Agenda

Executive & Finance Committee

Wednesday, December 2, 2020 – 5:45 p.m.

Remote Access Meeting Only



Please join the meeting by clicking the link: https://us02web.zoom.us/j/5886949646

One tap mobile: +16468769923,,5886949646#

Dial: +1 646 876 9923 Meeting ID: 588 694 9646

When participating remotely, please wait until you are recognized by the Chair before you speak. For each agenda item, the Chair will make sure to ask if anyone participating remotely would like to speak.

- a. Use the "chat" feature or raise your hand if on video, or ask the Chair to request to speak.
- b. To ensure everyone is heard, only one person should speak at a time.
- c. When recognized by the Chair, introduce yourself each time.
- d. Speak up so everyone in person and on the phone can hear clearly.
- e. When participating remotely, take steps to avoid background noise, and make sure your microphone/phone is muted when you are not speaking.
- 1. Call to Order, Attendance
- 2. Changes to the Agenda, Members' Items (Action)
- 3. Approval of November 4, 2020 Joint Finance & Executive Committee Minutes* (Action)
- 4. Act 250 & Section 248 Applications (Action)
 - a. Bolton Solar, LLC, Bolton, Preferred Site Letter*
- 5. Amend Section 125 Plan with Dependent Care Account* (Action)
- 6. Racial Equity Consultant selection* (Action)
- 7. Legislative Breakfast Topics (Discussion)
- 8. Chair/Executive Director Report (Discussion)
 - a. UPWP Mid-year Adjustment
 - b. ?
- 9. Other Business (Discussion)
- 10. Executive Session (if needed) (Action)
- 11. Adjournment (Action)

*Attachments

NEXT MEETING – Executive Committee – Wed. January 6, 2021; 5:45 p.m.

1 CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION 2 JOINT EXECUTIVE COMMITTEE MEETING MINUTES 3 DRAFT 4 5 DATE: Wednesday November 4, 2020 6 TIME: 5:45 PM

7 Remote Attendance via ZOOM Meeting 8 PRESENT: Mike O'Brien, Chair Catherine McMains, Vice Chair John Zicconi, Treasurer Bard Hill, At Large <5000

9 10 Andy Montroll, Immediate Past Chair Chris Shaw, At Large >5000

11 Jeff Carr, Finance

PLACE:

12 STAFF: Charlie Baker, Executive Director Regina Mahony, Planning Mgr. 13 Eleni Churchill, Transportation Program Mgr. Forest Cohen, Senior Business Mgr. 14

Bryan Davis, Senior Planner (6:10 PM) Amy Irvin Witham, Business Office Mgr.

Emma Vaughn, Communications Mgr. (6:08 PM)

16 OTHERS: Fred Duplessis, CPA, Sullivan Powers & Co.

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1. <u>Call to Order, Attendance</u>. The meeting was called to order at 5:46 PM by Mike O'Brien.

2. Changes to the Agenda, Members' Items. There were none.

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3. Approval of October 7, 2020 Executive Committee Meeting Minutes

JOHN ZICCONI MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO APPROVE THE OCTOBER 7, 2020 EXECUTIVE COMMITTEE MEETING MINUTES WITH EDITS. MOTION CARRIED UNANIMOUSLY.

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The following edits were requested:

Update the "B" in the word "Bill" from lowercase to uppercase to maintain consistent capitalization.

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4. FY20 Draft Audit Report:

Mike introduced Fred Duplessis, CPA with Sullivan, Powers & Co., Certified Public Accountants. Fred stated his team recently completed the audit of the FY20 CCRPC financial statements. He went on to provide an overview of the Draft Independent Audit Report included with the packet. Fred explained the draft is a multi-part document and the audit is conducted following generally accepted accounting principles in accordance with auditing standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Fred reviewed the sections in order of the report with members. He also reminded members CCRPC is a member of Vermont Municipal Employees' Retirement System (VMERS). VMERS offers a pension plan and generally accepted accounting principles (rules) dictate that the CCRPC's portion of the pension plan liability be listed on the balance sheet. Fred stated, as he has pointed out in the past, this can result in a large expense on our financial statements that management has no control over. This year, page 11 of the Draft Independent Audit Report breaks out the net position related to the CCRPC's participation in VMERS. Fred explained the audit was very good overall and there were no findings of control weaknesses. He feels the CCRPC has done a great job of having systems in place to meet federal requirements and manage federal funds. The CCRPC continues to qualify as a Low Risk Auditee, since it has maintained at least two years in a row of favorable audits. This is an important designation to federal funders. Charlie, Forest, and Mike

thanked Fred for his overview of this year's audit. CHRIS SHAW MADE A MOTION, SECONDED BY ANDY MONTROLL TO RECOMMEND BOARD ACCEPTANCE OF THE DRAFT AUDIT REPORT. MOTION CARRIED UNANIMOUSLY.

Mike O'Brien turned the meeting over to John Zicconi for the Finance Committee items.

5. Quarterly Journal Entries; July to September 2020

Forest referred members to the Journal Entries dated July 2020 through September 2020 included with the packet. JEFF CARR MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO APPROVE THE QUARTERLY JOURNAL ENTRIES DATED JULY 2020 THROUGH SEPTEMBER 2020. MOTION CARRIED UNANIMOUSLY.

Jeff Carr requested minor formatting changes to the Quarterly Journal Entry document. Forest said he will work to accommodate the request. Members followed with discussion and questions. Forest described several of the Quarterly Journal Entry headings to members; the "Name" heading details the task number associated with tasks on the FY21-UPWP and the "Memo" heading provides the most description. Forest also explained the tax advantage employees have with a payroll deduction into a Dependent Care Account.

a. First Quarter Financial Review – FY21 (July to September 2020)

Forest referred members to the memo included with the packet and provided a financial review covering FY21 from July 1, 2020 to September 30, 2020.

<u>Balance Sheet.</u> Cash in checking (operating), \$310,647. Cash in Money Market (reserve), \$172,971. Current assets over liabilities, \$796,828. Deferred Income Communities, Match, \$205,833. FY21 Year to date surplus/deficit (unaudited), \$26,103.

Forest explained we are off to a relatively strong start at this point in the fiscal year. There appears to be more project billing from staff in the first quarter than is typical. He and Charlie will discuss if there is a need to adjust the indirect rate down to avoid a surplus at the end of FY21. Overall, we are in a healthy financial place. Jeff Carr asked about the financials and if the new bank accounts were working out. Forest said moving the bank accounts to the Opportunities Credit Union was working out fine and the accounts are generating a bit more in interest. Jeff asked if it was helpful to look at the cash statements. Charlie and Forest both agreed that it has been helpful. Catherine asked if the Communications and PR budget was higher as a result of COVID since we are holding virtual meetings; Forest explained, at this point in the fiscal year, the Communications and PR budget is inflated due to an annual payment to Front Porch Forum that occurs in July. He explained expenses are less than the budget year, with some of the expense lines associated with pre-COVID times barely moving the needle, for example, Conferences, Program Workshops and Mileage.

John Zicconi concluded the financial portion of the meeting and turned the meeting back over to Mike O'Brien.

6. Act 250 & Section 248 Applications.

a. <u>DG Vermont Solar, Inc., Charlotte, 20-2723-AN</u>
 Regina noted that this comment letter is in response to the 45-day notice of a Section 248
 Petition to be filed with the Vermont Public Utility Commission for a 2.2 MW solar project on
 Lake Road in Charlotte, Vermont. The CCRPC identified several constraints on this property that

would be impacted by the access road and solar arrays. The CCRPC is asking for further information before determining whether this project, as proposed, is in conformance with the Regional Plan. Comments are based on information currently available; CCRPC will review the full petition before making a final decision regarding the project's conformance with the ECOS Plan and both the suitability and constraint policies. Regina reminded members this serves as a notice to inform the applicant of any issues so they can figure out what needs to be done to move forward. Members discussed. Regina explained we play the in between role of letting the applicant know what constraints might be an issue; it is still up to the regulatory agencies to determine the specifics of whether the constraints are properly protected or mitigated. John said he thinks it is great that the CCRPC reviews, highlights and details these issues. ANDY MONTROLL MADE A MOTION, SECONDED BY JOHN ZICCONI, TO APPROVE THE LETTER AS PRESENTED TO DG VERMONT SOLAR, LLC. MOTION CARRIED UNANIMOUSLY.

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7. Chair/Executive Director Report

Charlie said he wanted to discuss the racial equity consultant Request for Qualifications (RFQ) document members received prior to the meeting. He explained, after multiple conversations with staff, and considering the racial equity work we want to accomplish over the coming years, we decided we need to bring in a consulting partner. The RFQ was issued on October 30, 2020 with a requested response date of November 16, 2020. Charlie would like the Executive Committee to be involved in the decision making on who we choose for a consulting partner. John felt two weeks was a very short turnaround time. He suggested if we are not satisfied with the quality or number of applicants, we should extend the date or re-advertise. John also mentioned \$50K seemed like a high amount of money to budget for this service. Catherine asked if the information and suggestions could be shared to help implement changes across the municipalities. Members agreed. Charlie said, yes, the intention is to share information and support municipalities efforts on this as well. This type of work as well as assistance with project, plan, policy, and procedure work, explains why the potential budget is so high. Andy said this will be an ongoing process and there is a role for both the Board as well as staff. He is supportive of having the Executive Committee involved in the decision-making process. Members agreed. Charlie stated most of the consultants have already asked for Board and Executive Committee involvement. Emma said this will have a long-lasting impact and there will be training incorporated for current and future Board representatives.

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Legislative Breakfast Topics. Charlie said there are currently very few policy issues on the table. He thinks there will be an Act 250 redux and the Chittenden County Public Safety Authority for regional dispatch will look to the State for financial assistance for start-up. It will take an infusion of up-front capital to set up a regional dispatch center that combines the municipalities. John questioned whether we should discuss the VTrans prioritization as it may be too much in the weeds. Charlie noted that most of the issues identified in the policy participation document were addressed last session. Broadband implementation is one issue that may come up again. Members discussed one result of COVID-19 being a greater need for broadband availability throughout the state. The CCRPC has been working with towns to determine where public wi-fi is available. Charlie also noted that he has asked Frank Cioffi, the President of the Greater Burlington Industrial Corporation (GBIC), whether he has any suggestions for issues to address with the Legislature. Charlie asked members if there are any other topics they would like to see presented. Mike asked if there are any municipal type topics that towns want to address. Charlie said we could look to set up smaller break out meetings within the meeting platform. John advised, if we are going to hold the Legislative

Breakfast meeting there must be worthwhile conversations, so we do not waste anyone's time. Charlie agreed and said we may change the format a bit and hold an open forum where we invite Legislators, particularly new members, to attend and ask questions. Member discussion ensued. Chris Shaw said he would like more information on Act 250 and Broadband coverage. He also agrees with John, because everything is held virtually it is important to keep meetings at a minimum and schedule only when necessary. Charlie said he will think more on this and bring two or three options to the board for further discussion.

b. <u>Alternative platform for the Board Meeting.</u> Charlie reminded members that our last Board meeting included several prank calls, and we need to have better ability to manage the security of our meetings. He asked if members were okay if we try ZOOM or Teams as alternative platforms to the GoToMeeting platform we have been using for the Board Meetings. Members concurred.

8. <u>Draft CCRPC Board Meeting Agenda</u>

Charlie reviewed the November Board Meeting agenda with members. He said a conversation on the details of the Legislative Breakfast needs to take place. Charlie asked if members have any desire to return to in-person or hybrid meetings. Bard noted the State had set a tentative return to the office of April 1, but that is likely to move to July 1. Charlie expects that we will follow a similar schedule.

9. Other Business: There was none.

10. Executive Session: None needed.

11. <u>Adjournment</u>: JOHN ZICCONI MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO ADJOURN THE JOINT FINANCE AND EXECUTIVE COMMITTEE MEETING AT 7:05 PM. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted, Amy Irvin Witham

110 West Canal Street, Suite 202 Winooski, VT 05404-2109 802-846-4490

December 5, 2020

David Mullet All Earth Renewables 94 Harvest Lane Williston, VT 05495

Re: Bolton Solar, LLC - Preferred Site Letter

Dear Mr. Mullet,

The Chittenden County Regional Planning Commission ("CCRPC") is in receipt of a draft site plan submitted by All Earth Renewables for the construction of a 150 kW solar array to be located on Roosevelt Highway (US 2) in Bolton, VT. The subject parcel is owned by the Eastcote Holdings (C/O Charles Deslauriers). Bolton Solar, LLC has requested a letter from the Town and CCRPC to designate this site as a "preferred site," as described in PUC Rule 5.100. CCRPC has reviewed this project's conformance with CCRPC's 2018 Chittenden County ECOS Plan, which gained a Determination of Energy Compliance from the Vermont Department of Public Service on August 9, 2018.

ECOS Energy Goal

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

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

The Plan's suitability policies help determine whether projects are cost effective, and the Plan's constraint policies help determine whether projects respect the natural environment:

Suitability Policies

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

- 1. <u>Locate energy generation proximate to existing distribution and transmission infrastructure</u>: The proposed facility is located adjacent to existing distribution infrastructure.
- 2. <u>Locate ground-mounted solar larger than 15 kW...outside of state designated village centers</u>: The project is not located within a designated village center.

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

Constraints Policies

The 2018 ECOS Plan states that development should be located to avoid state and local known constraints that have been field verified, and to minimize impacts to state and local possible constraints that have been field verified (Strategy 3, Action 1.f and Strategy 4, Action 1.f and Action 2.e). Our review indicates that two State possible constraints may be impacted by the project:

- Flood Hazard Area The proposed project appears to be located outside the Flood Hazard Area, but CCRPC requests that the applicant confirm this with the 45-day notice of application.
- Agricultural Soils The proposed project appears to be located on prime agricultural soils and statewide important agricultural soils. CCRPC requests that impacts to these soils be minimized in accordance with the recommendations of the Vermont Agency of Agriculture

Further, one local possible constraint may be impacted by the project:

• Flood Hazard Area II - The proposed project appears to be located outside the Flood Hazard Area II, but CCRPC requests that the applicant confirm this with the 45-day notice of application.

In addition, the subject property does contain several other known and possible constraints identified in the 2018 ECOS Plan, but the draft site plan indicates that these constraints will be avoided. These constraints include a deer wintering area, slopes greater than 25%, and Vermont Conservation Design Highest Priority Forest Blocks.

The project meets the suitability policies and the constraints policies. Therefore, CCRPC identifies the proposed project site as a "preferred site" for net-metering.

These comments are based on information currently available; we may have additional comments as the process continues. We understand that the project may change between now and the submittal of the advance notice and the final petition. CCRPC will review the project location again with each new submittal to confirm our initial findings.

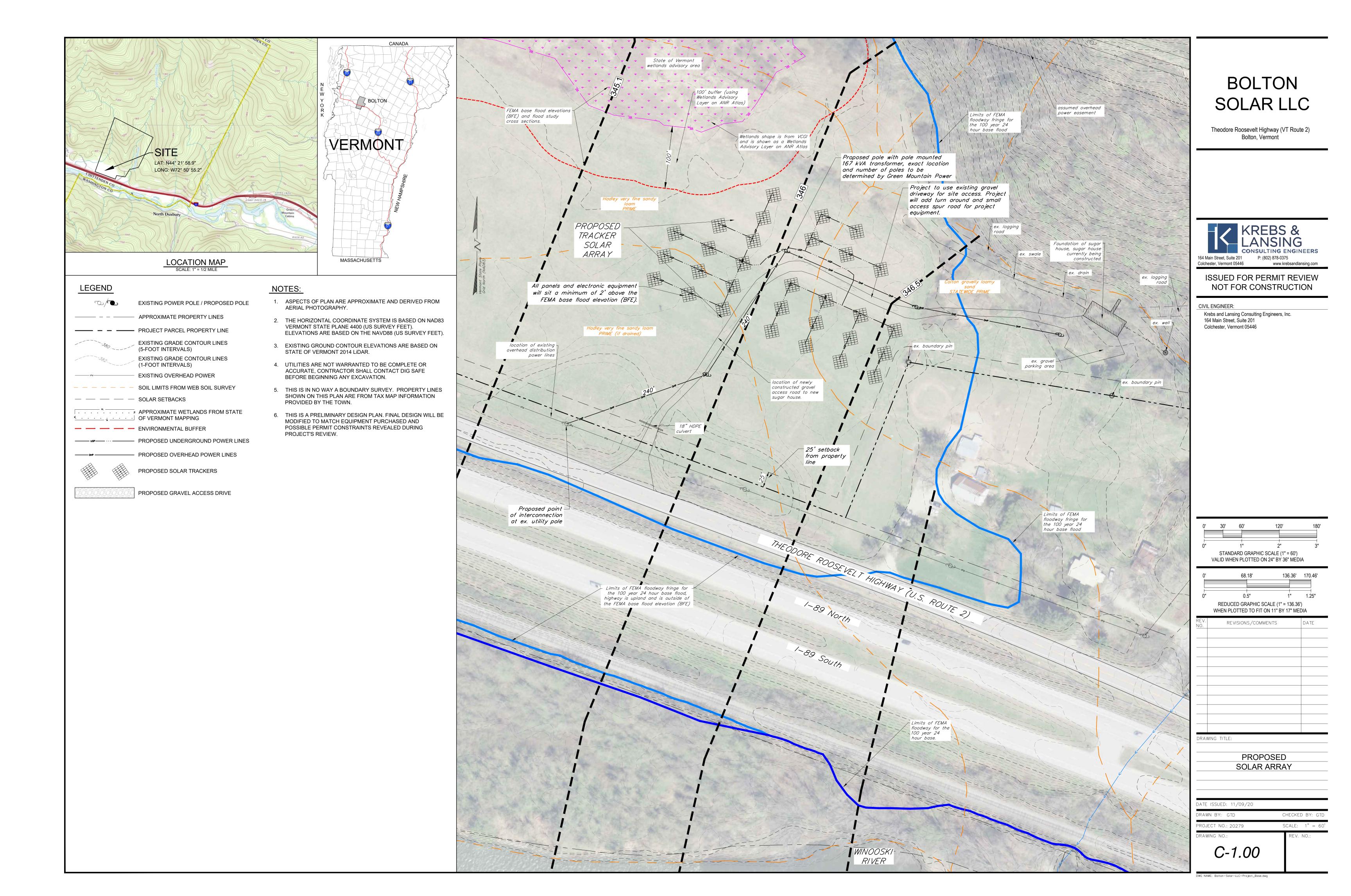
Please feel free to contact me with any questions.

Sincerely,

Charlie Baker Executive Director

CC: CCRPC Board

Jon Ignatowski, Planning and Zoning Administrator





CCRPC Executive Committee December 2, 2020

Agenda Item 5: Adding Dependent Care Account to CCRPC's Cafeteria Plan

Resolution to Amend CCRPC Section 125 Plan

Background:

The CCRPC maintains a Section 125 Plan, often referred to as a Cafeteria Plan, which allows CCRPC to offer tax advantaged benefits. This is the mechanism which allows employee payments for health insurance premiums to reduce their income for income tax purposes, for example.

The term "Section 125" refers to that section of IRS tax code. These plans are often referred to as a Cafeteria Plan partly because it is more descriptive, and also because it refers to the variety of benefits an organization may offer on a tax advantaged basis. One of those benefits could be a Dependent Care Account, or DCA. These are a type of tax advantaged account employees can use to pay for childcare. The Executive Committee approved adding a DCA to our suite of benefits a couple of years ago.

This agenda item is an administrative exercise to add the appropriate language, formalizing the addition, to our Cafeteria Plan, as it appears it wasn't done at the time. The amendment to our plan requires action by the governing body and a resolution that the officers execute. As such, the amendment requires action by the Executive Committee, and staff asks that the Chair, Vice-Chair, and Secretary/Treasurer please sign the resolution should the committee see fit to approve it.

Staff

Recommendation:

Staff recommends that the Executive Committee approve and execute the resolution amending CCRPC's Section 125 Plan to retroactively add a Dependent Care Account to our plan.

Staff Contacts:

Charlie Baker, cbaker@ccrpcvt.org or 861-0115

Forest Cohen, fcohen@ccrpcvt.org or 861-0112

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION FORMAL RECORD OF ACTION

The following is a formal record of action taken by the governing body of Chittenden County Regional Planning Commission (the "Company").

With respect to the amendment of the Chittenden County Regional Planning Commission Cafeteria Plan (the "Plan"), the following resolutions are hereby adopted:

RESOLVED: That the Plan be amended in the form attached hereto, which amendment is hereby adopted and approved;

RESOLVED FURTHER: That the appropriate officers of the Company be, and they hereby are, authorized and directed to execute said amendment on behalf of the Company;

RESOLVED FURTHER: That the officers of the Company be, and they hereby are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports documents or other information as may be required under applicable law.

Dated this	_ day of	 , 2020.	

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION CAFETERIA PLAN

SUMMARY OF MATERIAL MODIFICATIONS

The purpose of this Summary of Material Modifications is to inform you of a change that has been made to the Chittenden County Regional Planning Commission Cafeteria Plan. This change has affected the information previously provided to you in the Plan's Summary Plan Description. The Summary Plan Description is modified as described below.

- 1. A Dependent Care Assistance Plan Account was added to the Cafeteria Plan, effective 10/1/2018.
- 2. DCA account does allow employees to use the remaining balances for services incurred after termination date.

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION CAFETERIA PLAN

AMENDMENT

WHEREAS, Chittenden County Regional Planning Commission (the "Company") maintains the Chittenden County Regional Planning Commission Cafeteria Plan (the "Plan") for the benefit of certain of its employees; and

WHEREAS, Pursuant to Section 8.01 of the Plan, the Company desires to amend the Plan;

NOW, THEREFORE, the Plan is hereby amended as follows, effective as provided therein:

- 1. The response to Item A.5e. of the Adoption Agreement is changed from **No** to **Yes** effective 10/1/2018.
- 2. The response to Item I.7. of the Adoption Agreement is changed from <u>Blank</u> to <u>DCA account allows employees to use remaining balances for services incurred after termination date effective 10/1/2018.</u>

PLAN YEAR END: 12/31	
IN WITNESS WHEREOF, the Cor	mpany has caused this Amendment to be executed this day of, 2020.
CF	HITTENDEN COUNTY REGIONAL PLANNING COMMISSION:
Sig	gnature:
Pri	int Name:
Tit	tle/Position:



Chittenden County Regional Planning Commission December 2, 2020

Agenda Item 6: Action Item

Racial Equity Consultant Selection

Issues:

The CCRPC stands strongly against racism and made a focused commitment to equity, diversity, and inclusion, as stated in our <u>June 2020 newsletter</u>. To help us achieve our stated goals, the CCRPC is seeking the services of a consultant partner with experience in the racial equity field to assist with the implementation of short- and long-term goals within our organization. After discovery calls with a few organizations, we determined that a Request for Qualifications (RFQ) would allow us to better outline our intentions, describe the evaluation process, and understand the specific skills and expertise of those engaged in and leading this essential work in our communities.

The RFQ was released October 30 with an original due date of November 16 but was extended to November 23 based on several requests due to current workload demands of racial equity consultants. Eleven responses were received and were a mix of Vermont-based and out-of-state firms:

PGN Consulting (OH) Adaptive X (MD)

Project 986 (MD) Racial Equity Group (TX)

Zilo International (CO) US2 Inc (MI)
Abundant Sun (VT) Think Again (MA)

Creative Discourse (VT) VT Partnership for Fairness & Diversity (VT)

Racial Equity Alliance (VT)

The responses were reviewed by Charlie, Eleni, Regina, Emma, Forest and Bryan, with a discussion of the merits of each. Given the intent to create long-term relationships in this work, the review team agreed Vermont-based firms were more appropriate partners and were discussed in more detail. While the quality of the responses differed, previous conversations between CCRPC staff and some firms provided additional background and details.

Executive
Committee/Staff
Recommendation:

Staff recommends a full discussion with the Executive Committee in which staff will share their thoughts and the Executive Committee can decide on the selection of the racial equity consultant or next steps.

For more information contact:

Emma Vaughn, 846-4490 ext. *21 or evaughn@ccrpcvt.org

Bryan Davis, 861-0129 or bdavis@ccrpcvt.org