

# VERMONT TRANSPORTATION BOARD MEETING JUNE 20, 2013

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## **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  
Wesley Hrydziusko, term expires 2/28/2015

## **Board Members Absent:**

None

## **Others Present:**

John Zicconi, Executive Secretary

## **Call to Order:**

Chairman Maurice Germain called the Thursday, June 20, 2013 meeting to order at 9:30 a.m., which was held via conference call.

## **1. NEW BUSINESS**

### ***1.1 Review/Approve the Minutes of May 16, 2013 meeting***

**On a motion by Mr. Marro seconded by Mr. Fitzgerald, the Board unanimously voted to approve the Minutes of the May 16, 2013 Board meeting with corrections.**

### ***1.2 Date and Agenda for July Meeting***

The Board originally scheduled a hearing in TB-383 Winterset for today, but canceled the hearing due to an illness to one of the party's lawyers. The next regularly scheduled meeting of the Board would be July 18, but not all Board members can attend that day, which made it a poor choice as a date to reschedule TB-383 Winterset. As a result, the Board elected to combine its July and August meetings and hold it on Wednesday, July 31, which is a day all Board members could attend. The Board instructed Mr. Zicconi to reschedule TB-383 for 9 a.m. on July 31, as well as anything else that requires the Board's attention.

### ***1.3 Executive Secretary's Report***

Executive Secretary John Zicconi told the Board that Town of Rutland Administrator Joe Zingale informed him that the town was not yet prepared for the Board to begin the process to review the town's application for a break in limited access along Route 7 at Ferrell Road. Mr. Zicconi said Mr. Zingale informed him that the Rutland Select Board has two new members since it first applied for the limited access break, and now that the Transportation Board has approved a Master Plan for the limited access portion of Route 7 in Rutland Town, that the Select Board wanted to take a little time to revisit its application. Mr. Zicconi said Mr. Zingale told him he would let the Transportation Board know when the town was ready to move forward.

Mr. Zicconi informed the Board that Washington County Superior Court Judge Robert Bent dismissed Luck Brothers' request that the Court reconsider its April 5, 2013 decision that dismissed its motion to bypass the

Board and have the Court hear its contract dispute with the Agency of Transportation. Luck Brothers now has three options: Appeal the lower Court's decision to the Supreme Court, drop its case altogether, or file an Appeal with Transportation Board. Mr. Zicconi said he would keep Board members apprised.

Mr. Zicconi informed the Board that both plaintiffs in TB-400 – Elmoris Farms and Claudia Stauber – appealed the Board's condemnation ruling to the Lamoille County Superior Court.

## **2. OLD BUSINESS**

### ***2.1 TB-386 Miller Construction(deliberation)***

**At 9:42 a.m. the Board on a motion by Mr. Marro seconded by Ms. Kittell entered into deliberative session, pursuant to Title 1 § 313, to deliberate on TB-383 Winterset Construction and TB-386 Miller Construction.**

Mr. Zicconi was invited to attend the deliberative session.

**At 9:54 a.m. the Board exited deliberative session.**

**On a motion by Mr. Dailey seconded by Mr. Fitzgerald, the Board unanimously voted to approve the latest draft of the Miller Construction Decision and Order as final, and instructed Mr. Zicconi to issue the Decision and Order once Chairman Germain signed it.**

## **3. OTHER BUSINESS**

### ***3.1 Round Table***

No Board members had anything to discuss.

## **4. ADJOURN**

**On a motion by Mr. Fitzgerald seconded by Ms. Stern, the Board unanimously voted to adjourn at 9:55 a.m.**

Respectfully submitted,

John Zicconi  
Executive Secretary

**Next Board Meeting:  
July 31, 2013 at 9:00 a.m.  
Dewey Building, Conference Room R206**