



Agenda

Executive Committee

Wednesday, July 17, 2019 – 5:00 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 June 5, 2019 Executive Committee Minutes* (Action)
3. Act 250 & Section 248 Applications (Action)
 - a. 3-11 ½ George Street, LLC; Burlington; #4C1082-1* (Ratify)
 - b. ER Jericho Landfill Solar, LLC 1.6MW; Jericho; #19-1774-PET* (Ratify)
 - c. Bullrock Solar, 150kW Solar on at 650 Spear Street, South Burlington; #18-3925-AN)* (Action)
 - d. Bullrock Solar, 80kW Solar at 705 Spear Street, South Burlington; #18-3927-AN* (Action)
 - e. ER Shelburne Museum Solar, 500 kW; Shelburne; #19-2792-NMP (*letter will be provided at the meeting*) (Action)
4. FY20-23 TIP (see Board Packet) (Action)
5. Bank signatures/resolutions for FY20 (Action)
6. Personnel Policy Updates – (Sexual Harassment Policy, Leave for Crime Victims, Professional Development Policy, Material Spreadsheet Review Procedure) (Action)
7. FY2020 Regional Board Members and Committee Appointments * (Action)
8. Chair/Executive Director Report (Discussion)
 - a. Potential Policy Participation Topics *
9. CCRPC July Meeting Agenda review* (Discussion)
10. Other Business (Discussion)
11. Executive Session – none anticipated (Action)
12. Adjournment (Action)

*Attachments

NEXT MEETING – Executive Committee – Wed. August 7, 2019; 5:45 p.m.

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 x *21 or evaughn@ccrpcvt.org, no later than 3 business days prior to the meeting for which services are requested.

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
EXECUTIVE COMMITTEE MEETING MINUTES
DRAFT

DATE: Wednesday, June 5, 2019
TIME: 5:45 p.m.
PLACE: CCRPC Offices, 110 W. Canal Street, Suite 202; Winooski, VT 05404
PRESENT: Mike O'Brien, Vice-Chair
Barbara Elliott, At Large <5,000 Catherine McMains, At-Large>5,000
Andy Montroll, Immediate Past Chair John Zicconi, Secretary-Treasurer
ABSENT: Chris Roy (Chair)
STAFF: Charlie Baker, Executive Director Regina Mahony, Planning Program Mgr.
Forest Cohen, Senior Business Mgr. Amy Irvin Witham, Business Office Assoc.
Bernadette Ferenc, Trans Business Mgr.

The meeting was called to order at 5:50 p.m. by the Vice-Chair, Mike O'Brien.

1. Changes to the Agenda, Members' Items. There were no changes.

2. Approval of May 1, 2019 Joint Executive & Finance Committee Minutes. JOHN ZICCONI MADE A MOTION, SECONDED BY CATHERINE MCMAINS TO APPROVE THE MINUTES OF MAY 1, 2019. MOTION CARRIED UNANIMOUSLY.

3. Act 250 & Sec. 248 Applications:

a. SunCommon 150kW Solar Canopy; Colchester; #19-1324-NMP* Regina stated that we reviewed this before for the advanced notice, and now CCRPC received a petition for a Certification of Public Good for a 150kW solar canopy at 163 Acorn Lane in Colchester, VT. This is a canopy over a parking lot, and the ECOS Plan strongly supports this project on an already impacted site. Staff finds that the project complies with the siting constraint policies in the ECOS plan. JOHN ZICCONI MADE A MOTION, SECONDED BY ANDY MONTROLL, TO APPROVE THE LETTER TO SUNCOMMON. MOTION CARRIED UNANIMOUSLY.

b. Aegis 3943 Roosevelt Hwy 500kW Solar, Colchester, Case #19-1448-AN. Regina stated CCRPC received a 45-day notice of a Section 248 petition for a 500kW net metered solar array located 1100 ft west of 3943 Roosevelt Highway in Colchester VT. Staff finds that this project meets the suitability policies of the ECOS Plan, and requests no further information. JOHN ZICCONI MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO APPROVE THE LETTER TO AEGIS RENEWABLE ENERGY. MOTION CARRIED UNANIMOUSLY.

c. & d. Encore Shelburne Museum 150kW Solar; Shelburne #19-1493-AN and Encore Shelburne Museum 500kW Solar; Shelburne #19-1494-AN. These agenda items were discussed together. Regina stated CCRPC received a 45-day notice of a Section 248 petitions for 150kW and 500kW solar projects at Shelburne Museum at 6000 Shelburne Road in Shelburne, Vt. Regina noted the letters have an amendment regarding possible local restraint, however, the town is not planning to comment during the 45-day notice period, therefore the CCRPC is not requesting further information. John Zicconi asked if the project location is within the historic village district. Discussion among members ensued. Regina referred to the map, and determined the location is not within the boundaries of the village

district. ANDY MONTROLL MADE A MOTION, SECONDED BY JOHN ZICCONI TO APPROVE THE LETTER TO ENCORE RENEWABLE ENERGY REGARDING THE 150KW PROJECT. CARRIED UNANIMOUSLY.

ANDY MONTROLL MADE A MOTION, SECONDED BY JOHN ZICCONI TO APPROVE THE LETTER TO ENCORE RENEWABLE ENERGY REGARDING THE 500KW PROJECT. CARRIED UNANIMOUSLY

e. Encore Jericho Gravel Pit 1.5MW Solar; Jericho; #19-1527-AN Regina stated CCRPC received a 45-day notice of a Section 248 petition for a 1.5MW solar array located off Ethan Allen Road in Jericho, Vt. Regina indicated that CCRPC has reviewed this location before for a smaller solar array project; now this is for a much larger project. If this is approved the existing petition will be cancelled. The project site location was previously a gravel pit, and the ECOS Plan strongly supports this project on a previously developed site. Staff is not requesting any further information on the siting policies. JOHN ZICCONI MADE A MOTION, SECONDED BY BARBARA ELLIOT, TO APPROVE THE LETTER TO ENCORE RENEWABLE ENERGY. MOTION CARRIED UNANIMOUSLY.

f. Aegis Sunny Hollow, 150kW Solar Colchester, Case #19-1449-AN. Regina stated CCRPC received a 45-day notice of a Section 248 petition for a 150kW net metered solar project located at Sunny Hollow Natural Area in Colchester VT. The project is still under review by Colchester, and the site appears to have constraints on it (state-significant natural communities, highest priority forest block and primary agricultural soils). CCRPC will defer to the Vt. ANR and Agency of Agriculture in determining the impact of the project on these constraints. This letter will serve to notify the applicant of these constraints if they are not aware of them already. JOHN ZICCONI MADE A MOTION, SECONDED BY BARBARA ELLIOT, TO APPROVE THE LETTER TO AEGIS RENEWABLE ENERGY. MOTION CARRIED UNANIMOUSLY.

4. FY20 Calendar of Meeting dates. Charlie asked members to review the proposed FY20 Schedule of meetings for both the Executive Committee as well as the Commission meetings for July 2019 through June 2020. Discussion between members ensued. It was determined the July Executive Committee meeting would be held at 5pm, immediately preceding the July 17 Board Meeting. Catherine McMains posed a question about the Finance Committee meeting date and time for May of 2020. Members agreed it is best to schedule a Joint Finance and Executive Committee meeting on May 6, 2020. BARBARA ELLIOTT MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO RECOMMEND THE MEETING SCHEDULE AS AMENDED, TO THE BOARD. MOTION CARRIED UNANIMOUSLY.

5. Review the FY20-23 TIP. Charlie provided a handout, assembled by Christine Forde, that details the current TIP, current proposals and what changes have occurred. Charlie explained the intent was to provide an overview and details will be available in July. Members reviewed and discussed the document.

6. Chair/Executive Director Report

No updates from the Chair. Charlie stated S96 has not made it all the way to the Governor yet, however, it probably will soon. S96 will be a process over the next 2-3 years. There are many small legislative changes including autonomous vehicle testing and an update on commuter rail in the Transportation Bill. Charlie noted ACT 250 remains on hold until the beginning of 2020. John Zicconi asked if Joe Segale would be rescheduled to present on AV's. Charlie stated we will invite him to present at the July Board Meeting. Charlie asked for further input on the purchase of new conference room tables after board approval of the budget last month. Discussion ensued. All members agreed with moving ahead to purchase new conference room tables as a capital expense.

1
2 7. CCRPC June 19, 2019 Annual Meeting Agenda review.

3 Charlie noted the Annual Meeting is scheduled for June 19, 2019 in Jericho; the current schedule is to
4 hold a social hour at 5:30pm, dinner at 6:30pm and program at 6:45pm. Members discussed the
5 proposed schedule and decided to set 6pm as the time of the business portion of the meeting. The
6 meeting will need board approvals for minutes, warn a public hearing for the TIP, and officer and
7 executive committee appointments. John Zicconi apologized; he will not be in attendance that evening
8 due to a scheduled business engagement in Island Pond.
9

10 8. Other Business There were no other business.
11

12 9. Executive Session. ANDY MONTROLL MADE A MOTION AT 6:27PM, SECONDED BY BARBARA ELLIOTT
13 TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS. MOTION CARRIED
14 UNANIMOUSLY. ANDY MONTROLL MADE A MOTION AT 6:51PM, SECONDED BY BARBARA ELLIOTT TO
15 EXIT EXECUTIVE SESSION. MOTION CARRIED UNANIMOUSLY. BARBARA ELLIOTT MADE A MOTION,
16 SECONDED BY CATHERINE MCMAINS THAT THE EXECUTIVE COMMITTEE RECOGNIZE EMPLOYEE
17 ACHIEVEMENT AND AUTHORIZES THE EXECUTIVE DIRECTOR TO SPEND UP TO 100% OF THE FY20
18 SALARY BUDGET AS DETERMINED BY THE EXECUTIVE DIRECTOR FOR STAFF, AND AS DETERMINED BY
19 THE EXECUTIVE COMMITTEE, FOR THE EXECUTIVE DIRECTOR. MOTION CARRIED UNANIMOUSLY.
20

21 11. Adjournment. ANDY MONTROLL MADE A MOTION, SECONDED BY BARBARA ELLIOTT, TO ADJOURN
22 THE EXECUTIVE COMMITTEE MEETING AT 6:51PM. MOTION CARRIED UNANIMOUSLY.
23

24 Respectfully submitted,
25

26 Amy Irvin Witham

June 28, 2019

Rachel Lomonaco
District #4 Coordinator
111 West Street
Essex Junction, VT 05452

RE: 3-11 1/2 George Street, LLC; Burlington; #4C1082-1

Dear Ms. Lomonaco:

The Chittenden County Regional Planning Commission's Staff and Executive Committee have reviewed this Act 250 application for a Project described as the merging of 4 lots, demolition of 64/68 Pearl Street, 13-15 and 19 George Street and the construction of a 93 unit hotel with 1,700 square feet of commercial space, a 20 unit senior housing complex and an underground parking area. The project is located at 64 Pearl Street, in Burlington, Vermont. The City of Burlington's Development Review Board has approved the project. **We offer the following comments:**

The project is located within the Center Planning Area as defined in the Chittenden County Regional Plan, entitled the *2018 Chittenden County ECOS Plan*. We find this project to be consistent with the Planning Areas for the following reasons:

1. The Center Planning Area is identified in the Plan as an area planned for growth, and therefore this project helps implement Strategy #2 of the Plan, which calls for 80% of new development in the areas planned for growth.
2. The project is proposed in a Designated Downtown, is served by municipal water and sewer, is located close to the Downtown Transit Center in Burlington and is within walking distance to many services.
3. The density and uses are consistent with the local regulations, as evidenced by the Burlington DRB's approval of the project.

Therefore, we find this project to be in conformance with the Planning Areas of the *2018 Chittenden County Regional Plan*.

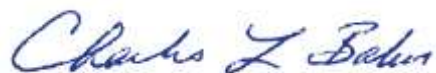
Additionally, we find that this project complies with Criterion 9(L), as it is located in a Designated Downtown.

The Traffic Impact & Parking Assessment dated 5/20/2019 conducted by Lamoureux & Dickinson Consulting Engineers, Inc was reviewed along with a Technical Memorandum dated 4/2/2019. After reviewing both of these documents we do not have any concerns regarding the Project's anticipated traffic impacts.

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 *2018 Chittenden County ECOS Plan*. While there are many other topics covered in the *2018 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 *2018 Chittenden County ECOS Plan*.

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,

A handwritten signature in blue ink that reads "Charlie Z. Baker". The signature is written in a cursive, flowing style.

Charlie Baker
Executive Director

Cc: CCRPC Board
Certificate of Service

June 28, 2019

Anthony Iarrapino
Wilschek Iarrapino Law Office, PLLC
35 Elm Street, Suite 200
Montpelier, VT 05602

RE: Petition for a Certificate of Public Good for ER Jericho Landfill Solar, LLC's Proposed 1.6MW Solar Array at 508 Browns Trace Road in Jericho, VT (Case #19-1774-PET)

Dear Mr. Iarrapino:

Chittenden County Regional Planning Commission has received the Petition for a Certificate of Public Good for a 1.6MW solar array at 508 Browns Trace Road in Jericho, VT. We have reviewed this project in light of CCRPC's *2018 Chittenden County ECOS Plan*, which gained a Determination of Energy Compliance from the Vermont Department of Public Service on August 9, 2018.

ECOS Energy Goal

CCRPC finds that this project meets the intent of the Energy Goal (Goal #17) of the *2018 ECOS Plan*: "Move Chittenden County's energy system toward a cleaner, more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State's Comprehensive Energy Plan goals."

Strategy 2, Action 4b of the ECOS Plan states "CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan's goals of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment". Development of this solar facility helps implement this action. The Plan's suitability policies help determine whether projects are cost effective, and the Plan's constraint policies help determine whether projects respect the natural environment.

Suitability Policies

The *2018 ECOS Plan* recommends the location of renewable energy generation facilities in appropriate locations, as defined by the policies in Strategy 2, Action 4b. The project as proposed meets the following suitability policies:

- The project is located on a previously impacted site and is located on a state-designated preferred site for net metering.
- The project is outside of any state designated centers or historic districts.

CCRPC finds that the general location of this project meets the suitability policies of the *2018 ECOS Plan*. **CCRPC is highly supportive of projects sited on previously developed sites like this parcel, which is a former landfill.**

Constraints

The 2018 ECOS Plan states that ground mounted renewable energy generation is constrained in certain areas due to state and local restrictions on development. Strategy 2, Action 4b states: "Site renewable energy generation to avoid state and local known constraints and to minimize impacts to state and local possible constraints, as defined in Strategy 3, Action 1.f, and Strategy 4, Action 1.f, and Action 2.e. Renewable energy generation sited on existing structures or parking lots complies with this policy."

CCRPC has reviewed the constraints that exist on the site of the proposed project. The natural resources assessment and conceptual site plan submitted by the applicant show that there are Class II Wetlands and Primary Agricultural Soils on the parcel. However, the project's conceptual location appears to avoid these resources. **CCRPC is not requesting further information or action related to these constraints at this time.**

This project located on the Mobbs Farm property, an area conserved by the Town of Jericho. Conserved lands in general are a possible constraint. However, the Jericho Selectboard has approved the use of town land for the solar project. **This project's location does not negatively impact constrained conserved lands.**

These comments are based on information currently available; we may have additional comments as the process continues.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Charlie Z. Baker". The signature is cursive and fluid.

Charlie Baker
Executive Director

cc: CCRPC Board
Katherine Sonnick, Jericho Planning Coordinator

July 18, 2019 **DRAFT**

Joslyn Wilschek
Wilschek Iarrapino Law Office, PLLC
3 Elm Street, Suite 200
Montpelier VT 05602

RE: Petition for a Certificate of Public Good for Bullrock Solar, LLC's Proposed 150 kW Project in South Burlington, VT – 650 Spear Street (Case #19-2515-NMP)

Dear Ms. Wilschek:

Chittenden County Regional Planning Commission has received the Petition for a Certificate of Public Good for a 150kW solar project at 650 Spear Street in South Burlington, VT. We have reviewed this project in light of CCRPC's 2018 *Chittenden County ECOS Plan*, which gained a Determination of Energy Compliance from the Vermont Department of Public Service on August 9, 2018.

ECOS Energy Goal

CCRPC finds that this project meets the intent of the Energy Goal (Goal #17) of the 2018 *ECOS Plan*: "Move Chittenden County's energy system toward a cleaner, more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State's Comprehensive Energy Plan goals."

Strategy 2, Action 4b of the ECOS Plan states "CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan's goals of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment." Development of this solar facility helps implement this action. The Plan's suitability policies help determine whether projects are cost effective, and the Plan's constraint policies help determine whether projects respect the natural environment.

Suitability Policies

The 2018 *ECOS Plan* recommends the location of renewable energy generation facilities in appropriate locations, as defined by the policies in Strategy 2, Action 4b. The project as proposed meets the following suitability policies:

- The project is located in an area proximate to existing distribution and transmission infrastructure with adequate grid capacity.
- The project is located on a previously developed site (a concrete pad formerly used for composting), and is therefore a preferred site as defined in the Vermont Public Utility Commission's Net Metering Rule (Rule 5.100).
- The project is located in one of Chittenden County's areas planned for growth (Metro Planning Area).
- The project is outside of any state designated centers or historic districts.

CCRPC finds that the location of this project meets the suitability policies of the 2018 *ECOS Plan*. **CCRPC strongly supports the construction of solar projects on previously existing sites, such as this project.**

Constraints

The *2018 ECOS Plan* states that development should be located to avoid state and local known constraints that have been field verified, and to minimize impacts to state and local possible constraints that have been field verified (Strategy 3, Action 1.f and Strategy 4, Action 1.f and Action 2.e).

Based on the site plan included in the advance notice, CCRPC has reviewed the constraints that exist on the site of the proposed project. **While there are constraints on this site, this project will be completely located on an existing concrete pad and will not have any impact on constraints.**

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

Sincerely,

Charlie Baker
Executive Director

cc: CCRPC Board
Paul Conner, Director of Planning & Zoning, City of South Burlington

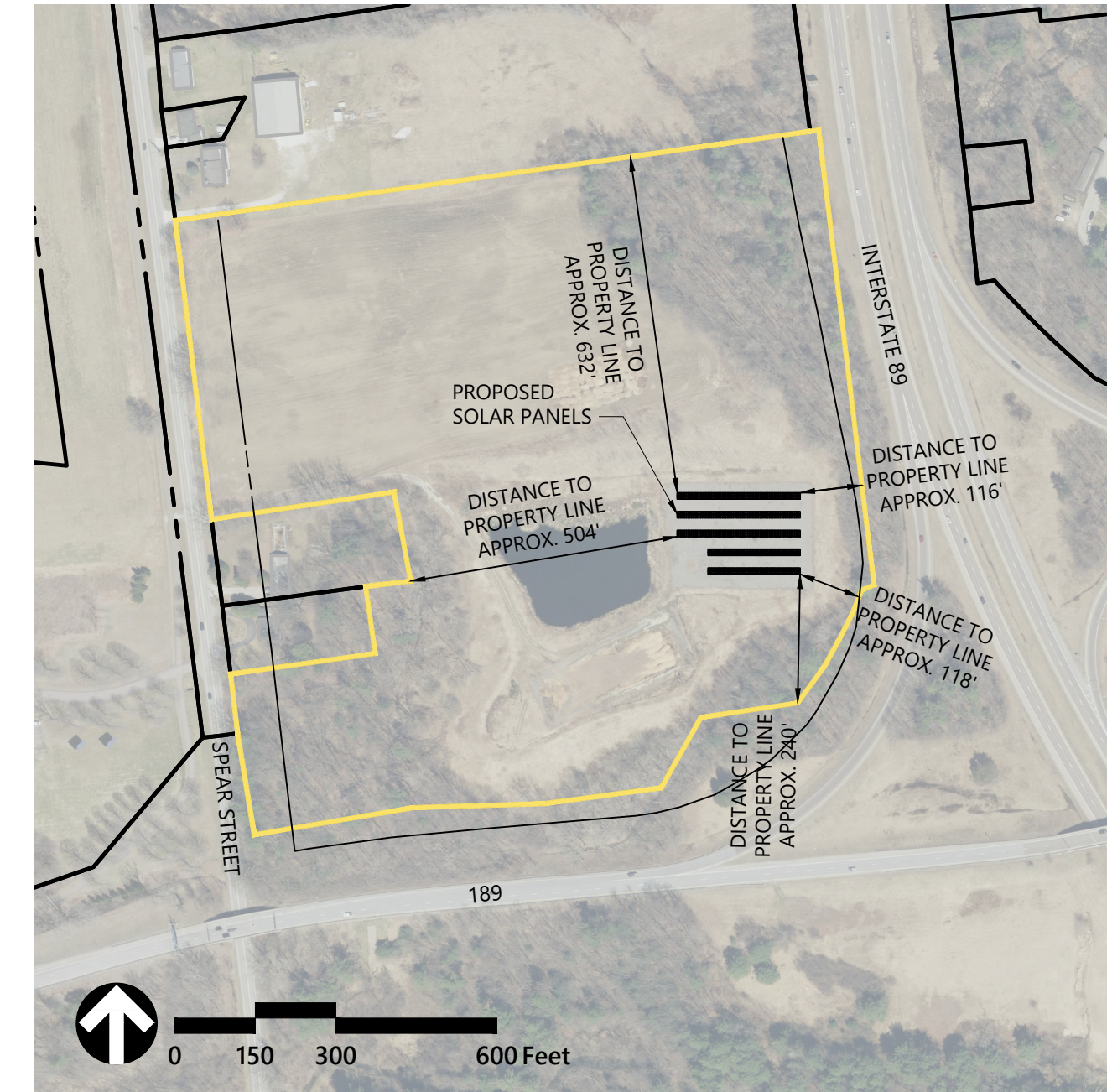
NOTES

1. LOCATION OF PARCEL LINES ARE BASED ON MOST CURRENT AVAILABLE TAX MAP INFORMATION.
2. ADAMS AND WINDSOR LOAMY SANDS (ADA) SOIL TYPE IS MAPPED AS PRIMARY AGRICULTURAL SOILS (SEE SUMMARY TABLE THIS SHEET).
3. PROJECT WILL NOT REQUIRE ANY TREE CLEARING OR ALTERATION.
4. PROJECT WILL NOT CREATE ANY NEW IMPERVIOUS.



Summary Table

ARRAY SUMMARY:		PRIMARY AGRICULTURAL SOIL IMPACT AREA (BASED ON NRCS SOIL MAP UNITS):	
TOTAL PROJECT AREA WITHIN PERIMETER FENCE	1.19-AC	PERMANENT IMPACT - ACCESS ROAD, UTILITY POLE	0-AC
LENGTH OF PERIMETER FENCE	910-FT	TEMPORARY IMPACT - TRENCHING	0.07-AC
SOLAR TABLE (2X17) COUNT	18-EA	VOLUME OF TEMPORARY IMPACT	8700-CF
SOLAR MODULE COUNT	612-EA		
		TOTAL PRIMARY AGRICULTURAL SOIL IMPACT AREA	0.07-AC
IMPERVIOUS AREA BREAKDOWN:			
AREA OF EXISTING IMPERVIOUS	2.24-AC		
EXISTING GRAVEL ACCESS (L=1112-FT)	0.31-AC		
EXISTING COMPOST PADS	1.93-AC		
TREE AREA BREAKDOWN			
AREA OF TREE CLEARING (CUT & GRUBBED)	0-SF		
AREA OF TREE CUTTING (NO GRUBBING)	0-SF		
EARTH DISTURBANCE:			
TRENCHING AND EQUIPMENT PAD	0.16-AC		
PROJECT COORDINATES: 44°27'13.68"N 73°11'06.61"W			



Legend	
EXISTING	PROPOSED
	WETLAND
	50' WETLAND BUFFER
	NATURAL RESOURCE STUDY AREA
	LIMIT OF DISTURBANCE
	SILT FENCE
	ACCESS DRIVES
	FENCE
	PROJECT DEMARCATION FENCE
	TEMPORARY STAGING AREA
	STABILIZED CONSTRUCTION EXIT
	APPROXIMATE PROPERTY LINE
	SOIL BOUNDARY
	SETBACK LINE
	DRAINAGE PIPE
	OVERHEAD UTILITY
	UNDERGROUND UTILITY
	VEGETATION LINE
	MINOR CONTOUR
	MAJOR CONTOUR

UVM 650 Spear Street
150kW AC Solar Project

650 Spear Street
South Burlington, Vermont

No.	Revision	Date	Appr.

Designed by	SMW	Checked by	AGM
Issued for		Date	June 24, 2019

Section 248 Permitting

Not Approved for Construction
Drawing Title
Proposed Conditions
Site Plan

Drawing Number

C1.02

Sheet 2 of 4

Project Number
57746.27

vhb.com

40 IDX Dr
Building 100 Suite 200
South Burlington, VT 05403
802.497.6100



July 18, 2019 **DRAFT**

Joslyn Wilschek
Wilschek Iarrapino Law Office, PLLC
3 Elm Street, Suite 200
Montpelier VT 05602

RE: Petition for a Certificate of Public Good for Bullrock Solar, LLC's Proposed 80 kW Project in South Burlington, VT – 705 Spear Street (Case # 19-2282-NMP)

Dear Ms. Wilschek:

Chittenden County Regional Planning Commission has received the Petition for a Certificate of Public Good for an 80kW solar project at 705 Spear Street in South Burlington, VT. We have reviewed this project in light of CCRPC's 2018 *Chittenden County ECOS Plan*, which gained a Determination of Energy Compliance from the Vermont Department of Public Service on August 9, 2018. CCRPC is aware that the City of South Burlington Planning Commission has submitted comments regarding plantings near the project.

ECOS Energy Goal

CCRPC finds that this project meets the intent of the Energy Goal (Goal #17) of the 2018 *ECOS Plan*: "Move Chittenden County's energy system toward a cleaner, more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State's Comprehensive Energy Plan goals."

Strategy 2, Action 4b of the ECOS Plan states "CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan's goals of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment." Development of this solar facility helps implement this action. The Plan's suitability policies help determine whether projects are cost effective, and the Plan's constraint policies help determine whether projects respect the natural environment.

Suitability Policies

The 2018 *ECOS Plan* recommends the location of renewable energy generation facilities in appropriate locations, as defined by the policies in Strategy 2, Action 4b. The project as proposed meets the following suitability policies:

- The project is located in an area proximate to existing distribution and transmission infrastructure with adequate grid capacity.
- The project is located directly adjacent to an existing structure and an existing solar array and will provide more than 50% of energy produced to the structure. It is therefore a preferred site as defined in the Vermont Public Utility Commission's Net Metering Rule (Rule 5.100).
- The project is located in one of Chittenden County's areas planned for growth (Metro Planning Area).
- The project is outside of any state designated centers or historic districts.

CCRPC finds that the location of this project meets the suitability policies of the 2018 *ECOS Plan*.

Constraints

The *2018 ECOS Plan* states that development should be located to avoid state and local known constraints that have been field verified, and to minimize impacts to state and local possible constraints that have been field verified (Strategy 3, Action 1.f and Strategy 4, Action 1.f and Action 2.e).

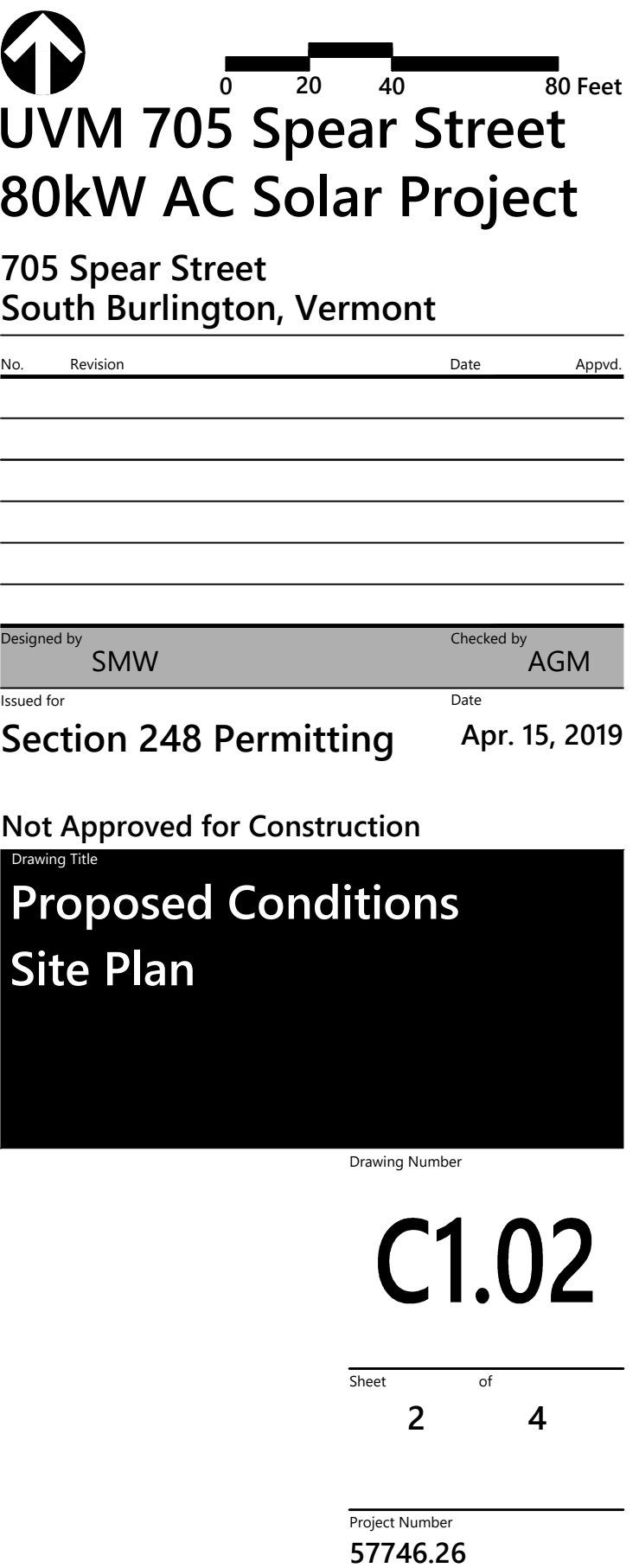
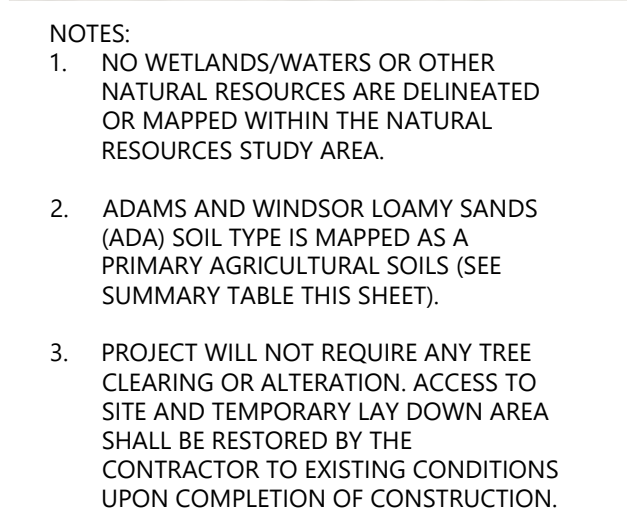
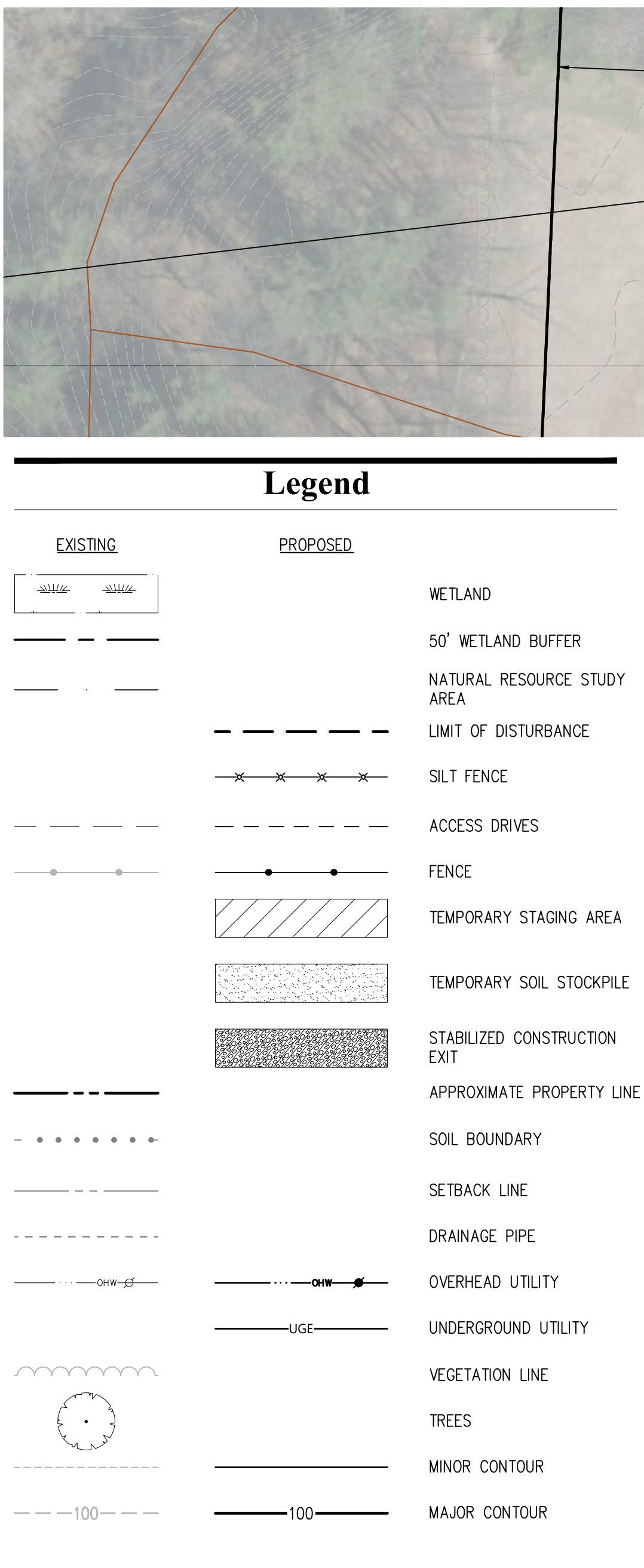
In our comments on the advance notice for project, we noted that the ANR Natural Resources Atlas showed potential wetlands and buffers on the project. The Natural Resources Assessment by VHB that was submitted with this application indicates that the project avoids all wetlands and wetland buffers. The Assessment also indicates that the project will impact some statewide agricultural soils. CCRPC will continue to defer to the Vermont Agency of Agriculture, Food and Markets in determining appropriate mitigation. **CCRPC is not requesting further information or action related to any constraints.**

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

Sincerely,

Charlie Baker
Executive Director

cc: CCRPC Board
Paul Conner, Director of Planning & Zoning, City of South Burlington





NORTH COUNTRY

Your community credit union

LOANLINER.

ACCOUNT AUTHORIZATION CARD

MEMBER INFORMATION

Member/Owner:		Member No:
Street:		
City/State/Zip:		
Home Phone:	Work Phone:	
E-mail:		
Type of Entity:		
<input type="checkbox"/> C Corporation	<input type="checkbox"/> LLC (Limited Liability Company)	<input type="checkbox"/> Partnership:
<input type="checkbox"/> S Corporation	Select Tax Classification:	<input type="checkbox"/> Unincorporated Organization
<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> C = C Corporation	<input type="checkbox"/> Association/Club
	<input type="checkbox"/> S = S Corporation	<input type="checkbox"/> Trust/Estate
	<input type="checkbox"/> P = Partnership	<input type="checkbox"/> Other:

Other Name(s):

☐ Person(s) authorized to receive account information:

AUTHORIZED SIGNERS

By signing this authorization, each of the signers jointly and severally certifies and agrees that the terms in the "CERTIFICATE OF AUTHORITY" section apply to the Member/Owner listed in the "MEMBER INFORMATION" section. The signers further acknowledge receipt of and agree to the terms of the Membership and Account Agreement, Account Card, Truth-in-Savings Disclosure, and Funds Availability Policy Disclosure, if applicable, as amended by the Credit Union from time to time.

Name	Title	X Signature	Date
Name	Title	X Signature	Date
Name	Title	X Signature	Date
Name	Title	X Signature	Date

CERTIFICATE OF AUTHORITY

1. Member/Owner. The Member/Owner name shown in the "MEMBER INFORMATION" section is the complete and correct name of the Member/Owner. If applicable, all registered assumed names under which the Member/Owner does business are shown. Each corporate officer, partner or trustee, whichever is applicable, warrants that the corporation, partnership, or living trust has been duly formed and is currently existing.
2. Authorized Signers. The officers, authorized agents, or trustees, as applicable, signing in the "AUTHORIZED SIGNERS" section (Signers) presently occupy the positions shown and are authorized to transact business on behalf of the Member/Owner. Each Signer agrees to notify the Credit Union in writing of any change in authority. The Credit Union may request any other evidence of Signer's authority at any time.
3. Authority.
 - a. Each Signer certifies and agrees that the Member/Owner's accounts will be governed by the terms set forth in the Membership and Account Agreement and Account Card, as amended from time to time.
 - b. The Credit Union is directed to accept and pay without further inquiry any item, bearing the appropriate number of signatures as indicated in the "AUTHORIZED SIGNERS" section, drawn against any of the Member/Owner's accounts. Unless otherwise indicated, any one Authorized Signer is expressly authorized to endorse all items payable to or owned by the Member/Owner for deposit with or collection by the Credit Union and to execute such other agreements and to perform any other transaction under the agreement.
 - c. The authority given to the Authorized Signers and Persons Authorized to Receive Account Information shall remain in full force until written notice of revocation is delivered to and received by the Credit Union at each location where an account is maintained. Any such notice shall not affect any items in process at the time notice is given. An authorized officer, trustee, or agent of the Member/Owner will notify the Credit Union of any change in the Member/Owner's composition, assumed business names, or any aspect of the entity affecting the deposit relationship between the Member/Owner and the Credit Union before any such change occurs. The Credit Union shall have no duty to inquire as to the powers and duties of any Signer and shall have no notice of any breach of fiduciary duties by any Signer unless the Credit Union has actual notice of wrongdoing.
 - d. The Persons Authorized to Receive Account Information, if applicable, are authorized to receive from the Credit Union, either orally or in writing, any information related to the account. Those persons are not authorized to withdraw funds or issue checks/drafts against or make any transaction related to the account.
4. Liability. Member/Owner and each Signer agree to indemnify and hold the Credit Union harmless of any claim or liability as a result of unauthorized acts of any Signer or former Signer or acts of any Signer upon which the Credit Union relies prior to notice of any account change or change of Member/Owner. The Member/Owner agrees that the Credit Union shall not be liable for any losses due to the Member/Owner's failure to notify the Credit Union of such changes.

FOR CREDIT UNION USE ONLY

☐ See Account Card

Effective Date: 7/10/2018	Opened/App'd by:	Member Verification:
Reviewed Documentation:		
Copies Obtained:	<input type="checkbox"/> Corporate Resolution	<input type="checkbox"/> Certificate/Affidavit of Trust
	<input type="checkbox"/> Partnership Agreement	<input type="checkbox"/> Other:

Business signer information:

Name _____

Physical Address _____

Date of Birth _____

Social Security # _____

Mother's Maiden Name _____

Phone number _____

Copy of driver's license or government issued ID

Name _____

Physical Address _____

Date of Birth _____

Social Security # _____

Mother's Maiden Name _____

Phone number _____

Copy of driver's license or government issued ID

Name _____

Physical Address _____

Date of Birth _____

Social Security # _____

Mother's Maiden Name _____

Phone number _____

Copy of driver's license or government issued ID

Name _____

Physical Address _____

Date of Birth _____

Social Security # _____

Mother's Maiden Name _____

Phone number _____

Copy of driver's license or government issued ID



CCRPC Executive Committee

July 17, 2019

Agenda Item 6: Action Item

Amendments to Administrative Policies and Procedures

Issues:

CCRPC uses one document for all policies and procedures and is aptly named **Administrative and Operating Policies and Procedures**. Periodically there are additions, updates, and/or deletions that need to be made to the document, and the Executive Committee is charged with approving them. Staff are proposing several updates to coincide with the beginning of the fiscal year. All updates and/or changes should be considered to be effective July 1, 2019. The updates, changes, and deletions are provided in the following pages as tracked changes to the document, with the exception of the Crime Victims Leave Policy, as this is a completely new addition to the document. If viewing as a hardcopy, color printing is recommended to more clearly see the edits.

The updates include the revision and modernizing of our Harassment policy to align with Vermont law and current practice, the incorporation of a Crime Victims Leave Policy in accordance with Vermont law, some clarifications and additions regarding CCRPC supporting staff professional development, and formalizing procedures to ensure the accuracy of our operational financial documents.

Staff asks the Committee recognize that there are incidental and non-substantive edits that will occur once the changes are made, including page number changes, updates to dates, and changes to tables of contents, and to include those changes in their motion to approve the substantive changes shown for review.

Staff Recommendation:

That the Executive Committee approve the amendments to the Administrative Policies and Procedures as presented.

**For more information
contact:**

Forest Cohen
861-0112 or fcohen@ccrpcvt.org

Harassment

CCRPC is committed to maintaining a work environment that is free of unlawful discrimination. In keeping with this commitment, we will not tolerate unlawful harassment of CCRPC employees by anyone, including any Board member, supervisor, co-worker, or third party. Harassment may include, but not be limited to, derogatory remarks, epithets, offensive jokes, display or circulation of offensive printed, visual or electronic material, or offensive physical actions. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on a person's race, color, ancestry, national origin, religion, place of birth, age, sex, gender, gender identity, sexual orientation, ~~or~~ disability, a positive result from an HIV-related blood test, genetic information, citizenship, crime victim status, military or veteran status, or any other characteristic protected by applicable law ("Protected Characteristics"). Harassment that affects job benefits, interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment will not be tolerated. All employees are responsible for helping to enforce this policy against harassment and should report the conduct to the Executive Director, Senior Business Manager, Transportation Program Manager or the Planning Program Manager. Additionally, any supervisor who observes harassing conduct must report the conduct to the Executive Director or Senior Business Manager the Planning Program Manager as soon as possible and refer to the section on Complaints at the end of this Policy. It is our policy to investigate all harassment complaints thoroughly and promptly. To the fullest extent practicable, CCRPC will maintain the confidentiality of those involved. If an investigation confirms CCRPC determines that inappropriate behavior has occurred or that harassment has occurred this Policy has been violated, CCRPC will take corrective action. Corrective action may include discipline up to and including immediate termination of employment. Allegations of retaliation against those who have reported harassment or cooperated in the investigation of harassment complaints will be treated the same way as allegations of harassment and investigated using the same procedure.

Discrimination

It is a violation of this Policy to discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, gender identity, sexual orientation, or marital status on the basis of any Protected Characteristics. It is the policy of CCRPC to provide equal employment opportunities without regard to Protected Characteristics.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964; the Age Discrimination Act of 1975; and the Americans with Disabilities Act of 1990. This Policy CCRPC intends is intended to comply with the prohibitions stated in these all applicable anti-discrimination laws.

Discrimination in violations of this Policy will be subject to severe sanctions corrective action, up to and including immediate termination termination of employment.

Sexual Harassment Policy

~~Sexual harassment~~ is against the policies of CCRPC; and is illegal under state and federal law, ~~for any employee, male or female, to sexually harass another employee.~~ This employer is committed to providing a workplace free from ~~this unlawful conduct~~ sexual harassment for all employees and for anyone who is performing work or services for CCRPC. It is a violation of this policy for any employee, ~~male or female,~~ to engage in sexual harassment.

What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1 submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- 2 submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- 3 The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an employee's body;
- touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an employee to socialize on or off-duty when that person has indicated s/he is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- use of belittling expressions such as "honey," "dear," "little lady," etc.;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation;
- Off-duty conduct which falls within the above definition and affects the work environment;
and,
any of the above conduct towards anyone engaged to perform work or services for CCRPC.

- What CCRPC Will Do If It Learns of Possible Sexual Harassment

In the event CCRPC receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. CCRPC is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint.

The Executive Director is responsible for promptly responding to ~~or reporting~~ any complaint or suspected acts of sexual harassment. The Senior Business Manager, Transportation Program Manager or the Planning Program Manager are responsible for promptly reporting any complaint or suspected acts of sexual harassment. If the complaint is against the Executive Director, ~~then~~ the

complaint shall be filed with the Chair of CCRPC. Failure to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in this investigation.

If the allegation of sexual harassment is found to be credible, this employer will take appropriate corrective action. The employer will inform the ~~complaining person~~ with the complaint and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Any employee, supervisor, or agent who has been found by the employer to have harassed another employee will be subject to ~~sanctions~~ corrective action appropriate to the circumstances, ranging from a verbal warning up to and including ~~dismissal~~ immediate termination of employment.

If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, ~~including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.~~

What Employee Should Do If You Believe You Have Been Harassed

Any employee who believes that ~~she or he has~~ they have been the target of sexual harassment, or who believes ~~they have~~ she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to the Executive Director, Charlie Baker, 802-846-4490 (ext. *23 861-0115) 735-3500, Senior Business Manager, Forest Cohen (861-0112), Transportation Program Manager, eleni Churchill (861-0117) or the Planning Program Manager, Regina Mahony, (802 861-0116), 110 West Canal Street, Suite 202, Winooski, Vermont 05404. You can raise concerns and reports without fear of reprisal or retaliation. It is illegal to retaliate against an employee for good faith reporting of sexual harassment, pursuing a complaint of sexual harassment, or cooperating in an investigation of sexual harassment.

Any employee who reports a concern of harassment or discrimination in violation of CCRPC policies will be treated courteously, and the matter will be handled swiftly and as confidentially as feasible in light of the need to fairly and thoroughly investigate and take appropriate corrective action. The good faith reporting of a complaint will in no way be used against the employee, nor will it have an adverse impact on employment status. While reporting such incidents is difficult, allowing harassment or discrimination to continue will most certainly lead to less desirable outcomes. For this reason, employees are strongly urged to utilize CCRPC reporting procedures. Be aware that filing groundless and malicious complaints is an abuse of this policy and is prohibited.

All incidents of harassment or inappropriate conduct should be reported, regardless of their seriousness. Your complaint should be as detailed as possible, including the names of individuals involved and any witnesses.

Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Supervisors must promptly report any such complaint or concern to the Executive Director. A supervisor's failure to appropriately report or address such complaints or suspected acts shall be considered a violation of this policy.

~~It is helpful to an investigation if the employee keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.~~

~~Although employees are strongly encouraged to file complaints of unlawful harassment with CCRPC, the following government agencies also process complaints of harassment:~~

~~If the complainant is dissatisfied with action of CCRPC, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:~~

~~1 Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05609, tel: (802) 828-3171 (voice/TDD). Complaints should be filed within 300 days of the adverse action.~~

~~2 Equal Employment Opportunity Commission, 475 Government Center, Boston, MA 02203, (800) 669-4000 (voice); (800) 669-6820 (TTY)~~

~~1 Congress Street, Boston, MA 02114, tel: (617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.~~

~~3 Vermont Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301, tel. (802) 828-2480 (voice/TDD). (Only if you are employed by a Vermont state agency.) Complaints must be filed within 360 days of the adverse action.~~

~~A copy of this policy will be provided to every employee upon hire, upon any revisions, and upon request. Employees may request a copy through the Senior Business Manager.~~

~~Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. Although employees are encouraged to file their complaint of sexual harassment through this employer's complaint procedure, an employee is not required to do so before filing a charge with these agencies.~~

~~In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within 3 or 6 years, depending on the type of claims raised.~~

Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

The Complaints Process

Any employee electing to utilize this complaint resolution procedure ~~who reports a concern of harassment or discrimination in violation of CCRPC policies will be treated courteously, and the problem matter will be handled swiftly and as confidentially as feasible in light of the need to fairly and thoroughly investigate and take appropriate corrective action.~~ The registering ~~good faith reporting of a complaint will in no way be used against the employee, nor will it have an adverse impact on employment status.~~ While reporting such incidents is difficult, allowing harassment ~~or discrimination activities to continue will most certainly lead to less desirable outcomes. For this reason, employees are strongly urged to utilize this procedure before going through the formal process.~~ ~~CCRPC reporting procedures.~~ Be aware that filing groundless and malicious complaints is an abuse of this policy and is prohibited.

All incidents of harassment or inappropriate conduct ~~must should be reported, regardless of their seriousness. Your complaint should be as detailed as possible, including the names of individuals involved and any witnesses.~~ Publicizing information about alleged harassment without following the reporting procedures or filing a formal complaint might be considered evidence of a vexatious intent on part of the accuser.

Employees can sometimes stop or prevent harassment by immediately and directly expressing their disapproval of sexually oriented ~~such behavior, attention or conduct.~~ In any case, employees should report all incidents of sexual harassment or inappropriate sexually-oriented conduct ~~discrimination to the Executive Director.~~

Formal Resolution Procedures

To initiate a formal investigation into an alleged violation of this policy, employees also must file a sexual harassment complaint with the Executive Director. The investigation of harassment shall follow the same process as outlined in the Grievance Procedure.

Nothing in this policy shall prevent the complainant or the respondent from pursuing formal legal remedies or resolution through state or federal agencies or the courts after an internal investigation.

Confidentiality

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis.

Information contained in a formal complaint is kept confidential. However, the identity of the complainant usually is revealed to the respondent and witnesses. The Executive Director takes adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation.

A copy of the investigation report and final decision is included in the personnel file of the respondent only if the investigation and decision-makers conclude that the individual engaged in prohibited conduct.

No record of complaint is kept in the complainant's personnel file, unless the investigation concludes that the complaint was reckless, frivolous or vexatious.

All information regarding sexual harassment cases is maintained by the Executive Director in secure files.

Commented [AHC1]: We have not reviewed the Grievance Procedure policy. Generally, I advise that with complaints and investigations of harassment and discrimination, employers reserve discretion and latitude to investigate fairly and thoroughly, as they deem appropriate, rather than be bound by specific procedures.

Commented [AHC2]: This seems repetitive from other language about confidentiality, and I suggest it could be deleted. I also advise against always committing to create and provide an investigation report.

Crime Victims Leave Policy

Crime Victim Leave. Act 184, which took effect on July 1, 2018, requires all employers to provide unpaid leave to “crime victims” who have been continuously employed for a period of six months for an average of at least 20 hours per week.

This is a completely new policy and is modeled after the VLCT policy. It will be inserted into the *Leaves and Holidays* section of the policy document.

This new policy also prompts an update to our leave table, **Figure 3**.

CCRPC will provide unpaid leave to “crime victims” in accordance with Vermont law. This leave is granted to regular employees who have been employed for six months or more and work an average of at least 20 hours per week.

A crime victim is a person who has:

- obtained a relief from abuse order against a family or household member
- obtained a court order against stalking or sexual assault
- obtained a court order against abuse of a vulnerable adult
- sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by law enforcement official with a prosecuting attorney. This also includes the victim’s child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim’s spouse, provided that the individual is not identified in the affidavit as the defendant.

In accordance with this law, eligible employees who are “crime victims” may be entitled to take unpaid leave for the purpose of attending a deposition or court proceeding related to:

- a criminal proceeding when the employee has a legal right or obligation to appear at the proceeding
- a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff, hearings concerning an order against stalking or sexual assault, when the employee seeks the order as plaintiff.

The employee may use PTO for this leave or choose to take the leave unpaid.

CCRPC posts a notice about employment protections for crime victims where employees are likely to see it.

Figure 3: Leaves Summary and Eligibility by Employee Type

	Regular Full-Time		Regular Part-Time		Probationary	Temporary
	At least 40 Hours per Week	At least 30 but less than 40 Hours per Week	At Least 24 Hours but less than 30 Hours per Week	Less than 24 Hours per Week	Regardless of Full-Time or Part-Time	Regardless of Full-Time or Part-Time
LEAVES						
Paid Time Off	X	X*	X*		X*	
VT Paid Sick Leave				X**	X**	
Family Leave	X	X			X	
Bereavement Leave	X	X	X		X	
Military Leave	X	X	X		X	
Civil Leave	X	X	X			
<u>Crime Victims Leave</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X***</u>		
Short Term Leave	X	X*	X*			
Holidays	X	X*	X*		X	

*Pro-Rated for Hours/Week

**Effective January 1, 2017. The law covers employees who work at least an average of 18 hours a week during a 12 month period.

***Vermont law stipulates employees working an average of 20 hours a week or more are granted this leave.

Updated: 7/2017/196

Professional Development Policies

therefore be encouraged. Participation in workshops, training sessions, seminars, etc. are encouraged and expected as long as they do not interfere with the work of the employee. CCRPC commits to including reasonable funding, within their annual budget, for such activities except during times of financial distress.

Membership Organization Annual Dues

Annual dues may be reimbursable to an employee upon approval by the Executive Director and subject to funding availability. Membership organizations include, but are not limited to, the American Planning Association and its Chapters and Sections, the Vermont Planners Association, the Institute of Transportation Engineers, the American Society of Civil Engineers, the National Association of Regional Councils and the Association of Metropolitan Planning Organizations.

Employees must be active in the organization for CCRPC to reimburse membership fees. Active participation includes, but is not limited to, attending local, state, regional or national meetings and/or educational opportunities provided by the membership organization.

Registration Fees

CCRPC will pay for registration fees and related costs for participation in relevant workshops, training sessions, seminars, and regular meetings for employees. Registration fees and related costs up to \$1,500 may be covered in full. CCRPC will reimburse up to 75% for professional development costs of \$1,500 or more.

This must be approved in advance by the Executive Director and subject to funding availability. It is expected that the employee will prepare brief written and/or oral reports to the staff on this activity.

Significant Professional Development

Employees may request to have costs covered and time away from work for professional development opportunities that require significant investment, but aren't for credit at a higher learning institution. These requests will be considered by the Executive Director on a case by case basis. For professional development costs of \$1,500 or more an employee must return the CCRPC's contribution if they leave employment within a year of completion. CCRPC may grant up to 50% of the time spent on the professional development opportunity to be paid time.

Tuition Reimbursement Program

CCRPC will reimburse up to 75% of an employee's tuition costs for higher education courses for credit that are related to the needs of CCRPC. Permission and recommendation for use of the tuition reimbursement program must be obtained from the Executive Director prior to course registration, and is subject to funding availability. Employees must have worked for CCRPC at least one year before being eligible for this program.

Awards shall be made quarterly or by semester strictly on a reimbursement basis after the employee has successfully completed the course with a grade of C or better (a passing grade must be received in pass/fail courses). Course attendance is on the employee's own time. This program is to be used for any job-related courses or for course requirements relative to obtaining goals in line with a career path objective. Colleges, universities, or other agencies and groups (including the Internet) with recognized accreditation, should provide instruction. Employees who are awarded tuition reimbursement must repay the award to CCRPC if they leave CCRPC within two (2) years of the completion of the course unless laid off.

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Appendix C

Financial Office Procedures

The ~~Business Manager~~Senior Business Manager is to manage all financial procedures with oversight by the Executive Director. These procedures include Accounts Receivable, Accounts Payable, Payroll and reconciliation of the General Ledger and bank accounts.

All bank transactions are handled by the ~~Business Manager~~Senior Business Manager or Executive Director, including deposits and transfers. The Executive Director reviews and approves all bank reconciliations each month. Journal entries are presented to the Finance Committee on a quarterly basis for review and approval.

Financial Statements

The ~~Business Manager~~Senior Business Manager will prepare the following financial statements each month:

- Income Statement/Profit & Loss
- Balance Sheet
- Cash reconciliation

All month end accounting entries should be completed, and all financial statements for month end should be prepared in time for the regular Executive Committee meeting each month.

The ~~Business Manager~~Senior Business Manager will also prepare and keep an accumulated Profit & Loss statement against budget for the entirety of the fiscal year. Other comparison data may be added to the accumulated Profit & Loss, such as mid-year budget estimates, as needed. The accumulated Profit & Loss will be presented to the Finance Committee monthly, and presented to the Executive Committee & Full Commission quarterly, per the bylaws. The Executive Committee will also be presented with the Cash position monthly. Other financial statements or financial information will be provided and/or presented to the Commission and/or the Executive Committee upon request.

The ~~Business Manager~~Senior Business Manager may periodically prepare other internal financial reports such as Trial Balances or Statements of Cash Flows as needed to ensure effective and transparent financial management.

The Senior Business Manager prepares a number of documents and spreadsheets each year that

have a material affect on CCRPC's operations. These documents include, but are not limited to, annual salary sheets, annual bill rate sheets, employee timesheets, PTO tables, health insurance opt-out tables, depreciation schedules, grant invoices, and employee payroll deduction calculations. All such documents must be reviewed for accuracy and correctness by another qualified staff person at the CCRPC. The review shall be documented in writing.

Accounts

CCRPC shall maintain a collateralization agreement with their banking institution for checking, savings, and money market accounts to protect cash balances that exceed FDIC coverage.

Checking Account

The checking account requires two signatures for all checks in the amount of \$5,000 or greater, and one signer on such checks must be an officer and checks to Executive Director will be signed by an officer. The signatories on the account are the Chair, Vice Chair, Secretary/Treasurer, and the Executive Director. The Executive Director reviews and approves all executed transactions against the checking account, i.e. vendor payments.

Savings Account

The savings account is used primarily to hold funds designated to locally match transportation and land use projects. The savings account may be used to hold other funds as needed. CCRPC will assure that the savings account balance will adequately match carry-forward transportation projects at the end of each fiscal year. The signatories on the account are the Chair, Vice Chair, Secretary/Treasurer, and the Executive Director, . The Executive Director reviews and approves all executed transactions against the savings account, i.e. account transfers.

Money Market

The signatories on the account are the Chair, Vice Chair, Secretary/Treasurer, and the Executive Director. Funds kept in the money market include short and long term reserve. Executive Committee approval is required in the event that the balance of the account is drawn below \$40,000. If time does not allow full Executive Committee approval, written approval of at least two of the three office holders must be obtained (electronic mail is acceptable).

Certificates of Deposit

The signatories on the account are the Chair, Vice Chair, Secretary/Treasurer, and the Executive Director. Funds may be held in Certificates of Deposit (CDs) to earn higher interest rates than the checking, saving, or money market accounts return. Funds held in CDs are generally considered to be in reserve.

Line of Credit

Transactions on this account are performed by the Executive Director with Executive Committee approval. If time does not allow full Executive Committee approval, written approval of at least



Chittenden County Regional Planning Commission

July 17, 2019

Agenda Item 7: Chair Action Item

FY2020 Regional Board Members and Committee Appointments

Regional Board Member Appointments per the Bylaws: Article IV.C. "... Regional Board members shall be appointed by the Chittenden County Regional Planning Commission for a term of two years for even numbered fiscal years at the June meeting..."

Agriculture – Tom Eaton, **Socio-Economic-Housing**: Justin Dextradeur, Jesse Bridges (alt.),
Industrial/Business: Tim Baechele; and, **Conservation/Environmental**: Don Meals, Miles Waite (alt.).

Committee Appointments per the Bylaws: Article VII.B. "The Chair shall ... with concurrence of the Chittenden County Regional Planning Commission, establish and appoint committees and their members." Article XI: "All Chittenden County Regional Planning Commission Board members are encouraged to participate in a minimum of at least one standing committee. The Chair may appoint ad hoc committees for a specific purpose with the approval of the Chittenden County Regional Planning Commission. Committees should include subject matter experts as needed to provide advice to the Chittenden County Regional Planning Commission Board."

Finance Committee (Secretary/Treasurer, Vice Chair and 1 other board member): John Zicconi, Shelburne (Chair); Catherine McMains, Jericho; and Jeff Carr, Essex

Board Development Committee (past Chair and up to 4 other board members): Chris Roy, Williston (Chair); Dan Kerin, Essex Junction; Catherine McMains, Jericho; Jeff Carr, Essex; _____

Unified Planning Work Program Committee (3-5 board members Catherine McMains, Jericho (Chair); John Zicconi, Shelburne; Michael Bissonette, Hinesburg; Jeff Bartley, Colchester; and Sharon Murray, Bolton.

Transportation Advisory Committee (1 board member): Barbara Elliott, Huntington

TAC Interest Group Reps: Elderly - Bob Henneberger; Bike/Ped - Allegra Williams; Rail - Mary Anne Michaels; Environmental - Richard Watts; Disabled - _____; Business - _____

Planning Advisory Committee (1 board member): Joss Besse, Bolton

PAC Interest Group Reps: Housing - _____; Health - _____; Other - _____

Long Range Planning Committee (3-6 board members, one of them to be Chair of the LRPC): Justin Dextradeur, Socio-Econ (Chair); Andrea Morgante, Hinesburg; Jim Donovan, Charlotte; _____

Clean Water Advisory Committee: (1 board member) Don Meals, Conservation/Environment

ad hoc Brownfields Advisory Committee: Curt Carter, GBIC (Chair); Jacquba Boure, AALV; Eric Howe, LCBP; Marcel Beaudin; Dr. Pablo Bose, UVM; Justin Dextradeur, Socio/Econ/Housing

ad hoc All Hazards Mitigation Plan Update Committee: Chris Shaw, So. Burlington.

VAPDA representative: Andy Montroll, Burlington; _____ (Alt.)

For questions, contact Charlie Baker, 846-4490 ext. *23 or cbaker@ccrpcvt.org

DRAFT – Potential Policy Participation Topics for CCRPC Board - July 2019

	Topic – click on links for more detailed info in this document	ECOS Plan Strategy	ECOS Plan Top 10 Action	Included in FY20 UPWP?	CCRPC Committee	Staff Recommendation
1.	Clean Water (S.96)	#3 – water quality	#5 – water quality	Yes	CWAC	Yes; Continue work and participation. Work with CWAC to provide comments on Clean Water Service Provider rules and FY21 funding.
2.	Transportation Bill (H.529) – multiple studies	#2 – smart growth	#2 - transportation	Yes	TAC	Yes; Staff recommends that CCRPC participate in, and comment on, these studies as they directly relate to our work.
3.	Automated Vehicle Testing (S.149, Act 60)	#2 – smart growth	#2 – transportation and #8 autonomous vehicles	Yes	TAC	Yes; Staff recommends that CCRPC participate and comment on draft rules & guidance; as well as work with both the TAC and directly with municipalities to decide whether they would like to pre-approve automated vehicle testing on their roads.
4.	Promoting the Ownership and Use of Electric Vehicles	#2 – smart growth	#4 – energy planning	Yes	TAC, Energy	Yes; Staff recommends that CCRPC monitor possible legislation related to this report and continue to work with Drive Electric Vermont on these issues.
5.	VTrans’ Project Selection & Prioritization Processes	#2 – smart growth	#2 - transportation	Yes	TAC	Yes; Continue to assist VTrans in this effort and bring drafts to the TAC and Board for review.
6.	Transportation Climate Initiative	#2 – smart growth	#2 - transportation	Yes generally	TAC	Yes, hold a regional workshop and follow-up as appropriate.
7.	Rail Service Study	#2 – smart growth	#1, #2, & #4	No	TAC	Yes, manage the federal BUILD planning grant, if awarded.
8.	Act 250 Reform	#2 – smart growth	#1 – land use/smart growth	Yes	ad hoc Act 250, PAC	Yes; CCRPC Staff recommends that we continue with this work.
9.	Rental Housing & Health Code Enforcement (H.132, Act 48)	#2 – smart growth	#3 - housing	Yes	PAC	Yes; Work with the Building Homes Together partners on the Treasurer’s report on options for funding and financing affordable housing; and work with the Department of Health on trainings for health officers if requested.
10.	Economic Development (S.162)	#1 – economic development	Not specifically included	No	PAC	Yes; Staff recommends that CCRPC review and comment on this study as it may impact our municipalities and businesses.

11.	<u>Broadband Deployment throughout Vermont (H.513)</u>	#1 – economic development	Not specifically included	No	PAC	No
12.	<u>Climate Change/ Carbon Tax bills</u>	#2 – smart growth	#4 – energy planning	No	Executive	No, but monitor.
13.	<u>Proposed Changes to PUC Rule 5.100 (19-0855-RULE)</u>	#2 – smart growth	#4 – energy planning	Yes		Yes; Staff recommends that CCRPC continue to monitor and participate in this rulemaking process, with a particular focus on the issue of preferred sites.
14.	<u>Banning Single-Use Plastic Bags (S.113, Act 69)</u>	Not specifically included	Not specifically included	No	PAC	Maybe; Potential role for CCRPC in evaluating and commenting on the Secretary of Natural Resources feasibility study on opening a second landfill in the state if proposals include locations here.
15.	<u>Regulating PFAS and PFOA (S.49, Act 21)</u>	#3 – water quality and #5 – health and safety	Not specifically included	No	PAC	No
16.	<u>Community Justice Centers Regional Workshop</u>			No	Executive	Yes, assist with facilitating a region-wide workshop this fall.
17.	<u>Chittenden Accountable Community for Health (CACH (ACO))</u>	#5 – health and safety		Not specifically	Executive	Yes, monitor and assist as needed to make sure municipalities are included as appropriate.
18.	<u>Marijuana/cannabis taxation and regulation (S.54)</u>			No	PAC	No. This bill did not pass in the 2019 session. Monitor the status of this bill and seek municipal input with regard to the zoning implications if it gains momentum in the 2020 session.

1. Clean Water (S.96)

Excerpt from VLCT's 2019 Legislative Wrap-up

S.96, the 2019 Clean Water Bill that was the brainchild of the Agency of Natural Resources (ANR), establishes a new structure for improving water quality throughout Vermont. It should also better achieve the clean water goals established in total maximum daily load (TMDL) plans that have been approved by the federal Environmental Protection Agency. The concept is to devolve responsibility for administering non-regulatory clean water programs to entities other than ANR, which is not well suited to implementing them.

S.96 requires the secretary of Natural Resources to devise a strategy for returning a water of the state that she had declared impaired to a state of compliance with Vermont Water Quality Standards. The bill also evaluates whether implementing existing regulatory programs will achieve water quality standards in the impaired water. If they are deemed insufficient to correct the impairment, the secretary will need to:

1. determine how much additional pollutant reduction is necessary to achieve water quality standards in that water;
2. allocate the identified pollutant reduction obligation to each basin and identify a “clean water service provider;” and
3. determine the cost to reduce the pollution.

That assessment and allocation of responsibility among basins and clean water service providers must be accomplished for phosphorus in Lake Champlain by 2021, in Lake Memphramagog by 2022, and in the rest of the state by 2023. The state’s drainage basins are organized into 15 regions for assessment and planning purposes. Municipalities are key participants in their basin’s planning efforts and project implementation activities.

An entity such as a regional commission or natural resources conservation district, may volunteer to be the designated clean water service provider for a particular basin. A clean water service provider is the manager and administrator of water quality projects in the basin and is responsible for meeting water quality goals. By November 1, 2020, the secretary must adopt rules that assign a clean water service provider to each basin in the Lake Champlain and Memphramagog watersheds. That entity will have to identify, design, construct, operate and maintain approved clean water projects in the basin. Clean water service providers will be assigned to the remaining basins six months before the agency implements its new Clean Water Initiative Program (CWIP). Clean water service providers need to adopt guidance for grants to other organizations in the basin and prioritize projects for implementation and funding, taking into account pollutant reduction targets for the basin and recommendations of a governing basin water quality council. The Basin Water Quality Council is specific to that basin and advises the clean water service provider on activities to be undertaken there.

The Secretary of Natural Resources will convene a Land and Water Conservation Study Stakeholder Group to recommend a framework for statewide land conservation and submit the report by January 15, 2020. Despite its clear impact on cities and towns, no representative of local government is included in the group. The secretary is also to write a report on market-based water quality credits and trading, as well as the cost to develop and maintain such a program. By January 15, 2020, the Secretary of Administration is to submit a report regarding the administration and funding of water quality projects on farms as part of the Clean Water Initiative.

See the rest of the summary on page 11: https://www.vlct.org/sites/default/files/2019_wrap-up_web.pdf

Staff Recommendation to the CCRPC Board: CCRPC Staff recommends that we continue to work with CWAC to provide comments on Clean Water Service Provider rules and FY21 funding.

2. Transportation Bill (H.529)

Excerpt from VLCT’s 2019 Legislative Wrap-up

The legislature was keen on directing the Agency of Transportation (VTrans) to study a wide variety of issues, including:

- methods the state may use to increase public transit ridership in the state, with an emphasis on rural areas;
- the cost of upgrades and construction schedule estimates to the state-owned railroad line between Montpelier and Barre to meet commuter rail standards. (VTrans will study the potential use of on-time-of-acquisition feebates and how they can be used. A feebate is a system of charges and rebates where energy-efficient or environmentally friendly practices are rewarded, and failure to adhere to such practices is penalized.); and
- whether Vermont should establish an annual vehicle registration fee schedule based on vehicle weight as a way to generate revenues to support transportation infrastructure as gas sales decline.

Staff Recommendation to the CCRPC Board: Staff recommends that CCRPC participate in, and comment on, these studies as they directly relate to our work.

3. Automated Vehicle Testing (S.149, Act 60)

Summary from VLCT's 2019 Legislative Wrap-up

It may seem like Star Trek technology to some, but the reality of automated vehicles traveling Vermont's urban and rural roads is not far off. In many ways, it is already here: Many new passenger vehicles are equipped with features such as lane departure warnings, adaptive cruise and traction control, electronic stability control, and automatic parking assistance. Act 60, which is the legislation that amends Department of Motor Vehicle laws generally, includes Vermont's first attempt to address the testing of automated vehicles traveling state roads and creates a new section of law, the Automated Vehicles Testing Act.

Act 60 establishes a regulatory system that allows for the testing of automated vehicles on Vermont's public roads. The state's Traffic Committee will have the authority to approve the scope and operational design domain for the testing of automated vehicles. The committee, which has been around for years, comprises the secretary of Transportation and the commissioners of Motor Vehicles and Public Safety, or their designees. The act obliges the Agency of Transportation (VTrans) to create testing standards and publish an Automated Vehicles Testing Guide that specifically describes registration, insurance and liability, background checks and drug and alcohol standards for testers. Selectboards will be authorized to pre-approve automated vehicle testing on class 2, 3, and 4 town highways; they will not have approval authority over each individual testing permit that goes before the Traffic Committee.

By January 1, 2021, VTrans must consult with regional planning commissions to identify selectboards that have approved the testing of automated vehicles within their communities. By the same date, the agency must also publish the testing guide as well as an application form for potential testers. The guide must include a list of municipalities that have approved automated vehicle testing. The list will be updated as new municipalities choose to allow testing, or as others ask to be removed from the list. The act does not detail how the agency and regional planning commissions will compile the list of approved routes within the municipalities' geographic boundaries.

Prior to approving a permit application and upon 60 days' notice, the Traffic Committee must hold a public hearing and notify selectboards of municipalities where testing is proposed. The committee has sole authority to authorize testing on all state highways and any town highways in municipalities that have approved the automated vehicle testing. Before testing commences, permits will be available to law enforcement and municipalities within the geographic scope of the permit. Automated vehicle testers must submit annual reports to the committee summarizing

observations related to safety, traffic operations, interaction with roadway infrastructure, comments from the public, and any other relevant matter. The Traffic Committee must make any changes to permits, and the committee or law enforcement officers may suspend, revoke, void, or invalidate permits for violating the permit.

Municipal officials should talk to VTrans to learn if accommodating testing on local roads will benefit them. Benefits can include gathering data about the physical infrastructure of roads, the potential for congestion reduction strategies, and planning a public transit network that is semi-or fully automated in rural, suburban and urban areas. The impacts of autonomous vehicles will likely vary from place to place, but carefully preparing for them will help communities develop utilitarian transportation plans in general.

Staff Recommendation to the CCRPC Board: Staff recommends that CCRPC participate and comment on draft rules & guidance; as well as work with both the TAC and directly with municipalities to decide whether they would like to pre-approve automated vehicle testing on their roads.

4. Promoting the Ownership and Use of Electric Vehicles in the State of Vermont (PUC Investigation #18-2660-INV)

Over the course of FY19, the Public Utilities Commission conducted an investigation on barriers to EV adoption in Vermont and necessary steps for the state to be able to meet its goals of 90% renewable energy by 2050, including in the transportation sector. The report (https://puc.vermont.gov/sites/psbnew/files/doc_library/Electric%20vehicles%20report.pdf) focuses mostly on utility actions and the legislative and PUC changes that will be necessary to allow those actions. However, the report to the legislature does call for several strategies related to CCRPC's work: state funding for the activities of Drive Electric Vermont, electrification of public transit and a review of zoning regulations and building codes to determine ways to encourage or mandate EV charging.

Staff Recommendation to the CCRPC Board: Staff recommends that CCRPC monitor legislation related to Drive Electric Vermont funding, electrification of public transit and changes in local zoning regulations or building codes related to EV charging, and comment as necessary. Staff also recommends that CCRPC continue its longstanding work with Drive Electric Vermont.

5. VTrans' Project Selection & Prioritization Processes

VTrans is in the process of updating its project selection and prioritization processes. They are seeking to improve the performance-based and data driven project selection and prioritization framework. They intend to review/revamp/revise the current processes to: identify and define how ideas for transportation improvements can become transportation projects; and, take advantage of "harmonization" opportunities to address transportation needs to deliver increased value through our transportation projects. VTrans has been seeking RPC input throughout the process. Christine has been serving on the technical advisory committee. There will likely be some legislative language proposed at the end of this process.

Staff Recommendation to the CCRPC Board: Continue to assist VTrans in this effort and bring drafts to the TAC and Board for review.

6. Transportation Climate Initiative

The [Transportation and Climate Initiative](#) (TCI) is a regional collaboration of 12 Northeast and Mid-Atlantic states and the District of Columbia that seeks to improve transportation, develop the clean energy economy and reduce carbon emissions from the transportation sector. The participating states are: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

Recognizing that more than one third of all carbon emissions come from the transportation sector, participating states started taking action through working groups focused on regional priorities, such as [clean vehicles and fuels](#). Several TCI states are also now working together to explore potential regional policies to improve transportation systems and reduce pollution.

In Vermont, ANR and VTrans are working together on this initiative. They have asked the RPCs for help in supporting regional workshops to discuss rural transportation options.

Staff Recommendation to the CCRPC Board: This work ties directly into our transportation and energy work so we recommend supporting the effort by holding a regional workshop and follow-up as appropriate.

7. Rail Service Study

As we know from the media, several years ago AllEarth Rail acquired low cost diesel mobile unit passenger rail cars. They are now ready to participate in a planning process to determine if it is financially feasible to operate passenger rail service in Northwestern Vermont without significant public subsidies. We have applied for a USDOT BUILD planning grant to explore the feasibility of this service. The concept would rely heavily on developing properties adjacent to the rail stations and using that revenue to support the rail service. One possible site that will be explored for redevelopment is the Burlington Railyard, so this study will also examine opportunities to relocate the Railyard. A large, public planning process will be necessary to explore the concept and determine public and municipal support.

Staff Recommendation to the CCRPC Board: This work ties directly into our transportation, land use, and energy work so we recommend supporting the effort by managing the federal planning grant, if awarded.

8. Act 250 Reform

From DHCD's 2019 Legislative Summary:

The House Committee on Natural Resources and Energy grappled for months on a complicated set of issues -- like how Act 250 could address climate change, discourage forest fragmentation, protect sensitive habitats, and direct more development to state designated areas like downtowns, village

centers, and neighborhoods. While there is broad agreement that Act 250 would benefit from modernization, the Committee was unable to find consensus on the details. The Committee will continue its work on Act 250 in January 2020.

Staff Recommendation to the CCRPC Board: CCRPC has been working with our municipalities and regional partners on this Act 250 reform effort for the past two years. CCRPC Staff recommends that we continue in this work in line with ECOS Plan Strategy #2; and Top 10 Action #1.

9. Rental Housing & Health Code Enforcement (H.132, Act 48)

Summary from VLCT's 2019 Legislative Wrap-up

Available housing is an imperative issue in many parts of Vermont, and much of H.132 addresses housing needs generally, housing discrimination, and ensuring safe housing for victims of sexual or domestic violence. Throughout the session, both the House and Senate had worked on rental housing legislation. In the waning days, it finally was appended to H.132. The rental housing sections of the bill start at Section 5 of the bill.

H.132 charges the Department of Health to serve as the leader on state rental housing health law and provide policy assistance and technical support to municipal officials who are implementing and enforcing state rental housing health and safety laws.

Under current law, local health officers are required to issue written inspection reports when they conduct an inspection on a rental property. Those reports will now need to be provided to the Department of Health in a format it establishes. Rental housing inspection reports are also specifically designated public records. The bill clarifies that a local health officer may impose a civil penalty of up to \$200 per day for each day a violation continues. Cumulative penalties of up to \$800 may be enforced through the Judicial Bureau. Action may be brought in the civil division of superior court for any penalty above \$800 or if seeking injunctive relief.

By August 1, 2019, each Vermont municipality must provide the Department of Health information on rental housing inspection activity in the previous year (that is, July 1, 2018, to June 30, 2019). The department is directed to include that information in a report due to the legislature by September 30, 2019.

By January 15, 2020, the Rental Housing Advisory Board and departments of Health and Public Safety are required to develop recommendations for design and implementation of a comprehensive system for professional enforcement of state rental housing and safety laws. The report is to include a list of options, including a state-run system and a needs assessment, based on data collected from inspection reports.

The state treasurer is directed to issue a report on options for funding and financing affordable housing by January 15, 2020.

For more information on the bill see the Legislative page: <https://legislature.vermont.gov/bill/status/2020/H.132>

Staff Recommendation to the CCRPC Board: CCRPC has been working with our regional partners and municipalities on housing addressing our housing shortage for several years. CCRPC Staff recommends that we continue in this work in line with ECOS Plan Strategy #2; and Top 10

Action #3. Staff recommends that we work with the Building Homes Together partners on the Treasurer's report on options for funding and financing affordable housing; and work with the Department of Health on trainings for health officers if requested.

10. Economic Development (S.162)

Excerpt from VLCT's 2019 Legislative Wrap-up

The Agency of Commerce and Community Development is to study the creation of statewide economic development tools that achieve the goals of current economic development programs such as the Vermont Employment Growth Incentive Program, the Tax Increment Financing Program, and the Vermont Training Program. The report, due by January 15, 2020, is to include options that do not utilize resources from the Education Fund and that sustain economic development in towns with both small and large populations.

Staff Recommendation to the CCRPC Board: Staff recommends that CCRPC review and comment on this study as it may impact our municipalities and businesses.

11. Broadband Deployment throughout Vermont (H.513)

Excerpt from VLCT's 2019 Legislative Wrap-up

"Reaching the last mile," says the Findings section in the as-passed version of H.513, "will require a grassroots approach that is founded on input from and support of local communities, whose residents are best situated to decide which broadband solution fits their needs. ... As we expand our access and reliance on the Internet, we need to be intentional in supporting rural communities and town centers." The Connectivity Initiative (of 2018) is now designed to provide internet service to each address in Vermont that has a speed of at least 25 Mbps download and 3 Mbps upload.

See the rest of the summary on page 11: https://www.vlct.org/sites/default/files/2019_wrap-up_web.pdf

Staff Recommendation to the CCRPC Board: This bill requires many studies, all technical in nature. There are some grant opportunities for municipalities. The main stakeholders are the Public Utility Commission, utilities and municipalities. We don't see a direct role for CCRPC in this work, unless specifically requested from a municipality.

12. Climate Change/Carbon Tax bills

There were a few carbon tax or climate change bills introduced in this session. It is unclear if any of them will move forward in 2020.

Staff Recommendation to the CCRPC Board: We recommend monitoring the status of these bills and seeking Board and municipal input if any of them gains momentum in the 2020 session.

13. Proposed Changes to Vermont's Net Metering Rules (PUC Case 19-0855-RULE)

The Public Utilities Commission began an investigation regarding the biennial update of Vermont's net metering rules in March 2019. The net metering rules cover a number of topics, including electric rates, grid constraints, caps on renewable energy utilities by individuals and businesses, and siting. Siting issues, particularly the definition of "preferred sites" for net metering solar and wind facilities, are an important component of energy planning work at the regional and local level.

Staff Recommendation to the CCRPC Board: Staff recommends that CCRPC continue to monitor and participate in this rulemaking process, with a particular focus on the issue of preferred sites. Energy siting on preferred sites is highly encouraged in the ECOS Plan and it is important that these sites remain viable for energy development.

14. Banning Single-Use Plastic Bags (S.113, Act 69)

Summary from VLCT's 2019 Legislative Wrap-up

This year, municipalities led the way in banning single-use plastic bags, straws, and stirrers in Vermont. After Brattleboro, Burlington, Manchester, Middlebury, Montpelier, and Wilmington moved to enact bans, the legislature took the issue up on a statewide basis.

Act 69 bans the use of single-use plastic shopping bags and polystyrene carry-out containers that stores and food service establishments provide to customers at the point of sale, that is, the check-out stand or cash register. Plastic bags *are* still allowed if they are not given out at the point of sale for groceries or other goods that are carried out. Excluded from the ban are bags made of paper with a "basis weight of 30 pounds or less" (which refers to the thickness of the paper used in the bag); bags provided to someone purchasing a prescription; and bags used inside a store to package loose items or that contain frozen foods, flowers, or laundry.

The legislation allows restaurants to distribute straws only to customers who request them. Hospitals and nursing homes are exempt from the provision. Polystyrene containers used to package fresh meat and foods that were packaged in foam before they reached Vermont are exempt from the ban. Other foam containers, however, such as take-out trays or insulated to-go coffee cups are banned by the legislation. Plastic coffee stirrers are also now disallowed.

Stores and restaurants are allowed to provide recyclable paper carryout bags at the point of sale but S.113 requires them to charge customers at least 10 cents for each bag. The fee is intended to encourage Vermonters to utilize their own reusable bags.

The bans take effect on July 1, 2020. There is an inventory exemption for stores and food service establishments that purchased single-use plastic products prior to May 15, 2019. These products can be distributed to customers until July 1, 2021. Stores and restaurants that violate the bans will receive a written warning for a first offence, a daily fine of \$25 for a second offence, and \$100 for a third offence.

The bill pre-empts all other regulation of single-use plastic bags, straws, stirrers, and expanded polystyrene food service products. Municipal ordinances and bylaws are specifically pre-empted.

The act establishes the Single-Use Products Working Group, an eleven-member study committee charged with examining the effects of single-use products on Vermont's solid waste stream. The committee, which includes a representative of VLCT, will also evaluate current state and municipal policies and requirements and make recommendations to the general assembly on how to improve statewide management of single-use products, including their environmental impacts and effects on landfill capacity, and how to divert them from landfill disposal.

As an addendum, but not at all inconsequentially, the legislation also requires the Secretary of Natural Resources to evaluate the feasibility of opening a second landfill in the state and report to the general assembly in 2021.

Staff Recommendation to the CCRPC Board: Potential role for CCRPC in evaluating and commenting on the Secretary of Natural Resources feasibility study on opening a second landfill in the state.

15. Regulating PFAS and PFOA (S.49, Act 21)

Summary from VLCT's 2019 Legislative Wrap-up

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) – including perfluorooctanoic acid (PFOA) – are synthetic chemicals ubiquitous in the environment and found in many products, including food packaging, household cleaners, and nonstick cookware. PFAS and other human-made perfluorochemicals have been in use since the 1940s. According to the New England Water Environment Association, PFAS comprise more than 4,700 chemicals and polymers. These chemicals are potentially significant health concerns because they can stay in the environment and in the human body for long periods of time. It is worth noting that thousands of them have not been tested for their effects on human health.

Act 21 calls on the Agency of Natural Resources (ANR) to adopt rules that establish maximum contaminant levels for PFAS as part of its water supply and surface water quality standards. Before those rules are adopted, public water systems will have to monitor for “certain PFAS chemicals and respond appropriately when results indicate levels of PFAS in excess of the Vermont Department of Health advisory level.” ANR may require any permitted facility to monitor for any release of a chemical that exceeds a Department of Health advisory.

Following the discovery of PFOA in Hoosick Falls, New York, in 2014, and subsequently in Bennington in alarming levels, the Vermont Department of Health adopted a health advisory level for certain PFAS of 20 parts per trillion (PPT). ANR adopted the same limit in both its Remediation of Contaminated Properties Rule and Groundwater Protection Rule and Strategy, but not as part of either the Water Supply Rule or Vermont Water Quality Standards.

All public community water systems as well as all nontransient, noncommunity water systems must conduct monitoring for the maximum number of PFAS detectable from standard laboratory methods by December 1, 2019. There is some disagreement about what constitute effective testing methods as the science concerning PFAS is young. Water systems are to continue monitoring if PFAS contaminants are detected individually or in combination at or above various levels. If the Department of Health 20-PPT limit is exceeded, the water system will be directed to implement treatment or other remedies to reduce the level of regulated PFAS contaminants below that limit and to post “Do Not Drink” notices to all users until that happens.

Act 21 obliges ANR to file rules to regulate PFAS for water supplies and surface water quality in 2020, take comments and decide whether or not to file final rules for water supplies by 2021, and file rules for surface waters by 2024. The legislation also requires ANR to publish a plan for a statewide investigation of potential sources of PFAS contamination and conduct a pilot project at public water systems to evaluate PFAS that are not quantified by standard laboratory methods by June 1, 2019, and begin to implement the plan by July 1.

Any entity with an ANR permit *could* be required to monitor operation of a facility, discharge, emission, or release for *any* constituent for which the Department of Health has established a health advisory for up to two years after an advisory is established. The agency may impose conditions on any permitted entity if it determines that the operation of the facility or discharge, emission, or release, endangered human health or the natural environment.

By January 2020, the ANR must publish guidance detailing practices for implementing interim environmental media standards and monitoring standards for constituents subject to a Department of Health advisory. The agency would also need to draft a plan for collecting data for contaminants in drinking water from public community and non-transient, non-community water systems that are subject to a Department of Health advisory for which no maximum contaminant level has been adopted (presumably because those providing the advisory do not know what is an acceptable contaminant level).

ANR is also tasked to submit a report to the legislature by January 15, 2020, on managing leachate at landfills. The legislation includes no money to pay for testing, monitoring, or remediation at municipal facilities, nor does it direct ANR to hold accountable any entity that may be a source of PFAS contamination.

Staff Recommendation to the CCRPC Board: While this bill may have an impact on our municipal water systems, this is beyond the technical expertise of the CCRPC. We don't see a direct role for CCRPC in this work.

16. Community Justice Center Regional Workshop

Our municipalities that manage Community Justice Centers and the Vermont Department of Corrections have asked us to host a regional workshop to discuss service models, staffing and work distribution need to be evaluated from a region-wide standpoint to determine a financially sustainable model.

Staff Recommendation to the CCRPC Board: We recommend supporting the effort by holding a regional workshop and follow-up as appropriate.

17. Chittenden Accountable Community for Health (CACH (ACO))

Vermont continues to move forward with implementing an accountable care organizational structure for health care that will shift the focus more towards public health initiatives. Some of this work will intersect with our work in the areas of developing walkable communities and transportation services (especially for elderly and disabled). Staff has been monitoring this effort and providing some level of assistance as they work to develop a functional organizational structure. Some of that discussion has picked up on how the Chittenden County Opioid Alliance is organized.

Staff Recommendation to the CCRPC Board: We recommend continuing engagement as needed to make sure municipal interests are represented in the final organization.

18. Marijuana/cannabis taxation and regulation (S.54)

Excerpt from VPA's 2019 Legislative Summary in May

This bill has passed the Senate and is now in the House Ways and Means committee to deal with the taxation side of the bill. The version that came out of the House Government Operations committee changed the municipal opt out option for any and all establishments (e.g., growing, testing, retail sales) to a municipal opt in system for retail establishments, and a requirement that growing and testing facilities be allowed. In other words, municipalities would NOT be able to prohibit grow and testing operations, but could prohibit retail establishments. This version still has language that prevents municipalities from using zoning or ordinance powers to create a blanket prohibition on cannabis establishments. In other words, everything other than retail sales must be allowed somewhere in every municipality, and a blanket prohibition on retail sales is the default until a municipality votes to allow it – not via zoning, but via a town-wide vote as described in the bill. Local zoning can still regulate cannabis establishments, but only in coordination with a local cannabis control commission – similar to liquor control boards.

To see the version that passed out of the House Government Operations Committee, go to the May 3 House Calendar and search for S. 54 - <https://legislature.vermont.gov/Documents/2020/Docs/CALENDAR/hc190503.pdf> To see the version that passed the Senate, and the status of the bill, see <https://legislature.vermont.gov/bill/status/2020/S.54>

Staff Recommendation to the CCRPC Board: We recommend monitoring the status of this bill and seeking municipal input with regard to the zoning implications if it gains momentum in the 2020 session.

**REGULAR MEETING &
PUBLIC HEARING AGENDA**
Wednesday, July 17, 2019, 6:00 pm
CCRPC Offices; 110 W. Canal St; Suite 201
Winooski, VT 05404



AGENDA

CONSENT AGENDA – NONE

DELIBERATIVE AGENDA

1. Call to Order
2. Changes to the Agenda (Action: 1 min.)
3. Public Comment Period on Items NOT on the Agenda
4. Approve Minutes of June 19, 2019 Annual Meeting* (Action: 1 min.)
5. Autonomous Vehicles, Joe Segale, VTrans (Discussion: 20 min.)
6. FY20-23 Transportation Improvement Program (TIP)* (MPO business)
 - a. Presentation & Public Hearing (Action & Discussion: 20 min.)
 - b. Approval of the TIP* (Action: 2 min.)
 - c. Certification of the Planning Process* (Action: 1 min.)
7. FY2020 Regional Board Member and Committee Appointments* (Chair Action: 5 min.)
8. Potential Policy Participation Topics* (Discussion/Action: 30 min.)
9. Chair/Executive Director's Updates (Information; 15 min.)
10. Committee/Liaison Activities & Reports * (Information; 1 min.)
 - a. Clean Water Advisory Committee (draft minutes July 2, 2019)
 - b. MS4 Subcommittee (draft minutes July 2, 2019)
 - c. Brownfields Advisory Committee (draft minutes July 8, 2019)
11. Other Business/Members' Items
12. Adjournment (Action: 1 min.)

**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.*

Upcoming Meetings - Unless otherwise noted, all meetings are held at our offices:

- Transportation Advisory Committee - Tuesday, August 6, 2019; 9:00 a.m.
- Clean Water Advisory Committee -Tuesday, August 6, 2019; 11:00 a.m.
- Planning Advisory Committee - Wednesday, August 7, 2019 2:30 p.m.
- Executive Committee – **NO MEETING IN AUGUST**
- CCRPC Board - **NO MEETING IN AUGUST**
- Transportation Advisory Committee – Tuesday, September 3, 2019, 9:00 a.m.
- Clean Water Advisory Committee – Tuesday, September 3, 2019, 11:00 a.m.
- MS4 Sub-committee – Tuesday, September 3, 2019, noon
- Executive Committee – Wednesday, September 4, 2019 5:45 p.m.
- CCRPC Board Meeting – Wednesday, September 18, 2019 – 6:00 p.m.

Tentative future Board agenda items:

NO AUGUST MEETING	
September 18, 2019	<i>MPO Training Session in advance of Meeting</i> Essex Junction Village Plan – Action BTV Airport Noise Compatibility Plan
October 16, 2019	<i>MPO Training Session in advance of Meeting</i> FY21 Municipal Dues - Action
November 20. 2019	<i>MPO Training Session in advance of Meeting</i> FY19 Audit – Action

Other Potential Topics/Speakers:

Results from Policy Discussion?

VTrans Rail?

UVM-Medical Center Population Health?

South Burlington City Center?

E-assist Bikeshare and E-scooters?

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