

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION**  
**Board of Commissioners**  
**Regular Meeting**  
**Minutes**

**9 September 2025 6:30 - 8:30 pm**

29 Main Street, Suite 4, Montpelier, VT 05602

Remote Access Via Zoom

Staff: Christian Meyer, Keith Cubban, Lorraine Banbury

Guests: Stephen Whitaker, Montpelier

**Commissioners:**

|                                                |                          |                                                  |                          |
|------------------------------------------------|--------------------------|--------------------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> Barre City | Janet Shatney, Sec/Treas | <input type="checkbox"/> Moretown                | David Stapleton          |
| <input type="checkbox"/>                       | Vacant                   | <input type="checkbox"/>                         | Joyce Manchester, Alt.   |
| <input type="checkbox"/> Barre Town            | Alice Farrell            | <input checked="" type="checkbox"/> Northfield   | Royal DeLegge            |
| <input type="checkbox"/>                       | Phil Cecchini            | <input type="checkbox"/>                         | Jeff Schulz, Alt.        |
| <input checked="" type="checkbox"/> Berlin     | Robert Wernecke          | <input checked="" type="checkbox"/> Orange       | Lee Cattaneo, Vice Chair |
| <input type="checkbox"/>                       | Karla Nuisssl, Alt.      | <input type="checkbox"/> Plainfield              | Paula Emery              |
| <input checked="" type="checkbox"/> Cabot      | Brittany Butler          | <input type="checkbox"/>                         | Bob Atchinson, Alt.      |
| <input checked="" type="checkbox"/> Calais     | John Brabant             | <input checked="" type="checkbox"/> Roxbury      | Jerry D'Amico            |
| <input type="checkbox"/>                       | Melanie Kehne, Alt.      | <input checked="" type="checkbox"/> Waitsfield   | Alice Peal               |
| <input checked="" type="checkbox"/> Duxbury    | David Wendt              | <input checked="" type="checkbox"/>              | Don La Haye, Alt.        |
| <input type="checkbox"/>                       | Vacant                   | <input type="checkbox"/> Warren                  | Jim Crafts               |
| <input type="checkbox"/> E. Montpelier         | Zoe Christiansen         | <input type="checkbox"/>                         | Adam Zawistowski, Alt.   |
| <input type="checkbox"/>                       | Clarice Cutler, Alt.     | <input checked="" type="checkbox"/> Washington   | Peter Carbee, Chair      |
| <input type="checkbox"/> Fayston               | Andrew McNealus          | <input checked="" type="checkbox"/> Waterbury    | Doug Greason             |
| <input type="checkbox"/> Marshfield            | Vacant                   | <input checked="" type="checkbox"/> Williamstown | Richard Turner           |
| <input checked="" type="checkbox"/> Middlesex  | Ron Krauth               | <input type="checkbox"/>                         | Jacqueline Higgins, Alt. |
| <input checked="" type="checkbox"/>            | Mitch Osiecki, Alt.      | <input checked="" type="checkbox"/> Woodbury     | Michael Gray             |
| <input checked="" type="checkbox"/> Montpelier | Mike Miller              | <input checked="" type="checkbox"/> Worcester    | Bill Arrand              |

Staff: Christian Meyer, Keith Cubbon, Lorraine Banbury

Guests: Stephen Whitaker, Montpelier

**Call to Order:** Chair Peter Carbee called the meeting to order at 6:32 pm, a roll call was completed, and a quorum was present.

**Public Comments:**

Stephen Whitaker, Montpelier, provided extended public comment regarding the approval of the Montpelier City Plan. He noted that he and 24 other petitioners filed under 24 VSA §4476 for a regional review panel to reconsider the decision. He stated the Agency of Commerce and Community

Development (ACCD) declined to convene such a panel, and he has filed a writ of mandamus in Superior Court. He claimed that conflicts of interest and recusal violations occurred regarding Montpelier Planning Director Mike Miller's role in authoring the plan and casting a deciding vote. He also argued that the public hearing requirement was not met under the statute, that compatibility analysis was insufficient, and that regional transportation impacts and statutory deficiencies put the Commission at risk. He requested that the Executive Director issue a written briefing to the Commission, that a letter be sent to ACCD, and that a special meeting be scheduled to review the legal considerations.

### **Community Development Block Grant (Disaster Recovery) Review**

Staff provided updates on two applications under the Community Development Block Grant Disaster Recovery (CDBG-DR) program. These are funded by approximately \$67.8 million awarded to Vermont by the U.S. Department of Housing and Urban Development for flood recovery.

### **Winooski River Basin Modeling Project**

Christian Meyer explained that CVRPC is taking the lead on an application to support basin-wide flood modeling, alternatives analysis, and public engagement. The project will compile existing FEMA and municipal data into a comprehensive model of the Winooski River Basin. The University of Vermont team, led by Rebecca Diehl, will test various mitigation strategies.

Keith Cubbin, Emergency Management Planner, clarified that local studies—such as culvert and bridge assessments already completed by municipalities—will be integrated into the basin model, making it progressively stronger as more data is added. The model will allow engineers and towns to understand upstream and downstream impacts of any proposed floodplain reconnection or infrastructure project.

Alice Peal asked how this project relates to UVM research and whether it overlaps with previous studies. Christian stated that UVM's participation is central to the project. Consultant John Broderick—on the ACCD list of qualified grant writers—had been retained for that purpose.

Brittany Butler asked whether the project would create new models or primarily combine existing ones. Staff confirmed that the work would focus on compiling existing models and datasets.

### **Capital Fire Mutual Aid Communications Upgrade Project**

Keith Cubbon described a second application, where CVRPC will serve as the fiscal agent for Capital Fire Mutual Aid. This project proposes a \$3.5 million

upgrade of the regional communications system, replacing outdated antennas and equipment dating back to the late 1980s and early 1990s.

Keith Cubbon explained that weaknesses were revealed during the 2023 flood, when multiple towers failed, leaving the network at risk of total outage. The upgrade would modernize the system to P25 digital standards and relocate the core from the Montpelier Police Station basement to Alumni Hall in Barre City, out of the floodplain in a secure and hardened facility.

John Brabant raised a concern about potential access issues at Alumni Hall due to previous flooding. Keith responded Alumni Hall is one of the most secure and resilient sites available. It has been designed to withstand both flooding and electromagnetic pulse disruptions.

Stephen Whitaker spoke in opposition to the project's governance framework, stating that fire departments are not radio engineers and criticizing the lack of minutes from the regional communications committee. He argued that the proposal should be aligned with the statewide interoperable network planning process currently underway and stated that he had provided a memo to staff on this matter.

Staff noted that both CDBG-DR applications require letters of support from the RPC demonstrating compatibility with the Regional Plan. Commissioners discussed whether endorsements should be reviewed by staff alone or be subject to oversight by the Project Review Committee. Commissioners expressed general support, with the understanding that larger-scale projects may require additional review in the future.

### **Project Review Committee**

Commissioners discussed the appropriate role of the Project Review Committee (PRC) in reviewing grant-related projects. John Brabant emphasized review of projects' regional impact, especially given exemptions from Act 250 under the new law. Doug Greason and David Wendt supported PRC involvement as a first step for larger-scale projects. Lorraine Banbury confirmed that the PRC has developed criteria to define 'substantial regional impact' and guidelines for Committee review.

### **Meeting Recording Retention Policy:**

Staff presented draft language for a meeting recording retention policy. Christian Meyer explained that state law only requires recordings of non-advisory public bodies—such as the Board of Commissioners and the Executive Committee—to be kept for 30 days beyond approval of the meeting minutes. No statutory guidance exists for advisory committees, resulting in inconsistent practices across CVRPC's committees.

Currently, some staff record advisory committee meetings while others do not. For transparency, CVRPC has been posting recordings online; however, this has raised questions about cost, storage, and policy consistency. CVRPC's pre-COVID policy required all meeting recordings to be retained for three years.

Staff recommended retaining recordings of advisory committees for three months after minutes are approved, and non-advisory committees for one year. This would allow time for corrections to minutes, participant review, and staff reference while reducing long-term storage costs. While data costs are not burdensome, the volume of recordings would increase with expanded coverage.

John Brabant asked whether this meant advisory committee recordings would effectively be retained for four months (three months after minutes are approved), since committees meet monthly. Christian confirmed that this was correct and noted that for less frequently meeting committees, the retention period could be longer, particularly for committees meeting annually.

John requested an estimate of current and future storage costs to better inform the decision. He suggested recordings should be made downloadable to the public and accompanied by an advance notice before deletion, allowing members of the public to retain copies themselves. Lorraine responded that current cloud-hosted meetings are indeed downloadable. [How to do this: Navigate to the meeting recording from the CVRPC website. Download option is in the top right-hand corner of the screen.]

Peter Carbee proposed exempting the Nominating Committee from recording its discussions, as deliberations about individual qualifications and personalities would be inappropriate to retain. Gerry D'Amico agreed, stating that recording such discussions could create privacy concerns. Alice Peal said that committee recommendations are always shared with the whole board.

Stephen Whitaker spoke strongly against reducing retention. He compared transcripts, recordings, and minutes from the August 21 meeting and argued that minutes omitted or generalized important dissenting arguments. He recommended retaining recordings for seven years or the life of the plans discussed, whichever is longer. He also noted that ORCA, the regional community access media organization, had offered to record meetings at a lower cost and provide both YouTube archives and editable copies.

Doug Greason cautioned against the administrative burdens of multiple retention schedules and urged consistency, while recognizing the importance

of transparency. John Brabant clarified that minutes are not meant to be transcripts and commended staff for their accurate summaries. Christian concluded that the staff would refine the draft policy, consider the commissioners' feedback, and return with a revised proposal for Commission action.

### **Open Meeting Law Violation:**

A violation of Open Meeting Law occurred at the August 4 Executive Committee meeting, where recording had not been initiated. Staff consulted with the Vermont League of Cities and Towns (VLCT) and have added 'confirmation of recording' as the first agenda item for all non-advisory committees. Statutory requirements also obligate the public body to acknowledge the violation and either find it was not a violation or cure it by ratifying or voiding actions taken.

Gerry D'Amico stated that the omission was a mistake and recommended that the board acknowledge the violation and move on, as the minutes accurately reflected the meeting. Royal DeLegge agreed, stating ratification of the decisions would be sufficient.

John Brabant sought clarification on whether this action would delegate new authority to the Executive Committee. Christian explained that the intent was not to broaden authority but to allow the Executive Committee—the body alleged to have violated the law—to ratify its actions. This is a one-time measure, not a precedent for future delegation.

Mike Miller argued that the error was primarily administrative and did not impair the public's ability to participate. The cure was already achieved by adding safeguards to agendas, and re-voting was unnecessary. Ratification could help resolve lingering concerns.

Michael Gray supported proceeding with ratification to reduce conflict, noting that the mistake was due to human error. Brittany Butler agreed, adding that although she had not been present at the Executive Committee meeting, acknowledging the violation and adopting corrective procedures were important. She also suggested that if particularly controversial matters had been decided, re-warned hearings could be appropriate.

A motion to acknowledge the violation of the Open Meeting Law and state the intent to cure by implementing new agenda procedures and by ratification of the Executive Committee's August 4 actions was made by Gerry D'Amico, seconded by Bill Arrand. The motion passed unanimously.

### **Approval of Previous Minutes:**

The Board considered approval of the minutes from July 20, August 8, and August 21, 2025. Lee Cattaneo moved to approve the minutes as presented, and John Brabant seconded the motion.

John noted that he approved of the minutes, but they contained typographical errors. He offered to send the staff a list of corrections after the meeting. Christian Meyer clarified that such administrative corrections could be made without reapproval by the board, provided they did not alter the substance of the minutes. Commissioners expressed appreciation for the quality of the minutes overall.

A motion to acknowledge and approve the minutes of July 20, August 8, and August 21, 2025, was made by Lee Cattaneo and seconded by Ron Krauth. The motion passed unanimously.

### **Staff and Committee Reports:**

Staff provided highlights from July and August reports. Christian Meyer emphasized that the office had been busy over the summer with both grant preparation and ongoing plan review. He also reported receipt of a petition to appeal the regional approval of the Montpelier City Plan. This petition, filed under 24 VSA §4476, met the statutory threshold of twenty signatures.

Christian explained that staff had engaged legal counsel to advise on the appeal and on a related writ of mandamus filed in Superior Court. After contacting several firms, CVRPC retained attorneys Suzanne Armor and **Merrill Bent of Woolmington, Campbell, Bent, and Stasny P.C.**, a Manchester-area firm with public law expertise. Other local firms had conflicts of interest due to existing work with Montpelier.

John Brabant noted that rates at such firms can be substantial and recommended that CVRPC consider establishing a retainer relationship with a firm. Christian responded that CVRPC budgets annually for legal services and had previously worked with Dinse, P.C. on human resources issues. A not-to-exceed amount limits legal expenses and are within the micro-purchase range. Legal advice is necessary to interpret repealed statutory language and to assess litigation risk.

Commissioners agreed that staff reports were comprehensive and expressed appreciation for the work completed over the summer.

After discussion, a motion was made by Lee Cattaneo and seconded by Ron Krauth to accept the staff and committee reports. The motion passed unanimously.

**Adjournment**

A motion to adjourn was made by Alice Peal and seconded by Lee Cattaneo.  
The motion passed unanimously.

The meeting adjourned at 8:02 pm.

Respectfully submitted,

Lorraine Banbury