

Northern Lake Champlain Basin Water Quality Council Regular Meeting, May 18, 2022 10 a.m. (Online) **APPROVED** Minutes

See meeting recording & meeting materials at:

<https://www.ccrpcvt.org/northern-lake-champlain-basin-water-quality-council/>

1) Introductions, Changes to the Agenda and Public comment on items not on the agenda

The meeting was called to order at 10:03 a.m. by Chair Ken Mirvis. A quorum of 9 seats out of 9 were represented as noted in Bold.

(# seats)	Members Present	Alternates Present
Watershed Protection Organizations (2)	Kent Henderson, Friends of Northern Lake Champlain	<i>Don McFeeters, Friends of Northern Lake Champlain</i>
		<<Roger Crouse, Lake Iroquois Association
NRCDs (2)	Remy Crettol, Winooski NRCD	
		<<Lauren Weston, Franklin County NRCD
Municipalities (2)	Ken Mirvis, Grand Isle	<i>Tom Briselden, North Hero</i>
	Dave Wheeler, South Burlington	
RPCs (2)	Dean Pierce, Northwest RPC	
	Karen Adams, Chittenden County RPC	
Land Conservation Organizations (1)	Emily Alger, South Hero Land Trust	
Clean Water Service Provider Staff		Secondary CWSP Staff
	<i>Charlie Baker, Director Dan Albrecht, Manager</i>	<i>Sai Sarepalli</i>
Guests		
	<i>Dea Devlin, Northwest RPC</i>	<i>Kate Kelly, Lewis Creek Association</i>
	<i>Emmalee Cherington, Town of St. Albans</i>	<i>Jared Carpenter, Lake Champlain Committee</i>
	<i>Auditi Guha, VT Digger</i>	<i>Chip Sawyer, City of St. Albans</i>

No public comment provided.

2) Review and approval of today's Agenda and of Minutes for Meeting of April 20, 2022

After a brief recap by Albrecht, on a motion by Pierce, with a second by Henderson and by unanimous vote, the agenda was approved as drafted and the minutes of April 20, 2022, were approved unanimously.

3) Review of Draft Council Policies and Procedures

Albrecht recapped the new items in the Policies and Procedures and gave an overview of the Conflict of Interest Policy and Public Participation Policy. He acknowledged cribbing good ideas from Dean Pierce and Northwest RPC. The Council should hold off on voting for now because DEC is still working on the Guidance document.

a) Policies and Procedures, 2nd review

Regarding Alternates, the gist is that an Alternate must be paired with a member and there cannot be more alternates than members. Having Alternates is optional. Tweaks were suggested to the language. Regarding Attendance, Quorum and Votes, Pierce noted that open meetings law requires at least 5 votes in the affirmative, even if only five members were present. Henderson felt that we should potentially have a higher bar than five members for a quorum and members should give at least 3 days notice to their Chair and the Alternate if they can't make a meeting and the Chair and staff should let people know if quorum is not going to be achieved.

Regarding Quorum, the following members were in favor of only 5 people for a Quorum: Wheeler, Crettol, Pierce, Adams, Crouse, Mirvis. Henderson was in favor of 7 seats for a Quorum. Albrecht clarified that Alternates are not required to participate when the Member is present especially after July 1 because DEC has indicated that funding for such participation may no longer be covered.

Regarding adoption of Policies & Procedures, Albrecht noted that this is kind of like the group's charter so perhaps there should be a higher bar. Pierce suggested, that if an extra-majority is required for approval of policies then put that down at the bottom, such as: "This policy may only be amended with at least Quorum Plus # voting in the affirmative." Wheeler suggested 7 votes.

Regarding approval of Projects, any thoughts on a threshold of required affirmative votes: Those in favor of majority rule; eg. 5 out of 5 or 5 out of 9. Wheeler, Crouse, Pierce, Adams. Pierce noted that recusals or absences means keeping at 5 is critical. Henderson was in favor of 7. Mirvis was neutral. Crettol said 5 or 6.

b) Conflict of Interest Policy, 1st review

Albrecht will research if Council members are required to sign the Policy. Adams noted that there should be clarity regarding one's employer or one's organization managing a project. But there could also be a conflict where a Council member has a relationship with a project even though they are not managing it. Also, is it a conflict if one was married to an engineer who was involved with a project, or a member was invested in a company involved in a project. She will send some suggested language from the Town of Colchester. She is not in favor of the Council voting on whether a member has a conflict, but Members should divulge any potential conflicts.

c) Public Participation Policy, 1st review

Albrecht borrowed a lot of the text from Pierce and NRPC and uses required language from the Act 76 Rule and pending Guidance. Regarding the last section, Albrecht and Pierce noted the blank numbers to fill in for how many months we wait before we adopt a public participation plan. That Plan could be informed after we have been up and running for a while and we can assess whether we need to do a better job of outreach in specific regions.

4) Draft ANR Formula Grant Methodology

Albrecht briefly displayed the draft methodology which recently finished up being reviewed through a public comment period ending May 2nd. This is purely informational for those of you who will want to eventually apply for funds. Pay attention to the standard cost per project so that you will have a sense of whether or not your project has a likelihood of getting funded. Note that we and the other CWSPs have not come up with a good mechanism for "scoring" projects. You can access the draft methodology at: [Draft ANR Formula Grant Methodology](#)

5) Basin 5 TBP Implementation Table

see full plan at: <https://dec.vermont.gov/sites/dec/files/documents/TBP5finalSigned.pdf>

Recap of Strategies (Information)

a) priority areas for restoration

b) strategies by sector (agriculture, developed lands-roads, developed lands-stormwater, forest, lakeshore, wetland)

Albrecht displayed the document to the members (starts at page 101 of the overall TBP) and highlighted those strategies most applicable to the non-regulatory sector ([see red circles on PDF located on BWQC page for today's meeting](#)).

6) Updates as needed from CWSP staff, DEC, BWQC Members and Guests

Albrecht noted that he hopes to issue the RFQ for Subcontractors (e.g. Engineers) later this week or next week. This will generate a list of contractors for organizations and municipalities to draw from (editor's note: to solicit quotes from at least three firms). Regarding the RFQ for Subgrantees (project implementors/managers/partners) will take longer to finalize. This RFQ will be targeted to NRDCs, watershed

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organizations, municipalities, land trusts, etc. He will try to keep it general: tell us about your administrative skills, grant management skills, managing engineers, managing construction firms, etc. Those groups would then be pre-qualified to come to the BWQC to seek funding for a project. Thus, there are two different tracks of procurement: subcontracts via competitive procurement for engineers and for actual construction and subgrants for project managers/implementors.

Referencing the Implementation Table, Mirvis asked if as a regular part of our meeting to have 5 minute updates on work in their domain or once a month lunch presentations. Alger thought it was a good idea as well. Albrecht noted he could a regular staff update on projects (e.g. photos). Briselden recommended a running list of projects to see how we are doing with meeting our Phosphorus Reduction targets. Albrecht noted that this would similar to the dummy map dashboard of projects.

Henderson noted it is urgent for him to get that list to us quickly and we also need to know best channels to contact contractors. Albrecht noted that Rottler at DEC also said, the list is good but, in the end, as long as you ask at least 3 firms for a quote it is okay if they were not on the list. Still, Albrecht stressed the usefulness of the final list of prequalified firms because project implementors will not only get names and phone numbers but more importantly be able to see the Responses to get a sense of what actual skills and capabilities each firm has and use that to decide who to contact.

7) Action Items:

-call for Alternates for Municipalities, NRCs and Land Conservation Organizations

Albrecht indicated he will reach out to Chittenden County municipalities in the Basin to find an Alternate for Dave Wheeler. Alger indicated she never did hear back from LC Land Trust. Albrecht will send another appeal to the Land Conservation Organizations. Crettol suggested the Winooski Valley Parks District which is both a municipality and a land conservation organization. The District typically owns Crettol will report back to Albrecht with an Alternate for him, either a staff member or a Board member.

-Mirvis encouraged development of a clear timeline showing when they need to adopt the various policies by. Albrecht will do his best, but it is contingent upon DEC finalizing the guidance.

8) Items for Next meeting agenda, June 15th

Agenda items will be how to submit a proposal to the CWSP, update on results of Subcontractor RFQ, presentations on potential planned submittals so we can get familiar with them before they are submitted

As an example, Wheeler noted two planned stream channel restoration projects in Potash Brook near the Champlain Valley Water District and one near Kennedy Drive and Grandview Drive. Mirvis asked members to reach out to Albrecht if they would like to present on a planned submittal at the next meeting.

In response to Henderson, regarding how to submit proposals, both Albrecht and Pierce indicated that the application form will ask for the information needed in the prioritization system but we don't know exactly what that will look like. Albrecht recommended that he reach out to Lyn Munno of WUV who can provide input into the Guidance development. Albrecht noted that this will be similar to other grant applications to DEC. The main thing is the application will need to show how the cost estimate was generated and that it is consistent with the methodology and tools required by DEC. Be sure to look at the link to the methodology in agenda item #4. Regarding the role of the Council, Albrecht noted that the Council does not have control over how a Phosphorus Reduction score is generated but it does have a control over how to weight the value of different co-benefits (e.g. hazard mitigation, community involvement, added interpretation, etc.). Albrecht stressed that the big driver will be "is your project's cost consistent those established with the Formula Grant Methodology?" Co-benefits are icing on the cake.

9) Adjournment

On a motion by Pierce, seconded by Adams a motion was passed unanimously to adjourn at 11:23 a.m.