

VERMONT TRANSPORTATION BOARD MEETING AUGUST 11, 2016

Board Members Present:

William Tracy Carris, term expires 2/28/2017
David Coen, term expires 2/28/18
Richard Bailey, term expires 2/28/18
Larry Bruce, term expires 2/28/2018

Board Members Absent:

Tom Dailey, term expires 2/28/2016
Vanessa Kittell, term expires 2/28/2019

Others Present:

John Zicconi, Board Executive Secretary
David Grayck, esq., Diamond Run Mall
Jay Morel, Diamond Run Mall General Manager
Ken Putnam, MVRTD (local public transit)
Marvin Elliott, Rutland Audubon Society
Peg Flory, Rutland County Senator
Brian Collamore, Rutland County Senator
Robert Chamberlin, Town of Rutland (RSG)
Joe Zingale, Town of Rutland
Christopher Clow, VTrans Transportation Engineer
Craig Keller, VTrans Permit Division
Ed Bove, Rutland Regional Planning Commission
Scott Fortney, VTrans Aviation Division (by phone)

Call to Order:

Acting Chairman Coen called the Thursday, August 11, 2016 meeting to order at 1:45 p.m., which was held at the Holiday Inn at 475 Holiday Drive in Rutland, VT and preceded by a site visit at the corner of Farrell Road and Cop John Drive in Rutland, VT.

1. NEW BUSINESS

1.1 TB-387 Site Visit, Corner of Farrell Road and Cop John Drive, Rutland Town

The Board beginning at 1 p.m. conducted a site visit at the corner of Farrell Road and Cop John Drive. No testimony was taken at the site visit.

1.2 TB-387 Route 7 Rutland Town Break in Limited Access

The Board conducted a hearing regarding the Town of Rutland's application for a break in the Limited Access of Vermont Route 7 at Farrell Road. The hearing lasted approximately 90 minutes and was recorded. Anyone wishing a copy of the recording should contact the Board's office. The hearing after approximately 90 minutes was suspended and scheduled to reopen at the Board's meeting on September 29, 2016. The applicant, as well as, any interested party was given until August 26, 2016 to submit supplemental written material for the Board's consideration.

1.3 Review/Approve Minutes of the June 16, 2016 Meeting

On a motion by Mr. Bailey seconded by Mr. Carris, the Board unanimously voted to approve the minutes of the June 16, 2016 Board meeting.

1.4 TB-416 G. Stone Motors: Possibly Appoint New Acting Chair

Board member Tom Dailey was appointed by the Board to serve as Acting Chair in the G. Stone Motors case, but his term on the Board expired and he is not seeking reappointment so the Board requires a new Acting Chair for this matter.

Mr. Bailey moved and Mr. Carris seconded a motion to formally thank Mr. Dailey for his services to the Board. The motion passed unanimously. On a motion by Mr. Bruce seconded by Mr. Bailey, the Board unanimously voted to appoint Mr. Coen as the Acting Chair for TB-416. Mr. Coen abstained from the vote.

1.5 Executive Secretary's report

TB-453 Pepin Bridge Naming Petition: Mr. Zicconi informed the Board that he received a petition signed by more than 80 people asking that a bridge along Route 105 in Island Pond (Bridge #87) be named the Tyler G. Pepin Memorial Bridge. Mr. Pepin died in a motorcycle accident on the bridge on May 18, 2016. The petition, which Mr. Zicconi circulated to Board members, was submitted by Mr. Pepin's grandmother, Beverly Pepin. Mr. Zicconi said he has yet to vet the petition as it arrived last week. By rule, the Chairman has 30 days to deem the petition substantially complete. Once deemed complete, the Board must schedule a public hearing in Island Pond.

TB-455 Winterset: Mr. Zicconi informed the Board that Winterset filed a Motion to Compel VTrans to produce various documents that were due about 90 days ago. Ms. Kittell is the Board-appointed pre-hearing officer in this case, but as hearing officer she cannot rule on a motion to compel. Mr. Zicconi said that he and Ms. Kittell are conferring and that as hearing officer Ms. Kittell will file a report with the Board regarding her suggestion on how to rule. The Board must then review the report and make a determination.

Record Review: Mr. Zicconi informed the Board that a new law recently passed by the Legislature requires all agencies and departments, including the Transportation Board, to identify the kinds of records that they keep, and what statutes require these records so that they can be sent to the Department of Archives for posterity. Mr. Zicconi said he is currently in the process of identifying what is necessary to properly report to the Department of Archives, but that the exercise takes considerable time and it likely will be months before it is completed.

1.6 TB-432 Site Visit: 294 Fairview Ave. West Rutland

The Board beginning at 5 p.m. conducted a site visit at 294 Fairview Ave in West Rutland. No testimony was taken at the site visit.

1.7 TB-432 Public Hearing West Rutland Break in Limited Access

The Board beginning at 6 p.m. conducted a public hearing at the Town Hall Conference Room at 35 Marble Street in West Rutland. Twelve people attended. All speakers spoke in support of the application. The Board scheduled a formal hearing on the application as part of its regular meeting on September 29, 2016.

2. OLD BUSINESS

2.1 TB-449 Rothblatt Helipad Certificate of Operation

Mr. Fortney said that VTrans' Aviation Division reviewed the FAA determination letter submitted by the applicant, and reviewed the helipad location. He recommended that the Board issue Ms. Rothblatt a Certificate of Operation as the applicant successfully met all the criteria set out in the Board's June 17, 2016 Decision and Order granting a Certificate of Approval.

The Board on a motion by Mr. Bruce seconded by Mr. Bailey unanimously voted to issue Martine Rothblatt a Certificate of Operation for a restricted helicopter landing area at 736 Notch Road in Lincoln, VT.

2.2 TB-446 Petition to Name Route 22A

Mr. Zicconi informed the Board that Mr. Coen and Mr. Carris volunteered to act as hearing officers in this case and have scheduled a 6 p.m. public hearing for August 17, 2016 at the Platt Memorial Library in Shoreham, VT. Mr. Coen and Mr. Carris will present their findings to the Board at its meeting on September 29, 2016.

2.3 Fall Public Forums

Mr. Zicconi informed the Board that he met with officials at VTrans to discuss the topics of Rail and Water Quality, and to determine which topic would make the best focus for his year's public forums. All believe forums on Rail would be timely. They agreed on Rail because VTrans believed next year would be a better year to tackle the subject of Water Quality because the state is still working out details of its overall water-quality plan of action. Thus there will be many more details next year about which the Board can seek public comment. Given this, VTrans and Mr. Zicconi agreed to the following outline for a program on Rail:

1. Passenger Expansion Services (and the new impacts the improvements will provide).
 - i. Western Corridor improvements service to Burlington.
 - ii. Montreal service.
 - iii. Knowledge Corridor Connection (Brattleboro).
2. Railroads as Neighbors.
3. Truck traffic through city, village and town centers.
4. Adjacent rail side economic development.
5. Safety.
 - i. Crossings
 - ii. Response to incidents
 - iii. Trespassing issues

The Board chose the following six locations to hold this year's forums: Brattleboro, Newport, Rutland, St. Albans, Vergennes and White River Junction. All communities were selected because they are so-called "train towns," most of which will be affected by the advent of new passenger service scheduled to begin sometime in the next few years. The Board then charged Mr. Zicconi with finding locations and circulating a schedule that outlined the forums that each Board member should attend.

2.4 TB-447 Fialkoff Small Claim

At 3:55 p.m. the Board on a motion by Mr. Bailey seconded by Mr. Carris entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-447 Fialkoff Small Claim.

Mr. Zicconi was invited to join the deliberative session.

The Board exited deliberative session at 4:10 p.m.

3. OTHER BUSINESS

3.1 Round Table

No one had any issues to discuss

4. ADJOURN

On a motion by Mr. Carris seconded by Mr. Bailey, the Board unanimously voted to adjourn at 4:15 p.m. and transition to West Rutland for its 5 p.m. site visit.

Respectfully submitted,

John Zicconi
Executive Secretary

Next Board Meeting: September 29 at the Catamount Room at National Life in Montpelier