

Winooski River Basin Water Quality Commission Meeting Minutes – July 21, 2022

BWQC Members:

| NRCDs | | RPCs | |
|------------------------------------|--|----------------|-----------------------------------|
| ✓ | Peter Danforth, Lamoille NRCD | ✓ | Darlene Palola, CCRPC |
| | Emily Porter-Goff, Alternate | ✓ | Garret Mott, CCRPC, Alternate |
| | Remy Crettol, Winooski NRCD | ✓ | Alan Quackenbush, CVRPC |
| ✓ | Russ Barret, Alternate | | Robert Wernecke, CVRPC, Alternate |
| Land Conservation Organizations | | Municipalities | |
| | Steve Libby, VT River Conservancy | ✓ | Annie Costandi, Essex |
| | Vacant, Alternate | ✓ | Sarah McShane, Stowe, Alternate |
| Watershed Protection Organizations | | ✓ | Nigel Hicks-Tibbles, Northfield |
| ✓ | Michele Braun, Friends of the Winooski River | ✓ | Alice Peal, Waitsfield, Alternate |
| | Shawn White, Alternate | | |
| ✓ | Corrie Miller, Friends of the Mad River | | |
| | Brian Shupe, Alternate | | |

CVRPC Staff: Brian Voigt, Bonnie Waninger

Guests: None.

Prior to the meeting, R.Barret asked whether closed captioning was available. A. Peal shared <https://blog.zoom.us/zoom-auto-generated-captions/>. B. Voigt will review options for closed captioning on the Zoom platform and implement a solution prior to the next BWQC meeting.

Call to Order & Roll Call

B. Voigt called the meeting to order at 1:05 PM. A quorum was present to conduct BWQC business.

Updates to agenda

None.

Public Comment

None.

Review & approve minutes from June 16, 2022 meeting

G. Mott moved to approve the June 16, 2022 meeting minutes; D. Palola seconded. Motion carried with C. Miller and A. Costandi abstaining.

It was noted that Alternates cannot make motions if the member is present. A new motion regarding the approval of the June 2022 meeting minutes was required.

D. Palola moved to approve the June 16, 2022 minutes; A. Quackenbush seconded. Motion carried with C. Miller and A. Costandi abstaining.

Discussion / Election of Chair & Vice-Chair

B. Voigt noted that R. Crettol withdrew his interest in the Chair position. N. Hicks-Tibbles and A. Quackenbush expressed interest in the Chair and Vice Chair positions, respectively.

N. Hicks-Tibbles noted he would like to serve as Chair, but would defer to A. Quackenbush if he preferred to serve as Chair. He thanked A. Quackenbush for his interest in serving. He shared his qualifications for the Chair position.

D. Palola moved to nominate Nigel Hicks-Tibbles as Chair and Alan Quackenbush as Vice Chair; A. Costandi seconded. Motion carried. C. Miller thanked both for volunteering to serve.

D. Palola moved to elect the nominees; R. Barrett seconded. Motion carried.

A. Peal requested clarification of when Alternates vote. B. Voigt noted that Alternates vote when the Member is absent. Alternates may participate in discussion at any time.

The BWQC discussed ideas for improving the efficiency of the voting process in online meeting. Suggestions included using the reaction options (e.g. thumbs up / thumbs down icon, yes / no). The BWQC ultimately decided that using the reactions seem more difficult than a voice vote. The Chair will ask for voice votes then roll call votes if the voice vote is unclear or if the decision is not unanimous.

Review & Discuss Draft Winooski BWQC Bylaws

N. Hicks-Tibbles introduced the revised draft of the Bylaws and opened the floor to comments and feedback. D. Palola asked about staggered terms. The Chair recommended reviewing the changes from the top of the document so all proposed changes could be addressed by the BWQC.

The BWQC discussed suggested changes to the bylaws.

- Section 401, Representation: The phrase "Appointing Entities" was proposed to facilitate referrals throughout the document. C. Miller asked about the phrasing "... diverse views and needs;" to which N. Hicks-Tibbles responded that he suggested that the language reflects the intent of the Act and the Rule. M. Braun noted that the conversations regarding BWQC appointments has been contentious in the guidance development process. She prefers to minimize the language in the Bylaws and defer to the language of the Act and the Rule. A recommendation was made to have representatives be appointed to staggered terms when an interest area has more than one representative. A. Quackenbush suggested that the proposed revision should be struck from the Bylaws since membership and representation are already specified in the Rule. The Chair suggested tabling the discussion of Section 401 pending the review of the remainder of the Bylaws.
- Section 403, Voting: The Chair presented proposed changes and the rationale behind them. There was no discussion.
- Section 407, Terms of Members: Proposed changes recommend 3-year terms and that the terms of members from the same constituent groups be staggered. There was discussion of how the initial terms will be assigned. No decisions were made regarding the initial assignment. The proposed changes were accepted.
- Section 408, Removal of Member: This is a new Section proposed by N. Hicks-Tibbles. Added language that resignations would be sent "to the Chair of the BWQC". N. Hicks-Tibbles justified the inclusion of the language of the second paragraph as creating a mechanism to communicate cause for removal of a Member to their Appointing Entity. M. Braun noted that Chapter 4 draft guidance included language related to removal of a member and that the BWQC has the authority to do so. N. Hicks-Tibbles asked where that guidance could be found. M. Braun posted this link in the Meeting Chat:
<https://dec.vermont.gov/sites/dec/files/WID/Act76/Guidance%20Document%20Chapter%204%20-%20Public%20Draft%205%2025%202022.pdf>. B. Waninger asked whether Appointing Entities were okay to have their rights to reappoint limited. M. Braun noted that the only Appointing Entity present at the meeting was the RPCs. She further noted that the guidance reflects the impact to the BWQC when Members do not meet their obligation(s) and that the Appointing Entity may not care. The guidance lists a Member's lack of attendance at meetings as an example of why someone could be removed from their seat. M. Braun suggested that the BWQC Bylaws could list reasons for removal. Members agreed to add the following language at end of Section 408: *No part of this section 408 takes away any rights or powers of the Appointing Entity, and if in conflict with the Act, Rule, or other guidance, then the Act, Rule, or Guidance shall prevail.*

- Section 904, Code of Conduct: N. Hicks-Tibbles proposed adding the following language to this Section to “put some teeth” into the Code of Conduct: “Pursuant to Section 408 of these Bylaws, failure of a Member to abide by this code of conduct may be cause for removal.” The proposed changes were accepted.
- Article X, Conflict of Interest: N. Hicks-Tibbles proposed adding the following language to this Section: “Pursuant to Section 408 of these Bylaws, non-disclosure of a known conflict of interest by a member, or continued action by a member in a matter that involves a conflict of interest may be cause for removal of the member.” B. Waninger asked for examples of “... continued action ...” and whether discussing a project would represent this type of violation. The proposed changes were accepted.
- Article XI, Amendments: N. Hicks-Tibbles proposed language referencing the entire BWQC, not just the “... Council members present and voting ...” to ensure a majority of the BWQC supports the proposed change(s) to the Bylaws.
- B. Waninger noted the need to update references to “the Council” in the Bylaws. Per the definitions included in Article I, the Bylaws should reference the Winooski Basin Water Quality Council or BWQC.
- Section 406, Alternates: R. Barret sought clarification regarding when Alternates are considered part of the quorum and are voting members. B. Voigt noted that participation by Alternates is welcome during discussion. Alternates are part of the quorum and vote when the seat’s Representative is not present. No changes were made to the proposed bylaw language. Meeting protocols will include clarifying who is representing each seat at the beginning of the meeting.
- B. Voigt asked for further clarification regarding additional changes to the Bylaws so he could focus his effort on that work prior to the next meeting. N. Hicks-Tibbles proposed adding a signature block indicating the dates that the Bylaws were adopted and amended. No additional suggestions beyond those discussed earlier in the meeting were provided.

BWQC members concurred that the bylaw would receive a final review with a possible vote at the next meeting. C. Miller requested the final draft bylaw be sent well in advance of the meeting. B. Voigt and N. Hicks-Tibbles will produce a revised draft of the Bylaws and distribute to the BWQC prior to the next meeting.

Review & Discuss Public Participation Policy Ideas

N. Hicks-Tibbles opened the floor to comments and suggestion regarding the BWQC Public Participation Policy. B. Voigt said he attempted to strengthen and better define what public participation in BWQC proceedings might look like. He views this policy as the blueprint for engaging and involving the public in the business before the BWQC.

D. Palola suggested the Chair introduce time limits for discussion from members of the public. B. Voigt noted the language of Vermont's Open Meeting Law. M. Braun suggested limiting public comment to the beginning of each meeting instead of offering time to comment on projects individually as they are discussed by the BWQC.

C. Miller asked about the workload associated with "... documenting the method(s) used to rank and prioritize projects for advancement and making this documentation publicly accessible and available upon request." B. Voigt responded with examples of the types of data and information that will be used by the BWQC to rank and prioritize projects. He further noted that the CWSP will make that information and data available through the Winooski BWQC website. BWQC members concurred that criteria used to rank and prioritize projects should be documented and available to the public.

C. Miller asked about the logistics of data storage and sharing. B. Voigt noted that the CWSP helps ensure the BWQC is following all applicable rules regarding records retention, public meetings and more.

The following language was added to "Practices": *Comply with Vermont Open Meeting Law and all applicable Public Records Laws.*

B. Voigt presented proposed changes to the Amendment & Refinement section reflecting when to solicit input from the public regarding the Public Participation Policy and the frequency with which the BWQC should revisit the policy. N. Hicks-Tibbles questioned how to connect with the public to solicit their feedback, but tabled that conversation for another time.

The BWQC concurred the proposed changes should be implemented and the vote to adopt should be warned for the next meeting.

Overview of CWSP Policies

Tabled for the next meeting.

Upcoming Training Opportunities & Agenda Items for Next Meeting

- The *Abenaki Perspectives on Water* seminar was recorded by the host. The recording is available at <https://dec.vermont.gov/content/engagement-training-0>.
- The next BWQC meeting is August 18, 2022. Potential agenda items include final bylaw review and possible vote, public participation policy final review and adoption, procurement and sub-grant policy review, discussion of DEC Chapter 6 CWSP guidance. Other ideas include: Tools – Interim P Calculator Tool; Plans – Winooski Tactical Basin Plan Updates; and Resources – Watershed Projects

Database

- D. Palola and A. Peal recommend viewing the Clean Water Lecture Series (<https://dec.vermont.gov/water-investment/cwi/outreach/lecture-series>)

Adjourn

M. Braun moved to adjourn the meeting at 3:01 pm; C. Miller seconded. Motion carried.

DRAFT