



MEMO - July 18th, 2016

To: CVRPC Brownfields Advisory Committee
From: Gail Aloisio, Program Coordinator
RE: Review & Comment for Finalization of Interim Rules of Procedure

In March and April of 2016, the Brownfield's Advisory Committee (BAC) developed interim Rules of Procedure to define the role of the committee within the Regional Planning Commission (RPC) and govern the activities of the BAC. These Rules of Procedure were adopted by the RPC Board of Commissioners on April 12th, 2016.

The rules were adopted with an Interim status to allow the BAC time to gain multiple new members, and determine if the quorum procedure setting the quorum at a minimum of five voting members was working effectively.

The Interim Rules of Procedure expire Oct. 12th, 2016 and will need to be submitted to the Board of Commissioners as Final Rules of Procedure by Sept. 1st for adoption by the Board of Commissioners at its September meeting. The Brownfields Advisory Committee, therefore should finalize its language for submission at next month's August BAC meeting.

BAC members are invited to provide review and comments on the current Interim Rules of Procedure in preparation for finalizing them. Please note any concerns you may have with the procedures that should be resolved before the BAC starts working under them on a permanent basis.

Staff recommends that the minimum five voting member quorum is an effective procedure for the Committee to follow. The committee has not grown to a size such that a minimum of five members is not representative of the committee as a whole. In the three months the Interim procedures have been in effect, one meeting did make quorum only with five members, and typically, 2 of 9 members have been unable to attend each meeting. It has also occurred that some members have chosen to recuse themselves from voting, in which case taking action under a larger quorum requirement would not have been possible. Committee members are also asked to provide comment on their perspectives on this quorum procedure, and if it should remain as currently written or be modified.

Please provide your written comments to Program Coordinator, Gail Aloisio, by **Wednesday, July 27th**. Comments may be submitted via email to aloisio@cvregion.com or faxed to 802-223-0389. Comments will be compiled with any proposed revisions and re-distributed to committee members one week before the August 8th BAC meeting.



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Brownfields Advisory Committee

INTERIM RULES OF PROCEDURE

PROGRAM MISSION: The CVRPC Brownfields Program returns undeveloped or underdeveloped properties with real or perceived contamination to more productive use in both the public & private sector.

COMMITTEE PURPOSE: To oversee the Commission's brownfields program and to provide local and regional input regarding brownfield issues important to the region.

GENERAL ACTIVITIES:

- ◆ Submit recommendations to the Executive Committee for investment of funds designated for brownfields work to achieve the program mission.
- ◆ Assist to identify and prioritize communities or neighborhoods in need of support for brownfields revitalization and the projects that will support those efforts
- ◆ Develop brownfield-related policies for recommendation to the Commission, and provide input into any policies developed by the Commission related to brownfields.
- ◆ Provide oversight for and assist in the development of the Commission's brownfields work program and budget.
- ◆ Participate in public outreach efforts, including education of the professional community, public notification, liaison to municipalities and other local and regional boards as appropriate, and other activities.
- ◆ Maintain site selection criteria.
- ◆ Review and prioritize nominated sites for inclusion in the Region's brownfields program
- ◆ Assist in the hiring of consultants and oversee consultant progress in order to bring projects to completion.

ADVISORY ROLE: The Committee shall be advisory to the Regional Commission, who shall have final authority over decisions related to this program. The Committee will offer recommendations, advice, input, and opinions to the Commission, the US EPA, the State of Vermont, and other organizations and individuals as appropriate, provided it is compatible with plans, policies, positions or resolutions adopted by the Commission. New or amended plans, policies, positions or resolutions shall be ratified/approved by the Board of Commissioners.

Expenditure of Commission funds as recommended by the Committee shall be authorized by the Executive Committee. The Commission has the ultimate authority over program decisions. The

Commission shall designate staff to assist the Committee as necessary.

MEMBERSHIP: Participation is optional. The Brownfields Advisory Committee will seek a minimum of thirteen (13) members and three alternates to the Committee as follows:

Regional Commissioner Representation: Five (5) membership seats and one alternate shall be designated for Regional Commissioners. These representatives shall represent the interests of the region as a whole and municipalities in general. Commissioners will be appointed by the CVRPC Board of Commissioners.

Interest Group Representation: Non-Regional Commission representation on the Committee shall be limited to 14 members. Of these, membership seats shall be designated for the following: Central Vermont Economic Development Corporation and Vermont Department of Health, each of which may appoint one voting representative and one alternate to the Committee. Other brownfield interest groups, organizations and/or individuals may be apportioned a membership seat by the Committee and invited to appoint one voting member to the Committee. At minimum, representation should be sought from the following six (6) interest groups: housing, real estate, finance, at-risk populations, solid waste, and the environment.

Non-Voting Membership: The Committee may also appoint non-voting members to serve on the committee and advise on special topics or as unique issues arise. Staff from the US Environmental Protection Agency, Vermont Agency of Commerce and Community Affairs, Vermont Department of Environmental Conservation, and other agencies and departments may serve on the Committee in a non-voting advisory capacity.

Membership terms shall be two years beginning July 1, 2016.

ATTENDANCE AND QUORUMS: As the Committee is advisory, a quorum shall consist of a minimum of five voting members, or all voting members in attendance, should greater than five be in attendance at the Committee meeting. Members are encouraged to attend all regular meetings and special meetings as they arise. Members with three unexplained absences in a row will be contacted by the Chair or Commission staff to determine if they still wish to serve on the Committee. The Committee shall meet monthly, or as needed, to carry out the stated purpose.

VOTING: A quorum is required for the Committee to conduct a vote. Each appointed member shall have one vote. Alternates may participate in discussion and will only vote when filling in for the regular Commission or named seats. One member from each participating organization apportioned a membership seat shall be appointed to vote by that organization. Proxy voting is not permitted.

As of the date of adoption of these rules, the following agencies and departments have been determined to have a potential conflict and do not have voting privileges: US Environmental Protection Agency, Vermont Agency of Commerce and Community Affairs, Vermont Department of Environmental Conservation.

Voting privileges for other State and Federal agencies and departments shall be determined on an individual basis by the Committee. This determination shall be based on the potential for conflicts of interest to arise.

Non-voting members and Regional Commission staff do not have voting privileges.

OFFICERS/ELECTIONS: The Committee will elect a Chair and Vice-Chair for one year terms, upon Committee formation and annually thereafter at the Committee's July meeting. The Chair will be responsible for running meetings, setting agendas in conjunction with staff, reviewing and signing correspondence on behalf of the Committee, and representing the Committee at various meetings as needed.

The Chair and Vice-Chair may be elected from the Commissioner or Interest Group membership. Members elected to any office may not be represented by an alternate in the performance of their duties as officers.

The Vice-Chair will serve as Chair when the Chair is unavailable. If the Chair should resign before his/her term is expired, the Vice Chair shall serve as Chair until elections are held to fill the vacancy for the remainder of the term. Chair and Vice-Chair shall be limited to serving two terms.

COMMUNICATION AND COORDINATION:

- ◆ Committee members are encouraged to serve as liaisons to their local legislative boards or group/organization/interest representing by reporting on activities on a regular basis.
- ◆ Committee members are encouraged to offer input on all matters before the Committee, and are encouraged to bring up items of local or regional concern for Committee consideration.
- ◆ Draft policies and resolutions shall be forwarded to Committee members and interested/affected parties for comment before action by the Committee, or final action/approval by the Commission.
- ◆ Agendas and notices of all regular meetings shall be sent to Committee members, the Board of Commissioners, the media, and interested persons at least seven days before the scheduled meeting, and shall be posted at the Commission.
- ◆ Meetings shall be noticed and held in accordance with Vermont Open Meeting Law.
- ◆ Minutes of all regular and special meetings will be prepared by staff, distributed to Committee members and interested parties, and made available to the public in accordance with public records and open meeting law.
- ◆ Minutes will report the results of any vote taken by the Committee, noting which members voted and their position on the question.

CONFLICTS OF INTEREST: Any member who represents an organization or other entity that has nominated a site or otherwise proposes a task or project upon which the Committee will vote, shall not participate in that vote. Members may represent nominating/proposing entities via employment, participation in a body of the entity (such as a committee, board of directors, or

public body) or other forms of membership or representation.

In the event any Committee member has a personal or financial interest with any individual, partnership, firm or corporation seeking to contract with the Commission, or to provide materials or labor thereto, or has a personal or financial interest in any project being considered by the Committee, the member shall disclose and state on the record the nature of his or her interest.

If the member feels this conflict interferes with his/her ability to be objective, the member shall not participate in any discussions or vote on any related motion.

If the member is uncertain whether he/she should participate in the discussion or decision, the Committee shall determine by vote whether the member should participate. The Committee may also make a determination of conflict of interest and disallow participation and voting by a member if the majority of voting Committee members in attendance at the meeting determine a conflict of interest exists.

RESOLUTION OF DIFFERENCES: Any issue that cannot be reasonably resolved by the Committee may be taken up by the Executive Committee.

ADOPTION OF ORGANIZATIONAL PROCEDURES: The Committee may, at any time, vote to amend these procedures, in accordance with quorum requirements noted above. Proposed amendments will be forwarded to Committee members, and interested parties, before consideration at a regular Committee meeting. Amendments will then be forwarded to the Commission for review and ratification.

The Committee is not a standing or special committee of the Central Vermont Regional Planning Commission, and is therefore not subject to the Commission's bylaws. These rules of procedure, combined with Robert's Rules of Order, and Vermont Open Meeting and Public Records Law, provide procedural and administrative guidance for the Committee.

EXPIRATION OF INTERIM RULES: The Interim Rules of Procedure will expire 6 months from the date of adoption by the Board of Regional Commissioners, on October 12th, 2016.

Recommended by the Brownfields Advisory Committee to the Board of Commissioners for Adoption: March 2nd, 2016

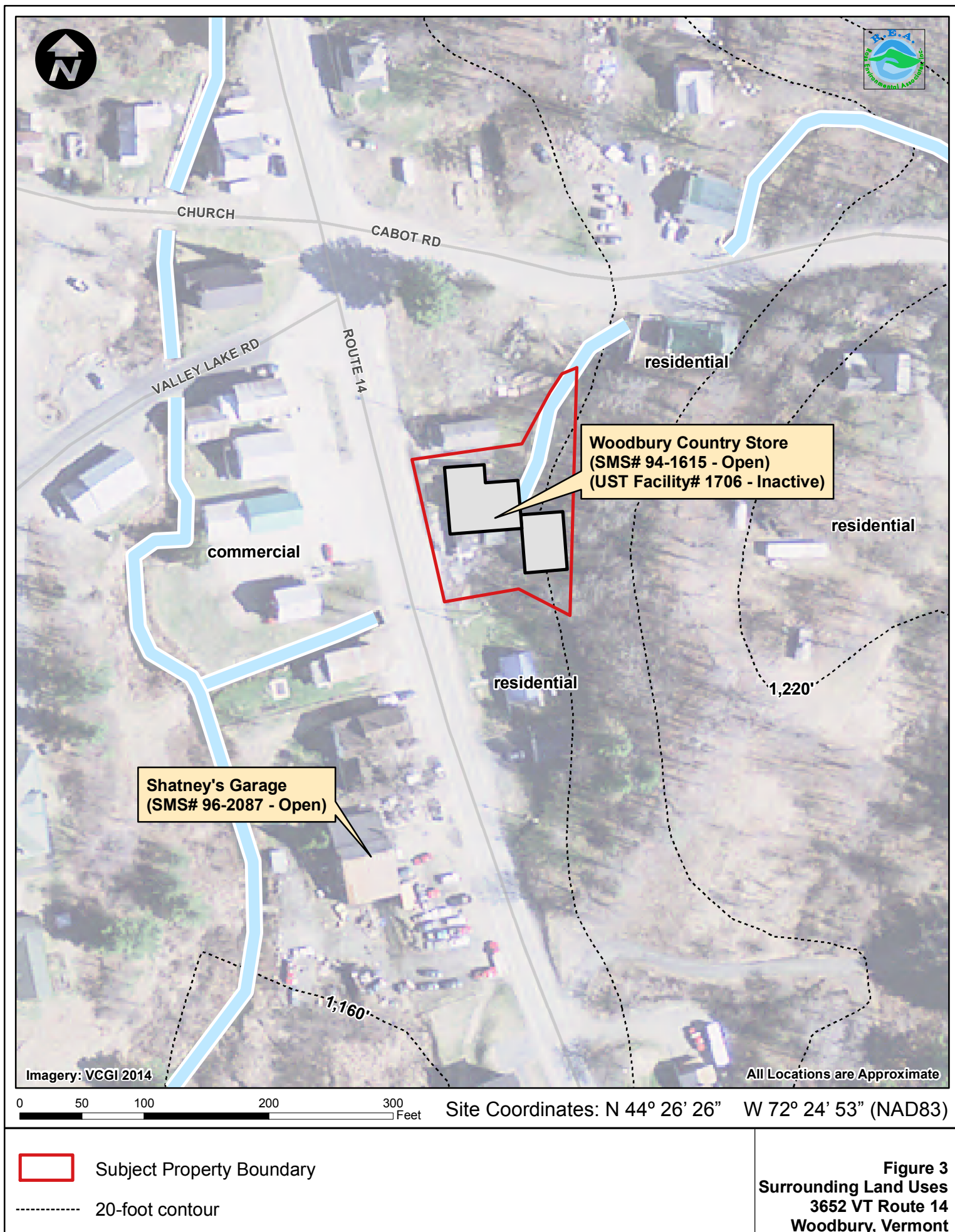
Adopted by the Board of Regional Commissioners: April 12th, 2016



Former Woodbury Country Store - Vermont Route 14, Woodbury Vermont

The store as viewed from Rt. 14. The stream passes under the building and the driveway that leads to the barn at the rear. The former UST were located to the right of the driveway, next to the oil drum.

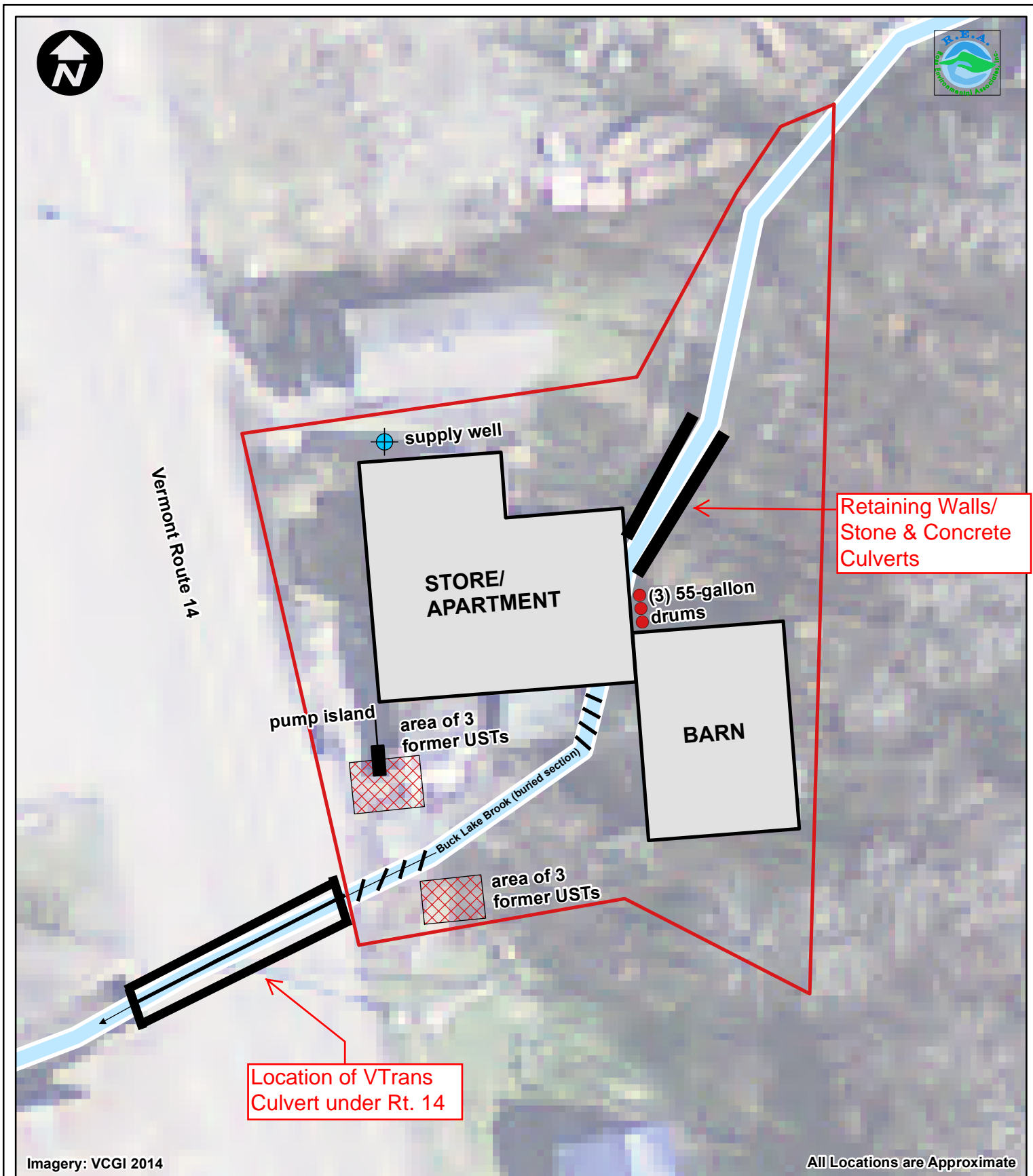
Woodbury Country Store Site Location Map





Former Woodbury Country Store - Vermont Route 14, Woodbury Vermont

As viewed entering Woodbury Village from the south. The first red building on the left is the post office, followed by the Fire Dept. behind the tree, then the Town Meeting Hall, then the Woodbury Village Convenience Store.



Subject Property Boundary

Figure 2
Site Features
3652 VT Route 14
Woodbury, Vermont



CENTRAL VERMONT BROWNFIELDS PROGRAM

Site Selection Criteria

Projects nominated to receive Brownfields funding are reviewed by the CVRPC Brownfields Advisory Committee for their potential to achieve the mission of the program and result in successful re-use of the site. The Advisory Committee uses the criteria below to guide its evaluation of the overall strength of the site and redevelopment proposal. Sites will be selected for the program based upon its responsiveness to the criteria, other demonstrated strengths toward achieving reuse, and the amount of grant funds available.

CVRPC staff will provide recommendations on each criteria based upon information provided by the program applicant, as well as independent research. Criteria are evaluated in light of what is appropriate for the proposed redevelopment. Certain criteria are more applicable to some projects than others. Not all criteria are requisite, but all will be looked upon favorably when addressed by a project.

Site Name Woodbury Country Store Date of Review July 7th, 2016

Review Prepared By Gail Aloisio, Program Coordinator, CVRPC Assistant Planner

Work Requested Phase 2 Environmental Site Assessment

Cost Estimate To Be Determined

Threshold Criteria

Is the property eligible under U.S EPA regulations? ☐ Yes ☐ No ☒ TBD

It is unlikely that the property will be eligible for Petroleum funding, however it is likely the property will be eligible for Hazardous Substances funding.

Has the property owner provided site access and agreed to conditions of participation?
 ☒ Yes ☐ No

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
2) Is there a prospective purchaser, investor, developer, etc.?	<p>The Town of Woodbury proposes to purchase the site through the FEMA Flood Damage Buyout program. The Town is coordinating significant assistance from CVRPC and state agencies including the Dept. of Emergency Management, Dept. of Environmental Conservation, ANR Rivers Management, and VTrans.</p> <p>The building and property have been repeatedly damaged from a stream that runs directly under the building. The Town would like to remove the building and restore the streambanks to prevent continued flooding in the village.</p>

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>3) Site redevelopment potential:</p> <p>a) Are conceptual site plans available?</p> <p>b) Would redevelopment conform to local zoning regulations?</p> <p>c) Other: _____?</p>	<p>The Town and Dept. of Emergency Management envision the redevelopment as described in the FEMA buyout application:</p> <p>“Purchase of the 1/3 acre property by the town, and removal of the building and barn on site. Pavement covering the stream bed will be removed so that the stream bed can be restored to a more natural configuration. The remainder of the lot will be returned to landscaped open green space. The Vermont Agency of Transportation has agreed to replace the culverts under Rt. 14 once the town has succeeded in removing the store building.”</p> <p>The Town has also estimated the costs of this work, with assistance from the Dept. of Emergency Management. Costs including appraisal, legal costs, purchase, demolition, engineering design, streambank restoration and landscaping are estimated at \$121,500.</p> <p>The parcel is in the Village District of the Woodbury Zoning Ordinance which would permit a green space reuse.</p>

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>4) Will the site assessment and/or reuse assist in addressing:</p> <ul style="list-style-type: none"> a) Public health b) Environmental quality c) Land use issues (Local & Regional land use goals) d) Other: _____? 	<p>Environmental quality in Woodbury Village has been affected by both contamination at the site, and flooding at the site and adjoining properties.</p> <p>Low level petroleum contamination from former underground storage tanks has been confirmed at the site. The tanks have been removed, but the contamination in the soil and groundwater is still present. Sampling and monitoring indicates that levels are declining, but the soil will still need to be sampled to ensure that no unsafe soil is exposed after stream bank restoration. Sampling in the stream also indicates that stream sediments have been contaminated. Further characterizing the contamination and determining clean up necessary is key to allowing public use as a green space.</p> <p>The petroleum contamination is also migrating off site. If contaminated soil can be removed during the clean up of this site, that will remove some of the source and help end the effects of contamination to neighboring properties.</p> <p>Lead and asbestos building materials are also of concern based on the age of the building.</p> <p>Over the last 20 years, flooding at the site has repeatedly spilled out of the concrete and stone culvert underneath and behind the building, and flowed around the building and neighboring residence. The Fire Department is across the street, and flood flows carry water, mud and</p>

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
	<p>debris into the dept's driveway. Damages to the Country Store since 1995 are estimated at \$95,000. As of 2000, the neighboring residence estimated damages totaling \$25,000.</p> <p>The Country Store building is deteriorated, and the owners are concerned that repetitive water damage may have compromised the integrity of the floor.</p>
<p>5) To what degree does the site assessment and redevelopment have community and/or municipal support?</p>	<p>The municipality has been actively pursuing solutions for this site for several years. In 2015, the town voted to raise the necessary funds to contribute to the FEMA buyout project (match). The Town has submitted the application to FEMA and is awaiting a final decision. The value of the local contribution is estimated at \$30,375.</p> <p>The FEMA Buyout Program also requires that the municipality take ownership of the property after it is bought out and structures removed. The Town is prepared to do this, along with place a deed restriction that prohibits any future development on the parcel.</p> <p>The community also has a village plan (not officially adopted under Vermont Statute) that envisions expansion of the Fire Dept. in the village and other improvements to village character and vitality. The municipality sees the restoration of this site as the first step in realizing the overall village plan.</p>

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>6) Will redeveloping the site offer public benefit, such as:</p> <ul style="list-style-type: none"> a) Housing, b) Parkland/greenspace, c) Economic development job creation/retention or d) Other:_____? 	<p>The town proposes reuse of the site as a green space. It is currently an eye sore in the heart of the small village and represents a space to be avoided. Replacing it with a green space would provide a compliment to existing village amenities directly across the street, particularly the Town Meeting Hall, Post Office and Woodbury Village Convenience Store.</p>
<p>7) Has the owner or developer provided willingness to carry out clean up, if it is necessary? Can they provide financial support/in-kind help for it?</p>	<p>The municipality has demonstrated the willingness to raise matching funds to cover purchase of the property, demolition and stream restoration. The municipality is likely to pursue an EPA Clean Up Grant or Community Development Block Grant to finance any remediation that is necessary prior to stream bank restoration and VTrans culvert replacement.</p>
<p>8) Are results achievable?</p> <ul style="list-style-type: none"> a) Is the project financially feasible? b) Is the timeline realistic? c) Is there commitment from necessary partners (public &/or private)? d) Other_____? 	<p>Although the project will be dependent on public financing and will involve coordination of multiple agency requirements and design aspects, town officials are committed to keeping the project going for the long term benefit of the community. State officials from each agency are already in contact and have indicated willingness to meet on site and continue coordination to align the various aspects of the project through completion.</p>

Program Coordinator Recommendation

The Program Coordinator recommends enrolling the property for up to \$40,000 of assessment and remediation planning work, to be carried out by Dec. 31st, 2016 (or 90 days after CVRPC procurement of contractors, whichever is later). If assessment work is not underway by that date, the funding will be returned to the grant funding pool to be considered for other nominated sites. Should the need for funding at this site exceed \$40,000, the Brownfield's Advisory Committee will consider a request for supplementary funding based on an update to the Site Nomination reflecting the current project circumstances.

Enrollment Determination

Determination of the Brownfields Advisory Committee regarding enrollment, and recommendation to the CVRPC Executive Committee regarding the amount of funding to authorize for expenditure to cover assessment or clean up planning activities.