



Environmental Mediation Center

Vermont Agricultural Mediation Program
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Proposal to Mediate/Facilitate Town of Williston Stormwater Allocation/Community Forum

Background

While community forums can be a good strategy for some issues, they do not work well in situations such as this one where there is a vocal minority of home owner associations (HOA) who participate regularly and many other stakeholders who do not participate.

Without advance work, a community forum would likely provide an opportunity for the same community members to stand on a “soap box” and make polarizing speeches. As a result, the Environmental Mediation Center (EMC) is proposing a series of individual meetings with interested HOAs to help transform their positions likely based on self-interest to reasonable options that are fair and equitable to the Town, all HOAs, and other residents.

Process

I suggest the mediator/facilitator meet with all HOA's who have raised significant concerns about the Town's proposed allocation as well as any other HOA or group of residents that would like to meet. I am estimating this would result in 3 to 6 meetings.

The meetings would begin by inviting the residents to express their positions. That would be followed up with open ended questions focused on determining the residents underlying interests. The discussion would likely include asking the attendees to envision the perspective from the Town as well as other stakeholders, including HOAs who have updated and maintained their systems and have current permits. Once the attendees think about the problem from multiple perspectives, it is more likely that fairness to all parties will be a consideration of any option discussed.

The more relaxed and less structured environment of these meetings along with their confidentiality, create an environment where people are more likely to be willing to compromise compared to community forums. Once these meetings are conducted, we would be ready to hold the community forum.

Timing

As I understand it, the Town would like the community forum to be held before Town Meeting Day. I would hold as many as possible of the private HOA meetings in late January. I will be working out of State in early February. I could complete the rest of the preliminary meetings February 18th through the 22nd with a plan to schedule the community forum around February 22nd. I am available to meet nights and weekends when more convenient for others. I will be away school vacation week starting the late afternoon of February 23rd.

Budget

Although there are many unknowns at this point that make drafting a budget challenging, the following is my best estimate.

Meeting with Town and review of materials	2 hours
HOA and other meetings with residents 3-6 meetings 3 hours each	9-18 hours
Follow-up work after meetings	6 hours
Facilitate Community Forum	3 hours
Travel Mileage at .54/mile 62 miles RT 4 trips	(\$134)
Travel Time/no charge assuming 2 or more hours billed per trip	
Total 20 to 29 hours X \$150/hour = \$3,000 to \$4,350 + \$134 =	\$3,134 to \$4,482

Relevant Experience

Through my work as an enforcement attorney with EPA and as director of the Environmental Mediation Center, I have significant relevant experience. For ten years I worked as an attorney on hazardous waste cleanups under the Superfund program where we needed to allocate costs (ranging from \$20,000 to \$60,000,000 per site) between potentially responsible parties who all thought the other parties should pay more so they can pay less. As a result, I have substantial experience developing fair and equitable settlements and working with large groups of parties with very different perspectives.

Through my work on the Lake Champlain Phosphorus Pollution Initiative, I held focus group meetings and formed working groups comprised of different agricultural sectors, government regulators, technical service providers, and environmentalists to develop consensus on a plan to reduce nutrient runoff from the agricultural sector. Many of the recommendations were ultimately adopted into the Vermont Clean Water Act.