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Meeting Minutes
April 26, 2006
NRPC Board of Commissioners Meeting
WIB Training Center

Meeting called to order at 7:03pm by R. Larose

1.) INTRODUCTIONS

R. Larose apologized for lack of space, introductions followed. Quorum was present to conduct business. See attached attendance lists.

2.) OPPORTUNITY FOR PUBLIC COMMENT

R. Larose explained that speakers would be given 2 minutes each. R. Larose then recognized J.L. Davis, thanked him for attending and gave the floor to Davis to begin the public comment section of the meeting. JL Davis thanked the RPC for its efforts in the review of the proposed PUD in St. Albans. Davis stated that the RPC doesn't owe applicant anything, but stated that residents are owed a position by the NRPC regarding project conformance with the regional plan for Act 250 permit process. Davis also stated that both of the economic analyses conducted by the applicant supported Wal-Mart. Davis also stated that the various traffic analyses conducted during the review of the project stated that impacts were addressed with the applicant's proposed improvements. Davis also stated that he was not aware of any other professional opinions that contradict studies to date. Opinions will differ, but he requested that the project be reviewed based on evidence submitted. Davis urged adoption of the 4/17/06 NRPC Ad-Hoc committee's report option 2. Davis stated that the applicant would be helped by adjustment of the boundary line of regional growth center by about a couple hundred feet so that the project is entirely within regional boundaries. Davis noted that the project is within the town growth center. Davis also requested that the NRPC board adopt a timetable to come to decision a one way or another regarding the boundary dispute at that evening's meeting.

The chair then recognized additional public comments. Charlotte Granton of St. Albans town stated that 10 years ago the town voted overwhelming to have Wal-Mart. Granton also stated that St. Albans City's concerns are important, but not valid. Perry Cooper of Bakersfield stated that the Program/Project Review committee report should be examined in detail as well, and not set aside. Cooper also stated that he believed that the Ad hoc committee did not reach consensus – they met the standard of majority in favor, but not consensus. Shirley Blouin of St. Albans Town stated that there is a need for Wal-Mart. Blouin stated that certain people control things in St. Albans, people that don't want a Wal-Mart here. Blouin stated that people have right to shop in St. Albans and that people that don't want to have it here should pay the expenses for St. Albans residents that travel to Williston to shop at the Wal-Mart there. Blouin also expressed her view that the area is being run by communists. Cathy Rose of St. Albans Town stated that words cannot express how much she opposes Wal-Mart. Rose stated that she had moved to Vermont from Wisconsin because it was so nice here. Rose warned that impacts seen in her former hometown in Wisconsin following the opening of a Wal-Mart are negative. Rose also pointed out that the argument that favored a Wal-Mart in St. Albans under the guise of keeping local dollars local was incorrect, as the money collected by Wal-Mart went back to corporate headquarters in Arkansas.

Shawnee Higgins of Fairfield reminded the audience that there was a recent article in the Franklin County Courier that gave local store options to purchase items that will be available at Wal-Mart. Sherry Holbrook of Swanton stated that Wal-Mart will save St. Albans. Holbrook also expressed consternation over the current stores closing too early for commuting workers. Holbrook stated that it was difficult for her to find anything at TJ Maxx and that Peebles was too expensive and expressed thanks to the Town of St. Albans for their support of the project.

1 Sue Knightes of St. Albans City pointed out that she was hearing emotion, not fact in the discussion this
2 evening and hopes the NRPC Commissioners will rely on fact and evidence, and not emotion in making
3 their decision. Knightes also shared examples of items she had purchased locally at low prices. Robin
4 Blouin of St. Albans Town stated that she was a walking advertisement for Wal-Mart, as her outfit for the
5 meeting was comprised almost entirely of items purchased at Wal-Mart. Blouin pointed out that she had
6 difficulties finding bigger clothing sizes with no other local stores having the right sizes or having the
7 right sizes, but at too high a price. Betty Finn of St. Albans City introduced herself as the Northwest
8 Citizens for Responsible Growth chairperson. She pointed out her frequent attendance at all project
9 related meetings and that she was not here to debate the need for another department store. Finn
10 commented that she thought the NRPC's Program Project Review Committees review of project was
11 thorough and well laid out, and that while adversarial comments were made by staff and commissioners,
12 those were not based on NWCRG, but on the submitted evidence like every other project reviewed by the
13 PPRC. Finn also discussed the pressure being put on commissioners by all sides in the debate. Finn stated
14 that she thinks the PPR report should stand and was a solid review. Jack Bliss of St. Albans Town
15 questioned why St. Albans City had hired an attorney for the Wal-Mart application process when the
16 population wants Wal-Mart.

17
18 Tom Bushey of St. Albans City responded to Bliss' question stating that the developer has lawyers, and
19 that because of this the City wanted to be sure to be on par with the developer. Bushey stated that the
20 attitude of St. Albans Town to grow, and St. Albans possessing the most area to grow in means that the
21 growth decision made by St. Albans Town will affect entire region, and that the RPC commissioners
22 should keep that in mind. Sandy Bracey stated that she was an Ad Hoc Committee member, and that
23 most of the committee supported this project. Bracey also stated that this discussion is not about Wal-
24 Mart, but rather about the project and that any other proposed project would have resulted in construction
25 already. Berthiume stated that the region needs another department store. Larry Leach of St. Albans Town
26 stated his support of Wal-Mart coming to St. Albans Town. Leach also pointed out that when Wal-Mart
27 was just opening in Williston, he was also semi-retired and looking for part time work from the State of
28 Vermont and at Wal-Mart, and that Wal-Mart offered more pay for part-time work than state did. Nancy
29 Brough of St. Albans Town stated her support for the project. Brough also stated that the Ad Hoc
30 Committee report should have had more weight. Brough also stated her disappointment at "stalling
31 techniques". R. Larose closed the public comment period.

32 33 **3.) MINUTES**

34 *R. Roberge motioned to accept the March 2006 meeting minutes as presented, or corrected. D. Peirce*
35 *seconded.*

36
37 Corrections were noted on Page 1, Line 14/15 should read "one new " commissioner. A typographic error
38 on Page 1, Line 35 was noted and M. Guernsey and N. Hunt needed to be added to the attendance.
39 *Motion carried.*

40 41 **4.) COMMITTEE REPORTS**

42 **Executive Committee:** R. Larose, no report.

43 **Finance/Operations:** D. Peirce distributed the budget report. Peirce explained that since the document
44 was not available until that evening's meeting it would not be discussed until next month's meeting to
45 allow for time to review. Peirce reported that based on the report it appears that the Commission is in
46 good shape, budget is fine.

47 **Personnel:** L. Scangas reported that an ad had been placed for a new planner, interviews expected in
48 May, with a new planner hired for the next board meeting hopefully.

49 **Policy/Project Review:** J. Lambert, no report.

50 **Transportation Advisory Committee:** R. Larose, no report.

51 **VAPDA:** B. Kittell, no report.

1 **VEPC:** C. Steen reported that there will be a meeting May 4 that she will attend as Swanton is an
2 applicant.

3 **Downtown Development Board:** E. Nuttall, absent.

4 **Office:** B. Waninger updated the board on G. Brunswick’s work with the Regional Plan update
5 committee. Waninger also updated the Board on the work by S. Coleman in regards to the Pandemic flu
6 summit 5/15 at the Comfort Inn in St. Albans. Waninger also updated the Board on her work with the
7 Brownfields program – 4 site assessments are finished and the EPA has asked for a presentation on
8 program. Waninger also requested that communities with potential sites contact her. B. Rose briefly
9 updated the board on the April TAC meeting that featured a discussion on regional ATV access issues
10 that was positive and a more complete update would be available at the next board meeting. Rose also
11 mentioned that the TAC would be updating its list of transportation improvement priorities, and was
12 slated to begin that effort at the May TAC meeting. Rose also reminded the Commissioners to have their
13 communities contact staff if they would like any traffic counts conducted in their communities. C.
14 Dimitruk reported that she had just recently returned from the American Planning Association conference
15 in San Antonio for a national planning award received for B. Waninger’s Shoreline Stabilization
16 Handbook project. The commissioners applauded and asked that the minutes show appreciation of staff
17 for this project, particularly Bonnie.

18
19 **5.) Ad Hoc Committee Report**

20
21 Tim Smith gave an overview of the Ad-Hoc committee process. Smith reported that there had been 4
22 meetings – meeting the NRPC directive, and that the committee had decided upon a working definition of
23 consensus. The committee reached agreement, and then sent the committee’s report to St. Albans Town,
24 Swanton and St. Albans City for their review and affirmation. Smith stated that both St. Albans Town
25 had signed on to the document and that St. Albans City had not.

26
27 B. Kittell questioned whether consensus had actually been reached. Kittell explained that his
28 understanding of the definition of consensus meant agreement by all members. Kittell also questioned
29 how disagreement could still constitute consensus. Kittell also questioned how the committee could have
30 resolved issues when they were only tasked to make recommendations and conclusions. There was a brief
31 discussion of the tasks of the committee. B. Kade stated that his understanding of consensus is that it
32 means unanimous agreement – and that his dictionary says unanimous. Kade stated that if the
33 Commission meant a decision by majority vote, it would have said majority vote. B. Douglas stated that
34 he believed the Ad-Hoc committees report was a conclusion, not recommendation.

35
36 M. Guernsey then provided clarification of agenda item #6, and reminded the commission that there was a
37 motion open on the floor previously to approve PPR committee findings as written. Guernsey noted that
38 the motion was already made and seconded, and will now back on the floor after the committee report
39 under the next agenda item. Guernsey stated that if the ad hoc report is to be included, someone will have
40 to make subsidiary motion to do that. A. Beaderstadt asked whether there was any preclusion to sending
41 both reports forward? M. Guernsey replied that the main motion can be amended to include ad hoc
42 committee report, or ad hoc with appendices, or simply include both reports. G. Wright questioned
43 whether there may be another option of withdrawal of the original motion. Guernsey replied that the
44 motion may be withdrawn and a new motion introduced.

45
46 **6.) JL Davis PUD**

47 *B. Johnson motioned to substitute the original motion with a new motion to adopt the Ad Hoc*
48 *Committee report (with appendices). J. Baitz seconded the motion.*

49
50 R. Larose then went around the room asking for comments on the question of substituting the motion. B.
51 Kittell stated that this project has politicized the planning process. Kittell also again took issue with the

1 Ad-Hoc committee's working definition of consensus, stating that consensus is unanimity – anything
2 other than unanimity would involve politics. Kittell stated that a vote for this motion endorses this as
3 consensus when it isn't. Kittell stated that commissioners should vote against sending the Ad-Hoc
4 committee report. N. Spears stated that if we don't consider the Ad-Hoc committee report, we've wasted
5 time. Spears also stated that the Ad-Hoc committee endorsed the concept of consensus. C. Leach stated
6 that as a member of committee, he supported the committee's work and the report/conclusions issued.
7 Leach urged commissioners to adopt the ad hoc committee's findings. B. Johnson thanked T. Smith for
8 his work to chair the Ad-Hoc committee.

9
10 B. Douglas thanked the Ad-Hoc committee and staff, particularly for the civility of the committee
11 discussions. Douglas recommended that the motion not be accepted, expressing concerns that the regional
12 impacts are not clearly displayed and that there are impacts that need to be discussed. J. Baitz thanked
13 both committees. Baitz urged approval of motion to send the Ad-Hoc committee report.

14
15 B. Kade stated his concern that the Ad-Hoc committee went beyond its mandate with redefinition of the
16 word consensus. Kade stated that he had concerns with both committee reports as they both neglect to
17 discuss plan issue with scale. Kade stated that the project was not in scale with the community in 1994,
18 and is still not in scale today. L. Scangas stated that more representatives on the Ad-Hoc committee
19 would have been nice. Scangas also stated that both reports should be equal, as a conclusion for the Act
20 250 commission is not required. D. Peirce stated that he was against motion, and took issue with
21 definition of consensus. Pierce also questioned previous comments by asking why should the board
22 approve the report just to make the committee's work worthwhile, and then asked what about the PPR
23 committee's work? Peirce stated that the NRPC should send both reports forward and let District 6
24 decide. R. Larose stated that both reports should go forward and that that he would have more to say in
25 discussion later on.

26
27 *D. Peirce made a procedural motion to require paper ballot votes. B. Kittell seconds.*

28
29 A discussion ensued regarding the whether to use paper ballots and the legality of that option. B.
30 Waninger stated that the Secretary of State's office thought that state law did not preclude the use of
31 paper ballots, and that the first motion on floor, paper, or voice or roll call, gets to decide.

32
33 *Motion failed following hand vote.*

34
35 *B. Kade motioned for a roll call vote. J. Gallagher seconded. Motion carried*

36 *D. Clark opposed.*

37
38 Roll call vote:

39
40 Baker: No
41 Tatro: Yes
42 Baderstadt: No
43 *Jesberger: Absent*
44 *Cribb: Absent*
45 Hunt: No
46 *Hickey: Absent*
47 *Mayo: Absent*
48 Larose: Yes
49 Roberge: Yes
50 Dueso: Yes
51 Touchette: Yes
52 *Nuttall: Absent*
53 Steen: Recused
54 Kittell: No
55 Savoy: Yes
56 Douglas: No
57 *Russell: Absent*
58 Clark: Yes
59 Baitz: Yes
60 Waite: Yes
61 Demars: Yes
62 *Morris: Absent*
63 *Paquette: Absent*

1 Trombley: Yes
2 Charles: Absent
3 Tuck: Yes
4 Kade: No
5 Merrier: Absent
6 Johnson: No
7 Lambert: No
8 Lavalla: Yes
9 Tomlinson: Yes
10 Brouillette: Yes
11 Howrigan: Absent

12 Guernsey: Yes
13 Wright: Yes
14 Peirce: No
15 Scangas: No
16 Gallagher: Yes
17 Johnson: Yes
18 Garrett: Yes
19 Manning: No
20 Leach: Yes
21 Spear: Yes

22

23 *Motion carried.*

24

25 M. Guernsey then explained that the vote is now to approve the motion as substituted. If this
26 approved this will go to Act 250 board to take this information and make their own conclusion.
27 Guernsey also stated that a great deal of work had gone into both of these reports - too much to go
28 to waste.

29

30 R. Larose then opened the floor for commissioner discussion. J. Lambert spoke and stated that
31 consensus was not as strong as he'd like. Lambert thanked staff for work, and PPR committee.
32 Lambert also stated that this discussion is not about Wal-Mart, but about whether the project
33 conforms to regional plan, and that the project doesn't conform to the regional plan, but that it
34 can and should. G. Wright explained that this was his first meeting. He stated that he didn't
35 understand how the town plan could be approved by this commission, but then have a project in
36 conformance with the local plan then not conform to regional plan. Wright stated that the
37 selectboard in South Hero supports this project. J. Tuck stated that she was not here to push
38 personal agendas and that Isle La Motte wants this. M. Savoy stated that she values the ability to
39 make local decisions locally. Savoy also stated that while she believes that the proposed project
40 has regional impact, and out of respect for local planning happening locally, she would support
41 the Ad-Hoc committee report.

42

43 N. Hunt stated that the project out of scale, in the long run will challenge the cost of infrastructure
44 and flies in face of sprawl and not smart growth. Hunt stated that people around the region needed
45 to ask "how do we want to grow in VT?" Hunt stated she was not in support of the Ad-Hoc report
46 over the PPR report. B. Kittell stated that we're selling out our heritage with this project. Kittell
47 also stated that it used to be that locals would tell newcomers how to develop, not the other way
48 around. Kittell stated that the previous survey for this project was ten years ago and that the
49 current leadership doesn't represent people of the town.

50

51 J. Gallagher stated that people in St. Albans Town voted for the project. Gallagher stated that he
52 doesn't see how people could be against this project now if they voted for the plan. H. Garrett
53 stated that Swanton doesn't benefit from Wal-Mart - for or against doesn't matter. Garrett stated
54 that he doesn't find that the traffic study is adequate. Garrett also stated that should Swanton town
55 roads deteriorate as a result of traffic generated by this project, he hopes that those who supported
56 the project and wanted him to vote yes remember to vote yes on paying for roads. Garrett also
57 questioned the popular sentiment that Wal Mart is for the little guy. C. Leach stated that he
58 supports this project and his constituents support the project. Leach stated that he believes the
59 building location is the best place for the project to be. Leach stated that he recognized that the
60 traffic issues are yet to come, but more projects will help alleviate it in the future. Leach stated
61 that he has concerns about Wal-Mart, but we need the store, and hope that it won't negatively

1 affect local businesses. R. Trombley stated that at the last Planning Commission meeting
2 attendees requested that a Wal-Mart petition be circulated to bring Wal-Mart to Highgate.

3
4 B. Johnson stated that he was involved since the last time the request was made in the 1990's.
5 Johnson stated that the need for this store is greater need now than in the past. Johnson pointed to
6 the loss of commercial space in the region and stated that going to Chittenden County to shop is
7 too expensive and stated that this project is in tune with town plans and regional plan. Bruce
8 Douglas stated that we're here on the RPC because we think outside town boundaries, and this is
9 opportunity for such efforts to shine. Douglas questioned the accuracy of the economic analysis
10 and that more work is needed on this as the impacts will be major. A. Baderstadt stated that all
11 the commission's time and effort has been spent looking at what is/isn't important to our
12 community. Baderstadt stated that she did not like setting a precedent of undermining PPR
13 report. Baderstadt stated that she was in favor of both committee reports being sent to the Act
14 250 commission -not of replacement.

15
16 K. Waite stated that the motion doesn't speak to support of project. He also stated that the reports
17 don't lay that out for him. Waite stated that retail stores are needed here in the region, and like
18 Wal-Mart or not, we need retail and Wal-Mart is the only option on the table right now. He stated
19 that the Georgia Selectboard doesn't see reason to vote against the project with so much
20 community support in Town. B. Kade asked a question as to regulation of number of subsidiary
21 motions. He was told that no such regulation exists. *B. Kade then motioned to make both reports*
22 *be submitted equally to Act 250 commission. B. Douglas seconded.* Discussion followed
23 regarding the appropriateness of the motion. *B. Kade then withdrew motion.*

24
25 R. Roberge stated that Enosburg supports the project proposal, but that it needs to be bigger – the
26 project is too small as proposed. L. Scangas agreed on the regional need for retail, but due to the
27 size of the project it will have regional impact that hasn't been studied adequately. D. Peirce
28 stated that the vote isn't about Wal-Mart as much as it's about Exit 20 area – in respect to traffic
29 and economic impacts, the project doesn't conform to the plan. Peirce compared the proposed
30 project to the traffic situation in Williston at Taft's corners. R. Larose commented that this is
31 2006 and that the project is not the same as it was in 1995, when it was turned down. Larose
32 pointed out that Wal-Mart has a store in Plattsburgh, NY; Cowansville, Quebec; Williston, VT;
33 and soon in Newport, VT. Larose expressed concern that without Wal-Mart, St. Albans will
34 drown.

35
36 Roll call vote:

37 Baker: Yes	52 Savoy: Yes
38 Tatro: Yes	53 Douglas: No
39 Baderstadt: Yes	54 <i>Russell: absent</i>
40 <i>Jesberger: absent</i>	55 Clark: Yes
41 <i>Cribb: absent</i>	56 Baitz: Yes
42 Hunt: No	57 Waite: Yes
43 <i>Hickey: absent</i>	58 Demars: Yes
44 <i>Mayo: absent</i>	59 <i>Morris: absent</i>
45 Larose: Yes	60 <i>Paquette: absent</i>
46 Roberge: Yes	61 Trombley: Yes
47 Dueso: Yes	62 <i>Charles: absent</i>
48 Touchette: Yes	63 Tuck: Yes
49 <i>Nuttall: absent</i>	64 Kade: No
50 Steen: Recused	65 <i>Merrier: absent</i>
51 Kittell: No	66 Johnson: No

1 Lambert: No
2 Lavalla: Yes
3 Tomlinson: Yes
4 Brouillette: Yes
5 *Howrigan: absent*
6 Guernsey: Yes
7 Wright: Yes
8 Peirce: No

9 Scangas: No
10 Gallagher: Yes
11 Johnson: Yes
12 Garrett: Yes
13 Manning: Yes
14 Leach: Yes
15 Spear: Yes

16

17 Motion carried.

18

19 *Motion by Kade to accept PPR report to also be sent, B. Douglas seconded.*

20

21 *Doug Clark moved to suspend the rules of roll call vote. B. Johnson seconded, motion carried.*

22 *Original motion failed 9-21 after a vote by show-of-hands*

23

24 **7.) Other Business**

25 C. Dimitruk thanked the commissioners for their hard work and professionalism during the
26 difficult and sometimes acrimonious review process, and expressed hope that the commission
27 could move forward from this process the stronger from it. B. Douglas thanked JL Davis for civil
28 behavior & constructive impression.

29

30 *R. Roberge motioned to adjourn the meeting. C. Steen seconded. Motion carried and the meeting*
31 *adjourned at 9:13pm.*