

VERMONT TRANSPORTATION BOARD MEETING JUNE 18, 2015

Board Members Present:

Nick Marro, Chairman, term expires 2/28/2016
William Tracy Carris, term expires 2/28/2017
Vanessa Kittell, term expires 2/28/2016
Larry Bruce, term expires 2/28/2018
David Coen, term expires 2/28/18
Richard Bailey, term expires 2/28/18

Board Members Absent:

Tom Dailey, term expires 2/28/2016

Others Present:

John Zicconi, Board Executive Secretary
Kevin Oddy, VTrans Legal Program Administrator
Caleb Stryffeler, Claimant
Alberta Stryffeler, Witness
Donald Stryffeler, Witness
Florence Smith, VTrans legal Assistant
Daniel Dutcher, Vermont Assistant Attorney General

Call to Order:

Chairman Marro called the Thursday, June 18, 2015 meeting to order at 9:35 a.m., which was held at the Dewey Conference Room R235 on the National Life Campus, One National Life Drive, Montpelier, VT.

1. NEW BUSINESS

1.1 Review/Approve Minutes of the March 19, 2015 Meeting

On a motion by Mr. Bailey seconded by Mr. Coen, the Board unanimously voted to approve the minutes of the March 19, 2015 Board meeting with corrections.

1.2 TB-434 Brassard Small Claim Time Extension Request

The Board, pursuant to Rule 4(d)(1) of the Vermont Rules of Appellate Procedure, ruled to accept the small claim of Courtney Brassard.

1.3 TB-429 Montiverdi Small Claim Dismissal

Nicholas Montiverdi on May 11, 2015 wrote the Board and asked that his small claim be dismissed as he no longer wishes to pursue the claim.

On a motion by Mr. Carris seconded by Mr. Bruce, the Board unanimously voted to dismiss TB-429, the small claim of Nicholas Montiverdi.

1.4 TB-422 FairPoint Scheduling

Mr. Zicconi informed the Board that FairPoint Communications informed him that it could not attend hearings on September 17 and 18 due to a scheduling conflict with the Public Service Board. Mr. Zicconi said he spoke with both FairPoint and VTrans to obtain schedules as to when the parties could reschedule as neither side could be available before November.

After much discussion and checking its own schedule, the Board concluded that the first available two-day window that met everyone's availability is January 14 and 15. The Board scheduled these dates, and instructed Mr. Zicconi to inform the parties. Mr. Zicconi said a January schedule would not surprise the parties as they were forewarned to expect this timeframe.

1.5 Fall Hearing Topics

Mr. Zicconi informed the Board that on Wednesday, June 17 he met with VTrans Senior Planner Joe Segale to discuss topics that VTrans would like to see the Board include in its annual fall public hearings.

Mr. Zicconi said the Agency's wishes to be an active participant in the hearings this year, and its first choice would be to develop a program that solicits public input on the nexus between transportation and economic development. Other ideas the Agency suggested included the topics of traffic mitigation, the Agency's new On-Road Bike Facilities Plan, holding a public education session to teach people how to use the Agency's V-Transparency tool, and asking the public what it thought of the Agency's recent reorganization.

Board members expressed interest in a program that explored the nexus between transportation and economic development. Mr. Zicconi said he did not have a detailed conversation with Mr. Segale about the topic and what, specifically, the Agency envisioned, but that he could easily work with Mr. Segale to flush out a more concrete proposal that could be presented to the Board for discussion at its next meeting in July.

The Board agreed such exploration would be worthwhile, and instructed Mr. Zicconi to work with the Agency to flush out the topic. Other possible hearing topics Board members suggested included the transportation nexus with the environment and water quality, as well as public transportation, including the future role of rail.

1.6 Executive Secretary's Report

TB-426: Mr. Zicconi passed out copies of the paperwork associated with the J.P. Sicard Contractor claim, which is scheduled for hearing on July 29. Mr. Zicconi and Ms. Kittell, who is the hearing officer for all pre-hearing matters, will meet with the parties on June 30. Mr. Zicconi will inform Board members of any developments following the meeting.

Administrative: Mr. Zicconi reminded Board members that the Board's office will be closed the week of July 13 so that he can take a week's vacation.

1.7 Rulemaking: Naming of Transportation Facilities

Mr. Zicconi passed out a first draft of the Board's rules regarding the naming of transportation facilities. The draft was partially reviewed by Mr. Dutcher, who was able to review about a third of the document prior to the meeting. The Board reviewed the document and conducted an hour-long discussion that provided Mr. Dutcher and Mr. Zicconi with edits and direction. The discussion was recorded, and the recording is available by contacting the Transportation Board's office. Mr. Zicconi said he and Mr. Dutcher will return with a new draft at the Board's meeting in July.

2. OLD BUSINESS

2.1 TB-425 Continuation of Stryffeler Small Claim Hearing

The Board at its meeting in May granted a continuance in TB-425 with the understanding that it would reconvene the hearing today. Upon reconvening, Mr. Stryffeler testified that he was unable to acquire signed and notarized affidavits. He requested that instead, the Board allow him to call two witnesses via telephone and have them testify in person. Mr. Oddy objected.

The Board allowed the phone calls, but ruled if the witnesses could not immediately be raised via telephone that it would close the hearing and take no further testimony. Neither witness answered the phone, so the Board closed the hearing having taken no additional testimony.

At 12:20 p.m., the Board on a motion by Mr. Bailey seconded by Ms. Kittell entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-425 Stryffeler Small Claim.

Mr. Zicconi was invited to attend the deliberative session.

At 12:34 p.m. the Board exited deliberative session.

3. OTHER BUSINESS

3.1 Round Table

No one had an issue to discuss

4. ADJOURN

On a motion by Ms. Kittell seconded by Mr. Bailey, the Board unanimously voted to adjourn at 12:35 p.m.

Respectfully submitted,

John Zicconi
Executive Secretary

**Next Board Meeting:
July 29, 2015 at 9:30 a.m.
The Catamount Conference Room, One National Life Drive, Montpelier, VT**