

VERMONT TRANSPORTATION BOARD MEETING NOVEMBER 14, 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
Wendy Harrison, term expires 2/28/25
Mark Nicholson, term expires 2/28/25

Board Members Absent:

Tim Hayward, term expired 2/28/23

Others Present:

John Zicconi, Board Executive Secretary
Ron Shems, Board Attorney
James McLaughlin, AOPA attorney
Karl Strassberger, RLA owner
Kim Choquette, Williamstown resident
Kevin Choquette, Williamstown resident

Call to Order:

Chair David Coen called the November 14, 2023 meeting to order at 10:05 a.m., which was held in the First Floor Board Room at Barre City Place in Barre, VT.

1. NEW BUSINESS

1.1 Review/Approve Minutes of the September 29, 2023 Meeting.

On a motion by Ms. Harrison and seconded by Mr. Bailey, the Board unanimously voted to approve the minutes of the September 29, 2023 Board meeting.

1.2 TB-515 Strassberger Airstrip – Hearing Regarding Possible Permit Violation

Ms. Choquette provided the Board photos of airplanes that emanated from the Strassberger Airstrip in Williamstown, VT flying fairly low over her house. Mr. Strassberg in February 2021 was issued an RLA permit that as a condition stated that “flights will be prioritized to the north and south of the Applicant’s property... and shall avoid directly flying over or near the properties located at 87 and 127 Quarry View Road...” The property at 87 Quarry Road belongs to Ms. Choquette.

Ms. Choquette stated that she believes not all of the airplanes belonged to Mr. Strassberger, and that some likely belonged to his guests. However, she stated that she believed many if not most of the flights that were violating the permit condition were flown by Mr. Strassberger. She stated that Mr. Strassberger had used his property as an airstrip before the Board authorized such activity, and that since the property has been permitted that aircraft ignore the restriction of flying over her property. She told

the Board that such violations happened over the course of at least four days this summer/fall and that she could no longer trust that Mr. Strassberger would abide by his permit conditions.

Mr. Zicconi reminded the Board that soon after Mr. Strassberger received his permit in 2021 that Ms. Choquette called his office to inform him that aircraft were not abiding by the permit restriction of flying over her property. Mr. Zicconi, following Ms. Choquette's call, had a phone conversation with Mr. Strassberger to remind him that such behavior was a violation of his permit and that both he and his guests needed to stop flying over Ms. Choquette's property. Apparently, the violations stopped following that conversation, but this summer Ms. Choquette said the violations not only started again but happened frequently. Mr. Zicconi said given the past history of alleged violations, he believed another phone call from him was no longer warranted and that Mr. Strassberger should come before the Board to discuss the situation.

Ms. Choquette encouraged the Board to revoke Mr. Strassberger's permit as history has shown he has a propensity for violating the law and ignoring his responsibility.

Mr. Strassberger said that his airstrip is registered with the FAA and that people use it without first contacting him and when he is not at home. As a result, such people may not know of the Choquette property and the permit condition to not fly over her property.

Mr. Zalinger pointed out that condition number eight of his permit expressly states that "all guests must have Mr. Strassberger's personal permission to use the restricted landing area," so no one who he has not communicated with should be using the facility. Mr. Zicconi pointed out that Mr. Strassberger is responsible for the conduct of anyone who uses the facility, so if someone violates his permit's conditions it is the same as if he, personally, violated the permit condition. Mr. Zicconi also stated that the Board, upon permitting the airstrip, never meant it to be an open, public facility for anyone to use at any time. The facility, as is mentioned in permit condition number 12, is "restricted" to his personal use as well as to the use of his "family and his guests."

Mr. Strassberger said that he has never placed notice of such restrictions in the FAA database that pilots use to understand what aviation facilities are available to them. He said he would be happy to place such restrictive language into the FAA base. The Board agreed that doing so would be wise and gave Mr. Strassberger until December 14 (following the meeting the Board changed the deadline to December 11) to submit such language to the Board for review. Mr. Strassberger also asked the Board to remove from his permit the restriction of flying over 127 Quarry Road as the owners of that property have not complained.

The Board also told Mr. Strassberger that he, personally, must abide by his permit and not, unless some safety reason dictates that he must, fly over Ms. Choquette's property.

1.3 TB-519 Hazen Railroad Crossing – Update

Prehearing officer Mark Nicholson told the Board that he granted the parties, at their request, a time extension into December to complete their efforts to reach a solution to the Hazen’s complaint.

1.4 TB-457 Roback v Washington County Railroad – Deliberation

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1.5 Executive Secretary Hiring – Possible Executive Session

At 11:15 a.m. the Board on a motion by Ms. Harrison, seconded by Ms. Loranger and approved unanimously entered into executive/deliberative session, pursuant to Title 1 § 313, to deliberate on TB-457 Roback v Washington County Railroad and to discuss a personnel matter.

Mr. Zicconi was invited to join the entire executive/deliberative session, while Mr. Shems was invited to join the portion related to TB-457 Roback v Washington County Railroad.

The Board exited executive/deliberative session at 11:56 a.m. No action was taken on any of the agenda items discussed while in executive/deliberative session.

1.6 Executive Secretary’s Report

Mr. Zicconi informed the Board that his office a couple of weeks ago received a Freedom of Information Request from an attorney regarding application details of all the Restricted Landing Areas that the Board has received over the past 10 years, as well as for a complete list of all Restricted Landing Areas that have been permitted in the State of Vermont. The request was fulfilled apparently to the attorney’s satisfaction as he has not contacted him since the information was delivered.

1.7 Schedule Next Board Meeting

The Board scheduled its next meeting for December 14, 2023 at a location that was yet to be identified.

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 Mr. Zalinger seconded by Ms. Harrison, the Board unanimously voted to adjourn at 11:56 a.m.

Respectfully submitted,

John Zicconi, Executive Secretary

Next Board Meeting: December 14, 2023