

VERMONT TRANSPORTATION BOARD MEETING FEBRUARY 21, 2023

Board Members Present:

David Coen, term expires 2/28/24
Richard Bailey, term expires 2/28/24
Pam Loranger, term expires 2/28/25
Philip Zalinger, term expires 2/28/25
Tim Hayward, term expires 2/28/23
Wendy Harrison, term expires 2/28/25
Mark Nicholson, term expires 2/28/25

Board Members Absent:

none

Others Present:

John Zicconi, Board Executive Secretary
Ron Shems, Board Attorney

Call to Order:

Chair David Coen called the February 21, 2023 meeting to order at 10 a.m., which was held at in Room 410 at 133 State Street, Montpelier, VT.

1. NEW BUSINESS

1.1 Review/Approve Minutes of the October 6, 2022 Meeting

On a motion by Ms. Loranger seconded by Mr. Bailey, the Board unanimously voted to approve the minutes of the October 6, 2022, Board meeting with corrections.

1.2 TB-518, TB-520 & TB-521 Winick, Macfarlane & Gauvin Hanger Disputes – Update from Phil

Mr. Zicconi informed the Board that two additional hanger owners at the Northeast Kingdom International Airport have filed with the Board claiming the Vermont Agency of Transportation violated their lease when it recently raised their rent. As a result, he and Board attorney Ron Shems suggest consolidating the two new cases with the TB-518 Winick complaint as the concerns appear to be similar. At a previous meeting, the Board voted to appoint Mr. Zalinger as hearing officer for all prehearing matters in TB-518 Winick. Mr. Zalinger agreed that consolidation was administratively prudent and volunteered to be hearing officer for not only the two new cases but any other similar hanger complaints that are filed in the future that also are ripe for consolidation with TB-518.

On a motion by Ms. Loranger seconded by Mr. Bailey, the Board unanimously voted with Mr. Zalinger abstaining to appoint Mr. Zalinger hearing officer for TB-520 Macfarlane and TB-521 Gauvin, as well as any other similar hanger lease complaints that are filed with the Board and can be consolidated with TB-518.

1.3 TB-519 John Hazen Lane Farm Crossing – Update from Mark

Mr. Nicholson, who at a previous Board meeting was appointed hearing officer for TB-519, informed the Board that the New England Central Railroad has engaged the Hazen family in discussions regarding how a new crossing could be created so that heavy machinery can access their property. As a result, the parties asked for additional time to work out the details. He granted the additional time, and he now awaits a progress report that is due in the spring.

***1.4 TB-457 Roback v Washington County Railroad – Deliberation
&***

1.5 Personnel Issue – Possible Deliberative Session

At 10:25 a.m. the Board on a motion by Ms. Loranger, seconded by Mr. Nicholson and approved unanimously entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-457 as well as a personnel matter.

Mr. Zicconi was invited to join the entire deliberative session, while Mr. Shems was invited to join the part of the deliberative session related to TB-457.

The Board exited deliberative session at 11:20 a.m. On a motion by Ms. Bailey seconded by Mr. Hayward the Board appointed an Executive Secretary Hiring Committee consisting of Ms. Loranger, Mr. Nicholson and Mr. Zalinger. Ms. Loranger will chair the committee.

1.6 Schedule Future Board Meeting Dates

The Board told Mr. Zicconi that they could conduct a hearing in TB-547 Roback v Washington County Railroad on either May 18, 19 or 24, with a preference for May 24. Mr. Zicconi was instructed to contact the parties for their availability, and to schedule the hearing on whichever date works for everyone. Also, the Board scheduled its next regular Board meeting to take place on May 11 in Montpelier.

1.7 Executive Secretary's Report

Mr. Zicconi informed the Board that the Governor decided not to increase Board per diems in 2023 despite the Legislature's apparent willingness to consider increases under certain circumstances.

2. OLD BUSINESS

2.1 None

3. OTHER BUSINESS

3.1 Round Table

No one had anything to discuss.

4. ADJOURN

On a motion by Ms. Loranger seconded by Mr. Hayward, the Board unanimously voted to adjourn at 11:30 a.m.

Respectfully submitted,

John Zicconi
Executive Secretary

Next Board Meeting: TBD