



## **MINUTES**

**Thursday – September 17, 2020**

**5:30 PM**

**Meeting Held Via ZOOM**

**Present:** Janet Hurley (Manchester), Dixie Zens (Sunderland, Economic Development), Cinda Morse (Shaftsbury), Nancy Faesy (Dorset), Nick Zaiac (Arlington), Sheila Kearns (Sandgate), Charlie Rockwell (Rupert), Anthony MacLaurin (Manchester Village), Dana Rozycki (North Bennington), John LaVecchia, Jr. (Rupert), John LaVecchia, Sr. (Dorset), Stephanie Lane (Housing), Megan Herrington (Public Health), Wayne Goodman (Energy), Bruce Lierman (Transportation)

**BRC Staff:** Jonathan Cooper, Bill Colvin, Jim Sullivan, Allison Strohl, Catherine Bryars, Michael Batcher, Callie Fishburn

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1. Welcome and Introductions

Chair, Janet Hurley called the meeting to order, welcomed attendees, and conducted a roll call, determining that with a majority of municipalities represented, a quorum was present. She then briefly reviewed the authorization and procedure for holding virtual meetings of public bodies during the declared state of emergency.

2. Approval of July 16, 2020 Minutes

Motion to approve: John LaVecchia, Jr. Second by John LaVecchia, Sr. Passed unanimously.

3. BCRC Bylaw Amendments

Jim Sullivan reviewed the proposed changes to the BCRC Bylaws (copy attached with changes highlighted). The proposed amendments include reducing the number of voting municipal representatives to one per town/village while including a co-commissioner from each municipality (serving as an alternate to vote when the commissioner is not available). Commissioners and co-commissioners are eligible to serve on committees and hold office.

In addition, if a municipality does not appoint a commissioner, the Bylaws now designate the chair of that town or village planning commission as the de facto commissioner until an appointment is made. The amendments also make clear the process for voting by mail/email.

After some discussion and clarifications, Morse moved and Zens seconded adoption of the amendments to the BCRC Bylaws. The motion passed unanimously.

Sullivan will contact all of the towns and villages and ask for designation of commissioner and co-commissioner, or new appointments if there is a vacancy.

#### 4. Staff Project Updates

Several BCRC staff provided updates and answered questions on a wide variety of projects.

Catherine Bryars: Rupert Town Plan, Glastenbury Zoning Bylaws, Bennington Land Use and Development Regulations – incorporation of form-based design standards for several districts, Trolley Line trail scoping project (planning study for a potential multi-use path between Bennington and Williamstown, MA), a Health Planning Primer, a review and recommendations of municipal land use regulations as they pertain to higher-density housing and mixed use development in village areas, and legislative work with the Vermont Planners' Association (reviews of proposed amendments to Chapter 117 and Act 250).

Bill Colvin: Putnam Block redevelopment – status and plans for subsequent phases, COVID-19 business support, including technical assistance and grant support, work as VP of the Vermont RDC organization (legislative initiatives, professional development, and interregional coordination).

Allison Strohl: Municipal emergency management plans, public WIFI study, and creation/maintenance of BCRC's COVID-19 resource website:  
<http://www.bcrcvt.org/covid-19-resources.html>.

Michael Batcher: Reviewed the work of the Bennington County Solid Waste Alliance (BCSWA), a 13-town intergovernmental organization that provides solid waste planning and management services, including their outreach and education efforts, composter sales (an impressive volume has been sold this year), well-attended household hazardous waste events (with 500+ attendees this year).

Jonathan Cooper: Work on refining geographical units for the 2020 Census, the Vermont Welcome Wagon, project that supports new residents, staff support for the Southern Vermont Communication Union District in their efforts to extend broadband service to rural areas, and the Working Communities Challenge.

During subsequent discussion, a number of topics were touched on, including demographic trends, Covid and climate related migration patterns and observed school enrollment increases and issues to consider if the trends continue, as well as the need for communities in our region to effectively address systemic racism.

5. Other Business and Adjourn

November meeting topics will include new ideas/guidance for residential zoning as well as opportunities for study and implementation of innovative technologies for small-scale village centered wastewater systems.

Motion by Zens, second by Faesy to adjourn. Approved unanimously at 7:00 PM.

Respectfully submitted,

James Sullivan

# BCRC BYLAWS

## ARTICLE I LEGAL BASIS FOR THE COMMISSION

24 V.S.A., Chapter 117, Vermont Municipal and Regional Planning and Development Act constitutes the legal authority for the establishment, existence, duties and responsibilities of the Commission.

## ARTICLE II NAME

The name of this organization shall be the Bennington County Regional Commission (BCRC).

## ARTICLE III PURPOSE

The general purpose of the Bennington County Regional Commission shall be to guide the implementation and continuation of the regional plan and to assist member towns and villages while promoting community and economic development, the quality of life for residents of the region, and protection of the region's critical natural and cultural resources. The BCRC shall have all the powers conferred upon it by law.

## ARTICLE IV MEMBERSHIP, REPRESENTATION, AND VOTING

### *Section 1 Membership*

All municipalities including the towns and villages of the Bennington Region shall be considered members of the BCRC. These municipalities are: Arlington, Bennington, Dorset, Glastenbury, Landgrove, Manchester, Manchester Village, North Bennington Village, Old Bennington Village, Peru, Pownal, Rupert, Sandgate, Shaftsbury, Stamford, Sunderland, and Woodford. Additional municipalities may be admitted to membership by an affirmative majority vote of the Commissioners voting.

### *Section 2 Representation*

Representation on the BCRC shall be by the Commissioners. The legislative body of each member ~~town,~~ municipality shall appoint ~~at least one but not more than two~~ one Commissioners for a term specified by the legislative body. ~~The legislative body of the incorporated villages and the Town of Glastenbury shall each appoint one Commissioner.~~ Each town and village also shall appoint a Co-Commissioner. If a municipality fails to appoint a Commissioner to serve on the BCRC, the chairperson of that municipality's planning commission shall be considered to be the Commissioner until such time that an official appointment is made by the municipality.

The Community and Economic Development Committee of the BCRC (currently the board of directors of the regional development corporation for Bennington County), shall designate up to five representatives from its membership to serve as Commissioners. Those Commissioners shall include members from communities or businesses representing the region's geographical diversity and shall be entitled to vote on all matters coming before the Commission, consistent with statutory limitations.

In addition, other persons representing specific interest groups, identified by the BCRC Executive Committee, may be admitted ~~to membership~~ as non-voting members by an affirmative majority of Commissioners voting. Persons so elected shall serve for a one-year term, which may be extended year-to-year by reappointment.

The Chair of the BCRC or his/her designee shall be the representative to the State Council of Regional Commissions. The representative shall attend meetings of the Council and report to the BCRC on the Council's activities. Other duties of the representative shall be as defined by the Council.

### ***Section 3 Voting***

~~Each Commissioner commissioner shall be entitled to one vote at BCRC proceedings.~~ Each town and village is entitled to one vote on any matter before the BCRC, which shall be cast by the Commissioner or, if the Commissioner is not present or able to vote, by the Co-Commissioner. In the event that both the Commissioner and Co-Commissioner from the same municipality cast votes on a matter, only the Commissioner's vote shall be accepted. Except as stated below, any issue brought before the BCRC may be decided only by an affirmative majority of the Commissioners voting. Approval of the Regional Plan and confirmation or approval of municipal plans and processes must receive the requisite number of Commissioner votes required by 24 VSA Chapter 117.

The BCRC Executive Committee or the Executive Director may decide that any vote may be taken by postal and/or electronic ballot (email) prior to the next meeting of the BCRC, by mailing or emailing such votes to the office of the BCRC.

## **ARTICLE V MUNICIPAL APPROPRIATIONS TO THE BCRC**

Member municipalities of the BCRC shall appropriate funds to support the regional planning and development services it provides. The proportion of the expenses of the BCRC to be borne, respectively, by the member municipalities shall be in a ratio which takes into account population based on the latest U.S. Census or other official population estimates, and other factors designed to achieve greater equity, as determined by the Executive Committee.

## **ARTICLE VI OFFICERS AND STAFF**

### ***Section 1 Officers and Executive Committee***

The officers of the BCRC shall include a Chair, Vice-Chair, Secretary and Treasurer. The BCRC shall elect its officers from among its members (Commissioners and Co-commissioners are eligible to hold any office). The Executive Committee of the BCRC shall consist of the officers and three additional members, one appointed by the Chair from among the membership and two appointed by the Community and Economic Development Committee from among the members of that Committee designated to serve as Commissioners.

## ***Section 2 Staff***

The staff of the BCRC may include an Executive Director and other necessary administrative and technical staff as the BCRC determines. Responsibilities and polices pertaining to all staff positions shall be as defined in the BCRC's Personnel Policies.

## ***Section 3 Nomination of Officers***

A Nominating Committee of three Commissioners shall be appointed by the Chair of the BCRC at least 60 days in advance of the BCRC meeting held in May of each year. The Nominating Committee shall render its report of nominations to fill the officer positions at least twenty days prior to the May meeting. The Nominating Committee may nominate one or more Commissioners for each office.

The report of the Nominating Committee and a ballot shall be mailed to all Commissioners not less than 15 days in advance of the May meeting. Commissioners are privileged to vote for or nominate any qualified person whether or not he or she be nominated by the Nominating Committee.

## ***Section 4 Election of Officers***

The officers of the BCRC shall be elected by the affirmative written ballots of a majority of the Commissioners voting. The ballots shall be cast and counted, with the results of the ballot ascertained and announced at the May meeting of each year.

## ***Section 5 Terms of Office***

The terms of office of all officers shall begin immediately after the May meeting of each year and shall end immediately after the May meeting of each year at the end of their term; but officers shall hold office until their successors have been elected and installed.

The three appointed members of the Executive Committee shall serve from the time of their appointment through the end of the subsequent May meeting and may be reappointed or replaced with a new Commissioner appointed by the entity responsible for each respective appointment; the BCRC Chair or the Community and Economic Development Committee.

## ***Section 6 Vacancies***

In the event that any office is vacated, such office may be filled by a majority vote of the Commissioners voting at the next BCRC meeting. Officers so elected are to hold office only for the balance of the current term or until their successors are elected and installed.

Vacancies among either of the three appointed members of the Executive Committee may be filled through a new appointment by the entity responsible for each respective appointment; the BCRC Chair or the Community and Economic Development Committee.

Vacancies in the position of Commissioner or Co-Commissioner shall be filled by the legislative body of the municipality where the vacancy occurs.

### *Section 7 Duties of Officers and Staff*

The Chair shall call and preside at meetings of the BCRC and shall, except as otherwise provided, create and discharge standing committees and special committees and serve as a non-voting ex-officio member of all committees, except in the case of a tie when he or she shall vote and shall perform such other duties as are customary to the office.

The Vice-Chair shall act as Chair in the absence or incapacity of the Chair.

The Secretary shall perform such duties as are customary to the office, including responsible direction of such secretarial duties as are assigned by the Bylaws.

The Treasurer shall perform such duties as are customary to the office, including responsible direction of such financial duties as are assigned by these Bylaws. The Treasurer as a customary duty of the office is authorized by the BCRC to borrow such funds as are required for its operation in anticipation of annual revenues. The Treasurer shall be bonded for the faithful performance of duties if and when so voted by the BCRC in an amount to be determined and approved by the BCRC. The premiums for such a bond shall be paid from BCRC funds.

The Executive Committee shall assist and act on budgets, financial reports, contracts, audits, regulatory proceedings, legal matters, and other duties of the BCRC provided, however, that any significant actions shall be reported to the full BCRC and such actions shall be subject to rescission or amendment by the Commissioners.

Standing and special committees may be established as provided for in these Bylaws to provide guidance and assistance in any program or Commission function. Membership on these committees may include commissioners and other individuals with an interest in the work of the committee.

The Executive Director or designee shall be in charge of the office and all other employed staff, shall conduct a regional planning and development program, subject to the approval of the BCRC within the framework of 24 V.S.A., Chapters 117 and 76, and shall be in charge of all general correspondence of the BCRC. In addition to the duties as Executive Director for the BCRC, the Executive Director shall assist the offices of Secretary and Treasurer, and in this capacity shall be responsible for keeping minutes of all meetings of the BCRC; shall notify Commissioners of the election to office or appointment to committees; shall receive all money due the BCRC; shall prepare an annual budget, including estimated revenues and expenditures for the fiscal year; shall disburse the funds in accordance with the budget and as authorized by the Treasurer, and shall keep accounts which shall at all times be open to inspection of the BCRC and which shall be submitted for an annual auditing as prescribed by the officers. The Executive Director shall further undertake such other duties as the BCRC shall assign and shall follow its instructions.

### ***Section 8 Equal Employment Policy***

It is the policy of the Bennington County Regional Commission that no person seeking employment or having business with the BCRC shall be discriminated against for reasons of race, religion, color, sex, sexual orientation, gender identification, disability status, or place of national origin. The BCRC adheres to its duly adopted Title VI Public Participation Plan for Non-Discrimination in Federally Assisted Programs.

The Executive Director shall take affirmative steps to ensure that this policy is followed.

### ***Section 9 Annual Reports***

The Executive Director shall prepare annual written reports which shall be presented to the BCRC and all member municipalities at a consistent time each year.

## **ARTICLE VII MEETINGS**

### ***Section 1 Regular Meetings***

There shall be a meeting held on the third Thursday of May each year, which shall be the annual meeting. There shall be at least five other meetings held each year at a time and place to be determined by the BCRC.

### ***Section 2 Additional Meetings***

Additional meetings may be called by the Chair or by a petition signed by a majority of the Commissioners.

### ***Section 3 Notice of Meetings***

At least seven days prior notice of all meetings of the BCRC shall be given by the Executive Director, Chair, or Secretary to all Commissioners.

### ***Section 4 Minutes of Meetings***

Minutes of all meetings of the BCRC shall be kept by the Secretary or Executive Director.

### ***Section 5 Quorum***

Representation from a majority of Commissioners or a majority of municipalities shall constitute a quorum for the transaction of business at meetings of the BCRC.

## **ARTICLE VIII AMENDMENTS OF BY-LAWS**

These By-Laws may be amended, altered, changed, added to or repealed by the affirmative vote of a majority of the members at a meeting of the BCRC upon 45 days' notice of the proposed amendment, alteration, change, addition or repeal.