

REGULAR MEETING AGENDA

Wednesday, January 15, 2020 - **6:00 p.m.**
CCRPC Offices; 110 W. Canal Street, Suite 202
Winooski, VT 05404



CONSENT AGENDA –

DELIBERATIVE AGENDA

1. Call to Order; Changes to the Agenda
2. Public Comment Period on Items NOT on the Agenda
3. Action on Consent Agenda (MPO Action, if needed; 1 minute)
4. Approve Minutes of November 20, 2019 Meeting* (Action; 1 minute)
5. Major TIP Amendments*
 - a. Public Hearing (MPO Action; 5 minutes)
 - b. Major TIP Amendments for the Williston Park & Ride and Champlain Parkway (MPO Action; 1 minute)
6. FY20 UPWP & Budget Mid-year Adjustment* (MPO & RPC Business) (RPC & MPO Actions; 15 minutes)
7. Town of Jericho Determination of Energy Compliance* (Municipal Action; 5 minutes)
8. Clean Water Service Provider RFP Comments* (Action; 45 minutes)
9. Chair/Executive Director Report (Discussion; 10 minutes)
 - a. Planner Recruitment
 - b. FY21 UPWP Development
 - c. Senate Economic Development, Housing & General Affairs Committee – Chittenden County Housing meeting on 1/9/20
 - d. Act 250 Recommendations (Act 250 and Housing bills)
10. Committee/Liaison Activities & Reports * (Information, 2 minutes)
 - a. Executive Committee (final minutes December 4, 2019 and draft minutes January 8, 2020)
 - i. Act 250 Sec 248 letters - none
 - b. TAC (final minutes December 3, 2019 and draft minutes January 7, 2020)
 - c. Clean Water Advisory Committee – MS4 Subcommittee (final minutes December 3, 2019)
 - d. Clean Water Advisory Committee (draft minutes January 7, 2020)
 - e. Planning Advisory Committee (draft minutes December 11, 2019)
 - f. Brownfields Committee (draft minutes December 16, 2019)
11. Members' Items, Other Business (Information, 5 minutes)
12. Adjourn

The January 15th Chittenden County RPC Board meeting streams LIVE on YouTube at <https://www.youtube.com/Channel17TownMeetingTV>. The meeting will air Sunday January 19, 2020 at 1 p.m. and is available on the web at <https://www.cctv.org/watch-tv/series/chittenden-county-regional-planning-commission>.

*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:

- UPWP Committee – Thursday, January 23, 2020, 5:30 pm
- Transportation Advisory Committee – Wednesday, February 4, 2020, 9 am
- Clean Water Advisory Committee - Wednesday, February 4, 2020, ~11 am
- CWAC MS4 Subcommittee - Wednesday, February 4, 2020, ~12:30 pm
- Planning Advisory Committee – Wednesday, February 12, 2020, 2:30 pm
- Executive Committee – Wednesday, February 5, 2020, 5:45 pm
- CCRPC Board Meeting - Wednesday, February 19, 2020 6:00 pm

Tentative future Board agenda items:

February 19, 2020	Clean Water Service Provider RFP Discussion Update Safety Performance Targets for Metropolitan Planning Area Act 250 Recommendations (Act 250 and Housing bills) TCI & other climate change bills, if moving?
March 18, 2020	Clean Water Service Provider RFP Action Act 250 Recommendations (Act 250 and Housing bills) TCI & other climate change bills, if moving?
April 15, 2020	Warn Public Hearing for FY21 UPWP
May 20, 2020	FY21 UPWP and Budget Public Hearing
June 17, 2020	Annual Meeting Warn FY21-23 TIP Hearing

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
REGULAR MEETING MINUTES
DRAFT

DATE: Wednesday, November 20, 2019
TIME: 6:00 p.m.
PLACE: CCRPC offices; 110 W. Canal Street, Suite 202; Winooski, VT 05404
PRESENT: Bolton: Sharon Murray Buel's Gore: Absent
Burlington: Andy Montroll Charlotte: Absent
Colchester: Jacki Murphy Essex: Jeff Carr
Essex Junction: Jeff Carr (2nd Alt) Hinesburg: Mike Bissonette
Huntington: Barbara Elliott Jericho: Catherine McMains
Milton: Tony Micklus Richmond: Bard Hill
St. George: Absent Shelburne: Absent
South Burl: Chris Shaw Underhill: Absent
Westford: Vacant Williston: Absent
Winooski: Michael O'Brien VTrans: Amy Bell
Socio/Econ/Housing: Absent Essex: Elaine Haney, (Alt.)
Bus/Ind: Tim Baechle (*arrived at 6:48 p.m.*)
GMT: Jon Moore
Agriculture: Absent Cons/Env: Absent
Others: Matthew Langham, VTrans Scott Moody, CCTV
Scott Burbank, VHB (VTrans) Jackie Cassino, VTrans
Staff: Charlie Baker, Executive Director Eleni Churchill, Trans. Program Mgr.
Forest Cohen, Senior Business Mgr. Christine Forde, Senior Planner
Marshall Distel, Planner Regina Mahony, Planning Program Mgr.
Jason Charest, Senior Planner Amy Irvin Witham, Business Office Associate

1. Call to order; changes to the agenda. The meeting was called to order at 6:05 p.m. by the Chair, Michael O'Brien. Jeff Carr noted that he is representing both Essex and Essex Junction.

2. Public Comment Period on Items NOT on the Agenda. There were no public comments.

3. Approve Minutes of October 16, 2019 board meeting. JEFF CARR MADE A MOTION, SECONDED BY ANDY MONTROLL, TO APPROVE THE OCTOBER 16, 2019 MINUTES WITH EDITS, IF ANY. MOTION CARRIED UNANIMOUSLY.

4. Action on Consent Agenda - MPO Business. The consent agenda included amendments to the FY20 Transportation Improvement Program. The amendment is for the addition of a new project that adds supplemental signage to all I-89 exits in Chittenden County. The signage will identify the mile marker number. This is a \$22,000 addition for FY20. The TAC and CCRPC STAFF recommend the Board approve the TIP Amendment. JEFF CARR MADE A MOTION, SECONDED BY CHRIS SHAW FOR ACTION ON CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY.

5. FY19 Audit; presentation by Fred Duplessis, Sullivan Powers. Charlie introduced Fred Duplessis, CPA, with Sullivan, Powers & Co. Certified Public Accountants. Copies of the Final Draft Audit Report were provided. Fred explained his team recently completed the audit of FY19 CCRPC financial statements.

Fred explained the audit conducted followed the generally accepted accounting principles in accordance with auditing standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Fred reviewed sections in order of the report. He stated a recommendation, that the CCRPC have electronic spreadsheets reviewed for accuracy by a second person, has been implemented. Fred also explained that the CCRPC is a member of Vermont Municipal Employees' Retirement System, commonly referred to as VMERS. VMERS offers a pension plan, which some CCRPC staff participate in. Generally accepted accounting principles (rules) dictate that the CCRPC's portion of the pension plan liability be listed on our balance sheet. This can result in a large expense on our financial statements that management has no control over. He also added VMERS is a relatively healthy program, currently at 82% funded and as little as 5 years ago was 98% funded. Member discussion ensued regarding the VMERS liability. Jeff Carr expressed concern over the VMERS and asked if there could be a separate footnote that explains the liability. Fred stated VMERS is broken out in the report on page 11, Exhibit II. With this, CCRPC shows an operating loss of only \$52,700, which is around \$48K better than was budgeted. Members discussed the overall financial stability of CCRPC. Fred stated the audit is quite favorable and there are no findings of control weaknesses. He also said CCRPC does a great job of having systems in place and keeping up with the federal requirements to manage federal funds. The CCRPC continues to qualify as a Low Risk Auditee, which is an important designation to federal funders.

Jeff Carr congratulated everyone on a job well done and expressed his thanks to Fred and his staff at Sullivan, Powers for their work as well as the CCRPC staff. JEFF CARR MADE A MOTION, SECONDED BY SHARON MURRAY, TO ACCEPT THE FY19 AUDIT AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

6. VTrans Presentation (Williston Park & Ride) and Warn a Public Hearing for Major TIP Amendments FY20-23 Transportation Improvement Program (TIP). Christine Forde reviewed the memo enclosed in the board packet which described the need for a public hearing in January for a major TIP amendment to advance the Williston Park & Ride Project. The memo specifies that for the Park & Ride project the TIP amendment advances \$2,300,000 in federal funds from FY19 to FY20. It adds \$175,000 for preliminary engineering, \$372,000 for ROW and \$1,675,000 for construction. The new total project cost is \$7,100,000; a 57% increase, which is considered as a Major Amendment according to the CCRPC TIP Amendment Policy. The amendment also includes a change to the Champlain Parkway project in Burlington by moving \$3,000,000 in federal funds from FY20 to FY23. The Champlain Parkway has over \$13,000,000 in federal funds in FY20 and the current spending profile for the project indicates that the project will not spend that much. The TAC and CCRPC STAFF recommend the Board warn and hold a Public Hearing in January on the TIP Amendment. The TAC and CCRPC STAFF recommend the Board warn and hold a Public Hearing in January on the TIP Amendment.

Charlie introduced Scott Burbank, a project manager at VHB, who is working on behalf of VTrans on the Williston Park and Ride project. Scott's presentation provided insight on the Williston Park and Ride project. One of the major changes was the relocation of the access drive. The access drive has been relocated to accommodate the grade of the roadway and a new Vermont State Police building. This relocation required many changes in several areas including the turn lanes, updated stormwater permits, a water/wastewater permit, an amended Act 250 and DRB permits. A separate link can be accessed for Scott's presentation with the minutes on the CCRPC website.

JEFF CARR MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO WARN A PUBLIC HEARING FOR JANUARY 15TH AT 6:00 P.M. MOTION CARRIED UNANIMOUSLY, WITH MICHAEL O'BRIEN ABSTAINING. MPO VOTE:

Bolton:	Yes	Burlington:	Yes (4)	Charlotte:	Absent
Colchester:	Yes (2)	Essex:	Yes	Essex Jct:	Yes
Hinesburg:	Yes	Huntington:	Yes	Jericho:	Yes
Milton:	Yes	Richmond:	Yes	St. George:	Absent
Shelburne:	Absent	So. Burlington:	Yes (2)	Underhill:	Absent
Westford:	VACANT	Williston:	Absent	Winooski:	Yes
VTrans:	Yes				

The MOTION CARRIED WITH 18 OF 24 VOTES; AND 12 OF 18 MUNICIPALITIES VOTING IN THE AFFIRMATIVE.

7. VTrans Draft Public Transit Policy Plan. Jackie Cassino, Planning Coordinator-VTrans, distributed a copy of the Vermont Public Transit Policy Plan draft. She explained development of a PTPP is a statutory requirement, every 5 years (Title 24, VSA, §5089). The first was published in 2000, and the most recent version in 2012. This plan is an update to the 2012 PTPP and serves as a guide for VTrans and its partners in making decisions on implementing and funding transit projects. The goal is to have the plan open for public comment until December in order to have it ready for the upcoming legislative session starting January 2020.

The plan outlines 5 Critical Themes and Challenges of transit in Vermont, including: Aging Population, Economic Trends and Opportunities, Technology and Information, Public Awareness and Land-use development and Housing location. The plan is looking to address an aging Vermont. VTrans will work with the agency of Human Services to develop comprehensive planning for Elderly and Disabled and establish personal mobility accounts. The expansion of transit access includes:

- Growth in volunteer drivers
- Access to healthcare
- Local Connections
- Availability of transportation times and locations
- Transit funding pool

VTrans has long term land-use planning and investment goals, to maintain focus on two objectives in the Long-Range Transportation Plan, first

- Maintain and Strengthen the vitality of Vermont's villages and downtowns
- Make transportation investments that promote active transportation and reduce social isolation

Members discussed public transportation options and challenges. Jackie Cassino explained the information can be found on the project webpage <https://vtrans.vermont.gov/planning/PTPP>. Additionally, a separate link can be accessed for the PTPP with the minutes on the CCRPC website.

8. Town of Charlotte Determination of Energy Compliance. Regina Mahony explained the amendments to the Charlotte Town Plan are only for a determination of energy compliance. The plan was adopted by the Town of Charlotte Selectboard on November 5, 2019. CCRPC Staff recommends the Board grant an affirmative determination of energy compliance to the amended 2019 Charlotte Town Plan. ANDY MONTROLL MADE A MOTION, SECONDED BY SHARON MURRAY, TO GRANT THE DETERMINATION OF ENERGY COMPLIANCE FOR THE CHARLOTTE TOWN PLAN. MOTION CARRIED UNANIMOUSLY.

9. Chair/Executive Director Report. Charlie said he wants to narrow down topics to bring to the Legislative Breakfast December 10, 2019. He feels Act 250, a housing bill, community wastewater in

1 villages, the Transportation Climate Initiative, I89 Study and Community Justice Centers are all topics of
2 interest, however, there may be too many for the time allotted and may need to be narrowed down.
3 Jeff Carr asked if it would be possible to hand out information for legislators arming them with
4 information as to the importance of continuing to invest in Chittenden County.

5
6 10. Committee/Liaison Activities & Reports. Minutes for various meeting were included in the packet
7 (Executive Committee, TAC, and CWAC).

8
9 11. Members' Items, Other business. Regina announced a regionwide weatherization event "Button Up
10 Vermont" to be held on Sunday, November 24 at 12:00pm at 21 Essex Way in Essex. The event will
11 feature a home weatherization trailer, cider and donuts, face-painting, energy saving presentations, a
12 climate change film "The Human Element", information tables and more.

13
14 12. Adjourn. JEFF CARR MADE A MOTION, SECONDED BY ANDY MONTROLL, TO ADJOURN THE
15 MEETING AT 7:48 P.M. MOTION CARRIED UNANIMOUSLY.

16
17 Respectfully submitted,
18 Amy Irvin Witham

Chittenden County Regional Planning Commission

January 15, 2020

Agenda Item 5: Action Item

FY2019 and FY2020 Transportation Improvement Program (TIP) Amendments

Issues

A Major Amendment is needed to advance the Williston Park & Ride Project. Major amendments required a public hearing. Details of the proposed amendments are provided below.

Williston Park & Ride (Project IN004A, Amendment FY20-05)

- ▶ **Description of Change** – Advance \$2,300,000 in federal funds from FY19 to FY20 and add \$175,000 for preliminary engineering, \$372,000 for right of way and \$1,675,000 for construction. The new total project cost is \$7,100,000. This is a 57% increase which is a Major Amendment according to CCRPC's TIP Amendment Policy. This change will apply to the FY20 year of the FY19-22 TIP, which is still in effect, and the FY20 year of the FY20-23 TIP which has not yet been approved by FHWA.
- ▶ **Reason for Change** – The proposed access drive to the Park & Ride lot has been relocated to consolidate driveways with a new Vermont State Police building to be constructed south of the Park & Ride lot location. Relocating the access drive requires a number of changes including relocating turn lanes, updated stormwater permits, a water/wastewater permit, and an amended Act 250 and a DRB permit. VTrans representatives will attend the Board meeting to provide more specific information.

Champlain Parkway, Burlington (Project HC001A, Amendment FY20-06)

- ▶ **Description of Change** – Move \$3,000,000 in federal funds from FY20 to FY23.
- ▶ **Reason for Change** – The TIP is a fiscally constrained document. Champlain Parkway has over \$13,000,000 in federal funds in FY20 and the current spending profile for the project indicates that the project will not spend that much. \$10,222,501 remains in FY20 which will be adequate to cover project expenses.

**Staff and TAC
Recommendation:**

Recommend that the Board hold a Public Hearing on January 15, 2020 on these TIP Amendments.

Recommend that the Board approved the TIP amendments for the Williston Park & Ride and Champlain Parkway as detailed in the January 15, 2020 agenda item.

**For more
information,
contact:**

Christine Forde
cforde@ccrpcvt.org or 846-4490 ext. *13

Chittenden County Regional Planning Commission
January 15, 2020

Agenda Item 7: Amendments to the *2016 Jericho Town Plan* – Determination of Energy Compliance

Issues: The Town of Jericho has requested that the Chittenden County Regional Planning Commission grant a determination of energy compliance to the amended *2016 Jericho Town Plan*. The plan was adopted by the Selectboard on January 2, 2020.

As described in the attached proposed resolution, the PAC has held the required hearing, reviewed the Plan in light of this request, and recommends that the Board grant a determination of energy compliance at this time. For your information, the annotated staff report to the Planning Advisory Committee regarding the determination of energy compliance is attached.

For your information, VAPDA is keeping track of municipalities that receive a determination of energy compliance at this website: vapda.org/vermont-enhanced-town-energy-plans/

Please note that decisions regarding determination of energy compliance shall be made by majority vote of the commissioners representing municipalities, in accordance with the bylaws of the CCRPC and Title 24 V.S.A. § 4350(f).

**Planning Advisory
Committee
Recommendation:**

The Planning Advisory Committee recommends that the CCRPC Board grant an affirmative determination of energy compliance to the amended 2016 Jericho Town Plan.

Staff Recommendation:

Staff recommends that the CCRPC Board grant an affirmative determination of energy compliance to the amended 2016 Jericho Town Plan.

Staff Contact:

Contact Regina Mahony or Melanie Needle with any questions:
rmahony@ccrpcvt.org, 846-4490 ext. *28 or mneedle@ccrpcvt.org,
846-4490 ext. *27.

Staff Review of the Town of Jericho’s Enhanced Energy Comprehensive Town Plan

Melanie Needle, Senior Planner

Reviewed by the CCRPC Planning Advisory Committee on October 9, 2019 – Annotated for Board Review

The Town of Jericho has requested that the Chittenden County Regional Planning Commission issue a determination of compliance with the enhanced energy planning standards set forth in 24 V.S.A. §4352 for the Town of Jericho Comprehensive Town Plan (draft 9/10/2019).

The draft Town of Jericho Comprehensive Town Plan (draft 9/10/2019) is an amendment to include several other sections. In accordance with statute, amendment means that this is not a full rewrite of the Town Plan and the Town Plan expiration date will remain in 2024. The amendments includes changes to the purpose of the Commercial District, an update to the Natural Resources chapter, a new Healthy Community chapter, and inclusion of an enhanced energy element.

Staff have completed this formal review of the Town of Jericho Comprehensive Town Plan (draft 9/10/2019) against the Vermont Department of Public Service’s Energy Planning Standards for Municipal Plans in advance of the Planning Commission’s public hearing on October 15, 2019.

Enhanced Energy Plan Review

Following the statutory requirements of 24 V.S.A. §4352 and Vermont Department of Public Service’s Energy Planning Standards for Municipal Plans, I have reviewed the draft Jericho Comprehensive Town Plan Enhanced Energy element to determine whether:

1. The Comprehensive Town Plan includes an energy element that has the same components as described in 24 V.S.A. §4348a(a)(3) for a regional plan and is confirmed under the requirements of 24 V.S.A. §4350.
2. The Comprehensive Town Plan is consistent with following State goals:
 - a. Vermont’s greenhouse gas reduction goals under 10 V.S.A. § 578(a);
 - b. Vermont’s 25 by 25 goal for renewable energy under 10 V.S.A. § 580;
 - c. Vermont’s building efficiency goals under 10 V.S.A. § 581;
 - d. State energy policy under 30 V.S.A. § 202a and the recommendations for regional and municipal energy planning pertaining to the efficient use of energy and the siting and development of renewable energy resources contained in the State energy plans adopted pursuant to 30 V.S.A. §§ 202 and 202b (State energy plans); and
 - e. The distributed renewable generation and energy transformation categories of resources to meet the requirements of the Renewable Energy Standard under 30 V.S.A. §§ 8004 and 8005.
3. The Comprehensive Town Plan meets the standards for issuing a determination of energy compliance included in the State energy plans as developed by the Vermont Department of Public Service.

Staff Review Findings and Comments

Consistency with the requirements above is evaluated through the Vermont Department of Public Service’s Vermont Department of Public Service’s Energy Planning Standards for Municipal Plans, which is attached to this document and briefly summarized below.

CCRPC Staff & PAC Review – Town of Jericho Enhanced Energy Comprehensive Town Plan
October 9, 2019 PAC Meeting

Standard	Met	Not Met	N/A
1. Plan duly adopted and approved	X		
2. Submit a copy of the adopted plan	X		
3. Plan contains an energy element	X		
4. Analysis of resources, needs, scarcities, costs and problems in the municipality across all energy sectors	X		
5.a. Report Current energy use for heating, electricity, and transportation	X		
5.b. Report 2025, 2035 and 2050 targets for energy use	X		
5.c. Evaluation of thermal-sector energy use changes	X		
5.d. Evaluation of transportation-sector energy use changes	X		
5.e. Evaluation of electric-sector energy use changes	X		
6.a. Encourage conservation by individuals and organizations	X		
6.b. Promote efficient buildings	X		
6.c. Promote decreased use of fossil fuels for heat	X		
6.d. Demonstrate municipal leadership re: efficiency of municipal buildings?	X		
7.a. Encourage increased public transit use	X		
7.b. Promote shift away from single-occupancy vehicle trips	X		
7.d. Promote shift from gas/diesel to non-fossil fuel vehicles?	X		
7.e. Demonstrate municipal leadership re: efficiency of municipal transportation?	X		
8.a. Promote Smart growth land use policies	X		
8.b. Strongly prioritize development in compact, mixed use centers	X		
9.a. Report existing renewable energy generation	X		
9.b. Analyze generation potential	X		
9.c. Identify sufficient land to meet the 2050 generation targets	X		
9.d. Ensure that local constraints do not prevent the generation targets from being met	X		
9.e. Include policy statements on siting energy generation		Additional work is needed	
9.f. Maximize potential for generation on preferred sites	X		
9.g. Demonstrate municipal leadership re: deploying renewable energy	X		
4. Include maps provided by CCRPC	X		

Comments related to the Standards:

The updates and enhancements made to the energy chapter have produced an energy element that is readable and accessible to the casual reader as well as any stakeholder looking to implement policy improvements. The energy chapter meets all the energy planning standards for a municipal plan. However, CCRPC staff has found that the implementation strategy related to the treatment of secondary conservation areas in Chapter 4: Natural Resources could be further clarified to ensure consistency with the implementation strategy related to possible constraints in Chapter 11: Energy. Specially, strategy 4.1.3 would benefit from further editing as the policy currently does not indicate that mitigating impacts to these constraints may be necessary. A possible solution could be to incorporate the last sentence in the second bullet on page 42 of the tracked changes version into policy statement 4.1.3 with an additional phrase about mitigating potential impacts caused by development to secondary conservation areas. For example: In general, these places should be evaluated carefully when

development is proposed within them for potential conflicts with the natural resource values and impacts may need to be mitigated. This has amendment has been made.

Additionally, the constraint policy statements in Chapter 11 should be referenced in the energy generation siting narrative on page 131 of the tracked changes version to ensure that potential developers are aware of the policy statements in this chapter.

For example: Additionally, implementation actions 11.2.1.9 and 11.2.1.10 should be applied to renewable energy development applications. This has amendment has been made.

Comments related to typos or clarification

1. Page 116 add analysis after (LEAP) in second paragraph.
2. Page 118 First paragraph. Acknowledging the reliability issues and discussing battery system is a great solution. However only GMP's battery storage system is discussed probably because VEC doesn't have a program. It would be helpful for the reader to state that VEC doesn't currently have a battery storage system to offer VEC rate payers at the time of writing of this plan.
3. Page 118 table 11. 2 text indicates the data is current as of 2017, but the source note in the table says 2018. Additionally, the number of solar arrays in the narrative does not match the data in the table. The text should say 275 solar arrays not 163 arrays.
4. Page 119 Third paragraph nice discussion of the natural gas conundrum
5. Page 119 under Thermal Energy Heading 'tables' should be singular
6. Page 120 Table 11. 3 What is the source of the data? Is it the American Community Survey? If it is, please consider adding a statement alerting the reader that the data is associated with a margin of error. Please also include a source.
7. Page 120 Table 11.4 The percentages included for natural gas consumption sum up to 102%. Please double check
8. Page 124 The first sentence of the last paragraph fits better as the second sentence in the paragraph above
9. One Page 128 Under Generation The amount of existing generation stated in the last sentence of the first paragraph does not match what is indicated in 11.2. This is ok but a note explaining the reason for the mismatch should be included.
10. Consider including the definitions of prime and base land area
11. In the list of state-define possible constraints, uncommon species are included. Uncommon species are not listed in the Act 174 standards, so I am not sure why it is listed here.
12. Page 133 Great list of actions taken!
13. Implementation 11.1.3.4 and 11.1.3.5: electric vehicles should be included in these statements as well
14. Implementation 11.1.4.5 typo add an "s" to station

Staff finds that the draft Town of Jericho Comprehensive Town Plan (draft 9/10/2019) meets the requirements of the enhanced energy planning standards ("determination") set forth in 24 V.S.A. §4352.

Proposed Motion & Next Steps:

The PAC finds that the draft Town of Jericho Comprehensive Town Plan (draft 9/10/2019) meets the requirements of the enhanced energy planning standards ("determination") set forth in 24 V.S.A. §4352 **with the additions of clarifying language to strategies 4.1.3.**

Upon notification that the Plan has been adopted by the municipality, CCRPC staff will review the plan, and any information relevant to the confirmation process. **If staff determines that the natural resource strategies**

mentioned above have not been revised or that substantive changes have been made, the materials will be forwarded to the PAC for review. Otherwise the PAC recommends that the Plan, and the municipal planning process, should be forwarded to the CCRPC Board for approval, confirmation, and an affirmative determination of energy compliance.

Chittenden County Regional Planning Commission (CCRPC)
Resolution

Determination of Energy Compliance for the 2019 Amendments to the 2016 Jericho Town Plan

WHEREAS, Title 24, V.S.A. §4352 in part states that a municipality that wishes to seek a Determination of Energy Compliance may submit its plan to the Regional Planning Commission, if the regional plan has an affirmative determination of energy compliance; that each review shall include a public hearing; and that the Commission shall issue an affirmative determination of energy compliance if the plan:

1. is consistent with the regional plan;
2. includes an energy element;
3. is consistent with Vermont's energy goals and policies; and
4. meets the standards for issuing a determination of energy compliance included in the State energy plans, as described by the Vermont Department of Public Service in their Energy Planning Standards for Municipal Plans;

WHEREAS, the CCRPC's 2018 *Chittenden County Regional Plan, entitled the ECOS Plan*, adopted June 20, 2018, received an affirmative determination of energy compliance on August 9, 2018;

WHEREAS, the CCRPC at its September 19, 2018 meeting approved the *CCRPC Guidelines and Standards for Confirmation of Municipal Planning Processes, Approval of Municipal Plans and Granting Determination of Energy Compliance* dealing with local plans and CCRPC action;

WHEREAS, The Town of Jericho, Vermont is a member municipality of this Commission;

WHEREAS, The Town of Jericho, Vermont requested CCRPC grant a determination of energy compliance to the 2019 Amendments to the 2016 *Jericho Town Plan* in September, 2019;

WHEREAS, the Planning Advisory Committee warned a public hearing on September 24, 2019 and held a public hearing on October 9, 2019 to review the 2019 Amendments to the 2016 *Jericho Town Plan* for granting a determination of energy compliance, at the CCRPC offices, located at 110 W. Canal Street, Suite 202, Winooski, Vermont;

WHEREAS, the CCRPC at its January 20, 2016 meeting approved the 2016 *Jericho Town Plan* and confirmed the Town of Jericho's planning process, and the 2019 amendments to the plan do not nullify that approval and confirmation;

WHEREAS, the Planning Advisory Committee reviewed the records and recommended that the Commission grant an affirmative determination of energy compliance to the 2019 Amendments to the 2016 *Jericho Town Plan* as meeting the requirements of Title 24, V.S.A. §4352 and the *Guidelines and Standards for Confirmation of Municipal Planning Processes, Approval of Municipal Plans and Granting Determinations of Energy Compliance*, as described in CCRPC's staff review and the minutes of the Planning Advisory Committee, dated October 9, 2019; and

WHEREAS, the Town of Jericho Selectboard adopted the 2019 Amendments to the 2016 *Jericho Town Plan* on January 2, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION, that, in compliance with Title 24, V.S.A. §4352 and the *Guidelines and Standards for Confirmation of Municipal Planning Processes, Approval of Municipal Plans and Granting Determinations of Energy Compliance*, CCRPC grants an affirmative determination of energy compliance to the 2019 Amendments to the 2016 *Jericho Town Plan*.

Dated at Winooski, this 15th day of January, 2020.

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION

Michael O'Brien, Chair

Chittenden County Regional Planning Commission
January 15, 2020

Agenda Item 8: CCRPC comments on Draft RFP for Selection of Clean Water Services Providers (CWSP) and discussion of potential proposal for designation as a CWSP for Northern Lake Champlain Direct Drainage Basin

Issues: The Vermont Department of Environmental Conservation (DEC) is moving to implement the Clean Water Service Delivery Act of 2019 (Act 76). The DEC is about to publish a formal RFP to be able to select Clean Water Service Providers for each of the State's 15 planning basins. In close collaboration with their related Basin Water Quality Councils (BWQCs), CWSP's will administer formula-based State grants they receive for the purpose of identifying, constructing, and maintaining non-regulatory water quality projects necessary to achieve the Lake Champlain and Lake Memphremagog phosphorus TMDLs.

The Board is first being asked to review the attached draft RFP for Selection of Clean Water Service Providers (CWSP) and approve submission of the attached comment letter. The comment letter was drafted by staff and includes input from the Clean Water Advisory Committee and Executive Committee

Second, staff would like to opportunity to have an initial discussion of whether or not the CCRPC, potentially in partnership with Northwest RPC, should apply to be designated as the CWSP for the Northern Lake Champlain Direct Drainages (Basin 5). A draft memo on this topic is attached. This basin covers several of our towns plus several towns in Grand Isle and Franklin County and a small portion of Ferrisburgh in Addison County. The anticipated deadline for submission of a proposal is likely in early April 2020, so we anticipate needing a tentative Board decision at the February meeting with a final decision at the March meeting.

There is rulemaking and guidance being drafted at the same time that the RFP process is taking place. The decision to submit a proposal does not force us to enter into an agreement with DEC. Any decision to enter into an agreement with DEC would occur at the end of 2020 or early in 2021.

Staff Recommendation: The Board review, edit and approve submission of the attached comments on the draft RFP.

Clean Water Advisory Committee (CWAC) Recommendation: The Board review, edit and approve submission of the attached comments on the draft RFP.

Executive Committee Recommendation: The Board review, edit and approve submission of the attached comments on the draft RFP to DEC.

Staff Contact: Contact Charlie Baker or Dan Albrecht with any questions:
cbaker@ccrpcvt.org, 735-3500 or dalbrecht@ccrpcvt.org, 861-0133

SELECTION OF CLEAN WATER SERVICE PROVIDERS FOR VERMONT WATERSHED BASINS, PER ACT 76 OF 2019

Release Date: December 23, 2019

Comments Due: January 17, 2020

Contact for Comments: Chris Rottler, ANR, Department of Environmental Conservation,
Watershed Investment Division, (802) 461-6051, chris.rottler@vermont.gov

Request for Comment

The State of Vermont, Agency of Natural Resources, Department of Environmental Conservation seeks comments on the draft Request for Proposal, for the Selection of Clean Water Service Providers for Vermont Watershed Basins, Per Act 76 of 2019, attached hereto. Written comments may be submitted by email or US Mail to Chris Rottler, at chris.rottler@vermont.gov, or at the following address: Department of Environmental Conservation, 1 National Life Drive, Davis 3, Montpelier, Vermont 05620, Attn: Chris Rottler. Electronic submissions can be sent in the following formats: HTML, Word, RTF, or PDF. Please cite "CWSP Draft RFP Comments" in all correspondence. Relevant comments received by the deadline will be considered and may be made public. Comments will not be redacted, so comments should not include information that they do not wish to be posted publicly (e.g. personal or confidential information). Comments that contain profanity, vulgarity, threats or other inappropriate language or content will not be considered. Comments to this notice must be received by 4:00PM Eastern Standard Time on January 17, 2019.

SELECTION OF CLEAN WATER SERVICE PROVIDERS FOR VERMONT WATERSHED BASINS, PER ACT 76 OF 2019

Release Date: January xx, 2020

Proposals Due: April xx, 2020

Contact for Proposals: Chris Rottler, ANR, Department of Environmental Conservation,
Watershed Investment Division, (802) 461-6051, chris.rottler@vermont.gov

THE STATE WILL MAKE NO ATTEMPT TO CONTACT VENDORS WITH UPDATED INFORMATION. IT IS THE RESPONSIBILITY OF EACH VENDOR TO PERIODICALLY CHECK <http://www.vermontbidsystem.com> FOR ANY AND ALL NOTIFICATIONS, RELEASES AND AMENDMENTS ASSOCIATED WITH THE RFP.

Introduction and Purpose

The Clean Water Service Delivery Act of 2019 (Act 76) establishes a water quality project delivery framework to support Vermont's clean water goals. Act 76 establishes new regional organizations called Clean Water Service Providers (CWSPs). With policy and priority setting from their related Basin Water Quality Councils (BWQCs), CWSPs will administer formula-based State grants for the purpose of identifying, constructing, and maintaining non-regulatory water quality projects necessary to achieve the Lake Champlain and Lake Memphremagog phosphorus TMDLs and other pollutant reduction targets both inside and beyond these specific basins. Formula grants received by CWSPs will be based on a standard allocation reflecting targets for non-regulatory phosphorus and other pollutant reductions to be established by the State of Vermont for all basins. Operations and Maintenance funds will also be provided to CWSPs as a formula grant, based on projects implemented.

Pursuant to Act 76, the State will in 2023 publish a schedule of additional impaired waters for which non-regulatory pollution reduction targets shall be established in other basins. CWSPs will also be eligible to receive formula grants for work in their assigned basin once these targets are established, and the Clean Water Board recommends funding allocations. CWSPs may receive formula grants or other competitive funding for clean water implementation work, which may address phosphorus or other pollutants. CWSPs, where active, will also serve to coordinate statutory partner engagement and BWQC engagement in the tactical basin planning process, with support from the State's basin planning staff.

Act 76 does not prescribe the type of host organization that may serve as CWSPs, nor all their capabilities. Considering that significant State resources from the Clean Water Fund will be directed to CWSPs in a formulaic manner, the State is establishing base-level capabilities that will be examined by this RFP in order to direct the

selection of CWSPs. These criteria were developed by considering existing requirements for State granting and contracting pursuant to the Vermont Agency of Administration's policies. The criteria were further informed by a detailed examination of the process by which the Vermont Agency of Human Services appoints "Designated Agencies" whom serve to implement public health services in a decentralized manner, similar to the intent of Act 76. Lastly, these criteria were developed in consultation with an advisory stakeholder group, and finally, the RFP was subjected to public comment pursuant to Act 150 of 2016.

The outcome of this RFP will be the selection of entities that will serve as a CWSP for one or more planning basins in the State of Vermont (see Appendix 1 for a map and list of the 15 basins). Once selected by this RFP, CWSPs will be proposed for assignment in a new chapter of the Vermont Environmental Protection Rules, required to be promulgated by Nov. 1, 2020 under Vermont's Administrative Procedures Act. Applicants may propose to serve as a CWSP for a single planning basin, or a set of planning basins. Entities that are selected and assigned as a CWSP may, upon mutual agreement of the CWSP and State, serve as a CWSP on an interim basis in any other basin should a vacancy emerge. CWSPs shall be required to support distinct BWQCs for each basin they propose to service.

More information about Act 76, planning basins, non-regulatory projects, CWSPs and BWQCs, may be found here: <https://dec.vermont.gov/water-investment/statutes-rules-policies/act-76>

Scope of Work

DEC seeks proposals for the following:

The successful applicants will administer formula grant funded programs under 10 VSA §925, the operation and maintenance funding under 10 VSA §1389(e), and other applicable funding within Act 76 in one or more watershed basins. In collaboration with BWQCs and with technical and financial support from the State, successful applicants will have responsibility for project identification, prioritization, development/design, construction, verification, inspection, and operation and maintenance to be administered in accordance with statute, DEC rules, guidance, and grant documents. Basin specific pollution reduction values and allowable project costs to determine formula grant amounts will be developed by November, 2021 for Lake Champlain, by November, 2022 for Lake Memphremagog, and November, 2023 for all other previously listed impaired waters.

Applicants interested in serving as a Clean Water Service Provider shall submit a proposal that addresses their plan for/commitment to the following:

1) Responsibilities of a Provider: Adherence to Applicable Law, Rulemaking and Guidance

Per Act 76 of 2019, the State of Vermont's Department of Environmental Conservation shall adopt rules and develop guidance, instructing and informing clean water service providers of their responsibilities and requirements. Act 76 states that, in collaboration with the BWQC and with technical and financial support of the State, CWSPs shall be required to identify, prioritize, develop, construct, verify, inspect, operate, and maintain clean water projects in accordance with the requirements of the subchapter.

The forthcoming rules and guidance will address all areas covered by Act 76, including CWSP governance principles (such as site control, dispute resolution, procurement, payment, fiscal management, audits,

compliance with Vermont's Open Meetings laws, non-discrimination, and decertification, among other topics), the process for project selection, project life for maintenance and operation purposes, and other requirements to implement the goals of pollution reduction through non-regulatory projects. Selected entities that agree to be CWSPs will need to comply with the final rules and guidance, as a condition of relevant grants issued under Act 76. The expected timeframe for adoption of rules is November 1, 2020.

2) Program Delivery

Applicants shall describe their plan/vision for how they will implement the requirements and responsibilities of being a CWSP in the basin or basins for which they are applying. While most of these concepts will be addressed by the rule and guidance that is issued by the State, at a minimum, the plan should address non-regulatory project identification, prioritization, selection, maintenance, reporting, and governance, including staffing, project tracking, subgrantee selection and payment. While many of these efforts will be done in cooperation with the BWQC and with technical and financial assistance from the State, applicants should focus on demonstrating knowledge of key concepts, a vision for implementation, and presenting a feasible plan that is efficient and effective. Program delivery might include sub-granting or sub-contracting CWSP work to eligible entities.

3) Basin Water Quality Councils

Act 76 says that a CWSP designated under the Act shall establish a BWQC for each basin in which a CWSP operates. Successful applicants will be expected to develop their BWQC in accordance applicable statute, rules and guidance. BWQC should have sufficient technical ability and diversity to provide this service as required by law.

A CWSP applicant is encouraged to conduct outreach to potential BWQC members and may apply as a full entity. By statute, a BWQC includes a minimum of two persons representing of the natural resource conservation districts in that basin; two persons representing regional planning commissions in that basin; two persons representing local watershed organizations; one representative for an applicable statewide land conservation organization; and two persons representing municipalities from that basin.

4) Payment

Program delivery costs, including those costs incurred by subcontractors and subgrantees cannot collectively exceed 15% of the formula grant, per 10 VSA §925. It is expected, but not certain, that there will be a 'start-up' grant for assigned CWSPs under this RFP. It is unclear at this time whether start-up funds would also be available to new CWSPs selected in the future. Payment for project implementation for phosphorus reduction projects will follow a formula, based on the number of pounds of phosphorus the project is designed to capture. Payment for operations and maintenance will follow a separate schedule that will be established in the forthcoming rule/guidance.

See Deliverables Table in **Deadlines and Content of Proposals** section for all deliverables that must be included in the proposal.

Funding and Method of Payment

No funding is to be directly available under this RFP. However, entities identified and assigned by rule as a CWSP will have access to funding from the Clean Water Fund to initiate operations and work with the Agency in the development of relevant aspects Act 76. Funding availability is of course subject to recommendations from the Clean Water Board and Governor, as appropriated by the General Assembly.

Project Timeline

CWSPs service will be governed by the forthcoming CWSP rulemaking and guidance document. The ongoing service of a CWSP will be subject to periodic reviews, to be established in the forthcoming rulemaking. Consistent with the Agency of Human Services Designated Agency model, it is anticipated that CWSPs selected under this RFP may be eligible to serve until such time as they elect to stop serving, or circumstances require selection of a different CWSP. Specific deliverable deadlines and payments will be established by rule and guidance and incorporated into grants to be issued to CWSPs.

Procurement

Awardees will be expected to maintain written procedures for procurement transactions. Any equipment, supplies, and/or services procured outside of an awardee's organization will need to be obtained per the awardee's procurement or purchasing policy.

Deadlines and Content of Proposals

Questions: All questions are required to be submitted electronically via email to Chris Rottler at chris.rottler@vermont.gov by **March xx, 2020 at 12:00 pm (noon) EDT** using the subject line "CWSP RFP Questions."

Submittal: All proposals must be submitted electronically via email to Chris Rottler by **April xx, 2020, at 4:00 pm EDST** using the subject line "CWSP RFP Proposal."

Bid opening: Proposals are anticipated to be opened **April xx, at 9:00 am EDST**.

Notification: Proposal preliminarily accepted by the State are anticipated to be notified no later than **April or May xx, 2020**.

All proposals must include the following information:

- a) Proposals must clearly address each of the selection criteria identified in this RFP below.
- b) Proposals must identify the basin or basins for which the applicant is seeking to serve as a CWSP.
- c) A detailed scope of work, no more than 10 pages in length, describing how the deliverables will be met.

The plan shall include at a minimum:

A proposal for how the entity will implement the items listed in the Scope of Work section, above, including how the applicant will identify, prioritize, develop, construct, verify, inspect, operate, and maintain clean water projects

A description of support systems – IT/project tracking, and a statement committing to use DEC-developed IT solutions for reporting

A description of current and proposed staffing and partnerships for CWSP work/projects

A description of current, or proposed operating policies, including internal controls, personnel, procurement, accounts payable, accounts receivable, fixed assets,

reconciliation, governing board oversight (for corporate/corporate non-profit entities), records, and payroll.

Identify existing or planned staffing, experience with facilitation, consensus building, water quality projects, project management.

- d) Information showing that the applicant is solvent, liquid, and not overly leveraged, including financial statements for the last three years of operations (audited, if available).
- e) Letters of reference/support from at least three entities eligible to serve as a member of the basin's BWQC. Letters from a diversity of entities are encouraged. References/letters from other entities, such as from municipalities, or important water quality organizations not named in Act 76 as statutory parties to the BWQC may also be submitted.
- f) A statement identifying individuals who were involved in the preparation of the proposal as well as a single point of contact.
- g) A detailed description of the organization's experience with grant management and project staff qualifications and experience. This can include resumes, reports, and descriptions of expertise.
- h) A detailed description of the organization's experience with project management and project staff qualifications and experience. This can include resumes, reports, and descriptions of expertise.
- i) A detailed description of the organization's experience with water quality projects, including non-regulatory project implementation.
- j) A certificate of insurance, indicating that the entity or entities have met the insurance requirements listed in Attachment C. Professional liability insurance may be required for CWSPs or their subcontractors/subgrantees; proof of professional liability coverage is not required at this time.
- k) A completed Certification of Good Standing (Appendix 2, see attached).
- l) A completed Risk Assessment Questionnaire (Appendix 3, see attached).

Selection Criteria

Proposals will be reviewed and evaluated by three or more DEC staff members. Applications will be reviewed on a basin by basin basis; applicants will only be evaluated against other applicants for the same basin. Selection will be based on the following criteria:

- **35 points – Operations Plan/Vision**
 - Scope of work, per the requirements in this RFP
 - Support systems – IT/project tracking
 - Identify existing operating policies or plan for developing same
 - Identify existing or planned staffing, including their experience with meeting facilitation, consensus building, water quality projects, and project management, as appropriate.
- **15 points -- Experience in/Plan for Grant Management**
 - Procurement, contracting and disbursement/management of subgrants or subcontracts
 - Management of received grants and contracts, and experience with implementation as well as financial performance reporting
- **15 points – Experience in/Plan for Project Management**
 - Facilitating and organizing meetings
 - Strong financial management experience
 - Project accounting and reporting
- **15 points – Technical Capacity**

- Ability to ensure quality control over projects or subcontract/subgrant to do same
- Ability to ensure development, implementation, operation and maintenance of water quality projects or subcontract/subaward to do same.

- **20 points – Letters of Reference/Support, including from potential BWQC members**

Should there be a need in any given basin, a CWSP from a different basin will be eligible to implement projects in that other basin, as determined by the State. Factors that the State will consider in selecting the backup CWSP include geographic location, fiscal condition of the CWSP, familiarity of the CWSP with the other basin, past service of the CWSP in their own basin, and capacity.

Applicants may be asked to interview with the selection team as a part of the selection process. If this occurs, questions will be provided ahead of time. The decision to interview applicants will be made on a basin by basin basis.

Eligibility

Successful applicants shall at a minimum, demonstrate that they are solvent, sufficiently liquid, and not overly leveraged. Applicants shall provide applicable financial statements, including a: Profit/Loss Sheet, Balance Sheet, and a Form 990. Audited financial statements are preferred, if available.

A current Vermont state employee responding to this RFP as a sole proprietor or owner of other form of business must obtain a waiver from the Vermont Department of Human Resources prior to entering into contract with the State.

Reservation of State's Rights

The State reserves the right:

- to accept or reject any and all bids, in whole or in part, with or without cause in the best interest of the State;
- waive technicalities in submissions; (A technicality is a minor deviation from the requirements of an RFP that does not impact the substantive terms of the bid/RFP and can be considered without a material impact on the RFP process, etc.). If uncertain of whether a condition qualifies as a technicality, consult with the OPC or AGO for clarification. For example, a late bid is NOT considered a technicality;
- to make purchases outside of the awarded contracts where it is deemed in the best interest of the State; and
- to obtain clarification or additional information.

Insurance

Respondents to this RFP should be aware that they will need to agree to the State of Vermont Customary Contract Provisions (Attachment C) in order to execute an agreement for this project.

Special care should be paid to Workers' Compensation coverage for out-of-state Vendors. Vermont statute requires insurance carriers be specifically licensed to write Workers' Compensation coverage in Vermont. Out-of-state Vendors may have Workers' Compensation coverage valid in their home state, but their carrier may not be licensed to cover workers' compensation for work actually performed by their employees in Vermont.

Confidentiality

After conclusion of the contracting process, Proposals are a matter of public record. If an application includes material considered by the applicant to be proprietary and confidential under 1 V.S.A., Chapter 5, the application shall clearly designate the material as such and explain why such material should be considered confidential. The Vendor must identify each page or section of the Proposal that it believes is proprietary and confidential with sufficient grounds to justify each exemption from release, including the prospective harm to the competitive position of the applicant if the identified material were to be released.

Under no circumstances shall the entire Proposal be designated as proprietary or confidential. If the Vendor marks portions of the Proposal confidential, the Vendor shall provide a redacted version of the Proposal for release to the public. Notwithstanding the above, the Secretary has an independent obligation under Vermont law to determine whether any proposal material is subject to public inspection and copying upon request, which may include material that has otherwise been designated as proprietary and confidential by the Vendor. The Vendor's designation of material as proprietary and confidential, and submission of a redacted Proposal, are provided to the Secretary for informational purposes in the event the Agency receives a public records request and will not result in withholding of materials by the Secretary unless expressly supported by Vermont law.

Attachments

- SFA – Standard Grant Agreement (template)
- Attachment C – Standard State Provisions for Contracts and Grants, Revised December 15, 2017
- Appendix 1 – Map of Vermont Watershed Planning Basins
- Appendix 2 - Act 154 Good Standing Certification
- Appendix 3 – Risk Assessment Questionnaire

SFA - STANDARD GRANT AGREEMENT

1. Parties: This is a Grant Agreement between the State of Vermont, Department of Environmental Conservation (hereinafter called “State”), and _____ with principal place of business at _____ (hereinafter called “Grantee”). It is the Grantee’s responsibility to contact the Vermont Department of Taxes to determine if, by law, the Grantee is required to have a Vermont Department of Taxes Business Account Number.
2. Subject Matter: The subject matter of this Grant Agreement is for services generally on the subject of a _____. Detailed scope to be provided by the Grantee are described in Attachment A, Scope of Work to be Performed.
3. Maximum Amount: In consideration of the scope of work, the State agrees to pay Grantee, in accordance with the payment provisions specified in Attachment B, Payment Provisions, a sum not to exceed _____. A detailed summary of the budget for this project can be found in Attachment B. This grant award cannot be used as match for the purpose of obtaining additional federal funds by the Grantee without written approval from the State.
4. Subcontracting: Grantee shall not assign labor duties to a subcontractor without the prior written approval from the State. Written approval is obtained by completing the Request for Approval to Subgrant/Subcontract form.
5. Procurement: The Grantee certifies that for any equipment, supplies, and/or services outside of their organization, that they have and will follow their procurement policy.
6. Ownership and Disposition of Equipment: Any equipment purchased or furnished to the Grantee by the State under this Grant Agreement is provided on a loan basis only and remains the property of the State. Grantee must submit a written request to retain the equipment at the end of grant term for the same use and intended purpose as outlined in this agreement. The written request should include: description of equipment, date of purchase, original cost and estimated current market value.
7. Source of Funds: State funds.
8. Grant Term: The period of Grantee’s performance shall begin upon date of execution, signified by the date of signature by the State and end on _____.
9. Amendment: No changes, modifications, or amendments in the terms and conditions of this Grant Agreement shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the State and Grantee. No amendment will be considered without a detailed justification to support the amendment request. Failure to provide an adequate justification may result in the denial of the request. Any request for an amendment to this agreement must be made in writing at least thirty (30) days prior to the end date of this agreement or the request may be denied.
10. Cancellation: This Grant Agreement may be cancelled by either party by giving written notice at least _____ days in advance.
11. Fiscal Year: The Grantee’s fiscal year starts _____ and ends _____.
12. Work product ownership: Upon full payment by the State, all products of the Grantee’s work, including outlines, reports, charts, sketches, drawings, art work, plans, photographs, specifications, estimates, computer programs, or similar documents, become the sole property of the State of Vermont and may not be copyrighted or resold by Grantee.

13. Attachments: This Grant consists the following attachments that are incorporated herein:

Attachment A - Scope of Work to be Performed

Attachment B – Budget and Payment Provisions

Attachment C - Customary State Grant Provisions

Attachment D – Other Grant Provision(s) if necessary

Request for Approval to Subgrant/Subcontract

WE, THE UNDERSIGNED PARTIES, AGREE TO BE BOUND BY THIS GRANT.

STATE OF VERMONT

GRANTEE

By:

By:

Commissioner

Name: (Print) _____

Dept. of Environmental Conservation

Title: _____

Attachment A

Scope of Work to be Performed

Part or All of the Scope May be Subcontracted with Written Prior Approval from the State

Attachment A of a Standard State Grant Agreement describes the nature and extent of the Grantee's obligations. This is the most important part of the agreement. To avoid problems later, you should make the description clear, unambiguous and complete. Specify all performances and products to be delivered. Avoid "legalese"; plain English is sufficient and preferred.

The following checklist should be helpful in writing specifications:

1. Does the work statement let the Grantee know what is ahead? Is it specific enough to allow the Grantee to make a list of human resources and, if necessary, special facilities, equipment, subcontracts and/or consultants needed to accomplish the work?
2. Is general and background information separated from directions to the Grantee and required performance? The minimum that the Grantee is expected to do should be clearly described.
3. Have the granting agency's responsibilities to the Grantee been clearly identified? If not, the state could find it more difficult to enforce its rights under the grant agreement.
4. Will it be possible to measure performance? Are the end results and specific duties of the Grantee stated in such a way that he/she/it knows what is required and the grantor official who orders payment can tell whether payment is due? Have the type and quantity of reports required of the Grantee (technical, financial, progress, etc.) been described and specified? Is there a date for each task or outcome the Grantee must deliver? These measures and details are crucial so that both programmatic and financial site audits - if required- are performed and that there are specific items/ tasks set forth in the grant agreement to verify and hold accountable for.

Attachment B

Payment Provisions

See Payment Schedule in Attachment A

This grant is a performance based grant. Payments made to the grantee by the State are based on the successful completion of performance measures. Successful completion of each measure is clearly outlined in the scope of work. If the grantee is unable to obtain successful completion of a performance measure within the terms and conditions of the grant agreement, the Grantee may only receive a portion of the payment for that measure if partially completed or will not receive payment at all if substantial performance of that measure is not demonstrated.

The State will measure sufficient progress by examining the performance required under the work plan in conjunction with the milestone schedule, the time remaining for performance within the project period and/or the availability of funds necessary to complete the project. The State may terminate the assistance agreement for failure to ensure reasonable completion of the project within the project period.

Risk-Based Assessment:

Risk Level:

Risk Level	Monitoring Requirements
Low	- Final performance report required.
Moderate	- Grantee is required to submit a biannual progress report(s). Progress report(s) must include: summary of progress made on deliverables within reporting timeframe, milestone status updates, technical/cost/schedule issues encountered, and work planned for next period.
High	- Grantee is required to submit quarterly progress reports (see above). - Grantee must document a course of corrective actions in order to maintain future eligibility for Vermont DEC funds. Grantees have a period of three years to complete corrective actions. If after three years no corrective actions have been taken, VDEC will no longer provide funds to the organization.

- These monitoring requirements are required deliverables even when not listed explicitly in the deliverables table in Attachment A.
- If you are required to have an audit under the new OMB Uniform Guidance, you are to report to Vermont DEC the audit, findings, Management Response Letter including corrective actions within 6 months after the end of your fiscal year.

The Grantee shall:

- ☐ Maintain a copy of all receipts on file for review upon request by the State,
- ☐ Include a copy of all receipts for costs requested for reimbursement.
- ☐ Other:

Other Provisions

Up to 90 days of pre-award costs are allowable under this agreement as determined by the Grant Manager and as related to scope of work in Attachment A.

Address All completed forms should be submitted to:

Name:

Department:

Address:

Final Payment: Final payment will be paid upon receipt and satisfactory review of all deliverables, as described in the scope of work, a final financial report documenting expenditure of 100% of grant funds, and where appropriate, documentation of required match.

**Form 430 Request for Funds***Form must be filled out entirely before payment is released***Grantee Name:****Grant #:****Purchase Order #:****Payment#:****Amount Requested:****Performance Measures and Deliverables:**

Performance Measure and Submitted Deliverable	Budget Amount	Amount Requested	Remaining Amount	Total Match Documented (if applicable, use total from Form 430-M)	Match Committed (if applicable)
1 –	\$	\$	\$	\$	
2 –	\$	\$	\$	\$	
3 –	\$	\$	\$	\$	
4 -	\$	\$	\$	\$	
5 – Final report.	\$	\$	\$	\$	
Total	\$	\$	\$	\$	\$

Approvals for Payment**Signed by:**

Grantee: _____ Date: _____

Title: _____

The Grantee certifies that deliverables being billed on this invoice have been completed as outlined in the grant agreement.

State's Project Manager: _____ Date: _____

The Grant Manager has verified that deliverables being billed on this invoice have been completed as outlined in the grant agreement.

DEC Financial Operations: _____ Date: _____

The DEC Financial Operations processed the current invoice for payment on signed date.

**ATTACHMENT C: STANDARD STATE PROVISIONS
FOR CONTRACTS AND GRANTS
REVISED DECEMBER 15, 2017**

1. Definitions: For purposes of this Attachment, “Party” shall mean the Contractor, Grantee or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement. “Agreement” shall mean the specific contract or grant to which this form is attached.

2. Entire Agreement: This Agreement, whether in the form of a contract, State-funded grant, or Federally-funded grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect.

3. Governing Law, Jurisdiction and Venue; No Waiver of Jury Trial: This Agreement will be governed by the laws of the State of Vermont. Any action or proceeding brought by either the State or the Party in connection with this Agreement shall be brought and enforced in the Superior Court of the State of Vermont, Civil Division, Washington Unit. The Party irrevocably submits to the jurisdiction of this court for any action or proceeding regarding this Agreement. The Party agrees that it must first exhaust any applicable administrative remedies with respect to any cause of action that it may have against the State with regard to its performance under this Agreement. Party agrees that the State shall not be required to submit to binding arbitration or waive its right to a jury trial.

4. Sovereign Immunity: The State reserves all immunities, defenses, rights or actions arising out of the State’s sovereign status or under the Eleventh Amendment to the United States Constitution. No waiver of the State’s immunities, defenses, rights or actions shall be implied or otherwise deemed to exist by reason of the State’s entry into this Agreement.

5. No Employee Benefits For Party: The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the State withhold any state or Federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.

6. Independence: The Party will act in an independent capacity and not as officers or employees of the State.

7. Defense and Indemnity: The Party shall defend the State and its officers and employees against all third party claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party in connection with the performance of this Agreement. The State shall notify the Party in the event of any such claim or suit, and the Party shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit. The State retains the right to participate at its own expense in the defense of any claim. The State shall have the right to approve all proposed settlements of such claims or suits.

After a final judgment or settlement, the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party in connection with the performance of this Agreement.

The Party shall indemnify the State and its officers and employees if the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party or an agent of the Party in connection with the performance of this Agreement.

Notwithstanding any contrary language anywhere, in no event shall the terms of this Agreement or any document furnished by the Party in connection with its performance under this Agreement obligate the State to (1) defend or indemnify the Party or any third party, or (2) otherwise be liable for the expenses or reimbursement, including attorneys' fees, collection costs or other costs of the Party or any third party.

8. Insurance: Before commencing work on this Agreement the Party must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Party to maintain current certificates of insurance on file with the State through the term of this Agreement. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Party for the Party's operations. These are solely minimums that have been established to protect the interests of the State.

Workers Compensation: With respect to all operations performed, the Party shall carry workers' compensation insurance in accordance with the laws of the State of Vermont. Vermont will accept an out-of-state employer's workers' compensation coverage while operating in Vermont provided that the insurance carrier is licensed to write insurance in Vermont and an amendatory endorsement is added to the policy adding Vermont for coverage purposes. Otherwise, the party shall secure a Vermont workers' compensation policy, if necessary to comply with Vermont law.

General Liability and Property Damage: With respect to all operations performed under this Agreement, the Party shall carry general liability insurance having all major divisions of coverage including, but not limited to:

- Premises - Operations

- Products and Completed Operations

- Personal Injury Liability

- Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

- \$1,000,000 Each Occurrence

- \$2,000,000 General Aggregate

- \$1,000,000 Products/Completed Operations Aggregate

- \$1,000,000 Personal & Advertising Injury

Automotive Liability: The Party shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Agreement. Limits of coverage shall not be less than \$500,000 combined single limit. If performance of this Agreement involves construction, or the transport of persons or hazardous materials, limits of coverage shall not be less than \$1,000,000 combined single limit.

Additional Insured. The General Liability and Property Damage coverages required for performance of this Agreement shall include the State of Vermont and its agencies, departments, officers and employees as Additional Insureds. If performance of this Agreement involves construction, or the transport of persons or hazardous materials, then the required Automotive Liability coverage shall include the State of Vermont and its agencies, departments, officers and employees as Additional Insureds. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

Notice of Cancellation or Change. There shall be no cancellation, change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written prior written notice to the State.

9. Reliance by the State on Representations: All payments by the State under this Agreement will be made in reliance upon the accuracy of all representations made by the Party in accordance with this Agreement, including but not limited to bills, invoices, progress reports and other proofs of work.

10. False Claims Act: The Party acknowledges that it is subject to the Vermont False Claims Act as set forth in 32 V.S.A. § 630 *et seq.* If the Party violates the Vermont False Claims Act it shall be liable to the State for civil penalties, treble damages and the costs of the investigation and prosecution of such violation, including attorney's fees, except as the same may be reduced by a court of competent jurisdiction. The Party's liability to the State under the False Claims Act shall not be limited notwithstanding any agreement of the State to otherwise limit Party's liability.

11. Whistleblower Protections: The Party shall not discriminate or retaliate against one of its employees or agents for disclosing information concerning a violation of law, fraud, waste, abuse of authority or acts threatening health or safety, including but not limited to allegations concerning the False Claims Act. Further, the Party shall not require such employees or agents to forego monetary awards as a result of such disclosures, nor should they be required to report misconduct to the Party or its agents prior to reporting to any governmental entity and/or the public.

12. Location of State Data: No State data received, obtained, or generated by the Party in connection with performance under this Agreement shall be processed, transmitted, stored, or transferred by any means outside the continental United States, except with the express written permission of the State.

13. Records Available for Audit: The Party shall maintain all records pertaining to performance under this agreement. "Records" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired by the Party in the performance of this agreement. Records produced or acquired in a machine readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of the Agreement and for three years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

14. Fair Employment Practices and Americans with Disabilities Act: Party agrees to comply with the requirement of 21 V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement.

15. Set Off: The State may set off any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any set off of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided hereinafter.

16. Taxes Due to the State:

- A. Party understands and acknowledges responsibility, if applicable, for compliance with State tax laws, including income tax withholding for employees performing services within the State, payment of use tax on property used within the State, corporate and/or personal income tax on income earned within the State.
- B. Party certifies under the pains and penalties of perjury that, as of the date this Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.
- C. Party understands that final payment under this Agreement may be withheld if the Commissioner of Taxes determines that the Party is not in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont.
- D. Party also understands the State may set off taxes (and related penalties, interest and fees) due to the State of Vermont, but only if the Party has failed to make an appeal within the time allowed

by law, or an appeal has been taken and finally determined and the Party has no further legal recourse to contest the amounts due.

17. Taxation of Purchases: All State purchases must be invoiced tax free. An exemption certificate will be furnished upon request with respect to otherwise taxable items.

18. Child Support: (Only applicable if the Party is a natural person, not a corporation or partnership.) Party states that, as of the date this Agreement is signed, he/she:

- A. is not under any obligation to pay child support; or
- B. is under such an obligation and is in good standing with respect to that obligation; or
- C. has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan.

Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

19. Sub-Agreements: Party shall not assign, subcontract or subgrant the performance of this Agreement or any portion thereof to any other Party without the prior written approval of the State. Party shall be responsible and liable to the State for all acts or omissions of subcontractors and any other person performing work under this Agreement pursuant to an agreement with Party or any subcontractor.

In the case this Agreement is a contract with a total cost in excess of \$250,000, the Party shall provide to the State a list of all proposed subcontractors and subcontractors' subcontractors, together with the identity of those subcontractors' workers compensation insurance providers, and additional required or requested information, as applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54).

Party shall include the following provisions of this Attachment C in all subcontracts for work performed solely for the State of Vermont and subcontracts for work performed in the State of Vermont: Section 10 ("False Claims Act"); Section 11 ("Whistleblower Protections"); Section 12 ("Location of State Data"); Section 14 ("Fair Employment Practices and Americans with Disabilities Act"); Section 16 ("Taxes Due the State"); Section 18 ("Child Support"); Section 20 ("No Gifts or Gratuities"); Section 22 ("Certification Regarding Debarment"); Section 30 ("State Facilities"); and Section 32.A ("Certification Regarding Use of State Funds").

20. No Gifts or Gratuities: Party shall not give title or possession of anything of substantial value (including property, currency, travel and/or education programs) to any officer or employee of the State during the term of this Agreement.

21. Copies: Party shall use reasonable best efforts to ensure that all written reports prepared under this Agreement are printed using both sides of the paper.

22. Certification Regarding Debarment: Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party's principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in Federal programs, or programs supported in whole or in part by Federal funds.

Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing/debarment>

23. Conflict of Interest: Party shall fully disclose, in writing, any conflicts of interest or potential conflicts of interest.

24. Confidentiality: Party acknowledges and agrees that this Agreement and any and all information obtained by the State from the Party in connection with this Agreement are subject to the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq.

25. Force Majeure: Neither the State nor the Party shall be liable to the other for any failure or delay of performance of any obligations under this Agreement to the extent such failure or delay shall have been wholly or principally caused by acts or events beyond its reasonable control rendering performance illegal or impossible (excluding strikes or lock-outs) (“Force Majeure”). Where Force Majeure is asserted, the nonperforming party must prove that it made all reasonable efforts to remove, eliminate or minimize such cause of delay or damages, diligently pursued performance of its obligations under this Agreement, substantially fulfilled all non-excused obligations, and timely notified the other party of the likelihood or actual occurrence of an event described in this paragraph.

26. Marketing: Party shall not refer to the State in any publicity materials, information pamphlets, press releases, research reports, advertising, sales promotions, trade shows, or marketing materials or similar communications to third parties except with the prior written consent of the State.

27. Termination:

- A. Non-Appropriation:** If this Agreement extends into more than one fiscal year of the State (July 1 to June 30), and if appropriations are insufficient to support this Agreement, the State may cancel at the end of the fiscal year, or otherwise upon the expiration of existing appropriation authority. In the case that this Agreement is a Grant that is funded in whole or in part by Federal funds, and in the event Federal funds become unavailable or reduced, the State may suspend or cancel this Grant immediately, and the State shall have no obligation to pay Subrecipient from State revenues.
- B. Termination for Cause:** Either party may terminate this Agreement if a party materially breaches its obligations under this Agreement, and such breach is not cured within thirty (30) days after delivery of the non-breaching party’s notice or such longer time as the non-breaching party may specify in the notice.
- C. Termination Assistance:** Upon nearing the end of the final term or termination of this Agreement, without respect to cause, the Party shall take all reasonable and prudent measures to facilitate any transition required by the State. All State property, tangible and intangible, shall be returned to the State upon demand at no additional cost to the State in a format acceptable to the State.

28. Continuity of Performance: In the event of a dispute between the Party and the State, each party will continue to perform its obligations under this Agreement during the resolution of the dispute until this Agreement is terminated in accordance with its terms.

29. No Implied Waiver of Remedies: Either party’s delay or failure to exercise any right, power or remedy under this Agreement shall not impair any such right, power or remedy, or be construed as a waiver of any such right, power or remedy. All waivers must be in writing.

30. State Facilities: If the State makes space available to the Party in any State facility during the term of this Agreement for purposes of the Party’s performance under this Agreement, the Party shall only use the space in accordance with all policies and procedures governing access to and use of State facilities which shall be made available upon request. State facilities will be made available to Party on an “AS IS, WHERE IS” basis, with no warranties whatsoever.

31. Requirements Pertaining Only to Federal Grants and Subrecipient Agreements: If this Agreement is a grant that is funded in whole or in part by Federal funds:

- A. Requirement to Have a Single Audit:** The Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or

not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the granting Party within 9 months. If a single audit is not required, only the Subrecipient Annual Report is required.

For fiscal years ending before December 25, 2015, a Single Audit is required if the subrecipient expends \$500,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with OMB Circular A-133. For fiscal years ending on or after December 25, 2015, a Single Audit is required if the subrecipient expends \$750,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.

- B. Internal Controls:** In accordance with 2 CFR Part II, §200.303, the Party must establish and maintain effective internal control over the Federal award to provide reasonable assurance that the Party is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- C. Mandatory Disclosures:** In accordance with 2 CFR Part II, §200.113, Party must disclose, in a timely manner, in writing to the State, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures may result in the imposition of sanctions which may include disallowance of costs incurred, withholding of payments, termination of the Agreement, suspension/debarment, etc.

32. Requirements Pertaining Only to State-Funded Grants:

- A. Certification Regarding Use of State Funds:** If Party is an employer and this Agreement is a State-funded grant in excess of \$1,001, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party’s employee’s rights with respect to unionization.
- B. Good Standing Certification (Act 154 of 2016):** If this Agreement is a State-funded grant, Party hereby represents: (i) that it has signed and provided to the State the form prescribed by the Secretary of Administration for purposes of certifying that it is in good standing (as provided in Section 13(a)(2) of Act 154) with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets, or otherwise explaining the circumstances surrounding the inability to so certify, and (ii) that it will comply with the requirements stated therein.

(End of Standard Provisions)

Attachment D

Other Grant Agreement Provisions

Many grant agreements can be fully described using the materials described in preceding appendices to this bulletin. In some cases, however, agencies will want to add specially tailored provisions not available on preprinted forms or in the main agreement itself. In addition, when granting for professional services, agencies will be required (absent an appropriate waiver) to include a professional liability insurance provision. Attachment D of the Grant Agreement, "Other Provisions", should be used for this purpose. Some possible "Other Provisions" are suggested below.

1. **Cost of Materials:** Grantees will not buy materials and resell to the State at a profit.
2. **Identity of workers:** The Grantee will assign the following individuals to the services to be performed under the provisions of this Agreement, and these individuals shall be considered essential to performance. [cite individuals]. Should any of the individuals become unavailable during the period of performance, the State shall have the right to approve any proposed successors, or, at its option, to cancel the remainder of the Agreement.
3. **Prior Approval/Review of Releases:** Any notices, information pamphlets, press releases, research reports, or similar other publications prepared and released in written or oral form by the Grantee under this Grant Agreement shall be approved/reviewed by the State prior to release.
4. **Ownership of Equipment:** Any equipment purchased or furnished to the Grantee by the State under this Grant Agreements provided on a loan basis only and remains the property of the State.
5. **Legal Services:** If the Grantee will be providing legal services under this Grant Agreement, Grantee agrees that during the term of the Grant Agreement he or she will not represent anyone in a matter, proceeding, or lawsuit against the State of Vermont or any of its agencies or instrumentalities. After termination of this Grant Agreement, Grantee also agrees that he or she will not represent anyone in a matter, proceeding, or lawsuit substantially related to this Grant Agreement.
6. **Compliance with other laws:** The Grantee agrees to comply with the requirements of [*list specific applicable federal or state statutory or regulatory provisions*], and agrees further to include a similar provision in any and all subcontracts. **Comment:** *Use this clause to refer to any statutory or regulatory provisions that must by law, Contract condition or otherwise, be included in the wording of the contract. This may include in particular cases the provisions of the Federal Rehabilitation Act of 1973 (Sec. 504), as amended; the Age Discrimination Act of 1975; and the Civil Rights Act of 1964.*
7. **Confidentiality:** Sometimes agencies have legitimate needs to protect confidential information. The RFP can require Grantees to maintain confidentiality, although the contract ultimately should duplicate this requirement. Conversely, bidders sometimes want to know how the State will treat the bidder's proprietary information. The RFP should state whether such information will be returned or retained by the agency.
8. **Individually identifying information:** Grantee must not use or disclose any individually identifying information that pursuant to this contract is disclosed by the State to the Grantee, created by the Grantee on behalf of the State, or used by the Grantee for any

purpose other than to complete the work specifications of this Contract unless such use or disclosure is required by law, or when Grantee obtains permission in writing from the State to use or disclose the information and this written permission is in accordance with federal and state law.

9. **Progress reports:** The Grantee shall submit progress reports to the State according to the following schedule. *[insert schedule]* Each report shall describe the status of the Grantee's performance since the preceding report and the progress expected to be made in the next successive period. Each report shall describe Grantee activities by reference to the work specifications contained in Attachment A of this contract and shall include a statement of work hours expended, expenses incurred, bills submitted, and payments made. **Comment:** *This clause may be used either in Attachment A (Specifications of Work to be Performed) or here. It provides information for interim evaluation of the Grantee's work and assists in detecting difficulties that may lead to necessary modification or cancellation of the contract. If payments are to be conditioned on receipt of progress reports, this should be clearly set forth in Attachment B: Payment Provisions.*
10. **Grantee's Liens:** Grantee will discharge any and all contractors or mechanics' liens imposed on property of the State through the actions of subcontractors. 20
11. **Performance Bond:** The Grantee shall, prior to commencing work under this Grant Agreement, furnish to the State a payment and performance bond from a reputable insurance company licensed to do business in the State of Vermont, guaranteeing the satisfactory completion of the Grant Agreement by the Grantee and payment of all subcontractors, suppliers and employees.
12. **Professional Liability Insurance:** Before commencing work on this Grant Agreement and throughout the term of this Grant Agreement, Grantee shall procure and maintain professional liability insurance for any and all services performed under this Grant Agreement, with minimum coverage of \$_____ per occurrence.
13. **State Minimum Wage** – The Grantee will comply with state minimum wage laws and regulations, if applicable.
14. **Health Insurance Portability and Accountability Act (HIPAA):** The confidentiality of any health care information acquired by or provided to the Grantee shall be maintained in compliance with any applicable State or federal laws or regulations.
15. **Equal Opportunity Plan:** If they are required by the Federal Office of Civil Rights to have a plan, the Grantee must provide a copy of the approval of their Equal Opportunity Plan.
16. **Supplanting:** If required, the Grantee will submit a Certification that funds will not be used to supplant local or other funding.
17. **Compliance with Cost Principles:** Grantee shall comply with the requirements set forth in OMB Circular A-87 (for State and Local Governments including schools), A-122 (for Non Profit organizations), or A-21 (for Higher Education Institutions) as appropriate for the Grantee type of organization.
18. **Compliance with Administrative Regulations:** Grantee shall comply with the requirements of OMB Circular A-102 (State & Local Governments and Schools) or A-110 (Institutions of Higher Education, Hospitals, and Non Profit organizations) as appropriate for the Grantee's type of organization .

**Department of Environmental Conservation
Request for Approval to Subgrant/Subcontract**

Date of Request:	
Original Grantee/Contractor:	
Address:	
Phone Number:	
Agreement #:	

Subcontractor Name:	
Address:	
Phone Number:	
Contact Person:	
Scope of Services:	
Maximum Amount::	\$

Original Grantee/Contractor Signature:	
By signing above, the Grantee/Contractor certifies that the subcontractor has been selected using their procurement policy, as required by the original agreement, and certifies that any conflict of interest has been disclosed in writing as required by the original agreement (Attachment C, Section 23).	

DEC Business Office Review

Approval: _____ **Date:** _____

On the reverse side of this form there is guidance about language that must be included by the contractor in subcontracting agreements.

Per Attachment C, subcontractors must include standard language from Attachment C in all subcontracts for work performed solely for the State of Vermont and subcontracts for work performed in the State of Vermont

1. Sub-Agreements: Party shall not assign, subcontract or subgrant the performance of this Agreement or any portion thereof to any other Party without the prior written approval of the State. Party shall be responsible and liable to the State for all acts or omissions of subcontractors and any other person performing work under this Agreement pursuant to an agreement with Party or any subcontractor.

In the case this Agreement is a contract with a total cost in excess of \$250,000, the Party shall provide to the State a list of all proposed subcontractors and subcontractors' subcontractors, together with the identity of those subcontractors' workers compensation insurance providers, and additional required or requested information, as applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54).

Party shall include the following provisions of this Attachment C in all subcontracts for work performed solely for the State of Vermont and subcontracts for work performed in the State of Vermont: Section 10 ("False Claims Act"); Section 11 ("Whistleblower Protections"); Section 12 ("Location of State Data"); Section 14 ("Fair Employment Practices and Americans with Disabilities Act"); Section 16 ("Taxes Due the State"); Section 18 ("Child Support"); Section 20 ("No Gifts or Gratuities"); Section 22 ("Certification Regarding Debarment"); Section 30 ("State Facilities"); and Section 32.A ("Certification Regarding Use of State Funds").

Appendix 1 Vermont Watershed Planning Basins



Appendix 2
Act 154 Good Standing Certification

Applicant Name _____

Address _____

As an authorized representative of the grant applicant and in accordance with Act 154 of 2016, Section 13*, I hereby certify on behalf of the Applicant that

(check one):

☐

The Applicant is currently in “good standing” with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets. The Applicant is not a named party in any administrative order, consent decree, or judicial order relating to Vermont water quality standards issued by the State or any of its agencies or departments and is in compliance with all federal and State water quality laws and regulations.

Further, the Applicant will notify the State agency or department administering this State-funded grant if no longer in good standing with the Agency of Natural Resources or the Agency of Agriculture, Food and Markets at any time prior to or during implementation of this State-funded award.

☐

I am not able to certify that the Applicant is in “good standing” with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets for the following reasons:

*A copy of Section 13 is on the opposite side of this Certificate or can be found at http://finance.vermont.gov/sites/finance/files/documents/Forms/Grant_Recipients/FIN-Act_154_Section_13.pdf. Any person should first review and understand applicable terms, instructions and potential consequences in Section 13, including the definition of “Applicant” for purposes of this Certificate.

Name	Title
Signature	Date

This form must be completed and signed by an authorized official of the grant applicant organization.

Section 13 of Act 154 of 2016 – Certification for Grants

SECRETARY OF ADMINISTRATION; WATER QUALITY STANDARDS CERTIFICATION FOR STATE-FUNDED GRANTS; REPORT

(a) As used in this section:

(1) “Applicant” shall include all entities, including businesses in which the applicant has a greater than 10 percent interest, or land owned or controlled by the applicant.

(2) “Good standing” means the applicant:

(A) is not a named party in any administrative order, consent decree, or judicial order relating to Vermont water quality standards issued by the State or any of its agencies or departments; and

(B) is in compliance with all federal and State water quality laws and regulations.

(b) (1) The Secretary of Administration shall amend the Standard State Provisions for Contracts and Grants, referred to as Attachment C to Administrative Bulletin 5, to require an applicant for a State-funded grant to certify, under penalty of perjury, that the applicant is in good standing with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets.

(2) The requirement under this subsection shall allow for an attachment or include space for an applicant who cannot certify under subdivision (1) of this subsection to explain the circumstances surrounding the applicant’s inability to certify under subdivision (1) of this subsection.

(3) At any time prior to the award of a State-funded grant or during implementation of a State-funded grant, an applicant shall notify the State agency or department administering the State-funded grant if the applicant is no longer in good standing with the Agency of Natural Resources or the Agency of Agriculture, Food and Markets.

(c) A State agency or department may consider an applicant’s certification or explanation under subsection (b) of this section in determining whether or not to award a State-

funded grant to the applicant.

(d) (1) If a State-funded grant applicant knowingly provides a false certification or explanation under subsection (b) of this section or fails to notify the State agency or department administering the State-funded grant if the applicant is no longer in good standing with the Agency of Natural Resources or the Agency of Agriculture, Food and Markets as required in subdivision (b)(3) of this section, the State or its agencies or departments may:

(A) seek to recover the grant award; and

(B) deny any future grant award to the applicant, based on the false certification or explanation or failure to notify, for up to five years.

2) In recovering a grant award under this section, the State or its agencies or departments shall be entitled to costs and expenses, including attorney’s fees.

(e) This section shall not apply to federally funded grants, contracts, or tax credits or federal or State loan programs.

(f) On or before January 15, 2021, the Secretary of Administration shall submit a report to the House Committees on Fish, Wildlife and Water Resources and on Commerce and Economic Development and the Senate Committees on Natural Resources and Energy and on Economic Development, Housing and General Affairs regarding methods to require all economic development assistance applications to include a certification that the applicant is not in violation of the requirements of programs enforced by the Agency of Natural Resources under 10 V.S.A. § 8003(a). The report shall also include information regarding any enforcement action taken by the State or its agencies or departments under subsection (d) of this section.

Appendix 3



RISK ASSESSMENT QUESTIONNAIRE

The purpose of the risk assessment is to determine whether or not a potential grantee is financially stable and if the agency uses accounting systems that are adequate to meet the State of Vermont administrative requirements. Please complete the following questionnaire and have it signed by the Executive Director and Fiscal Officer for your organization.

Name of Entity Completing Questionnaire: _____

Question	Yes	No	N/A
1. Does your agency maintain documentation to substantiate the value of in-kind contributions?			
2. Does your agency use an electronic accounting software system (as opposed to manual)?			
3. Has your agency recently implemented any new or substantially changed systems, for example, financial management or accounting systems? (If yes, please explain.)			
4. Does the accounting system track receipts and disbursements by funding source			
5. Does your agency have a written Accounting and Financial Reporting policy?			
6. Does your agency have a written Personnel policy (to include travel reimbursement, fringe benefits, etc.)?			
7. Does your agency have a Financial Director, Financial Manager, Treasurer or equivalent? (If no, please identify the name and position of the employee(s) who is responsible for supervising the quality of accounting and financial reporting of an organization.			
8. Does your agency regularly monitor budgeted versus actual expenditures to ensure that cost categories aren't over-spent or under-spent?			

Question	Yes	No	N/A
9. Are all purchases made based on purchase requests/purchase orders which must first be approved by a responsible agency official? (If no, please explain.)			
10. Does your agency have written procurement procedures indicating which individuals are authorized to initiate a purchase request, the flow of documents, and the requested levels of approval?			
11. Does the agency have a system to track staff time spent on various grants/projects, for those employees whose salaries are allocated to more than one contract/grant?			
12. If your agency expended more than \$750,000 in federal funds during the previous fiscal year, did your agency have a Single Audit performed? If so, please include Single Audit Report with submittal of Risk Assessment Questionnaire.			
13. If there were any findings in the report, has your agency implemented action plans to address all findings? (If no, please explain.)			
14. Does your agency have a Policy and Procedures Manual that is made available and accessible to all employees?			
15. Has your agency executed any contracts or MOU's with any other governmental or non-governmental agencies in the past three years? (If yes, please describe.)			

I hereby certify that to the best of my knowledge and belief, the information provided in response to the foregoing questions is true and accurate.

Chief Officer Signature

Chief Fiscal Officer Signature

Date

Date



DRAFT

January 16, 2020

Chris Rottler
Agency of Natural Resources
Department of Environmental Conservation

via email: chris.rottler@vermont.gov

RE: CWSP Draft RFP Comments

Dear Mr. Rottler:

Thank you for this opportunity to provide comments on the draft RFP for the Selection of Clean Water Providers for Vermont Watershed Basins. Thank you as well for the opportunity afforded to Dan Albrecht and myself to participate in DEC's advisory stakeholder group. Our formal comments approved by the CCRPC Board of Directors on January 15, 2020 are as follows:

Introduction and Purpose

2nd para:

1. *Pursuant to Act 76, the State will in 2023 publish a schedule of additional impaired waters for which non-regulatory pollution reduction targets shall be established in other basins.*

This sentence should go elsewhere, perhaps in a section/paragraph about establishment of CWSP for non-Lake Champlain and non-Lake Memphremagog basins.

2. It might be useful to break out the difference between formula grants given to CWSPs vs. the other grants that only become available if phosphorus-reduction targets are being met.

4th para:

3. *The outcome of this RFP will be the selection of entities that will serve as a CWSP for one or more planning basins in the State of Vermont (see Appendix 1 for a map and list of the 15 basins).*

We should go back to the number of basins that are initially part of the first phase, i.e. Lake Champlain and Memphremagog. This would match the timelines envisioned by the Legislature and we all have taken strides to rely on the statutes for language, timelines, etc. and we should do so here as well. We have not seen nor heard compelling reasons to deviate from the intent of the statutory sequencing they adopted in Act 76.

4. The RFP still needs some sort of statement regarding liability and related issues, e.g. "While the ANR Secretary will not assess legal or financial penalties on CWSPs that fail to meet target pollutant reductions, the Secretary may establish new requirements, benchmarks, conditions, or contract penalty provisions on the CWSP to provide for ongoing accountability."

Scope of Work

Basin Water Quality Councils, 2nd para:

5. Please explain what is meant by the phrase "may apply as a full entity."

Payment, 1st para:

6. Please provide a more detailed definition as to what types of costs will be considered program delivery costs.
7. Please provide a rough month/year estimate on when "start-up" grants would commence.
8. Can you provide more details on payments for projects? Will advances on approved formula grants be provided?
9. Can you provide more details on payments for operations and maintenance? Will advances be provided towards the planned grants?
10. One of the biggest challenges for potential CWSPs is whether or not the 15% cap for these costs will cover the incurred expenses. For larger grants, 15% of the implementation cost is adequate but for smaller projects costing under \$20,000, this can be a challenge given required processes to be followed, oversight responsibilities, record keeping, etc. Will DEC allow program delivery funds to be pooled? Or can a base amount of say, \$1,000 be provided for projects under \$20,000 and then a 15% cap added on top of that?

Deadlines and Content of Proposals

11. *e) References/letters from other entities, such as from municipalities, or important water quality organizations not named in Act 76 as statutory parties to the BWQC may also be submitted.*

This wording seems incorrect as municipalities and water quality (watershed protection) organizations actually ARE named as statutory members of BWQCs.

12. The scope should include describing the applicant's experience with complying with the Vermont Open Meeting law and/or a statement that the applicant will comply with the Vermont Open Meeting law. The scope should also include a description of how information related to CWSP operations will be made public.
13. In closing, the CCRPC would like to emphasize that applicants for CWSP appointment do so voluntarily and that if an applicant is selected, they may not agree to that commitment until they have seen the final Rules and Guidance.

Thank you for your consideration.

Sincerely,

Charlie Baker
Executive Director

MEMORANDUM

TO: CCRPC Board of Directors
FROM: Charles Baker, Executive Director and Dan Albrecht, Senior Planner
DATE: January 9, 2020
RE: Potential CCRPC application for designation as Clean Water Service Provider for Basin 5: Northern Lake Champlain Direct Drainages

This memo describes the planned roles and responsibilities of Clean Water Service Providers (CWSP). It is very important to note that concurrent with the solicitation and review of applications for designation as a CWSP that DEC will also be working on development of a new chapter of the Vermont Environmental Protection Rules, required to be promulgated by Nov. 1, 2020 under the Vermont's Administrative Procedures Act.

1. Selected entities that agree to be CWSPs will need to comply with the final rules and guidance, as a condition of relevant grants issued under Act 76. These forthcoming rules and guidance will address all areas covered by Act 76, including CWSP governance principles (such as site control, dispute resolution, procurement, payment, fiscal management, audits, compliance with Vermont's Open Meetings laws, non-discrimination, and decertification, among other topics), the process for project selection, project life for maintenance and operation purposes, and other requirements to implement the goals of pollution reduction through non-regulatory projects.
2. CWSPs will coordinate statutory partner engagement and Basin Water Quality Council (BWQC) engagement in the tactical basin planning process, with support from DEC basin planning staff. Pursuant to Act 76, responsibility for achievement of target pollutant reductions shall rest with the CWSP, while responsibility for project selection and prioritization shall rest with the BWQC.
3. Phosphorus reduction 'non-regulatory' targets will be assigned to each basin watershed. These targets will be set based upon the estimated needed reductions from various sectors that would not be addressed through regulatory programs (e.g. agriculture, MS4, MRGP, TS4, pending General Permit 3-9050 For Operational Stormwater Discharges, wastewater, etc). Generally speaking, DEC's current estimate is that 20% of the needed reductions overall for each basin would have to come from the non-regulatory sector such as natural resources restoration, wetlands restoration, etc. DEC would then disperse funds, via "Water Quality Restoration Formula Grants" based upon the targeted load reduction and factoring an average cost per project per pound of phosphorus removed for each type of project.
4. CWSPs will be responsible for staffing, supporting, and developing projects in consultation with a Basin Water Quality Councils consisting of (at a minimum) persons representing municipalities (two persons), regional planning commissions (two), natural resource conservation districts (two), local watershed protection organizations (two) and local or state land conservation organization (one). The Councils would prioritize projects. After identification and prioritization, the CWSP would then develop and implement the non-regulatory projects to meet the target. CWSPs would develop partnerships and if needed,

subcontract/subgrant work. CWSPs would have the overall responsibility to assure that projects are implemented and maintained as required. Each CWSP will work with its BWQC to set up processes for deciding who physically implements, operates and maintains each project. Requirements for elements of those processes may be proscribed in the forthcoming rules and guidance.

5. Starting in November 2021 there is the potential for reformulated grant programs (Municipal Stormwater Implementation and Developed Lands Implementation) to assist municipalities and private landowners, respectively. However, these grants would only be available if DEC determines that the applicable CWSP is making satisfactory progress.
6. At this point in time, grant funds for phosphorus-reduction projects are currently available through DEC Clean Water Block Grants (administered by Southern Windsor County RPC; Vermont Association of Conservation Districts and Watersheds United Vermont), DEC Grants-in-Aid and VTRANS (Better Roads, Transportation Alternatives, and Municipal Highway and Stormwater Mitigation Program grants), and the Ecosystem Restoration Program grants. It is anticipated that these grant funds will be supplanted by the formula grants and the sector-grants starting in 2021.

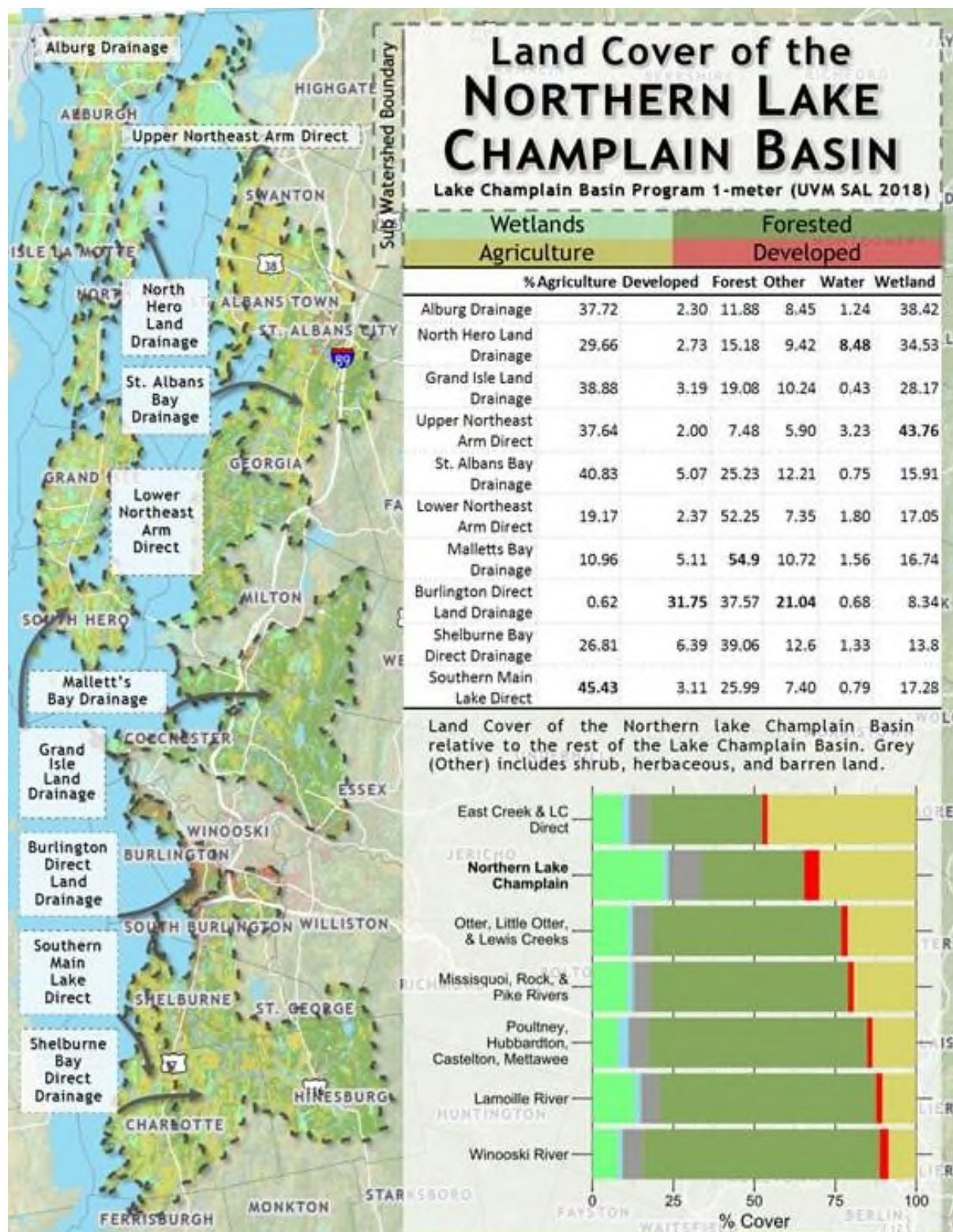
Given that background;

7. Should CCRPC submit a proposal to be a CWSP? Here are some thoughts to get conversation started:
 - a. Water quality has been a growing issue for CCRPC and our municipalities. The CCRPC needs to stay relevant to serve municipal needs: including those nine members subject to the Municipal Separate Storm Sewer System (MS-4) permit and the other nine members who must comply with the Municipal Roads General Permit. Early staff thought is that it might make sense to serve as the CWSP for Basin 5 (see next page).
 - b. Because municipalities will lose access to other grant funds if the CWSP and BWQC aren't making progress towards the pollution reduction targets, should CCRPC take this work on to be directly involved and maintain some level of accountability?
 - c. If we don't volunteer, is there another entity that is able and willing to carry out this work in our watersheds?
 - d. If we do volunteer, how do we make sure that there are no or very limited liabilities for CCRPC or our member municipalities?
 - e. Should we consider forming a separate non-profit with or without partners in the applicable basin to separate financials and limit liability to CCRPC?
 - f. What other questions and concerns should staff research before the next meeting?

More information about Act 76, planning basins, non-regulatory projects, CWSPs and BWQCs, may be found here: <https://dec.vermont.gov/water-investment/statutes-rules-policies/act-76>

Note: See attached map of Basin 5

Basin 5: Northern Lake Champlain Direct Drainages encompasses all of Grand Isle County, numerous towns in Franklin and Chittenden County and a few towns in Addison County.



CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
EXECUTIVE COMMITTEE MEETING MINUTES
DRAFT

DATE: Wednesday, December 4, 2019
TIME: 5:45 p.m.
PLACE: CCRPC Offices, 110 W. Canal Street, Suite 202; Winooski, VT 05404
PRESENT: Mike O'Brien, Chair Catherine McMains, Vice Chair
Chris Roy, Immediate Past Chair Barbara Elliott, At Large <5000 (via phone)
Chris Shaw, At Large >5000
ABSENT: John Zicconi, Secretary-Treasurer
STAFF: Charlie Baker, Executive Director Eleni Churchill, Transportation Program Mgr.
Forest Cohen, Senior Business Mgr. Regina Mahony, Planning Program Mgr.
Amy Irvin Witham, Business Office Associate

The meeting was called to order at 5:46 p.m. by the Chair, Mike O'Brien.

1. Changes to the Agenda, Members' Items. Charlie requested to hold an executive session.

2. Approval of October 2, 2019 Executive Committee Minutes.

CATHERINE MCMAINS MADE A MOTION, SECONDED BY CHRIS ROY, TO APPROVE THE MINUTES WITH EDITS. MOTION CARRIED UNANIMOUSLY. The following edit was requested:

- page 2, line 43 add the word "to" in the sentence - "Mike O'Brien asked Catherine McMains to preside over the meeting".

3. ACT 250 & SEC 248 Applications. There were none.

4. Legislative Breakfast presentation review.

Charlie asked members for their opinions on his presentation for the upcoming Legislative Breakfast. He wants to provide a clear message on the importance of investing in Chittenden County. He reviewed two handouts, a copy of last year's PowerPoint presentation and a Data Sheet with some edits.

The copy of the PowerPoint presentation included 14 slides with information on the following topics:

- **Legislative Breakfast Agenda and Program**
- **Implementing Our ECOS Plan**
- **Invest in Chittenden County**
 - **Smart Growth**
 - **Act 250 & Permit System Change**
 - **Regional and Municipal Planning**
 - **Water Quality Funding**
 - **Transportation Investments**
- **I-89 2050 Study**
- **Transportation Climate Initiative**
- **Workforce**
- **Mental Health and Substance Use Disorder**
- **CCRPC Resources**
- **CCRPC Current Work**

Members discussed the importance of Chittenden County and its role in supporting the rest of the state. Opportunities for employment are higher and employment growth is a key factor. Over the past decade over 7000 jobs have been gained, whereas other parts of the state have remained static, and in some cases, jobs have declined, for example, Rutland lost 2700 jobs over the past 10 years. Mike asked if the unemployment rate for Chittenden County could be added to the presentation. Members discussed the importance of highlighting the fact many people are traveling into Chittenden County for work and services.

Affordable housing is of major concern; people move outside of Chittenden county and then must make their back way in for work and services. Members agreed, the cost of housing must be addressed. It is very important to highlight the lack of affordable housing in Chittenden County and the relationship this has with several key issues, including transportation, climate initiatives and an aging population. Chris Roy asked if morning and evening traffic patterns could be highlighted.

Charlie requested input on the best way to organize the presentation and asked for feedback on the Data Sheet. Members discussed adding the Annual Report and ECOS Score Card as handouts. Given the time limit for the presentation, members agreed the best strategy is to move through the entire presentation, then leave 20-30 minutes open to revisit topics and field questions at the very end.

5. Chair/Executive Director Report:

a. Clean Water Service update

Charlie explained he and Dan Albrecht have been participating in an advisory committee to develop an RFP, rules, and guidance for clean water service providers. The DEC has requested proposals for parties interested in becoming a Clean Water Service provider. Because there are so many unknown factors about the process, interested organizations need assurances they will not be susceptible to liabilities. Charlie feels the CCRPC should submit a proposal, as we could potentially be a good fit to help with the MS4-oriented basin. We may consider establishing a separate non-profit entity to manage this. This will be a topic of discussion over the next few months as proposals will be due in March or April.

b. Planner recruitment

Charlie reminded everyone Emily Nosse-Leirer has taken a position with Senator Leahy's office in DC. We are fortunate to have a great pool of people applying for the open position, currently we have twenty or more solid candidates. Interviews will begin this week with hopes to have the position filled by January.

c. Amtrak storage update Charlie stated he wants to provide an update on the Amtrak storage study and then move into Executive Session for further discussion. He and Eleni recently attended a meeting with the Transportation, Energy, and Utilities Committee meeting of the Burlington City Council to participate in the discussion of potential Amtrak storage sites. VTrans has identified an additional site for consideration. Charlie handed out a memo from CCRPC to the Vermont Rail Advisory Council. The memo was in response to various comments regarding CCRPC's work in the Amtrak Train Servicing and Storage Facility Assessment, conducted in collaboration with the City of Burlington and VTrans. The memo was intended to explain and provide more accurate description of the assessment provided by CCRPC. [The memo can be viewed [here](#).]

6. Other Business. There was no other business.

Chris Roy excused himself from the meeting at 7:01pm.

7. Executive Session. CHRIS SHAW MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO MOVE INTO AN EXECUTIVE COMMITTEE SESSION TO DISCUSS POTENTIAL LITIGATION REGARDING AMTRAK STORAGE WITH THE FOLLOWING MEMBERS PRESENT: MIKE O'BRIEN, CATHERINE MCMAINS, CHRIS SHAW, BARBARA ELLIOTT AND STAFF, CHARLIE BAKER BEGINNING AT 7:03PM. MOTION CARRIED UNANIMOUSLY.

CHRIS SHAW MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO EXIT EXECUTIVE COMMITTEE SESSION AT 7:18PM. MOTION CARRIED UNANIMOUSLY.

10. Adjournment. CHRIS SHAW MADE A MOTION, SECONDED BY BARBARA ELLIOTT, TO ADJOURN THE MEETING AT 7:18PM. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,
Amy Irvin Witham

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
EXECUTIVE COMMITTEE MEETING MINUTES
DRAFT

DATE: Wednesday, January 8, 2020
TIME: 5:45 p.m.
PLACE: CCRPC Offices, 110 W. Canal Street, Suite 202; Winooski, VT 05404
PRESENT: Mike O'Brien, Chair Catherine McMains, Vice Chair
Chris Roy, Immediate Past Chair
John Zicconi, Secretary-Treasurer
OTHER: Amy Bell, VTrans (via phone)
ABSENT: Chris Shaw, At Large >5000 Barbara Elliott, At Large <5000
STAFF: Charlie Baker, Executive Director Eleni Churchill, Transportation Program Mgr.
Forest Cohen, Senior Business Mgr. Regina Mahony, Planning Program Mgr.
Amy Irvin Witham, Business Office Associate

The meeting was called to order at 5:46pm. by the Chair, Mike O'Brien.

1. Changes to the Agenda, Members' Items. There was one change, the addition of the draft January 15, 2020 Board Meeting Agenda for review.

2. Approve Quarterly Journal entries July to September 2019 (Finance Committee business)
Forest distributed copies of Journal Entries dated July through September 2019. Noting the one significant issue, he explained that he and Charlie closed a CD and deposited the funds into the Opportunities checking account. Members reviewed. CATHERENE MCMAINS MADE A MOTION, SECONDED BY JOHN ZICCONI, TO APPROVE THE QUARTERLY JOURNAL ENTRIES. MOTION CARRIED UNANIMOUSLY.

3. FY20 Financial Statement Review July to October 2019 (Finance Committee business)
Forest Cohen provided a financial brief for the period covering July 2019 through October 2019. Forest reviewed the financial statements with members.

Balance Sheet, October 31, 2019 - Cash in checking, operating at \$87,996; Cash in Money Market and CDs (reserve) at \$327,717. Current assets over liabilities, \$761,201. Deferred Income Communities (match) at \$192,256. John asked why there is a 28.5% change year to year; Forest explained that our VMERS pension liability adjustments account for much of the differences. Forest explained, per our auditor's recommendation, the CCRPC portion of the pension plan liability should be listed on our balance sheet. This can result in a large expense on our financial statements that management has no control over; VMERS must be reflected on the books and it is a high liability. Forest also explained the timing of checks being written as well as VTrans billing can create swings in the cash.

Income Statement, through October 31, 2019; Forest explained FY19 was a difficult budget year, we ended with a deficit of \$58,247. However, FY20 should show improvement, since our indirect rate is now closer in line with actual indirect costs. We are currently ahead of our budget year, which is 33.3% through October, with Operations Support revenue at 34.1% of budget. Expenses are just under 33.1%. We are generating positive income in this FY20 through October of \$10,048. John

requested Forest provide details at the next meeting on why there is \$329K less cash this October versus October 2018.

4. Approve December 4, 2019 Executive Committee Minutes CATHERENE MCMAINS MADE A MOTION, SECONDED BY CHRIS ROY, TO APPROVE THE EXECUTIVE COMMITTEE MEETING MINUTES OF DECEMBER 4, 2019 WITH EDITS. Chris Roy requested more information be included in the executive session section of the minutes by adding the purpose of the executive session and the people present. MOTION CARRIED UNANIMOUSLY, WITH JOHN ZICONNI ABSTAINING.

5. Act 250 & Sec 248 Applications There were none.

6. Approve Mid-year Adjustment FY2020 UPWP and Budget

Charlie reviewed the Draft FY20 Mid-year Adjustment and Budget document with members. There were changes to deliverables and dollars. One project was eliminated, Task # 2.3.9.2 Chittenden County Freight Plan, and the following projects were added:

Land Use / Planning projects

- 2.1.3.23 Charlotte Zoning Assistance
- 2.1.3.24 Essex Infographic
- 2.2.6 Energy Plan Implementation
- 5.2.4.1 Local Emergency Response Plans

Transportation Projects

- 2.3.4.34 Intermodal Facilities and Official Map (Williston)
- 2.3.4.35 Elderly and Disabled Transit Service Review (phase II)
- 3.2.3.29 Jericho Bolger Hill Drainage Improvements
- 3.2.3.30 Westford Town Green Stormwater Assessment
- 3.2.3.31 Jericho Road conceptual Plans (Richmond)
- 2.3.13.3 Winooski Avenue Corridor study (Major changes were made)

The result of these project changes created \$44,000 in additional revenue and \$36,559 in expenses, which yield a mid-year budget surplus of \$7,448. These figures are true through November.

Members discussed why estimations of some projects proved more expensive while others were less than originally budgeted. Charlie explained there are multiple factors contributing to the this; including changes in staff and staff time allocations. For instance, we've received an additional Emergency Management grant, and the Emergency Management MOU was billed for response to the Halloween storm. Amy Bell asked about the new project Task # 2.3.4.34 Intermodal Facilities and Official Map. She wanted to know if there was any feedback from the Federal highway regarding the eligibility of an official map project, as she is not sure this type of project has ever been completed with transportation dollars before, Eleni said she will check whether we had any communication with Chris Jolly (FHWA) on this project and get back to her.

JOHN ZICONNI MADE A MOTION, SECONDED BY CHRIS ROY, TO RECOMMEND THE BOARD APPROVE THE PROPOSED MID-YEAR ADJUSTMENT FY20 UPWP AND BUDGET. MOTION CARRIED UNANIMOUSLY.

7. Approve Clean Water Service Provider RFP Comments

Charlie distributed copies of a draft Board cover memo and Draft Clean Water Service Provider (CWSP) RFP comment letter. Charlie reviewed the Board memo which provides a brief explanation of the intent of CWSPs; and a CCRPC comment letter on the draft RFP for review. An additional memo was handed out that outlines planned roles and responsibilities of Clean Water Service Providers. The memo also provides a map that highlights, geographically, the area that may make the most sense for the CCRPC to potentially be involved.

John Zicconi stated, based on previous information and discussion, he was under the impression the CCRPC was not in favor of the CWSP legislation and asked for clarification; Charlie said CCRPC was not necessarily opposed, though the original legislation was crafted for RPCs to do this work and other stakeholders wanted more flexibility. Charlie explained, currently Staff is only asking the Board to review the draft RFP and the comment letter on the draft RFP for submittal. Then over the next two months CCRPC staff wants to discuss whether the CCRPC should apply to be designated as the CWSP, potentially for the Northern Lake Champlain Direct Drainages (Basin 5). This area covers several of our MS4 towns, several towns in Grand Isle and Franklin County and a small portion of Ferrisburgh in Addison county. The final RFP is expected to be out by the end of January, and the anticipated deadline for submission of a proposal is likely in early April 2020. Charlie anticipates we will need a tentative Board decision at the February Board meeting with a final decision at the March Board Meeting.

Members asked how the process will work? Charlie explained, post RFP response, the state would propose who the providers are via rule in June, which will come with its own public input process. At the same time there will be rule making on how and what the CWSP will actually be responsible for (i.e. phosphorus reduction targets, etc.) and how they should operate. The rule-making process will be over the course of several months concluding by the end of the calendar year. Charlie explained, currently we are simply looking at our options. Even if we do respond to the RFP, it doesn't mean the CCRPC will do it. We need to see a full picture of what this will look like before we would agree to enter into a grant agreement in early 2021.

John asked how staff and priorities align with Water Quality issues, and Chris asked what is the benefit for CCRPC and our municipalities to do this? Charlie explained the reality is, although these are not necessarily municipal projects, the legislation states if CWSP are not making good progress toward addressing the pollution reduction goals then the municipalities in that basin would not have access to water Quality grant monies for the regulatory programs. Becoming involved is a way for CCRPC to ensure our municipalities qualify for funding. Charlie said CCRPC's role would likely be more of a supporting, grant administration, and oversight role because it's the watershed and conservation groups that do these non-regulatory type projects on private land.

Chris Roy asked if Northwest RPC needs help because they have such a large area to cover and why a joint endeavor might be favorable to us. Charlie explained that this program is intended to address the gap between what can be addressed via the regulatory programs and the TMDL targets. It's likely the basins with a lot of agricultural land will have a higher 'gap' target. Charlie indicated that Catherine in NWRP feels they will have their hands full with the Missisquoi basin and would be open to sharing the responsibility in Basin 5. Charlie explained grants funds would be separated from RPC funding in terms of accounting; and perhaps there might be some logic in establishing a separate non-profit to handle this work. Charlie said if there is another organization/entity better than the CCRPC to take the reins on this, that is great. Charlie believes over the next month or so entities

1 that are interested in heading this up will surface. The State of Vermont has expressed they are
2 open to any and all interested parties. Charlie wants to bring this to the board to see how the
3 board members feel.

4
5 John stated this is not a simple issue, that water quality is important to our municipalities and there
6 are changes and shifts in the work we do at CCRPC. He feels the work is needed, but exactly how it's
7 done (CCRPC v. non-profit or partnership) is a question for further down the road.

8
9 CHRIS ROY MADE A MOTION, SECONDED BY CATHERINE MCMAINS TO RECOMMEND the CCRPC
10 BOARD REVIEW, EDIT, AND APPROVE SUBMISSION OF THE CCRPC COMMENTS ON THE DRAFT RFP
11 FOR SELECTION OF CLEAN WATER SERVICE PROVIDER. MOTION CARRIED UNANIMOUSLY.

12
13 8. Compensation Study – Potential Personnel Policy Changes

14 Compensation Study documents were included in the agenda packet for members to review.

15 Charlie explained the compensation study shows CCRPC to be competitive within the labor market
16 and that we do offer a competitive benefits package. Areas we may want to improve on, in terms of
17 benefits, include potentially offering an expanded life insurance coverage as well as adding a
18 floating holiday. Members agreed, the addition of a floating holiday puts CCRPC more in line with
19 the State holiday structure. John had questions about the life insurance benefit, if from an employer
20 standpoint, it is intended to cover burial services or to provide for the family of employee.

21 Currently, life insurance provides \$50,000 of coverage. Members discussed how the imputed cost of
22 coverage in excess of \$50,000 is taxed and must be included as income. Charlie stated there will be
23 research done on the options and associated costs for increased life insurance amounts.

24 Charlie asked for more flexibility in PTO accrual when hiring more experienced employees.
25 Members agreed that should be fine. Charlie explained, based on the compensation study, to
26 remain competitive in the job market, there are proposed changes to current position groupings and
27 salary ranges that he'd like the Executive Committee's feedback on. He referred members to
28 document Appendix A – Salary Ranges that provided an outline of different positions and where
29 adjustments are suggested. Members discussed draft salary ranges, and the potential of making a
30 distinction between engineers and planners. Eleni explained our Engineers could leave CCRPC and
31 make more money at other organizations. Members discussed titles and job descriptions and how
32 these correspond with the salary ranges. Members discussed how positions were outlined in the
33 past, that the compensation study unearthed discrepancies in salaries and job descriptions. The
34 Comp Study is designed to give us information to make sure that we are competitive in the job
35 markets. Charlie reiterated that in general we are in a good place in terms of staff salaries and
36 benefits. Next month there will be a request to approve changes.

37 9. Chair/Executive Director Report

38 a. Planner Recruitment – Charlie stated Emily Nosse-Leirer started her new position for
39 Senator Leahy's office in DC. We were lucky to have 30 applicants and 20 very strong
40 candidates apply for the open planner position. Taylor Newton accepted our offer and will
41 begin in February. Taylor currently works for the Northwest RPC and his transition to CCRPC
42 should be seamless, as his position there covers much of what Emily was doing.

43
44 b. Amtrak Storage update - Eleni stated there will be a Transportation Energy and Utilities
45 Committee (TEUC) meeting next week to review the ranking of the six potential Amtrak

Storage sites and take comments from the public. VHB is working to create a more detailed plan for a 6th site at the McNeil plant. Even though the McNeil site was ranked number one at the December Rail Council meeting the decision by VTrans of where to store the Amtrak train has not been finalized. VTrans is still waiting for feedback from Burlington.

- c. Legislative Update – Charlie said the administration and VNRC have an agreement on the Act 250 bill. Chris Roy said the testimony they provided includes an alternative to the current review and appeals process that includes a 3-person board, with 2 additional members participating on hearings in their districts. This addresses the time issues because you eliminate a level of review. It may give an inordinate amount of power to the 3-person board –deciding major development in and outside of their regions. Chris said he will provide a quick update on this at the Board Meeting next week. Charlie mentioned the housing bill the Senate Economic Development, Housing & General Affairs Committee is working on appears to have a good bit of momentum.

Charlie mentioned that there may be some legislation on the Transportation Climate Initiative, and other potential climate change bills. He anticipates that water Quality will be quiet. There is currently a bill for RPC's to become more involved with health planning, but he doesn't have any sense yet of whether or not this will move. There is also discussion about expanding the scope of Efficiency Vermont to an all energy utility which may have some transportation and energy implications for us.

10. **[Item 1. Addition to Agenda]** Review the Agenda for January 15, 2020 Board Meeting
Members reviewed and made changes to the draft January 15, Board Meeting Agenda.

11. Other Business There was no other business.

12. Executive Session There was none.

13. Adjournment CHRIS ROY MADE A MOTION, SECONDED BY JOHN ZICCONI TO ADJOURN THE MEETING AT 7:56pm. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,
Amy Irvin Witham

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
TRANSPORTATION ADVISORY COMMITTEE
MINUTES

DATE: Tuesday, December 3, 2019
TIME: 9:00 a.m.
PLACE: CCRPC Offices, 110 West Canal St. Winooski, VT

Members Present

Bryan Osborne, Colchester, TAC Chair
Nicole Losch, Burlington
Matt Langham, VTrans
Amy Bell, VTrans
Ashley Bishop, VTrans District 5
Chris Jolly, FHWA
Andrea Morgante, Hinesburg
Dean Bloch, Charlotte
Daryl Arminius, Charlotte
Josh Arneson, Richmond
Katherine Sonnick, Jericho
Jon Rauscher, Winooski
Joss Besse, Bolton
Dean Pierce, Shelburne
Allegra Williams, Local Motion
Sandy Thibault, CATMA
Seth Bowden, GBIC
Richard Watts, Environment
Chris Damiani, GMT
Bob Henneberger, Seniors
Bruce Hoar, Williston

Staff

Charlie Baker, Executive Director
Eleni Churchill, Transportation Program Manager
Regina Mahony, Planning Program Manager
Marshall Distel, Transportation Planner
Bryan Davis, Senior Transportation Planner
Christine Forde, Senior Transportation Planner
Jason Charest, Senior Transportation Planning Engineer
Emily Nosse-Leirer, Senior Planner

Others

Ross MacDonald, VTrans

Bryan Osborne called the meeting to order at 9:00AM, calling for a round of introductions.

1. Consent Agenda: Bryan Osborne asked if there were any questions on the consent agenda. ANDREA MORGANTE MADE A MOTION APPROVING THE CONSENT AGENDA. THE MOTION WAS SECONDED BY RICHARD WATTS AND PASSED UNANIMOUSLY.

2. Approval of Minutes

Bryan asked for any changes, which there were none. JOSS BESSE MADE A MOTION TO APPROVE THE MINUTES OF November 5, 2019 WITH AMENDMENTS, SECONDED BY SANDY THIBAULT. THE MOTION PASSED UNANIMOUSLY.

3. Public Comments

None.

4. High Impact Economic Development Project List

Seth Bowden, GBIC staff, described an effort to create a methodology through which critical and high impact economic development projects may be vetted and chosen as part of an application for funding from the Northern Border Regional Commission (NBRC). The overall goal is to have a statewide list of projects that are already identified, can attract resources, and be meaningful to communities. This is being done throughout the state at the request of Department of Economic Development. This effort is using the CEDS list from 2017 (which is in the ECOS Plan) as a starting point to identify short, medium, and long-term projects focused on infrastructure and economic development, and their respective levels of impact. The goal is to define a methodology to identify projects by the end of 2019 with a draft list ready by early

2020. Not being on the list does not make a project ineligible and being on the list doesn't necessarily give another project priority, but having a list makes for a stronger state application. The project list will be brought to the TAC, PAC and CCRPC Board for approval. The funding program was initially created in 2008 to help economically distressed communities, hence the focus on other communities in previous rounds, but it's now open to other areas. Charlie noted that Winooski previously received \$450,000 for their Main Street Revitalization Project. Since 2010, when funds were available, about 44 projects have been awarded in Vermont. Questions from TAC members included:

Are economic conditions considered in the NBRC program?

Yes, a 50% match is required in Chittenden County because we are a "transitional" county rather than a "distressed" county. It appears that there are no approved "isolated areas of distress" in Vermont – this is something that exists in other states. Information on how "distress" is evaluated:

<http://www.nbrc.gov/content/distressed-counties>

Can these funds be used for matching federal funds?

In Chittenden County, a 50% match is required. NBRC funds can be used as match for leveraging other Federal grant funds, only up to 80% of the total project. There always needs to be a 20% non-federal match.

How much money is available?

Depending on appropriations, there is \$3.5M million available for projects in Vermont. There is a \$500,000 maximum award to eligible infrastructure projects, up to a \$250,000 maximum award for all other types of eligible projects. There's also local development district grants and state planning grants, which may not be relevant for this particular round of list making.

Application Details

Details on how State Economic and Infrastructure Development Investment Program applications work, what's considered and an application manual can be found here: <http://www.nbrc.gov/content/2019-eid-investments>

5. Chittenden County I-89 2050 Study

Eleni Churchill, CCRPC staff, provided an overview of this project. They are now finishing the current conditions, modeling to develop alternatives, and working on the draft vision, goals, and objectives which she shared. Vision and goals are important because they are used to guide decisions related to screening alternatives. The project team will complete a microsimulation model for entire corridor, and they developed five base scenarios against which all alternatives will be analyzed. The CCRPC's ECOS/MTP and State's Long-Range Transportation Plan are guiding documents. Dean Pierce asked about the phrase "in alignment with" municipal and regional plans as part of the vision statement, and Eleni responded that the plan needs to be in alignment with land uses in adjacent towns. There is plenty of time before the draft vision, goals, and objectives are finalized, and Eleni asked TAC members to provide any feedback. Andrea asked if the project should acknowledge the rapidity with which transportation and technology may change in this period of time. Eleni responded that this was debated during MTP development, and technology across industries is developing at different rates so we don't know how or when technology will change things, so it's difficult to incorporate. Richard notes that the vision statement doesn't include "sustainable" which is part of the MTP goal and asked if this should be included? Eleni said this can be considered. Richard also reflected about induced demand and the need to make it harder for people to live further away from growth areas, rather than easier via the interstate, if the goal is to focus development in specific areas. Bryan asked if other RPCs are involved because addressing congestion here may push it to other areas. Eleni responded that neighboring RPCs, and many other stakeholders are on the Advisory Committee. Understanding impacts to other areas, outside Chittenden County, is also why the project is using the regional model. Andrea asked if Federal Highway Administration might change rules about who/what vehicles can use the interstate as technology changes. Chris Jolly said that with the new federal transportation bill, addressing issues like this would be an evolving process. Eleni noted that the project

team is still developing metrics for the objectives. Dean Pierce noted the challenge of balancing desire to keep some areas rural, ag, residential and impacts of I-89 improvements may change demand in those areas. Eleni said the next steps include Advisory and Technical Committee meetings, public meetings, and beginning the interchange evaluation. Joss asked who makes decisions for this project, and Eleni said that she is hopeful that the Advisory Committee would make decisions based on consensus. Charlie Baker said that the CCRPC Board will ultimately be okay with the recommendations for the I-89 Corridor as they will be included as part of the next MTP (2023). Project website: <https://envision89.com/>.

6. VTrans State Public Transit Projects

Ross MacDonald of VTrans described current transit projects and funding and noted that they are able to work on innovative projects due to legislative and administration support. They are working with open source data which allows for coordination of various platforms and services to make trip planning easier. The new Go! Vermont trip planner platform will launch in January 2020 and will complement the currently available Transit App. They are also launching a media campaign in 2020 to promote these services. Upcoming efforts will incorporate Microtransit into Transit App and Trip Planner and will develop an interface so Demand Response (dial-a-ride) trips can be revealed in Trip Planner. Other programs include Rides to Wellness to meet medical transportation needs, and Recovery Rides to provide transportation as part of behavior illness recovery plans. Ross noted that mobility in rural areas need to be addressed differently. Andrea said she was glad to see youth services included because she's trying to get school buses as part of transit system and encourage young people to be thinking differently about transportation decisions. Daryl asked if towns can help collect data that would be useful, and Ross responded that it would be helpful for towns to help promote Go! Vermont and other programs, which is how they can track data. Bob asked about consideration of "pay as you go" model as an option, especially for automated vehicles when they serve rural areas, and Ross noted that mobility on demand is in the realm of consideration. Go! Vermont currently supports CarShare VT, which has offered to lease hardware/software to other communities. Go! Vermont website: <https://www.connectingcommuters.org/>.

7. CCRPC FY21 UPWP Solicitation

Marshall Distel, CCRPC staff, described the FY21 UPWP development process and noted that information was distributed in mid-November with applications due January 17, 2020. For more information visit: <https://www.ccrpcvt.org/about-us/commission/annual-work-plan-budget-finances/>.

8. Status of Projects and Subcommittee Reports (Information Item):

Bryan noted that the project list on the back of the agenda identifies current projects, and TAC members can follow up with staff about these or other projects.

9. CCRPC November Board Meetings Report

The Board received a report on the CCRPC's FY19 audit, VTrans update on Williston Park and Ride and warn a public hearing for a major TIP Amendment in January, Draft Public Transit Policy Plan update from VTrans, and action on Town of Charlotte Determination of Energy Compliance.

10. Chairman's/Members' Items:

None.

AMY BELL MADE A MOTION TO ADJOURN, SECOND BY ANDREA MORGANTE, APPROVED UNANIMOUSLY.

The meeting adjourned at 10:40 AM.

Respectfully submitted, Bryan Davis

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
TRANSPORTATION ADVISORY COMMITTEE
MINUTES

DATE: Tuesday, January 7, 2020
TIME: 9:00 a.m.
PLACE: CCRPC Offices, 110 West Canal St. Winooski, VT

Members Present

Bryan Osborne, Colchester, TAC Chair
Nicole Losch, Burlington
Matthew Langham, VTrans
Amy Bell, VTrans
Jim Dieser, VTrans District 5
Chris Jolly, FHWA
Dave Allerton, Milton
Andrea Morgante, Hinesburg
Dean Bloch, Charlotte
Josh Arneson, Richmond
Jon Rauscher, Winooski
Brian Bigelow, Underhill
Joss Besse, Bolton
Karen Yacos, Local Motion
Bob Henneberger, Seniors
Mary Anne Michaels, Rail

Staff

Charlie Baker, Executive Director
Eleni Churchill, Transportation Program Manager
Regina Mahony, Planning Program Manager
Bryan Davis, Senior Transportation Planner
Christine Forde, Senior Transportation Planner
Jason Charest, Senior Transportation Planning Engineer

Bryan Osborne called the meeting to order at 9:00AM, calling for a round of introductions.

1. Consent Agenda: No consent agenda.

2. Approval of Minutes

Bryan asked for any changes, which there were none. AMY BELL MADE A MOTION TO APPROVE THE MINUTES OF DECEMBER 3, 2019, SECONDED BY BOB HENNEBERGER. THE MOTION PASSED UNANIMOUSLY.

3. Public Comments

None.

4. VTrans' Project Selection & Prioritization Processes Update

Christine Forde, CCRPC staff, presented an update on the VTrans Project Selection and Prioritization Process (VPSP2). She briefly described the current project selection and point system and noted the inability within the existing framework to add new projects to the VTrans Capital Program.. The vision of the VPSP2 is to develop a performance-based, data driven project selection and prioritization framework that maximizes the "transportation value" delivered to Vermont taxpayers. Four stakeholder workshops were held resulting in five modes being identified with eight weighted evaluation criteria. Note that existing grant programs will stay the same (application process and ranking) regardless of VPSP2.

Questions/comments from TAC members, answers from Christine and extensive discussion on VPSP2 are summarized below:

How do freight movements fit into this framework? It's not a specific factor but was part of the discussion. Keeping assets in good condition, reducing congestion, increasing mobility, economic access, etc. would benefit movement of freight. Note that freight movement is a federal performance measure so it may be called out specifically in VPSP2.

Existing business is noted in the worksheet but what about future business development? Growth areas are defined by regional plans, provide access to jobs, and to attract and retain businesses and workforce. There's room to add more language about future opportunities as part of the growth centers language.

Note that multimodal infrastructure includes all modes, not just on roadways. Also note that the five modes aren't being compared to each other but rather are all included in the process.

Is recreation and recreational economic development being considered? The colorful handout is the workbook for roadways but keep in mind that there's another workbook for walkways/trails/paths.

There are two proposed ways to add new projects to the capital program: by being Regionally Driven, and through Harmonization. These are added to the existing three "categories" of being Asset Driven, Safety Driven, and Grant Based.

For Asset Driven Projects, VTrans will provide a list of asset projects for RPCs to rank. The RPC ranking will account for 20% of the project score (VTrans gets 80% of the project score). For Modernization and Expansion Projects, RPCs will identify transportation needs and those needs will be scored using the VPSP2 "qualification sheet." RPCs will determine the highest value needs and send that lists to VTrans for either Harmonization or for consideration as new Regionally Driven projects.

How is harmonization being defined? The needs identified by RPCs will get mapped. The Asset Driven projects identified by VTrans will also get mapped and if there is alignment between an asset project and a regionally identified needs, the needs may be incorporated into the asset project. For example, if a failed culvert is located on a roadway slated for paving, those two projects are harmonized, meaning incorporated.

Who at the RPC does prioritization? Staff will do the initial project scoring and then bring it to the TAC for review and discussion, and ultimately make a recommendation to the Board for approval.

For projects that have already gone through the scoping (project development) process, those will be brought into the process at the Projects/Needs mapping stage.

In the previous failed culvert example, how would environmental needs such as aquatic organism passage, stormwater retention, etc. be included? The VPS2 workbook has criteria for environment where environmental benefits would be scored.

Dennis noted that if a culvert is a \$5,000 project, it will never make it through this process and the capital list would be endless; as a standalone project wouldn't belong in this process. Christine pointed out that this is where harmonization becomes important.

What happens when there are multiple benefits under one criterion, how are they scored? Christine said they cannot get more than the maximum number of points for that criterion.

Stormwater projects are currently in the roadway mode but remember that grant programs are also a way to address specific projects (like a failed culvert).

Karen said it seems like projects can move through the prioritization process alone rather than through harmonization, correct? Yes.

Chris Jolly reminded the group that the capital budget committee gets together at the beginning of every year to divvy up funds for various transportation programs, so while this process is important to prioritization, it's important to remember that everything has to be funded with the budget available.

Dennis noted that with so many projects in each town, it's important to consider which funding opportunities exist and to seek funds for various projects through the most appropriate source considering grant programs, the state capital program, using local funds, or other ways.

Bob asked how someone would know if VTrans is going to do work on a particular roadway segment that could include a culvert project and therefore not need to fill out the "big form." Christine said the mapping process should identify all needs.

1 Andrea asked if the state's complete streets policy included, and Christine said yes, complete streets
2 projects score highly because they improve the "transportation value" of a project. Is complete streets
3 mentioned specifically in VPSP2? Christine said it isn't but maybe it should be.

4 What is the implementation timeline of VPSP2? There is currently a soft rollout with testing using a
5 select number of sample projects, but VPSP2 won't replace the existing process for a couple of years. In
6 the spring there will be some side-by-side project prioritization comparisons using this new method and
7 the current process.

8 Dean said that sometimes towns don't know of VTrans projects until later in the process. Charlie noted
9 that the intent is for the VPSP2 process to be more open and transparent about how projects are added to
10 the list and approved by appropriate entities.

11 Dennis questioned why not just use the state form for projects if they're all going to be compared?
12 Christine said the qualification sheet is intended to be a simplified version of the state sheet to make it
13 easier.

14 Nicole asked whether the state projects are included on the needs mapping so that all projects (state and
15 local) are on the same map? Christine said yes, the intent is for all needs/projects to be mapped but will
16 confirm with VTrans.

17 Bryan noted that restrictions in some of the grant programs can be challenging, is there any consideration
18 of using this new process to update and streamline these programs? Not at this time.

19 Dennis asked if CCRPC can map Chittenden County projects and state projects as an "internal" map to
20 help towns make better decisions and work together. Charlie said that yes, this can be completed to help
21 with coordination. RPCs will be responsible for mapping the needs for all of the county, so we'll look
22 into including the VTrans needs as well. Bryan noted that since Modernization and Expansion within the
23 VPSP2 process is for new projects only, what happens to projects that are already in the system; is there a
24 chance for reevaluation of them? Christine said that projects already in the capital program will have their
25 transportation value calculated and those with a low value can be considered for removal.

26 Eleni noted recent conversations with VTrans indicate that they would use the transportation value of a
27 project, currently within the VTrans program, to rank/prioritize all projects and this might lead to the
28 elimination of the existing "candidate list" since those projects would either advance within the program
29 based on their score, or be eliminated.

30 Dean noted that the economic access criteria seems dated and that recreational development has economic
31 development potential, can this criterion be considered for update? Christine said this is an opportunity
32 for people to contribute improvements to language.

33 Christine is interested in comments from TAC members on the qualification sheet language, as well as
34 other improvements and thoughts.

35 For next steps all RPCs are looking at the qualification sheet and testing it with various projects. This
36 process won't be standalone for at least a year, more likely two years. Christine is currently working the
37 MTP projects through this process, and VTrans is also testing this process with projects.

38 The qualification sheet handout out is generally for roadway projects, there may be a variation for
39 different types of projects like recreation.

40 Karen asked if there are there other mobility questions besides the one included? These are still being
41 developed.

42 Note that the Transportation Value is what comes out of the VPSP2 Workbook. Project costs will also be
43 considered as part of the process.

44 Will the 20% value from the RPC change in the new process? For asset driven projects, it does not
45 change.

For roadway projects currently in the capital program that are not asset management projects, does RPC have 20% of the project scores? Moving forward non asset projects will be scored with the VPVP2 Workbook.

Dennis pointed out that the new scoring sheet is intended to “round out” projects, and it will be helpful to see how various projects may shift using the new sheet.

Does the state’s worksheet include growth centers and areas planned for growth, as the RPC sheet does? Christine will look into this.

There will be more discussion to come as CCRPC and VTrans test this new prioritization process using VPSP2.

5. Winooski’s East Allen Street Scoping Study

Jason Charest, CCRPC staff, provided an overview of this project which provides a vision for increased safety and mobility for all roadway users, improved streetscape amenities, and enhanced economic development opportunities along the major gateway corridors in Winooski. He reviewed the short- and long-term alternatives for three focus areas: Barlow/Cascade Way intersection; East Spring Street intersection; and 3-4 lane section from the railroad tracks to Exit 15. More information on the project website: [East Allen Street Gateway Scoping Study »](#)

6. Status of Projects and Subcommittee Reports (Information Item):

Bryan noted that the project list on the back of the agenda identifies current projects, and TAC members can follow up with staff about these or other projects.

7. CCRPC Board Meeting Report

There was no December Board meeting but the CCRPC hosted the annual Legislative Breakfast on December 10 with the theme of *When Chittenden County Prospers, Vermont Prospers*. Highlighted initiatives and projects included Chittenden County housing, Act 250/permit system reform, water quality funding, transportation investments, I-89 Study, Transportation and Climate Initiative, population health, workforce investment, and substance use disorder.

8. Chairman’s/Members’ Items:

Dennis notes recent signal changes at Susie Wilson and Pinecrest that include pedestrian crossing changes and signage. Please send observations and comments on operation to Dennis because the Town can make adjustments as needed.

Karen notes that Local Motion is looking for a Livable Streets Manager. Visit https://www.localmotion.org/join_our_team for more information.

DENNIS LUTZ MADE A MOTION TO ADJOURN, SECOND BY BOB HENNEBERGER, APPROVED UNANIMOUSLY.

The meeting adjourned at 10:52 AM.

Respectfully submitted, Bryan Davis

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
MS4 SUBCOMMITTEE
OF CLEAN WATER ADVISORY COMMITTEE – **DRAFT** MINUTES

DATE: **Tuesday, December 3, 2019**
SCHEDULED TIME: 11:15 a.m. to 12:45 p.m.
PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
DOCUMENTS: Minutes, documents, and presentations discussed accessible at:
<http://www.ccrpcvt.org/meetings/clean-water-advisory-committee/>

Committee Members in Attendance		
Burlington: Jenna Olson	Burlington Airport: Doug Campbell & Polly Harris (Stantec)	Williston: Christine Dougherty
Colchester: Karen Adams	Milton: Dave Allerton	Winooski: Tim Grover; John Choate; Ryan Lambert
Essex: Annie Costandi, co-chair	Shelburne: Chris Robinson	VAOT:
Essex Junction: Chelsea Mandigo, co-chair	South Burlington: Tom DiPietro	Univ. of VT: Lani Ravin; Amanda Clayton
DEC:		
Other Attendees: Jim Pease, DEC; Evan Fitzgerald, Fitzgerald Environmental; Andrea Morgante, Lewis Creek Association; Peter Smiar, VHB; Amy Macrelis, Stone Environmental		
CCRPC Staff: Dan Albrecht, Charlie Baker, Eleni Churchill		

1. Call to Order, Changes to the Agenda and Public Comments on Items not on the agenda:

Chelsea Mandigo called the meeting to order at 11:37 a.m. At the request of Tom DiPietro, “discussion of P-reduction credit for floodplain protection” was added after Item 4.b. No public comments were made.

2. Review and action on draft minutes of September 3, 2019

After a brief recap by Dan Albrecht, *Karen Adams made a motion, seconded by Chris Robinson to approve the minutes as drafted. MOTION PASSED with abstentions by Ravin, Stantec staff and Dougherty.*

3. General Permit 3-9050 (2019) For Operational Stormwater Discharges

<https://dec.vermont.gov/watershed/stormwater/9050> discussion of submitted comments and potential permit challenges

Members recapped the nature of their respective community’s comments. Those noted included:

- How will munis interact with respective co-permittees (e.g. homeowners’ associations, business parks, etc.) on such issue as access?
- How does a muni demonstrate due diligence?
- Permit should not include language suggesting that Permittees reach out to municipalities and stormwater utilities for assistance
- There is the potential for permit overload on municipalities. Any 3-acre permit assignments that are based upon road ownership by a muni are already captured within the “MRGP” standards embedded within the MS4 permit
- There is uncertainty over the issue of “usable life.” Is that based upon the intent at time of installation?
- The issue of “first waters” needs clarification especially if discharge is direct to Winooski River which does not have a TMDL established.
- There is high potential that a landowner’s current Act 250 permit will get re-opened the moment that have to change their parcel layout in order to meet the requirements of the 3-acre permit. 3-acre permit related work should exempt from triggering Act 250.
- Similarly, if the required project involves handling of contaminated soils that could quickly increase costs.
- The timeline is too short to get the required Engineering Feasibility Assessments completed
- How would collaborative projects work, for example, by involving a 3rd party in a conservation effort?
- There is high potential that some projects will have some impact on wetlands (such as older SW treatment systems surrounded by wetlands) but EFA does not allow that some it appears some past

flexibility and recognition that stormwater treatment benefits often outweigh minor impacts to wetlands is gone.

- How will lawns next to wetland buffers be treated?
- There needs to be clarity between requirements of Flow Restoration Plans and 3-acre permit in terms of timeline, interrelationship and which standards apply. For example, Englesby Brook has now been declared a warm water fishery and therefore detention period has shifted from 12 hours to 24 hours.
- Lastly, owners of orphan stormwater systems are going to need help. In some cases, every single homeowner received the 3-acre permit notification letter.

4. Development of Phosphorus Control Plans

a. CCRPC update on assistance with REI Implementation Table for April 2020 report

Charlie Baker stated CCRPC will work intensively over the next several weeks to get the necessary field work and data analysis completed so that MS4s have what they need in terms of Road Erosion Inventory data and analysis so as to include the REI Implementation Table for their April 2020 report to DEC. He noted that Chris Dubin has had to do a lot of work over the last several months in terms of revising DEC's dataset of hydrologically-connected segments particularly those that are connected by virtue of draining to an outlets that drains to a body of water. There are several outlets that have not been inventoried yet (mostly due to being located in heavy vegetation or steep slopes) but through hiring some of our consultants to aid Chris, we anticipate visiting those outlets in the next few weeks. Chris is out this week but by early January, he should be able to send each of you your respective raw REI data for you to review and if you get him comments/edits he can then clean up the data and get it back to you fairly quickly.

Members noted the need to get the raw REI data soon. The REI dashboard is useful for visualization but harder to work with in terms of building a capital budget and plan to upgrade needed segments. Also it appears that in some cases the REI dashboard is not capturing the fact that a municipality has upgraded certain segments.

Christy Witters noted that in terms of the implementation table she only needs to see in the April 2020 report the Permittee's ideas on which segments they plan to address in 2020 and 2021. This can be done through the MS4 permit online reporting system through entering that info in the field titled "work to be done." This will not be considered as amendment to the SW Management plan.

b. PCP plan development: updates from munis/consultants working on plans

Members recapped their current PCP development efforts as follows:

- Essex and Essex Junction: Consultant: Stone Environmental; Funded via: VTRANS Grant
- Colchester: Consultant: VHB; Funded via: VTRANS Grant
- Milton: Consultant: Fitzgerald Environmental; Preliminary analysis completed via Stormwater Master Plan funded by Ecosystem Restoration Program grant
- South Burlington: Consultant: Fitzgerald Environmental; Funded by City taxes
- Williston: Consultant: Fitzgerald Environmental; Funded by CCRPC UPWP
- Burlington: Consultant: Stone Environmental via City's IPP process
- Winooski: Consultant: Watershed Consulting Associates; Funded by CCRPC UPWP
- Shelburne: in discussions with Fitzgerald Environmental; funding not yet secured

Noting that final PCPs are not due to be submitted to DEC until April 2021, Albrecht asked Christy Witters of DEC if DEC would be able to provide feedback on rough drafts prior to submission. She indicated that they would.

Discussion then focused on the estimated cost-per-acre for phosphorus removal. With regards to UVM properties, DiPietro noted that they are not required to prepare a Phosphorus Control Plan. However, UVM does have some obligations for projects identified in Flow Restoration Plans. Jim Pease noted that DEC has recently issued an RFP for a consultant to develop standardized P-removal cost-per-acre calculations for all land use categories. The results of that analysis are about a year away.

1 **c. P-reduction credit for floodplain protection**

2 Members noted that DEC is interested to know if MS4 municipalities would be willing to
3 implement various natural resource projects such as dam removal, floodplain restoration, wetland
4 restoration, wetland buffers, etc. if they would receive a phosphorus reduction credit under their PCP.
5 Witters asked the members if they would be willing to do this. DiPietro noted that his City would
6 only do so if the credit was large enough to justify the effort involved. His City is very busy
7 implementing FRP projects as well as other work but if there is a year with a low workload he might
8 be interested in pursuing it. Jenna Olson indicated that Burlington is possibly interested in doing so
9 via ANR's WISPr program. DiPietro asked if there is an existing list of potential natural resource
10 projects. From a big picture standpoint he understands the need for such projects. Discussion
11 concluded with a direction to staff to reach out to Padraic Monks of DEC to see if he can give a
12 presentation at an upcoming meeting.
13

14 **5. Clean Streets project**

15 Jim Pease noted that USGS is scheduled to deliver its draft report by December 31st with an overall final
16 deadline of April 1st. In order to calculate whether a municipality's street sweeping effort would qualify for a
17 p-reduction credit he needs to know the routes of their sweeping program and would like to receive that
18 information by December 31st. If a municipality were to adopt the "Wisconsin" standard (e.g. 4 sweepings
19 each fall, prohibition of raking leaves into street, etc.) then there is the potential for munis to receive an 18%
20 credit rather than just 2-4%.

21 Members stressed the need for DEC to tell them how much of a credit (off their calculated load reduction)
22 they will receive for prior efforts. It was noted that this will depend upon when a municipality's street
23 sweeping and catch basin cleaning program were established. Generally, if started before 2000 or after 2010,
24 then there is no calculated credit. If a muni started or upgraded its program between 2000-2010 then they
25 would get a prorated credit.
26

27 **6. Items for upcoming meetings**

28 Tuesday, January 7th

- 29 a. Pluck: update on creative, web results to date, planned winter campaign
30 b. WNRCD: update on RR Stream Team activities and upcoming work
31 c. Stone Environmental: update on flow monitoring stations

32 Tuesday, February 4th

- 33 a. Presentation by USGS on Clean Streets project
34 b. Presentation by DEC on P-reduction-credit for NR projects
35

36 **7. Adjournment**

37 The meeting adjourned at 12:43 p.m.
38

Respectfully submitted, Dan Albrecht

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
CLEAN WATER ADVISORY COMMITTEE – DRAFT MINUTES

DATE: Tuesday, January 7, 2020
SCHEDULED TIME: 11 a.m. to 12:30 p.m.
PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
DOCUMENTS: Minutes, documents, and presentations discussed accessible at:
<http://www.ccrpcvt.org/meetings/clean-water-advisory-committee/>

Committee Members in Attendance		
Bolton: Joss Besse	Hinesburg: Merrily Lovell	St. George:
Buels Gore: Maura McClure	Huntington: Darlene Palola	Underhill:
Burlington: James Sherrard	Jericho:	Westford:
Charlotte:	Milton: Dave Allerton	Williston:
Colchester: Karen Adams, Amanda Clayton	Richmond: Ravi Venkataraman	Winooski: Jon Rauscher, Ryan Lambert
Essex: Annie Costandi	Shelburne:	VAOT:
Essex Junction: Chelsea Mandigo	South Burlington:	VANR:
Burlington Airport: Polly Harris (Stantec)	University of VT: Lani Ravin	CCRPC Board:
Friends of the Winooski River:	Lewis Creek Assoc: Kate Kelly; Andrea Morgante	Winooski NRCD:
Other Attendees: DEC: Karen Bates; Blue@ Stormwater: Juliana Dixon		
CCRPC Staff: Dan Albrecht, Chris Dubin, Charlie Baker, Regina Mahony		

1. **Call to Order.** The meeting was called to order by Annie Costandi at 11:00 a.m. Introductions were made.

2. **Changes to the Agenda and public comments on items not on the agenda** None.

3. **Review and action on draft minutes of November 5, 2019**

After a brief recap by Dan Albrecht, Karen Adams made a motion, seconded by Joss Besse to approve the minutes as drafted. Note made to correct to read "Act 76" not "Act 176." MOTION PASSED including the minor correction with abstentions by various members who were not present at 11/5/19 meeting.

4. **Clean Water Service Providers, review current draft of RFP**

Dan explained that there are two things going on at the same time: RFP and rule-making pursuant to Act 76. By November 2020 – formal appointments of CWS providers will be made and the phosphorus reduction targets by basin to be achieved by the non-regulatory programs will be assigned. The state is working with consultants to help establish the targets, the associated reductions associated with each best management practice and the standardized cost for that practice. CCRPC has expressed to the state that no organization is going to sign up to be a CWSP until these targets are known. Dan added that there are quite a lot of questions that aren't answered in the RFP because the intent is to figure out some of the details in the rule making.

There was a question about whether CCRPC will apply to be a CWSP. Charlie stated that we'll need to figure that out over the next three months. There may be some logic in serving this role in the Direct to Lake basin (Basin 5, Northern Lake Champlain) which would include our lakeshore towns, plus MS4s, all of Grand Isle County and a few towns in Franklin County including St. Albans.

Dan provided an overview of the RFP and comments that staff have made on the RFP. The comments include:

1. Start this process with the just the basin for Lake Champlain and Memphramagog rather than the entire state.
2. Request for clarification on liability and related issues about not meeting targets. There was quite a bit of discussion about this. Charlie clarified that the legislation is intended to make municipalities care

- 1 about these non-regulatory programs; even though they are totally dependent on private landowners.
2 The state is concerned that we aren't going to meet the TMDL goals without making improvements
3 outside of the non-regulatory framework.
- 4 3. Timelines for pollution reduction values, and funding. There was discussion that hopefully there will
5 be some flexibility and adjustment to the formulas for pollution reduction if they don't prove accurate.
6 4. Various clarifying questions.
7 5. Discussion about the Basin Water Quality Council and how it's appointed. The members of the CWSP
8 (regional planning commissions, municipalities, conservation districts and watershed group each
9 appoint two members to the Council while one seat is for a statewide land conservation effort).
10 Frustration that this is far removed from the voting public and how only having two municipal
11 representatives is too few even when Munis are the only ones on the hook for losing out on funds for
12 the regulatory programs.
- 13 6. Question about how the non-traditional MS4s are involved. They are not contemplated in the
14 membership on the CWSP. Perhaps they can access funds for work outside of the regulatory
15 programs.
- 16 7. Need some clarification on what program delivery costs cover. Percentage of formula grant amount.
17 Question about operation and maintenance costs for these non-regulatory projects. DEC has said that
18 there will be other grants for this. Hopefully a lot of this will be worked out by the time the funding
19 flows.
- 20 8. Charlie Baker stated that it might make sense to establish a separate non-profit with the Board
21 functioning at the non-profit Board to do all of this work. Also, the RPCs currently have a tactical
22 basin planning outreach grant, and it isn't clear where that work ends and this project development
23 work starts. The point of having a separate entity is to keep it clean and not mix the costs or liability
24 with CCRPC's budgets.
- 25 9. Timing is a challenge because even if DEC chooses providers, they are not going to sign on until the
26 know the rules they are working under. The rules won't be finalized until the end of 2020.
- 27 10. Question about the level of involvement of municipalities on this work, and the number of hands that
28 paperwork will have to go through. This work won't really be what municipalities typically do since
29 they are all focused on regulatory programs. Its more in the hands of the watershed groups and non-
30 profits.
- 31 11. Timeline: RFP out at end of January and want proposals by April; and rule-making starts in April as
32 well.
- 33 12. Question about conflict of interest with a watershed group being on the Board and then accesses
34 funding to do the work. This won't be that much different than the way the RPC works all the time.
35 Each municipality gets funding from the UPWP that all of them vote on. The Basin Water Quality
36 Council will establish process to address this.
- 37 13. Question about O&M grant – is it a onetime grant? Supposed to be a formula grant to help with the
38 full O&M long-term costs.
- 39 14. Other RPC's going to apply – so far we know of one that probably won't apply. However, all will be
40 open to other groups if there is a better fit. Hopefully between the RPCs and the natural resource
41 conservation district each basin will be covered.
42

43 Review and RFP questions will go to the Board next week as well. Then in February and March we'll have a
44 discussion item on both agendas to discuss possible response to the RFP.
45

46 5. Clean Water Block Grants

47 Dan noted that Southern Windsor County RPC plans to issue a new RFP for projects over \$20k this week.
48 Anticipated timeline is that proposals will be due in 4-5 weeks and then notice of awards made 4 weeks
49 after that. A small portion of the grant can go towards producing bid docs and finalizing the engineered
50 plan but the intent is that most of the funds will go towards Construction/Implementation. There is no
51 match requirement except for MS4 communities must match 50%.
52

1 **6. Updates**

2 No additional updates.

3
4 **7. Items for December 3rd meeting agenda.** Continued review/action on CW Service Providers RFP

5
6 **8. Adjournment.** The meeting adjourned at 12:00 p.m.

7
8 *Respectfully submitted, Regina Mahony and Dan Albrecht*
9

DRAFT

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
PLANNING ADVISORY COMMITTEE - MINUTES

DATE: Wednesday, December 11, 2019
TIME: 2:30 p.m. to 4:30 p.m.
PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT

Members Present:

Joss Besse, Bolton
Eric Vorwald, Winooski
Matt Boulanger, Williston
Andrew Strniste, Underhill
Larry Lewack, Bolton
Paul Conner, South Burlington
Darren Schibler, Essex
Meagan Tuttle, Burlington
Sarah Hadd, Colchester

Staff:

Regina Mahony, Planning Program Manager
Emily Nosse-Leirer, Senior Planner
Melanie Needle, Senior Planner
Jason Charest, Transportation Planner Engineer
Eleni Churchill, Transportation Program Manager

1. Welcome and Introductions

Joss Besse called the meeting to order at 2:36 p.m. Joss Besse thanked Emily Nosse-Leirer for her work in the County and wished her well in her new job with Senator Leahy in Washington D.C.

2. Approval of October 9, 2019 Minutes

Eric Vorwald made a motion, seconded by Paul Conner, to approve the October 9, 2019 minutes. Alex Weinhausen was there and should be added. No further discussion. MOTION PASSED.

3. FY21 UPWP Solicitation

Regina Mahony stated that the FY21 Unified Planning Work Program (UPWP) solicitation has been sent out to the municipalities. Regina explained the land use projects: municipalities can apply for transportation funding for furthering walkability (increasing land use density is eligible). Those projects can be free to the municipalities if CCRPC staff do the work, or a 20% match if consultant is used. Or, if a land use project is not transportation related, municipalities should still apply for it. It is a fee for service at \$50 per hour. However, Regina reiterated that municipalities should not hesitate to apply if you need some help and don't have any funds. Just apply anyway and we will figure out if we can fit it in. Regina Mahony listed a number of projects that CCRPC has worked on: assistance in writing Town Plans (municipalities don't need to apply for a project for CCRPC review and approval of Plans), zoning regulations, administer CDBG grant, inclusionary zoning, audit of zoning regulations for housing barriers, etc. The application can be found on this page: <https://www.ccrpcvt.org/about-us/commission/annual-work-plan-budget-finance/> and is due on Friday, January 17th.

4. Energy Planning Best Practices Presentation

Emily Nosse-Leirer provided the Act 174 presentation on the purpose of the energy planning and information on implementation of the energy plans. This presentation is attached to these minutes.

Melanie Needle provided an overview of implementation programs including: assistance from Drive Electric VT; the potential [Transportation Climate Initiative](#); the Efficiency Vermont grant CCRPC now has to help with implementation (for example a button up workshops). Drive Electric Vermont has support from CCRPC to work with a few towns on zoning regulation amendments to streamline the process for EV charging and encouraging more EV charging in new developments.

Emily provided an overview of the PUC process and participation. Paul Conner added that in addition to holding local hearings municipalities can provide space for more direct communication between applicants and neighbors.

5. Chittenden County I-89 2050 Study

Eleni Churchill provided an overview of this project; and requested feedback on the draft vision, goals and objectives for the study (essentially the purpose and need). The presentation is attached for more detail.

The PAC had the following comments/questions:

1. What is the difference between the TIP and MTP model scenarios? The difference is: TIP projects are committed and have funding v. MTP projects are projects where not all funding has been established.
2. Question the growth assumptions assume 35% employment growth (50,000 employees) v. 12% (20,000 people) population growth – assumes employees are coming in from out of the County so are we looking at Franklin County and Washington County? Is it our objective that we will have this many commuters coming in? There was discussion that it isn't a goal of the ECOS Plan to have more commuters; the goal is to have more employees live where they work. However, the model is based on the forecasts which are based on current and historic commute patterns. The scenarios also include investments of non-SOV and other ways for the commuters to commute, but we can't change the forecasts in this project. Eleni Churchill will come back to the PAC when the draft metrics and targets are established. [Post meeting note - this document will shed some light on the difference between employment and population in the forecast:
<https://www.ccrpcvt.org/wp-content/uploads/2016/01/Forecast-Questions-Comments-Responses.pdf>.]
3. Draft vision statement – suggestion to add energy savings, climate change, and alignment with the state energy plan.
4. Draft goals – There was a comment that the interstate serves the needs of the community, and transportation is intended to serve other things: land use, economic development, sustainability goals, etc. The goals of this study should recognize and support these other community goals that we have.
5. Draft objectives – these provide much more detail; and get at some of the questions/comments the PAC was expressing. Eleni Churchill explained that they are trying to figure out metrics for all of the objectives, because these objectives will be measured under each scenario. There is no land use model to show how these scenarios are going to play out.
6. The PAC likes “maintain reliable transportation times” because this doesn't mean fast, it just means reliable.
7. There was a comment that the objectives under #5 are all negative. And uses “discourage” rather than just say what you want: “Investments support land use patterns that are consistent with regional and municipal plans”.
8. There was a comment on the vision statement to “encourage reduction in vehicle miles travelled” or “decrease vehicle miles travelled.” The statement should be much more clear on just stating what the land use goal is “compact/concentrated settlement patterns surrounded by rural areas.”
9. There was a question about whether rail is considered in the study. Is there an objective about moving more freight by rail than road? Currently reads as a business as usual objective as opposed to a goal for a change in the future. But if there are other state-wide objectives then we should try to accommodate that in this planning. Can we test it in the scenarios? If there was a goal to shift some freight to rail it might make sense to test it.

6. High Impact Economic Development Project List

Regina Mahony provided a quick introduction to an effort to create a methodology/process through which critical and high impact economic development projects may be vetted and chosen. The overall goal is to have a statewide list of projects that are already identified, can attract resources, and be meaningful to communities. This is being done throughout the state at the request of Department of Economic Development. GBIC is working on this, and we will likely start with the CEDS list for this effort. This list will likely be different than project lists created for opportunity zones, because the opportunity zone projects need to be profitable. This list will likely be more capital project based.

7. Regional Act 250/Section 248 Projects on the Horizon

Underhill: nothing.

Winooski: nothing to report.

Williston: 130 housing units on old Catamount golf course at corner of Mtn. View and CIRC ROW.

Burlington: nothing

Colchester: SW Corner at Severance Corners – 57 units

So. Burlington: Tilley Drive and Hinesburg Road. Hampton Inn. 4 story-ish Hotel on Shelburne Road next to Larkin

Terrace and locally have seen a master plan (only one building going to Act 250). 133 DU in City Center (probably

1 meeting priority housing through earlier buildings.). Airport – terminal expansion. School Board likely \$209 million
2 improvement for HS and Middle School.

3 Essex: Leo building, RPC already deferred to Ag soils. Bank with drive through in Town Center.

4 Bolton: Encore Renewables working with Deslauriers family along Rte.2 at old driving range (toward Waterbury).

5 They are smaller panels that are movable, and in a floodplain.
6

7 **8. Other Business - none**

8
9 **8. Adjourn**

10 Darren Schibler made a motion, seconded by Meagan Tuttle, to adjourn at 4:32p.m. MOTION PASSED

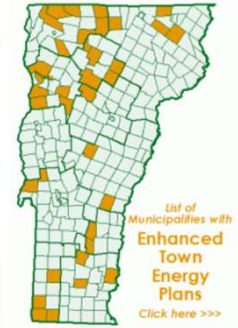
11
12 Respectfully submitted, Regina Mahony

MUNICIPAL ENHANCED ENERGY PLANNING IN VERMONT

Best Practices and Resources
Chittenden County Regional Planning Commission
December 12, 2019

1

Writing Effective Enhanced Energy Plans For Use in Section 248



2

Effective Energy Plans

- Meet the Department of Public Service's standards for enhanced energy planning
- Set clear standards for "orderly development" that follows policies in the plan
- "Substantial deference" instead of "due consideration" for land conservation measures and specific policies
 - Lack of Case Law
- Define preferred sites

3

Preferred Sites

- Municipal Plan
 - Specific Sites Identified in Plan
 - Creating Process/Criteria
- Via Net-Metering Application
 - 9 Categories
 - Joint Letter
- [Net-Metering Rules](#)

4

Plan Monitoring

- On-going process
- Community Progress Maps through the Vermont Energy Dashboard:
<https://www.vtenergydashboard.org/statistics>
- Annual Efficiency Vermont energy data workbook given to RPCs

5

Other Plan Implementation

- Efficiency Vermont RPC Contract
- Drive Electric Vermont
- Transportation Climate Initiative
- Incentives from utilities like Green Mountain Power, Vermont Electric Coop and Vermont Gas
- Municipal work by energy committees

6

Municipal Plans in the Section 248 Process

Section 248

- Outlines Process
- Defines Parties
- Provides Criteria

7

8

Types of Applications

- Net-Metering
 - Classes
 - Categories
- Utility Scale Projects
 - [Standard Offer Program](#)
 - Power Purchase Agreements with Electric Utilities
 - Public Utility Regulatory Policies Act (PURPA) process

Net-Metering and Net-Metering Categories

"Category I Net-Metering System" means a net-metering system that is not a hydroelectric facility and that has a capacity of 15 kW or less.

"Category II Net-Metering System" means a net-metering system that is not a hydroelectric facility that has a capacity of more than 15 kW and less than or equal to 150 kW, and that is sited on a preferred site.

"Category III Net-Metering System" means a net-metering system that is not a hydroelectric facility, that has a capacity of greater than 150 kW and less than or equal to 500 kW, and that is sited on a preferred site.

"Category IV Net-Metering System" means a net-metering system that is not a hydroelectric facility, that has a capacity of greater than 15 kW and less than or equal to 150 kW, and that is not located on a preferred site.

Who Can Participate and How?

- "Automatic" Formal Parties
 - Applicant
 - Department of Public Service
 - ANR
 - RPCs
 - Municipality
- Types of Involvement:
 - Formal Party to a Case "Intervenor"
 - Interested Persons
 - Members of the Public



Vermont's Public Utility Commission

9

10

What are the step in the process?

- Net-Metering
 - Small (under 15 kW)
 - Large
- Utility-Scale Projects



45 Days Notice

- It is best for a municipality to get involved in a case at 45-day notice!
- Notice of no less than 45 days prior to the application is required (30 V.S.A. 248(f))
- Public Utility Commission Action
- Municipal Action
 - Organize, gather information, and ask questions
 - Seek community input/threshold "public hearing"
 - Submit comments to Applicant and PUC
 - Option to waive 45 days notice

11

12

Pre-hearing Conference

- Will identify parties, issues, schedule
 - Includes intervention and filing deadlines
 - May set date for a public hearing and site visit
- PUC Action
 - Prehearing Conference Memorandum with "service list"
- Participate (if you can)!

Ex. Scheduling Order

March 7, 2014	Deadline for filing motions to intervene
March 14, 2014	Deadline to file responses to motions to intervene
March 20, 2014	First round of discovery requests due to be filed on VGS
April 4, 2014	VGS due to file responses to first round of discovery requests
April 18, 2014	Second round of discovery requests to be filed on VGS
May 7, 2014	Site Visit and Public Hearing
May 16, 2014	Non-petitioners due to file direct testimony
May 23, 2014	Discovery requests due to be served on non-petitioners prefiled testimony

13

14

Intervention vs. Public Comment

- Level of Investment
 - Timing of involvement
 - Cost
 - Local staff capacity
- Legal Counsel or Pro Se?

Site Visit and Public Hearing

- Site Visit
 - Not part of evidentiary record
- Public Hearing
 - Held in affected community
 - Public can make comments about the project (Cannot ask question like a DRB hearing)

15

16

Discovery and Pre-filed Testimony

- Used by parties to ask each other questions about their testimony and exhibits – "Interrogatories"
- Multi-step process
- Recommend focusing on:
 - Orderly Development of the Region - Criteria 248 (b)(1)
 - Criteria 248(b)(5)
 - Includes Act 250, Criteria 1-8 and 9(K)

Technical Hearings and Briefs

- Like a trial
 - Except testimony is pre-filed before the hearing
 - No new testimony unless authorized
 - PUC may ask questions that have not been raised in pre-filed testimony
- Highly Structured
- Briefs
 - Filed by parties after technical hearings
 - Two rounds: initial and reply
 - Not evidence - no new issues may be raised

17

18

Decision

- Based on evidentiary record
 - Includes findings of fact from 248 criteria and conclusions of law
 - If issued by hearing officer, parties may ask for oral argument before full Board
- May be reconsidered or appealed

19

Criteria

- Criterion 248(b)(1) Orderly Development
 - "Land conservation measures"
 - "Regional" impacts
- Criterion 248(b)(5) Natural Resources, Aesthetics, Historic Sites
- Other Criteria

20

Contact Information

Melanie Needle, Senior Planner
mneedle@ccrpevt.org
 802-846-4490 x.*27

21

DELETED SIDES

22

Overview

- Developing a Municipal Enhanced Energy Plan
 - Plan Preparation and Practical Advice
 - Plan Requirements
 - Plan Adoption
 - Plan Monitoring
- Municipal Plans in the Section 248 Process
 - Process Overview
 - Effective Town Plans

23

Developing a Municipal Enhanced Energy Plan

24

Plan Preparation

- Local Capacity and Interest
 - Contact your RPC
 - Build Local Consensus
- Understand the Requirements
- Review Existing Municipal Plan
- Review Enhanced Energy Plans in the neighboring municipalities

Energy Planning Standards for Municipal Plans

Before presenting, please review the requirements of Title 24 and Title 5, as well as the Executive Order. Submitting a Municipal Plan for review under the Executive Order is a public process. The Executive Order requires that the plan be submitted to the RPC for review. The RPC will then submit the plan to the Board of Commissioners for review. The Board of Commissioners will then make a decision on whether to approve the plan or not. The plan must be submitted to the RPC for review. The RPC will then submit the plan to the Board of Commissioners for review. The Board of Commissioners will then make a decision on whether to approve the plan or not.

The plan must be submitted to the RPC for review. The RPC will then submit the plan to the Board of Commissioners for review. The Board of Commissioners will then make a decision on whether to approve the plan or not.

Plan Preparation

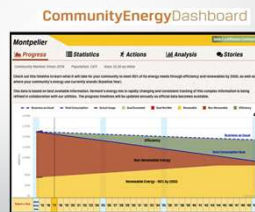
- Stand Alone Plan or Integrated Plan
- Determine Responsibilities
- Develop Schedule

25

26

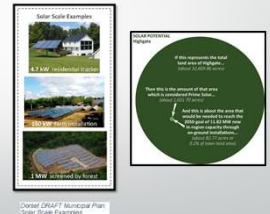
Plan Requirements – Analysis and Targets

- Data
 - Review RPC Data
 - Community Energy Dashboard
 - Additional Data?
- Add Graphics
- Remember: Estimates are OK!



Plan Requirements – Pathways

- Existing Policies
 - In your municipality
 - Or in other municipalities....contact your RPC
- Municipal Capacity and Jurisdiction
- Delegate Responsibility
- Integrate Into Capital Budgeting

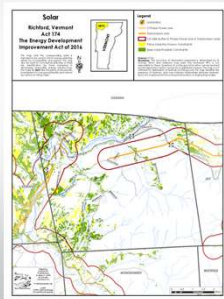


27

28

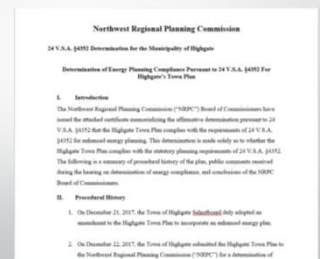
Plan Requirements – Mapping

- Review RPC Maps
- Municipal Decisions
 - Preferred Sites
 - Local Constraints
 - Unsuitable Areas
- Clear Policy Statements



Plan Adoption

- Consistency with Municipal Plan
- Build Local Support
- RPC Review
 - Preliminary Review
 - Determination of Energy Compliance

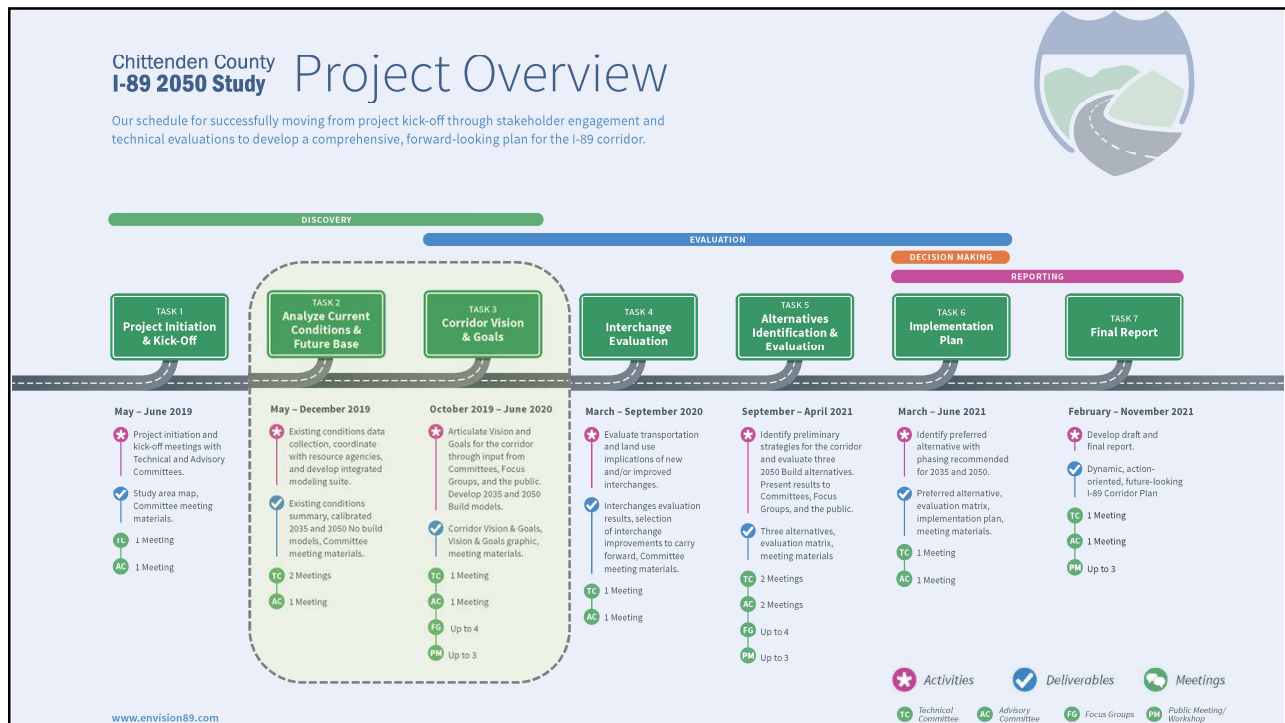


29

30



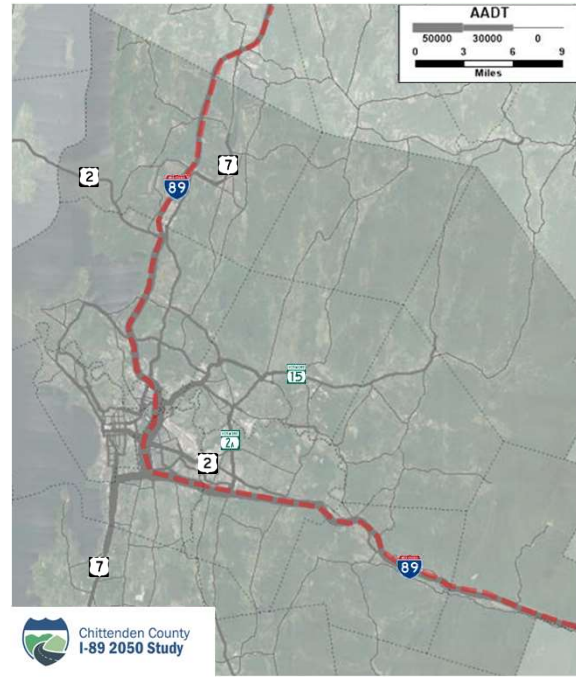
1



2

Project Updates

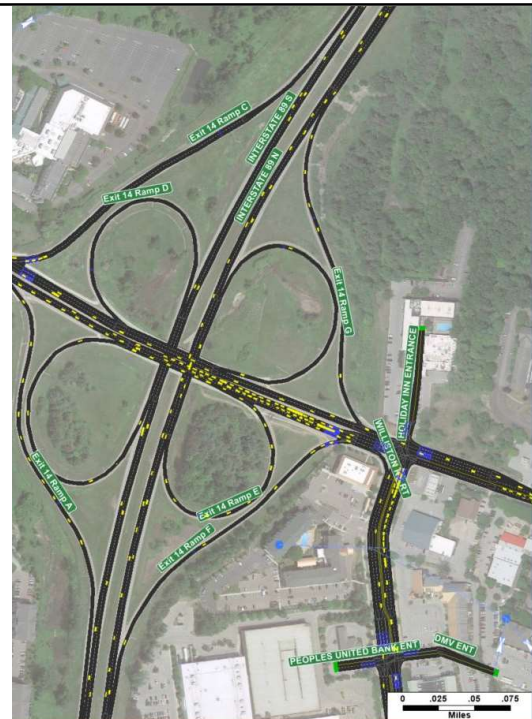
- **Existing Conditions Assessment** - Complete
- **Technical Committee** – Met three times
- **Advisory Committee** – Met once
- **Stakeholder Group Meetings**
 - Asset Management (7/9/19)
 - VTrans, CCRPC
 - Emergency Management (9/4/19)
 - VT Emergency Management, Milton, Richmond & Williston Fire, VTrans, CCRPC
 - Environmental (9/5/19)
 - US ACOE, EPA, AACD Historic Preservation, DEC Rivers, DEC Wetlands, Fish & Wildlife, DEC Stormwater, VTrans, CCRPC
 - TSMO/ITS (9/10/19)
 - VTrans, CCRPC



3

Project Updates

- **Transportation Model**
 - Regional Model: Complete
 - Microsimulation Model: Built; Finalizing calibration
- **Model Development**
 - Calibrated base microsimulation model – final review underway
 - Model scenarios:
 1. 2020 Base No Build (AM & PM)
 2. 2035 Future Committed (TIP) Build (AM & PM) - with TIP/Front of Book projects
 3. 2050 Future Committed (TIP) (AM & PM) - with TIP/Front of Book projects
 4. 2035 Future MTP Build (AM & PM) - with TIP/Front of Book & MTP projects
 5. 2050 Future MTP Build (AM & PM) - with TIP/Front of Book & MTP projects



4



5

Developing the I-89 Corridor Vision, Goals, Objectives

■ Planning Framework

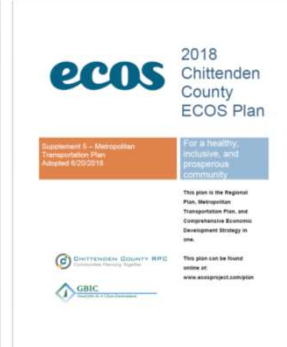
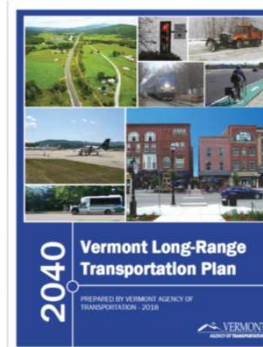
— Guiding Documents

- **CCRPC 2018 Metropolitan Transportation Plan**

- **Goal:** Provide accessible, safe, efficient, interconnected, secure, equitable and sustainable mobility choices for our region's businesses, residents and visitors.

- **VTrans 2040 Long Range Transportation Plan**

- **Vision:** A safe, reliable and multimodal transportation system that grows the economy, is affordable to use and operate, and serves vulnerable populations.



Other Guiding Plans

- Vermont Transportation Asset Management Plan, 2018
- VTrans On-Road Bicycle Plan, 2018
- Strategic Highway Safety Plan, 2017
- Vermont Intelligent Transportation Systems Architecture, 2017
- Vermont State Rail Plan, 2016
- Vermont Freight Plan, 2015
- Vermont Statewide Intercity Bus Study Update, 2013
- Public Transit Policy Plan, 2012
- Pedestrian and Bicycle Policy Plan, 2008

6

Developing the I-89 Corridor Vision, Goals, Objectives

■ Planning Framework

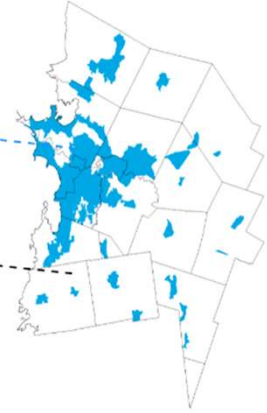
— Summary of Future Conditions (2050)

• Land Use & Demographics

- **Population:** Projected to grow by over 20,000 people (14% increase)
- **Employment:** Projected to grow by nearly 50,000 jobs (35% increase)
- **Growth in Existing Centers:** 90% of future household growth in Chittenden County to occur in areas planned for growth

90%
of new construction to take place in areas planned for growth *

10%
in other areas



7

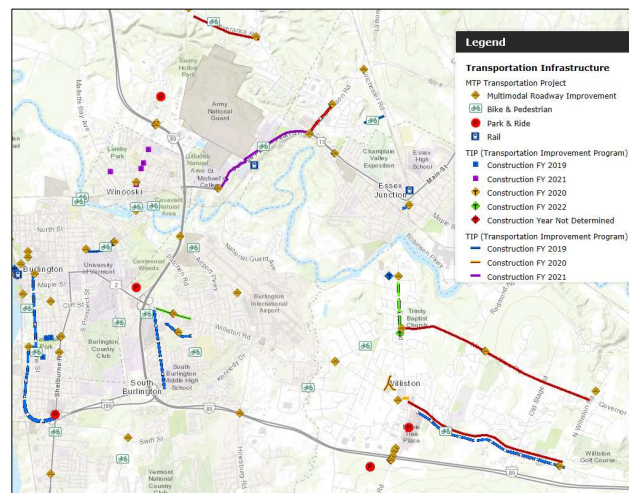
Developing the I-89 Corridor Vision, Goals, Objectives

■ Planning Framework

— Summary of Future Conditions (2050)

• Transportation System Investments

- **Major Transportation Projects:** Champlain Parkway, Exit 12, Exit 16, Exit 17 Improvements.
- **Enhanced Transit Service:** 15-minute headways for all trunk routes and 20 to 30-minute headways on all other routes.
- **Other Enhancements:** Major Bike/Ped system expansion, ITS investments, TDM programs, Safety enhancements, Partial fleet electrification, System maintenance
- Approximately **\$450 million** through 2050



8

Developing the I-89 Corridor Vision, Goals, Objectives

- Development of the **Vision, Goals, and Objectives for the I-89 Corridor** is one of the *most important* elements of this study as it will guide decisions related to screening of alternatives
- Process Overview:
 - ✓ **TC Meeting#2 (October 8):** Develop Draft Vision, Goals, and Objectives
 - ✓ **TC Meeting #3 (November 22):** Refine Draft Vision, Goals and Objectives and discuss evaluation metrics
 - **AC Meeting #2 (December):** Review Completed Tasks & Review Draft Vision, Goals, Objectives
 - **Public Meetings & Focus Groups (January – March):** Review and refine Vision, Goals & Objectives
 - **TC Meeting #4 (April/May):** Finalize Vision, Goals, Objectives, and Metrics

9

Developing the I-89 Corridor Vision, Goals, Objectives

DRAFT Vision Statement

- The 2050 Vision for the I-89 Corridor through Chittenden County is an interstate system (mainline and interchanges) that is safe and resilient and provides for reliable and efficient movement of people and goods in alignment with municipal and regional plans.



10

Developing the I-89 Corridor Vision, Goals, Objectives

DRAFT Goals

1. **Safety:** Improve safety along the I-89 Study Corridor and Adjacent Interchanges for all users.
2. **Mobility & Efficiency:** Improve the efficiency and reliability of the I-89 Corridor for all users.
3. **Environmental Stewardship & Resilience:** Establish a resilient I-89 Corridor that minimizes environmental impacts associated with the transportation system.
4. **Economic Access & Vitality:** Improve economic access and vitality in Chittenden County.
5. **Livable, Sustainable and Healthy Communities:** Promote livable, vibrant, and healthy communities.
6. **System Preservation:** Preserve and improve the condition and performance of the I-89 Corridor.



11

Developing the I-89 Corridor Vision, Goals, Objectives

1. **Safety:** Enhance safety along the I-89 Study Corridor and Adjacent Interchanges for all users.
 - Reduce the number, frequency, and severity of crashes along the I-89 Corridor and adjacent interchanges.
 - Enhance safety of bicyclists and pedestrians at interchanges.
 - Improve incident response.
2. **Mobility & Efficiency:** Improve the efficiency and reliability of the I-89 Corridor for all users.
 - Accommodate current and anticipated future traffic demand.
 - Maintain reliable travel times for passengers and freight along the corridor.
 - Improve network connectivity to enhance walking and bicycling through the study area interchanges.
 - Accommodate current and future public transportation services.
3. **Environmental Stewardship & Resilience:** Establish a resilient I-89 Corridor that minimizes environmental impacts associated with the transportation system.
 - Improve water quality and stormwater treatment.
 - Improve the resilience of the I-89 Corridor.
 - Reduce greenhouse gas emissions associated with fossil fuels used in transportation.
 - Improve wildlife and habitat connectivity.



12

Developing the I-89 Corridor Vision, Goals, Objectives

4. **Economic Access & Vitality:** Improve economic access and vitality in Chittenden County

- Support anticipated economic growth in the region.
- Accommodate freight and goods movement served by the I-89 Corridor.



13

Developing the Study Vision, Goals, Objectives

4. **Economic Access & Vitality:** Improve economic access and vitality in Chittenden County

- Support anticipated economic growth in the region.
- Accommodate freight and goods movement served by the I-89 Corridor.

5. **Livable, Sustainable and Healthy Communities:** Promote livable, vibrant, and healthy communities.

- Discourage transportation investments that result in land use patterns that are not consistent with state, regional and local goals and plans.
- Ensure that transportation improvements do not disproportionately impact underserved populations.



14

Developing the Study Vision, Goals, Objectives

4. **Economic Access & Vitality:** Improve economic access and vitality in Chittenden County
 - Support anticipated economic growth in the region.
 - Accommodate freight and goods movement served by the I-89 Corridor.
5. **Livable, Sustainable and Healthy Communities:** Promote livable, vibrant, and healthy communities.
 - Discourage transportation investments that result in land use patterns that are not consistent with state, regional and local goals and plans.
 - Ensure that transportation improvements do not disproportionately impact underserved populations.
6. **System Preservation:** Preserve and improve the condition and performance of the I-89 Corridor.
 - Provide for sound and effective maintenance and preservation activities to achieve a State of Good Repair of the I-89 Corridor.



15

Next Steps

- **Advisory Committee Meeting #2 – December 16th**
 - Review and comment on draft Vision, Goals, and Objectives
 - Prepare for first round of public engagement
- **Complete Modeling of Future (2035 & 2050) Build Scenario - December**
- **First Round of Public Meetings & Focus Groups**
 - January 30th – South Burlington City Hall
 - February 13th – Williston Town Office
 - March 11th – Winooski City Hall
- **Technical Committee Meeting #4 – April/May 2020**
- **Advisory Committee Meeting #3 – May/June 2020**
- **Begin Interchange Evaluation – Early Spring 2020**



16



17

Brownfields Advisory Committee
Monday, December 16, 2019

Meeting Summary
Scheduled Time: 2:00 p.m. – 3:45 p.m.

CCRPC Main Conference Room, 110 West Canal St., Suite 202 Winooski, VT & via conference call

To access various documents referenced below, please visit:

<http://www.ccrpcvt.org/our-work/economic-development/brownfields/#advisory-committee>

In Attendance	
Committee Members:	Staff:
Matthew Vaughan, LCBP, Vice-Chair	Dan Albrecht, Senior Planner
Ian Jakus, Burlington CEDO (via phone)	Regina Mahony, Planning Program Manager
Heather Carrington, City of Winooski	
Trish Coppelino, DEC Brownfields, Ex-Officio	
CCRPC Consultants:	Guests:
Adam Liptak and Angela Emerson, LE Environmental	Doreen Kraft, Burlington City Arts
Daniel Voisin, Stone Environmental (via phone)	Melissa Manka, Town of Westford
Adam Piper	Frank Von Turkovich, Eastern Development Corp.
DEC Brownfield Staff: (via phone)	
Linda Elliot, Sean Donovan, Kim Caldwell	

1. Call to Order, Introductions and Changes to the Agenda

The meeting was called to order at 2:00 p.m. by Vice-Chair Matthew Vaughan.

2. Public comments on items not on the Agenda

None

3. Review and action on 11/11 meeting summary

Dan summarized the meeting summary

Ms. Harrington made a motion, with a second from Mr. Jakus, to approve the summary for the 8/2 meeting. The motion carried unanimously.

4. Action on Site Nominations/Assistance Requests

Prior to discussion of the requests, Dan recapped where things stood in terms of expenditures to date and potential expenditures for both the Petroleum Assessment Grant (\$100k) and Hazardous Substance Grant (\$200k). Note that for both grants we can easily shift funds from Personnel, Fringe and Travel and allocate towards Assessment and Cleanup Planning contracts. For the Petro grant, \$72k was initially allocated for consultant work. We have spent very little of that grant to date as we were trying to spend down the FY16 grant. If, however, we were to fund all of the requested proposals that we are considering today, we would be over the \$100k. For the Haz grant, \$168k was allocated for consultants, which we are now already exceeding and fast approaching the overall \$200k budget. In conclusion and

noting that we only have three Committee members present, Dan asked, and members concurred that after consideration of today's proposals, he would formally poll the Committee members via email with regards to which projects to support.

a) Town of Westford: Pigeon property, Phase II ESA, Petroleum, (\$29,750 – LE Environmental)

Melissa Manka described the proposed project. The Town is hoping to redevelop the property to serve multiple uses: housing, commercial development, new town office space and public access to the Browns River. The parcel is perfectly located next to the Town Green and fits in with overall Town efforts to promote their village center. Angela Emerson indicated the readiness of LEE to do the work. She noted that if a tank is found that potentially some of their proposed ESA work could be funded via the Petroleum Cleanup Fund.

Dan recapped the evaluation he prepared using the Evaluation Criteria Spreadsheet which generated a score of 62 points (32 base points plus 30 bonus points). He notes that the values for housing, economic development and commercial activity are guesses at this point and it is early in the process and Town does not know how many housing units it might be able to do, or commercial or job creation. But they could potentially get more points on housing and commercial. He also noted that the bonus points, for this project as well as for others are somewhat subjective and redundant given that most projects are almost always able to claim bonus points. Dan indicated that staff is supportive of the project due to its location and potential multiple benefits. Heather Carrington noted that at some point the Committee should discuss its "values" with regards to whether we support a project from beginning to end or try to aid more projects but with smaller contributions.

b) Burlington City Arts: 405 Pine Street, ECAA/CAP Hazardous (\$12,000 – LE Environmental)

Doreen Kraft reported that they are in the process of buying the property at 405 Pine St. Closing on loan with Mascoma bank, set for this Thursday. Mascoma wants to see a letter outlining proposed cleanup planning efforts and a timeline and next steps for clean-up to understand the cost of the clean-up (and then they want them to double that cost and put it in the bank as escrow).

Alan Liptak reported that Phase I ESA is complete as well as the draft Phase II ESA. Need to do a corrective action plan. The Committee via email previously approved \$7,500 for a soil management plan but that was conditioned on DEC not requiring a full ECAA. Trish Coppolino indicated she might be open to not requiring an ECAA, but she still needs to understand groundwater impact. Either way still need to do a CAP. Need to know what redevelopment and cleanup looks like.

Dan recapped the evaluation he prepared using the Evaluation Criteria Spreadsheet which generated a score of 38 points (28 base points plus 10 bonus points). He notes that the values for housing, economic development and commercial activity are guesses at this point.

Motion by Heather Carrington for approving up to \$12,000 for hazardous funds for this project which includes the \$7,500 previously approved. Motion died with no second because the Chair can't second, and Mr. Jakus is a Burlington CEDO staff member and recused himself. Dan indicated he would poll the rest of the Committee via email.

c. Adam Piper: Camel's Hump Auto / Salvage yard, Bert White Road, Huntington, Phase II ESA,

primarily Petroleum, (\$29,905 - Stone Environmental)

Adam Piper explained his plans for the property. He currently has 600-700 taps and his long-term goal is to expand to 7,000 taps. Mr. Piper intends to make use of the existing Camels Hump Auto (CHA) building as a shop for his business. In addition, he would like to have up to three rental camping sites (including the hunting camp depicted on site maps) throughout the property. He is also exploring granting an easement for a trail corridor to enable connections to the Camel's Hump Nordic trail system.

DEC staff explained that State – been sitting as a low priority project for a number of years since Adam came to them. The state would like to fund this but need all three parties (CCRPC included) to help with funding as over \$110k is needed. There were about 8 to 10 yards with cars on the almost 80 acres of property. Although he has gradually been removing cars and scrap from the property, the current landowner is not willing to make any changes and so funding this ESA work and getting a new owner is the only way this parcel will get cleaned up.

Dan recapped the evaluation he prepared using the Evaluation Criteria Spreadsheet which generated a score of 28 points (3 base points plus 25 bonus points). Although there are some economic benefits to the project, the project's location is inconsistent with our criteria.

Adam Piper asked if the CCRPC had applied for the December round of new brownfields grant funds. Dan indicated that CCRPC was not eligible to apply as not enough of current grant funds were spent down.

d. Town of Bolton: Bolton Valley Resort, Phase II ESA, (\$10,760 – Stone Environmental)

Katrina Mattice explained that the Town and the Resort are looking for support for Phase II for underground storage tank and maintenance shop. Mostly petroleum; though perhaps the maintenance shop could be hazardous. Regina explained that CCRPC is assisting the Town with administration of a Federal Community Development Block Grant. The grant has two parts: first a grant for Drinking and wastewater improvements to the Bolton Valley Community Water and Sewer (BVCWS) district and second, a loan to the resort for Renovations to the hotel.

Dan recapped the evaluation he prepared using the Evaluation Criteria Spreadsheet which generated a score of 62 points (37 base points plus 25 bonus points). Regina note that successful implementation of the grant is projected to increase overall number of FTEs at the Resort by 13 and the Resort area and surrounding neighborhood is located within an area planned for growth.

e. Eastern Development Corp: 600 Spear Street, South Burlington, Phase I&II ESA, (\$23,000-Petroleum – LE Environmental)

Frank VonTurkovich indicated he wants to purchase the site for a solar farm and 35 to 45 housing units. Potential fill site that might qualify for net metering as a preferred site. Site connects to UVM bike path so could be good for workforce housing. The prior owner has a house there while the metal building was used to host their electric lighting and utility work business. Portion is likely a hazardous project; so not all petroleum.

Dan reached out to the City of South Burlington, Planning & Zoning Director, Paul Conner who noted in emails to Dan that their water, electric and natural gas service along the City ROW but that sewer

service would have to be accessed to the north at Quarry Hill Drive or Joy Road to the west. Paul indicated that the development could get a 25% housing bonus if half of the bonus units (over the base density of 4 units per acre) were affordable and 50% housing bonus if all of the bonus units were affordable. Paul also noted that there is a stream and there appears to be a wetland crossing the eastern third of the property. In addition, this property is currently subject to the City's Interim Zoning Bylaw. Under the bylaw, all lands within the applicable area are prohibited from being developed upon with new principal structures or being subdivided, absent an application and, following public hearing, a determination from the City Council granting an exception to the prohibition. Regina noted that Interim Zoning does not preclude development, it basically adds an extra layer of needed approval. Frank noted this parcel is not one of the twenty top parcels currently ranked as high by the City's Open Space Committee for potential conservation.

Dan recapped the evaluation he prepared using the Evaluation Criteria Spreadsheet which generated a score of 70 points (40 base points plus 30 bonus points) mostly due to its significant housing benefits.

Discussion of the proposals concluded with Dan indicating he would draft up a formal staff recommendation and distribute it to all the Committee members for review and action via email. Lastly, Dan noted he planned on reaching out to the developers for the Champlain Transmission project to see if they still intend to move forward with that project as it has been several months since the CCRPC-funded assessment work was authorized.

5. The meeting adjourned at 3:45 p.m.

Respectfully submitted by Dan Albrecht and Regina Mahony