

# VERMONT TRANSPORTATION BOARD MEETING JANUARY 11, 2017

---

## **Board Members Present:**

David Coen, term expires 2/28/18  
Richard Bailey, term expires 2/28/18  
Larry Bruce, term expires 2/28/2018  
Faith Terry, term expires 2/28/19  
William Tracy Carris, term expires 2/28/2017  
Wendy Harrison, term expires 2/28/19

## **Board Members Absent:**

Vanessa Kittell, term expires 2/28/19

## **Others Present:**

John Zicconi, Board Executive Secretary  
Ron Shems, Board Attorney

## **Call to Order:**

Acting Chair David Coen called the Wednesday, January 11, 2017 meeting to order at 9:30 a.m., which was held in Dewey Conference Room R206 at 1 National Life Drive in Montpelier, VT.

## **1. NEW BUSINESS**

### ***1.1 Review/Approve Minutes of the December 7, 2016 Meeting***

**On a motion by Mr. Bailey seconded by Mr. Bruce, the Board unanimously voted to approve the minutes of the December 7, 2016 Board meeting. Ms. Harrison and Mr. Carris abstained.**

### ***1.2 TB-454 Matthews Helipad (Dorset) Application***

Mr. Zicconi told the Board that he had conversations with Matthews representatives, and they agreed that a hearing would be scheduled in the spring after the snow melt. He also told the Board that he believed that the application, which was vetted by the Agency of Transportation, was complete.

The application included a letter from the Town of Dorset explaining that the municipality does not have zoning regulations that regulate helipads and that the town deferred permit review to the Board. As a result, Mr. Zicconi advised the Board not to waive the hearing provisions spelled out in 5 V.S.A. § 207(d), which is standard procedure for the Board when there has been no local permit hearing.

**On a motion by Ms. Terry seconded by Mr. Bailey, the Board unanimously voted to accept the application as complete, and to hold a permit hearing according to the provisions detailed in 5 V.S.A. § 207(d).**

### ***1.3 Executive Secretary's report***

**TB-456:** Mr. Zicconi told the Board that just yesterday he received an application for a helipad in the Town of Woodbury, and that the applicant is VTrans Aviation Administrator Guy Rouelle. Mr. Zicconi said he has not yet reviewed the application. He anticipates bringing the application to the Board at its February meeting for a completeness ruling and discussion on how to proceed with a hearing.

**Spring Scheduling:** Mr. Zicconi informed the Board that it will need to hold spring hearings on two helipads, one requested in Woodbury and one requested in Dorset, as well as conduct a hearing on TB-443, which is an appeal of a contractor claim filed by W. M. Schultz Construction. As a result, he asked the Board to check their calendars and provide him with dates that work for Board members. The Board chose the following dates as possible hearing dates: March 30, April 13, April 26, May 10, and May 12.

**Board Member Term Expiration:** Mr. Carris said his term expires at the end of February, and asked Mr. Zicconi to check with the new administration to see if it would accept an application for reappointment, or whether it had someone else it wished to appoint. Mr. Zicconi said he would inquire and let him know.

### ***1.4 TB-445 Winterset Motion Requesting Additional Appeal Questions***

Pursuant to Title 1 § 313, the Board discussed this issue in Deliberative Session – see motion made under Old Business 2.3.

### ***1.5 TB-443 Schultz Motion Requesting Additional Appeal Questions***

Pursuant to Title 1 § 313, the Board discussed this issue in Deliberative Session – see motion made under Old Business 2.3.

### ***1.6 Schedule February Meeting***

The Board chose to hold its next regular meeting on February 23. Mr. Bruce requested that the meeting, as well as future regular meetings, be held in Waterbury at the state office complex. The rest of the Board agreed. Mr. Zicconi said he was unaware what facilities were available in Waterbury, but that he would look into it and reserve a conference room there if possible.

## **2. OLD BUSINESS**

### ***2.1 Fall Public Forums and Report***

Since early December, Mr. Zicconi has been drafting the annual report and sending Board members via email draft chapters as they are complete. Board members prior to today's meeting have reviewed each chapter and made suggested edits. At the meeting, Mr. Zicconi presented the Board with a complete draft of the report. The complete draft was color coded so that Board members could distinguish

between text that they had already seen, text that was new and text that Mr. Zicconi suggests be deleted in order to shorten the report.

Mr. Bruce said it would be impossible to review the entire draft, which was more than 70 pages long, during the meeting and offer meaningful input. Ms. Harrison agreed. Mr. Zicconi suggested that the Board go through the draft page by page so that he can describe his suggested alterations, but that the Board also take through the weekend to review the document more carefully. Mr. Coen agreed, and after some discussion the Board agreed to a deadline of Monday at 11 a.m. to review the entire document. Should anyone at that time believe further discussion was needed, the Board would conduct a phone conference at 4 p.m. Monday.

During the review, Ms. Terry objected to the suggested deletions, which were mostly made to the report's executive summary. She argued that some people will only read the executive summary and that it was important to keep the information to help those people understand the issues raised in the report. Ms. Harrison agreed, but others argued the executive summary was too long. Mr. Zicconi said all the information he targeted for deletion in the executive summary also appears later in the report's detailed chapters, so none of the information was actually being removed from the report. After a lengthy discussion, the Board voted 3-2 to accept the deletions to the executive summary as proposed.

Ms. Terry said the report's text cites many sources for statistical information, as well as cites emails and letters the Board received from Vermonters wishing to provide information. The report, however, contains no index or footnotes detailing these sources. Mr. Zicconi said he drafted this report, much like the last four annual reports, more in a "journalistic" style that identifies sources within the text of the report as they are cited rather than in a more traditional "academic" style where such sources are numbered and either indexed at the end of the report or at the bottom of the pages where the information appears. Ms. Terry said she preferred the more academic format. Mr. Zicconi said making such a change would involve a considerable amount of work for which there was no time as the report still had to be designed and printed in time to present it to the Legislature in less than two weeks.

Other Board members agreed time was short, and suggested that the report be printed in its drafted style and that the Board could discuss format changes later in the year at a time when it discusses next year's annual report.

Ms. Terry and Ms. Harrison said they had not seen the letters and emails that were sent to the Board's office. Mr. Zicconi said he would bundle them together after the meeting and email them.

*Note: No Board member after reviewing the draft report over the weekend asked for a conference call on Monday, thus none was held.*

Pursuant to Title 1 § 313, the Board discussed this issue in Deliberative Session – see motion made under Old Business 2.3.

**2.3 *TB-441 Pike Contractor Claim***

**At 9:50 a.m. the Board on a motion by Mr. Bruce, seconded by Mr. Bailey and approved unanimously entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-441 Pike Contractor Claim, TB 443 Schultz Motion Requesting Additional Appeal Questions, TB-445 Winterset Motion Requesting Additional Appeal Questions, and TB-450 Wilton Small Claim Request for Reconsideration. Mr. Carris recused himself from the portion of the executive session that involved TB-441 Pike Contractor Claim.**

Mr. Zicconi and Mr. Shems were invited to join the deliberative session.

**The Board exited deliberative session at 10:35 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. Bruce, the Board unanimously voted to adjourn at 12:20 p.m.**

Respectfully submitted,

John Zicconi  
Executive Secretary

**Next Board Meeting: 9:30 a.m. on February 23, 2017**