportunity to compete, except under circumstances where competitive bidding may not be practicable and is not required by applicable procurement policies. The CCRPC and the Steering Committee also recognize the existence of businesses owned by minorities and women, and the CCRPC shall make a good faith effort to encourage these firms to compete for contracts involving state or federal funds and comply with applicable law relating to civil rights and disadvantaged business enterprises.

8. **Program Services** – The Steering Committee, assisted by the CCRPC and its contractors, shall implement a unified Program that satisfies the relevant requirements of Minimum Control Measure One (Public Education and Outreach) and Minimum Control Measure Two (Public Involvement and Participation) of the MS4 Permit.

The Program Content for each Program Year shall be as defined in writing by a majority of the Steering Committee. The Program Year shall be the State of Vermont’s fiscal year. The Program Content shall implement the following deliverables:

a. **Public Education and Outreach** – Elements shall include, at a minimum:

   1) operating the Program’s website, www.smartwaterways.org, or its equivalent; and
   
   2) advertising in various media.

b. **Public Involvement and Participation** – Elements shall include, at a minimum:

   1) operating the Program’s website, www.ccstreamteam.org, or its equivalent;
   
   2) hosting and/or organizing workshops, projects, and other events to engage the public; and
   
   3) recruiting volunteers to support projects, promote events, and/or engage the public.

c. **End of MS4 permit year annual reporting** – Elements shall include preparation of a narrative report 25 business days prior to the MS4 Permittees’ reporting deadline to DEC.

9. **Program Dues, Budget, Costs, and Payments**

   a. **Dues**

      1) For State Fiscal Year, FY18, July 2017-June 2018, the annual dues for each of the undersigned MS4 Permittees shall be $5,500.
2) For the following fiscal years, the annual dues shall be set by a two-thirds majority by October 15th of the preceding calendar year. In the absence of agreement, the dues shall remain at $5,500.

3) The CCRPC shall invoice each MS4 Permittee on or about July 1st of each year with payment to the CCRPC due 30 days later.

4) All Members shall pay equal dues.

b. Program Budget

1) The annual Program Budget shall consist of the sum of the annual payments for each Program Year made by MS4 Permittees, plus any funds from other sources made available to the Program by majority vote of the Steering Committee.

2) Prior to the start of each Program Year, the Steering Committee shall adopt a Program Budget governing expenditures for the subsequent Program Year. Budget categories shall include, but not be limited to: CCRPC Duties, Contractual Services, and Expenses.

3) Once the Program Year starts, a majority of the Steering Committee may amend the Program Budget as needed, for example to reflect any surplus or deficits from the prior Program Year, receipt of new sources of funds, or a desired change in the Program Budget, subject to Section 8.a, above.

4) In the event that costs are less than anticipated or that grants or other funding sources become available, a majority of the voting Members of the Steering Committee may decide to reduce each Member’s payment by an equal amount or to credit all or part of the following Program Year assessment to each MS4 Permittee.

c. Maximum Annual Costs and Payments – Except as otherwise provided by this section, each MS4 Permittee shall within 30 days of receipt of an invoice make a single annual dues payment, as provided by Section 8.a, above.

d. Other Funds – Any funds made available to the Program shall be dedicated to reducing the annual costs of each MS4 Permittee participating in the Program, except as a majority of the voting Members of the Steering Committee may decide.

e. Excess Funds – Any funds remaining at the end of a Program Year shall be carried over to the next Program Year, unless a majority of the voting Members of the Steering Committee decides otherwise.

f. Non-appropriation – The obligations of each MS4 Permittee to make payments under this Agreement shall constitute a current expense of the MS4 Permittee and shall not in any way be construed to be a debt of the MS4 Permittee in contravention of any applicable constitutional or statutory limitation or requirement, or the MS4 Permittee’s charter or articles of incorporation; nor shall anything contained in this Agreement constitute a pledge of the credit or tax revenues, funds, or monies of the MS4 Permittee. The decision whether or not to budget and appropriate funds during each fiscal year of the MS4 Permittee is within the discretion of the governing body.
of the MS4 Permittee. The obligations of a MS4 Permittee under the Agreement are subject to annual appropriations by the governing body of the MS4 Permittee, except as provided by Section 12 of this Agreement. An MS4 Permittee cannot choose to not appropriate funds and then withdraw in a manner that shifts prior contractual obligations on to the others. Non-appropriation will be considered withdrawal and must be prospective in fairness to all signatories as per Section 13.

10. **Contract Approval** – All CCRPC contracts shall be conditioned upon approval by a majority of the voting Members of the Steering Committee and shall be consistent with Section 6, above.

11. **Termination of CCRPC** – The CCRPC on its own or the Steering Committee by a majority vote of its full Membership may elect to terminate the CCRPC’s future participation in this Agreement by providing 90 days’ written notice to the other. In the event of termination under this section, the CCRPC shall continue to administer and comply with each existing contract, and the MS4 Permittees shall continue to reimburse the CCRPC from the Program Budget for the actual costs of administering and complying with each contract, as provided by this Agreement, unless and until the CCRPC assigns the contract pursuant to Sections 5.a.8 and 6.c of this Agreement.

12. **Termination of Agreement**

   a. This Agreement shall become null and void with no further obligation of the parties if:

      1) Two-thirds of the Members of the Steering Committee vote to end participation, or

      2) DEC determines that the Program outlined in this Agreement does not meet the relevant requirements for Minimum Control Measure One (Public Education and Outreach) or Minimum Control Measure Two (Public Involvement and Participation), and the parties to this Agreement are unable to craft a Program to satisfy DEC.

   b. In the event of termination, any funds remaining in the Program Budget (after payment of obligations to vendors or to satisfy debts) shall be reimbursed to the MS4 Permittees with each MS4 Permittee receiving a share proportional to the number of MS4 Permittees at the time of termination. For example, if there are twelve MS4 Permittees at the time of termination, each MS4 Permittee shall receive a 1/12th share.

13. **Withdrawal of Member** – An MS4 Permittee may withdrawal from participation in this Agreement only at the end of a state fiscal year. If an MS4 Permittee wishes to withdrawal from participation, it shall provide at least 90 days’ notice to the other MS4 Permittees and the CCRPC. After withdrawal, a MS4 Permittee shall remain responsible for its share of the costs of contracts that the Steering Committee approved prior to the effective date of the withdrawal.

14. **Effective Date and Duration of Agreement** – The effective date of this Agreement shall be July 1, 2017, and this Agreement shall terminate June 30, 2022.

15. **Amendment** – This Agreement may be amended only upon unanimous action of all the Members.
16. **Counterparts** – This Agreement may be executed in multiple counterparts, each of which is deemed an original and all of which constitute one and the same document. Each such counterpart may be a facsimile or PDF copy, and such facsimile or PDF copy shall be deemed an original.

17. **Public Records** – Any and all records submitted to the CCRPC or MS4 Permittees - including Bids, Proposals, Qualifications, Contracts, etc.—whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act.

**Signature of CCRPC**

____________________________________________________________  _ _________
Chris Roy, Board Chair, Chittenden County Regional Planning Commission  Date

**Signatures of Members**

___________________________________________________________  __ ________
Name  Title  The Burlington International Airport  Date

___________________________________________________________  __ ________
Name  Title  The City of Burlington  Date

___________________________________________________________  __ ________
Name  Title  The Town of Colchester  Date

___________________________________________________________  __ ________
Name  Title  The Town of Essex  Date

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Name  Title  The Village of Essex Junction  Date

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Name  Title  The Town of Milton  Date

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Name  Title  The Town of Shelburne  Date

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<tbody>
<tr>
<td>Joe Flynn</td>
<td>Secretary of Transportation, Vermont Agency of Transportation</td>
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<td>Linda Seavey</td>
<td>Director, Campus Planning Services, The University of Vermont</td>
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| Name                  | Title                  | The City of Winooski  | Date |


CCC RPC Executive Committee  
May 3, 2017  
Agenda Item 7: Action Item  
Update to Lake Champlain Byway Chittenden County Corridor Management Plan

Background:  
Staff briefed the Board on the Plan at its April 19th meeting, a draft of which can be viewed here: http://www.ccrpcvt.org/wp-content/uploads/2016/02/Item-9-Byway-Corridor-Plan.pdf

The attached Plan is an update to the original 2002 Corridor Management Plan. The Chittenden County Corridor of the Byway consists of the municipalities of Milton, Colchester, Winooski, Essex Junction, Burlington, South Burlington, Shelburne and Charlotte. The designated Byway motor route is U.S. 7 and a portion of U.S. 2. Although not located on the motor route, Essex Junction is also included in the Byway due to its role as a transportation node given that it hosts an Amtrak passenger rail station. The 2002 CMP successfully met the requirements of Corridor Management Planning required for designation. However, a new and revised CMP is needed for a variety of reasons. First, the State of Vermont’s Byway program requires it; Second, the plan needs to be updated to reflect the current state of the Byway’s intrinsic resources; Third, the Byway must take account of the elimination of Federal NSB grant opportunities and program support that started in Federal fiscal year 2013; and Fourth, a new CMP needs to incorporate what the Byway and its supporting organizations have learned as they have implemented various projects and collaborated to “manage” the Byway over the last several years.

Staff Recommendation:  
Key objectives/strategies are located in the sections listed below. Staff advises the Executive Committee to recommend that the Board approves the Plan:

- Page ii: Overall Byway Goals and Strategies
- Section 4.1. 2017 CMP Objectives
- Section 4.3. Organizations involved in management of the Byway’s intrinsic resources
- Section 4.4. Overall responsibility of organizations that coordinate and/or manage the Byway’s intrinsic resources
- Section 4.4.1. Responsibilities of the Byway Council
- Section 4.4.2. Responsibilities of the Chittenden County Corridor Planning and Implementation Committee
- Section 4.4.3. Responsibilities of the Chittenden County Regional Planning Commission
- Section 4.4.4. Responsibilities of the municipalities
- Section 4.4.5. Responsibilities of the non-profit and private sectors

For more information, contact:  
Dan Albrecht  
dalbrecht@ccrpcvt.org or 846-4490 ext. *29
CONSENT AGENDA — NONE

DELIBERATIVE AGENDA

1. Call to Order; Changes to the Agenda
2. Public Comment Period on Items NOT on the Agenda
3. Action on Consent Agenda (MPO Business) (Action; 2 minutes)
4. Approve Minutes April 19, 2017 CCRPC Board Meeting* (Action; 5 minutes)
5. Public Hearing and Adopt FY18 UPWP & Budget (draft sent previously) see memo* (Action: 5 minutes)
   a. Public Hearing for FY18 UPWP & Budget (Action: 5 minutes)
   b. Action on Transportation Portion of FY18 UPWP & Budget (MPO Business) (Action: 5 minutes)
   c. Action on non-transportation portion of FY18 UPWP & Budget (Action: 5 minutes)
6. Public Participation Plan Amendments * (Action: 5 minutes)
   a. Public Hear for Public Participation Plan Amendments
   b. Action on Public Participation Plan Amendments
7. Regional Stormwater Education and Involvement Agreement* (Action: 5 minutes)
8. Public Hearing for Bolton 2017 Town Plan
   a. Public Hearing
   b. Bolton 2017 Town Plan & Planning Confirmation
9. Draft Lake Champlain Byway Chittenden County Corridor Management Plan* (Action: 5 minutes)
10. 1st Draft Regional Energy Element of ECOS Plan review (Information: 40 minutes)
11. Report from Board Development Committee on FY18 Nominations* (Information: 5 minutes)
12. Executive Director’s Updates (Information: 5 minutes)
   a. Legislative update
   b. Opioid Alliance update
   c. Building Homes Together campaign
   d. Monthly report (to be sent separately)
13. Committee/Liaison Activities & Reports (Information: 5 minutes)
   a. Long Range Planning Committee (draft minutes April 13, 2017)*
   b. Transportation Advisory Committee (draft minutes May 2, 2017)*
   c. Clean Water Advisory Committee (draft minutes May 2, 2017)*
   d. MS 4 Subcommittee (draft minutes May 2, 2017)*
   e. Executive Committee (draft minutes May 3, 2017)*
14. Members’ Items, Other Business (Information, 5 minutes)
15. Adjourn

*Attachment

In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, the CCRPC will ensure public meeting sites are accessible to all people. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Emma Vaughn, CCRPC Title VI Coordinator, at 802-846-4490 ext. *21 or evaughn@ccrpcvt.org, no later than 3 business days prior to the meeting for which services are requested.
The May 17th Chittenden County RPC meeting will air on __________, 2017 at 8 p.m. and repeat on-________ at 1 a.m. and 7 a.m. It will also be available online at: https://www.cctv.org/watch-tv/programs/chittenden-county-regional-planning-commission-67

Upcoming Meetings - Unless otherwise noted, all meetings are held at our offices:
- Energy Sub-Committee - Tuesday, May 16 & June 20, 2017; 5:00-7:00 p.m.
- Transportation Advisory Committee – Tuesday, June 6, 2017; 9:00 a.m.
- Clean Water Advisory Committee – Tuesday, June 6, 2017; 11:00 a.m.
- MS4 Subcommittee –Tuesday, June 6, 2017; 12:30 p.m.
- Executive Committee - Wednesday, June 7, 2017; 5:45 p.m.
- Long Range Planning Committee – Thursday, May 11 & June 15, 2017; 8:30-10 a.m.
- CCRPC Annual Board Meeting - Wednesday, June 21, 2017; at Catamount County Club

Tentative future Board agenda items:

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<tr>
<th>Date</th>
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<tr>
<td>June 21st –</td>
<td>Catamount Country Club Mountain View Rd. Williston</td>
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<td>Guest Speaker – ANR Secretary Julie Moore</td>
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<td>Annual Meeting – Election of Officers</td>
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<td>Warn TIP public hearing for July</td>
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<td>Lake Champlain Byway Chittenden County Corridor Management Plan (if not acted upon in May)</td>
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<td>July 19th</td>
<td>FY18-21 TIP Public Hearing</td>
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<td>Final Municipal Roads General Permit comments</td>
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<td>NO AUGUST BOARD MEETING</td>
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<tr>
<td>September 20th</td>
<td>Draft MTP, CEDS, Energy ECOS Plan Updates review</td>
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