

# VERMONT TRANSPORTATION BOARD MEETING JULY 29, 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  
Robin Stern, term expires 2/28/2015 (serving until replaced)  
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  
John Dunleavy, Assistant Attorney General  
Toni Clithero, Assistant Attorney general  
Florence Smith, VTrans legal Assistant  
Kristin Wright, Attorney for J.P. Sicard  
Jason Sicard, Principle J. P. Sicard  
Jaye Young, Court Reporter  
Tom Viall, Board Consultant  
Daniel Dutcher, Vermont Assistant Attorney General

## **Call to Order:**

Chairman Marro called the Wednesday, July 29, 2015 meeting to order at 9:10 a.m., which was held in the Catamount Conference Room on the National Life Campus, One National Life Drive, Montpelier, VT.

## **1. NEW BUSINESS**

### ***1.1 Review/Approve Minutes of the June 18, 2015 meeting***

**On a motion by Mr. Coen seconded by Mr. Bailey, the Board unanimously voted to approve the minutes of the June 18, 2015 Board meeting.**

### ***1.2 TB-435 Izor Small Claim, Request for Dismissal***

Mr. Zicconi informed the Board that Ms. Izor requested that her small claim be dismissed. The Board, in its meeting packet was supplied a copy of the email that Ms. Izor sent Mr. Zicconi asking for the dismissal.

**On a motion by Mr. Bailey seconded by Mr. Coen, the Board unanimously voted to dismiss the small claim of Debra DeForge Izor.**

### ***1.3 Executive Secretary's Report***

Mr. Zicconi informed the Board that State statute requires Board members to be trained in condemnation compensation issues including 1) the methodology of condemnation appraisals, 2) Vermont laws that govern damages resulting from highway condemnation, and 3) provisions of the Uniform Relocation Assistance and Real Property Acquisition Properties Act as it relates to determining damages. The Board has many newly appointed members, so Mr. Zicconi said he is working with VTrans to provide all Board members training at the Board's September meeting.

### ***1.4 TB-426 J.P. Sicard Contractor Claim Hearing***

**At 9:13 a.m., the Board on a motion by Mr. Carris seconded by Mr. Coen entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-426 J.P. Sicard Contractor Claim.**

Mr. Zicconi and Mr. Viall were invited to attend the deliberative session.

**At 10 a.m. the Board exited deliberative session.**

From 10 a.m. until 12:10 p.m., the Board conducted a hearing in the J.P. Sicard contractor claim. A transcript of the hearing was taken, and is available by contacting the Board's office.

### ***1.5 TB-436 Route 100 Byway, adding Readsboro***

Mr. Zicconi informed the Board that the Town of Readsboro applied to the Board to become a member of the Route 100 Scenic Byway. He explained that the Route 100 Scenic Byway passes through 20 communities in the southern portion of the state, and as of today Readsboro represents a gap in the byway between Whitingham and Stamford. When the byway was first formed more than two years ago, Readsboro did not wish to participate. The town, however, has changed its mind and now wishes to join.

The Board is charged under 19 V.S.A Chapter 25 to hold a public hearing when communities seek to join an existing byway. Following the public hearing, the Board may designate the road a byway. Mr. Zicconi said he spoke to Board member Tom Dailey and that Mr. Dailey was available to be a hearing officer and preside over a public hearing in Readsboro on September 9, 2015. The Readsboro Board of Selectmen also agreed to host the Board at 6 p.m. on September 9 should a public meeting be scheduled. Mr. Marro appointed Mr. Daily to be the public hearing officer for such a public hearing, and to report back to the Board at its meeting on September 17, 2015.

### ***1.6 TB-431 Eastman Small Claim Motion to Reconsider***

### ***1.7 TB-428 Hall Small Claim Motion to Reconsider***

**At 12:10 p.m., the Board on a motion by Ms. Kittell seconded by Mr. Coen entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-431 Eastman Small Claim, TB-428 Hall Small Claim, and TB-426 J.P. Sicard Contractor Claim.**

Mr. Zicconi and Mr. Viall were invited to attend the deliberative session.

**At 2:05 p.m. the Board exited deliberative session.**

## **2. OLD BUSINESS**

### ***2.1 Rulemaking: Naming of Transportation Facilities***

The Board, along with Assistant Attorney General Dan Dutcher, continued its work drafting proposed rules for the Board's new legislatively-directed duty of naming state owned and operated transportation facilities. The session ended in a draft that the Board instructed Mr. Zicconi to distribute to stakeholders for comment prior to embarking on the formal rulemaking process. The hour-long session was recorded. Anyone wishing detailed information can contact the Board's office for a copy.

### ***2.2 Fall Hearing Topics***

Mr. Zicconi told the Board that VTrans decided it does not want to partner with the Board this year to conduct public hearings regarding the topic of Transportation and Economic Viability. Instead, the Agency supports the Board conducting hearing based largely on the topics of public transit (including rail) and highway safety, including the topic of legalizing marijuana. The Board agreed. A discussion then ensued on where to hold this fall's hearings. The Board determined the following six locations: Bellows Falls, Essex, Middlebury, Montpelier or Waterbury, St. Albans, and St. Johnsbury. Mr. Zicconi said he would work out a hearing schedule with the various Regional Planning Commissions that serve these communities, and would report back to the Board.

## **3. OTHER BUSINESS**

### ***3.1 Round Table***

Mr. Coen said that he would like to set aside time at future Board meetings for Mr. Zicconi to arrange educational information regarding various transportation-related topics. Other Board members agreed. Mr. Zicconi said a good first topic would be to have VTrans Planner Costa Papas meet with the Board in September to give a presentation on the Agency's new Rail Plan.

## **4. ADJOURN**

**On a motion by Mr. Coen seconded by Mr. Bailey, the Board unanimously voted to adjourn at 3:25 p.m.**

Respectfully submitted,  
John Zicconi  
Executive Secretary

**Next Board Meeting:  
September 17, 2015 at 9:30 a.m.  
Catamount Conference Room, One National Life Drive, Montpelier, VT**