

# VERMONT TRANSPORTATION BOARD MEETING SEPTEMBER 17, 2015

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## **Board Members Present:**

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

## **Board Members Absent:**

Vanessa Kittell, term expires 2/28/2016

## **Others Present:**

John Zicconi, Board Executive Secretary  
Costa Pappis, VTrans Planner  
Daniel Dutcher, Assistant Attorney general  
Robert White, VTrans Head of Right-of-Way  
Dan Delabruere, VTrans Rail Section Chief

## **Call to Order:**

Chairman Marro called the Wednesday, September 17, 2015 meeting to order at 9:30 a.m., which was held at 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. Bailey seconded by Mr. Coen, the Board voted to approve the minutes of the July 29, 2015 Board meeting. Mr. Bruce and Mr. Dailey abstained.**

### ***1.2 TB-439 Shand Small Claim, Request for Stay***

Mr. Zicconi informed the Board that Mr. Shand requested that his small claim be stayed as he is unsure whether the claim totals more than \$5,000, the Board's statutory limit on hearing small claims. The claim involves the contamination of a drinking well that the claimant alleges was caused by VTrans' salting practices. Mr. Shand filed an appeal with the Board to conform with the 30-day statutory deadline following the state's denial of his initial claim to the Vermont Department of Risk Management, but is unsure whether repairing the damage will cost more than \$5,000. If the claim totals more than \$5,000, the proper jurisdiction for appeal would be Superior Court, not the Board. Mr. Shand ask for a stay so that he could have the time to determine the true cost of his claim.

Mr. Zicconi said he informed VTrans of the request, and that the Agency did not object to a stay, but asked that it contain a time frame so that the case does not drag indefinitely. The Agency suggested no

longer than six months. The Board discussed the issue and concluded six months was too long, preferring three months instead.

**On a motion by Mr. Bruce seconded by Mr. Dailey, the Board unanimously voted to stay TB-439 Small Claim of Ernest and Loraine Shand for 90 days following the date that the order is signed by the chairman.**

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

Mr. Zicconi and Mr. Dailey on September 9, 2015 held a public hearing in the Town of Readsboro regarding the town's request to join the Route 100 Scenic Byway. The Board is charged under 19 V.S.A Chapter 25 to hold a public hearing when a community seeks to join an existing byway. Mr. Dailey as hearing officer and following the public hearing submitted a written report to the Board advising that the Board vote to include Readsboro in the byway.

**On a motion by Mr. Coen seconded by Mr. Bruce, the Board unanimously voted to include Readsboro as part of the Route 100 Scenic Byway.**

### ***1.4 Executive Secretary's Report***

- October & December Meeting: Mr. Zicconi asked the Board to confirm its next two meeting dates as Wednesday, October 21 and Thursday, December 3 as the dates depart from the Board's usual meeting dates of the third Thursday of the month. The Board confirmed. Presently, no meeting is scheduled for November.
- Naming Rules: Mr. Zicconi informed the Board that he and Chairman Marro have a date with the Interagency Committee on Administrative Rules (ICAR) on October 12 to discuss the Board's proposed rules regarding the naming of transportation facilities owned, operated and controlled by the State of Vermont. ICAR must review the proposed rules prior to the Board submitting them to the Secretary of State for public posting and comment.
- TB-428 Hall Small Claim: Mr. Zicconi informed the Board that the deadline for VTrans to appeal the Board's decision regarding the Hall small claim had elapsed with no appeal.
- West Dover Helipad: Mr. Zicconi informed the Board that he was contacted by an applicant seeking a private landing area in the Town of West Dover. The applicant is working with the Agency of Transportation, who initially reviews the application prior to submitting it to the Board. Once the Board receives the application it must determine what kind of public hearing notification it wants to impose – statute contemplates different requirements depending on the Board's wishes. Should the application be filed within the next week or so, Mr. Zicconi said he would circulate it electronically to Board members could possibly act prior to the Board's next meeting on October 21. But should the application come in closer to the October meeting date, the instead would place action on the Board's meeting agenda.

**1.5 TB-438 Sienko Small Claim, Possible Dismissal**

The claimant, who at the time the agenda was published indicated that he may ask the Board to dismiss his claim, chose instead to proceed. No action was taken.

**1.6 Compensation Training**

Pursuant to statute, the Board received training regarding the various elements of condemnation compensation. VTrans Right-of-Way Chief Rob White and Assistant Attorney General Daniel Dutcher spend nearly two hours with the Board discussing 1) the methodology of condemnation appraisals, 2) Vermont law governing the determination of damages resulting from a condemnation related to a state highway project, and 3) the provisions of the Uniform Relocation Assistance and Real Property Acquisition Properties Act as it relates to the determination of damages.

**1.7 VTrans Rail Plan, Costa Pappis Presentation**

VTrans recently published an updated Rail Plan, and the Board asked the Agency for a presentation. For about 40 minutes, VTrans Planner Costa Pappis and VTrans Rail Chief Dan Delabruere provided the Board a presentation and answered questions.

**2. OLD BUSINESS**

**2.1 Fall Public Hearing Schedule.**

Mr. Zicconi informed the Board that all public hearing dates have been confirmed and scheduled. The Board will hold public hearings on the following dates:

1. **October 14:** Rockingham Town Hall, 6 p.m., Lower Theater, 7 Square, Bellows Falls. VT.
2. **October 15:** Northeastern Vermont Development Association, 6 p.m., NVDA Conference Room, 36 Eastern Ave, St. Johnsbury, VT.
3. **October 29:** Essex High School Cafeteria, 6:30 p.m., 2 Educational Drive, Essex Junction, VT.
4. **November 12:** La Quinta Inn & Suites, 6:30 p.m., 813 Fairfax Road, St. Albans City, VT.
5. **November 17:** Thatcher Brook Primary School, 6 p.m., 47 Stowe Street, Waterbury, VT.
6. **November 18:** Addison Regional Planning Commission, 6 p.m., 14 Seminary Street, Middlebury, VT.

**2.2 TB- 426 J.P. Sicard Contractor Claim**

**At 12:45 p.m. the Board on a motion by Mr. Coen seconded by Mr. Carris entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-426, J.P. Sicard Contractor Claim.**

Mr. Zicconi was invited to attend the Deliberative Session

At 1.05 p.m. the Board exited Deliberative Session

**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. Dailey, the Board unanimously voted to adjourn at 1:06 p.m.**

Respectfully submitted,

John Zicconi  
Executive Secretary

**Next Board Meeting:  
October 21, 2015 at 9:30 a.m.  
Dewey Conference Room R206, One National Life Drive, Montpelier, VT**