



NATURAL RESOURCES BOARD

Dewey Building
National Life Drive
Montpelier, Vermont 05620-3201

NATURAL RESOURCES BOARD MEETING Tuesday, November 18, 2014 MINUTES

PRESENT

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

STAFF

Lou Borie, Executive Director
Melanie Kehne, General Counsel
Peter Gill, Associate General Counsel
Karen Dupont, Program Technician

ALSO ATTENDING

Harry Chen, MD, Acting Secretary, Agency of Human Services,
David Englander, Esq., Senior Policy and Legal Advisor, Department of Health
Kate McCarthy, Sustainable Communities Director, Vermont Natural Resources Council

The Vermont Natural Resources Board convened at approximately 9:33 a.m. on Tuesday, November 18, 2014 at the Dewey Building Conference Room, National Life Drive, Montpelier, Vermont; Chair Ron Shems presiding. Chair Shems welcomed everyone to the meeting and invited everyone to introduce themselves.

1. Guest Speaker

Harry Chen, M.D., Acting Secretary, Agency of Human Services gave a presentation on incorporating Health in All Policies. Discussion afterward focused on how existing Act 250 criteria support public health, and how Act 250 can be used to better address health issues. Although there is no single Act 250 criterion that expressly focuses on health, several criteria do address health, such as Criterion 1 (air/noise), 4 (water supply) and the new Criteria 5(B) and 9(L), which incorporates complete streets and smart growth principles which foster walking and other healthful behaviors and environments that Dr. Chen identified as important to public health. The Board and staff expressed interest in continuing to work with the Department of Health



on issues related to Act 250 and health.

2. Approval of Minutes

Bill Davies moved to approve the minutes of the October 14, 2014 meeting as printed with one correction. 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
Don Sargent, Member - Abstained

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

Lou Borie gave a brief budget update. Lou and Ron met with Commissioner Reardon about the NRB's proposed budget and fee increase. Commissioner Reardon asked that NRB coordinate its fee proposal with ANR.

Bill Davies and Elizabeth Wilkel voiced concerns about the use of Mailchimp. Melanie stated that she would let Kimberley know, so we can follow up regarding their concerns.

Ron Shems mentioned terms expiring of the Natural Resources Board members and the District Commissioners. Elizabeth Wilkel noted that her term expires 1/31/2016.

4. Act 145 (traffic mitigation fees) Vermont Agency of Transportation (VTrans)-NRB Memorandum of Understanding (MOU)

Ron Shems briefed the NRB regarding the draft MOU with VTrans on Act 145 (traffic mitigation fees). The MOU addresses issues such as agency roles and responsibilities in implementing the new law.

Bill Davies made a motion to sign the Act 145 (traffic mitigation fees) VTrans-NRB MOU. The motion was seconded by Elizabeth Wilkel and approved by the Board by unanimous roll call vote:

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



5. Act 250 Rules – continue reviewing possible amendments

Melanie Kehne reviewed possible revisions to the Act 250 Rules and took suggestions from the Board. The suggestions will be incorporated into the next draft and circulated for comment. Melanie is also discussing the latest draft with the coordinators later this week. The discussion will continue at the Board's December 9 meeting. A telephone meeting is tentatively set for December 16 for a vote to commence rulemaking.

Lou Borie and Ron reviewed draft Rule 21 Master Plan and Partial Review language and took suggestions from the Board. The revised draft will be circulated to the stakeholders for further comment. The discussion will continue at the Board's December meeting.

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

Don Sargent 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
Marty Illick, Member – Yes
Don Sargent, Member – Yes
Liz Wilkel, Member - Yes

The Board went into executive session at approximately 11:37 a.m. The Board invited into executive session its legal staff, Executive Director and Program Technician.

7. Action on Pending Appeals and Enforcement Matters

The Board came out of executive session at approximately 11:43 a.m. and took no action.

8. Other Business – Scheduling

The Board discussed its next meeting schedule for December 9, 2014 meeting and an additional meeting has been scheduled for December 16, 2014 to discuss and vote on amending the Act 250 Rules. The December 16 meeting will be by phone conference.



Arrangements will be made to warn the meeting and provide for public participation and attendance.

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
Don Sargent - Yes

Respectfully submitted,

Ronald A. Shems, Esq., Chair

Approved by the Board at its _____ meeting.

Y:\NRB\NRB - Shared\MINUTES\NRB2014\11-18-14 nrb minutes draft kgd.docx