



AGENDA

Clean Water Advisory Committee

Thursday March 14th 4:00 – 6:00 PM
Central Vermont Regional Planning Commission,
29 Main St., Suite 4, Montpelier, VT

- 4:00 PM: Welcome and Introductions
Public Comments
- 4:05 PM: Changes to agenda
- 4:10 PM: 3 Acre General Stormwater Permit – Guest Padraic Monks, DEC Stormwater Program Manager
- 5:10 PM: Approval 2/21/19 minutes (enclosed)
- 5:15 PM: CWAC – where are we going?
Select a Committee Chair?
- 5:45 PM: CVRPC Code of Conduct & Conflict of Interest Policy Acknowledgement
- 5:55 PM: Wrap-up. Next Meeting Date 4/11/19?

1 **CENTRAL VERMONT REGIONAL PLANNING COMMISSION**
2 **CLEAN WATER ADVISORY COMMITTEE**
3 **FEBRUARY 21, 2019**
4 **Meeting Notes**

5
6 A meeting of the Central Vermont Regional Planning Commission’s Clean Water Advisory Committee
7 was held on Thursday, February 21, 2019 in the Central Vermont Regional Planning Commission
8 Office.

9
10 Committee Members Present:

- 11 Stewart Clark – Worcester Planning Commission
12 Michele Braun – Friends of Winooski River
13 Ron Krauth – Middlesex/Board of Commissioners
14 Joyce Manchester – Moretown TAC
15 Amy Hornblas – Cabot/Board of Commissioners
16 John Hoogenboom – Moretown Selectboard
17 Larry Becker- Middlesex Conservation Commission
18 Gianna Petito - Winooski Natural Resources Conservation District

19
20 Committee Members Absent:

- 21 Dona Bate – Montpelier City Council
22 Russ Barrett – Northfield Conservation Commission
23 Karen Bates – ANR
24 John Brabant – Calais/Board of Commissioners
25 Corrie Miller – Friends of the Mad River
26 Brian Shupe – Friends of the Mad River

27
28 Others Present:

- 29 Bonnie Waninger, CVRPC Executive Director
30

31 **CALL TO ORDER**

32 Pam DeAndrea called the meeting to order at 4:07 PM.
33 Welcome and introductions
34

35 **CHANGES OR AMENDMENTS TO THE AGENDA**

36 Move minutes approval to when Joyce Manchester gets here so we can have a quorum.
37 Move discussion of surface water reclassification to after Clean Water District.
38

39 **PUBLIC COMMENTS**

40 Amy – felt a bit manipulated after the last meeting since it seemed like glyphosate just got glossed over.
41 Under the framework of no till but it can’t be organic. As a team, we are being asked to blame the
42 farming community while Cabot is able to spray wastewater.
43 Stew – frustrated – Patti said that phosphorus is trapped in the soil. But roundup is adding extra
44 phosphorus to the soil that could be eroded into the streams.
45 Ron – No till farming - no one thought that weed control is needed in the past and that’s how roundup is
46 used so much.
47 Amy – wanted a voice for concerns and feels that her concerns are not being heard.
48 Pam – understand concerns, what would you like me to ask? Do you want me to ask Patti is there
49 phosphorus enrichment of soils and can that contribute to increase P to the streams and ultimately Lake
50 Champlain?
51

1 Pam and Michele – Workshop announcement - Water Wise Woodlands – Caring for Your Woods
2 Pancake Breakfast. Twinfiels School, Marshfield, Saturday March 30, 9 am – 1 pm.
3 Learn about woods, wildlife & water with hands on workshops.
4

5 **WINOOSKI TACTICAL BASIN PLAN RESPONSIVENESS SUMMARY**

6 Group discussed responsive summary.

7 Comment 5:

8 Is macroinvertebrate sampling required in agricultural areas? Michele looked it up and saw that it is
9 sporadically over time throughout the watershed. But are spots targeted where there is ag work.

10 Comment 7: Yes it is federally regulated but still things occur like some commercial entities being
11 allowed discharge things.

12 Comment 11: Lay person language – maybe another format in the future.

13 Comment 26: Answer did not address concern.

14 Comment 27: Gianna – LaRosa just announced that they will release an RFP to monitor pre-BMP
15 baseline monitoring and then post as well. Upstream/downstream with reference sites.

16 Comment 28: The answer missed the delivery of the question that is it a concern from a water quality
17 perspective.
18

19 **CLEAN WATER IMPLEMENTATION PROPOSED LEGISLATION**

20 Bonnie gave a background of ANR’s regulatory authority was thought to achieve 90% CW goals. This
21 year they said that they are only going to be able to achieve 80% through regulation. To get the 20%,
22 they proposed that municipalities would have to form a utility to be eligible for funding for future
23 projects.
24

25 VAPDA was concerned about the utility idea not being uniform across state. They proposed an
26 alternative similar to a block grant that brought in all partners. Use the CWAC as a convening model
27 and that some groups would have to be represented. Use the group to prioritize projects for
28 implementation. RPCs have the capacity to manage such a project.
29

30 Latest proposed legislation – enable a block grant through RPCs, but it is still very regulatory.
31 Responsible for O&M into the future. Would impose penalties upon the RPC if O&M was not
32 followed. Monitoring, inspection – how would we be funded for that? Annual report. Still takes non-
33 regulatory activities and puts them in a regulatory framework, so it still really does not work. Should it
34 be regulatory or non-regulatory? If the ANR needs it to be regulatory, this will probably not work to
35 have the RPCs manage it.
36

37 Larry – where is this coming from? Agency or public?

38 Bonnie and Michele – this is coming from an agency and science perspective.
39

40 Joyce – TAC prioritizes, who inspects?

41 Bonnie – Vtrans inspects and town can request inspection.
42

43 Michele – limits it to impaired waters.

44 Gianna – Block grants? CWAC did give feedback during TBP process.

45 Michele – DEC is having a hard time managing grants, but they cannot hire staff.

46 Stew – maybe we need “friends” of the tributaries. Groups like the VRC would love to monitor
47 activities along the tributaries.

1
2 RPCs will be testifying next Wednesday. RPCs did testify to the clean water board that \$75,000 be in
3 there for watershed groups to participate.
4

5 **APPROVAL OF JANUARY 10 MINUTES**
6

7 No change but comment.

8 John moved to approve the minutes. Michele seconded. Minutes approved.
9

10 **ERP GRANTS**

11 Pam went over ERP grants to be submitted by CVRPC next month: Stormwater final designs for
12 Woodbury Elementary School, Moretown Elementary School, and Duxbury Ward Hill Road.
13

14 FWR: Michele went over ERP grants she is trying to submit:

15 Hubbard Park

16 Camp Wihawi – dam removal - \$450,000 – put it on the Whisper list – if a municipality has a project on
17 the revolving loan fund. Interest difference pays for the natural resources.

18 If that doesn't come through, will ask ERP.

19 Richmond School, Camels Hump Elementary School – CCRPC SWMP – 3 projects – big gullies.
20

21 WNRCD: Gianna said they are not submitting grant applications this round.
22

23 **SURFACE WATER RECLASSIFICATION OUTREACH**

24 Did not have time to talk about this. Will talk about another time.
25

26 **SCHEDULE**

27 Next meeting: Thursday, March 14.



Code of Conduct and Conflict of Interest Policy

Adopted by the Board of Commissioners on 12/11/18

Preamble

A public official must exercise his or her authority solely for the benefit of the public and, in fact, stand in a fiduciary relationship to the public. He or she is held to a most rigid standard with respect to any activity which places his or her individual interest in a position where collision with public responsibility becomes possible. Not only must public officials actually separate private interests from public responsibility, but must also give every appearance of this separation.

Definition

Commissioner. “Commissioner” means a member of the Central Vermont Regional Planning Commission’s Board of Commissioners. Alternate Commissioners are considered “Commissioners” for purposes of this Policy.

Agent. An “Agent” is a party that has express (oral or written) or implied authority to act for the Commission so as to bring the Commission into a contractual relationship with another party. An agency is under the control (is obligated to) the Commission, and when acting within the scope of his or her authority delegated by the Commission binds the Commission with his or her acts.

Committee Member. “Committee Member” means a member of a committee formed by the Central Vermont Regional Planning Commission and under its authority via adopted Rules of Procedure. “Committee Member” also means a member of a project-based committee formed by the Commission to provide advice or recommendations to the Commission.

Applicability

This Policy applies in the event a Commissioner, employee, agent, or Committee member (collectively as “Party”) of the Central Vermont Regional Planning Commission (Commission), whether or not the Committee member is a Commissioner:

1. has a personal or fiduciary relationship with any individual, partnership, firm or corporation seeking to contract with the Commission, or to provide materials or labor thereto;
2. has a personal or fiduciary interest in a project of the Commission or in a project before Act 250 or other regulatory board where the Commission is a party; or
3. is involved in any action or circumstance which might result in, or create the appearance of, undermining their independence or impartiality of action.

Commissioners are appointed by a municipal elected body to represent the interests of that municipality. Once appointed to the Board, Commissioners have a legal obligation to make decisions in the best interest of the Commission. A Commissioner's municipal perspective is an important part of those decisions. The Board of Commissioners has determined that Commissioners participating in discussions or decisions regarding the municipalities they represent does not constitute a conflict of interest because the Commissioner role functions in the public interest rather than a personal interest.

Code of Conduct

Parties of the Commission must take all reasonable steps to avoid any action or circumstance, whether or not strictly prohibited by this code, which might result in, or create the appearance of:

1. undermining their independence or impartiality of action;
2. taking official action on the basis of unfair considerations, unrelated to the merits of the matter;
3. giving preferential treatment to any interest on the basis of unfair considerations, unrelated to the merits of the matter;
4. using public office for the advancement of personal financial interests;
5. using public office to secure special privileges or exemptions; or
6. affecting adversely the confidence of the public in the integrity of affairs of the Commission.

This Code applies whether the Party's conduct would have a positive or negative effect on the action.

Party's of both the Commission and the Commission's sub-grantees will neither solicit nor accept gratuities, favors, or anything of monetary value (excluding calendars, pens, and other nominal items) from contractors, potential contractors, or parties to sub-agreements. In these cases, the gift must be disclosed to the Commission's Executive Director, or in the case of the Executive Director, to the Commission Chair.

Conflict of Interest

"Conflict of interest" means a personal or pecuniary interest of a Party. Such a conflict would arise when:

1. a Party of the Commission,
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 or a tangible personal benefit in the outcome of any particular matter pending before the Commission, including the award of contracts and sub-contracts.

A real conflict of interest exists when a private interest exists leading to a personal benefit or gain. An apparent conflict of interest exists when there is a perception that a conflict of interest exists leading to a personal benefit or gain. An apparent conflict of interest is one in which a reasonable person would think that the individual's judgment is likely to be compromised. A conflict of interest implies only the potential for bias, not a likelihood.

Party Actions

Upon joining the Commission or its committees, Parties will review and sign this Policy to indicate that they have read, understood, and agree to comply with it.

In the event a real or apparent conflict of interest, as herein defined, or a situation involving real or apparent impartiality does or would result, the Party must act as follows:

1. Prior to taking an official act or action or participating in any official act or action on the matter, publicly disclose at a public meeting or public hearing that s/he has an actual or perceived conflict of interest in the matter under consideration and disclose the nature of the actual or perceived conflict of interest.
2. Once there has been a disclosure of an actual or perceived conflict of interest, other public officers must be afforded an opportunity to ask questions or make comments about the situation.
3. A public officer who has recused himself or herself from participating in an official act or action by a public body shall not sit with the public body, deliberate with the public body, or participate in the discussions about that official act or action in any manner in his or her capacity as a public officer, though such member may still participate as a member of the public or private party, if applicable.

Employee disclosure, actions, and sanctions are governed by the Commission's Personnel Policies. Agents must disclose such interest to the Executive Director immediately, either verbally or in writing, and must not be involved further in the question of the contract issuance.

No Party of the Commission may participate in the selection, award, or administration of a contract supported by a Federal or State award if he or she has a real or apparent conflict of interest. The Commission must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

Resolving Conflicting Interests and Situations Involving Impartiality

In the event a Commissioner or member of a Commission committee or workgroup is uncertain whether he or she has a conflict of interest in any matter or is challenged in any matter, the Board of Commissioners or the Committee or workgroup in which the Party is involved, must state for the record its position as determined by roll call vote.

The Board of Commissioners has the ultimate authority over conflict of interest and situations involving impartiality decisions for the Commission's committees and workgroups. It may negate a decision made by a committee or workgroup if it votes to override a conflict of interest decision made by those groups at the Commission's next meeting. Staff must apprise the Commission of any conflict of interest decisions made by a committee or workgroup.

The Commission's Personnel Policies govern resolution of conflict of interests regarding employees. In the event an Agent is uncertain or is challenged, the Executive Director must determine whether a conflict of interest exists.

Sanctions

Failure of a Party to sign the Policy will result in the individual or organization being barred from voting on Commission business and/or other sanctions imposed by the Commission. If the Party has been appointed to the Board of Commissioners or a committee by a municipality, the appointee's municipality also will be notified.

If a Party subject to this Code of Conduct and Conflict of Interest Policy violates the Policy, the following sanctions will apply:

1. Commissioner. Violations of this policy by a Commissioner will result in the Commission making a written report of the violation to the governing body of the municipality the Commissioner represents. The Commission must make written report of a violation of this Policy to the governing body of the municipality the Commissioner represents. Additionally, the Commissioner may be removed temporarily or barred permanently from participating in the committee, project workgroup, or other Commission interest related to the conflict.
2. Employee. All employees are subject to the Commission's Personnel Policies. The Policies may provide additional guidance and standards for employee conduct in regards to conflicts of interest. Violations of this Policy or supplemental conflict of interest and code of conduct information in the Personnel Policies by employees will result in disciplinary actions as described in the Commission's Personnel Policies.
3. Agent. Violations of this Policy by an agent may result in removal from agent status. The Commission will document the violation in writing and maintain such documentation in the organization's files for future reference. Depending on the nature and extent of violation, an agent may be removed temporarily or barred permanently from acting on the Commission's behalf.
4. Committee Member. Violations of this Policy by a committee member may result in the committee member being removed temporarily or barred permanently from participating in the committee, project workgroup, or other Commission interest related to the conflict, or may result in the committee member being removed from the committee.

Acknowledgement

I acknowledge that I have read, understand, and agree to comply with this Policy.

Printed Name

Signature

Date