

# Agenda

## Joint Executive and Finance Committee

Wednesday, June 1, 2022 –

**Finance Committee at 5:30**

**Executive Committee at 5:45 p.m.**



**CHITTENDEN COUNTY RPC**  
*Communities Planning Together*

### Remote Meeting Only

Join Zoom Meeting: <https://us02web.zoom.us/j/89644875515>

One tap mobile: +16468769923,,89644875515#

Dial in: +1 646 876 9923 Meeting ID: 896 4487 5515

1. **5:30** - Finance Committee Call to Order, Attendance, Changes to the Agenda (Finance Comm. Action)
2. FY22 Auditor Selection\* (Finance Comm. Action)
3. FY22 3<sup>rd</sup> Quarter Journal entries\* (Finance Comm. Action)
4. **5:45** - Executive Committee Call to Order, Attendance (Action)
5. Changes to the Agenda, Members' Items (Action)
6. FY22 3<sup>rd</sup> Quarter financial reports\* (Finance & Executive Comm. Discussion)
7. May 4, 2022 Joint Executive & Finance Committee Minutes\* (Finance & Executive Comm. Action)
8. Act 250 & Section 248 Applications
  - a. 0 Mercier Drive – Preferred Site Request; Colchester; #22-0458-AN\* (Action)
  - b. 413 Hibbard Road – Preferred Site Request and 45-day Notice; Milton; #22-1834-AN\* (Action)
  - c. 321 Bear Trap Road – Preferred Site Request and 45-day Notice: Milton; #22-1674-AN\* (Action)
9. Equity Work Update, including trainings with The Creative Discourse Group (Discussion)
10. CWSP edits to Admin and Operating Policy & Procedures revisions\* (Action)
11. Draft June 15<sup>th</sup> Annual Meeting agenda\* (Discussion)
12. Chair/Executive Director Report (Discussion)
  - a. Legislative Update
  - b. General updates
13. Other Business (Discussion)
14. Executive Session (*personnel matters*)- additional material to be sent separately (Action)
15. Adjournment (Action)

\*Attachments

NEXT MEETING – Executive Committee – **Wednesday, July 6, 2022, 5:45 p.m.**

*In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, the CCRPC will ensure public meeting sites are accessible to all people. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Emma Vaughn, CCRPC Title VI Coordinator, at 802-846-4490 ext. 121 or [evaughn@ccrpcvt.org](mailto:evaughn@ccrpcvt.org), no later than 3 business days prior to the meeting for which services are requested.*

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION  
JOINT FINANCE AND EXECUTIVE COMMITTEE MEETING MINUTES  
DRAFT

DATE: Wednesday, May 4, 2022

TIME: 5:45 PM

PLACE: Remote Attendance via ZOOM Meeting

PRESENT:	Catherine McMains, Chair	Mike O'Brien, Immediate Past Chair
	Jacki Murphy, at large >5000	Jeff Carr, Finance
	Bard Hill, at large <5000	Chris Shaw, Vice-Chair (5:57 PM arrival)
	John Zicconi, Treasurer (7:13 PM departure)	

STAFF:	Charlie Baker, Executive Director	Regina Mahony, Planning Prog. Mgr.
	Eleni Churchill, Transp. Prog. Mgr.	Forest Cohen, Senior Business Mgr.
	Amy Irvin Witham, Business Office Mgr.	Bryan Davis, Senior Planner.

1. Call to Order, Attendance. The meeting was called to order at 5:46 by the Chair, Catherine McMains.
2. Changes to the Agenda, Members' Items. Charlie said he plans to discuss details of the annual meeting under the Executive Director's report.
3. Approval of the March 2, 2022, Executive Committee Meeting Minutes  
MIKE O'BRIEN MADE A MOTION, SECONDED BY JACKI MURPHY, TO APPROVE THE April 6, 2022, JOINT FINANCE AND EXECUTIVE COMMITTEE MINUTES WITH EDIT(S). MOTION CARRIED WITH ONE ABSTENSION BY JOHN ZICCONI.
  - Page 4, Line 4: Jacki Murphy said was in attendance, however, her name was not listed under the first of the two Executive Sessions.
4. Act 250 & Section 248 Applications. There were none.
5. FY2023 1<sup>st</sup> Draft UPWP and Budget Review  
Charlie referred members to the Draft FY23 UPWP and Budget documents included with the packet. He said there were minimal edits since the overview at the April meeting. Charlie explained with each iteration of the work program and budget there is work on the indirect rate. The draft budget on March 31, 2022, was at negative \$55K and as of April 28, 2022, the draft budget is at negative \$38K. The most significant change between the two versions was with the Indirect Rate. The proposed rate is now 76.5% versus 76% that appeared in the last iteration. Forest stated the other dynamic is that the carry forward dollars decreased and reduced the amount of match dollars needed. This result moves us in a positive direction. Charlie said he and Regina also discussed adding a non-transportation equity work line. This would allow staff to charge equity work that not related to transportation projects to a direct task line. Jacki Murphy asked about the pending items in the revenue side; will these end up with an equivalent on the expense side? Charlie said they are included in the work program and explained there are two variations within the pending column. There are projects we are confident will happen; however, they are not currently under contract and the other variety are those that are truly competitive grants, like brownfields. Charlie noted one of the reasons we have a mid-year adjustment is to bring more accuracy to the work program and budget.

MIKE O'BRIEN MADE A MOTION, SECONDED BY JACKI MURPHY, THAT THE EXECUTIVE COMMITTEE RECOMMEND THE DRAFT FY23 UPWP AND BUDGET TO THE BOARD FOR APPROVAL. MOTION CARRIED UNANIMOUSLY.

6. Equity Work Update

Charlie referred members to the draft Committee Charge - CCRPC Equity Leadership Team document sent via e-mail on Tuesday at 9:15 AM. Charlie explained Emma Vaughn drafted the new committee document for Executive Committee members to review. Charlie said our equity consultant, Creative Discourse, also provided an email more focused on the "how" this committee will function.

Creative Discourse suggested 12 members join this committee. Mike questioned if 12 people are too many and suggested membership be limited to 9. Charlie explained they discussed having 3 to 4 CCRPC Board members, 3 to 5 members of the public (interest-groups or other organizations), and 2 CCRPC staff to be a part of this committee. John wondered what the goal for community involvement is and what that role will be? He said he is unclear on the thought process behind this. Bard said he agrees with Mike on membership, he feels 12 may be too many. He likes the idea of an odd number and feels 9 is a good compromise. He also added, although he likes the idea of an advisory group, there are sometimes tensions with the authority an advisory committee has. Bard said he does not have a strong opinion on the number of Board members vs. non-Board members. Charlie said Creative Discourse suggested CCRPC staff hold a couple of the seats as well and that is why Creative Discourse suggested a higher number. With 2 staff members and 3-4 Board members the group could quickly reach 10-12 members. Charlie reminded everyone this is the initial draft, and we will review again once we have community members involvement as members of the committee. John said words matter and we need to be clear on "Leadership" or "Advisory"; he is concerned that if the CCRPC Board doesn't agree with advisory suggestions it could create public angst. He feels it is important to get this right from the start. Charlie said he is not comfortable putting staff in a policy voting position. Members agreed that CCRPC staff should participate as non-voting members. John said he has concerns about having 4 CCRPC Board members, there could be a lot of turnover and possibly non-attendance. Charlie said Jacki, Elaine, and Mike have been very conscientious about attendance and participation on the Equity Leadership team. Bard said it should be very clear what the role is since the approach to the advisory committee should mimic other committees within CCRPC. John asked if we need to ensure we have diversity and perspective on the challenges within every community. Charlie said, this is challenging as we are looking for representation from underrepresented populations. Member discussion on the name, membership numbers and roles of the committee ensued. Bard said, the bylaws clearly state who has decision making authority and that is why the word advisory works best for this group. This way we can articulate some deference. Catherine reminded everyone this is the same system we currently have where advisory committees make recommendations to the CCRPC Board for a vote. Members agreed. Charlie clarified his expectation that this will be a monthly committee for the first couple years, however, it could change in the future. Bard said the structure of this committee should mirror the structure of other committees. Charlie and members agreed that it does. Charlie said this committee should develop a system to identify red flags that may exist within any proposed projects before they advance too far. Jacki said the application process for the FY23-UPWP outlined equitable engagement within communities. Eleni clarified, some projects are strictly technical and an equity score or screening for these may not exist. Members agreed.

Charlie thanked everyone for their participation and suggestions for the document. Charlie said there has been discussion with Creative Discourse on whether the focus of equity training should be with CCRPC staff and equity advisory committee first, then provide briefs to the Board. John worries about the frequency of training sessions at the Board level. He feels training opportunities should be focused on CCRPC staff and within the equity advisory committee. Chris agreed, the more on point and focused the training is for the Board, the better. Charlie said our equity consultant feels it is important that the Board be engaged. Charlie said we are working on making changes within the systems that we work on, and Creative Discourse feels there is a bigger picture to understand before we move into making systemic changes within our day to day work. Bard said equity is an issue our Board members need to understand to be effective. He suggested the Executive Committee engage with Creative Discourse directly. He said it is a lot to ask of Board members when we consider it is a volunteer position, and many members have competing priorities and time constraints to consider. Members agreed. Charlie said Board members do not need to be experts in transportation matters to be effective, as they rely on the expertise of staff and the transportation advisory committee. This is the model that we operate under, and the same should be true with our equity work. Charlie said we will invite Creative Discourse to the June executive committee meeting. Bryan agreed this is a good idea.

7. Legislative Update

Charlie reported that it's his understanding that the House removed the proposal to have CCRPC involved in the airport governance issue. Charlie said discussions continue with Act 250, the Omnibus Housing bill, and the Economic Development bill. We need to wait and see what happens after these are finalized. There is \$1.65 million slated for RPC's statewide and the legislature continues to be supportive of this.

8. Draft CCRPC Board Meeting Agenda – May

Charlie reminded us that we warned for two public hearings last month and the May Board Meeting will need actions on both the TIP Amendment as well as the FY23 UPWP and Budget. Mike suggested we clarify the approval of the transportation portion of the vote. Charlie agreed. He said we also have VPSP2 Bridge Priorities, and a standing equity update and that the July Board meeting will have a lot of business items to attend to.

9. Chair/Executive Director Report

a. General Updates

Charlie said Emma will send a registration request for the annual meeting in June soon. This will include an option to defer registration until late May so that folks can get a better feel for the level of COVID cases at the time. Charlie is hopeful and looking forward to holding an in-person annual meeting in June. Members agreed with keeping the meeting in person.

b. CWSP Purchasing Policy Updates

Charlie said there are going to be a few items to update within the Clean Water Service Provider purchasing policy and will be on the agenda next month.

10. Other Business: Regina said we received quite a few applications for the Business office position. Forest said we have narrowed the list of 14 or so down to approximately 4 candidates.

11. Executive Session: None needed.



12. Adjournment: CHRIS SHAW MADE A MOTION, SECONDED BY MIKE O'BRIEN, TO ADJOURN THE MEETING AT 7:28 PM. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,  
Amy Irvin Witham

DRAFT

June 2, 2022

Eric Phaneuf  
Aegis Renewable Energy  
340 Mad River Park, Suite 6  
Waitsfield, VT 05673

Re: 0 Mercier Drive – Preferred Site Request (#22-0458-AN)

Dear Mr. Phaneuf,

The Chittenden County Regional Planning Commission (“CCRPC”) is in receipt of a request to designate the proposed solar net-metering facility at 0 Mercier Drive in Colchester, VT as a “preferred site” submitted by Aegis Renewable Energy. The subject parcel is owned by the Town of Colchester. 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.

Our previous review of the proposed project, outlined in a letter submitted to Aegis on March 3, 2022, resulted in a finding that the proposed project meets the goals of the 2018 ECOS Plan. CCRPC understands the local constraint that was identified in that letter, steep slopes, will be avoided on-site. Therefore, the proposed project also meets the suitability policies and the constraints policies in the 2018 ECOS Plan related to the siting of renewable energy facilities. Therefore, CCRPC finds that the proposed facility is located on a “preferred site.”

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 the submittal of the advance notice and the final petition. CCRPC will review the project location again with each new submittal to confirm our findings.

Please feel free to contact me with any questions.

Sincerely,

Charlie Baker  
Executive Director

CC: CCRPC Board, Aaron Frank – Town Manager

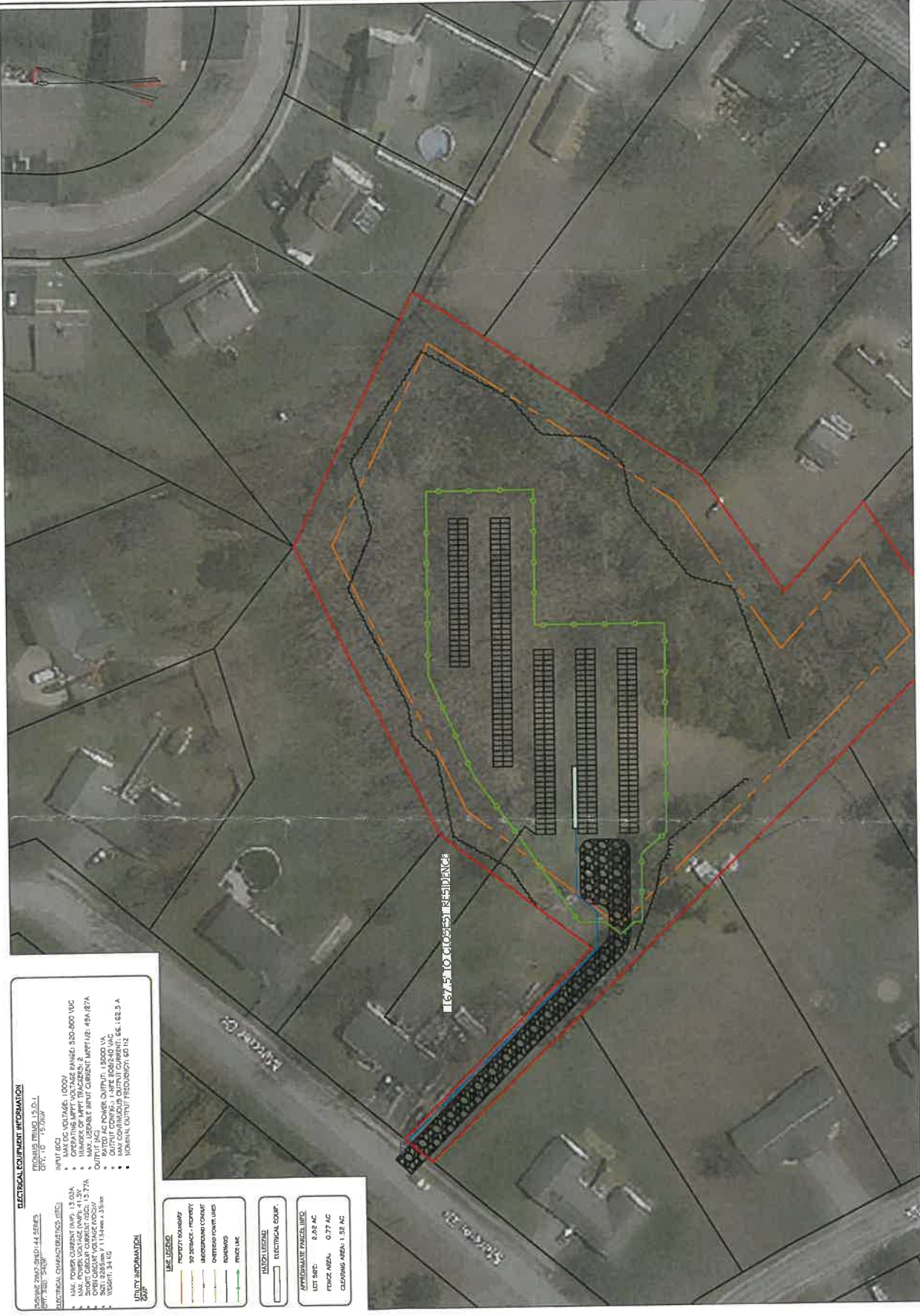


ELECTRICAL EQUIPMENT INFORMATION	
TRANSFORMER: 2500VA-15.0KV	TYPE: 15.0KV
INPUT: 15.0KV	OUTPUT: 15.0KV
ELECTRICAL CHARACTERISTICS (MCC)	
MAX. POWER CURRENT (MPC): 15.0A	MAX. POWER VOLTAGE (MPV): 15.0KV
MAX. POWER VOLTAGE (MPV): 15.0KV	MAX. POWER CURRENT (MPC): 15.0A
MAX. POWER VOLTAGE (MPV): 15.0KV	MAX. POWER CURRENT (MPC): 15.0A
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MAX. POWER VOLTAGE (MPV): 15.0KV	MAX. POWER CURRENT (MPC): 15.0A
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MAX. POWER VOLTAGE (MPV): 15.0KV	MAX. POWER CURRENT (MPC): 15.0A

LEGEND	
PROPERTY BOUNDARY	PROPERTY BOUNDARY
50' SETBACK - PROPERTY	50' SETBACK - PROPERTY
100' SETBACK - PROPERTY	100' SETBACK - PROPERTY
100' SETBACK - PROPERTY	100' SETBACK - PROPERTY
100' SETBACK - PROPERTY	100' SETBACK - PROPERTY
100' SETBACK - PROPERTY	100' SETBACK - PROPERTY
100' SETBACK - PROPERTY	100' SETBACK - PROPERTY
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100' SETBACK - PROPERTY	100' SETBACK - PROPERTY

ELECTRICAL EQUIP.	
TRANSFORMER	TRANSFORMER
TRANSFORMER	TRANSFORMER
TRANSFORMER	TRANSFORMER
TRANSFORMER	TRANSFORMER
TRANSFORMER	TRANSFORMER
TRANSFORMER	TRANSFORMER
TRANSFORMER	TRANSFORMER
TRANSFORMER	TRANSFORMER
TRANSFORMER	TRANSFORMER
TRANSFORMER	TRANSFORMER

APPROXIMATE PANEL INFO	
UTL SFC	2.85 AC
FEEDER AREA	0.77 AC
CLEARING AREA	1.35 AC



SITE PLAN  
1" = 30'

REVISIONS	
NO.	DESCRIPTION
1.	AND REDUCED MODAL COUNT
2.	INCREASED LINE WEIGHT

PROJECT TITLE AND DETAILS	
FOR TOWN REVIEW	

PROJECT TITLE AND DETAILS	
TOWN OF COLCHESTER MERCER DR ARRAY MERCER DR, COLCHESTER VT, 05446 194,400 W DC 150,000 W AC	

SITE PLAN	
DATE:	1/18/2021
SCALE:	1"=30'
PROJECT NUMBER:	211000001
DRAWN BY:	D.M.
PROJECT ENGINEER:	T.A.C.
APPROVED BY:	T.A.C.
FILE LOCATION:	DISKDRIVE / OFFICE

C2-01

June 2, 2022

Eric Phaneuf  
Aegis Renewable Energy  
340 Mad River Park, Suite 6  
Waitsfield, VT 05673

Re: 413 Hibbard Road – 45-day Notice of Application (#22-1834-AN)

Dear Mr. Phaneuf,

The Chittenden County Regional Planning Commission (“CCRPC”) is in receipt of the 45-day notice of application submitted by Aegis Renewable Energy for the construction of a 150kW solar array to be located 413 Hibbard Road in Milton, VT. The subject parcel is owned by the Eric Bissonnette. 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 policies in Strategy 2, Action 4b. The project as proposed meets the following suitability policy:

1. Locate ground-mounted solar larger than 15 kW...outside of state designated village centers: The project is not located within a designated 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 known constraints may be impacted by the project:

- Rare, threatened and endangered species: Information from the Agency Natural Resources indicates the possible location of existence of a rare, threatened, or endangered species in the vicinity of the proposed project. CCRPC requests that the petitioner identify the existence, or not, of rare, threatened, or endangered species in the full petition. If this constraint exists on site, the full petition should confirm that no new infrastructure will impact this constraint; unless approval is received from the Vermont Agency of Natural Resources.
- River Corridors: Part of the proposed facility is possibly located within a River Corridor. CCRPC requests that the full petition confirm that no new infrastructure will be located within the River Corridor; unless approval is received from the Vermont Agency of Natural Resources.

Our review indicates that one State possible constraints may be impacted by the project:

- Agricultural Soils: The proposed project appears to be located on agricultural soils of statewide importance. CCRPC requests that impacts to the agricultural soils be minimized in accordance with the recommendations of the Vermont Agency of Agriculture, Food, and Markets.

The CCRPC supports the identification of this site as a preferred site for net metering if the known constraints are avoided, and impacts to the possible constraints are mitigated..

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 the submittal of the advance notice and the final petition. CCRPC will review the project location again with each new submittal to confirm our findings.

Please feel free to contact me with any questions.

Sincerely,

Charlie Baker  
Executive Director

CC: CCRPC Board, Don Turner – Town Manager





340 MAD RIVER PARK, SUITE 6  
WAITSFIELD, VT 05673  
802-560-0055  
WWW.AEGIS-RE.COM

REVISIONS			
NO.	DESCRIPTION	DATE	BY

- USE OF THESE DRAWINGS**
1. UNLESS OTHERWISE NOTED, THESE DRAWINGS ARE INTENDED FOR PRELIMINARY PLANNING, COORDINATION WITH OTHER DISCIPLINES OR UTILITIES, AND/OR APPROVAL FROM REGULATORY AUTHORITIES. THEY ARE NOT INTENDED AS CONSTRUCTION DRAWINGS UNLESS NOTED AS SUCH OR MARKED APPROVED BY A REGULATORY AUTHORITY.
2. BY USE OF THESE DRAWINGS BY PARTIES OTHER THAN AEGIS RENEWABLE ENERGY FOR CONSTRUCTION OF THE PROJECT, THE ENTITY REPRESENTS THAT THEY HAVE REVIEWED, APPROVED, AND ACCEPTED THE DRAWINGS, OBTAINED ALL NECESSARY PERMITS, AND HAVE MET WITH ALL APPLICABLE PARTIES/DISCIPLINES, INCLUDING, BUT NOT LIMITED TO, CONTRACT DOCUMENTS, SPECIFICATIONS, OWNER/CONTRACTOR AGREEMENTS, BUILDING AND MECHANICAL PLANS, PRIVATE AND PUBLIC UTILITIES, AND OTHER PERTINENT PERMITS FOR CONSTRUCTION.
3. AEGIS AND THEIR ENGINEER, ARE RESPONSIBLE FOR FINAL DESIGN AND LOCATION OF BUILDINGS SHOWN, INCLUDING AN AREA MEASURED FIVE (5) FEET AROUND ANY BUILDING AND COORDINATING FINAL UTILITY CONNECTIONS SHOWN ON THESE PLANS.
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6. IT IS THE USER'S RESPONSIBILITY TO ENSURE THIS COPY CONTAINS THE MOST CURRENT REVISIONS. IF UNSURE, PLEASE CONTACT AEGIS RENEWABLE ENERGY.

PLAN TYPE-USE

CONCEPTUAL – FOR  
PUC ADVANCED NOTICE  
PURPOSES ONLY

PROJECT TITLE AND DETAILS

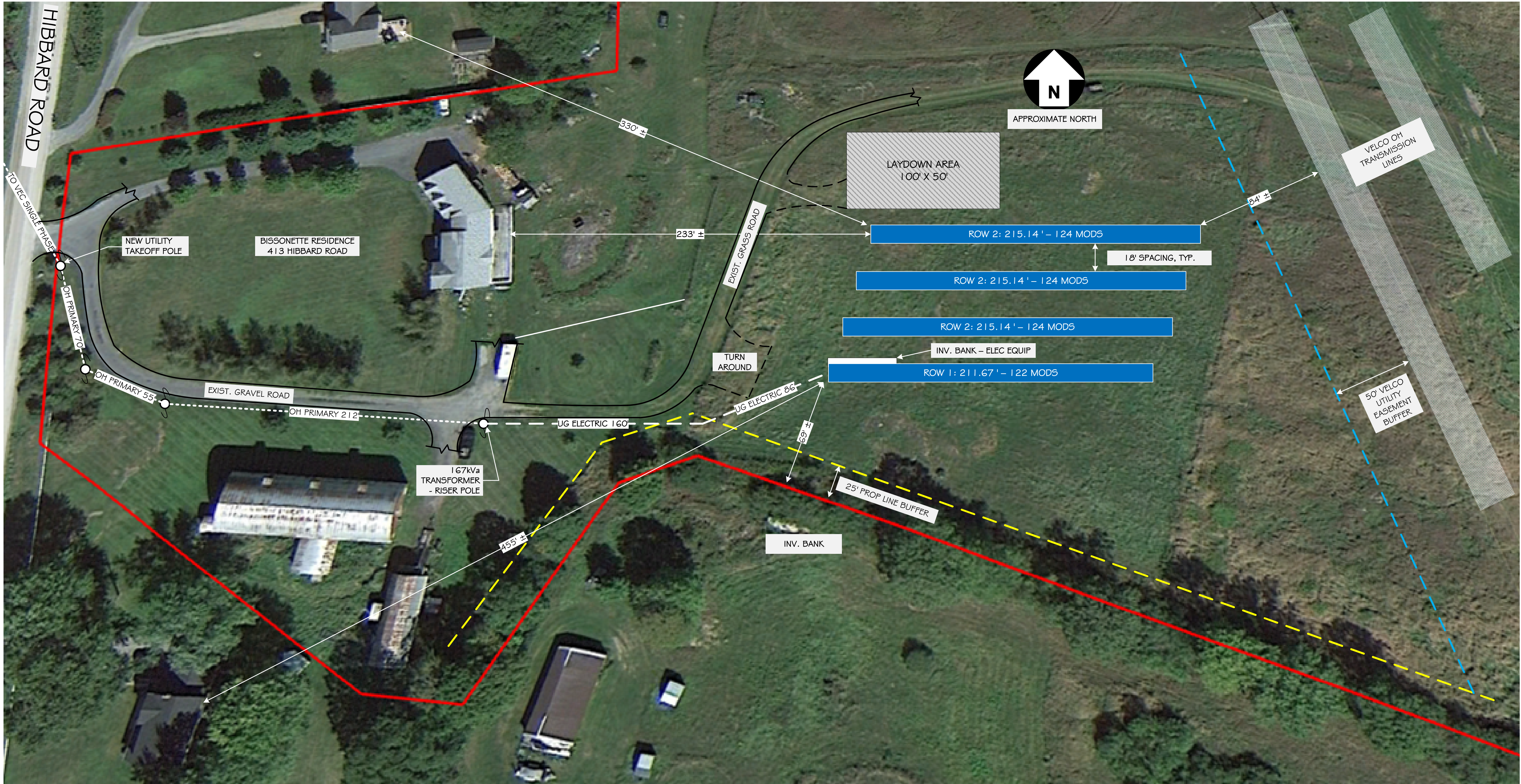
BISSONETTE GM ARRAY  
413 HIBBARD ROAD  
222,300 WATTS DC  
150,000 WATTS AC

SHEET TITLE

CONCEPTUAL  
SITE PLAN

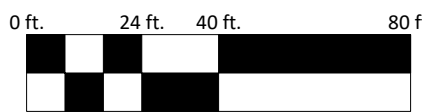
DATE:	MAY 04, 2022
SCALE:	1" = 40'
PROJECT NO:	22BISPV01
DRAWN BY:	TAF
PROJECT ENGINEER:	TAF
APPROVED BY:	LAYOUT/CON

C2-01.1



CONCEPTUAL SITE PLAN

SCALE: 1" = 40' (D SIZE: 24X36")



LINE LEGEND	
----- OH PRIMARY -----	UTILITY OH PRIMARY LINES (1 Ø) SERVICE
--- UG ELECTRIC ---	UG SECONDARY ELECTRIC LINES
-----	PROPERTY LINES
-----	25' PROP LINE BUFFER
-----	50' VELCO TRANSMISSION LINE BUFFER

HATCH LEGEND	
[Blue Box]	PHOTOVOLTAIC MODULES
[Hatched Box]	LAYDOWN AREA
[Grey Box]	VELCO TRANSMISSION LINES

SYSTEM INFORMATION
DESIGN WIND SPEED: 115 MPH
DESIGN SNOW LOAD: 60 PSF
UTILITY & SERVICE TYPE: GMP – SINGLE PHASE (1 Ø)
TRANSFORMER: 1-167KVA POLE MOUNTED TRANSFORMER
OVERHEAD ELEC. SVC. LF: 437'
UNDERGROUND ELEC SVC LF: 246'
MODULE TYPE / QTY.: ZN SHINE ZXIM7-SHLD177 540W (494)
SYSTEM SIZE (DC & AC): 222,300 W DC – 150,000 W AC
RACKING SYSTEM: RBI-TERRASmart
TILT ANGLE: 30°
DRIP HEIGHT: 36"
ARRAY AZIMUTH: 180°
INVERTERS – QTY.: FRONIUS PRIMO 15.1-0 (10 EACH)
MDP SIZE: 800A

ELECTRICAL EQUIPMENT CHARACTERISTICS	
INVERTERS – FRONIUS PRIMO 15.0-1 (10) INPUT DATA ▪ MAX INPUT CURRENT: 33.0A/18.0A ▪ TOTAL MAX DC CURRENT: 51A ▪ MAX INPUT VOLTAGE: 600V ▪ MPPT VOLTAGE RANGE: 320-480V ▪ NUMBER OF PPT: 2 OUTPUT DATA ▪ MAX OUTPUT POWER (240V): 15,000W ▪ MAX CONT OUTPUT CURRENT: 62.5A ▪ OCPD/AC BREAKER SIZE: 80A ▪ GRID CONNECTION: 208-240V	MODULES – ZN SHINE ZXIM7-SHLD144 450W STANDARD TEST CONDITIONS (STC) ▪ QUANTITY: 494 ▪ MAX POWER VOLT (VMP): 41.40V ▪ MAX POWER CURRENT (IMP): 10.87A ▪ OPEN CIRCUIT VOLTAGE (VOC): 49.90V ▪ SHORT CIRCUIT CURRENT (ISC): 11.44A ▪ WEIGHT: 28 KG – 61.60 LBS ▪ DIM: 6.87' X 3.41' X 1.18"

PARCEL DATA
▪ PARCEL SPAN #: 396-123-14090
▪ PARCEL SIZE: 110.14 ACRES
▪ ARRAY AREA: 0.55 ACRES
▪ LAYDOWN AREA: 5,000 SF – TEMPORARY
▪ TURN AROUND AREA: 640 SF
▪ TRENCHING SF: 1,200 SF±
▪ NO TREE CUTTING REQUIRED
▪ PARCEL SIZE AND PROPERTY LINE DATA FROM VT ANR ATLAS AND VT OPEN GEODATA PORTAL





# Natural Resources Atlas

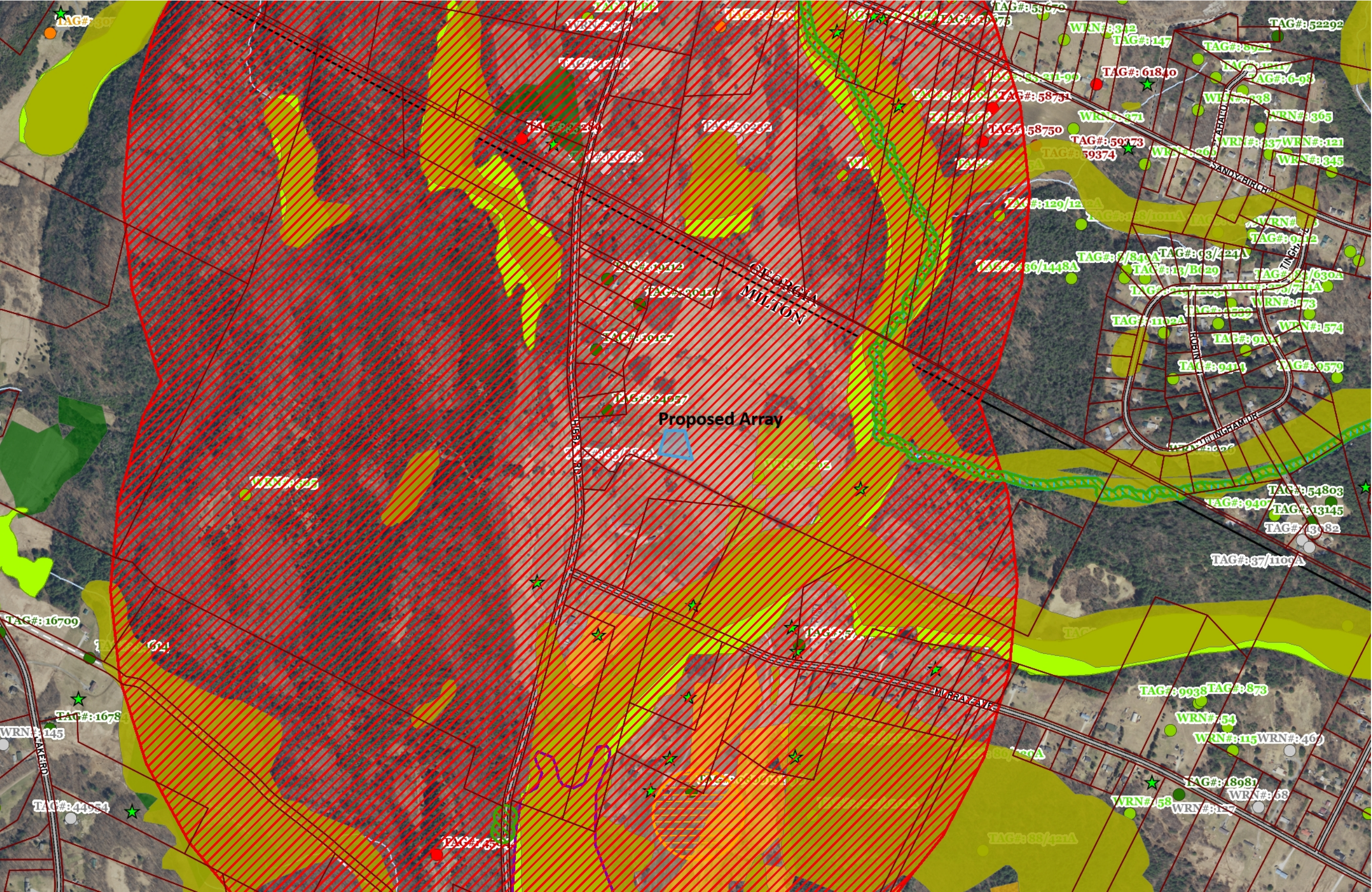
Vermont Agency of Natural Resources

vermont.gov



## LEGEND

- Rare Threatened Endangered Species
  - Threatened or Endangered
  - Rare
- Significant Natural Community
- Uncommon Species and Other Feature
  - Animal
  - Plant
  - Natural Community
- Deer Wintering Areas
- Vernal Pools Confirmed – AE/VCE
- Vernal Pools Unconfirmed – AE/VCE
- Wetland Projects
- 303(d) List of Impaired Streams and Rivers
- Wetland - VSWI
  - Class 1 Wetland
  - Class 2 Wetland
  - Buffer
- Wetlands Advisory Layer
- Wetland Restoration Potential (Lake Champlain 2017)
  - 0.600000 - 1.000000
  - 1.000001 - 2.000000
  - 2.000001 - 3.000000
  - 3.000001 - 4.000000
- Private Wells
  - GPS Located
  - Screen Digitized
  - E911 Address Matched
  - Welldriller/Clarion
  - Unknown Location Method
  - Incorrectly Located
- Parcels (standardized)
- Roads
  - Interstate
  - US Highway; 1
  - State Highway
  - Town Highway (Class 1)
  - Town Highway (Class 2,3)
  - Town Highway (Class 4)
  - State Forest Trail
  - National Forest Trail



462.0 0 231.00 462.0 Meters

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Vermont Agency of Natural Resources. May 16, 2022

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 9,090

1in = 758 ft.  
1cm = 91 meters

NOTES  
Map created using ANR's Natural Resources Atlas



GREEN MOUNTAIN POWER  
163 ACORN LANE  
COLCHESTER, VT 05446

VERMONT DIVISION FOR HISTORIC PRESERVATION  
ONE NATIONAL LIFE DRIVE  
DEANE C. DAVIS BUILDING, 6TH FLOOR  
MONTPELIER, VT 05620-0501

VERMONT DEPARTMENT OF PUBLIC SERVICE  
112 STATE STREET  
MONTPELIER, VT 05620-2601

VERMONT AGENCY OF AGRICULTURE FOOD &  
MARKETS  
116 STATE STREET  
MONTPELIER, VT 05620-2901

TOWN OF MILTON SELECTBOARD  
43 Bombardier Road  
Milton, VT 05468

TOWN OF MILTON  
PLANNING AND ZONING COMMISSION  
43 Bombardier Road  
Milton, VT 05468

Chittenden County Regional Planning Commission  
110 W Canal St #202, Winooski, VT 05404

CAMERON JAMES P & PENNY S  
453 HIBBARD RD  
MILTON, VT 05468

VERMONT AGENCY OF NATURAL RESOURCES  
1 NATIONAL LIFE DRIVE  
DAVIS 2  
MONTPELIER, VT 05620

MARCELINO AURELI SHANNON D  
449 HIBBARD RD  
MILTON, VT 05468

JONES RICHARD R & DRENNA S  
445 HIBBARD RD  
MILTON, VT 05468

BEAUCHEMIN ALAN J  
441 HIBBARD RD  
MILTON, VT 05468

MAYNARD CHARLES J & SUSAN L  
PO BOX 427  
MILTON, VT 05468

FITZPATRICK KELLY & MICHAEL  
423 HIBBARD RD  
MILTON, VT 05468

LEWIS JESSE R & JILL M  
417 HIBBARD RD  
MILTON, VT 05468

COLI JOSHUA & GRUEL REGINA  
403 HIBBARD RD  
MILTON, VT 05468

BESSETTE ANTHONY  
1024 DUNSMORE RD  
SWANTON, VT 05488

DUFFY DOUGLAS H & MELISSA  
383 MURRAY AVE  
MILTON, VT 05468

COMPAGNON JASON M & ROCHELEAU BRITTNI L  
377 MURRAY AVE  
MILTON, VT 05468



SMITH REGINALD L JR & VICTORIA A  
365 MURRAY AVE  
MILTON, VT 05468

SMITH REGINALD L & THERESA A  
365 MURRAY AVE  
MILTON, VT 05468

JANECZEK STEPHEN M  
1361 SANDY BIRCH RD  
MILTON, VT 05468-4390

MCDEVITT JOHN V & MARY P  
1413 SANDY BIRCH RD  
MILTON, VT 05468-4334

NADEAU ROGER EMILIEN JR & SHELLY FLEMING  
1603 SANDY BIRCH RD  
MILTON, VT 05468-4337

PEERY LISA GALE & PHILIP D  
49 SAND HILL RD  
GEORGIA, VT 05468-4477

PLAVECKI MICHAEL  
1387 SANDY BIRCH RD  
MILTON, VT 05468

SANDY BIRCH ROAD LLC  
744 POND RD  
FAIRFIELD, VT 05455-5556

SHANGRAW JOSHUA A & ILONA M  
492 NOTTINGHAM DR  
MILTON, VT 05468-4307

SMITH DENNIS & SHUEH LING  
472 NOTTINGHAM DR  
MILTON, VT 05468

TREMBLAY PAUL  
1467 SANDY BIRCH RD  
GEORGIA, VT 05468

BISSONETTE ERIC  
413 HIBBARD RD  
MILTON, VT 05468

June 2, 2022

Josh Leckey  
Downs Rachlin Martin  
PO Box 190  
Burlington, VT 05402-0190

Re: 321 Bear Trap Road – 45-day Notice of Application (#22-1674-AN)

Dear Mr. Leckey,

The Chittenden County Regional Planning Commission (“CCRPC”) is in receipt of the 45-day notice of application submitted by WRS Investment, Inc. for the construction of a 146kW solar array to be located at 321 Bear Trap Road in Milton, VT. The subject parcel is owned by the WRS Investment, Inc.. 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 policies in Strategy 2, Action 4b. The project as proposed meets the following suitability policy:

1. Locate ground-mounted solar larger than 15 kW...outside of state designated village centers: The project is not located within a designated 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 State known constraints may be impacted by the project:

- Rare, threatened and endangered species: Information from the Agency Natural Resources indicates the possible location of existence of a rare, threatened, or endangered species in the vicinity of the proposed project. CCRPC requests that the petitioner identify the existence, or not, of rare, threatened, or endangered species in the full petition. If this constraint exists on site, the full petition should confirm that no new infrastructure will impact this constraint; unless approval is received from the Vermont Agency of Natural Resources.

Our review indicates that two State possible constraints may be impacted by the project:

- Agricultural Soils and Hydric Soils: The proposed project appears to be located on agricultural soils of statewide importance. CCRPC requests that impacts to the agricultural soils be minimized in accordance with the recommendations of the Vermont Agency of Agriculture, Food, and Markets.
- Vermont Conservation Design Highest Priority Forest Blocks – The proposed project is sited within a Highest Priority Forest Block. CCRPC recommends that the petitioner work with the Agency of Natural Resources to minimize potential impacts to this constraint.

The CCRPC supports the identification of this site as a preferred site for net metering if the known constraints are avoided, and impacts to the possible constraints are mitigated.

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 the submittal of the advance notice and the final petition. CCRPC will review the project location again with each new submittal to confirm our findings.

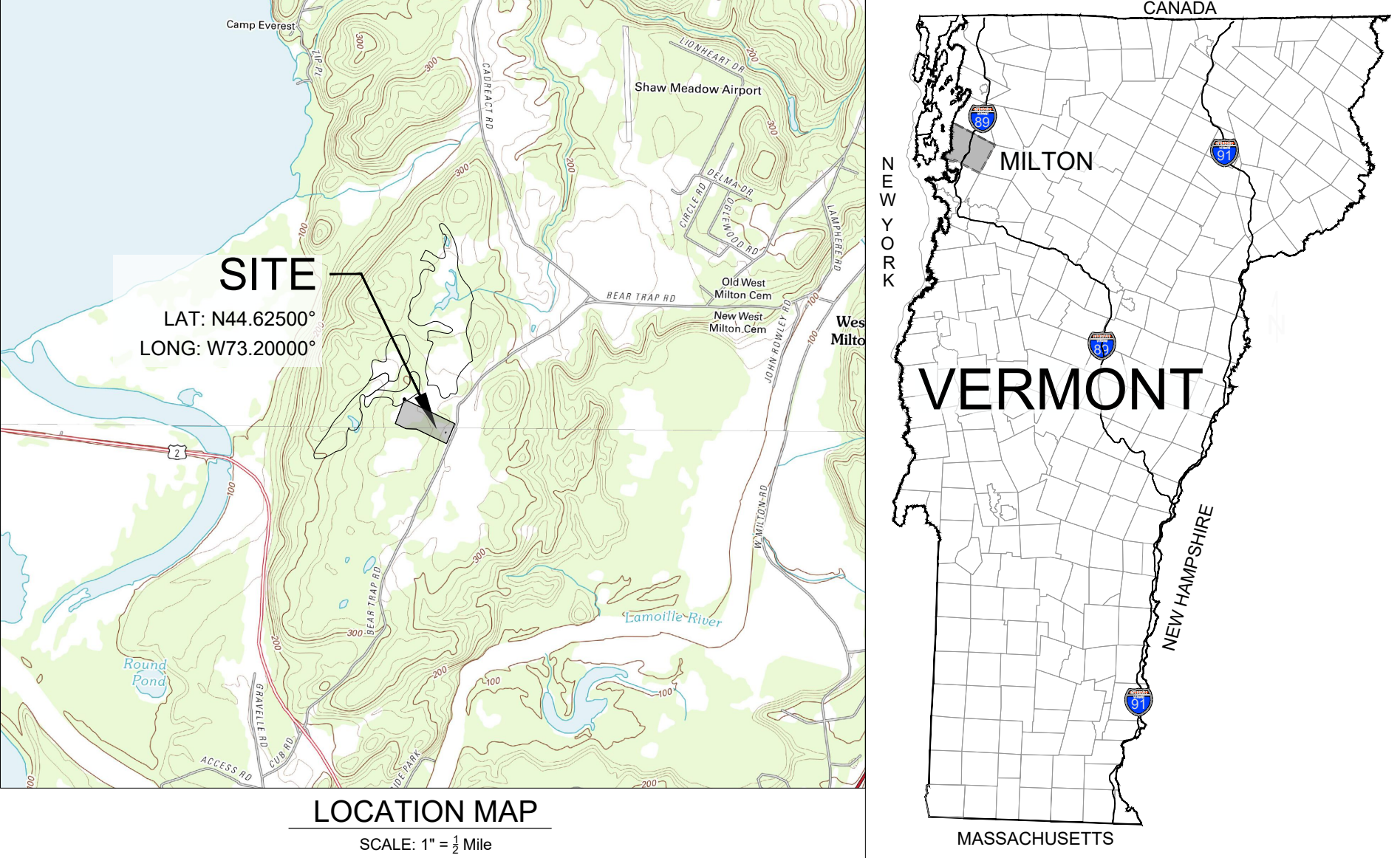
Please feel free to contact me with any questions.

Sincerely,

Charlie Baker  
Executive Director

CC: CCRPC Board, Don Turner – Town Manager





# BEAR TRAP ROAD SOLAR PROJECT

321 Bear Trap Road  
Milton, Vermont

**STERLING MOUNTAIN SOLAR, LLC**

1777 Center Road  
Hyde Park, VT 05655  
www.sterlingmountainsolar.com

**KREBS & LANSING**  
CONSULTING ENGINEERS

164 Main Street, Suite 201  
Colchester, Vermont 05446  
P: (802) 878-0375  
www.krebsandlansing.com

**ISSUED FOR PERMIT REVIEW  
NOT FOR CONSTRUCTION**

## SOURCE DATA LEGEND

MAPPING SOURCE DATA USED FOR PLAN COMPIATION

Civil Engineering:

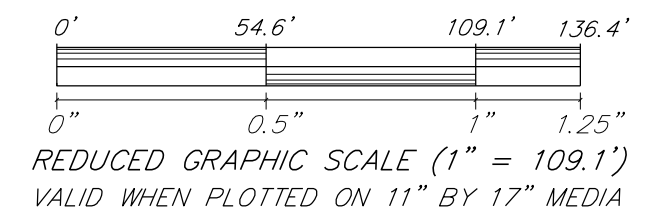
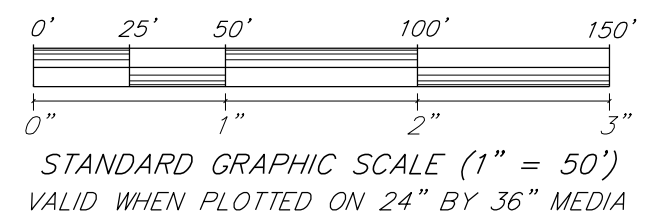
Krebs and Lansing Consulting Engineers, Inc.  
164 Main Street, Suite 201  
Colchester, Vermont 05446

## LEGEND

- EXISTING POWER POLE
- APPROXIMATE PROPERTY LINES
- APPROXIMATE PROJECT PARCEL
- EXISTING OVERHEAD POWER
- EXISTING GRADE CONTOUR LINES (10-FOOT INTERVALS)
- EXISTING GRADE CONTOUR LINES (2-FOOT INTERVALS)
- SOLAR SETBACKS
- PRIMARY AGRICULTURAL SOIL BOUNDARY
- EXISTING TREE LINE
- PROPOSED SECURITY FENCE
- UGP - UGP
- PROPOSED UNDERGROUND POWER
- PROPOSED FIXED SOLAR PANEL RACKING
- PROPOSED RELOCATED DRIVEWAY
- PROPOSED VEGETATIVE CLEARING (NO STUMPING)

## NOTES:

- ASPECTS OF PLAN ARE APPROXIMATE AND DERIVED FROM AERIAL PHOTOGRAPHY.
- THE HORIZONTAL COORDINATE SYSTEM IS BASED ON NAD83 VERMONT STATE PLANE 4400 (US SURVEY FEET). ELEVATIONS ARE BASED ON THE NAVD88 (US SURVEY FEET).
- EXISTING GROUND CONTOUR ELEVATIONS ARE BASED ON LIDAR DATA (1' CONTOURS DERIVED FROM 2013 - 2017 Q2 LIDAR DATA - STATEWIDE) DOWNLOADED FROM THE VERMONT CENTER FOR GEOGRAPHIC INFORMATION.
- UTILITIES ARE NOT WARRANTED TO BE COMPLETE OR ACCURATE. CONTRACTOR SHALL CONTACT DIG SAFE BEFORE BEGINNING ANY EXCAVATION.
- THIS IS IN NO WAY A BOUNDARY SURVEY. PROPERTY LINES ARE FROM TAX MAP INFORMATION PROVIDED BY THE TOWN.
- THIS IS A PRELIMINARY DESIGN PLAN. FINAL DESIGN WILL BE MODIFIED TO MATCH EQUIPMENT PURCHASED AND POSSIBLE PERMIT CONSTRAINTS REVEALED DURING PROJECT'S REVIEW.



## Proposed Solar Array

REV. NO.	REVISIONS/COMMENTS	DATE

Drawing Title:

**SITE PLAN**

DATE of Issue: 05/09/2022

Drawn by: SDG Checked by: GTD

Project No.: 22183 Scale: 1" = 50'

Drawing No.: Rev No.:

**C-100**





## **CCRPC Executive Committee**

**June 1, 2022**

### **Agenda Item 10: CCRPC Action Item**

#### **CWSP edits to Admin and Operating Policy & Procedures revisions**

**Background:** On August 12, 2021, the State of Vermont adopted Environmental Protection Rule Chapter 39 Clean Water Service Provider Rule, the “Rule.” In Section 39-301, the Rule states that *(t)he Secretary shall assign a clean water service provider (CWSP) to each basin described in 10 V.S.A. § 922(a) (listed as impaired pursuant 33 U.S.C. § 1313(d) and not subject to the stated exception) for the purpose of achieving pollutant reduction values established by the Secretary for the basin in accordance with § 39-101 of this Rule.*

In the appendix of the Rule, the CCRPC was assigned as the Clean Water Service Provider (CWSP) for the Northern Lake Champlain Direct Drainages Basin (aka Basin 5) and as the backup CWSP for the South Lake, Otter Creek, Missisquoi, Lamoille, Winooski and Memphramagog basins.

In September 2021 the CCRPC received a grant agreement from the State of Vermont to enable start-up activities to get CWSP operations up and running. Part of the required deliverables include the adoption or amendment of CCRPC policies for compliance with Act 76, the Clean Water Delivery Service Act, the Rule as note above, and Guidance related to Act 76.

CCRPC staff has prepared several edits to the following sections to meet the requirements of the State of Vermont with regards to acting as a Clean Water Service Provider. Edits are also proposed to reference procedures regarding non-MPO funds as well as updated wording regarding subgrants and subgrantees.

Sections with proposed edits are as follows:

- Part 2 – Procurement Policy (page 35, pages 39-45)
- Appendix C (pages 69, 70 and 81)

#### **Staff**

#### **Recommendation:**

Recommend adoption of the proposed edits to the *CCRPC Administrative and Operating Policies and Procedures For the Chittenden County Regional Planning Commission*

#### **For more information contact:**

Charlie Baker  
cbaker@ccrpcvt.org  
802-735-3500  
  
Forest Cohen  
fcohen@ccrpcvt.org

#### **Attachments:**

Edits\_CCRPC\_AdminOperatingPolicies\_EC\_20220601

# **Part 2 — Sub-grant and Procurement Policy**

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## ***Purpose and Authority***

The purpose of this document is to describe the process through which the Chittenden County Regional Planning Commission (CCRPC) will execute capital purchases, ~~and~~ procure contractor services for tasks that cannot be completed by CCRPC staff due to workload or technical expertise, or sub-grant funding to partner organizations in carrying out CCRPC's work program. These policies and procedures have been developed in accordance with 2 Code of Federal Regulations (CFR) § 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Environmental Protection Rule – Chapter 39—Clean Water Service Provider Rule, Vermont Agency of Administration Administrative Bulletin 5, and Vermont Agency of Administration Bulletin 3.5 – Procurement and Contracting Procedures. CCRPC staff and all selected contractors shall observe and comply with all relevant federal, state, and municipal laws, bylaws, ordinances, and regulations.

## ***Federal and State Awards***

CCRPC will follow the United States Office of Management and Budget (OMB) 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards and Vermont Agency of Administration Administrative Bulletins 3.5 and 5.0 for State Awards. These requirements replace any previous OMB guidance or rules regarding the administration of federal awards under this section or any other section of this manual.

## ***Establishment of subrecipients/subawards***

CCRPC routinely manages grant awards that specify that a portion of the scope of work is to be delegated to subgrantees. Similarly, a grant application submitted by the CCRPC may specify that a certain subcontractor will be used or that funds will be passed through to a certain municipality or organization. When receiving a grant, the exact subcontractors and subgrantees may be designated in the overall grant agreement while in other cases the CCRPC is tasked with conducting an RFP or RFQ process to select subgrantees.

For project manager subgrantees, not subcontractors, recruited via an RFQ process and retained by the CCRPC in its role as a Clean Water Service Provider (CWSP) pursuant to Act 76 (the Clean Water Service Delivery Act) and Environmental Protection Rule Chapter 39,

- a) the term shall be valid for up to three years;
- b) the CCRPC will open the RFQ process to new potential subgrantees at least once per year
- c) upon a positive vote of a Basin Water Quality Council, subgrantees are selected to receive funds from the CCRPC for various phases of a clean water project
- d) that subgrantee may continue to manage further phases (development, design, and construction, operations/maintenance & verification) of a clean water project based upon an affirmative vote of a Basin Water Quality Council and provided that their costs are

generally consistent with the standard cost as identified by the Secretary of the Agency of Natural Resources as noted in Act 76.

- e) subgrantees shall be selected and managed consistent with Act 76, the Rule and Act 76 Guidance

[See Appendix C](#) for more [detail about Federal and State Awards.](#)

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## **General Procurement**

- ◆ CCRPC will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. *2 CFR 200.318(b)*
- ◆ CCRPC procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase and to increase free and open competition. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. *2 CFR 200.318(d)*
- ◆ To foster greater economy and efficiency, CCRPC will endeavor to enter into State and local intergovernmental agreements for procurement or use of common goods and services. *2 CFR 200.318(e)*
- ◆ CCRPC will endeavor to use Federal and state excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs. *2 CFR 200.318(f)*
- ◆ CCRPC will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. *2 CFR 200.318(h)*
- ◆ CCRPC maintains records sufficient to detail the significant history of a procurement consistent with our records retention policy. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Federal and state agencies will be provided contract records upon request. *2 CFR 200.318(i), 2 CFR 200.324(a)*
- ◆ CCRPC alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve CCRPC of any contractual responsibilities under its contracts. The Federal or State awarding agency will not substitute its judgement for that of CCRPC unless the matter is primarily a Federal or State concern. *2 CFR 200.318(k)*
- ◆ CCRPC will have protest procedures to handle and resolve disputes relating to contracts awarded, and shall, in all instances of such occurrences, disclose information regarding the protest to any funding agencies.

- ◆ CCRPC will select, to the extent practicable and economically feasible, products and services that conserve natural resources, protect the environment, are energy efficient and use recovered materials in accordance with 2 CFR 200.322.
- ◆ CCRPC will not enter into contracts with parties that have been debarred, suspended, or excluded from Federal or State assistance programs. *2 CFR 200 Appendix II(H)*
- ◆ CCRPC will provide termination provisions in all contracts and agreements over \$10,000 and contracts for projects over the Simplified Acquisition Threshold (\$150,000) will address administrative, contractual, or legal remedies when contractors violate or breach contract terms and provide for sanctions and penalties as appropriate. *2 CFR 200 Appendix II(A) and (B)*
- ◆ CCRPC will perform a cost or price analysis in connection with every procurement action, including contract modifications, in excess of the Simplified Acquisition Threshold. The method and degree of analysis is dependent upon the facts surrounding the procurement but, at a minimum, CCRPC will make independent estimates before receiving bids or proposals. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability. *2 CFR 200.323*
- ◆ CCRPC will negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit consideration will be given to the complexity of the work performed and industry profit rates in the surrounding geographic area for similar work. *2 CFR 200.323*

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## ***Procurement Code of Conduct***

CCRPC maintains the following written code of standards of conduct governing the performance of their employees, officers, Board Members and all others engaged in the selection, award and administration of contracts. *2 CFR 200.318(c)(1)*

- ◆ Per 2 CFR §200.31(c)(1), no employee, officer, or agent of the CCRPC or its subgrantees shall participate in the selection, award or administration of a contract supported by State or Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when (1) the employee, officer, or agent, (2) any member of his or her immediate family, (3) his or her partner, or (4) an organization which employs or is about to employ any of (1) through (3) above, have a financial or other interest in the firm selected for the award. *2 CFR 200.318(c)(1)*
- ◆ Officers, employees, and agents of both the CCRPC and the CCRPC's subgrantees will neither solicit nor accept gratuities, favors, or items of value (excluding calendars, pens, and other nominal items) from contractors, potential contractors, or parties to sub-agreements. *2 CFR 200.318(c)(1)*
- ◆ A staff person who has an outside activity or interest which would appear to be or have a potential for being a conflict of interest with his or her duties at the CCRPC will disclose that activity or interest to the Executive Director. If the Executive Director determines that the outside activity or interest adversely affects or otherwise impairs the staff person's ability to perform his or her official duties, the staff person shall refrain from the outside activity during the term of his or her employment by the CCRPC.
- ◆ Should the Executive Director have an outside activity or interest which would appear to be or have a potential for being a conflict of interest with his or her duties at the CCRPC, he or she will disclose that activity or interest to the Executive Committee. If the Executive Committee determines that the



or quantities to permit maximum participation by small and minority business, and women's business enterprises; and requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in this section. 2 *CFR* 200.321

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## ***Procurement Types and Requirements***

CCRPC will follow bidding thresholds and procedures contained in 2 *CFR* § 200.320 and Vermont Agency of Administration Administrative Bulletin 3.5 Procurement and Contracting Procedures, which define four methods of procurement that may be used by CCRPC: procurement by micro-purchase; procurement by small purchase procedures (contract less than \$100,000); procurement by competitive proposals (optional for contracts under \$100,000, required for contracts over \$100,000). CCRPC's preferred method of procuring contractor services is procurement by competitive proposals.

The Transportation Advisory Committee (TAC), the Planning Advisory Committee (PAC), or the Clean Water Advisory Committee (CWAC) approve retention of all technical contractors consistent with CCRPC's Bylaws, based on the recommendations of a proposal selection committee. All contracts equal to or more than \$15,000 are signed by the Chair of the CCRPC. Contracts less than \$15,000 are signed by the Executive Director. Administration of those contracts is the responsibility of the Executive Director who may delegate it to appropriate staff.

### ***Procurement by Micro-Purchase***

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate annual dollar amount of which does not exceed the micro-purchase threshold as defined by federal law. Micro-purchases may be awarded without soliciting competitive quotations if CCRPC considers the price to be reasonable. However, when a micro-purchase occurs pursuant to Environmental Protection Rule Chapter 39, the value of any single item shall not exceed \$1,000 and micro-purchases made pursuant to this Rule are only allowed for goods. To the extent practicable, CCRPC will distribute micro-purchases equitably among qualified suppliers. 2 *CFR* 200.320(a).

### ***Procurement by Small Purchase Procedures (Simplified Bid Process)—Contracts not more than \$100,000***

A standard bidding process is the preferred method for selecting contractors. However, a simplified bid process may be used for relatively simple and informal procurements for securing services, supplies, or other property that do not cost more than \$100,000 (per Vermont Bulletin 3.5). Justification for using a simplified bid process must be submitted to, and approved by, the CCRPC Executive Director in writing. A sample Simplified Bid Procurement Form is included in the contract section of this policy. A "simplified bid process" means that the CCRPC has developed a specific and detailed statement of work for the service or product desired and has solicited written price quotations from at least three potential vendors known to provide the specified services or products. Price quotations may be obtained through telephone or verbal quotes, facsimile quotes, e-mail quotes or written bids. All communications with vendors to obtain price quotes must be documented. All records relating to the simplified bid process, including proposals and a record of the selection process, shall be retained in the contract file. The quotation most responsive to the selection criteria should be selected. A Small Purchase of a good or category of goods that occurs pursuant to Environmental Protection Rule Chapter 39 and totals \$15,000 or greater from one vendor in one year shall be by written contract. If CCRPC is unsure whether the contract will fall below the \$100,000 threshold, the standard bid process will be undertaken. 2 *CFR* 200.329(b), Vermont Bulletin 3.5 Section VIII(A)

## *Procurement by Competitive Proposals (Standard Bid Process)—Preferred for Contracts less than \$100,000. Required for Contracts Greater than \$100,000*

Procurement by competitive proposal is CCRPC's preferred method for procuring contractor services and is required for contracts greater than \$100,000 (per Vermont Bulletin 3.5). The technique of competitive proposals is normally conducted with more than one contractor submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when the following conditions apply: *2 CFR 200.320(d) and Vermont Bulletin 3.5 Section VIII(B)*

- ◆ Requests for qualifications, proposals or bid solicitations will be publicized and identify all evaluation factors and their relative importance. At minimum these solicitations will be posted on the Vermont Bid System and on the CCRPC website. It is recommended that a minimum of three weeks be allowed for responses. Any response to publicized requests for qualifications, proposals or bids shall be considered to the maximum extent practical;
- ◆ Qualifications, proposals or bids will be solicited from an adequate number of qualified sources;
- ◆ CCRPC will have a written method for conducting technical evaluations of the qualifications, proposals or bids received and for selecting awardees;
- ◆ Awards will be made to the responsible contractor whose qualifications, proposal or bid is most advantageous to the program, with price and other factors considered. Qualifications-based procurement cannot be used to procure construction services. Construction contracts must use the sealed bid process discussed in the section below.

## *Procurement by Sealed Bids- Construction Contracts Greater than \$100,000*

Procurement by sealed bids requires bids to be publicly solicited and a firm-fixed-price contract (lump sum or unit price) to be awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction contracts. ~~CCRPC does not oversee construction contracts and does not anticipate using this procurement method.~~ If procurement by sealed bids is used CCRPC will follow procedures as defined in *2 CFR § 200.320(c) and Vermont Bulletin 3.5 Section VIII(B). 2 CFR 200.320(c) and Vermont Bulletin 3.5 Section VIII(B).*

## *Procurement by Noncompetitive Proposals*

Procurement by noncompetitive proposals is contrary to the competitive process supported by CCRPC and will be avoided except when no available alternative exists. Procurement by noncompetitive proposals solicits proposals from only one source, or after solicitation of a number of sources, competition is determined inadequate. Procurement by noncompetitive proposals may be used only when the award of a contract is not feasible under a competitive bid process and one of the following circumstances applies: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the awarding agency authorizes noncompetitive proposals; or after solicitation of a number of sources, competition is determined inadequate. *2 CFR 200.320(f)*

## *Procurement by Time and Material Type Contracts*

CCRPC will use time and material type contracts, as defined in 2 CFR §200.318(j), only after a determination that no other contract is suitable, and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and material contracts provide no incentive for cost control or labor efficiency.

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## ***Procedure For Procurement Of Administrative Services, Supplies, Equipment And Property***

CCRPC capitalizes equipment purchases of \$5,000 or greater. Capital purchases are approved through CCRPC's annual budgeting process. Capital purchases are discussed further in Part 3 – Accounting & Internal Control Policies and Procedures. For purchases of service, supplies, equipment or property the procedures outlined in previous sections of this policy shall be followed. Any equipment or other durable assets purchased by the CCRPC in its role as a Clean Water Service Provider shall be maintained.

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## ***Contractor Selection Procedure***

CCRPC conducts regional and transportation planning for the benefit of the municipalities and citizens of Chittenden County. Additionally, CCRPC may operate as a Clean Water Service Provider pursuant to Environmental Protection Rule Chapter 39 to assist the State of Vermont in meeting water quality performance targets. For tasks that cannot be completed by CCRPC staff due to workload or technical expertise CCRPC may procure the services of contractors. CCRPC's preferred method for procuring contractor services is a Standard Bid Process, though a Simplified bid process may be used under some circumstances (see discussion above). CCRPC will following the procedures described below for procuring contractor services using a Standard Bid Process. The section below ~~does not apply only applies~~ when procuring construction-professional services contracts. Procurement of construction contracts over \$100,000 must follow *Procurement by Sealed Bids* procedures.

CCRPC has a list of potential professional service contractors that include contractors who are currently working for CCRPC, those who have previously worked for CCRPC and those who have expressed interest in working with CCRPC. The list also includes contractors identified by the Vermont Agency of Transportation (VTrans) as well as a separate list of contractors and organizations identified through RFQ processes instituted in its role as a Clean Water Service Provider.—and other sources. The intention of this list is to contain all potentially qualified contractors. Interested contractors will be added to the list upon request however interested contractors seeking to become eligible to provide services to the CCRPC or its subgrantees in CCRPC's role as a CWSP must be prequalified by the CCRPC or be competitively procured directly by a subgrantee. CCRPC will not preclude potential bidders from qualifying during the solicitation process. 2 CFR 200.319(d)

- ◆ **Request for Proposal.** For projects where the scope of work is well defined CCRPC may use a Request for Proposal (RFP) process. For this process CCRPC staff will solicit proposals from contractors listed on CCRPC's contractor list. CCRPC will ~~also place an ad in a newspaper of general circulation and on at minimum post the RFP on the online~~ Vermont Bid System, and will place a notice on CCRPC's website announcing the availability of the Request for Proposals. For specialized services, such as solicitation for projects in CCRPC's role as a Clean Water Service Provider, other sources for distribution of the RFP may be used.
- ◆ **Request for Qualifications.** For projects where the scope of work is not well defined, the anticipated contractor response is expected to be large, or where CCRPC wishes to select Retainer contractors a

Request for Qualifications (RFQ) process may be used. If an RFQ process is undertaken CCRPC staff will solicit statements of qualification from contractors listed on CCRPC's contractor list. CCRPC will ~~also place an ad in a newspaper of general circulation and on at~~ minimum post the RFQ on the online Vermont Bid System, and will place a notice on CCRPC's website announcing the availability of the Request for Qualifications. For specialized services, other sources for distribution of the RFQ may be used. A short list of contractors deemed to be qualified to perform the project may be sent an RFP for final selection of a contractor. On certain occasions and as required by grant agreement, the CCRPC may also use an RFQ process to select qualified organizations or municipalities as potential subgrantees.

- **Retainer Contractors.** To streamline procurement for work routinely bid out, CCRPC may use the RFQ process to select Retainer contractors or organizations or municipalities to perform projects under task orders issued on an as-needed basis. When selecting Retainer contractors and organizations and municipalities, CCRPC will follow the procedures outlined below. These procedures do not apply to procuring construction services.
  - CCRPC will develop an RFQ for the specific services to be covered by the Retainer contract. CCRPC may develop and award multiple Retainer contracts if a diversity of project types are anticipated during the contract period.
  - CCRPC will strive to select at least three contractors for each Retainer contract. However, this requirement may be waived if there are fewer than three respondents to the RFQ that are deemed qualified by the selection committee.
  - When preparing and evaluating RFQs for Retainer contracts CCRPC will follow the *Formats and Requirements* and *Evaluation* procedures detailed below.
  - Retainer contractors will be selected to perform the predefined tasks for a term of two years with the option of extending the contract for up to two additional one year terms **except that terms for firms, organizations are municipalities selected pursuant to Environmental Protection Rule Chapter 39 may be for three years while firms selected to conduct Brownfields services may be for a term of four years.**
  - Each Retainer contractor will be issued a contract defining the specific services that are covered by the contract, the contract term, and the maximum limiting amount of the contract. For the one year contract extensions, a new maximum limiting amount will be set for each additional year.
  - Task Order assignments will be made by CCRPC and project stakeholders following a review of the task order complexity, experience of the firm, capacity to complete the work within the desired time-frame, and availability of contractor staff. CCRPC may request technical proposal from more than one firm for comparison if deemed appropriate.
  - CCRPC may not award task orders to contractors who have exceeded the maximum limiting amount of their contracts. If no qualified contractors are available with capacity within the maximum limiting amount to perform a task order, CCRPC may re-advertise the Retainer RFQ or issue a separate RFP for the project.
  - However, for contractors, not subgrantees, retained by the CCRPC in its role as a Clean Water Service Provider (CWSP) pursuant to Act 76 (the Clean Water Service Delivery Act) and Environmental Protection Rule Chapter 39,
    - a) the term shall be valid for up to three years;
    - b) the CCRPC will open the RFQ process to new potential contractors at least once per year

- c) at the start of a CWSP clean water project, the CCRPC or its subgrantees must seek proposals from at least three potential firms, either from these pre-qualified CWSP contractors or the business community. After selection, that contractor may continue to work for the CCRPC or its subgrantees on further phases through construction/implementation of that clean water project provided that their costs are consistent with the standard cost as identified by the Secretary of the Agency of Natural Resources as noted in Act 76 and as long as the CCRPC and/or its Subgrantee who is managing the project is satisfied with their work. For subcontracts regarding Operations & Maintenance and/or Inspection/Verification the CCRPC or its subgrantees may choose to solicit new vendors from those involved with Design and Implementation.

- **RFP or RFQ Formats and Requirements.** The RFP or RFQ will contain adequate project descriptive information for contractors to understand the scope of the project. The RFP or RFQ will also detail the information required to be considered responsive to the RFP/RFQ and will outline the criteria that will be used for contractor selection. The contractors will be asked to provide the information listed below, as well as other items deemed important to the proposed project.

- Name, address and brief history and description of the firm or organization.
- Resumes of key personnel to be assigned to the project.
- Related projects/areas of expertise/experience.
- Description of budgeting, cost and quality control procedures.
- DBE/WBE and Justice/Equity/Diversity/Inclusion procedures.
- A brief description of the firm's approach to the project.
- Additional information CCRPC may think is useful.
- Documentation apprising CCRPC of any record of debarment on the firm or organization
- Executed Certificate of Good Standing using form B5-Act154Cert provided by the Vermont Agency of Administration

- **RFP/RFQ Evaluation.** The RFP/RFQ will be evaluated considering a predetermined system of criteria and by a predetermined selection committee likely consisting of representatives of the affected communities, CCRPC staff members, a representative of VTrans or other agencies as appropriate, and others with expertise in the area of the proposal. Responses to RFPs/RFQs for non-subgrantees issued pursuant to Environmental Protection Rule – Chapter 39 will be evaluated by considering a predetermined system of criteria and by a predetermined selection committee likely consisting of members of CCRPC staff members, a representative of Vermont ANR or other agencies if applicable, and possibly others with expertise in the area of the request. Responses to RFPs/RFQs issued pursuant to CCRPC's Brownfields Program will be reviewed by CCRPC staff, select members of the CCRPC Brownfields Advisory Committee and others as needed. Criteria may include, but not be limited to the following:

- Responsiveness to the scope of work
- Knowledge of the project area
- Quality and number of staff assigned to the project
- Distribution of staff hours to tasks
- Specific experience of the proposed staff
- Schedule
- Creativity of methodological approach
- Technical resources



- Location of the key management and staff team in relation to the location of the project.
- Overall experience of the firm
- Experience with similar projects
- Good faith effort soliciting DBE's. The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program.

Once the proposal is discussed and ranked the cost proposal, if required, will be reviewed for consistency with, and in light of, the evaluation of the technical proposal.

The CCRPC reserves the right to seek clarification of any proposal submitted and to select the proposal considered to best promote the public interest.

All proposals become the property of CCRPC upon submission. The cost of preparing, submitting and presenting a proposal is the sole expense of the contractor. The CCRPC reserves the right to reject any and all proposals received as a result of any solicitation, to negotiate with any qualified source, to waive any formality and any technicalities or to cancel a project in part or in its entirety if it is in the best interest of the CCRPC. This solicitation of proposals in no way obligates the CCRPC to award a contract.

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## ***Bid Protest Procedure***

The CCRPC, in accordance with good administrative practice and sound business judgment, will be responsible for the settlement of all contractual and administrative issues arising out of procurement. If there is a dispute, VTrans will be notified. If there is a dispute related to procurement conducted pursuant to Environmental Protection Rule Chapter 39, the Vermont Agency of Natural Resources will be notified. The Executive Director of the CCRPC, the Transportation or Planning Program Manager as appropriate, the Project Manager and a local representative if appropriate, will meet with the party filing a bid protest to hear the issues that are the subject of the protest, and to present the procurement procedures that were followed. If the matter cannot be satisfactorily resolved, it will be referred to the Executive Committee of the CCRPC which shall meet as a "Disputes Committee" and is the final authority. VTrans will be notified of the outcome. If a matter regarding Environmental Protection Rule Chapter 39 cannot be satisfactorily resolved, it will be referred to the applicable Basin Water Quality Council which shall meet as a "Disputes Committee" and is the final authority. ANR will be notified of the outcome.

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## ***-Contract Procedure/Forms***

For individual contractors selected through an RFP process, the CCRPC Project Manager shall complete the Contract Data Form (form is found immediately following this section), which gives all information necessary to prepare a contract, and present it to the CCRPC Senior Business Manager, who will prepare the agreement. Contracts are numbered by fiscal year.

For Retainer contractors, the CCRPC Project Manager shall complete the Contract Data Form as discussed above and a Contract or Master Agreement will be prepared for one two-year term, with the possibility of two one-year extensions except that terms may be longer for non-VTRANS retainer agreements. The Contract will include the Maximum Limiting Amount for the initial two-year term for contracts for VTRANS-funded work. The Maximum Limiting Amount for additional one-year terms will be processed as contract amendments. MLAs may or may not be established for retainer agreements funded

by other sources. For retainer contractors and organizations procured pursuant to Environmental Protection Rule Chapter 39, a Contract Data Form shall be prepared for a three-year term with no maximum limiting amount. For each Task Order awarded to each contractor, CCRPC will prepare a Task Order Agreement (template is included immediately following Contract Data Form), which is a one-page document describing the project assignment, cost information and duration. Each contractor Contract is given a contract number and each Task Order Agreement (TOA) is given a TOA number.

With the exception of projects funded by the Vermont Clean Water Fund, CCRPC transportation-related planning projects are typically funded with 80 percent federal planning funds and a 20 percent non-federal match is typically required. For regional projects matching funds may be paid using CCRPC municipal dues. For local projects a municipal match may be required. If a municipal match is required, a separate agreement will be prepared and sent to the municipality to be signed by both the municipal administrator and the chair of the elected body to ensure municipal support.

For contract amendments, the Project Manager shall send a project amendment form to the Transportation Program Manager or the Planning Program Manager as appropriate. The project amendment form will provide a description of the proposed change and the reason for the change. The Transportation/Planning Program Manager will review and approve the amendment and submit the form to the Executive Director for final approval and submission to the Senior Business Manager to prepare a contract amendment.

~~The Senior Business Manager maintains a spreadsheet of all contracts awarded since 1997. The spreadsheet includes contract amount, contract number, contractor, project name, project manager, duration, and date signed. Contract amendments are listed under each project and a revised total cost of the project.~~

checks are generated by QuickBooks.

- A limited number of vendor payments are executed online. In those cases the Executive Director signs off on the vendor invoice. If the payment is for \$5,000 or more a second approval by an authorized signer will be obtained. The Senior Business Manager executes the payment online. The Senior Business Manager monitors the checking account register online and notes the payment coming out of the checking account. A copy of the checking account register with the payment shown is generated and attached to the approved vendor invoice. The documentation is placed in the appropriate vendor file or binder.
- Checks are signed by the Executive Director except when checks are equal to or in excess of \$5,000, when they require additional signatures (see Accounts section). Checks in the amount of \$5,000 or more must be approved by two authorized signers. Checks may be printed with a signer signature included. Before a check is printed with a signature a written approval may be obtained from the authorized signers. The Executive Director, Chair, Vice Chair, and Secretary/Treasurer are signers on CCRPC bank accounts.
- The Business Office Manager or the Senior Business Manager mails checks.
- The Business Office Manager or the Senior Business Manager files the check stubs with copies of the invoice in the vendor files. If applicable, copies will also be placed in the appropriate contract file.
- The list of written approvals shall be maintained, organized by month. The Executive Director or designee will compare the list to the checking account bank statement each month to ensure only approved checks were printed and disseminated.

### *Federal and State Awards*

CCRPC will follow the United States Office of Management and Budget (OMB) 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal [Awards and Vermont Agency of Administration Administrative Bulletin 5 for State](#) Awards. These requirements replace any previous OMB guidance or rules regarding the administration of federal awards under this section or any other section of this manual.

### **Subrecipient Monitoring**

Subrecipient Monitoring and Management, Part 200.330 of 2 CFR, describes the rules for monitoring and managing subrecipients and contractors. [Vermont Agency of Administration Administrative Bulletin 5](#) especially but not limited to section VIII which discusses subrecipient monitoring. The CCRPC shall comply with the rules and requirements as set out in this part.

### **Establishment of subrecipients/subawards**

~~CCRPC routinely manages grant awards that specify that a portion of the scope of work is to be delegated to subgrantees. Similarly, a grant application submitted by the CCRPC may specify that a certain subcontractor will be used or that funds will be passed through to a certain municipality or organization. When receiving a grant, the exact subcontractors and subgrantees may be designated in the overall grant agreement while in other cases the CCRPC is tasked with conducting an RFP or RFQ process to select subgrantees.~~



~~For project manager subgrantees, not subcontractors, recruited via an RFQ process and retained by the CCRPC in its role as a Clean Water Service Provider (CWSP) pursuant to Act 76 (the Clean Water Service Delivery Act) and Environmental Protection Rule Chapter 39,~~

- ~~a) the term shall be valid for up to three years;~~
- ~~b) the CCRPC will open the RFQ process to new potential subgrantees at least once per year~~
- ~~c) upon a positive vote of a Basin Water Quality Council, subgrantees are selected to receive funds from the CCRPC for various phases of a clean water project~~
- ~~d) that subgrantee may continue to manage further phases (development, design, and construction, operations/maintenance & verification) of a clean water project based upon an affirmative vote of a Basin Water Quality Council and provided that their costs are generally consistent with the standard cost as identified by the Secretary of the Agency of Natural Resources as noted in Act 76.~~
- ~~e) subgrantees shall be selected and managed consistent with Act 76, the Rule and Act 76 Guidance~~

### **Charging Costs to Federal or State Awards**

It is the policy of the CCRPC that only costs that are reasonable, allowable and allocable to a Federal award shall be charged to that award directly or indirectly. All unallowable costs shall be appropriately segregated from allowable costs in the general ledger in order to assure that unallowable costs are not charged to Federal awards.

### **Segregating Unallowable From Allowable Costs**

The following steps shall be taken to identify and segregate costs that are allowable and unallowable with respect to each federal award:

1. The budget and grant or contract for each award shall be reviewed for costs specifically allowable or unallowable.
2. Accounting personnel shall be familiar with the allowability of costs provisions of OMB 2 CFR Part 200, "Subpart E – Cost Principles".
3. No costs shall be charged directly to any Federal award until the cost has been determined to be allowable under the terms of the award and/or OMB 2 CFR Part 200.
4. All items of miscellaneous income or credits, including the subsequent write-offs of uncashed checks, rebates, refunds, and similar items, shall be reflected for grant accounting purposes as reductions in allowable expenditures if the credit relates to charges that were originally charged to a Federal award or to activity associated with a Federal award. The reduction in expenditures shall be reflected in the year in which the credit is received (i.e. if the purchase that results in the credit took place in a prior period, the prior period shall not be amended for the credit.)

### **Criteria for Allowability**

It is the policy of the CCRPC that all costs must meet the following criteria in order to be treated as allowable direct or indirect costs under a Federal award:

1. The cost must be "reasonable" for the performance of the award, considering the following factors:
  - a. Whether the cost is of a type that is generally considered as being necessary for the

**ANNUAL MEETING AGENDA**  
**Wednesday, June 19, 2019, 5:30 pm**  
**Hula, 50 Lakeside Ave., Burlington, VT**



**5:00 p.m. - Social hour, hors d'oeuvres, cash bar**

**5:30 p.m. - CCRPC Business Meeting – Hybrid option**

Join Zoom Meeting: <https://us02web.zoom.us/j/81724061519>

One tap mobile: +16468769923,,81724061519#+

Dial in: 1-646-876-9923 and enter Meeting ID: 817 2406 1519

**6:00 p.m. – Hula welcome, opening remarks, service recognition**

**7:30 p.m. – Adjourn**

CCRPC BUSINESS MEETING AGENDA

1. Call to Order
2. Changes to the Agenda (Action; 1 min.)
3. Public Comment Period on Items NOT on the Agenda
4. Approve Minutes of May 18, 2022 Meeting \* (Action; 1 min.)
5. Warn Public Hearing for FY23-26 Transportation Improvement Program (TIP) \* (MPO Action: 1 min.)
6. Election of Officers and Executive Committee for FY23 \* (Action: 2 min.)
7. FY23 Meeting Calendar \* (Action; 1 min.)
8. Staff Recognition/Resolutions \* (Action; 1 min.)
9. Chair/Executive Director's Updates (Information; 1 min.)
10. Committee/Liaison Activities & Reports \* (Information; 1 min.)
  - a. Executive Committee (draft minutes May 4, 2022) \*
    - i. Act 250 Sec 248 letters
  - b. Transportation Advisory Committee (draft minutes May 3, 2022) \*
  - c. Clean Water Advisory Committee (draft minutes May 3, 2022) \*
  - d. MS4 Subcommittee (draft minutes May 3, 2022) \*
  - e. Long Range Planning Committee (draft minutes May 10, 2022) \*
  - f. Planning Advisory Committee (draft minutes May 11, 2022) \*
  - g. Brownfields Advisory Committee (draft minutes April 26, 2022) \*
11. Adjournment

*\*Attachment*

*In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, the CCRPC will ensure public meeting sites are accessible to all people. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Emma Vaughn, CCRPC Title VI Coordinator, at 802-846-4490 ext. \*21 or [emma.vaughn@ccrpcvt.org](mailto:emma.vaughn@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 **virtually**:

- Executive Committee – Wednesday, June 1, 2022, 5:45pm
- Transportation Advisory Committee – Tuesday, June 7, 2022, 9am
- Clean Water Advisory Committee - Tuesday, June 7, 2022, 11am
- CWAC MS4 Subcommittee - Tuesday, June 7, 2022, ~12:30pm
- Long Range Planning Committee - Tuesday, June 14, 2022, 7pm
- CCRPC Board Meeting - Wednesday, June 15, 2022, 6:00pm
- Planning Advisory Committee – Wednesday, July 13, 2022, 2:30pm

Tentative future Board agenda items:

July 20, 2022	Public Hearing for FY23-26 Transportation Improvement Program (TIP) All Hazard Mitigation Plan Committee Appointments Equity update/training Town of Bolton Enhanced Energy Plan?
August	NO MEETING
September 21, 2022	New member Training prior to meeting Committee appointments, if needed Park and Ride Plan Update CEDS Update Equity update/training

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