

VERMONT TRANSPORTATION BOARD MEETING APRIL 18, 2013

Board Members Present:

Maurice Germain, Chairman; term expires 2/28/2014
Tom Dailey, term expires 2/28/2016
Robin Stern, term expires 2/28/2015
Vanessa Kittell, term expires 2/28/2016
Nick Marro, term expires 2/28/2016
James Fitzgerald, term expires 2/28/2015

Board Members Absent:

Wesley Hrydziusko, term expires 2/28/2015

Others Present:

John Zicconi, Executive Secretary
Tom Viall, Board Consultant
Mark Richter, Federal Highway Administration
David Bond, Fead Construction Law
Toni Clithero, Assistant Attorney General
John Dunleavy, Assistant Attorney General
Kevin Oddy, VTrans Legal Program Administrator
Traci Wood, VTrans Legal Administrative Assistant
David Hoyne, VTrans Construction Engineer
Chris Benda, VTrans Geologic Engineer

Call to Order:

Chairman Maurice Germain called the Thursday, April 18, 2013 meeting to order at 10:10 a.m., which was held in the Dewey Building, Conference Room R206 at One National Life Drive Montpelier, VT.

The meeting, which was warned for 9:30 a.m. started late due to the Vermont Senate requesting a 9 a.m. gathering at the Statehouse of Board members Marro, Kittell and Dailey for the purpose of holding a confirmation hearing. As a result, the Board changed its agenda order, and immediately took up item 2.1 under Old Business (TB-386 Miller Construction Hearing), therefore delaying the rest of the agenda until the hearing and any subsequent Board deliberation was complete.

All items under New Business and Other Business were taken up beginning at 2:40 p.m. Ms. Stern and Chairman Germain left the meeting at 2:40 p.m.

1. NEW BUSINESS

1.1 Review/Approve the Minutes of March 21, 2013 meeting

New Members Kittell and Dailey were welcomed by the Board.

1.2 Review/Approve the Minutes of March 21, 2013 meeting

Review and Approval of the March minutes were tabled until the Board's May meeting as only two Board members in attendance were present at the March meeting.

1.3 Stowe Gold Brook Compensation Hearing – appoint hearing officers

Mr. Fitzgerald and Mr. Dailey said they could attend both a May 9 and May 10 hearing in Stowe. Mr. Marro said he could attend a May 10 hearing, but not a May 9 hearing. Ms. Kittell said she was unavailable both days. Mr. Zicconi said Mr. Germain had already appointed Mr. Fitzgerald, and that he would bring information about everyone else's availability to Mr. Germain, who will appoint additional Hearing Officers at a future date.

1.4 TB-402 Lake Champlain Byway Extension

The Board reviewed a report previously filed by Mr. Hrydziusko, who on April 15, 2013, acted as the Board's Hearing Officer at a Byway public hearing in Addison. Mr. Zicconi also attended the hearing. Mr. Zicconi confirmed that everyone in attendance at the April 15 hearing spoke in favor of the Byway being expanded into Panton and Addison, as well as in favor of some small byway additions in the towns of Ferrisburg, Vergennes and Cornwall.

On a motion by Mr. Fitzgerald seconded by Ms. Kettell, the Board unanimously voted to approve the Byway additions as proposed by the Vermont Byway Council.

1.5 TB-401 Route 100 Byway Extension

The Board reviewed a report previously filed by Mr. Stern, who on April 12, 2013, acted as the Board's Hearing Officer at a Byway public hearing in Plymouth. Mr. Zicconi also attended the hearing. Mr. Zicconi confirmed that everyone in attendance at the April 2 hearing spoke in favor of the Byway being expanded into the towns of Granville, Hancock, Rochester, Stockbridge, Weston, Londonderry, Jamaica, Wardsboro, Stratton, Dover, Wilmington, Whittingham, Stamford and Cavendish.

On a motion by Mr. Dailey seconded by Mr. Fitzgerald the Board unanimously voted to approve the Byway additions as proposed by the Vermont Byway Council.

1.6 Executive Secretary's Report

Mr. Zicconi said he had nothing to report other than to remind the Board that he will be out of town from May 2 to May 7, and as a result the Transportation Board office would be closed on those days.

2. OLD BUSINESS

2.1 TB-386 Miller Construction Hearing

The Board beginning at approximately 10:10 a.m. conducted a hearing regarding Miller Construction's November 30, 2012 Motion for Judgment as a Matter of Law. The hearing lasted until about 12:40 p.m. and was recorded by a court reporter. Anyone wishing to review a transcript of the hearing should contact Mr. Zicconi.

At 12:40 a.m. the Board entered into deliberative session, pursuant to Title 1 § 313, to deliberate on TB-386 Miller Construction.

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

At 2:40 p.m. the Board exited deliberative session and conducted all of the business outlined in these minutes listed under the heading New Business.

3. OTHER BUSINESS

3.1 Round Table

No Board members had anything to discuss.

4. ADJOURN

On a motion by Ms. Kittell seconded by Mr. Fitzgerald, the Board unanimously voted to adjourn at 3 p.m.

Respectfully submitted,

John Zicconi
Executive Secretary

**Next Board Meeting:
May 16, 2013 at 9:30 a.m.
Dewey Building, Conference Room R235**