



NATURAL RESOURCES BOARD

Dewey Building
National Life Drive
Montpelier, VT 05620-3201

NATURAL RESOURCES BOARD MEETING Tuesday, October 14, 2014 MINUTES

PRESENT

Ronald A. Shems, Esq., Chair
William Boyd Davies, Esq., Member
Martha (Marty) Illick, Member
Elizabeth (Liz) Wilkel, Member, (participated by telephone)
Julie Wolcott, Alternate Member

STAFF

Lou Borie, Executive Director
Melanie Kehne, General Counsel
Peter Gill, Associate General Counsel
Greg Boulbol, Associate General Counsel
Aaron Brondyke, Permit Compliance Officer
Donna Seckington, Administrative Secretary

ALSO ATTENDING

Kate McCarthy, Sustainable Communities Director, Vermont Natural Resources Council

The Vermont Natural Resources Board convened at approximately 9:37 a.m. on Tuesday, October 14, 2014 at the Dewey Building Conference Room, National Life Drive, Montpelier, Vermont; Chair Ron Shems presiding. Chair Shems welcomed everyone to the meeting.

1. Approval of Minutes

Bill Davies moved to approve the minutes of the September 9, 2014 meeting as printed. The motion was seconded by Marty Illick and approved by the Board by a 4-0-1 roll call vote:

Ronald A. Shems, Esq., Chair - Yes
Bill Davies, Esq., Member – Yes
Liz Wilkel, Member - Yes
Marty Illick, Member – Yes



Julie Wolcott, Alternate Member - Abstained

2. Office Update, Budget Update & 2015 Outlook (fee bill, etc.)

Lou Borie gave a brief budget update. The Legislature will review Act 250 fees in the 2015 legislative session. We will work with the Administration to develop a proposal that will cover rising program costs for the next three years, when the next fee bill will be proposed. The rising costs are mostly due to personnel costs, to support increased salaries and steps of classified employees. This year a large number of staff requested to have their positions upgraded and a majority of these requests were granted (some are still pending). Because of cuts in general funds, the Board will need to make up the difference through increased special funding through the fee bill.

Liz Wilkel noted that per diems have not been raised in many years, and that some other state boards have much higher per diem rates. Ron Shems said that he will raise this issue again.

3. Update on Master Plan and Partial Findings stakeholder process

Lou Borie gave a brief update on the Master Permit Plan meetings with state agency and other stakeholders. Peter Gill advised the Board that this Wednesday is the deadline for public comment and rulemaking must commence by January 1, 2015.

Marty Illick offered a suggestion to put a folder on SharePoint for the Board to Review drafts of the comments and any proposed rules.

4. Act 250 Rules – continue reviewing possible amendments

Melanie Kehne reviewed possible revisions to the Act 250 Rules and took suggestions from the Board. This discussion got to Act 250 Rule 34(A) before the Board had to move on to the next agenda topic. The discussion will continue at the Board's November meeting.

The goal is to have a draft proposed rule, including any Master Plan/Partial Findings rules, for the Board to review and vote on in December.

5. Criterion 9(L) – Update and Discussion

Melanie Kehne provided an overview of possible revisions to the Criterion 9(L) Guidance. The Board made some changes to the draft. Bill Davies moved that



the Board adopt the revised draft as a Procedure effective Friday, October 17, 2014. Marty Illick seconded the motion, which passed by unanimous roll call vote:

Ronald A. Shems, Esq., Chair - Yes
Bill Davies, Esq., Member – Yes
Liz Wilkel, Member - Yes
Marty Illick, Member – Yes
Julie Wolcott, Alternate Member - Yes

Kate McCarthy thanked the Board for its work on Criterion 9(L), and may provide further input on the Procedure document or possible proposed Act 250 Rules related to Criterion 9(L).

6. Appeals, enforcement, litigation and attorney-client privileged or work product memoranda (Executive Session).

Julie Wolcott made a motion to go into executive session in accordance with 1 V.S.A. Sec. 313 (a)(1) and (6) for discussion of attorney-client privileged documents and civil actions by the State where premature public knowledge would clearly place the Board at a substantial disadvantage. Bill Davies seconded the motion, which was approved by unanimous roll call vote:

Ronald A. Shems, Esq., Chair - Yes
Bill Davies, Esq., Member – Yes
Liz Wilkel, Member - Yes
Marty Illick, Member – Yes
Julie Wolcott, Alternate Member – Yes

The Board went into executive session at approximately 11:20 a.m. The Board invited into executive session its legal staff, Executive Director, Permit Compliance Officer and Administrative Secretary.

7. Action on Pending Appeals

The Board came out of executive session at approximately 11:35 a.m. and took action as follows:

Re: Treetop at Stratton, Docket No. 139-9-14 Vtec

Bill Davies moved to ratify the Chair's decision to participate in this appeal. Elizabeth Wilkel seconded this motion and it was approved by unanimous roll call vote:

Ronald A. Shems, Esq., Chair - Yes
Bill Davies, Esq., Member – Yes
Liz Wilkel, Member - Yes
Marty Illick, Member – Yes
Julie Wolcott, Alternate Member - Yes

Re: Waterfront Park Act 250 Amendment, Docket No. 138-9-14 Vtec

Bill Davies made a motion to ratify the Chair's decision to participate in this appeal. Elizabeth Wilkel seconded this motion and it was approved by unanimous roll call vote:

Ronald A. Shems, Esq., Chair - Yes
Bill Davies, Esq., Member – Yes
Liz Wilkel, Member - Yes
Marty Illick, Member – Yes
Julie Wolcott, Alternate Member - Yes

8. Other Business – Scheduling

The Board discussed rescheduling the November 11, 2014 meeting since that is a holiday. It was agreed to reschedule this meeting to Tuesday, November 18, 2014.

Staff reminded the Board that the NRB Annual Meeting will be on November 7, 2014, at the Green Mountain Inn in Stowe, Vermont.

Deliberations in Jurisdictional Opinion Reconsideration matter will be held by telephone on November 20, 2014, at 10:30 a.m.

9. Adjournment

At approximately 11:45 a.m. Bill Davies moved to adjourn. Marty Illick seconded the motion, and it was approved by unanimous roll call vote:

Ronald A. Shems, Esq., Chair - Yes
Bill Davies, Esq., Member – Yes
Liz Wilkel, Member – Yes
Marty Illick, Member – Yes
Julie Wolcott, Alternate Member - Yes

Respectfully submitted,

Ronald A. Shems, Esq., Chair

Approved by the Board at its _____ meeting.

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