

VERMONT TRANSPORTATION BOARD MEETING APRIL 18, 2019

Board Members Present:

David Coen, term expires 2/28/21
Pam Loranger, term expires 2/28/22
Richard Bailey, term expires 2/28/21
Tim Hayward, term expires 2/28/2020
Wendy Harrison, term expires 2/28/22
Philip Zalinger, term expires 2/28/22
James Fitzgerald, Term expires 2/28/21

Board Members Absent:

None

Others Present:

John Zicconi, Board Executive Secretary
Dominique Golliot, Agency of Agriculture
Will Mathis, BSLG Insect Control District
Raymond Freeney, BLSG Insect Control District
Ben Lawton, BLSG Insect Control District
Tom Brigan, Green Mountain Power
Jon Martin, Green Mountain Power
Scott Fortney, Agency of Transportation
Roman Wdowiak, Brandon & Leicester Fire Chief
Wayne Rausenberger, Vermont Resident
Art Doty, BLSG Insect Control District
Jeffrey Smith, BLSG Insect Control District
Sharon Greene, Leicester Resident
Paul Vacly, BLSG Insect Control District
James Goodwin, Leicester Resident
Kerry White, BLSG Insect Control District

Call to Order:

Chair David Coen called the Thursday, April 18, 2019 meeting to order at 11:04 a.m., which was held at the Brandon Town Hall Meeting Room at 1 Conant Square, Brandon, VT.

1. NEW BUSINESS

- 1.1 TB-486 BLSG Insect Control District Helipad Applications – Site Visits***
- 1.2 TB-486 BLSG Insect Control District Helipad Applications – Hearing***

The Board, prior to opening the meeting, conducted site visits to the two proposed helipad locations. Immediately following the site visits, the Board convened a hearing on the BLSG Insect Control District's applications. A complete transcript of the hearing is available by contacting the Board's office.

At 11:55 a.m. the Board on a motion by Mr. Fitzgerald, seconded by Ms. Harrison and approved unanimously entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-486 BLSG Insect Control District Helipad Application and TB-491 Don Weston Excavating Contract Appeal.

Mr. Zicconi and was invited to join the deliberative session.

The Board exited deliberative session at 12:50 p.m.

1.3 Review/Approve Minutes of the February 21, 2019 Meeting

On a motion by Mr. Bailey seconded by Mr. Hayward, the Board unanimously voted to approve the minutes of the February 21, 2019 Board meeting as submitted. Mr. Fitzgerald and Ms. Harrison Abstained.

1.4 TB-483 Request to Name Derby Bridge After Joseph Queenin

Hearing officer Richard Bailey and Mr. Zicconi on April 8, 2019 attended a public hearing in Derby regarding the town's request to name State Bridge B1 along Casewell Avenue in the Village of Derby Line "The Joseph Queenin Memorial Bridge." Mr. Bailey submitted a written report, which is attached to these minutes. Mr. Zicconi circulated copies of a letter in opposition that was emailed to his office after he had mailed copies of the board's meeting packet to Board members.

The Board discussed Mr. Bailey's recommendation to name the Bridge after Mr. Queenin as well as the new opposition letter. Mr. Fitzgerald raised concern that it may not be best practice for the Board to name such transportation infrastructure after individual people because of the mixed emotions some people can have. He said he did not have the same reservations about naming roads and bridges after a group, such as a specific group of military veterans. Mr. Coen said the Board's rules allow for naming after individuals, and also mentioned that a former Board member in the past had raised a similar caution. He instructed Mr. Zicconi to place discussion of the Board's naming rules on a future agenda.

On a motion by Mr. Bailey seconded by Ms. Loranger, the Board voted 6-to-1 to name State Bridge B1 along Casewell Avenue in the Village of Derby Line "The Joseph Queenin Memorial Bridge." Mr. Fitzgerald voted in the negative.

1.5 TB-484 Request to name Segment of Route 105 After Mark Biron

Mr. Zicconi informed the Board that it received a petition signed by more than 50 Vermonters requesting that the Board name the segment of Route 105 that runs from Bloomfield to Derby after Mark Biron, who recently died in a plane crash near the airport in Island Pond. The petition was submitted by Mr. Biron's widow. Per rule, the Board's chair reviewed the petition and ruled it substantially complete. The next step is for the Board to hold a public hearing somewhere along the roadway.

Mr. Coen said the Board's usual practice is to assign a single Board member who lives within a reasonable distance of the roadway as hearing officer to preside over the public hearing and then report back to the full Board at a future meeting and asked for a volunteer. Mr. Fitzgerald volunteered. Mr. Zicconi said due to the Board's rules, he needs at least 30 days to warn the hearing. He suggested holding it sometime in June. Mr. Fitzgerald agreed. Mr. Zicconi said he would seek out a room along Route 105 to hold the hearing and then confer with Mr. Fitzgerald.

1.6 TB-491 Don Weston Excavating Contract Appeal

Mr. Zicconi informed the Board that Don Weston Excavating, Inc. submitted an appeal to the Board. According to the appeal, Don Weston Excavating submitted a bid to the Town of Hinesburg to construct a combo bike/sidewalk project that is mostly funded by VTrans. At the bid opening, the town is supposed to read each bid aloud so that all the bidders know where they fell. At the reading, Weston appeared to be the low bidder, but the town after the bid reading awarded the contract to a competitor whose bid was opened at the reading but not read aloud. Weston appealed to the Board asking it to either award the contract to him, order the project to be rebid, or award him whatever other compensation the Board sees fit.

Mr. Coen asked the Board to appoint him hearing officer to all pre-hearing matters associated with this case as fleshing out the issues and putting together a briefing schedule requires getting the parties together for a pre-hearing conference. The entire Board, however, would review the submitted documents and decide the merits of the case, he said.

On a motion by Mr. Zalinger seconded by Mr. Hayward, the Board unanimously voted to appoint Mr. Coen hearing officer for all prehearing matters related to TB-491 Contract Appeal of Don Weston Excavating, Inc.

1.7 Administrative Rules – VTrans Revision Process

Mr. Zicconi said he recently met with representatives from both VTrans and the Secretary of State's office to discuss the next phase of modernizing the state's Administrative Rules that relate to Transportation. The first phase involved identifying rules that are obsolete and could be repealed. This next phase involves identifying rules that should be retained but that need modification. Mr. Zicconi said he would review the Board's remaining rules, identify areas he believes could be modified, and present suggested modifications to the Board at a future meeting. Ms. Harrison said she had concerns regarding the loss of certain public-engagement elements of a public-transportation rule that is slated for repeal – and that she plans to write VTrans a memo suggesting that the public-engagement elements of the old rule be reinstated in state transportation policy. Mr. Zicconi suggested that once she pens the memo, that she share it with the Board to see if other members agreed with her sentiments. The Board could then discuss whether to issue the memo as coming from the full Board instead of just a single Board member.

1.8 Chair's Report – Meeting with VTrans Secretary

Mr. Coen informed the Board that on April 8 he, Mr. Bailey and Mr. Zicconi met with VTrans Secretary Joe Flynn to discuss the Board's proposal to alter Restricted Landing Area statutes, the Board's public hearing process, and the relationship between the Board and the Agency.

Mr. Coen said the Secretary was joined by other VTrans staff members and the discussion lasted longer than an hour. He said Secretary Flynn was receptive to the Board's concerns regarding the relationship between the Board and the Agency, and said he would have internal discussions with his staff. The Secretary floated the idea of meeting regularly – possibly twice a year – to continue to have further dialog. Mr. Coen instructed Mr. Zicconi to plan to schedule a second meeting in the fall, possibly in October.

Mr. Coen said Assistant Attorney General Toni Clithero attended the meeting, and after some discussion regarding how often the Agency appeals the Board's decisions, including small claims, it was left that she would meet with Mr. Zicconi and Board Attorney Ron Shems to try to devise a system for deciding small claims that would protect appellant rights as well as VTrans's rights, but also produce Board decisions that were not so often appealed.

Mr. Coen said VTrans Director Michele Boomhower also attended the meeting, and in regards to Restricted Landing Areas suggested that she and Mr. Zicconi get together in the future to see if they could devise a solution that results in RLA statute changes that are more palatable to the administration than the version the Board proposed during the winter.

As to the Board's public-hearing process sanctioned under V19 .S.A. 5(d)(8), Mr. Coen said the VTrans staff suggested that the Agency currently does far more public outreach regarding various transportation topics than it did at the time the statute was written, so the Board's historic and very detailed efforts may not be needed as much as they may have once been. Secretary Flynn suggested the Board consider holding "listening sessions" in four different locations (north, south, east and west) that provide Vermonters a chance to approach the Board with whatever topic they wish rather than the Board going out with a set program and predetermined topics to discuss. The Board could then put a simple report together on what it heard, rather than a detailed report about specific topics. As another option, Mr. Coen said the Secretary suggested the Board could hold hearings only to discuss with the public topics for which the Agency may be in conflict, therefore the Board would be a more appropriate host.

1.9 Executive Secretary's Report

Attorney Contract: Mr. Zicconi informed the Board that he got an email notice that Attorney Ron Shem's two-year contract expires on September 30. The contract has provisions to extend the contract for two additional years, one year at a time. Mr. Shem's is willing to extend the contract per this provision. Prior to the meeting, he and Mr. Coen agreed the Board should extend the contract and asked if any Board members had objections. No one had an objection.

Lemon Law Administrator: Mr. Zicconi informed the Board that Secretary Flynn agreed to allow the merger of his position as Executive Secretary with that of the Lemon Law Administrator. The change became official on April 1.

Small Claims: Mr. Zicconi informed the Board that he has received 11 small claims since the Board last met. In all cases, claimants requested additional time to gather more information to strengthen their claims. As a result, it will likely be a couple of months before any are ready for hearing.

2. OLD BUSINESS

2.1 None

3. OTHER BUSINESS

3.1 Round Table

No one had any issues to discuss

4. ADJOURN

On a motion by Mr. Fitzgerald seconded by Mr. Bailey, the Board unanimously voted to adjourn at 1:17 p.m.

Respectfully submitted,

John Zicconi
Executive Secretary

Next Board Meeting: May 16, 2019

Derby Line Bridge Naming Public Hearing for Joe Queenin

Richard Bailey

Thu 4/18/2019 6:38 AM

To: Richard Bailey <rjbaileyhpvt@outlook.com>

To The Vermont Transportation Board Chair, David Coen and T-Board Members,

I was assigned by the Chair. to be the T-Board Hearing Officer for this Meeting, and to attend the meeting, along with John Zicconi, T-Board Executive Secretary, the Bridge Naming Public Hearing for Joe Queenin in Derby, Vermont on April 8th, 2019 @ 6:00PM. The Derby Selectboard agreed to hold the T-Board Public Hearing at the beginning of their regular monthly meeting. The T-Board Public Hearing began at 6:00PM.

The Derby Town Administrator wrote the proposal and the Derby Selectboard endorsed the proposal naming State Bridge B1 the Joe Queenin Memorial Bridge. Most in attendance did not object to the naming State Bridge B1 to the Joe Queenin Bridge, there was one objection to the naming the bridge. She stated that Joe was a behind the scene type of person and she thought he would object to the naming. She stated that he would have preferred a more generic name, like the VT Veterans bridge. After asking if there were anymore comments, there was none, so the Derby Selectboard Chair closed the public hearing. The Village of Trustees for Derby Line, at the time of meeting, had not commented on the issue, but in some cases no comment, may mean the Trustees are okay with the bridge naming. I, Richard Bailey, TBPO, have no reservations in naming the bridge after Joe Queenin.

I will make the following motion, that the VT Transportation Board, Name State Bridge B1 in Derby Line, the Joseph Queenin Memorial Bridge.

Respectfully Submitted,

Richard Bailey

Vermont Transportation Board Member

T-Board Hearing Officer for TB483