REGULAR MEETING AGENDA
Wednesday, February 19, 2020 - 6:00 p.m.
CCRPC Offices; 110 W. Canal Street, Suite 202
Winooski, VT 05404

CONSENT AGENDA –
C.1 Minor TIP Amendment

DELIBERATIVE AGENDA
1. Call to Order; Changes to the Agenda
2. Public Comment Period on Items NOT on the Agenda
3. Approve Minutes of January 15, 2020 Meeting* (MPO Action; 1 minute)
4. US7 Signal Upgrades, Shelburne-South Burlington, Major TIP Amendment* (MPO Action; 20 minutes)
   VTrans Presentation and Warn a Public Hearing
5. Approve Minutes of January 15, 2020 Meeting* (MPO Action; 1 minute)
6. Approve Minutes of January 15, 2020 Meeting* (MPO Action; 1 minute)
7. Safety Performance Targets for the Metropolitan Planning Area (MPO Action; 15 minutes)
8. Proposed VTrans Capital Program Projects* (Discussion; 20 minutes)
9. Clean Water Service Provider RFP* (Discussion; 20 minutes)
10. Chair/Executive Director Report (Discussion; 10 minutes)
   a. Introduce Taylor Newton, Senior Planner
   b. Legislative Update
      i. Act 250 comments of 2/4/20*
      ii. Other bills
   c. FY21 UPWP Development
11. Committee/Liaison Activities & Reports * (Information, 2 minutes)
   a. Executive Committee (draft minutes February 5, 2020)
      i. Act 250 Sec 248 letters
   b. TAC (draft minutes February 4, 2020)
   c. Clean Water Advisory Committee – MS4 Subcommittee (final minutes January 7, 2020 and draft minutes February 4, 2020)
   d. Clean Water Advisory Committee (draft minutes February 4, 2020)
   e. ad hoc Act 250 Committee (draft minutes January 28, 2020)
12. Members’ Items, Other Business (Information, 5 minutes)
13. Adjourn

The February 19 Chittenden County RPC streams LIVE on YouTube at https://www.youtube.com/Channel17TownMeetingTV. The meeting will air Sunday, February 23, 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:

- Transportation Advisory Committee – Wednesday, March 4, 2020, 9am
- Clean Water Advisory Committee - Wednesday, March 4, 2020, ~11am
- CWAC MS4 Subcommittee - Wednesday, March 4, 2020, ~12:30pm
- Planning Advisory Committee – Wednesday, March 11, 2020, 2:30pm
- Joint Finance & Executive Committee – Wednesday, March 4, 2020, 5:45pm
- CCRPC Board Meeting - Wednesday, March 18, 2020 6:00pm

Tentative future Board agenda items:

<table>
<thead>
<tr>
<th>Date</th>
<th>Agenda Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 18, 2020</td>
<td>Clean Water Service Provider RFP Discussion</td>
</tr>
<tr>
<td></td>
<td>Act 250 Recommendations (Act 250 and Housing bills)</td>
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<td></td>
<td>TCI &amp; other climate change bills, if moving?</td>
</tr>
<tr>
<td>April 15, 2020</td>
<td>Clean Water Service Provider RFP Action</td>
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<td>Warn Public Hearing for FY21 UPWP</td>
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<tr>
<td>May 20, 2020</td>
<td>FY21 UPWP and Budget Public Hearing</td>
</tr>
<tr>
<td>June 17, 2020</td>
<td>Annual Meeting</td>
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<td></td>
<td>Warn FY21-23 TIP Hearing</td>
</tr>
</tbody>
</table>

Potential Guest Speakers:
Chittenden County Regional Planning Commission
February 19, 2020
Agenda Item C.1: Consent Item

FY2020 Transportation Improvement Program (TIP) Amendments

Issues

Make the following amendments to the FY20 the TIP.

VT15/Underhill Flats Sidewalk, Underhill (Project BP077, Amendment FY20-08)

› Description of Change – Advance $288,000 in federal Bike/Ped program grant funds for construction from FY19 to FY20.

› Reason for Change – Project was delayed.

VT15 Paving, Underhill-Westford-Cambridge (Project HP136, Amendment FY20-10)

› Description of Change – Reduce the federal fund in FY21 from $3,276,240 to $1,250,063 – a decrease of $2,026,177.

› Reason for Change – This project was originally programmed as a pavement reclaim project. After doing some investigative borings and test pits, it was determined that this project was better suited for CIPR (Cold-In-Place Recycling). This type of treatment is less expensive on a per mile basis than a full depth reclaim project.

TAC/Staff Recommendation:

Recommend that the Board approve the proposed TIP amendments.

For more information, contact:

Christine Forde
cforde@ccrpcvt.org or 846-4490 ext. *13
DATE: Wednesday, January 15, 2020
TIME: 6:00 p.m.
PLACE: CCRPC offices; 110 W. Canal Street, Suite 202; Winooski, VT 05404

PRESENT:
- Bolton: Sharon Murray
- Burlington: Jenna Pugliese (Alt)
- Colchester: Jacki Murphy (6:04pm)
- Essex: Jeff Carr
- Essex Junction: Jeff Carr (2nd Alt)
- Hinesburg: Absent
- Jericho: Catherine McMains
- Milton: Tony Micklus
- Richford: Absent
- Shelburne: John Zicconi
- St. George: Absent
- Underhill: Brian Bigelow
- Williston: Chris Roy
- Vermont: Amy O'Brien
- Bus/Ind: Tim Baechle (6:05pm)
- Agriculture: Absent
- Others: Matthew Langham, VTrans

Staff:
- Regina Mahony, Planning Prgm Mgr.
- Dan Albrecht, Senior Planner
- Amy Irvin Witham, Business Office Associate

1. Call to order; changes to the agenda. The meeting was called to order at 6:01 p.m. by the Chair, Michael O'Brien. Regina Mahony suggested to move item 5b down the agenda in order to hold space for anyone who comes to the public hearing for the Major TIP Amendments.

2. Public Comment Period on Items NOT on the Agenda. There were none.

3. Action on Consent Agenda. There were none.

4. Approve Minutes of November 20, 2019 board meeting. JEFF CARR MADE A MOTION, SECONDED BY SHARON MURRAY TO APPROVE THE NOVEMBER 20, 2019 MINUTES WITH EDITS. MOTION CARRIED WITH JOHN ZICCONI ABSTAINING.
   - Edit: Change page 2, lines 34-36. Strike the repeated sentence.

Jeff Carr noted he is representing both Essex and Essex Junction.

5. Major TIP Amendments
   Regina reminded Board members that in November they received a presentation on the Exit 12 Park & Ride project, which is a part of the major Transportation Improvement Program (TIP) Amendment and involves two projects, the Williston Park and Ride and the Champlain Parkway. These changes are detailed in the Board Memo. Christine Forde provided an overview of the TIP amendments:
   - For the Williston Park and Ride project, 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 TIP changes are needed to accommodate the relocation of the access drive to the Park & Ride lot to consolidate the driveways with the Vermont State Police building that is to be constructed south of the Park and Ride location.

- For the Champlain Parkway Project, move $3,000,000 in federal funds from FY20 to FY23. The project has over $13,000,000 in federal funds in FY20 and the current spending profile indicates that the project will not need that much. $10,222,501 remains in FY20 and will be adequate to cover project expenses.

a. Public Hearing: JEFF CARR MADE A MOTION, SECONDED BY CHRIS SHAW, TO OPEN THE PUBLIC HEARING AT 6:05 P.M. MOTION CARRIED UNANIMOUSLY.

6. FY20 UPWP & Budget Mid-Year Adjustment

Eleni Churchill referred members to the memo and Mid-year UPWP document that was distributed with the Board Packet. She reviewed the changes in the Draft UPWP, discussed the new projects and changes to deliverables and funding. Eleni pointed out 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)
- 2.3.13.3 Winooski Avenue Corridor study (Major changes were made)
- 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)

Forest Cohen referred members to the budget document that was distributed. He explained the total revenue change from the adopted budget was $45,106. There was a modest reduction in staff time, $50,422 more in contracted funds, and $36,559 more expenses. Based on this, the overall result is positive, with a budget surplus of $8,548.

JEFF CARR MADE A MOTION, SECONDED BY CHRIS SHAW TO APPROVE THE TRANSPORTATION PORTION OF THE FY20 UPWP MID-YEAR ADJUSTMENT. (MPO BUSINESS) VOTE:

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<th>Vote</th>
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<td>Colchester</td>
<td>Yes (2)</td>
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<td>Milton</td>
<td>Yes</td>
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<tr>
<td>Shelburne</td>
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<tr>
<td>Westford</td>
<td>VACANT</td>
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<tr>
<td>VTrans</td>
<td>Yes</td>
</tr>
<tr>
<td>Burlington</td>
<td>Yes (4)</td>
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<td>Essex</td>
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<td>Huntington</td>
<td>Absent</td>
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<tr>
<td>Richmond</td>
<td>Yes</td>
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<tr>
<td>St. George</td>
<td>Absent</td>
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<tr>
<td>So. Burlington</td>
<td>Yes (2)</td>
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<tr>
<td>Underhill</td>
<td>Yes</td>
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<tr>
<td>Charlotte</td>
<td>Yes</td>
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<tr>
<td>Essex Jct</td>
<td>Yes</td>
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<tr>
<td>Jericho</td>
<td>Yes</td>
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</tbody>
</table>

MOTION CARRIED WITH 20 OF 24 VOTES; AND 14 OF 18 MUNICIPALITIES VOTING IN THE AFFIRMATIVE.
JEFF CARR MADE A MOTION, SECONDED BY CHRIS SHAW TO APPROVE THE ENTIRE FY20 UPWP AND BUDGET MID-YEAR ADJUSTMENT. MOTION CARRIED UNANIMOUSLY.

7. Town of Jericho 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 Planning Advisory Committee in November 2019. Both the Planning Advisory Committee and the CCRPC Staff recommends the Board grant an affirmative determination of energy compliance to the amended 2016 Jericho Town Plan.

CATHERINE MCMAINS, MADE A MOTION, SECONDED BY GARRET MOTT, THAT THE CCRPC BOARD APPROVE THE TOWN OF JERICHO DETERMINATION OF ENERGY COMPLIANCE. MOTION CARRIED UNANIMOUSLY.

[Returned to Agenda item 5]

5. Major TIP Amendments
a. Public Hearing
JEFF CARR MADE A MOTION, SECONDED BY CHRIS SHAW TO CLOSE THE PUBLIC HEARING AT 6:29 P.M. MOTION CARRIED UNANIMOUSLY

b. Approve Major TIP Amendments for the Williston Park & Ride and Champlain Parkway
JEFF CARR MADE A MOTION, SECONDED BY CATHERINE MCMAINS TO APPROVE THE TIP AMENDMENTS AS PRESENTED. MPO VOTE:

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

MOTION CARRIED WITH 20 OF 24 VOTES; AND 14 OF 18 MUNICIPALITIES VOTING IN THE AFFIRMATIVE.

8. Clean Water Service Provider RFP Comments
Regina explained that this program was on the Board agenda as draft legislation last April. The State of Vermont, Department of Environmental Conservation (DEC) is now working to implement this legislation. This is intended to fund and manage non-regulatory water quality programs, because there is a concern that the state will not meet the TMDL phosphorus programs through the non-regulatory programs alone. Municipal funding for regulatory water quality projects will be held back if these reductions are not successfully met. Documents included with the agenda include a cover memo, a copy of DEC’s Draft Clean Water Service Provider (CWSP) RFP, a draft of CCRPC’s proposed comment letter on the draft RFP for review and action and an additional memo that outlines anticipated roles and responsibilities of Clean Water Service Providers. The memo also provides a map that highlights, geographically, the area (Basin 5, Northern Lake Champlain Direct Drainages) that may make the most sense for the CCRPC to potentially be involved.

Regina stated there are two important items up for discussion. First, the DEC Draft RFP for selection of Clean Water Service Providers (CWSP). The Board is being asked to review the Draft RFP and approve submission of the attached comment letter. The comment letter was drafted by staff and includes input
from the Clean Water Advisory Committee as well as the Executive Committee. Second, staff would like an opportunity to discuss the pros and cons of whether the CCRPC should apply to be designated as the CWSP. 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. We will have another conversation at the February Board meeting and will likely need a final decision at the March Board Meeting on whether to move forward with submission of a proposal.

Regina stated Charlie Baker and Dan Albrecht have been working together to determine the best course of action by the CCRPC. Dan stated he and Charlie have participated in multiple meetings and discussions as part of DEC’s Act 76 Advisory Group. Even though there are currently many unknown factors that need to be considered, he feels it is a worthwhile endeavor to thoroughly explore and within the CCRPC wheelhouse. Members questioned how manageable this would be, including the fact that there are 15 total basins. Dan explained in the first couple of years the DEC is interested in getting the CWSP up and running for 6 basins; 5 that drain to Lake Champlain, plus Lake Memphremagog. He said this is a process that will take time. Dan referred members to the Memo that describes the planned roles and responsibilities of a CWSP. Members reviewed the memo with Dan and expressed great concern regarding the potential for penalties and liabilities and even if tasks such as verification and inspection are delegated to another party, the CCRPC could still be considered liable. Dan referred to #13 in the Draft comments, “the CCRPC has expressed applicants for CWSP appointments do so voluntarily and that even if an applicant is selected, they may not agree to that commitment until they have seen the final rules and guidance.” There was further discussion about the potential Basin that CCRPC may consider as a CWSP; potentially Basin 5, Northern Lake Champlain Direct Drainages. 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. There was mention of municipalities outside of this Basin, but within Chittenden County having to go to another CWSP (potentially another RPC) for funding for this work. Members agreed, despite the current unknowns and challenges, this is very important work.

JEFF CARR MADE A MOTION, SECONDED BY DON MEALS, TO ACCEPT THE STAFF RECOMMENDATION TO APPROVE THE DRAFT CWSP RFP COMMENT LETTER, WITH STAFF GRANTED THE DISCRETION TO ADD ADDITIONAL LANGUAGE IN REGARD TO RESPONSIBILITIES AND LIABILITIES. MOTION CARRIED UNANIMOUSLY.

JEFF CARR MADE A MOTION, SECONDED BY JOHN ZICCONI, FOR THE CCRPC STAFF TO IDENTIFY AND HIGHLIGHT AREAS OF CONCERN, IDENTIFY SENSIBLE SOLUTIONS AND CONTINUE TO PURSUE A POSSIBLE APPLICATION TO BECOME A CLEAN WATER SERVICE PROVIDER. MOTION CARRIED UNANIMOUSLY.

9. **Chair/Executive Director Report.**
   - **Planner Recruitment** Regina stated Taylor Newton accepted our offer and will begin work on February 18. Taylor currently works for the Northwest RPC and his transition to CCRPC should be seamless, as his position there covers much of what Emily was doing.
   - **FY21 UPWP Development** Regina said applications are due Friday, January 17 and the first meeting is scheduled to be held on Jan 23, with subsequent meetings in February and March. The information will be presented to the board in April and a Board decision will be asked for in May.
   - **Senate Economic Development, Housing & General Affairs Committee, Chittenden County Housing Meeting 1/9/20** Regina explained this committee has done a tour around the state to get a sense of housing issues. The last meeting was held in Chittenden County last week. It was well attended and many on the panel expressed support for another housing bond. Per Senator
Sirotkin, this message needs to be taken to the Treasurer. This Committee is very committed to doing something with housing.

- **Act 250 Recommendations (Act 250 and Housing Bills)** Regina stated that there is likely movement on a bill this year and CCRPC’s ad hoc Act 250 Committee will meet and present position statements to the Exec. Comm., PAC, and the Board in February. Chris Roy provided an update on the proposed legislation. Chris said VNRC and the Administration worked on a proposal and presented it to the House Natural Resources and Fish and Wildlife Committee. Overall, the proposal is more concrete and practical than what was discussed last year. The proposal includes Designated Downtowns and Neighborhood Development Area exemptions; jurisdiction at 1,500’ and within 2,000’ of interstate interchanges; reinstating the old road rule; and river corridor, habitat and forest fragmentation, and climate change criteria changes. 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; while the 3 person board handles all legal issues. This addresses the time issues because you eliminate a level of review. Chris explained there is still a lot of detail, but at least an effort is being made to streamline the process, moving from broad concepts to specific amendments that can be reviewed in a practical way.

10. **Committee/Liaison Activities & Reports.** Minutes for various meeting were included in the packet (Executive Committee, TAC, PAC, Brownfields, and CWAC). Jeff stated Dennis Lutz was not present at the TAC meeting in January.

11. **Members’ Items, Other business.** There was no other business.

12. **Adjournment.** JOHN ZICCONI MADE A MOTION SECONDED BY GARRET MOTT TO ADJOURN THE MEETING AT 7:35 P.M.

Respectfully submitted,

Amy Irvin Witham
FY2020 Transportation Improvement Program (TIP) Amendments

Issues

Warn a Public Hearing for the Major TIP Amendment listed below.

**US7 Signal Upgrade, Shelburne-South Burlington** (Project HP137, Amendment FY20-09)

**Description of Change:** Make the following changes to project HP137

- **Contract 1 – Southern Section – Webster Road to IDX Drive**
  - In FY20 add $996,000 in Accelerated Innovation Deployment (AID) grant funds. These funds are not subject to CCRPC’s fiscal constraint limit.
  - In FY20 add $778,000 in federal formula funds. These funds are available within CCRPC’s fiscal constraint limit.
  - In FY21 designate $161,000 in federal funds from project OT001 Regional Safety to be used for this project.

- **Contract 2 – Northern Section – McIntosh Avenue to Swift Street**
  - Add $2,000,000 in federal funds in FY21. These funds are available within CCRPC’s fiscal constraint limit.

**Reason for Change:** VTrans and CCRPC were awarded an Accelerated Innovation Deployment (AID) grant to upgrade 16 traffic signals on Shelburne Road between Webster Road and Swift Street. The project was added to the TIP in FY18 with funding amounts to be determined following the completion of scoping.

This project will be funded with AID grant funds and federal formula funds. The current TIP does not have funds programmed for this project, so this change is defined as a major TIP amendment requiring a public hearing.

**TAC/Staff Recommendation:** Recommend that the Board warn and hold a public hearing at their March 18 Board meeting.

**For more information, contact:** Christine Forde cforde@ccrpcvt.org or 846-4490 ext. *13
CCRPC Board
February 19, 2020
Agenda Item 6: Action Item

Safety Performance Targets for the Metropolitan Planning Area

Background: The latest Federal Transportation Acts (MAP-21 and FAST Act) placed considerable emphasis on system performance and directed State Departments of Transportation (DOTs), MPOs and Transit Providers to evaluate how well the transportation system is doing. At the national level, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have established a Transportation Performance Management (TPM) program, a strategic initiative designed to achieve national transportation performance goals. The intent is to measure progress against the national goals through a reliable data-driven process. FHWA has established measures in the following areas: Safety, Infrastructure Condition (Pavement & Bridges), Congestion, System Reliability (NHS Performance), Freight Movements (Interstate), and Environmental Sustainability. Once the measures were established, it was up to state DOTs and MPOs to set quantifiable targets to gauge progress towards national goals. The schedule to establish targets, varies by measure. Federal regulations generally have state DOTs set performance targets in various categories (safety, asset condition, system performance, etc.) and then give MPOs another 180 days to either adopt the State targets or establish their own.

Safety Measures and Targets: Safety targets were the first to be established and reported to FHWA by all DOTs and MPOs. VTrans, in collaboration with the CCRPC, established the first statewide safety targets in the summer of 2017 and reported these targets to FHWA in the Highway Safety Improvement Program (HSIP) report. The CCRPC Board acted at their February 2018 meeting to accept these statewide safety targets for the metropolitan planning area. The CCRPC is asked again to review and take action on the statewide targets set in the 2019 HSIP report.

More detailed charts and graphs are attached to provide you more detail.

Under federal regulations the CCRPC can either:
1. Accept the state targets for each performance measure and support them through programming; or
2. Define their own quantifiable targets for the MPO area

The 2018 and 2020 statewide safety measures and targets are listed below:

<table>
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<tr>
<th>VTrans Safety Performance Measures</th>
<th>2018 Targets (5 Year Averages)</th>
<th>2020 Targets (5 Year Averages)</th>
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<tbody>
<tr>
<td>Number of Fatalities</td>
<td>57</td>
<td>58</td>
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<tr>
<td>Fatality Rate (Fatalities per 100M VMT)</td>
<td>0.83</td>
<td>0.82</td>
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<tr>
<td>Number of Serious Injuries</td>
<td>280</td>
<td>275</td>
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<tr>
<td>Serious Injury Rate (Serious Injuries per 100M VMT)</td>
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<td>3.70</td>
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<tr>
<td>Total Number of Non-motorized Fatalities and</td>
<td>39</td>
<td>36</td>
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</table>
Recommendation: The Executive Committee, TAC, and Staff recommends that the CCRPC Board accepts the VTrans CY 2020 statewide safety targets as reported in the 2019 HSIP Report.

Several factors that were considered to reach this recommendation are listed below:

1. The regional level data on fatalities and injuries fluctuates (sometimes wildly) from year to year making it difficult to establish a clear, reasonable data-driven target.
2. There are no practical policy or financial consequences for the CCRPC to set (or not set) regional targets.
3. Safety is important and the CCRPC is committed to incorporate the federal safety performance measures into the ECOS/MTP report (together with other transportation measures) and track and report regional safety data annually as part of the ECOS Scorecard.
4. Every year, the CCRPC has the opportunity to set safety targets for the MPO region, if it so chooses.

Staff contact: Eleni Churchill, echurchill@ccrpcvt.org
Statewide Safety Performance Targets - 2020
# VTrans 2020 Safety Measures and Targets

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<thead>
<tr>
<th>VTrans Safety Performance Measures (5 Year Averages)</th>
<th>2020 Targets</th>
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<tbody>
<tr>
<td>Number of Fatalities</td>
<td>58</td>
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<tr>
<td>Fatality Rate (Fatalities per 100M VMT)</td>
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<td>Number of Serious Injuries</td>
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<td>Serious Injury Rate (Serious Injuries per 100M VMT)</td>
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<tr>
<td>Total Number of Non-motorized Fatalities and Serious Injuries</td>
<td>36</td>
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</table>
Statewide vs Chittenden County:
Annual Fatalities & 5-Year Average Fatalities

Statewide Fatalities

R² = 0.588

Countywide Fatalities

R² = 0.6923

2020 Target: 58
Statewide vs Chittenden County:
5-Yr Fatality Rate

FATALITY Rate  Statewide 5 YR AVG
FATALITY Rate Countywide 5 YR AVG

Linear (FATALITY Rate  Statewide 5 YR AVG)
Linear (FATALITY Rate Countywide 5 YR AVG)

2020 Target: 0.82
Statewide vs Chittenden County:
Serious Injury Rate 5 Yr Avg

- Statewide Serious Injury Rate 5 Yr Avg
- Countywide Serious Injury Rate 5 Yr Avg

Poly. (Statewide Serious Injury Rate 5 Yr Avg) with $R^2 = 0.9987$

Poly. (Countywide Serious Injury Rate 5 Yr Avg) with $R^2 = 0.9875$

2020 Target: 3.7
Statewide: Annual Pedestrian & Bicyclist Fatalities & Serious Injuries
(5-Year Average P&B Fatalities & Serious Injuries)

R² = 0.9482

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<tr>
<th>Year</th>
<th>Ped Fatalities</th>
<th>Bicyclist Fatalities</th>
<th>Ped Serious Injuries</th>
<th>Bicyclist Serious Injuries</th>
<th>Statewide 5-Yr F &amp; SI Avg</th>
<th>Poly. (Statewide 5-Yr F &amp; SI Avg)</th>
<th>2020 Target: 36</th>
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Ped Fatalities  Bicyclist Fatalities  Ped Serious Injuries  Bicyclist Serious Injuries  Statewide 5-Yr F & SI Avg  Poly. (Statewide 5-Yr F & SI Avg)  2020 Target: 36
Chittenden County: Annual Pedestrian & Bicyclist Fatalities & Serious Injuries
(5-Year Average P&B Fatalities & Serious Injuries)

Ped Fatalities | Bicyclist Fatalities | Ped Serious Injuries | Bicyclist Serious Injuries | Countywide 5-Yr F & SI Avg
---|---|---|---|---
2014 | 2 | 0 | 8 | 17
2015 | 9 | 0 | 5 | 16.2
2016 | 2 | 0 | 7 | 13.8
2017 | 0 | 7 | 0 | 12.2
2018 | 2 | 0 | 7 | 12

R² = 0.9409
Chittenden County Regional Planning Commission
February 19, 2020
Agenda Item 9: Information Item

FY2021 Chittenden County Project in 2021 VTrans Transportation Capital Program – Governor’s Recommended Budget

Issues
The Vermont Agency of Transportation (VTrans) plans, develops, implements, and manages a statewide transportation network - including roads, bridges, railroads, airports, park-and-rides, bicycle and pedestrian facilities, and public transportation facilities and services.

Each year VTrans develops a budget, the Transportation Capital Program, showing projected expenditures for the budget year and the three subsequent years. The Capital Program lists projects and programs statewide that VTrans intends to spend money on over the next four state fiscal years.

The Capital Program is submitted to the Legislature for approval each year.

Attached please find the list of Chittenden County projects listed in the proposed State FY2021 Capital Program as submitted to the Legislature. Staff will review this list at the Board meeting and compile and forward comments to VTrans.

For more information, contact: Christine Forde
cforde@ccrpcvt.org or 846-4490 ext. *13
## FY2021 VTrans Transportation Capital Program

Chittenden County Projects Listed in the "Front of the Book"

<table>
<thead>
<tr>
<th>Project</th>
<th>Vtrans Number</th>
<th>Funding in State FY21 (fed+state+local)</th>
<th>Construction Year</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Paving - State Paving</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Burlington Concrete Pavement Repair - US7</td>
<td>NH PC21-(1)</td>
<td>$374,871</td>
<td>SFY21/22</td>
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<tr>
<td>Burlington Resurface Class I</td>
<td>NH PC22-(1)</td>
<td>$114,678</td>
<td>SFY22/23</td>
</tr>
<tr>
<td>H and C Burlington-South Burlington Concrete Repair I-189 Ramps</td>
<td>IM 189-3(77)</td>
<td>$289,638</td>
<td>SFY21/22</td>
</tr>
<tr>
<td>Burlington-South Burlington Resurface I-189 EB and WB including Ramps</td>
<td>IM 189-3(78)</td>
<td>$1,811,873</td>
<td>SFY20/21</td>
</tr>
<tr>
<td>Charlotte-South Burlington Resurfacing US7 from south of Ferry Road to Swift Street</td>
<td>PS22(2)</td>
<td>$82,972</td>
<td>SFY23/24</td>
</tr>
<tr>
<td>Richmond-Bolton Resurface US2</td>
<td>STP 2924(1)</td>
<td>$200,000</td>
<td>SFY23/24</td>
</tr>
<tr>
<td>Richmond-Colchester Resurface I-89 NB and SB</td>
<td>IM SURF(63)</td>
<td>$7,727,833</td>
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<tr>
<td>Underhill-Cambridge - VT15 - N. Underhill Station Rd into Cambridge</td>
<td>STP PS19(11)</td>
<td>$5,031,447</td>
<td>SFY20/21</td>
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<tr>
<td>Winooski Repair Class I Concrete</td>
<td>NH PC21(2)</td>
<td>$250,000</td>
<td>SFY21/22</td>
</tr>
<tr>
<td>Winooski Resurface Class I Routes</td>
<td>NH PC22(2)</td>
<td>$115,000</td>
<td>SFY22/23</td>
</tr>
<tr>
<td><strong>TOTAL PAVING</strong></td>
<td></td>
<td>$15,998,312</td>
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<tr>
<td><strong>Interstate Bridge</strong></td>
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<tr>
<td>Bolton - Notch Road Culvert Rehabilitation</td>
<td>IM 089-2(45)</td>
<td>$365,201</td>
<td>SFY20/21</td>
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<tr>
<td>Colchester - Bay Road and Mallets Creek</td>
<td>IM 089-3(69)</td>
<td>$92,329</td>
<td>SFY19/20/21</td>
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<tr>
<td>Colchester Exit 17</td>
<td>NH 028-1(31)</td>
<td>$1,100,000</td>
<td>SFY22/23/24</td>
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<tr>
<td>Milton - BR81 N&amp;S</td>
<td>IM 089-3(66)</td>
<td>$1,182,607</td>
<td>Final Items</td>
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<tr>
<td>Richmond BR29 on US2</td>
<td>IM 089-2(52)</td>
<td>$204,597</td>
<td>SFY22/23/24</td>
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<tr>
<td><strong>TOTAL INTERSTATE BRIDGE</strong></td>
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<td>$2,944,734</td>
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<tr>
<td><strong>State Bridges</strong></td>
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<tr>
<td>Essex VT117 Culvert over Adler Brook</td>
<td>BF 5400(9)</td>
<td>$660,000</td>
<td>SFY21/22</td>
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<tr>
<td>Essex VT128 Culvert BR1 Carrying Alder Brook</td>
<td>BM19501</td>
<td>$500,000</td>
<td>SFY21</td>
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<tr>
<td><strong>TOTAL STATE BRIDGE</strong></td>
<td></td>
<td>$1,160,000</td>
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<tr>
<td><strong>Town Highway Bridges</strong></td>
<td></td>
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</tr>
<tr>
<td>Huntington BR32 on Camel's Hump Road</td>
<td>BP 1445(38)</td>
<td>$112,500</td>
<td>SFY22/23</td>
</tr>
<tr>
<td><strong>TOTAL TOWN HIGHWAY BRIDGE</strong></td>
<td></td>
<td>$112,500</td>
<td></td>
</tr>
</tbody>
</table>

Highlighted projects are new Front of the Book Projects
## FY2021 VTrans Transportation Capital Program

### Chittenden County Projects Listed in the "Front of the Book"

<table>
<thead>
<tr>
<th>Project</th>
<th>Vtrans Number</th>
<th>Funding in State FY21 (fed+state+local)</th>
<th>Construction Year</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Roadway</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burlington Champlain Parkway</td>
<td>MEGC M 5000(1)</td>
<td>$8,000,000</td>
<td>SFY21/22/23</td>
</tr>
<tr>
<td>Colchester Prim/West Lakeshore Dr</td>
<td>STP 5600(20)</td>
<td>$290,439</td>
<td>SFY21/22/23</td>
</tr>
<tr>
<td>Susie Wilson Road Corridor and Intersection</td>
<td>STP 5400(11)</td>
<td>$225,000</td>
<td>SFY21/22</td>
</tr>
<tr>
<td>Improvements, Essex</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Essex Junction Crescent Connector</td>
<td>STP 5300(13)</td>
<td>$1,367,008</td>
<td>SFY20/21/22</td>
</tr>
<tr>
<td>Richmond US2 Culvert at MM 2.25</td>
<td>STP CULV(58)</td>
<td>$50,000</td>
<td>SFY23/24</td>
</tr>
<tr>
<td>Williston - I-89 SB Culvert at MM 81.8</td>
<td>IM 089-2(54)</td>
<td>$380,000</td>
<td>SFY21</td>
</tr>
<tr>
<td>Williston US2/Industrial Ave</td>
<td>STP M 5500(7S)</td>
<td>$2,016,363</td>
<td>SFY21/22</td>
</tr>
<tr>
<td>Williston VT2A Culvert south of Helena Dr</td>
<td>STP SCR(17)</td>
<td>$336,622</td>
<td>SFY21</td>
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<tr>
<td><strong>TOTAL ROADWAY</strong></td>
<td></td>
<td></td>
<td><strong>$12,665,432</strong></td>
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<tr>
<td><strong>Safety and Traffic Operations</strong></td>
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<tr>
<td>Burlington Shelburne St Roundabout</td>
<td>HES 5000(18)</td>
<td>$1,003,752</td>
<td>SFY21/22/23</td>
</tr>
<tr>
<td>Colchester - Blakely Rd/Laker Ln</td>
<td>STP 5600(21)</td>
<td>$400,000</td>
<td>SFY20/21</td>
</tr>
<tr>
<td>Colchester Exit 16</td>
<td>HES NH 5600(14)</td>
<td>$7,000,000</td>
<td>SFY21/22</td>
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<tr>
<td>Colchester - Severance Corners</td>
<td>STPG 5600(17)</td>
<td>$425,000</td>
<td>SFY23/24</td>
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<tr>
<td>Essex VT117/North Williston Road</td>
<td>STP 5400(10)</td>
<td>$75,000</td>
<td>SFY22/23</td>
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<tr>
<td>Essex VT15/Sand Hill Rd</td>
<td>STPG 030-1(22)</td>
<td>$55,000</td>
<td>SFY22/23</td>
</tr>
<tr>
<td>Hinesburg - VT116/CVU Rd</td>
<td>HES 021-1(19)</td>
<td>$2,665,144</td>
<td>SFY20/21</td>
</tr>
<tr>
<td>Milton - US7/Middle Rd/Railroad St</td>
<td>STP 5800(3)</td>
<td>$354,668</td>
<td>SFY22/23</td>
</tr>
<tr>
<td>Shelburne-South Burlington Replace or Rehab Signals</td>
<td>NHG SGNL(51)C/1</td>
<td>$1,105,000</td>
<td>SFY21/22</td>
</tr>
<tr>
<td>Shelburne-South Burlington Replace or Rehab Signals</td>
<td>NHG SGNL(51)C/2</td>
<td>$300,000</td>
<td>SFY21/22</td>
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<tr>
<td>South Burlington - Exit 14 Signal Upgrades</td>
<td>STP SGNL(53)</td>
<td>$35,000</td>
<td>SFY24</td>
</tr>
<tr>
<td>Williston - VT2A/Industrial Ave</td>
<td>STP 5500(17)</td>
<td>$110,000</td>
<td>SFY23/24/25</td>
</tr>
<tr>
<td>Williston US2/Trader Ln</td>
<td>STPG 5500(14)</td>
<td>$265,936</td>
<td>SFY21/22</td>
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<tr>
<td><strong>TOTAL SAFETY AND TRAFFIC OPERATIONS</strong></td>
<td></td>
<td></td>
<td><strong>$13,794,500</strong></td>
</tr>
<tr>
<td><strong>Park and Ride</strong></td>
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</tr>
<tr>
<td>Williston South of Exit 12</td>
<td>CMG PARK(29)</td>
<td>$3,000,000</td>
<td>SFY20/21/22</td>
</tr>
<tr>
<td><strong>TOTAL PARK AND RIDE</strong></td>
<td></td>
<td></td>
<td><strong>$3,000,000</strong></td>
</tr>
</tbody>
</table>

Highlighted projects are new Front of the Book Projects
## FY2021 VTrans Transportation Capital Program
### Chittenden County Projects Listed in the "Front of the Book"

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<thead>
<tr>
<th>Project</th>
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<th>Funding in State FY21 (fed+state+local)</th>
<th>Construction Year</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bike and Pedestrian Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Highlighted projects are new Front of the Book Projects</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burlington - Colchester Ave Sidewalk</td>
<td>STP BP15(7)</td>
<td>$96,000</td>
<td>SFY21</td>
</tr>
<tr>
<td>Colchester-Essex VT15 Path – Lime Kiln to Susie Wilson</td>
<td>NH 030-1(34)</td>
<td>$307,701</td>
<td>SFY21/22</td>
</tr>
<tr>
<td>Jericho Browns Trace Sidewalk - Pratt to Lee River</td>
<td>STP BP15(10)</td>
<td>$289,500</td>
<td>SFY21/22</td>
</tr>
<tr>
<td>Milton - Cherry Street</td>
<td>STP SDWK(18)</td>
<td>$62,278</td>
<td>SFY21/22</td>
</tr>
<tr>
<td>Milton - US7 Sidewalk - Nancy to Haydenberry</td>
<td>STP BP16(10)</td>
<td>$730,000</td>
<td>SFY21/22</td>
</tr>
<tr>
<td>Shelburne - Irish Hill Road Pedestrian Bridge</td>
<td>STP BP18(3)</td>
<td>$49,897</td>
<td>SFY23/24</td>
</tr>
<tr>
<td>South Burlington Williston Road Bike/Ped Facility</td>
<td>STP BP17(9)</td>
<td>$310,000</td>
<td>SFY23</td>
</tr>
<tr>
<td>St. George - VT2A Sidewalk Hemlock Street to Barger Road, east side (state+local funding)</td>
<td>STP BP18(28)</td>
<td>$42,500</td>
<td>SFY20/21</td>
</tr>
<tr>
<td>Underhill - Underhill Flats Sidewalk</td>
<td>STP BP13(5)</td>
<td>$325,000</td>
<td>SFY20/21</td>
</tr>
<tr>
<td>Williston Blair Park Sidewalk Loop</td>
<td>STP BP17(12)</td>
<td>$209,830</td>
<td>SFY21/22</td>
</tr>
<tr>
<td><strong>TOTAL BIKE AND PEDESTRIAN</strong></td>
<td></td>
<td>$2,817,331</td>
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</tr>
<tr>
<td><strong>Transportation Alternatives</strong></td>
<td></td>
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</tr>
<tr>
<td>Colchester - Stormwater BMPs in the Moorings Stream Watershed</td>
<td>TAP TA18(1)</td>
<td>$58,663</td>
<td>SFY22/23</td>
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<tr>
<td>Essex Pinecrest Sidewalk</td>
<td>TAP TA15(4)</td>
<td>$227,770</td>
<td>SFY21</td>
</tr>
<tr>
<td>Essex Stormwater Retrofit with Infiltration</td>
<td>TAP TA18(2)</td>
<td>$23,000</td>
<td>SFY22/23</td>
</tr>
<tr>
<td>Essex Junction- Gravel Wetland</td>
<td>TAP TA16(7)</td>
<td>$185,000</td>
<td>SFY21</td>
</tr>
<tr>
<td>Jericho - Lee River Road Sidewalk</td>
<td>TAP TA17(1)</td>
<td>$25,000</td>
<td>SFY22/23</td>
</tr>
<tr>
<td>Shelburne - Nesti/VELCO Gravel Wetlands</td>
<td>TAP TA16(6)</td>
<td>$117,394</td>
<td>SFY21</td>
</tr>
<tr>
<td>South Burlington - Subsurface infiltration and detention</td>
<td>TAP TA18(6)</td>
<td>$203,000</td>
<td>SFY21/22</td>
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<tr>
<td>South Burlington- Kennedy Drive Stormwater Pond Expansion</td>
<td>TAP TA18(7)</td>
<td>$12,000</td>
<td>SFY22/23</td>
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<tr>
<td>Winooski - Gateway Crosswalk Enhancements</td>
<td>TAP TA17(2)</td>
<td>$252,111</td>
<td>SFY21/22</td>
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<tr>
<td><strong>TOTAL TRANSPORTATION ALTERNATIVES</strong></td>
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<td>$1,103,938</td>
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</table>
## FY2021 VTrans Transportation Capital Program
### Chittenden County Projects Listed in the "Front of the Book"

<table>
<thead>
<tr>
<th>Project</th>
<th>Vtrans Number</th>
<th>Funding in State FY21 (fed+state+local)</th>
<th>Construction Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rail</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burlington - Modify Platform for Amtrak</td>
<td>PLAT(3)</td>
<td>$1,075,000</td>
<td>SFY20/21/22</td>
</tr>
<tr>
<td>Burlington - College Street Crossing Safety Improvements</td>
<td>STP 2035(15)</td>
<td>$444,638</td>
<td>SFY20/21/22</td>
</tr>
<tr>
<td><strong>Highlighted projects are new Front of the Book Projects</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Burlington - King Street Crossing Safety Improvements</td>
<td>STP 2035(27)</td>
<td><strong>$175,000</strong></td>
<td>SFY21/22</td>
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<tr>
<td><strong>Burlington - Power Switch Installation</strong></td>
<td>VTRY(50)</td>
<td><strong>$317,400</strong></td>
<td>SFY21</td>
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<tr>
<td>Charlotte - Thompson's Point Rd Safety Improvements</td>
<td>STP 2035(23)</td>
<td>$279,847</td>
<td>SFY20/21</td>
</tr>
<tr>
<td>Charlotte - Rehab BR252.7 over Thorp Brook on VTR</td>
<td>VTRY(15)</td>
<td>$116,574</td>
<td>SFY21/22</td>
</tr>
<tr>
<td>Shelburne-Burlington Quite Zone Maintenance</td>
<td>SF9043</td>
<td>$75,000</td>
<td>Ongoing</td>
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<tr>
<td>Winooski Improve Mallets Bay Ave Crossing</td>
<td>STP 5100(14)</td>
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<tr>
<td><strong>TOTAL RAIL</strong></td>
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<tr>
<td><strong>2021 TOTAL</strong></td>
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Note: Totals do not include Public Transit or Aviation
### FY2021 Governor's Recommended Budget

**Chittenden County Projects On the Development and Evaluation* Lists**

<table>
<thead>
<tr>
<th>Project</th>
<th>VTrans Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roadway</td>
<td></td>
</tr>
<tr>
<td><em>Bolton-Milton</em></td>
<td>IM 089-2(53)</td>
</tr>
<tr>
<td>Colchester - Improve VT2A Corridor</td>
<td>STP 5600(19)</td>
</tr>
<tr>
<td>Williston Exit 12 Improvements</td>
<td>NH 5500(18)</td>
</tr>
</tbody>
</table>

*Development & Evaluation* - A project moves from the *Candidate* list to the *Development and Evaluation* list when the project is expected to proceed to preliminary plans within 12 to 24 months. Development and Evaluation projects are anticipated to have preliminary engineering and/or right-of-way expenditures during the budget year.

### FY2021 Governor's Recommended Budget

**Chittenden County Projects On the Candidate** Lists

<table>
<thead>
<tr>
<th>Project</th>
<th>VTrans Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roadway</td>
<td></td>
</tr>
<tr>
<td>Essex VT117 - Safety/Armoring</td>
<td>Not assigned</td>
</tr>
<tr>
<td>Circ Williston</td>
<td>NH 033-1(24)</td>
</tr>
<tr>
<td>South Burlington Airport Drive</td>
<td>NH 5200( )</td>
</tr>
<tr>
<td>Williston Mountain View Road</td>
<td>Not assigned</td>
</tr>
<tr>
<td>Williston-Essex-Colchester</td>
<td>NH 033-1( )</td>
</tr>
<tr>
<td>Safety and Traffic Operations</td>
<td></td>
</tr>
<tr>
<td>Colchester - Bayside Intersection Roundabout</td>
<td>STP 5600( )</td>
</tr>
<tr>
<td>Park and Ride</td>
<td></td>
</tr>
<tr>
<td>Williston North of I-89</td>
<td>CMG PARK( )</td>
</tr>
<tr>
<td>Bike and Pedestrian Facilities</td>
<td></td>
</tr>
<tr>
<td>Burlington Waterfront North</td>
<td>STP SDWK(13)</td>
</tr>
<tr>
<td>Colchester - Mill Pond/Severance Road</td>
<td></td>
</tr>
<tr>
<td>Essex VT15 Path -Old Stage Rd to Essex Way</td>
<td></td>
</tr>
<tr>
<td>Williston US2 - Taft Corners to Village</td>
<td></td>
</tr>
<tr>
<td>Williston VT2A Taft Corners Area</td>
<td></td>
</tr>
<tr>
<td>Town Highway Bridge</td>
<td></td>
</tr>
<tr>
<td>Charlotte BR31 on Dorset Street</td>
<td>BO 1445( )</td>
</tr>
<tr>
<td>Huntington BR10 on Main Road</td>
<td>BF 0211( )</td>
</tr>
<tr>
<td>Jericho BR15 on Browns Trace</td>
<td>BF 0209( )</td>
</tr>
<tr>
<td>Underhill BR7 on Pleasant Valley Road</td>
<td>BF 0233( )</td>
</tr>
</tbody>
</table>

**Candidate** - A project gets on the *Candidate* list after it has completed the planning process and has been accepted by VTrans. Candidate projects are not anticipated to have significant expenditures for preliminary engineering and/or right-of-way during the budget year, and funding for construction is not anticipated within a predictable time-frame. Candidate projects do not have specific funding levels identified.
Chittenden County Regional Planning Commission
February 19, 2020

Agenda Item 8: Review of 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 asked to review the attached RFP for Selection of Clean Water Service Providers (CWSP) and associated Responsiveness Summary.

Staff is partnering with Northwest RPC in leading a discussion on February 18th with all of the partners in the Northern Lake Champlain Direct Drainages (Basin 5). 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. We are also participating with Lamoille County Planning Commission, NRPC and partners in a meeting for the Lamoille Basin and plan on participating in a meeting with Central Vermont RPC and partners for the Winooski Basin.

The anticipated deadline for submission of a proposal is May 8, 2020, so we anticipate needing a tentative Board decision at the March meeting with a final decision at the April meeting.

Staff will evaluate the situation in each basin and provide a recommendation for the March meeting as to if, and how, we proposed CCRPC engage in this process.

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: Pending partner discussions.

Clean Water Advisory Committee (CWAC) Recommendation: None at this time.

Executive Committee Recommendation: None at this time.

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

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

**Release Date:** February 3, 2020  
**Proposals Due:** May 8, 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](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 support 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. Operation and maintenance funds will also be provided to CWSPs as a formula grant, based on projects implemented. CWSPs will neither be restricted from applying for other competitive grants, nor receive preference for receiving other competitive grants simply on the basis of being a CWSP.

Pursuant to Act 76, in 2023 the State will publish a schedule of additional impaired waters for which non-regulatory pollution reduction targets are to 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 Vermont Clean Water Board recommends funding allocations. Once selected, and beginning SFY2022, CWSPs will receive formula grants for clean water implementation work, to address phosphorus, and in future years, for other impairments subject to the above-mentioned schedule. 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” who 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, a draft of this RFP was made available for public comment. Key qualifications sought, as outlined in the selection criteria below, include experience in grants and contracting management, experience in facilitating multi-stakeholder decision-making, technical and project management capacity to oversee and ensure project delivery and maintenance, and strong experience with existing relevant partner networks.

The outcome of this RFP will be the selection of entities that will serve as a CWSP for one or more of seven planning basins in the State of Vermont: Lamoille, Memphremagog, Mississquoi, North Lake, Otter Creek, South Lake, and Winooski (see Appendix 1 for a map and list of the 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 BWQC(s) for each basin they propose to serve.

More information about Act 76, planning basins, non-regulatory projects, CWSPs and BWQCs, may be found here: https://dec.vermont.gov/water-investment/statues-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 overseeing 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 pursuant to the schedule required by November, 2023 for all other previously listed impaired waters. While the statutory deadline for developing basin-specific pollution reduction values for the Memphremagog basin is 2022, the Department will strive to complete this work in concert with the target-setting work for Lake Champlain basins (i.e., by November 2021).

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 CWSPs 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 oversee the identification, prioritization, development, construction, verification, inspection, operation and maintenance of 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, anticipated design 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, 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. Per §924(g)(1) of Act 76: “The purpose of a basin water quality council is to establish policy and make decisions for the clean water service provider regarding the most significant water quality impairments that exist in the basin and prioritize the project that will address those impairments based on the basin plan.” The membership of the BWQC should have sufficient technical ability and diversity to achieve this purpose, as required by law. 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. Note that the Agency’s Clean Water Initiative Program’s current funding policy can be found in their FY20 Funding Policy Document, which is updated annually, here: https://dec.vermont.gov/sites/dec/files/WID/CWIP/2019-08-15_FINAL_FY20_CWIPFundingPolicy.pdf. This document contains examples of currently eligible costs. It is expected that there will be ‘start-up’ funds for CWSPs assigned as a result of this RFP. Recognizing that formula grants will not be available until SFY22, the Agency is considering approaches for supporting start-up funds during the latter half of SFY21. 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 immediately awarded under this RFP. However, entities identified and subsequently assigned by rule as a CWSP will have access to available start-up funding from the Clean Water Fund to initiate operations and work with the Agency in the development of relevant aspects Act 76, after the rule is adopted. Funding availability is 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. It is anticipated that CWSPs selected under this RFP may be eligible to serve for a defined period of time that can be renewed subject to a review process (likely to be five years), or until circumstances require selection of a different CWSP. The actual period of service may align with the issuance of the interim or final tactical basin plan for the basin in question, so actual service term for the first CWSP term of operation will vary depending on where the tactical basin plan is currently in this process. Act 76, at §924(f), spells out the accountability of CWSPs to achieve pollutant reductions, including those options the Secretary may undertake for redress. 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 April 16, 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 May 8, 2020, at 4:00 pm EDST using the subject line “CWSP RFP Proposal.”

Bid opening: Proposals are anticipated to be opened May 11, at 9:00 am EDST.

Notification: Proposal preliminarily accepted by the State are anticipated to be notified no later than May 20, 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 oversee identification, prioritization, development, construction, verification, inspection, operation, and maintenance of clean water projects
   - A description of support systems – systems currently in use or proposed by the applicant to support their IT and financial systems, and, and a statement committing to use DEC-developed IT solutions for project tracking and reporting.
   - A description of current and proposed staffing and partnerships to meet CWSP obligations
   - 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, implementation of Vermont Open Meetings laws, and payroll. Documented policies may replace descriptions as appropriate.
   - Identify staff and organization experience with facilitation, consensus building, water quality projects, and project management.
   - Qualifications, experience, or other criteria qualifying the applicant to perform the scope of work described above in the particular basin(s) for which they are applying.
e) 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).
f) 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. Additional references/letters from other entities, such as from may also be submitted.
g) A statement identifying individuals who were involved in the preparation of the proposal as well as a single point of contact.
h) 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.
i) A detailed description of the organization’s experience with facilitation, consensus building, project management and project staff qualifications and experience. This can include resumes, reports, and descriptions of expertise.
j) A detailed description of the organization’s experience with water quality projects, including non-regulatory project implementation.
k) 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.

l) A completed Certification of Good Standing (Appendix 2, see attached).

m) 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:

- **30 points – Operations Plan/Vision**
  - Scope of work, per the requirements in this RFP
  - Support systems – IT/project tracking
  - Existing operating policies or plan for developing same
  - Existing or planned staffing, including their experience overseeing the identification, design and construction of water quality projects, project management, and meeting facilitation and consensus building.

- **20 points – Experience in/Plan for Project Management**
  - Experience in managing multiple projects with overlapping timelines
  - Approach for ensuring complete and on-time deliverables
  - Facilitating and organizing meetings
  - Strong financial management experience
  - Project accounting and reporting

- **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 – Technical Capacity**
  - Ability to ensure quality control over projects or subcontract/subgrant to do same
  - Ability to ensure development, implementation, operation and maintenance of impactful and cost-effective water quality projects or subcontract/subaward to do same.

- **20 points – Letters of Reference/Support**

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 Office of Professional Conduct (OPC) or Attorney General’s Office (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)
- Appendix 1 – Map of Vermont Watershed Planning Basins
- Appendix 2 - Act 154 Good Standing Certification
- Appendix 3 – Risk Assessment Questionnaire
Vermont Department of Environmental Conservation
Agency of Natural Resources
Responsiveness Summary to Stakeholder Comments Regarding:

Clean Water Service Provider selection RFP

As part of the Department of Environmental Conservation’s (Department, or DEC) activities to implement the Clean Water Service Delivery Act of 2019 (Act 76), a draft Request for Proposals aimed at soliciting proposals for Clean Water Service Providers (CWSPs) was publicly noticed as a Request for Comment. The comment period ran from January 3 to January 24, 2020. The Department received written comment from nine organizations, all of which are posted to the DEC’s Act 76 webpage, here: https://dec.vermont.gov/water-investment/statues-rules-policies/act-76.

This Responsiveness Summary addresses comments made by the Act 76 Advisory Group members and other stakeholders during the Act 76 Clean Water Service Provider RFP public comment period. Some of those comments addressed common themes and issues and are summarized below, which include the following points:

1. Comment: Consider reframing the RFP for only the Lake Champlain and Lake Memphremagog basins at this time.
   Response: The Department has elected to issue the RFP only for these basins at this time.

2. Comment: Expand available time to respond. 90 to 120 days has been proposed by certain commenters in lieu of 60 days.
   Response: The Department has elected to extend the initial envisioned timeframe to approximately 90 days. DEC is concerned that allowing 120 days would compromise our ability to meet statutory deadlines for rulemaking. Furthermore, pressures imposed upon non-Champlain/Memphremagog stakeholders are alleviated in light of the reduction in geographic scope.

3. Comment: Revise the RFP to eliminate any inference that CWSPs would be more competitive than other organizations for non-formula grants.
   Response: This has been addressed in the draft RFP.

4. Comment: Clarify roles and responsibilities of CWSP vs BWQC.
   Response: the RFP has been further clarified in this regard. In each instance, the Department has relied on our interpretation of statutory language or used the statutory language verbatim. A comprehensive Q+A indicating DEC’s interpretation of roles and responsibilities for CWSPs and BWQC is at the Act 76 webpage. Further clarification around roles and responsibilities will be developed in the guidance materials.

5. Comment: Clarification is needed regarding term(s) of service. Multiple commenters expressed concern with the long-term assignment of CWSPs without a periodic review
and solicitation of new prospective organizations. Related comments address the Departments role in ensuring satisfactory annual and full-term progress.

Response: The Department modified this section of the RFP language to provide more clarity on statutory requirements for determination of adequate progress and outcomes should progress be less than satisfactory.

6. Comment: Include a request for a statement of qualification relative to each basin a CWSP is considering servicing.
Response: This has been done in the RFP, but also note the item below pertaining to interim assignments.

7. Comment: Certain example organizations identified in the draft RFP as non-statutory partners are in fact statutory partners.
Response: Duly noted. The RFP has been modified.

8. Comment: Provide more clarity on usage and eligibility of the 15% administrative costs, including alignment with current Ecosystem Restoration Program eligibilities.
Response: Additional clarity has been provided.

9. Comment: 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."
Response: As newly introduced into the RFP, Act 76 §924(f) addresses the liability of CWSPs with respect to making adequate progress towards targets.

Questions posed by commenters that raise issues, concerns, or policy topics beyond the draft RFP:

1. Comment: Have the RFP recognize 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.
Response: Duly noted. The Department notes that the statement in the Funding and Method of Payment section on page 4 specifically outlines the sequence of RFP outcome, assignment by rule, then availability of funding. No entity will be assigned in the rule against their will.

2. Comment: The procurement section is written to mirror the SFA – Standard Grant Agreement incorporated as part of the RFP, that procurement will follow the awardee’s procurement policy. This may result in different procurement policies being followed in each basin. Is there an intent to provide statewide standards or guidelines for awardees?
Response: As part of the developing guidance, DEC is considering developing best practices for procurement. The SFA – Standard Grant Agreement is attached to the RFP as a matter of custom, to provide general notice for what is contained in this template. The actual formula grant document may differ from the one attached to the RFP.
3. Comment: Given that CWSPs are responsible for construction, verification, inspection and operation and maintenance for these projects, CCRPC recommends that the RFP (or future DEC rules or guidance) make clear that a CWSP shall have the ability to obtain certifications of completion or maintenance from appropriate designated third parties, such as a professional engineer, as needed.
Response: Duly noted. This is a very good topic for inclusion into the guidance to CWSPs.

4. Comment: Concern was articulated by certain commenters that 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, owing to that CWSPs lack of basin specific knowledge.
Response: Beyond the response to item 6, above, the Department does not view this as a major concern since by definition, it is the BWQC that is to bring the strongest local knowledge, and holds the authority to exercise decision-making over projects and priority impairments in accordance with the tactical basin plan.

5. Comment: Can you provide more details on payments for projects? Will advances on approved formula grants be provided? Can you provide more details on payments for operations and maintenance? Will advances be provided towards the planned grants?
Response: The Department will be considering these topics as part of the development of the guidance along with the Act 76 Advisory Committee.

6. Comment: 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?
Response: With respect to administrative costs, the present allowable uses are listed in the Clean Water Initiative Program granting policy. The Department does not intend to provide a “premium” for small projects. Similar to a consulting model, it is anticipated the implementor, whether the CWSP or another organization, will develop loaded rates for the delivery of a project that reflect the full cost of an hour of staff time (e.g., wages, benefits, overhead) in executing projects and that reasonable staff costs will be part of the overall project budget. This is an active topic of discussion among the Act 76 advisory group, and is addressed in the aforementioned “Q+A.”

7. Comment: The RFP should clearly state that all project funding decisions will go through the BWQC. If a CWSP is interested in developing and implementing projects, these CWSP-sponsored projects must go through the same review process as projects from other implementing entities. This clarification is consistent with the Act 76 BWQC language (…) and will ensure that all projects have the same level of review and screening. This clarification is critical for good governance and oversight and will help create a level playing field for all project implementers.
Response: The Department agrees that decision-making regarding funding of formula-grant supported projects implemented by the CWSP is subject to BWQC approval. Beyond this distinction, the Department considers this statement to be overly broad and three examples are provided. First, project-specific funding decisions may be made by implementors tasked to execute a project, and these decisions should not necessarily be made subject to BWQC approval. Also, independent competitive funding obtained by the CWSPs for independent water quality purposes by their host organization would not be on the table for BWQC approval. Lastly, good governance would suggest that the BWQC be made aware of independent funding applications filed by any BWQC member for water quality projects in their basin.

8. Comment: Provide clarity in the RFP on the manner in which funds will be provided for O+M.
Response: This will be part and parcel of the ultimate formula funding agreement provided to the CWSP.

9. Comment: Consider providing for advance payments for high-cost projects.
Response: This will be part and parcel of the ultimate formula funding agreement provided to the CWSP. The Department is open to developing approaches for forward funding to ensure that CWSPs are sufficiently resourced to oversee development of projects of any reasonable size.

10. Comment: Include in the RFP an indication of the rulemaking timeline.
Response: The timeline is posted in the Act 76 resources webpage which is pointed to in the RFP introduction.

11. Comment: With respect to scoring criteria, all RFP sections should carry equal weight in the review process. As currently written, a successful operations plan carries more weight than the two sections on experience combined. Weighing all sections equally will allow for more creative plans, while also valuing technical and program experience described in applications.
Response: The Department has considered this proposal and is electing to retain the scoring algorithm as is. The operations plan and vision are vitally important, and yet only accounts 35% of the total points.
The meeting was called to order at 5:45 p.m. by the Chair, Mike O’Brien.

John Zicconi stated he will not be in attendance for either the March Executive Committee Meeting or the Board Meeting.

1. **Changes to the Agenda, Members’ Items.** There were none.

2. **Approval of January 8th Joint Executive & Finance Committee Minutes.**

   **JOHN ZICCONI MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO APPROVE THE MINUTES WITH EDITS.** MOTION CARRIED UNANIMOUSLY. The following edits were requested:
   - PG 1 Line 25, PG 2 Line 4 misspelled Catherine.
   - PG 3 Line 35, 44 and PG 5 Line 17 capitalize Water
   - Make note that Agenda items 2 & 3, were Finance Committee items and Treasurer, John Zicconi chaired that portion of the meeting.

3. **ACT 250 & SEC 248 Applications.**
   a. **Colchester Avenue Housing, LLC, Burlington #4C1320.** The application is for a 71-unit residential apartment building with surface and underground parking on 3 adjoining lots. The project is located at 72, 80 and 94 Colchester Avenue, in Burlington Vermont. The CCRPC finds the project to be consistent with the Planning Areas, in compliance with Criterion 9(L), and in conformance with the Planning Areas of the 2018 Chittenden County Regional Plan. John requested that “Avenue” be added to the location description.

   **JOHN ZICCONI MADE A MOTION, SECONDED BY CHRIS ROY, TO APPROVE THE LETTER TO AARON BRONDYKE, STATE COORDINATOR.** MOTION CARRIED UNANIMOUSLY.

4. **Clean Water Service Provider.** Charlie said discussions have continued with peers (Northwest Regional Planning Commission, Lamoille County Planning Commission, Central Vermont Regional Planning Commission) about the best way to support each other in this endeavor. We are working with our neighboring RPCs to host introductory meetings for each watershed. The goal is to bring all of the partners in each watershed together. Currently, the biggest question is if any of the partners are interested in becoming a clean water service provider. The meeting for Basin 5 (Direct to Lake –
North) is scheduled for February 18. Staff will provide an update at the March meeting. Charlie explained he and Dan Albrecht will continue working on the advisory group to DEC as they develop rules and guidance. Charlie said he will provide more information and an update at the February 21, Board meeting. It is likely a decision will need to be made at the April Board Meeting. John Zicconi passed along praise to Dan Albrecht on a job well done with his CWSP, Water Quality presentation that was provided at the January 15, 2020 Board Meeting.

5. **Act 250 Proposed Comments** Charlie referred members to the two documents on Act 250, provided via e-mail and with the packet; the Draft Bill 19-0040 and CCRPC Comments on VNRC/Administration proposed Act 250. He asked members for input on the comments and if anything of importance had not yet been addressed. Member discussion of the documents and corresponding comments ensued. Members agreed there have been many changes in Vermont over past 50 years, since Act 250, and appreciate the consideration for increased protections, and how to move forward in a way that best protects varying interests of urban centers as well as rural town centers, countryside and villages. Charlie stated there is a balance of support and a few requests that the committee will take a second look at. This will go through the Judiciary, then House Commerce, and finally House General, all of this must happen before the House votes and it crosses over to the Senate.

6. **Safety Performance Targets for the Metropolitan Planning Area**

Eleni distributed a handout to the members that included charts of crash data that was used to develop the CY 2020 Statewide Safety Performance Targets for the different measures. She explained that the charts include both statewide and Chittenden County crash data and were developed to supplement the Statewide Safety Performance Targets Memo included with the Agenda Packet. Federal regulations have state DOTs set performance targets in various categories (safety, asset condition, system performance, etc.) and then give MPOs another 180 days to either accept the targets or develop their own. In 2018, the CCRPC Board voted to accept the statewide safety targets. VTRANS asked us to review the updated targets for 2020 and we added specific Chittenden County data. CCRPC staff recommendation is that the Executive Committee recommend the CCRPC Board accept the VTrans statewide safety targets as reported in the 2019 HSIP Report for the metropolitan planning area. Eleni stated CCRPC staff find no adverse consequence or reason to do anything else. This will need to be done at the February 19, 2020 Board Meeting. Members discussed whether to list the topic under the consent agenda or as a deliberative agenda item. It was decided it should be added as an agenda item with a short presentation. John Zicconi pointed out, considering our population base, we are relatively low in terms of overall state totals (fatalities), however, bicycle and pedestrian crashes are higher.

**CHRIS ROY MADE A MOTION, SECONDED BY CATHERINE MCMAINS TO RECOMMEND THE BOARD ACCEPT THE VTRANS STATEWIDE SAFETY TARGETS AS REPORTED IN THE 2019 HSIP REPORT FOR THE METROPOLITAN PLANNING AREA. MOTION CARRIED UNANIMOUSLY.**

7. **Chair/Executive Director Report.**

b. **Annual Meeting Location:** Charlie said Emma has asked members for location recommendations and provided a list of the previous 6 locations. Members discussed various options, including the Red Lantern in Charlotte, The Sunset Ballroom in South Burlington, All Souls, in Shelburne, and The Dudley Center at UVM in Burlington.

c. **Legislative Update:** Charlie noted that in addition to bills discussed previously there is continued work on the Housing Bill and he will speak more on this as it moves forward. There is also a Global Warming Solutions Act being discussed which has about 60 sponsors and several RPC
related items. There is also a Transportation & Climate Initiative bill and Eleni mentioned the public meeting being held Thursday, February 6 at 6:00 p.m. in Burlington at Contois Auditorium.

d. **UPWP Update:** There were a lot of applications received with requests totaling approximately $1.5 million. Staff has been refining the estimate of available funding and thinks it may be closer to $1.25 million. Conversations with individual applicants are ongoing. The next UPWP Committee Meeting will be held on Wednesday, February 19, at 3:30 p.m.

e. **Compensation Study Update:** Charlie noted that there will be individual conversations with staff about the Compensation Study recommendations to make sure he has heard from everyone before bringing recommendations for personnel policy changes to the Executive Committee in March.

8. **Review Agenda for February 19, CCRPC Board Meeting.** Members reviewed and adjusted the proposed Agenda. Changes included adding a presentation on The Safety Performance Targets for the Metropolitan Planning Area and it was decided only a brief update will be needed for Act 250 since the bill will likely have changed by then.

9. **Other Business:** There was no other business.

10. **Executive Session:** There was none needed.

11. **Adjournment:** JOHN ZICCONI MADE A MOTION, SECONDED CHRIS ROY, TO ADJOURN THE MEETING AT 6:51 P.M. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Amy Irvin Witham
February 6, 2020

Aaron Brondyke
State Coordinator
111 West Street
Essex Junction, VT 05452

RE: Colchester Avenue Housing, LLC; Burlington; #4C1320

Dear Mr. Brondyke:

The Chittenden County Regional Planning Commission’s Staff and Executive Committee have reviewed this Act 250 application for a Project described as the construction of a 71-unit residential apartment building with surface and underground parking on 3 adjoining lots. The project is located at 72, 80 and 94 Colchester, in Burlington, Vermont. The City of Burlington’s Development Review Board has approved the project. **We offer the following comments:**

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

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

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

Additionally, we find that this project complies with Criterion 9(L), as it is a residential project.

The Traffic Impact & Parking Assessment dated 4/11/2017 conducted by Trudell Consulting Engineers with assistance from RSG was reviewed. We concur with the overall findings of the study and do not have any concerns regarding the Project’s anticipated traffic impacts.

Due to the detailed level of development review in most Chittenden County municipalities and the environmental permit reviews at the Department of Environmental Conservation, CCRPC will give specific attention in its Act 250 reviews to the type of use and the Planning Areas section of the *2018 Chittenden County ECOS Plan*. While there are many other topics covered in the *2018 Chittenden County ECOS Plan*, there has been significant analysis at the Regional level regarding transportation impacts. The CCRPC will also focus its attention on transportation, where appropriate, in accordance with the Metropolitan Transportation Plan, which is within the *2018 Chittenden County ECOS Plan*. 
These comments are based on information currently available; we may have additional comments as the process continues. Please feel free to contact me should you have any questions.

Sincerely,

Charlie Baker
Executive Director

Cc: CCRPC Board
   Certificate of Service
Location

Von Turkovich
72, 80, & 94 Colchester Ave
Burlington, VT

Project Location Map

Sources: USGS 24k Topographic Maps; Project Area by TCE (2015); VT Significant Wetland by ANR (2010).

Disclaimer: The accuracy of information presented is determined by its sources. TCE is not responsible for any errors or omissions that may exist. Questions of on-the-ground location can be resolved by site inspections and/or surveys by a registered surveyor. This map is not a replacement for surveyed information or engineering studies.
DATE: Tuesday, February 4, 2020
TIME: 9:00 a.m.
PLACE: Conference Call

Christine Forde called the meeting to order at 9:04 AM.

1. Consent Agenda: Dennis Lutz made a motion to approve the consent agenda, seconded by Barbara Elliot. The motion passed unanimously.

2. Approval of Minutes
Christine asked for any changes, which there were none. Justin Rabidoux made a motion to approve the minutes of January 7, 2020, seconded by Dennis Lutz. The motion passed with abstentions from Barbara Elliott, Dean Pierce and Seth Bowden.

3. Public Comments
None.

4. Safety Performance Targets for the Metropolitan Planning Area:
Eleni Churchill, CCRPC staff, provided an overview of this item. This is the second time the CCRPC has been asked by VTrans to take action on established safety targets. The first time was for 2018 targets and this time for calendar year 2020 targets. The Federal Government has developed performance measures under a number of categories – safety was the first category that measures, and targets were developed for in 2017. In general, state departments of transportation (DOTs) had to develop targets for all relevant measures under each category (safety, asset management, performance, etc.) and metropolitan planning organizations (MPOs) had 180 days to either accept the state targets or develop their own. In 2018 the CCRPC Board voted to accept the VTrans statewide safety targets.

Eleni reviewed statewide and Chittenden County safety data.

Dennis Lutz commented that the data shows that fatalities have not been reduced over the past few years and questioned if there has been adequate statewide effort to reduce fatalities. Eleni noted that given the...
very small number of fatalities we have in the state and the randomness of locations it is difficult to
develop location specific improvements.

DEAN PIERCE MADE A MOTION FOR THE BOARD TO ACCEPT VTRANS STATEWIDE
TARGETS, SECONDED BY JUSTIN RABIDOUX. THE MOTION PASSED
UNANIMOUSLY.

5. **US7 Signal Upgrades, Shelburne-South Burlington Major TIP Amendment**

Christine Forde, CCRPC staff, provided an overview of a proposed major amendment to the FY20-23
Transportation Improvement Program (TIP) for traffic signal upgrades on US7 between Webster Road
and Swift Street. She noted that this project is in the FY20-23 TIP but the project had not completed
scoping and no funds were programmed. The project will be funded partially with a federal Accelerated
Innovation Deployment (AID) grant fund and partially with federal formula funds available within
CCPRC’s fiscal constraint limit.

Eleni noted that the infrastructure in the southern portion of the project area (Webster Road to IDX Drive)
will not be replaced but will be upgraded. The signals north of IDX drive are very old and will be
completely replaced.

Dean Pierce noted that there should be consideration of traffic conditions in Shelburne Village and the
signal at US7/Harbor Road. Eleni noted that CCRPC would look at that location and could potentially do
a technical assistance project.

JUSTIN RABIDOUX MADE A MOTION FOR THE BOARD TO WARN A PUBLIC HEARING ON
THE PROPOSED TIP AMENDMENT, SECONDED BY BARBARA ELLIOTT. THE MOTION
PASSED UNANIMOUSLY.

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

Eleni 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**

Christine provided a brief update of the January Board meeting. The Board held a public hearing and
voted to approve major TIP amendments for the Williston Park & Ride and Champlain Parkway projects,
they voted to approve the FY20 UPWP Mid-year Adjusted Program and Budget, they voted to approve
the Town of Jericho’s Determination of Energy Compliance, and they voted to approve CCRPC
comments on the Clean Water Service Provider RFP.

8. **Chairman’s/Members’ Items:**

Barbara Elliott noted that a lot of VMT was saved by having a phone meeting and would like to see this
happen more frequently in the future. Andrea agreed.

BARBARA ELLIOTT MADE A MOTION TO ADJOURN, SECOND BY DENNIS LUTZ,
APPROVED UNANIMOUSLY.

The meeting adjourned at 9:30 AM.

Respectfully submitted, Christine Forde
CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION

MS4 SUBCOMMITTEE
OF CLEAN WATER ADVISORY COMMITTEE – DRAFT MINUTES

DATE: Tuesday, January 7, 2020
SCHEDULED TIME: 12:15 p.m. to 1:30 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/

<table>
<thead>
<tr>
<th>Committee Members in Attendance</th>
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<tbody>
<tr>
<td>Burlington: James Sherrard</td>
<td>Burlington Airport: Polly Harris (Stantec)</td>
<td>Williston:</td>
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<td>Colchester: Karen Adams, Amanda Clayton</td>
<td>Milton: Dave Allerton</td>
<td>Winooski: Tim Grover; Ryan Lambert</td>
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<td>Essex: Annie Costandi, co-chair</td>
<td>Shelburne: Chris Robinson</td>
<td>VAOT:</td>
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<td>Essex Junction: Chelsea Mandigo, co-chair</td>
<td>South Burlington:</td>
<td>Univ. of VT: Lani Ravin</td>
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<td>DEC:</td>
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<td><strong>Other Attendees:</strong> Emily Schelley, DEC; Dave Barron, Pluck; Kristen Balschunat, WNRC; Dave Braun and Serena Matt, Stone Environmental</td>
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<td><strong>CCRPC Staff:</strong> Dan Albrecht, Eleni Churchill, Chris Dubin</td>
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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 12:15 p.m. No changes to the agenda nor public comments were made.

2. **Review and action on draft minutes of December 3, 2019**
   After a brief recap by Dan Albrecht, Karen Adams made a motion, seconded by Chris Robinson to approve the minutes as drafted with a correction made to note Amanda Clayton as a Colchester representative not one from UVM. MOTION PASSED with abstention by Harris.

3. **Pluck (Dave Barron) update on creative, web results to date, planned winter campaign**
   Dave recapped recent updates to the website and marketing materials. In short, the website navigation has changed from full navigation to a more “directed” mode so that users are taken straight to key content. Some of the text has been tightened up by using less “science” language but more layman’s terms. He’s also adapting the existing videos to create a set of shorter, 15-20 second videos focused on “facts & figures” which will work easier with social media. In March he’ll have some draft new creative to show to the Subcommittee. Additional next steps include finalizing a 30-second Pet Waste video; finalizing new rack cards focused on Lawn Care, Rain Gardens and Salting in the Winter; drafting a Lake Champlain Animals mini campaign and working on a new watershed graphic. In terms of the performance of the [www.rethinkrunoff.org](http://www.rethinkrunoff.org), overall performance improved in 2019 compared to 2018: total site sessions/visits went up from 7,8321 in 2018 to 10,111 in 2019; new users from 6,666 to 8,529 and page views from 12,071 to 15,679.

4. **Winooski NRCD (Kristen Balschunat): Stream Team update**
   Kristen summarized the result of the 2019 work plan, the proposed 2020 work plan and the first draft of the MCM#2 Annual Report. The latter report summarizes achievements/activities within the following categories: social media, RRST website, newsletter, organizational partnerships, outreach events, projects, water quality monitoring program, adopt-a-rain garden program and the volunteer appreciation event. Kristen noted that she recently submitted a proposal to the LaRosa Partnership Program for 2020 funding.

5. **Stone Environmental (Dave Braun and Serena Matt): update on flow monitoring stations**
   Dave stressed two points at the outset: first, after starting in 2016, the program has reached a point where the stations have minimal downtime and are fully functional and reliably reporting almost every single day and secondly, there are now three years’ worth of solid data for 2017, 2018 and 2019 but we are not at a point yet
to figure out what all the data means. Real-time data is available at: http://vt-ms4-flow.stone-env.com/FlowDev/index.html. Dave showed examples/photos of the instrumentation, station construction, controlled cross-section monitoring stations, open-channel monitoring stations and precipitation monitoring stations. Serena provided more details on field activities such as discharge measurements, annual survey of benchmarks and rain gauges, annual calibration of tipping bucket rain gauges and maintenance. The presentation concluded with an illustration of an example “Preliminary Flow Duration Curve” with “% of time that flow is equaled or exceeded” on the X-axis and “normalized daily mean flow” on the y-axis. It was noted that the Flow Restoration Plan aim to implement projects so that peak flows are lowered and low flows are raised so that a stable environment is created so that aquatic biota / indicator species populations can increase to sustainable levels. Emily Schelley from DEC noted that more analysis of the data from these stations will take place over the next two years.

6. Updates
   a. Delivery of REI Implementation Table data to municipalities
      Chris Dubin reported that all outfalls for MS4 communities have now been inspected with the exception of those that were inaccessible (e.g. down a steep slope) or those that show up in the DEC database but could not be found. He plans to finish QA/QC on these by January 10th and then transmit the data set for municipal review shortly thereafter and then hear back comments from same by January 24th. As a test case later this winter he will load the all the REI data from Colchester into DEC’s REI-reporting online portal.
   b. Clean Water Block Grants
      Dan reported that Southern Windsor County RPC (SWRPC) will be issuing another RFP in the next week or so which can include projects larger than $20k. Award notices for the prior “under $20k” round were sent out last week. CCRPC helped secure a grant for the City of Winooski for an outfall design. Dan noted that CCRPC can again serve as a grant administrator on behalf of a project (aka, the “program delivery” task) or towns can also apply directly to SWRPC. [Note: see grant info here: https://www.swcrpc.org/design-implementation-block-grant/]

7. Items for upcoming meetings
   Tuesday, February 4th
   a. Presentation by USGS on Clean Streets project
   b. Presentation by DEC on P-reduction-credit for NR projects
   c. Review and action on 1) draft Annual MCM #1 report, 2) draft Annual MCM #2 report and 3) draft RRST Water Quality Sampling report.
   d. Review and action on purchase of update RRST materials (rack cards, sticker, etc.)

8. Adjournment
   The meeting adjourned at 1:30 p.m.

Respectfully submitted, Dan Albrecht
CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION  
MS4 SUBCOMMITTEE  
OF CLEAN WATER ADVISORY COMMITTEE – DRAFT MINUTES

DATE: Tuesday, February 4, 2020  
SCHEDULED TIME: 12:15 p.m. to 1:30 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/

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<td>DEC: Christy Witters</td>
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<td>DEC: Emily Schelley, Karen Bates, Jim Pease, Staci Pomeroy; Watershed Consulting Associates: Andres Torrizo, Emily French; City of St. Albans: Chip Sawyer; Northwest RPC: Kate Longfield; Stone Environmental: Amy Macrelish</td>
<td>Dan Albrecht, Charlie Baker</td>
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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 12:18 p.m. No changes to the agenda nor public comments were made.

2. **Review and action on draft minutes of January 7, 2020**
   After a brief recap by Dan Albrecht, James Sherrard made a motion, seconded by Lani Ravin to approve the minutes as drafted. MOTION PASSED with abstentions by Harris, Dougherty and Witters.

3. **Review and Action on purchase of RRST materials (rack cards and stickers)**
   After a brief discussion and illustration of the two rack cards and the stickers, it was decided that Dan would send an email to the members to finalize an order.

4. **Confirm $6,000 per member dues for FY21**
   Dan noted that we had neglected to draft an FY21 budget and dues. He polled the members a few weeks ago and those that reported indicated they had planned on $6,000 annual dues for FY21. Tom DiPietro made a motion, seconded by Jennifer Callahan to set the dues for FY21 at $6,000 per member. Motion passed with Harris abstaining. Dan indicated he would begin to draft a working budget for FY21.

5. **Discussion of phosphorus reduction credits for natural resources (stream restoration) projects**
   Emily Schelley of DEC delivered a detailed powerpoint (see Cmttee webpage). Key points were:
   - The TMDI is comprised of both Wasteload Allocation (wastewater, stormwater, treated CSOs and agriculture farmsteads) and Load Allocation (Forest land, agricultural land and stream channel instability/erosion).
   - By reconnecting streams/rivers with floodplains this can increase deposition and adsorption of phosphorus by increasing floodplain storage.
   - Research in Chesapeake Bay watershed has helped to define P-removal rates for various types of individual stream restoration projects.
   - Required data to calculate these rates include: flow data, topo data, surface roughness estimate, land cover, export coefficients and floodplain efficiency.
   - Based upon a test using sites in the Lamoille drainage, the average cost of Total P-removal for a floodplain reconnection projects were $321/kg/year. This compares very favorably with stormwater
treatment projects which average $26k-$85k per kg/year and road erosion remediation projects which
average $14k-$67k per kg/year.

- Benefits also include improvement to habitat and flood resilience.

Staci Pomeroy of DEC added that she is part of a DEC “Functioning Floodplain Initiative” working group. She
is happy to help with identifying potential projects. The old River Corridor Plans and Fluvial Erosion Hazard
Assessments often recommended floodplain reconnection projects

Discussion by members centered on what the known benefit to MS4s would be a project was undertaken.
Albrecht pointed out that members are busy trying to implement projects identified in Flow Restoration Plans
and also complete their first Phosphorus Control Plans. Without knowing for sure exactly how much P-
reduction credits will be given, MS4s may be reluctant to invest the staff time and eventual funds into a stream
restoration project. It was noted that in Chittenden County one type of project would try to raise the streambed
of heavily incised streams. Remember, however, before undertaking any such project first take care of any
significant upstream flow inputs such as direct stormwater discharges from parking lots and roads. Christy
Witters indicated that DEC would continue to work to refine the analysis so that more specific numbers can be
generated to use as a credit. It was noted that these types of projects could potentially be supported via Water
Infrastructure Sponsorship Program (aka WISPr) grant. Discussion concluded with a consensus that interested
members and DEC should continue to work to explore the concept.

6. Updates
   a. Rethink Runoff presentation at 2020 NEIWPC Non-Point Source Conference

Chelsea Mandigo noted that NEIPCC had accepted a proposal from she and Annie Costandi for a presentation
about Rethink Runoff at this conference taking place in April in Woodstock.

   b. Final Baseload Calculation

Tom DiPietro urged DEC to finalize the numbers for each municipality for their applicable Phosphorus
Control Plan as soon as possible. Right now, he has having to put work by City’s consultants on hold as there
is no point in authorizing the work if the goalpost keeps moving.

7. Items for upcoming meetings
   Wednesday, March 4th
   a. Presentation by USGS on Clean Streets project
   c. Review and action on 1) draft Annual MCM #1 report, 2) draft Annual MCM #2 report and 3) draft
   RRST Water Quality Sampling report.

8. Adjournment The meeting adjourned at 1:12 p.m.

Respectfully submitted, Dan Albrecht
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**  By unanimous consent, the Committee agreed to move up the Update on the MRGP to go before discussion of the Clean Water Service RFP.

3. **Review and action on draft minutes of January 7, 2020**  After a brief recap by Dan Albrecht, Joss Besse made a motion, seconded by Chelsea Mandigo to approve the minutes as drafted. MOTION PASSED with abstentions by Witters, Morgante, Dougherty, Harris and Robinson.

4. **Municipal Roads General Permit implementation tracking and reporting assistance**  Chris Dubin briefed the Committee. With regards to assistance to MS4 municipalities that work is nearly complete. CCRPC staff as well as their consultants finished up inspecting as many outfalls as could be found. For the record, in DEC’s MRGP portal, any uninspected outfalls will be recorded as “Does Not Meet” standard. Once he receives feedback/proofreading of all the data that he has sent to the MS4 staff, he will then load the information into the DEC portal. In addition to filing the REI Implementation Table by April 1st, Christy Witters noted that MS4s simply need to note which non-compliant road segments and outfalls they plan to work on during the remainder of the MS4 permit term in 2023. (Editor’s Note: The current permit term ends July 27, 2023.)

   With regards to non MS4 communities, April 1st is also an operative deadline, but those towns only need to submit the simple Annual Report form (noting that yes, your inventory is done) essentially a duplicate of what was submitted last year. If you need to know the month/year your inventory was done just reach out to him. The annual MRGP fee payment is due by June 1st. The formal submission the REI results and Implementation Table is due by December 31, 2020. (Editor’s note: known formally as a “Road Stormwater Management Plan). Chris will continue to work with those towns in the coming months to provide them all the necessary data so those can be completed on time.

5. **Clean Water Service Provider (CWSP) RFP: review issued RFP and continued discussion on potential CCRPC application**  Dan Albrecht and Charlie Baker explained where things stand currently. The RFP has not been issued yet but should come out in the next few days. Charlie thanked everyone for working on the CCRPC comment
letter which the CCRPC Board subsequently approved. Based upon some communications from DEC, it looks hopeful that many of our comments as well as those from others were heard by DEC and will be incorporated. Dan noted that the CCRPC Board discussed a potential application in detail at its meeting last month and authorized CCRPC staff to continue to explore the option with one of the key rationales cited in support of so doing was that the water quality issue is only going to grow in importance, it will impact our municipalities and therefore we need to be involved. Charlie noted that this discussion of a potential application will continue at future Board and CWAC meetings.

Dan briefed the Committee on a planned February 18th meeting in Milton organized by CCRPC to have a discussion around CWSPs, Act 76 and Basin Water Quality Councils (BWQC) for Basin 5: Northern Lake Champlain Direct Drainages. Agenda items would include: 1) An overview of the DEC RFP for Selection of Clean Water Service Providers with a focus on the duties of a CWSP and BWQC. 2) A discussion of potential applicant(s) to the RFP for designation as the Basin 5 CWSP. Note: the CCRPC in partnership with Northwest RPC is considering applying. Is anyone else interested in applying 3) A discussion of whether your municipality/organization might be interested in serving on the BWQC and 4) A discussion of whether your municipality/organization would be interested in serving as a sub-grantee to help the CWSP implement, operate & maintain, or inspect water quality projects. Dan described the invitees which are comprised of potential members in a Basin 5 Water Quality Council several of whom could also act as subgrantees to the CWSP to implement, operate, maintain and/or inspect projects. Dan solicited additions to the invite list and the Hinesburg Land Trust, Richmond Land Trust, Intervale Center and Winooski Valley Parks District were suggested. Town conservation commissions were also suggested but Dan noted that it is best if municipalities work out on their own who should participate. In conclusion, Dan noted that many details on how CWSPs and BWQC would operate won’t be known for several more months. Funds will still need to be identified to fund participation of Council members and much work remains in terms of needed Project Development (aka, scoping, initial design, cost estimating, etc.) Even after CWSPs are appointed in November 2020, it will still be a year after that before funds start to flow for project implementation.

6. Updates
   a. Clean Water Block Grants - Dan Albrecht noted that a second RFP round issued by Southern Windsor County RPC (the administrator) for projects (proposals for either under $20 or over $20k were allowed) recently concluded. He submitted a proposal to assist Jericho with Final Design of Stormwater BMPs near Jericho Circle. Attendees indicated that proposals for construction of stormwater treatment projects for in Essex, Essex Junction and South Burlington were submitted.

7. Items for Wednesday, March 4th meeting agenda.
   a) Continued review/action on CW Service Providers RFP
   b) Possible discussion of initial “partner review draft” of Basin 5 Tactical Basin Plan
   Karen Bates indicated that that would have to be deferred until April.

8. Adjournment. The meeting adjourned at 12:05 p.m.

Respectfully submitted, Dan Albrecht
ad hoc Commission on Act 250 Minutes

Date: Tuesday, January 28, 2020
Time: 9:00am to 10:30am
Location: CCRPC Small Conference Room, 110 West Canal Street, Winooski
Attendees: Tony Micklus; Jim Donovan; Justin Dextradeur (via phone); Charles Baker; Regina Mahony

I. Meeting called to order at 9:05am. No changes to agenda or members’ items.

II. Review of Draft Comments on the Proposed Act 250 Bill:
   a. The Committee discussed timing of the proposal and likelihood of the bill moving forward. Chris Roy indicated that he hasn’t heard directly, but it is unclear if the House Natural Resources and Fish and Wildlife Committee will move forward with the VNRC/Administration bill or the bill they were working with last year. Chris Roy stated that the Enhanced Natural Resource Board part of the VNRC/Administration bill is facing more controversy than the proposed substantive changes to jurisdiction and criteria; and the latter might have a chance of being re-worked and passing if the former is removed or separated. The Committee decided to add this comment to the draft CCRPC comments.
   b. The Committee discussed bringing these comments to the Executive Committee, Planning Advisory Committee and Board in February to provide Charlie Baker with comments that he can bring to the Legislature. Although Charlie may need to testify before a comments can be finalized.
   c. The Committee discussed and edited the attached comment document.

III. Next Steps: The ad hoc Committee will meet again on Tuesday, February 18th at 8am.

IV. Adjourned at 10:25am
CCRPC Comments on VNRC/Administration proposed Act 250 Bill

DRAFT – 1/29/2020

Note: The comments herein include references to the “Discussion Document, Last Modified 1/14/2020, Version 1.1”

Here are a few broad thoughts for consideration before getting into specific provisions.

1. The substantive proposals in this draft bill have the potential of getting to a workable place much more so than the Enhanced Natural Resources Board concept and associated process. Therefore, CCRPC recommends that this Section be split from the rest of this proposal and be considered separately.

2. CCRPC believes that the state permit process should encourage development in appropriately planned places and discourage development in vulnerable and valued resource areas. Therefore, CCRPC strongly supports the concept that Act 250 should not have jurisdiction in areas planned for growth to encourage affordable housing and economic investment in our smart growth areas: walkable, transit-friendly, water and sewer-serviced areas. CCRPC appreciates the exemption for Designated Downtowns and Neighborhood Development Areas, but recommends further expansion of this exemption (see comment 7 below).

3. CCRPC supports the concept of relying on separate state permits to satisfy specific criteria as appropriate.

4. A general comment is to use existing definitions from other sections of statute wherever possible.

I. Act 250 Jurisdiction

5. Section A, pg. 6 – This section proposes to include construction of improvements for commercial, industrial or residential use on ridgelines of at least 1,500’ elevation and within 200 feet below the ridgeline.
   Comment: CCRPC generally agrees with expanding protection of ridgelines, however the purpose of this jurisdictional expansion should be expressly stated (i.e. scenic viewshed or wildlife habitat). Further, if the land area for a proposed development project does not functionally serve the stated purpose, there should be a process for proving so and Act 250 review and a permit should not be needed (such as wetland re-classification from Class III to Class II). Otherwise, this is a blunt tool that will result in avoidance of Act 250 review and associated unintended consequences. Lastly, it would be best to include a specific map of the area regulated (http://anrmaps.vermont.gov/websites/ridges/index.html) and a process for how that map will be updated.

6. Section B, pg. 6 to 7 – This section proposes to include new road/driveway construction of 2,000 feet in length as development subject to Act 250.
   Comment: CCRPC is supportive of the goal of preventing forest fragmentation but believes that this is too blunt of a tool. Similar to the comment above, CCRPC recommends a connection between the 2,000’ road distance and the intended purpose of this jurisdictional trigger (habitat
protection? Forest fragmentation?) and allowing an applicant to indicate if the stated purpose is being achieved with the proposed development.

7. Section C, pg. 7 to 21 – This section proposes to exclude development in designated Downtowns and Neighborhood Development Areas from Act 250 jurisdiction. The proposal also includes underlying changes to the mixed income housing definitions. 
   Comment: CCRPC agrees with and appreciates this approach. However, development in both Growth Centers and New Town Center designations should also be excluded. These are also state approved growth areas and there is no need for additional Act 250 review. Further, if the conditions from previous Act 250 permits are going to be a responsibility of the municipalities, it is critically important that the municipalities have the authority to re-evaluate a previous condition already addressed by a municipal regulation and municipal standards (as stated on pg. 17 line 17 – 18). Changes to the mixed income housing definitions including specification of unit types/bedrooms have been added which can be much more difficult to address and administer. It is unclear why these changes are being proposed.

8. Section D, pg. 21 – This section allows for a reduction in the project area for certain transportation projects for previously disturbed area. The idea is that these projects could then fall under the 10-acre jurisdictional trigger. 
   Comment: CCRPC agrees with and supports this adjustment.

9. Section E, pg. 23 to 24 – This section proposes to expand Act 250 jurisdiction to commercial and industrial developments within 2,000 feet of interstate interchanges.
   Comment: CCRPC feels that this is not necessary. Further, it is unclear if the Regional Planning Commission role in the exemption is a one-time exemption for the whole area or needs to be done on a case-by-case basis. If this is to be put in place, the process for exemption should be one-time for the whole area. We would also suggest that interchanges in a Census-defined urbanized area (Interstate 89 Exits 12 to 16) be excluded from jurisdiction since these areas are already developed and will only be infilling over time.

II. Changes to Act 250 Criteria

10. Section A & B, pg. 26 to 29 – These two sections propose changes to standardize regulation of river corridors in Act 250.
   Comment: CCRPC does not agree with this approach. The proposed language does not adequately address new and infill development in historic village areas that overlap with river corridor areas. CCRPC recommends that this issue be studied rather than changed this year, and/or ANR regulate these areas through a state permit program with appropriate infill in our already developed downtowns and villages (with the presumption provided in IV. Act 250 Permit Conditions and Permit Process, Section C, pg. 40 of this proposed bill).

11. Section E, pg. 30 to 32 – This section proposes to expand the Act 250 wildlife criteria to consider impacts to forest blocks and connecting habitat.
   Comment: CCRPC agrees with protection of these resources, however, there needs to be clarity on how these resources will be defined. The recommendation from CCRPC is to refer to the local and regional plan maps for how these resources are defined, rather than the current broad definitions in the proposed bill.
12. Section G, pg. 33 to 34 – This section proposes modification to better address climate change. 
Comment: CCRPC feels that there should be one consistent energy code applied throughout the state, not a higher standard in Act 250 (the stretch energy code is proposed). Further, the proposed climate adaptation amendment is broad and unspecific. It will require guidance on how to meet this standard.

13. Section H, pg. 34 – This section proposes that a municipal plan must be approved by the Regional Planning Commission for consideration under Act 250 criteria. 
Comment: CCRPC agrees with this approach.

IV. Act 250 Permit Conditions and Permit Process [should be III]

14. Section A, pg. 36 – This section proposes a 30-day pre-application notice requirement to the public and affected agencies for larger Act 250 cases. The proposed bill contemplates rulemaking to determine when a pre-application process would be needed. 
Comment: CCRPC agrees with this approach; however, there are some process heavy components that may not be appropriate in Act 250, such as formal scheduling (pg. 37, lines 3 to 5). Also, CCRPC recommends that projects should be vested at time of submittal of the pre-application materials.

15. Section C, pg. 40 – This section proposes to make all ANR permits, and municipal permits, have a presumption automatically. 
Comment: CCRPC agrees with and appreciates this approach, especially the addition of municipal permits being considered.

IV. Enhanced Natural Resources Board

16. Section A. Creation of an Enhanced Natural Resources Board, starts on pg. 44 - This proposal recommends a professional three-person board to review major Act 250 applications instead of the current District Commissions. The three-person board would be joined by two regional commissioners who would hear applications and help decide on findings of fact, but would not participate in drafting conclusions of law, and not vote or help decide the case. Appeals of the Act 250 permits would go directly to the Supreme Court, rather than the Environmental Board. 
Comments: CCRPC appreciates what this proposal is trying to do regarding consistency throughout the state. However, there are a number of challenges with this proposal, and overall CCRPC recommends that this section of the proposal be studied further and considered in a separate bill.

V. Reports and Miscellaneous Changes

17. Section A. Municipal and Regional Planning Review, pg. 71, line 15 to 17 – Overall this section requires ACCD to develop a report and recommendations with respect to the capabilities and development plan requirements under Act 250. 
Comment: CCRPC agrees that this issue should be further studied. However, this report will also include recommendations for “how regional plans are reviewed and approved...”

Comment: CCRPC agrees with this general concept and asks that this bill require consultation with VAPDA and VLCT on development of the recommendations and report.

18. Section A. Municipal and Regional Planning Review, pg. 71, line 18 to 19 - This report will also include “whether designations of growth centers and new town centers should be appealable.”
Comment: CCRPC feels that this is out of place, and not necessary for consideration of capability and development plan requirements. CCRPC recommends that this be removed from the proposed bill or if it remains that VAPDA and VLCT be consulted in the preparation of the report.