

**A PROPOSAL TO ESTABLISH AN
EAST MONTPELIER CONSERVATION COMMISSION**

August 8, 2019

Background

Over 100 towns in Vermont have Conservation Commissions, with duties and responsibilities authorized in Vermont Statutes (Title 24, Chapter 118). All towns abutting East Montpelier (with one exception, Barre) have active Conservation Commissions: Calais, Middlesex, Marshfield, Plainfield, Berlin, Montpelier. But East Montpelier intentionally chose not to have one, back in 1988 when the Conservation Fund was established. In that era, there was substantial concern that a Conservation Commission could become another layer of government bureaucracy to threaten or subsume private property rights.

Instead, conservation-related functions – all listed as within the purview of a Conservation Commission – are performed by several committees and a non-profit organization, more or less independently and according to their own guidelines, though all on occasion seek input from the others. All are advisory to the Selectboard and all members of each committee (except for East Montpelier Trails, Inc.) are appointed by the Selectboard:

- Conservation Fund Advisory Committee (6 members): oversees the Conservation Fund which is used for conservation of important natural resource areas (agricultural, forest, wildlife, natural, recreational).
- Rural Road Vegetation Assessments Committee (8 members): deals with issues related to the management and aesthetics of road corridors.

- Old LaPerle Farm Property Committee (6 members): makes recommendations on uses and management of town-owned former LaPerle property (within the village, between Routes 14 and 2).
- Forest Committee (3 members): manages the town forest and advises Selectboard on forestry-related issues affecting the town.
- East Montpelier Trails, Inc (8 members): a town-affiliated nonprofit that acquires easements, and builds, maintains, and manages a town trail network.

Over thirty years after the Conservation Fund was established, the idea of establishing a Conservation Commission has arisen again, articulated first at the town's Conservation Summit in 2016 and later discussed among various interested individuals and groups. Proponents feel that, with changing times and sentiments, and with increasing complexities of town governance, a Conservation Commission would be a timely, useful, and effective initiative.

Subsequently, two members (see below) of the Conservation Fund Advisory Committee met with Town Administrator Bruce Johnson to discuss a process to explore this possibility. From that, the plan was to gather comments from the other groups above, first on its feasibility, and, if in general agreement, how it should operate in general terms. The following is a summary of comments heard from those groups.

General Response

There was general yet conditional support for establishing a Conservation Commission, summarized as follows:

Pro's

- It would allow for greater communication and cooperation among conservation-related committees, thereby achieving a more inclusive, streamlined decision-making process.
- It would allow for a more direct and easier point-of-contact for the Town Administrator, Selectboard, and outside groups (e.g., land trusts, state government) with regard to grants, regulations, permits, etc. That is, dealing with one group instead of many where issues overlap.
- It would allow the town to accept gifts of land and structures (not possible now).
- It would allow for greater funding through grants and/or state appropriations for temporary staff for studies, inventories, and clerical help, as authorized by Vermont Statute.
- As a member of the statewide Association of Vermont Conservation Commissions, it would be a means for greater understanding of other towns' conservation efforts and for coordination with other Conservation Commissions.

Con's

- *"If it ain't broke, don't fix it."* The town's conservation-related projects and activities have continued over time, are operating well for the most part, and have the support of residents through money and volunteer labor.
- The risk that it would indeed become that other layer of bureaucracy, making decisions at "lower levels" more difficult and time-consuming.
- Loss of identity of, and passion for, the work that the individual committees now have for what they do.

- Possibility of competition between interests on Conservation Commission for funding of projects.
- Fear that such a move would be part of a trend of consolidation of function and power (e.g., Act 46) at the expense of more local control.

Recommendations

Based on these responses, we recommend that the Selectboard propose establishing an East Montpelier Conservation Commission (“Commission”) subject to approval of town voters, with the following structural and operational parameters:

- (1) The Commission is not intended to displace or subsume the work of existing town committees/groups involved with conservation and/or outdoor recreation. Rather, it will empower them through enhanced communication and coordination.
- (2) The Commission, whether elected by voters or appointed by Selectboard, would be advisory to the Selectboard in all decisions.
- (3) The Selectboard would determine the size (up to 9 authorized) and composition of the Commission, commensurate with town conservation functions. It would be a forum for communication and coordination, with no supervisory functions over other town committees or groups.
- (4) The Commission would be comprised of representatives of all existing town committees/groups that deal with the various aspects of conservation/outdoor recreation.
- (5) The Commission would support, and offer coordination between, existing town committees/groups to continue their work on behalf of the town.

(6) Dedicated funds (e.g., Conservation Fund, East Montpelier Trails funds, etc.) would remain under the control of the town committee/group overseeing such funds.

(7) The Commission would allow formation of subcommittees of nonmembers, to study and make recommendations to town committees/groups and/or the Commission.

We further recommend that the Selectboard conduct at least one town-wide informational meeting prior to any final decisions on establishment, to assess the feasibility of establishing a Conservation Commission and/or receive comments on particular aspects of this proposal.

* * * * *

Revised and submitted to Selectboard: August 8, 2019

*Charles Johnson (chair) and Bruce Howlett, members of East Montpelier Conservation Fund
Advisory Committee*