

# VERMONT TRANSPORTATION BOARD MEETING MAY 10, 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  
Wendy Harrison, term expires 2/28/19 (by phone)  
Vanessa Kittell, term expires 2/28/19  
William Tracy Carris, term expires 2/28/2017

## **Board Members Absent:**

None

## **Others Present:**

John Zicconi, Board Executive Secretary  
Ron Shems, Board Attorney  
Peter Young, Washington County Railroad  
Rick Boucher, Washington County Railroad  
John Roback, Kendall Station Road Petitioner  
Toni Clithero, Assistant Attorney General  
Mark Fitzgerald, Vermont Agency of Transportation  
Dan Delabruere, Vermont Agency of Transportation  
Ben Mayes, proxy for Steve Rojek  
Tim Chow, Kendall Station Road Resident  
Lynne Chow, Kendall Station Road Resident  
Gail Langeloh, Kendall Station Road Resident  
Herb Durfee, Norwich Town Manager  
Doug Robinson, Norwich Police Chief  
Sue Hardy, Kendall Station Road Resident  
Peter Stanzel, Kendall Station Road Resident  
Glenn Gurman, Kendall Station Road Resident  
Walter Martin, Kendall Station Road Resident  
Ernie Ciccotelli, Kendall Station Road Resident  
Christine Mowie, Woodridge Lane Resident  
Roger Blake, Kendall Station Road Resident  
Katherine Smith, Kendall Station Road Resident  
Coleen Bozuwa, Kendall Station road Resident  
Numerous Norwich residents who did not speak or provide their names

## **Call to Order:**

Chair Vanessa Kittell called the Thursday, May 10, 2017 meeting to order at 10:30 a.m., which was held at the Multipurpose Meeting Room at Tracy Hall in Norwich, VT.

## **1. NEW BUSINESS**

### ***1.1 Review/Approve Minutes of the April 13, 2017 Meeting***

**On a motion by Mr. Bailey seconded by Mr. Coen, the Board unanimously voted to approve the minutes of the February 23, 2017 Board meeting with corrections. Mr. Carris abstained.**

### ***1.2 TB-456 Rouelle Helipad (Woodbury) Application***

Mr. Zicconi informed the Board that Mr. Rouelle's application had been vetted by Aviation Planner Rita Hunt of the New Hampshire Department of Transportation and been deemed complete. He also said his own review of the application found it in order, and he advised the Board to rule the application complete and to set a site visit and hearing date, preferably during the summer because the Rouelle property is located along a pond where many of the homes are summer cottages. The Board chose July 27, 2017 as a hearing date.

**On a motion by Mr. Coen seconded by Mr. Bruce, the Board unanimously voted to accept the application in TB-456 as complete.**

Mr. Zicconi also informed the Board that although the Town of Woodbury supplied the Board with a letter stating the town approved the helipad, the town did not conduct a full-blown zoning hearing that involved input from neighbors. In such cases, the Board's practice has been to not wave 5 V.S.A. § 207(d), and to instruct the applicant to provide notice of the Board's hearing to his neighbors pursuant to the conditions detailed in Section 207(d). The Board agreed.

Given that the proposed helipad is located adjacent to a water body which will help carry sound of an aircraft a considerable distance, Mr. Zicconi suggested that the applicant be instructed to supplement the notification requirements of 5 V.S.A. § 207(d) by working with the local "Lake Association" to inform all its members of the upcoming hearing. The Board agreed.

### ***1.3 Attorney Search – Update***

The recent retirement of Tom Viall, who now spends considerable time outside of Vermont, requires the Board to seek another legal consultant and attorney. Mr. Zicconi told the Board that he recently met with officials from VTrans' Contract Administration Division to understand the latest rules regarding how to procure such a contractor. He was told there are two ways: sole-source contracting, or solicitation through a request for proposals (RFP). An RFP would spread the widest net as the state would advertise and seek bids on the Board's behalf all throughout Vermont. Sole source allows the Board to target solicitations, but requires at least three bidders. It also caps the amount the Board can spend to \$100,000 over a four-year period, which is well within the Board's historic legal budget.

Mr. Zicconi said he preferred sole source. The Board agreed. In anticipation of such agreement, Mr. Zicconi said he had recent discussions with three interested attorneys, all of whom have backgrounds in

government law and experience with quasi-judicial entities. All three also have offices in the Montpelier area. He passed out resumes. The Board liked all three candidates, but because they all were male asked Mr. Zicconi to solicit interest from a more diverse applicant pool. Mr. Zicconi agreed, and said he would continue searching and supply the Board with additional resumes for consideration.

#### ***1.4 Fall 2017 Public Forums – Discussion***

The Board bounced around several topic ideas for this year's forums – water quality, project prioritization, aviation, and energy – but made no decisions. Mr. Zicconi said he would conduct some research on these topics and the Board could continue its conversation at a later meeting.

#### ***1.5 Executive Secretary's Report***

There was no Executive Secretary's Report.

#### ***1.6 TB-443 Schultz Contractor Claim***

**The Board entered into deliberative session to discuss this item. See item 2.1 under Old Business for details.**

#### ***1.7 TB-457 Roback RR Crossing – Site visit to 212 Kendall Station Road &***

#### ***1.8 TB-457 Roback RR Crossing – Hearing***

At 12:25 p.m., the Board recessed to conduct a site visit at 212 Kendall Station Road. No testimony was taken during the site visit. At 1:35 p.m. the Board reconvened in the Multipurpose Meeting Room at Tracy Hall to conduct a hearing. The hearing was attended by a court reporter, and transcript was taken. To view the transcript, please contact the Board's office.

## **2. OLD BUSINESS**

#### ***2.1 TB-441 Pike Contractor Claim***

**At 11:37 a.m. the Board on a motion by Mr. Coen, seconded by Mr. Bruce and approved unanimously entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-441 Pike Contractor Claim and TB-443 Schultz Contractor Claim. Ms. Harrison and Mr. Carris did not participate in the portion of the deliberative session that involved TB-441.**

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

**The Board exited deliberative session at 12:25 p.m.**

**3. OTHER BUSINESS**

*3.1 Round Table*

No one had any issues to discuss

**4. ADJOURN**

**On a motion by Mr. Bailey seconded by Mr. Coen, the Board unanimously voted to adjourn at 5:20 p.m.**

Respectfully submitted,

John Zicconi  
Executive Secretary

**Next Board Meeting: June 6, 2017**