

Bennington County Regional Commission

EXECUTIVE COMMITTEE MINUTES

Friday – October 27, 2023
8:30 AM
Meeting Conducted via ZOOM

In attendance: Dimitri Garder, Sheila Kearns, John Lavecchia, Jr., Dan Monks, Nick Zaiac, Brian McKenna (guest), Janet Hurley (staff), Bill Colvin (staff)

The meeting was called to order at 8:32am.

Approval of Minutes: Kearns moved and Monks seconded the approval of minutes from the August 25, 2023 Executive Committee meeting. Approved unanimously.

Investment Update – Brian McKenna – D.B. McKenna & Co., Inc.

BCRC Investment Advisor Brian McKenna of D.B. McKenna & Co., Inc. shared an update on the BCRC portfolio performance, provide thoughts on the market going forward and answered questions. McKenna noted the BCRC entered the market in mid-2021 with the time between then and now seeing lots of market volatility. He expects such volatility to remain until the interest rate situation stabilizes as the increased rates have placed downward pressure on both stocks and bonds. Garder requested Colvin distribute the BCRC Investment Policy for review and discussion at an upcoming Executive Committee meeting.

Audit Update

Colvin reviewed the draft audit, completed by RHR Smith, which was included in the meeting packet. While this is still a draft, the good news was there were no significant findings, and BCRC appears to have ended FY23 by adding just under \$100k to the fund balance. A representative from RHR Smith will attend our December Executive Committee meeting to review the audit and answer questions.

Regional Plan Update

The *Bennington County Regional Plan* is due for an update. The current plan was adopted in 2015 with minor revisions and graphic improvements to the previous plan. Then in 2017, the regional energy plan was adopted, which reset the 8-year clock on plan expiration. We have decided to pursue development of a web-based plan. However, given the complexities of this approach and our desire for conducting public engagement to inform a new plan, we concluded that another quick update should be pursued to

allow us time to develop a more informed and web-based plan after the upcoming renewal deadline of March 2025. Consequently, we will update LEAP model data in the Energy Plan, update general economic and demographic information throughout, and revise areas where other content should be updated immediately. We would then put the plan out for readoption with these changes in fall of 2024. The process of pursuing a comprehensive rewrite and migration to a web-based platform would begin in 2026. We expect that process to take two plus years. The goal is to have the initial plan update presented to BCRC Commissioners at the September 2024 meeting.

Flex Holiday Proposal

Given the increasing diversity of the BCRC staff, a trend we hope will continue in the future, Colvin proposed the *BCRC Personnel Policies* be amended to change the holidays currently noted as “1/2 Day on Christmas Eve” and “Christmas Day” to “1/2 Day on Christmas Eve/Flex” and “Christmas Day/Flex”. While this may not result in material change in work schedules, it will provide flexibility for those who may observe different traditions. If approved staff will make the change to the *Personnel Policies* and at the same time add the Juneteenth holiday which was approved by the Executive Committee as an additional holiday in 2021 but never added to the manual. Zaiac moved approval of the modifications to the *BCRC Personnel Polices*. Seconded by Kearns. Approved unanimously.

Domestic Partner Health Care (new agenda item)

Colvin noted that the BCRC does not currently have a policy regarding health care coverage for qualified domestic partners. He described the State of Vermont’s policy for having employees provide an attestation regarding the relationship and which describes potential tax implications for the employee should the health care coverage be paid, in full or part, by the employer. Colvin polled the other RPCs and heard back from seven. Five provide paid coverage for domestic partners. Two allow employees to reimburse for partner coverage provided by the RPC. Zaiac moved and Monks seconded that Colvin develop a policy for review and approval by the Executive Committee at its December meeting that would provide for BCRC payment for coverage of domestic partner health insurance provide appropriate attestations were filed by employee and partner and they were made aware of potential tax implications. Approved unanimously. Given the upcoming open enrollment period on November 1st, Colvin was authorized to provide the general parameters of the forthcoming, but not yet official, policy to BCRC staff.

Act 250/Section 248 Updates

Green Mountain Reserve/Benson Road: You will recall this application was approved and it has been appealed. BCRC comments were addressed in the findings, but the decision remains inconsistent with BCRC testimony. The decision to approve the project contains language suggesting that it should not be used to establish precedent for commercial development of this type in rural areas of the region. Previously, the BCRC through the Executive Committee determined that the best course of action is to provide testimony during the appeal process only as requested and work on an amendment to the Regional Plan to specifically address this type of “resort” development in the Plan’s Rural land use district. We were notified in August that the appellants dropped their appeal.

Shaftsbury Solar: On May 3, 2023, VT Real Estate Holdings 1 LLC (Shaftsbury Solar) filed its Section 248 petition for a Certificate of Public Good with the Vermont Public Utility Commission. As currently envisioned, this 20MW project would be tied for the largest in Vermont with an existing array in Ludlow.

Neighbors and Shaftsbury community members rallied opposition to the project even in advance of a formal filing. Stop Shaftsbury Solar is well organized, and scores of citizens have attended numerous public meetings. A site visit with the developers and the PUC was held on August 1st and was attended by about fifty people. The BCRC Regional Energy Committee met on October 17th and provided input on draft comments prepared by the staff. We will submit formal comments to the PUC in advance of the November 10th deadline.

Manchester Cell Towers: An advance notice for a proposal by AT&T to construct a cell tower on property owned by Donald Dorr just south of Depot Street in Manchester Center generated a lot of attention in the spring. A public meeting to discuss the project took place on Tuesday, April 25th in Manchester. At that meeting the Manchester Select Board and the Manchester Planning Commission both voted unanimously not to support the project in its proposed form. The applicant may be pursuing alternatives. A formal application to the PUC has not yet occurred. A second tower has been proposed for a site near Riley Rink and it has also produced much community interest. BCRC will be monitoring these projects and will provide comments in the future, if appropriate.

Chelsea Solar: Chelsea Solar has submitted a revised plan for a 2MW solar facility in Bennington (third time). As discussed, and agreed at the October 28, 2022, BCRC Executive Committee meeting there is no need for new testimony or involvement. Following the Town of Bennington Select Board's decision to reject Chelsea's request to name the site a preferred location Chelsea again sued the Town.

Orchid LLC: Application filed on June 7th by Bill & Stephen Drunic for a 67-room hotel and spa on 46.1 acres located across Main Street from the Manchester Town Offices. This permit would replace the previous one for an 80-room hotel on the same site.

Additional 45-Day Advance Notices: BCRC has also received 45-Day Advance Notices from Stamford Main Renewables for 2.2MW single wind turbine in Stamford and from Furnace Brook Solar LLC for a 1.65MW solar installation off Shields Drive in Bennington. The wind turbine proposal in Stamford has generated a lot of public concern that the site does not conform to the town's enhanced energy plan. BCRC staff presence was requested at a Planning Commission meeting on the matter.

Program Updates: Q&A Time with Bill & Janet

Community and Economic Development

Putnam Phase 2: Planning for the next phase of the Putnam Block Redevelopment is picking up steam as M&S Development has completed an initial feasibility study and a draft investor pitch deck. Investors and other funding will be sought through the fall and winter with the goal of lining up all financing by summer 2023. BCRC continues to support the effort and had a pre-development services agreement for FY23 and is working on a new one for FY24.

Pownal Commercial Siting Criteria Study: The Town of Pownal has asked BCRC to work with the town to develop criteria to identify potential sites that could be used to increase economic development activity within the community. The project will consider four economic development scenarios – mixed-use, residential, commercial and industrial- and establish criteria consistent with local, regional and state planning goals and documents to identify locations with the highest potential for each scenario. If

necessary, draft language to modify the town plan or zoning bylaws to meet the desired outcomes will be suggested. BCRC staff submitted a draft report to the planning commission in Q1 and are working up a final draft for the Selectboard's review in Q2.

Shaftsbury Economic Development Services Agreement: Jonathan prepared a response to Shaftsbury's RFP for economic development planning work. As a result, BCRC will likely be engaged with the Shaftsbury Economic Development Committee for community development planning primarily in South Shaftsbury Village. Jonathan, Bill and Janet met with Town Administrator Dave Kiernan and committee chair Martha Cornwell and followed up with additional proposals requested by the town. The town has decided to pursue a municipal planning grant for this work and BCRC will submit a proposal to any RFP that results from that process.

Building Communities Grants: BCRC staff connected with several businesses throughout FY23 Q4 and FY24 Q1 to discuss the suite of grants in the Building Communities Grants umbrella. Staff worked with two applicants this year: a woman/veteran-owned nonprofit providing service dog training at no cost to first responders, and a woman-owned business expanding from tailoring and alterations into an underserved embroidery market. Staff takes pride in providing high-quality projects to the review committees and is optimistic about success in this year's cohort of applicants.

Energizer Plant Redevelopment: The BCRC has been actively engaged in multiple ways in efforts to redevelop the 300,000SF former Energizer manufacturing facility in downtown Bennington. The BCRC has supported the Town of Bennington in its communications with V/T Commercial and the Energizer Corporation regarding the possibility of encouraging Energizer to proactively finalize remediation at the property to facilitate a future transfer.

A second effort involves an international start-up with interest in the facility. The company would establish its manufacturing operation in a portion of the property and work with a partner to develop housing for employees, and possibly others, in other areas of the property. The BCRC has participated with ACCD and the company in two virtual meetings, has facilitated a VEGI pre-application meeting with the company and VEPC and has met US-based representatives of the company on a tour of the property.

Planning Programs

Bylaw Modernization Grant (BMG) Program: Janet is working with the 9 funded member municipalities to wrap-up work under this FY22 grant. Revisions are focused on provisions that will remove housing barriers.

With FY24 applications due on November 1, 2023, Janet is working with Manchester Village to apply for support of more comprehensive changes to its bylaws.

Municipal Planning Grant (MPG) Program: Arlington has adopted a revised land use and development ordinance, and grant close-out is complete.

BCRC is working with the Bennington Planning Commission under a FY23 MPG to develop and implement a public engagement effort focused on DEI for phase one of a town plan update. The BCRC is

assisting the town in applying for FY24 MPG funding for phase two of the town plan work (drafting the plan based on the public engagement effort).

In Pownal under a FY23 MPG, BCRC is coordinating the public outreach and report development for a town green or park adjacent to the new town hall.

Manchester secured a FY23 MPG to fund work on a new town plan, but the town asked to postpone the effort for another year. BCRC will engage the town about whether it will be prepared to pursue the project in 2025.

Designation Program: BCRC is monitoring Sunderland's effort to revise its town plan so that a village center designation can be pursued. BCRC has already assisted the development of an application. The proposed area for Village Center designation is along Route 7A near the access road to Equinox Mountain.

Other municipal Planning Efforts: Under an hourly contractual basis BCRC helped Manchester to prepare zoning revisions. The draft revisions have been to public hearing by the Planning Commission and a hearing before the Selectboard is upcoming.

Energy: The BCRC has been coordinating work statewide, with the Public Service Department, on updates to energy data, electricity generation modeling, and local and regional energy plan guidelines. Callie Fishburn serves on a team of three energy planners statewide to coordinate directly with BGS, on behalf of all the RPCs, on the roll out of the MERP program. Applications are live for the \$4,000 mini-grants for public education efforts and regional municipalities have been applying for funding.

Spurred by the public concern over the proposed 20MW solar project, the Shaftsbury Planning Commission engaged the BCRC to help develop an Act-174 compliant enhanced energy plan. Callie Fishburn, Samantha Page, and Janet Hurley completed this work with Shaftsbury, and the Planning Commission is working on some policy formulations to add to the BCRC-prepared draft plan.

Environmental Program: BCRC applied to the EPA for a \$500,000 Brownfields assessment grant but was not funded. We will reapply for this grant in November 2023. We have received an additional \$100,000 from the Vermont Agency of Commerce and Community Development State Brownfields funding and will request additional funds when that is committed.

We are also continuing to assist towns and villages with the Municipal Roads General Permit requirements. Thirteen of our municipalities are participating in the FY23 Grants-In-Aid Program which addresses those road segments which currently do not meet the MRGP standards. We received a Flood Resiliency Community Fund grant to hire NorthStar Hydro to study sediment loading in Bourn Brook and Lye Brook in Manchester. A final presentation of our alternatives will occur later this fall in the Town of Manchester. Other stormwater management and flood resiliency projects include several Better Road Grants and a Vermont Clean Water Fund grant to review and update five adopted municipal Stormwater Master Plans. One high priority project from each municipality has been selected to move towards grant applications for their implementation.

December Executive Committee Meeting Date

Colvin proposed moving the December Executive Committee meeting up one week to December 15th instead of December 22nd. Approved by consensus.

Other Business and Adjourn

Lavecchia suggested as much education as possible be provided to communities regarding various assistance programs (MTAP, MERP, etc.). He said communities staffed only by volunteers often struggle with information coming from the state. Colvin concurred and asked people to refer communities to the BCRC for help navigating the programs.

Lavecchia inquired about an upcoming meeting in Sandgate to discuss the potential acquisition of forest land in Sandgate and Rupert by the State of Vermont. Colvin explained that November 16th BCRC meeting would focus on that topic with representatives from the State of Vermont, The Conservation Fund and possibly the Archaeological Society presenting. Kearns said several such discussions have already been held and is encouraging the Sandgate representatives to submit questions they would like answered in advance of the meeting. Lavecchia said he would do the same with Rupert.

There being no additional business, Monks moved and Lavecchia seconded adjournment at 9:48am. Approved.

Respectfully submitted,

William Colvin
Director