

TRANSMITTAL MEMO

TO: LAMOILLE BASIN WATER QUALITY COUNCIL (BWQC)
FR: LAMOILLE BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: MATERIALS FOR MEETING ON 9/28/23
DA: 9/21/23

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Greetings, Lamoille BWQC members and others. The next meeting will take place in one week, on September 28. A few brief notes about the agenda items are provided below. Please let me know if you have any questions regarding the agenda or the meeting. (Also please note that the Zoom link has been updated.)

1. Conflict of interest disclosures

This is a new recurring agenda item that will provide BWQC members and others opportunity to note any possible conflicts of interest regarding agenda items. I have worked with board and committee members in the past whose agendas included such an item. The BWQC for the Missisquoi Basin recently adopted a similar practice.

2. Seating of any new representatives or alternates

This is a standard agenda item that allows BWQC members to acknowledge new representatives or alternates.

3. Hyde Park Project sponsorship

In July, the Council approved funding for an application submitted by the Town of Hyde Park for a project in that community. CWSP staff wish to inform the BWQC of a possible change in project sponsorship. Aside from a change in project management (eg., management by LCPC rather than by the Town of Hyde Park), the project would move ahead as planned.

4. Solicitation Schedule /November meeting date

The next call for projects will be issued October 12 with a deadline of November 16. Prioritization would occur on or about November 30 or whatever date is chosen as an alternative to meeting on Thanksgiving. (Options may include 11/17, 11/24, 11/30 or 12/1.) Timing of future rounds will be the subject of further discussion at the meeting. (Two alternative funding round schedules are included in the packet.)

5. Overview of Contracting requirements

In light of language included in draft DEC guidance documents as well as language found in our own contracts with the State of Vermont, CWSP staff have concluded it would be a good idea to make a brief presentation on contracting requirements associated with use of Act 76 funds.

6. Karen Bates Presentation

Basin Planner Karen Bates has offered to lead a presentation on project identification and advancement. (It will be “an overview of the Assessment Tools that Identify Projects, including goals and how they were created to address objectives.”) As part of her presentation Karen will offer her thoughts on the strengths and weaknesses of various tools.

7. Updates/other

This time will be available for discussion of updates on: a) the CWSP’s Year 1 Annual report; b) DEC Guidance chapters and c) Project Status Grid.

Thanks to all who participate.

Meeting protocols/Zoom norms

- Introductions of all participants at each meeting
- As possible, BWQC members should have in their Zoom Name/Title the following: Name, Organization, “Voting” or “Alternate”, and pronouns (if desired)
- BWQC members are expected to have cameras turned on during entirety of meeting, as technically possible.
- BWQC members are expected to stay focused / avoid multi-tasking and follow the guidance of: if you wouldn’t do something in an in-person meeting don’ do it in a virtual meeting”
- BWQC members will use the “raise hand” function on Zoom to indicate a request to speak / come off mute – this is in an effort to make sure all are heard in turn.
- All members will stay muted until called upon; if needed, CWSP staff may mute participants to avoid background noise
- Any comments made in the chat will be read aloud at the appropriate time by the CWSP staff in full for the public record / record.

AGENDA

Lamoille Basin Water Quality Council (BWQC)

Thursday, September 28, 2023

9:00 -11:00 AM

Remote /Zoom meeting

(Zoom details below

Note: NEW ZOOM LINK)

1. Welcome and Introductions
2. Meeting protocols
3. Conflict of interest declarations, if any
4. Review/adjust and approve agenda
5. Approval of Minutes
6. Public comment not related to items on agenda
7. Seating of any new reps or alternate(s)
8. Hyde Park Project sponsorship
9. Solicitation Schedule /November Meeting date
10. Overview of contracting requirements
11. Karen Bates Presentation on Clean Water Project Identification
12. Updates and Conclusion

Join Zoom Meeting

<https://us02web.zoom.us/j/86562460349?pwd=dCtISjdHSGI1OFZ6Z2ZndTRPQ1pRQT09>

Meeting ID: 865 6246 0349

Passcode: 031502

One tap mobile

+13052241968,,86562460349# US

+13092053325,,86562460349# US

Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Staffing provided by Northwest Regional Planning Commission (NRPC), the Basin 6 Clean Water Service Provider. NRPC's physical / mailing address is 75 Fairfield Street, St. Albans, Vermont 05482.

NRPC will ensure public meeting sites are accessible to all people or provide an opportunity to request accommodations. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Amy Adams, NRPC Title VI Coordinator, at 802-524-5958 or aadams@nrpcvt.com. NRPC will accommodate requests made no later than 3 business days prior to the meeting for which services are requested, and will strive to accommodate all other requests. This support is provided in accordance with provisions of the Americans with Disabilities Act (ADA) of 1990.

**Lamoille Basin Water Quality Council (BWQC) Meeting
DRAFT MINUTES**

Friday, July 21, 2023, 9:00-11:30 AM

Virtual Meeting/Held Via Zoom* (computer/smartphone/tablet etc.)

https://www.youtube.com/watch?v=UYZD2_5PotU

A VIDEO RECORDING OF THE MEETING IS AVAILABLE THROUGH THE NRPC YOUTUBE CHANNEL.

THE WRITTEN MINUTES ARE A SYNOPSIS OF THE DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED. MINUTES WILL BE SUBJECT TO CORRECTION BY THE COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE COUNCIL

Attendance:

Lauren Weston (Q), Dick Goff (Q), Sarah Hadd (Q), Brad Holden (Q), Peter Danforth (left at 10am) (Q), Erin De Vries (Q), Bruce Wheeler (Q), Katherine Sonnicks, Ken Minck (depart at 11:20am), Meghan Rodier, Casey Spencer, Jedd Feffer (Q at 9:09am), Emily Finnegan (entered at 9:10am and became Q at 10am) (Q=toward quorum).

Staff: Dean Pierce, Dea Devlin, Maddie Yandow.

Guests: Karen Bates, Paul McGrath, Tori Helwig, Ron Rodjenski.

Not Present: None.

1. Welcome and Introduction

Peter Danforth opened the meeting at 9:02 AM and asked the Vice Chair to run the meeting due to technical limitations at his remote location.

2. Review meeting protocol

Sarah Hadd briefly reviewed the meeting protocol on a slide.

3. Review/adjust and approve agenda

Erin De Vries moved to approve the agenda. Dick Goff seconded the motion. Motion adopted.

4. Approval of Minutes

Brad Holden moved to approve the minutes of the last meeting. Erin De Vries seconded the motion. Motion adopted.

5. Public comment not related to items on agenda

No public comment was offered.

6. Seating of any new reps or alternates(s) (if required)

Dean Pierce shared that Casey Spencer is intended to be seated as an alternate. Erin De Vries moved to seat Casey Spencer as alternate, Lauren Weston seconded the motion. Motion adopted.

7. Election of Officers

Brad Holden moved to nominate Peter Danforth as Chair of the Basin 7 BWQC for the following year. Jed Feffer seconded the motion. Motion carried.

Erin De Vries nominated Sarah Hadd as Vice Chair for Basin 7 BWQC the following year. Brad Holden seconded the motion. Motion carried.

8. Project Prioritization

Dean Pierce shared slides which shared an update on the second round of applications for CWSP funding in the Lamoille Basin. Dean Pierce shared that four applications were received, and that approval is recommended by the CWSP with some tweaks. Dean Pierce shared information about the range in costs and phosphorus reduction. Dean Pierce made a recommendation about how to evaluate the projects.

Peter Danforth shared information about the two projects submitted by the Lamoille County Conservation District. Karen Bates asked Peter Danforth how much of the project cost is being requested by the BWQC. Dean Pierce shared information about how the CWSP is approaching this project as a portion of the project may fall under the Municipal Roads General Permit.

Dick Goff moved to approve the preliminary design project by Lamoille County Conservation District. Erin De Vries seconded the motion. Peter Danforth abstained. Motion adopted.

Peter Danforth shared information about a final design engineering project application that he submitted to the Basin 7 BWQC on behalf of the Lamoille County Conservation District. Karen Bates clarified how to specify and differentiate aspects of this project that fall under the MRGP.

Dick Goff moved to recommend approval of the funding with the expectation of procurement happening after eligibility of the project was confirmed. Jed Feffer seconded the motion. Peter Danforth abstained.

Meghan Rodier shared slides and a video recording about the project application submitted for funding by the Lamoille County Planning Commission located at Gulf Rd Bridge. Paul McGrath shared some history about the road, the traffic and the flooding that has occurred there. Meghan Rodier shared how much estimated phosphorus reduction is expected from this project. Karen Bates shared further investigation into reducing floodplain could be useful in this project.

Jed Feffer moved to accept the proposal and approve funding for the project proposed by the Lamoille County Planning Commission. Erin De Vries seconded the proposal. Dick Goff abstained. Motion adopted.

Ron Rodjenski shared information about a potential dam removal project and scoping study application submitted by the Town of Hyde Park. Karen Bates recommended identifying different potential phosphorus reduction spots during the scoping study to maximize its score when it arrives at the implementation phase. Dean Pierce shared the phosphorus reduction submitted in the project application is favorable.

Jed Feffer moved to fund the project. Erin De Vries seconded the motion. Motion adopted.

9. Future Solicitation Schedule and Process

Dean Pierce shared that the application schedule is currently running on a 3-month schedule and recommended switching this to a 4-month schedule. Dean Pierce also shared that there is a potential to add on a preapplication process, but that the Missisquoi BWQC declined to adopt one. Dean Pierce shared what the calendar schedule might look like.

Lauren Weston indicated a potential need for understanding of eligible projects for participants for the Lamoille BQWC.

Sarah Hadd identified that the group seemed in agreement to change the meeting schedule to every four months.

10. Conflict of Interest Guidance

Dean Pierce shared the updated language in the guidance as distributed by the DEC. Dean Pierce shared this new guidance is broader and encompasses more. Dean Pierce went through the bullet points of what is new in this guidance.

Dean Pierce shared an update in the guidance about disclosures and conflict of interest.

Dean Pierce shared a new portion of the guidance, which encompasses confidentiality in the materials involved in project solicitations before and through the voting process. Dean Pierce highlighted that this may conflict with other laws and policies in place.

Dean Pierce shared the updated guidance on how CWSP staff may be involved in the project application process.

Dean Pierce shared a final notable update about conflicts with prior employers and the ‘statute of limitations.’

11. Updates, and Conclusion

Lauren Weston shared a podcast in the chat: <https://www.npr.org/podcasts/485249475/brave-little-state>.

Dean shared master agreements will be sent out more quickly.

Sarah Hadd moved to adjourn. Jed Feffer seconded. Meeting adjourned at 11:25am.

MATERIALS FOR PACKET

TRANSFER OF PROJECT SPONSORSHIP

ALTERNATIVE SOLICITATION SCHEDULES/ NOVEMBER MEETING DATE

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Nov 5	6	7	8	9	10	11
12	13	14	15	16	17 Alternative Date?	18
19	20	21	22	23 Thanksgiving default meeting date	24 Alternative Date?	25
26	27	28	29	30 Alternative Date?	Dec 1 Alternative Date?	2
3	4	5	6	7	8	9

ALT 1

App Announcement Date	App Deadline	BWQC Meeting Date	BWQC Activity
12-Oct	16-Nov	<u>30-Nov</u>	Prioritization
		25-Jan	
7-Feb	14-Mar	<u>28-Mar</u>	Prioritization
		23-May	
6-Jun	11-Jul	<u>25-Jul</u>	Prioritization

ALT 2

App Announcement Date	App Deadline	BWQC Meeting Date	BWQC Activity
12-Oct	16-Nov	<u>30-Nov</u>	Prioritization
		25-Jan	
7-Feb	14-Mar	<u>28-Mar</u>	Prioritization
4-Apr	9-May	<u>23-May</u>	Prioritization
		25-Jul	

CONTRACTING

When a contract is put in place...

1. Performance Reporting:

- All final performance reports must be crafted using the latest template provided by the Vermont DEC when working under an agreement with CWSP.
- Projects must address the Performance Measures, Milestones, and Deliverables specified in the CWIP Project Types Table, as found in Appendix B of the CWIP Funding Policy.

2. Procurement Procedures:

- Obtain at least two quotations for the purchase of goods, except for items valued at \$1,000 or less.
- Retain records related to service procurement for the duration of the contract plus three years.
- Retain records related to goods procurement for one year post the relevant audit.
- Goods or a category of goods totaling \$15,000 or more from one vendor in a year must have a written contract.
- Ensure that equipment and other durable assets purchased are adequately maintained.

3. Cost Agreement:

- Collaboratively establish a cost for each project.
- Costs are based on actual records maintained by the SUBGRANTEE and its subcontractors.

4. Payments:

- Submit payment requests alongside progress reports directly to the NRPC.
- Payment requests for sub-consultant activities should accompany SUBGRANTEE's submissions but be documented separately.
- Payment invoices must detail the project name, work completion period, amount billed to date, and balance by task. This includes a progress report and sub-contractor invoices.
- For multi-year or overlapping fiscal year contracts, expenses incurred in a given fiscal year must be billed in that year to qualify for reimbursement.

5. Publications:

- All written publications, including press releases, media interviews, final reports, and events, must include the statement: "This project is supported by a grant from the Vermont Agency of Natural Resources Clean Water Initiative Program" or similar verbiage.

6. Insurance and Compliance:

- Prior to initiating work under this Agreement, the Party must furnish certificates of insurance W9s, which include Auto insurance and General Liability Insurance showing state and NRPC as additional insured. The coverage should be:
 - \$1,000,000 Each Occurrence
 - \$2,000,000 General Aggregate
 - \$1,000,000 Products/Completed Operations Aggregate
 - \$1,000,000 Personal & Advertising Injury
- Adhere to compliance stipulations regarding data location, record availability for audits, and Fair employment.

7. Certifications:

- Debarment Certification: The Party, under oath, must certify that neither they nor their principals are debarred, suspended, or excluded from participation in Federal programs or programs supported by Federal funds. Also, the Party should not be currently debarred or listed on the State's debarment list.
- Good Standing Certification (Act 154 of 2016): If the Agreement is a State-funded grant, the Party must certify that it is in good standing with the Agency of Natural Resources and the Agency of Agriculture, Food, and Markets. The Party should also commit to complying with the requirements stated in Act 154 of 2016.

Ideal Procurement

1. **System Maintenance:** Maintain a system that ensures efficient task performance by contractors without duplicating efforts.
2. **Conflict of Interest:** Ensure that individuals involved in contractor selection don't gain any personal benefit from their choices, and prohibit any form of gratuity related to these choices.
3. **Intergovernmental Agreements:** Prioritize obtaining services through intergovernmental agreements whenever feasible.
4. **Record Keeping:** Document all procurement decisions, including the rationale behind the contractor selection.
5. **Contract Types:** Refrain from using time and material contracts unless absolutely necessary.
6. **Dispute Resolution:** Implement clear procedures for handling disputes over awards. Inform funders immediately in case of any disagreements.
7. **Competition:** Ensure full and open competition. Base solicitations on unambiguous descriptions and avoid involvement of parties with potential conflicts of interest. Conduct a comprehensive cost analysis for each procurement.
8. **Vendor Selection:** Award contracts to the vendor that best meets the solicitation's criteria and provides the greatest advantage to the sponsor. Only engage firms that demonstrate the capability to execute the job.
9. **Inclusive Procurement:** Actively engage and prioritize small, minority-owned businesses for contracts.
10. **Contract Termination:** Ensure that contracts contain clear terms for termination.
11. **Profit Negotiation:** Always negotiate the profit as a separate component of the price.
12. **Encourage Fair Competition:** Avoid limiting competition through unreasonable business requirements, unnecessary experience prerequisites, or excessive bonding demands.
13. **Impartiality:** Never engage entities that have participated in drafting work proposals if it gives them an undue advantage.
14. **Selection Procedures:** Utilize Request for Proposals (RFPs) – which have a defined scope – in most instances, given the detailed milestones in the project list. If the scope is ambiguous, Request for Quotations (RFQs) can be considered.
15. **Publicizing RFPs:** Unless procuring a cost proposal from three prequalified firms, RFPs should be broadly advertised.
16. **RFP/RFQ Content:** Ensure that RFPs/RFQs provide comprehensive project details, so contractors grasp the project scope. They should also specify what's needed for a response to be deemed adequate and delineate the selection criteria.
17. **Evaluation of Responses:** Employ a standardized system and pre-designated reviewers to assess responses. Evaluation criteria can include cost, contractor experience, staff availability, and the ability to deliver within the stipulated timeframe. Examples of criteria can be provided for clarity.

KAREN BATES PRESENTATION (may resemble following)

- a. Want to have everyone come together to understand how state assesses what projects can be better for P reduction
- b. Agency's approach is an "all in" approach, every land use and wastewater treatment is an area where P should/ can be reduced.
- c. Successful projects: reduces pollution, cost effected and can be implemented and maintained
- d. Process:
 - i. assessment, planning design, implementation
 - ii. assessment: looking at projects that X, should prioritize projects, and priority solutions: addressed P for best reduction. Needs to be right practice in the right place, need landowner agreement, need to keep both: X and X, will need to have maintenance agreement as well
 1. regulatory developed lands have : implementation of MRGP, three-acre,
 2. want to find the non-reg projects that others are motivated to also do, and can keep up and maintain. Change understanding maintenance and acceptable of land management around practices
 3. streams: protection on both sides
 4. agriculture: agency doesn't develop assessments, except NR projects.
 5. Water quality Assessments include: river corridor plans, X, X, X,
 6. Approach: Stormwater, reducing pollution and reducing volumes
 7. approach: roads: reduce erosion, move it off ASAP, should be cheap and easy so can get contractor is and is fast work
 8. Forests: non-reg: focus on forest roads, then take roads approach, not eroding
 9. Approach: river: move towards equilibrium, not just avoiding erosion, protect/reconnect floodplain and increase continuity around crossings
 10. Approach: Lakes: small lots may be planting little buffer at a time, Lake wise practices, may not be lots of P red but adds up and change env attitude. Want to see it happen on own when funding ends because community values the approach
 11. Different sectors cost different, some getting more exp.
 12. May need to be more creative with finding SW projects, smaller towns need easier/smaller time consuming, less exp SWMP
 13. SGAs have understanding of condition of main stems. Have lists from these, berms are great bang for buck, but need landowner willingness
 14. Noted can send list out after initial discussion with Dean/Maddie
 15. LWAP: lake, Lake wise: if can get few people to change how they manage their lake shore others will follow
 16. Private road assessments: not sure what best process will be, with LCBP will have other assessments, need to step back and talk with partners, NRPC to provide info on revisions on ho to prioritize road segments.
 17. Forest road assessments: making sure protocol will work
 18. Wetland restoration: know priority wetlands from mapping and packages identifying best, FCNRCD did identify some areas, could do more
 19. Ag non-rap farms: notes need to talk more about it

UPDATES/PROJECT TRACKING

Water Quality Restoration Formula Grant Project Data Tracking Tool (V. 1.1 published 06-08-2023)									
CWSP Name*	Northwest Regional Planning Commission			Legend (cell fill color)					
Formula Grant Agreement Number*	06140-2023-CWSP-WID-07			calculated cell, do not edit					
Formula Grant WPD ID Number*	11304			not applicable based on previous selection, do not edit					
Report Date*	Jul-23								

* Starred fields are required if cells are not filled black. Project type specifications and data requirements are subject to change. Please refer to the most recent version of the Clean Water Initiative Funding Policy for up to date information on project types, funding eligibility, applicable performance measures, and milestones & deliverables. Changes to pollutant reduction data requirements will be outlined in future versions of CWIP's Standard Operating Procedures for Tracking & Accounting, which are subject to 30-day public notice prior to being adopted.

General Project Information										Funding Information			
WPD ID*	Row Type*	Project Manager / Sub-Grantee*	Project Name*	Project Description*	Project Type*	Project Latitude* (5 decimal places)	Project Longitude* (5 decimal places)	Town, County or Region*	Watershed Sub-basin (Watershed Boundary ID)*	Sub-Grant Agreement ID Number	Date Project Selected for Funding	Formula Grant Funding Amount Awarded*	Date Formula Grant Sub-Agreement Executed*
11361	General Project	Lamoille County Conservation District	Rocky Woods Strategic Wood Additions	Objective: The objective of this project is to implement 2.5 linear miles of	Preliminary Design	44.4935	-72.54142	Elmore	7 - Tributaries to Upper Lamoille River (VT07-08)	CWSP-2023- LCCD Subgrant Task Award 1-1	23-Mar-23	\$2,874	6/27/2023
11358	General Project	Lamoille County Conservation District	Church St Post Office Stormwater Project	This project is one of many defined in Hyde Parks Net Zero program, the goal	Preliminary Design	44.5943	-72.6168	Hyde Park	7 - Tributaries to Upper Mid Lamoille (B) (VT07-06)	CWSP-2023- LCCD Subgrant Task Award 1-1	23-Mar-23	\$ 21,173.75	6/27/2023
9536	General Project	Town of Fairfax, VT	Bellows Free Academy East	A system of StormTech MC-3500 chambers is proposed for placement	Final Design	44.66307	-73.01157	Fairfax	7 - Mill Brook (VT07-09)	CWSP-2023- Fairfax Subgrant Task Award 1-	23-Mar-23	\$ 75,000.00	6/27/2023
11322	General Project	Town of Jericho	Jericho Center Stormwater Management	This new project will expand upon previous studies in the area, take a more	Assessment ID or Development	44.469521	-72.972236	Jericho	7 - Upper Browns River (VT07-11)	Pending	23-Mar-23	\$ 22,158.00	7/19/2023

Project Closeout Information								
Formula Grant Funds Expended*	Match/Leverage Amount	Match/Leverage Source	Project Completed Date*	Completed Performance Measure 1*	Performance Measure Amount 1*	Completed Performance Measure 2	Performance Measure Amount 2	General Comments/Notes

UPDATES/POSSIBLE FUTURE AGENDA TOPICS

- Project status reports
- Use of CWSP Maintenance Funds/Adoption of projects
- Procedure for budget adjustments