

**Missisquoi Basin Water Quality Council (BWQC) Special Meeting  
DRAFT MINUTES**

Wednesday, September 6th, 2023, 11-1 PM

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

<https://youtu.be/Ng194hz0ukc?si=nj6-vZ2OJZ1X77Fs>

**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**

Council Members: Lindsey Wight (Q), Kent Henderson (Q), Dan Seeley (Q), Allaire Diamond (Q), Sarah Damsell (Q), Jacques Couture, Lauren Weston (Q), Barry Lampke (Q) (Q=toward quorum), David Allerton

Staff: Dean Pierce, Maddie Yandow

Voting Members not present: Ted Sedell, Beth Torpey

Others Present: Jim Pease, July Medina-Triana

**1. Welcome and Introduction**

Lindsey Wight opened the meeting as BWQC Chair at 11:0am. Participants introduced themselves.

**2. Meeting protocols**

Meeting protocols were reviewed.

**3. Conflict of Interests**

There were no conflicts of interest to declare.

**4. Review/adjust and approve agenda**

Dean Pierce mentioned that Karen Bates requested she be allowed to make her presentation after 11:30. Lindsey Wight noted that the agenda can be adjusted as needed.

No additional adjustments were offered to the agenda. Lauren Weston moved to approve the agenda as presented, Kent Henderson seconded the motion. Motion carried.

**5. Approval of Minutes**

Sarah Downes moved to approve the minutes from the last meeting. Lauren Weston seconded the motion. Barry Lampke abstained. Motion carried.

**6. Public comment not related to items on agenda**

Dave Allerton noted difficulties keeping track of funding, knows CWSP is looking for projects, and asked for information about project eligibility. Dean Pierce responded there is a list of eligible project types, which he will send. The CWSP can't provide funding for regulatory projects, but projects on private property and private roads could be eligible. To be competitive for funding, project should offer relatively good phosphorus benefits.

#### **7. Seating of any new reps or alternate(s) (f required)**

There were no new alternates present for seating.

#### **8. Solicitation Schedule**

The next call for projects will be announced soon, with a deadline in October and review by the BWQC in November. Sharing a series of options, Dean Pierce sought the BWQC's input on the application solicitation schedule following the next announcement.

Dean mentioned that there would be three solicitations for applications per year. Dean also expressed the desire to publish a yearly schedule on the website so that people are aware of upcoming opportunities. He noted that July might not be an ideal month for one of the solicitations.

BWQC members provided feedback on the options:

- Lauren Weston, Lindsey Wight, and Allaire Diamond preferred Option 2 for the schedule.
- Lauren noted that a November start for construction projects for the next year would work well, with a subsequent application round in February. Early June would also be feasible.
- Lindsey mentioned that this timing would help avoid the busy season for applications.
- Allaire agreed with Lauren, but suggested considering December instead of November, stating that having contractors lined up before the end of the year could be beneficial.

It was agreed that they would proceed with Option 2 for the application solicitation schedule. Dean emphasized the importance of having a predictable and well-publicized schedule, both to aid planning and to encourage participation in the application processes. The team reached a consensus on going forward with Option 2 for the yearly application schedule.

#### **9. Contracting requirements**

Dean Pierce made a presentation on contracting requirements. He emphasized the importance of certain contracting procedures for annual reporting and compliance with DEC requirements. Key points include the following:

**Procurement Oversight:** The CWSP will oversee projects once the BWQC approves them. There is a need to distribute funds fairly and to avoid conflicts of interest.

**Intergovernmental Agreements:** When possible, preference should be given for joint purchasing between partners to save costs.

**Record Keeping:** It is critical to document the procurement process, including decision-making criteria for contractor selection, which often hinges on cost.

Contract Types: Partners are cautioned against contract types that may lead to high costs. Fixed-cost contracts are preferred.

Dispute Resolution: Procedures should in place for contractors to voice concerns about the process.

Competition and Transparency: Bidding should be competitive, transparent, and include full cost analysis. Ambiguity and conflicts of interest are to be avoided.

Vendor Selection: The goal is to choose vendors capable of maximizing value.

Conflict of Interest Language: Lauren Weston inquired about sharing NRPC's language on conflict of interest, and Lindsey Wight noted that improvements could be made based on what CWSP is using.

Inclusive Procurement: Prioritizing contracts with minority-owned small businesses aligns with DEC priorities.

Contract Termination: Clauses should be in place for contract cancellation.

Profit Negotiation: Separate conversations about contractor profits should be conducted.

- Allaire Diamond and Jim Pease inquired about profit and comparisons in bids, respectively.
- Dean clarified that there's no standalone protocol, but that profit could be considered separately from hourly rates.

Additional Notes by Dave Allerton: Hourly costs sometimes include a multiplication factor of fixed fees on top of indirect and other costs.

Unreasonable Demands: Proposals should not include unreasonable demands that may skew vendor selection.

Bias in Proposals: Those who might bid on proposals should not be involved in the development of the request for proposals.

Proposal Solicitation: At least three proposals should be solicited, with broad advertising unless using pre-qualified firms.

Clarity in Requests: Proposals should be easy to follow and understandable.

Evaluation Criteria: Project sponsors should make clear in advance who will be evaluating proposals and on what criteria, such as cost and familiarity.

Dean Pierce noted that he will provide further elaboration on procurement policies in a follow up. Later in the meeting he reiterated reporting requirements (particularly using templates that DEC provides). Projects funded by CWSP will need to adhere to the latest version of the reporting template. NRPC will also need to be listed on insurance. Partners will be kept updated on project progress and deliverables.

The importance of collaboration, sharing resources, and ensuring project designs are open and non-proprietary for effective phosphorus reduction was noted. Jim Pease emphasized caution in project

proposals, warning against using patented names or technologies. He highlighted instances of having to redesign projects due to proprietary constraints. Projects should be designed generically to avoid such issues. Dave Allerton supported Jim's point, suggesting that contractors could provide specific solutions post a generic design.

## **10. Karen Bates Presentation**

Basin Planner Karen Bates made a presentation on clean water projects and various ways project opportunities might be identified. She started by noting that the objective is to come together to understand how the state evaluates projects for phosphorus (P) reduction.

Approach: The State of Vermont has adopted an "all-in" strategy, targeting every land use and wastewater treatment as areas for potential P reduction.

Criteria for Successful Projects: Projects should reduce pollution, be cost-effective, and feasible for implementation and maintenance.

Process: Steps in the process include Assessment, Planning, and Design. There is a need to prioritize projects that address P reduction. It is also important to ensure the right practice in the correct location, requiring landowner agreements and maintenance contracts.

Some developed lands subject to MRGP and three-acre regulations. The work of the CWSP and BWQC is aimed at identifying non-regulatory projects that are sustainable and maintainable. Different sectors have varying costs, with some becoming more expensive. Creativity is needed, especially for smaller towns.

SGAs might provide insights into the condition of main stems of rivers. Karen can share a list post-discussion with Dean Pierce/Maddie Yandow.

Various approaches were discussed for roads, forests, rivers, and lakes, including stormwater reduction, erosion control, and land management best practices.

Lindsey Wight requested the slide deck for sharing and emphasized the importance of including landowner scoring and shared a link to a website related to a project shown in the slides ([www.umatrwildandscenic.org/bank-stabilization](http://www.umatrwildandscenic.org/bank-stabilization)). Jacques Couture noted significant soil retention improvements using willow, saving thousands of pounds of soil annually. Jim Pease expressed curiosity about stream bank management.

## **11. Updates**

Dean Pierce provided a series of updates.

Annual Check-in and Reporting: Dean mentioned the CWSP and BWQC have completed their first year, which means the CWSP has completed annual reporting. The CWSP also had its first annual check-in with the DEC technical project manager. He offered to share this information for those interested.

Project Status Table: Dean emphasized the importance of ongoing reporting and tracking to ensure the projects are on track and meet their respective goals. He also mentioned the utility of having a master sheet for all projects to facilitate better planning and execution.

Dean shared a spreadsheet indicating the status of various projects. He mentioned that some team members believe it would be beneficial to have a master sheet that encompasses all the projects. This would help in identifying new opportunities and tracking project status. It could also service as a type of capital improvement program, which could also include the cost of operations and maintenance (O&M). If expanded it could also serve as a future project list.

Upcoming Deadlines: Dean noted that comments regarding Guidance Chapter 5 are due on Friday. Guidance Chapter 9, which is about making adequate progress and addressing unmet targets, is also available for review.

## **12. Conclusion**

Allaire Diamond moved to adjourn the meeting. Sarah seconded the motion. Motion carried. The meeting was adjourned at 12:33pm.