

DRAFT

**ADDISON COUNTY REGIONAL PLANNING COMMISSION
EXECUTIVE BOARD MEETING**

May 25, 2005

The Addison County Regional Planning Commission's Executive Board meeting was held at the regional planning commission's office in Middlebury with Don Shall presiding.

ROLL CALL

Bristol

Cornwall Don Shall

Middlebury Karl Neuse

Monkton Thea Gaudette

Orwell Andrea Ochs

Vergennes Renny Perry

Waltham Tom Yager

STAFF

Adam Lougee, Director

GUESTS

Ed Payne

David King

Andrew Manning

BUSINESS MEETING

The Executive Board convened its regular meeting at 7:10 p.m.

APPROVAL OF MINUTES

The Executive Board reviewed the minutes of their last meeting. Don noted that the minutes should be amended to show that Tom chaired the meeting. **Andrea moved to approve the minutes, as amended. Thea seconded the motion. All approved.**

TREASURER'S REPORT

The Board reviewed the treasurer's report. Adam noted that cash in our accounts are in a good position. To date, the Commission has collected approximately 80% of its revised projected revenue and it has spent approximately 74% of its projected expenses. Adam noted that receivables were closer to where they should be and that we would continue to work to collect on all programs. **Andrea moved to accept the report, Renny seconded the motion and all approved.**

COMMITTEE REPORTS

Local Government Committee: The Committee does not have a meeting scheduled.

ACT250/248:

New Applications:

We have received a number of new applications and three notices of a minor process since I sent out the last notice on April 27th:

1. On May 6, 2005 ACRPC received the application of the Middlebury Area Land Trust for the Otter Creek Park and three-lot subdivision they are proposing on the corner of Weybridge Street and Pulp Mill Bridge in Middlebury and Weybridge. This will be treated as a minor application unless on or before June 17th a party files a request for a hearing.
2. On May 9, 2005 ACRPC received the application of the Bridge School for the approval of playing fields near their property on Exchange Street in Middlebury. This will be treated as a minor application unless on or before June 17th a party files a request for a hearing.
3. On May 13, 2005 ACRPC received the application of Foster Real Estate Development/Retail Vision for approval of an expansion to the existing building on Exchange Street in Middlebury. This will be treated as a minor application unless on or before June 24th a party files a request for a hearing.
4. On May 17, 2005 ACRPC received the application of William J. Hutchins for approval of a two-lot subdivision on 90 acres in New Haven.
5. On May 19, 2005 ACRPC received the application of Middlebury South Village, LLC and the President and Fellows of Middlebury College for approval of the Middlebury South Village Development proposal. This proposal includes 5 commercial buildings totaling 45,000 sq. ft. 30 apartments or townhouses and 56 single family residences and associated roads and infrastructure proposed for the old Maple Manor site on Middle Road in Middlebury.
6. On May 23, 2005 ACRPC received the application of the Hannaford Career Center for the construction of a building to house its "Auto Diesel Campus" on Exchange Street in Middlebury.

Approvals:

The District 9 Commission has granted a permit to John and Carolyn Rouse to construct a 100' x 80' warehouse at its site off of Willow Drive in Middlebury.

Jurisdictional Opinion and Other:

1. The Trickett v. Ochs dispute continues to move through the hearing process.
2. The District 9 Commission issued its pre-hearing conference report on the Foote Farm Subdivision Application.

Natural Resources: The Committee met the first Monday in May. Ed noted that Ethan Swift made a presentation regarding the Watershed Planning process.

Transportation Advisory Committee: Adam reported that the TAC had met. Rick Kehne, the new transportation planner, staffed his first meeting. Jeff Nelson chaired his first meeting. The committee spent most of its time reviewing projects proposed for grants from the regional planning commission. It is also working on project prioritization.

Utilities and Facilities: No action.

OLD BUSINESS

VAPDA minutes: Adam distributed the April VAPDA meeting minutes. Thea questioned a portion of the minutes dealing with the CEDS process. Adam noted that it concerned regions that did not have CEDS yet. Since she has been our representative working with our economic development corporation for a couple of years, it was not applicable to ACRPC.

VELCO Summary: Adam handed out the Brief to the Supreme Court that Jim Dumont had prepared on behalf of the Town of New Haven, the Town of Middlebury and ACRPC. He also noted that he, Fred Dunnington on behalf of Middlebury, and Jean Vissering, our landscape architect, had met with individual landowners along the 345kV line and presented the landowners desires regarding screening and plantings to VELCO and the Department of Public Service. Adam explained that the meeting was productive and that he hoped VELCO would be incorporating most of Jean's recommendations into the plans that it submits to the Public Service Board early in June.

Vote on Regional Plan Amendments:

The Executive Board has received a number of concerns regarding the vote on the Utility, Facilities and Services Section of the Plan at the Annual Meeting. Don summarized those concerns. Adam, David King and Ed Payne each handed out material they had brought summarizing the concerns or providing background information supporting their concerns. The Executive recognized that the process should have run better and proceeded to work through the issues presented.

Karl noted that we should have had a role call vote for public meetings. All agreed that in hindsight when voting on plans or bylaw amendments ACRPC should conduct the vote by role call.

Thea moved that hereafter all amendments to the plan and the bylaws be taken by role call vote. Tom seconded the motion. All approved.

Next the Executive Board moved to the issue of how many delegates need to vote in favor of a plan amendment in order for that amendment to pass. All agreed that our bylaws and the statute require a 60% supermajority vote of delegates to pass. The question then becomes 60% of how many people; all delegate seats or all delegates actually appointed to available seats? Also, how do alternates fit into the mix? After a

lengthy discussion regarding the “60% rule” and what number of delegates it applied to. The prevailing logic seemed to be that towns that chose not to appoint delegates should not be able to stop the work of the commission. Counting active delegates at the time of the vote provides a reasonable and fair standard. **Andrea moved that the Executive Board should recommend to the full commission that the 60% rule regarding delegates should be interpreted to refer to actual number of delegates actively representing their town at the time of the vote and not the total number of seats available. Tom seconded the motion and all voted in favor of the motion.**

The Executive Board also decided that it should err on the side of clarity and transparency and also decided to include the definition of an “Alternate” in the minutes. Section 503.1 of ACRPC’s bylaws addresses alternates. It states:

The body that appoints a delegate or Citizen Interest Group delegate may annually appoint an alternate **to serve in the absence of the delegate. The alternate shall have voting privileges only when serving in place of an appointed voting member.**

Accordingly, the Executive Board felt that the Bylaws clearly state that an alternate can only vote in the place of a delegate. Hence only delegates that are actively representing their municipality at the time of the vote should be included for the purpose of determining the total number of delegates used to calculate the 60% rule.

The Executive Board then moved to the vote on the Utilities, Facilities and Services section of the plan to determine how many eligible votes had been properly cast in favor of the plan. After careful consideration of the attendance sheet and evaluation of the other information available, the Executive Board concluded that not enough eligible votes had been properly cast for the Utilities and Facilities portion of the plan to pass, regardless of how one interpreted the 60% rule. **Karl moved that the Executive Board, after evaluating the delegates voting in favor of the motion to pass the Utilities Facilities and Services Section of the Plan, determined that not enough eligible votes were cast in favor of the Utilities, Facilities and Services Section of the plan and therefore, that Section of the plan failed. Tom seconded the motion. All voted in favor of the motion and decided to pass this evaluation to the full commission for a vote.**

The Executive Board next took up how to move forward with the Utilities, Facilities and Services Section of the plan. Don noted that he had spoken with Ellen, as chair of the Utilities, Facilities and Services Section of the Plan and asked if her committee would take it up. Ellen noted that she was not inclined to do so. The Executive Board discussed when it should try to get the plan out again and in what form. Andrea suggested perhaps the Executive Board could take over the committee’s role and try to rectify the “wills” and “shalls” with the remainder of the plan. Karl noted that he felt that we should start at the beginning of the process. The remainder of the Executive Board concurred and remanded the section to the Committee. Don will call Ellen and discuss the Executive Boards findings and conclusion with her. The Board requested that Adam speak with the staff to the committee and let them know how we would like to move forward.

The Executive Board then reviewed the other votes on the sections of the plan. All agreed that all other portions of the plan received the requisite number of votes to pass, including the entire plan as amended and as such, should be considered adopted. The Board discussed the fact that the Consistency Section would be inconsistent without the Utilities and Facilities Section of the plan being amended. However, it felt that the vote was valid and that the Commission could live with the temporary inconsistency in that section. The Board also discussed the readoption of the entire plan. Thea noted that the motion that passed was to readopt the Regional Plan as amended. She felt that that motion would still be valid with out the Utilities and Facilities amendment and that the vote should stand. The rest of the Executive Board concurred.

David King suggested that prior to the vote that the commission place the interpretation of our bylaws, as the Executive Board had just interpreted them be published in the notice of the vote so no one will be surprised regarding how the vote is taken or calculated. The Board agreed that this would be a useful procedural step.

Other: Andrea noted that the LEPC and Tim on behalf of the LEPC had done an excellent job on the emergency planning drill held in Orwell this weekend. They had over 93 participants in the field and learned a lot about the response capabilities in the region.

Don commended Brandy on her work in Cornwall on the Corwall Town Plan.

Adam distributed the list from our website of all of the diverse and different organizations that had downloaded the buildout program that Kevin had created on behalf of the commission and then made available for public consumption.

Dave thanked every one for their open-mindedness on the issue of the vote and the transparency of the new voting process.

ADJOURNMENT

Tom moved to adjourn the meeting, seconded by Andrea and unanimously approved. The meeting adjourned by 8:55 pm.

Submitted by: Adam Lougee