

CENTRAL VERMONT REGIONAL PLANNING COMMISSION

Brownfields Committee Meeting – MINUTES

January 15, 2026

Present:

X	Janet Shatney, Chair, Barre City Commissioner
-	Don LaHaye, Vice Chair, Waitsfield Commissioner (Alternate Seat)
-	Alice Farrell, Barre Town Commissioner
X	Peter Carbee, Washington Town Commissioner
X	Ron Krauth, Middlesex Town Commissioner
X	Heather Hurlbert, CVEDC
X	Joan Marie Misek, VT Dept of Health
X	Nicola Anderson, Downstreet Housing and Community Development
-	Liz Scharf, Capstone Community Action
-	Kevin Casey, Hickok and Boardman
-	Vacant, (environment or finance organization)
-	Vacant (environment or finance organization)

Staff present: Christian Meyer, CVRPC Executive Director, Eli Toohey, CVRPC Planner, Kari Pelletiere, CVRPC Planner

Members of the Public: Stephen Whitaker

Call to Order: Chair Janet Shatney called the meeting to order at 10:03 am.

Adjustments to the Agenda: Christian Meyer added roll call to the agenda

Public Comment: *Stephen Whitaker of Montpelier commented on the committee's structural and governance issues, improper legal opinions, longstanding quorum problems, questionable appointments, failure of brownfields oversight, regulatory violations, improper city actions without committee advice, failure to understand and apply binding law, and approval of actions without due diligence.*

Review and Approval of Draft Minutes from 12/18/25 Meeting

Peter Carbee made a motion to accept the minutes from the 12/18/25 meeting, Heather Hurlbert seconded, passed unanimously.

Review of Open Meeting Law Violation Allegation

CVRPC Executive Director Christian Meyer reviewed the allegation made December 18 and explained that it centered on whether an advisory committee could appoint its own members or include standing organizations without becoming a non-advisory body. After reviewing the issue and consulting with the Vermont League of Cities and Towns' Municipal Assistance Center, no legal prohibition or new information requiring changes to the committee's structure was identified. Although the committee's failure to meet resulted in a de facto denial of the allegation, counsel recommended formally acknowledging that outcome and placing the committee's rationale on the record, consistent with guidance from the League of Cities and Towns.

Peter Carbee made a motion to accept the guidance of the Vermont League of Cities and Towns' Municipal Assistance Center confirming the legitimacy of the Brownfields Advisory Committee Rules of Procedure and to confirm the de facto denial of the Open Meeting Law violation allegations submitted by Stephen Whitaker of Montpelier, dated December 18, 2025. The motion was seconded by Nicola Anderson.

Member of the public Stephen Whitaker provided additional comments, including that the committee should have heard directly from legal counsel, the absence of a statutory prohibition did not constitute authorization, discontinue reliance on inadequately adopted 2018 procedures, and require board-level appointment of members.

Vote was taken and motion passed unanimously.

Site Selection and Requested Actions

9 Heaton Street, Montpelier

CVRPC staff Eli Toohey reviewed 9 Heaton Street in Montpelier and stated the rationale behind request for a Phase I ESA recommendation to the Executive Committee. There was a discussion around timing of Phase Is and real estate closing dates and Joan Marie Misek asked if we ever fund another Phase I that we had already funded a Phase I for if it times out. Eli stated that we have had to do this and also update to Phase Is. Christian noted we have also denied funding subsequent Phase Is and projects have had to find other sources of funding or fund themselves. Eli noted we don't have formal criteria for this and decide on case basis. Nicola noted that this is a Downstreet project and that a Phase I and Phase II assessments are important to move the project along as not having those done is holding up the design and development stages. Eli noted that timing of transfer and reuse planning and getting the assessments done often lead to this conundrum and we do the best we can with estimated closing dates and reuse information we have at the time of site selection. Eli noted that a Phase I has to happen before the Phase II.

Peter Carbee asked if there was a dollar amount attached to the Phase I. Janet noted that a Phase I costs between \$1,800 - \$5,000 typically. Eli noted that under the EPA grant with contracted environmental professionals the process is that the BAC recommends funding the assessment phase, it goes to EPA and DEC for site eligibility and work plan development, it goes to the full CVRPC Board of Commissioners or the Executive Committee with a proposed amount. If the BAC funds a specific amount, it may change and would have to go through the process again with the amount. Eli noted that if there is a proposed amount prior to BAC making the decision to fund the assessment or not it is included in the site information in program updates, but again, is subject to change through the EPA eligibility and work plan defining process.

Peter Carbee made the motion to recommend to the CVRPC Board of Commissioner' Executive Committee funding of a Phase I Environmental Site Assessment for 9 Heaton Street, Montpelier. Joan Marie seconded. Member of the public, Steve Whitaker asks for a roll call.

Roll call voted as follows:

Peter Carbee (Washington) – Yes, Ron Krauth (Middlesex) – Yes, Joan Marie Misek (VT Department of Health) – Yes, Nicola Anderson (Downstreet) – Abstain, Heather Hurlbert (CVEDC) – Yes, Janet Shatney (Barre City) – Yes

Motion did not pass.

Peter Carbee noted that the abstention was due to a conflict of interest, and he didn't see a conflict of interest. The committee decided to table it for next month's meeting and to look at the CVRPC Conflict of Interest policy.

707 Stonecutters Way, Montpelier

CVRPC staff gave a review of the site, reuse potential plans and reviewed the site selection criteria and explained the rationale for requesting a Supplemental Phase II for 707 Stonecutters Way. Flood resilience and budgetary context were discussed.

Peter Carbee made the motion to recommend to the CVRPC Executive Committee funding the amount of \$41,057.08 for a Supplemental Phase II at 707 Stonecutters Way in Montpelier. CVRPC staff noted that if the amount comes in differently it will need to come back to the BAC for new recommendation. Heather Hurlbert seconded. Motion passed unanimously.

Program Updates

CVRPC Staff gave updates on current sites, MARC Assessment Funds, EPA Coalition Assessment Grant activities and EPA Revolving Loan Fund Grant, noting that the anticipated date for the Revolving Loan Fund to be operational is March or April 2026.

Peter Carbee noted that during the Brownfields National Conference it was hammered on that the faster we can spend the money down, the more likely more funding will be allocated in future requests for additional EPA Brownfields funds.

Public comment was made by Steve Whitaker of Montpelier, summarized here: Mr. Whitaker said that the absence of an approved work plan for the Country Club Road site was crucial, particularly because a developer RFP was already underway while related planning decisions were being litigated for alleged violations of community planning statutes. The speaker noted that the approved Phase 2 Supplemental Site Investigation scope lacked required depth delineation, meaning the extent of contaminated soil removal was still unknown. This created a serious sequencing and safety problem, as development planning was proceeding without understanding how much soil would need to be excavated, potentially while a daycare remained in operation on or near the site. The speaker warned that proceeding without this information risked significant operational and public safety consequences and urged the committee to place the issue on a future agenda for detailed discussion.

BAC Chair noted that a clear understanding of the BAC role and jurisdiction in making decisions on recommendations needs to be reviewed.

Meeting Adjournment: Motion to adjourn was made by Peter Carbee and seconded by Janet Shatney and passed unanimously. Meeting adjourned at 11:03.