

1 Chittenden County Metropolitan Planning Organization
2 Regular Meeting and Public Hearings
3 Minutes
4

5 DATE: Wednesday, July 21, 2004
6 TIME: 7:00 p.m.
7 PLACE: CCMPO Offices, 30 Kimball Avenue, Suite 102, South Burlington, VT 05403
8 PRESENT: Jerry Mullen, Bolton
9 Bill Keogh, Burlington (7:14)
10 Jeff McDonald, Charlotte (Vice-Chair)
11 Marc Landry, Colchester Alternate
12 Jeff Carr, Essex (7:02)
13 Dale Arango, Essex Junction
14 Andrea Morgante, Hinesburg (7:05)
15 Bob Penniman, Jericho (Chair)
16 Jim Manley, Milton
17 Virginia Clarke, Richmond
18 Jim Dudley, Shelburne
19 Jim Condos, South Burlington
20 Stan Hamlet, Underhill
21 Tom Buckley, Westford
22 George Gerecke, Williston
23 Mike O'Brien, Winooski
24 Patricia McDonald, VTrans Secretary
25 Ex-Officio: Charlie Basner, FHWA District Administrator
26 Chris Jolly, FHWA
27 Lew Wetzel, CCRPC
28 Others: Charles Safford, Essex Junction Village Manager
29 Sam Matthews, GBIC
30 Ken Nolan, Milton Selectboard
31 Mary Sprayregen, Lake Champlain Regional Chamber of Commerce
32 Polly McMurtry, VTrans Planning Coordinator
33 Matthew Langham, VTrans
34 Rep. Margaret Hummel (Underhill)
35 John Lajza,
36 Marilyn Sowles, Colchester resident
37 Deb Sachs, ACA
38 Ros Graham, Graham Communications
39 Staff: Bill Knight, Executive Director
40 Peter Keating, Sr. Transportation Planner
41 Christine Forde, Sr. Transportation Planner
42 David Roberts, Sr. Transportation Planner
43 Susan Smichenko, Sr. Transportation Planner
44 Paul Craven, Project Manager
45 Bernadette Ferenc, Administrative Assistant
46

47 The meeting was called to order at 7:00 p.m. by the chair, Bob Penniman. He introduced the
48 newest representative from Essex Junction, Dale Arango.
49

1 1. Changes to the agenda. Virginia Clarke asked that we remove C-4 from the consent agenda,
2 so it was moved to item 3a.

3
4 2. Public Comment Period (for items not on the agenda). There were none.

5
6 3. Action on Consent Agenda. There were three items remaining on the consent agenda
7 (Report from the Technical Advisory Committee; Report from June Executive Committee
8 meeting; and Report from July Executive Committee meeting. JIM CONDOS MADE A
9 MOTION, SECONDED BY JERRY MULLEN, TO APPROVE THE CONSENT AGENDA.
10 MOTION CARRIED UNANIMOUSLY.

11
12 3a. Consent Agenda Item C-4-Minor TIP amendments. Virginia Clarke would like to discuss
13 how this relates to the FY04-06 TIP and asked Christine to review the amendments. Christine
14 Forde explained that Shelburne Road amendment is for ROW. As you know, there have been
15 appeals for ROW. It's in the hands of the courts and this will cover ROW settlements, which
16 could include legal fees. Charlotte US7 project is actively in design and the extra \$400,000 will
17 cover additional costs including transferring plans to a digital format. As far as the amendment
18 for the circ. – the TIP is fiscally constrained. Those other projects require \$2M and we propose
19 to take \$2M from the circ. to cover that. There is additional money still in there for the circ.,
20 which would be a separate amendment near the end of the federal fiscal year. GEORGE
21 GERECKE MADE A MOTION TO APPROVE ITEM C-4. JIM CONDOS SECONDED.
22 MOTION CARRIED WITH MIKE O'BRIEN ABSTAINING FOR POSSIBLE CONFLICT.

23
24 4. Approval of Minutes. JEFF CARR MADE A MOTION TO APPROVE THE MINUTES OF
25 JUNE 16, 2004 WITH ANY EDITS OR CORRECTIONS. GEORGE GERECKE SECONDED
26 AND THE MOTION CARRIED UNANIMOUSLY.

27
28 5. Public Hearing on Circ and Winooski Major Amendments to FY04-06 TIP. Christine Forde
29 distributed an amendment to this item which she described.

30 ? The first amendment would advance \$5.5M in federal construction funds from FY07 to FY04
31 for Winooski Downtown Redevelopment Project. The reason for this is that funds are
32 currently available due to delays in other Chittenden County projects and this project has
33 been bid and is ready to begin construction.

34 ? The second amendment would modify the existing line item for PE for the Circ Hwy. The
35 existing project line item will cover work that took place prior to the court decision. We'll
36 increase PE funds in FY04 by \$1.3M (fed) for a new total of \$2M (fed). The reason for the
37 change is to provide funds necessary to complete work authorized prior to the May 10 Court
38 decision including: preparing for and participating in stormwater permit appeals, addressing
39 the NEPA appeal, finishing contract plans for Segment B, aerial photography and mapping,
40 and completing archaeology work.

41 ? A new project (and line item) is proposed to include PE for circ highway Segments A&B
42 only for \$400,000 (fed) in FY04 and \$1.6M (fed) in FY05 to cover EIS preparation. These
43 do not include any funds for ROW or Segments G-J.

44 ? The final amendment will move funds for Circ Hwy. Segment A: \$7.282M construction
45 funds from FY04 to FY07; and \$1.5M from FY05 to FY07.

46
47 Members then asked questions for clarification. It was noted that that PE, ROW and CON, are
48 general terms for project phases and that each phase includes many different activities.

1 Sec. McDonald brought members up to date on VTrans/FHWA decision on the circ. She
2 distributed the press release that VTrans put out last week. Their decision was based on
3 numerous discussions with FHWA officials here, in Baltimore and in Washington, the US
4 Attorney's Office and VTrans staff. They have decided that we will do a new draft EIS, which is
5 the highest level environmental review. This will be done only for Segments A&B and be
6 considered a new project. Segments G-J will be looked at at some future date. They're going
7 out nationally with an RFP process to look for consulting engineering firms with experience in
8 dealing with direct and cumulative impacts. They're hoping to have the consultant on board by
9 September. They intend to have a very extensive public involvement process. They'll have a
10 website, and plan to involve municipalities, residents, businesses, MPO, etc. to make sure we
11 get all involved every step of the way. VTrans will be the lead sponsoring agency with FHWA
12 the lead federal agency. They've brought AASHTO (American Association of State Highway
13 and Transportation Officials) on board as well. They're working with someone from the Center
14 on Environmental Excellence to give advice on how to proceed and put a structure together to
15 make this happen as quickly and effectively as possible. They've already had several large
16 companies respond with interest. Jim Dudley asked what cumulative impacts are. Pat said it is a
17 hard definition and is evolving. It certainly was a part of the study before. The court said they
18 did a good job describing what would happen with the circ., but then you have to look to the
19 future to consider many factors to see what might happen in the future because of this project
20 and other project in the works.

21

22 Bob Penniman opened the public hearing at 7:25 p.m. and noted that this hearing was on the
23 amendments to the FY04-06 TIP. He asked speakers to state their name and affiliation for the
24 record.

25

26 **Charles Safford**, Essex Junction Village Manager, read a prepared statement for the record in
27 support of these amendments. (These are attached to and become a part of these minutes.)

28

29 **Tayt Brooks** is with the Vermont Homebuilders and Remodelers Association. They support the
30 circ. They have 550 members statewide with 20,000 employees. They encourage us to support
31 the amendment before us.

32

33 **Sam Matthews** is Vice President of GBIC. She read a prepared statement in support of the
34 amendments, which is attached to these minutes.

35

36 **Mary Sprayregen** is with the Lake Champlain Regional Chamber of Commerce. For the record
37 they are in full support of the 3 amendments. Their comments this evening are focused on circ.
38 highway. They think these amendments properly adhere to the May 10 Court Decision and
39 support efforts to complete the new environmental studies on Sections A & B. Again and again,
40 our members have clearly stated that spending on the Circumferential Highway in it entirely is
41 essential to relieve traffic, preserve neighborhood streets, village/town centers and support the
42 economic vitality of the region.

43

44 **Marilyn Sowles** is a citizen of Colchester. She noted that she and others have been coming to us
45 over the last 10 years asking us to just do what the court has ordered us to do – look at the overall
46 impacts. People said it's been studied to death. The law is finally being followed because a
47 federal judge is required to enforce the law. She keeps hearing us talk about special interests, but
48 the judge has said it must be studied objectively. If we put money a few years down the road,
49 she's concerned that we are biasing the process. She would say that everyone in this room

1 tonight and those who spoke would say let's start fresh and say we don't know whether the circ
2 is going to be the answer or the alternatives might be. She just hopes that we get the message
3 that the studies are important, otherwise we'll be back here in another two years with the same
4 kind of problems we have right now that could have been avoided. She noted that the current
5 document states that the circ will save 7 seconds, and there'll be 4 jobs lost in Chittenden
6 County. The state argued in court that it would not encourage growth and therefore these studies
7 didn't need to be done. She feels we haven't wanted an objective study because we were afraid
8 of what we'd find out because of the political agenda that's been running the county for years.
9 She asked if the amendment included any money for ROW, and was told it did not. She feels it's
10 just good public policy to see where the money has been spent and we should really try to do this
11 study objectively.

12
13 **Rep. Margaret Hummel** of Underhill was surprised to see a revised agenda tonight. She said
14 the warning was for 3 amendments and now there are four. She questioned whether the amount
15 of money was the same between the 3 and 4 amendments. Christine Forde said FY04 is reduced
16 by \$400,000 and FY05 is increased by \$400,000 so they are the same. Rep. Hummel noted that
17 makes it technically okay, but she is concerned about the change from the warning to what we're
18 talking about tonight, particularly the explanations. The chair noted that.

19
20 **John Lajza** is a Village Trustee in Essex Junction, but is here tonight as a private citizen. He
21 took offense at what the lady in yellow (Marilyn Sowles) said. He supports the amendment and
22 feels it's important to continue this process. He's read many reports and newspaper accounts of
23 this project. He said the people against this project do not live in the communities where it'll
24 primarily go. He likes to pitch this as a safety issue to keep trucks and trash vehicles away from
25 Five Corners. They have 18 wheelers coming from the interstate off Route 15 as well as Route
26 2A. He fears for the children in their community. He doesn't care about the 7 seconds, but does
27 care about the children. He asked that those folks consider if they lived there and what they'd
28 think about their children. It may not reduce pollution, but it'll be dispersed better and less folks
29 will smell the belch from the diesel engines. He would admonish people who oppose this to
30 crawl out of their communities and go to the communities where folks who are held hostage by
31 this group, are forced to live with unsafe situation. He used to support groups like Sierra Club,
32 VPIRG but doesn't anymore. He applauded the MPO for their work over the last 30 years. He
33 has no objection to a complete study but we have to look at the safety issue here as well.

34
35 **Mike Coates** lives in Williston. He supports the amendments here tonight. He said we have a
36 dilemma in Vermont and that's the existing infrastructure and being able to take care of it and
37 that means money. He's concerned about the millions of dollars that are wasted on all of these
38 appeals, including \$12M on Searsburg bridge. He's been around the state in construction for 50
39 years. He has yet to see a VTrans project that has had an environmental problem when it was
40 done. He's in the Solid Waste District and noted that we spend \$2.5M each year transporting
41 trash out of the county. A landfill in Williston is critical, but we don't want it until they get the
42 circ. Walk Route 2A sometime – it's horrible. People can't open their windows on Park Street in
43 Essex Junction. He feels the opponents are actually destroying the environment by not building
44 this project. This project is extremely important and these people have to be made accountable
45 for the millions of dollars it cost.

46
47 **Ken Nolan** is chair of the Milton Selectboard. They unanimously support these amendments
48 and they support the circ and what concerns him is listening to Sec. McDonald talk about the
49 cumulative impacts. That's what Milton heard about their sewer expansion project. The

1 environmental folks want to include all the negative impacts, but not all the positive sides. If
2 you throw in the cost of truck traffic and trash hauling – there are economic benefits of that. He
3 feels the MPO has been good at looking at what’s best for the county and moving forward. He
4 appreciates what Marilyn said, but there’s almost a double edge to the comments. We want you
5 to do the studies, but we don’t want to spend any money to do them. We need to pay the
6 contractors for work they’ve already done. He hopes the MPO will continue to support this
7 project as we’ve done. He feels the special interests strategy is to make a project so expensive
8 that you just walk away.

9
10 JERRY MULLEN MADE A MOTION, SECONDED BY GEORGE GERECKE, TO CLOSE
11 THE PUBLIC HEARING AT 7:45 P.M. MOTION CARRIED UNANIMOUSLY.

12
13 MIKE O’BRIEN MADE A MOTION, DULY SECONDED, THAT WE SPLIT THE ITEMS
14 TO LOOK SEPARATELY AT THE WINOOSKI DOWNTOWN AND THE CIRC. Bill Knight
15 noted we can’t approve the Winooski amendment without the circ amendment because that’s
16 where the money will come from. MIKE O’BRIEN WITHDREW THE MOTION.

17
18 JEFF CARR MADE A MOTION, SECONDED BY JERRY MULLEN, THAT WE APPROVE
19 THE MAJOR AMENDMENTS AS PRESENTED. VIRGINIA CLARKE SUGGESTED AN
20 AMENDMENT TO THE MOTION THAT THE FOLLOWING STIPULATIONS
21 ACCOMPANY THE ADOPTION OF THE AMENDMENTS:

- 22
23 1. That the use of any money for the Circumferential Highway designated in the FY04-24 Amendment
24 shall include, and shall be limited to the following:
25 a. The payment of already incurred debt for Preliminary Engineering for the project if this is a fully
26 legal expenditure and for which invoicing VTrans shall provide a complete cost accounting; and
27 b. Undertaking the appropriate environmental studies to include the formulation and comparison of
28 a set of alternatives for the project, including the do-nothing alternative, and other transportation
29 options to include, but not be limited to, public transportation, ITS, park and ride facilities,
30 Transportation Systems Management and combinations of these different modes so as to analyze
31 their relative ability to improve performance of the transportation system, minimize adverse
32 environmental impacts and improve the quality of life;
33 2. That the consultant hired be of national stature and have considerable history and background in
34 undertaking such work;
35 3. That the consultants shall not be given either explicit or implicit instructions that will bias their
36 conclusions in favor of the project as it is currently configured in terms of ability to improve the
37 transportation system and minimize adverse environmental impacts;
38 4. That the alternatives studies will generate actual strategies that could be selected, further advanced
39 through the scoping and preliminary engineer processes and pursued to completion;
40 5. That the CCMPO, the CCRPC, and other stakeholders shall be actively involved in the process at
41 every stage of the process and that this be formalized through some type of structure such as a
42 committee made up of representatives of these groups that meets regularly through the process; and
43 6. That there be adequate opportunities for public input throughout the process through the principles
44 outlined in the CCMPO Public Participation Plan and the process recently developed by the CCMPO
45 Citizen Participation Committee.

46 JERRY MULLEN SECONDED.

47
48 Virginia addressed why she made the motion. Basically it’s because she feels although Sec.
49 McDonald has enumerated these items in VTrans process and we’re all heading in the same
50 direction, the MPO should not lose its role as the driving force in Chittenden County. Chittenden
51 County needs to retain some ownership of this project. It is not desirable for the project to exist

1 only as a political football; as we have seen, this may seem advantageous, but as a strategy it can
 2 seriously backfire. The project exists to meet transportation needs in Chittenden County, and our
 3 goal is to meet our needs in whatever way makes sense environmentally and economically. If
 4 this project has a political life of its own, our goals and needs will no longer be the driving force.
 5 Those who have opposed this project are clearly not going away. It is imperative that these
 6 studies be done in a way that does not invite further lawsuits and more expenditures for legal
 7 struggles instead of transportation solutions. This, to my mind, means high standards,
 8 transparency, impartiality and full public awareness. If we prejudge the outcome of these studies
 9 and ignore the possibility that the studies may indicate other environmentally and economically
 10 sound methods for meeting our transportation needs, we miss a significant opportunity. We can
 11 add value to this expenditure by producing viable project alternatives that would leave us further
 12 ahead instead of further behind at the end of the exercise.

13
 14 Sec. McDonald said they will also involve regulatory agencies, the MPO, CCRPC and the
 15 communities. They have already committed to do #1-5. Her only concern is with item 6. They
 16 have federal procedures to follow for public involvement. It may be close to the MPO public
 17 participation plan. The purpose of the public involvement is not just to let folks know what
 18 we're doing, but get input and give and take. They'll be doing the study as outlined in the press
 19 release.

20
 21 Charlie Basner said FHWA is looking to VTrans to do the EIS because they're the agency that
 22 will be implementing the project. They want to involve the MPO in the process along with other
 23 resource agencies, both federal and state. As Pat outlined, all of these requirements are based in
 24 law. Any ROW purchased has no meaning in the new document. VTrans is the state agency
 25 they would look at to do the EIS but they would look to MPO, RPC, municipalities, etc.

26
 27 A lengthy discussion ensued with many members feeling the stipulations were unnecessary and
 28 non-binding because VTrans had stated their intentions in the press release, which covers
 29 everything in the proposed stipulations; and they have to follow federal law and procedures
 30 regarding public participation.

31
 32 Other members felt the MPO should adopt the amendments to show we're behind the new EIS
 33 and to make sure it's done appropriately and in an open process.

34
 35 **VOTE ON AMENDMENT TO ADD STIPULATIONS:**

36	Bolton	yes	Burlington	no (4)	Charlotte	yes
37	Colchester	no (2)	Essex Jct.	no	Essex	no
38	Hinesburg	yes	Huntington	absent	Jericho	no
39	Milton	no	Richmond	yes	St. George	absent
40	Shelburne	no	So. Burl.	No (2)	Underhill	yes
41	Westford	yes	Williston	no	Winooski	no
42	VTrans	abstained				

43 **MOTION FAILED WITH 6 YES; 15 NO; 1 ABSTENTION; AND 2 ABSENT.**

44
 45 There was a brief discussion on the main motion to approve the major amendments as presented.

46 **VOTE ON MOTION TO APPROVE MAJOR AMENDMENTS THE FY04-06 TIP AS**
 47 **PRESENTED:**

48	Bolton	yes	Burlington	yes (4)	Charlotte	yes
49	Colchester	yes (2)	Essex Jct.	yes	Essex	yes

1	Hinesburg	yes	Huntington	absent	Jericho	yes
2	Milton	yes	Richmond	yes	St. George	absent
3	Shelburne	yes	So. Burlington	yes (2)	Underhill	yes
4	Westford	yes	Williston	yes	Winooski	yes
5	VTrans	yes				

6 MOTION CARRIED WITH 22 OF 24 VOTES IN THE AFFIRMATIVE AND 16 OF 18
7 COMMUNITIES VOTING IN FAVOR.

8
9 6. Public Hearing on FY05 Unified Planning Work Program. Bob Penniman noted we must
10 adopt a work program each fiscal year. The operating budget (staff, consultants and overhead) is
11 what supports this. When we approve the work program, we approve the operating budget as
12 well. We're a month late because we're in tough financial situation. We've had excess federal
13 planning funds that we were able to draw down over the years and we've used them. Any funds
14 we spend start with 80% federal; 10% state match and 10% local match. There are financial
15 constraints at the federal and state level. Congress has not adopted a new transportation bill
16 which expired last year. They've been passing continuing resolutions and will probably not take
17 action before November elections and it could be as late as next spring.

18
19 We do have a list of projects to be funded if a new transportation bill is passed and additional
20 funds become available (appendix A). When questioned about the \$287,000 in Appendix A, Bill
21 Knight said if Congress doesn't pass a new bill this list is moot. However, if you recommend
22 approval of the staff recommendation, on January 1st you are authorizing ED to shift funds from
23 local scoping and planning assistance to go to TLC where we do have projects ready to use the
24 funding. If Congress does act before June 30, 2005, and we get additional money, it would
25 authorize ED (in consultation with Executive Committee) to proceed down this list and tell the
26 board which projects we'd fund.

27
28 Jeff Carr noted for clarification that this would also be based on the ability of the state to provide
29 additional match dollars. Sec. McDonald said they've planned their FY05 budget based on
30 \$133M and right now they're getting \$126 M.

31
32 Bob Penniman further noted that this budget considers that additional local match will be
33 required for scoping. New scoping projects will have to pay 3% to bring ownership to the study.
34 Jeff Carr said the last thing it does is give the local communities the opportunity to do the study
35 paying the whole 20% match rather than relying on state match. This will allow us to leverage
36 the federal funds to the best of our ability.

37
38 Bob Penniman opened the public hearing at 8:35 p.m. There were no members of the public
39 present to speak. JIM CONDOS MADE A MOTION, SECONDED BY JEFF CARR, TO
40 CLOSE THE PUBLIC HEARING AT 8:36 P.M.

41
42 JEFF CARR MADE A MOTION THAT WE ACCEPT THE STAFF RECOMMENDATION
43 FOR THE FY05 UPWP- (THAT IS – APPROVE DRAFT #5 OF THE UPWP ALONG WITH
44 THE FOLLOWING STIPULATIONS:

- 45 1. This includes approval of Appendix A, a list of unfunded priorities, authorizes the Executive
46 Director to negotiate with VTrans for additional funds as outlined in Appendix A if a new
47 Transportation Act is passed by Congress before June 30, 2005, and the Executive Director
48 shall notify the Board of such negotiations and any additional work that is funded.

1 **2.** On January 1, 2005, if there is no additional funding from a new Transportation Act, then the
 2 Executive Director is authorized to shift funding from local scoping and local Planning
 3 Assistance to fund all TLC applications currently on file with CCMPO.)

4 MICHAEL O'BRIEN SECONDED.
 5

6 Andrea Morgante questioned if we include the St. Albans Multi-modal center in our planning
 7 does that mean it'll be on our TIP? Bill Knight said no. Three years ago we decided to offer
 8 some funds to other regions. Lamoille County took us up on it to fund a Route 15 study that
 9 begins in Chittenden County. This year St. Albans requested funds, but since we ran out of
 10 money, it goes to the bottom of the list. Discussion ensued about the difference between PL
 11 (planning) funds and TIP funds. Andrea said one project in the UPWP is a Hinesburg park and
 12 ride and she feels it should be located in Monkton because that's where the traffic is coming
 13 from. Bob Penniman noted that we'll have a discussion about priorities when the time comes.
 14

15 Bill Keogh said our major presence in Montpelier was helpful last year and he wants to be sure
 16 there are funds to cover that. Bill Knight said we educate and inform, not lobby so we can use
 17 federal funds.
 18

19 There was a brief discussion about the 3% match and the fact that most towns have already
 20 passed their budgets for FY05. Some members felt this would not be a problem for most
 21 communities, because it could be funded from many sources. When questioned the match on
 22 projects that cover two or more communities, it was noted that not all of the details had been
 23 worked out yet.
 24

25 George Gerecke talked about the Williston Road scoping study as the Williston selectboard is
 26 concerned with 4 lanes going to Industrial Avenue because of additional truck traffic. He feels
 27 specifying four lanes predisposes the outcome of the study. GEORGE GERECKE MADE A
 28 MOTION TO STRIKE THE WORDS 'WIDEN TO 4 LANES', DULY SECONDED. Jim
 29 Condos opposed the amendment and said South Burlington would probably have no choice but
 30 to oppose any future development at the airport if we don't have increased capacity at this
 31 intersection. George Gerecke supports the capacity increase but not those words. Bill Knight
 32 said this project came from an airport study that did recommend 4 lanes to town line. Lengthy
 33 discussion continued. A MOTION WAS MADE, AND DULY SECONDED, TO CALL THE
 34 QUESTION. VOTE TO CALL THE QUESTIONED PASSED. VOTE ON AMENDMENT
 35 TO WORK PROGRAM TO REMOVE "WIDEN TO 4 LANES" FAILED.
 36

37 JIM CONDOS MADE A MOTION TO CALL THE QUESTION TO APPROVE THE FY05
 38 UPWP, DULY SECONDED. MOTION CARRIED. VOTE TO APPROVE THE FY05 UPWP:

39	Bolton	yes	Burlington	yes (4)	Charlotte	yes
40	Colchester	yes (2)	Essex Jct.	yes	Essex	yes
41	Hinesburg	yes	Huntington	absent	Jericho	yes
42	Milton	yes	Richmond	yes	St. George	absent
43	Shelburne	yes	So. Burlington	yes (2)	Underhill	yes
44	Westford	yes	Williston	yes	Winooski	yes
45	VTrans	yes				

46 MOTION CARRIED WITH 22 OF 24 VOTES IN THE AFFIRMATIVE; AND 16 OF 18
 47 COMMUNITIES VOTING IN FAVOR.
 48

1 7. Public Hearing on Bylaws Amendment. Bob Penniman opened the public hearing at 9:00
 2 p.m. The proposed bylaw amendment would allow the immediate past chair to serve on the
 3 Executive Committee. There were no members of the public present to comment. JEFF CARR
 4 MADE A MOTION, DULY SECONDED, TO CLOSE THE PUBLIC HEARING AT 9:02 P.M.
 5 MOTION CARRIED UNANIMOUSLY.

6
 7 JEFF CARR MADE A MOTION, SECONDED BY JERRY MULLEN, TO ACCEPT THE
 8 BYLAWS AMENDMENT. Tom Buckley suggested we just define immediate past chair in the
 9 first sentence and not repeat it 3 times. This was acceptable since it didn't change the essence of
 10 the amendment. VOTE TO ACCEPT BYLAWS AMENDMENT:

11	Bolton	yes	Burlington	yes (4)	Charlotte	yes
12	Colchester	yes (2)	Essex Jct.	yes	Essex	yes
13	Hinesburg	yes	Huntington	absent	Jericho	yes
14	Milton	yes	Richmond	yes	St. George	absent
15	Shelburne	yes	So. Burlington	yes (2)	Underhill	yes
16	Westford	yes	Williston	yes	Winooski	yes
17	VTrans	yes				

18 MOTION CARRIED WITH 22 OF 24 VOTES IN THE AFFIRMATIVE AND 16 OF 18
 19 COMMUNITIES.

20
 21 8. Warn for Public Hearing for the FY05-07 Transportation Improvement Program (TIP). Bob
 22 Penniman said the Executive Committee had some discussion about whether we have a comfort
 23 level to act on this tonight to warn for public hearing. He feels there are still some parts that are
 24 moving. Christine Forde noted that the meeting package contained a new draft TIP. Over a
 25 period of 6 months or so we began putting the information together. It comes from a variety of
 26 sources. Matthew Langham talked to project managers; she talked to TAC and board members
 27 and even consultants to get latest information available. Following the last board meeting, we
 28 reviewed them again and feel this is the best information we have available. She had included a
 29 table in the meeting package that shows how projects changed from the FY04 TIP to this new
 30 FY05 TIP. Most projects had cost changes. She presented another proposed amendment to the
 31 TIP to clarify information on the circ to separate Segments A&B from G-J. Other than that, the
 32 TIP is as mailed out to members It reflects full funding to all Chittenden County projects to the
 33 best of Christine's and VTrans staff knowledge. These are the cost estimates we have right now.
 34 Board members questioned various projects.

35
 36 Jeff Carr noted that if we warn this TIP, we are agreeing that the money that was earmarked for
 37 the circ is given back to the Secretary to be used at her discretion for other priority projects; and
 38 we're taking a leap of faith that the construction money for the circ will be coming back when
 39 needed as we heard the chair of house transportation committee say here last month.

40
 41 Bill Keogh said this is quite a dilemma. He's concerned about this agreement as proposed by the
 42 state because it pirates money from Chittenden County, which Burlington doesn't support. Bill
 43 Keogh asked if we have a public hearing and approve this TIP, does this mean that we're moving
 44 \$19.7M out of the county? Sec. McDonald said yes, we'd be responding to the legislature.
 45 Keogh is concerned and it's his contention that the state did not exercise cooperation in the state
 46 highway construction program and thus violated federal law.

47
 48 Jeff Carr said this gets to the point he's brought up before. When we warn a public hearing the
 49 board should make some kind of decision of the funding in the TIP that reflects the budget the

1 board wants. This is a defining moment for this board on how we define cooperation with the
2 state. This board ought to make a policy decision before we warn a public hearing and he's not
3 sure it's right for decision tonight.

4
5 Marc Landry asked where money to pay contractors, judgments or penalties for JA McDonald
6 would come from – would it be the \$19.7 M. Charlie Basner said there are already federal funds
7 obligated for construction and they feel there is enough to cover any of these issues. It was noted
8 that we took action earlier today that put aside some money for these charges for the circ. If
9 there is additional money needed, the Secretary would have to come to the MPO. Sec.
10 McDonald also noted that VTrans will be purchasing materials from JA McDonald; and as
11 they're used for other projects, the cost for the circ. will be reduced.

12
13 Sec. McDonald questioned Bill Keogh's comment about the "state" because we have determined
14 that the "state" is VTrans and the agency worked very hard to cooperate this spring.
15 Bill Keogh refreshed all our memories that there is an MOU between state, MPO and FHWA.
16 All 3 parties will cooperate, communicate and coordinate. It's required by law. He's referring to
17 the "state" in the broadest sense in that the legislature directed VTrans to redirect \$19.7M out of
18 Chittenden County - money for the circ had it gone forward. He explained what happened in the
19 conference committee during discussions of what to do with MPO money. House Transportation
20 Committee members felt they wanted money to go out of Chittenden County because there are
21 other needs elsewhere. Bill Keogh and Jim Condos tried to sell the idea to the conference
22 committee to leave the \$19.7M at the discretion of the Secretary. They thought they could sell
23 that to this board for us to negotiate with the Secretary. House members did not agree. He
24 explained on the floor of the House that we're heading for a train wreck with this. He feels this
25 is a King of the Hill kind of decision. He feels the action by the legislature was not cooperative
26 at all.

27
28 Tom Buckley noted we're concerned about the money as well as the micro management of the
29 legislature. If we have a public hearing it's an opportunity to get in front of the public with our
30 concerns about who makes the decisions about projects in Chittenden County. As far as the
31 \$19M goes, our staff has indicated that we don't have that many projects ready to go.

32
33 Jim Condos said the Chair of the House Transportation Committee said the press came to him
34 saying Chittenden County wanted all the money. He just wanted it clear that we never said we
35 wanted all the money. The whole issue was the authority and power of this board to spend
36 dollars in the County, and the priority of how it spends the money.

37
38 Pat McDonald wanted to make it clear that it's not just putting the "state" in a tizzy. All the
39 parts need to fit together and each part impacts everything else. The legislature does approve the
40 capital program. Sec. McDonald wondered if they could sit down with Executive Committee
41 and talk about the cooperative agreement and what happens if each part doesn't happen, without
42 necessarily impacting the TIP and the STIP.

43
44 Jeff Carr recounted his perspective about how this developed. He feels it's a combination of
45 money and principal. The only leverage we have in the TIP is the current fiscal year. If we tie
46 up money in the fiscal year because we don't want to play, they can tie us up next year. Pat
47 McDonald said the legislature can make decisions about which projects can be in the capital
48 program, and how much money can be expended annually and they do have that authority.
49 Separate from that is the MOU that VTrans has with us and FHWA.

1
2 When asked the ramifications if we don't approve this FY05-07 TIP, Bob noted that last time we
3 didn't have an approved TIP, the existing TIP was in force. Charlie Basner said it's really
4 VTrans choice about what happens to the STIP and what gets submitted to FHWA & FTA and
5 when. He identified four options:

- 6 1. They could submit a new STIP along with a new TIP for the CCMPO as they would
7 normally.
- 8 2. They could request that we use the second year of the current STIP and TIP until a new
9 document can be developed.
- 10 3. They could submit a new STIP for the entire State outside the CCMPO area and request that
11 we use the second year of the CCMPO's TIP until a new TIP is developed.
- 12 4. They could submit a new STIP for the entire State outside the CCMPO area and request our
13 approval with the understanding that they will be working with the CCMPO to develop a
14 new TIP to be included in the FY 2005 STIP.

15
16 Bill Keogh would like to have those choices documented and get a recommendation from the
17 Executive Committee on the two issues: 1- amount of money; 2 – Principal of this whole thing.
18 Bob is willing to commit the Executive Committee to review that, but we'd have to spend some
19 time and resources.

20
21 Tom Buckley had two questions: As far as the authority issue – aren't there changes to state law
22 that could be contemplated for the future to clarify this? And 2) would the public hearing be the
23 opportunity for the MPO to lay out the dilemma and concerns. Chris Jolly said the legislature
24 isn't going away. Perhaps we should approach the legislature to see if they want to be party to
25 the MOU. Bob Penniman said if we're now going to look at legislative change, or change to
26 MOU, we need our own independent opinion on that. We've relied on VTrans, FHWA and the
27 US attorney, but we may want to hire independent legal counsel and it may or may not be our
28 existing counsel.

29
30 9. Executive Director's Report. a. May financial report was included. b. implications of larger
31 MPO region. Bill Knight recommended members read the document he prepared for discussion
32 at a later date. Bob Penniman suggested members review the FHWA website to understand the
33 various terminology.

34
35 10. Committee Reports. a. Public Transportation Task Force. Bill Keogh said that committee
36 has recommended formation of a RTD. They hope to have a report in August.

37
38 GEORGE GERECKE MADE A MOTION, DULY SECONDED, TO ADJOURN AT 10:06
39 P.M. MOTION CARRIED UNANIMOUSLY.

40
41 Respectfully submitted,

42
43
44
45 Bernadette Ferenc, Administrative Assistant

46
47
48
49