

Chittenden County Metropolitan Planning Organization  
Regular Meeting Minutes

AGENDA ITEM #4

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4 DATE: Wednesday, August 18, 2004  
5 TIME: 7:00 p.m.  
6 PLACE: CCMPO Offices; 30 Kimball Avenue, Suite 206; South Burlington, VT 05403  
7 PRESENT: Bill Keogh, Burlington (7:06)  
8 Chris Conant, Colchester  
9 Jeff Carr, Essex  
10 Dale Arango, Essex Junction  
11 Andrea Morgante, Hinesburg  
12 Bob Penniman, Jericho (Chair)  
13 Meg Freebern, Richmond Alternate  
14 Jim Condos, South Burlington  
15 Stan Hamlet, Underhill (7:14)  
16 Tom Buckley, Westford  
17 George Gerecke, Williston  
18 Mike O'Brien, Winooski (Sec-Treas.)  
19 Jim Tolley, Deputy Secretary, VTrans  
20 Polly McMurtry, VTrans  
21 Ex-Officio: Chris Jolly, FHWA  
22 Chris Cole, CCTA  
23 Lew Wetzel, CCRPC  
24 Others: Micque Glitman, Consultant  
25 Matthew Langham, VTrans  
26 Rep. Frank Mazur, Chair House Transportation Committee  
27 Dave Davis, Chair, CCTA  
28 Matt Sutkoski, Burlington Free Press  
29 Sera Congi, WCAX  
30 Ros Graham, Graham Communications  
31 Staff: Bill Knight, Executive Director  
32 Peter Keating, Sr. Transportation Planner  
33 Christine Forde, Sr. Transportation Planner  
34 Dave Roberts, Sr. Transportation Planner  
35 Daryl Benoit, Transportation Planner  
36 Paul Craven, Special Projects  
37 Bernadette Ferenc, Administrative Assistant  
38

39 A quorum having been established, the meeting was called to order at 7:05 p.m. by the chair,  
40 Bob Penniman.  
41

42 1. Changes to the Agenda. The Chair noted that the Executive Committee minutes were  
43 emailed to members today, so we will keep them as part of the consent agenda. We would like  
44 to postpone Item #6 – Implications of a larger MPO Region, since we have received more  
45 information that may affect this topic. There was also correspondence today about FY04  
46 amendments which we'll discuss under Item 11, which will be in executive session. A brief  
47 discussion ensued about whether TIP amendments should be discussed in executive session. The  
48 chair noted that we can discuss them, but not take action in executive session. He feels because  
49 it deals with the MOU and legal issues, we can justify an executive session. CHRIS CONANT

1 MADE A MOTION, SECONDED BY JEFF CARR, TO ACCEPT THE CHANGES TO THE  
2 AGENDA. MOTION CARRIED.

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

5  
6 3. Action on Consent Agenda. There were two items on the consent agenda – report from the  
7 Technical Advisory Committee and report from the Executive Committee. JIM CONDOS  
8 MADE A MOTION, SECONDED BY CHRIS CONANT, TO ACCEPT THE CONSENT  
9 AGENDA. MOTION CARRIED UNANIMOUSLY.

10  
11 4. Approval of Minutes. JEFF CARR MADE A MOTION TO APPROVE THE MINUTES OF  
12 JULY 21, 2004 WITH CORRECTIONS IF ANY. JIM CONDOS SECONDED AND THE  
13 MOTION CARRIED UNANIMOUSLY.

14  
15 5. Regional Transportation District. Bill Keogh reported that the Public Transportation Task  
16 Force (PTTF) has met monthly for several months. They have formed two subcommittees:  
17 Funding – chaired by Mike O'Brien; and Governance – chaired by Dave Davis. Those  
18 subcommittees have also held several meetings and their reports are included in the meeting  
19 package. They will use the next two months to get public comment and feedback so they can  
20 finalize a recommendation to take to the legislature.

21  
22 Mike O'Brien reviewed Funding Subcommittee work. They reviewed studies completed by  
23 CCMPO, CCTA and the state over the years. They discussed problems we face with the current  
24 system. We know we can develop a more efficient transportation system for the county; and we  
25 know we have to change the funding structure to accomplish that. The local property tax base  
26 has been taxed to the max and we must find another source. We need a regional source to solve  
27 a regional problem. This report recommends the RTD have taxing authority and he reviewed the  
28 7 tax options available. None of these could be enacted without public approval. FTA has  
29 withheld transit funding in Vermont because we do not have long term dedicated funding for  
30 transit. Another part of the proposal calls for the RTD to be eligible for funding from a new  
31 dedicated pot of funds at the state level. This would come from a 2% reduction in amount of  
32 funds from the Transportation Fund that could be used elsewhere in state government.

33  
34 Dave Davis reported that the Governance Subcommittee agreed with funding subcommittee that  
35 we need a regional funding source. After reviewing legislation from various districts around the  
36 state and the country, they suggest an interim step to have the legislature create an RTD with an  
37 interim board. He described framework and time frame for this. They want to be sure they have  
38 as broad a representation on the interim board as possible so they recommend a 9 member board  
39 consisting of 3 reps from CCMPO; 3 from CCTA and 3 from CCRPC. Since these entities work  
40 closely together, we would expect they would coordinate their appointments to this interim board  
41 to assure it has geographic and social diversity. The interim board would work for 6 months and  
42 nothing they do would be finalized until approved by VTrans, legislature and finally the voters.

43  
44 Bill Keogh said the original concept would be taken to the legislature in January 2005. If passed,  
45 the interim board would work out the details and report back in January 2006 and aim for a  
46 regional vote in November 2006. Bill Knight and Chris Cole will be going back out into the  
47 communities to bring this project not only to the towns, but senior, low income, business and  
48 other audiences.

1 Micque Glitman then reviewed the power point presentation that Bill and Chris will be using  
2 around the county. Board members then asked questions.

3  
4 George Gerecke asked if they'd given any thought to include folks outside the county to be on  
5 the interim RTD board. Micque said it was discussed and it was agreed we'd like other counties  
6 to ask us to join to show their interest. We didn't want to be the ones to ask.

7  
8 Jim Condos feels this is a good first step. He's concerned with the make up of the interim board  
9 and feels it's too limited. He's not sure RPC needs to have equal representation to CCTA and  
10 CCMPO. He feels elected officials need to be represented as well as other town officers who  
11 have familiarity with municipal budgets. As this committee is designing the governance  
12 structure, we have to be careful about voting. He doesn't have any problem with having them all  
13 be appointed members (rather than elected), with one from each community and all weighted  
14 voting. He believes we'll have to set an election date every two years on general election day in  
15 November because several municipalities don't vote on March town meeting day.

16  
17 Tom Buckley asked if all communities in the county would vote on methods of taxing. Micque  
18 noted that we wanted to keep the membership open to any number of towns from other counties  
19 and all of those communities would participate in the vote on the form of taxation, but it'll be a  
20 direct vote by voters rather than by municipalities.

21  
22 Dave Davis spoke to the size of the board because they really didn't want it too large so that  
23 members didn't feel their participation didn't matter. If it's too big it won't be effective. Chris  
24 Cole said at many meetings the task force debated whether this was a union of communities vs. a  
25 regional entity. He described how GMTA is related to CCTA. Discussion continued.

26  
27 Jim Condos urged whatever board is looking at governance structure to look at Solid Waste  
28 District structure, which he described. He argued that if this is a pilot for Chittenden County,  
29 why are we talking about other counties. Micque Glitman said the legislature would set up the  
30 district and the interim board would set up the process with details of how it'll all work.

31  
32 Chris Cole said they did try to model their work from the SWD legislation. Andrea Morgante  
33 said we need to look fundamentally at dealing with solid waste and transportation differently.  
34 The local property tax is the jurisdiction of the municipality, but a regional solution is needed for  
35 transportation which is a regional issue beyond local control. She thinks it's a good proposal.  
36 Bill Keogh feels it's a good proposal too and we need some feedback from the municipalities.  
37 The legislature is going to pick it apart, as it should; but he feels to do nothing is not acceptable.  
38 We need to move forward on this. Tom Buckley cautioned against comparing this too much to  
39 the SWD because there are obvious differences. He feels you need to clarify whether this is...  
40 He suggested that you send a proposal to the communities before the presentations. Bill Knight  
41 noted that all city and town managers have the power point presentation. We'll get them all out  
42 ahead of time. Stan Hamlet echoed that the selectboard members should receive the full report  
43 ahead of time so they can be ready to discuss the concept.

44  
45 Mike O'Brien said we have to keep going back to the definition of "Public Transportation"  
46 because we've talked about communities who want to opt out or stay in. In our discussions  
47 every town has public transportation needs because it's not just fixed bus service. Andrea  
48 Morgante noted that school buses are part of public transportation.

1 Jeff Carr suggested we not make the percentage sales tax for gas different than regular sales tax.  
2 Right now Vermont sales tax is 6%, so you shouldn't propose a gas tax for 5%. It's a  
3 bookkeeping nightmare. Lew Wetzel feels you need to have an idea of how much money each  
4 type of fee would raise for the budget.

5  
6 6. Implications of a large MPO region. This was postponed because we have more information.

7  
8 7. Executive Director's Report.

9 ? We just received the June financial report, which ends our FY04; however our contract with  
10 VTrans is for 13 months so we're finalizing that now. Our FY05 contract with VTrans will  
11 be for 11 months. We have sent a letter to the auditors for a 12-month FY04 audit. We will  
12 need to have a finance committee meeting within the next month.

13 ? MTP – there is a draft in-house and a draft will go out for a steering committee meeting on  
14 September 15, 2004. When they're done reviewing it, it'll go to the board for its review.  
15 Once the board is satisfied, we can call for a public hearing, which he anticipates will be in  
16 January. Bob Penniman noted that local municipalities will receive the draft MTP informally  
17 at the same time as the steering committee.

18 ? Our new transportation model is on target to be completed in mid-winter.

19  
20 8. Committee Reports. There were none.

21  
22 9. Other Business.

23 ? Lew Wetzel was curious why the Charlotte train station has been closed and not used as a  
24 parking lot. Polly McMurtry will check on that and report back.

25 ? Bob Penniman noted he will set up new committees within the next month and bring them to  
26 the board next month.

27  
28 10. Members' Items:

29 a. Letter from Senator Condos and Representative Bill Keogh. Bill Keogh thought this board  
30 should know what went on with the inner workings of the transportation bill this year and the  
31 letter speaks for itself. They wrote the letter for a matter of record. They continue to think  
32 the legislature violated federal law. Jim Condos feels the letter is self-explanatory and just  
33 wanted to clarify it to the board.

34  
35 11. Executive Committee Report. (FY05-07 TIP; other legal issues). Bob Penniman said we've  
36 decided that we have to go into executive session. Matt Sutkoski questioned the justification.  
37 CHRIS CONANT MADE A MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS  
38 MOU BETWEEN CCMPO AND VTRANS AND OTHER LEGAL ISSUES BECAUSE  
39 PREMATURE DISCLOSURE WOULD PUT THE BOARD AT RISK. MIKE O'BRIEN  
40 SECONDED. The chair clarified that we would like to include our Executive Director, FHWA,  
41 Matthew Langham, Christine Forde and Bernie Ferenc. MOTION CARRIED UNANIMOUSLY  
42 TO GO INTO EXECUTIVE SESSION AT 8:15 P.M.

43  
44 ANDREA MORGANTE MADE A MOTION TO COME OUT OF EXECUTIVE SESSION AT  
45 9:17 P.M. JIM CONDOS SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

46  
47 JIM CONDOS MADE A MOTION, SECONDED BY BILL KEOGH, THAT THE CCMPO  
48 BOARD APPROVE THE EXECUTIVE COMMITTEE RECOMMENDATION THAT WE 1)  
49 POSTPONE ANY ACTION ON THE FY2005-2007 TIP; 2) THAT CCMPO WORK WITH

1 VTRANS TO REQUEST THAT FHWA/FTA USE THE SECOND YEAR OF THE CURRENT  
2 STIP AND TIP UNTIL A NEW DOCUMENT CAN BE DEVELOPED; AND 3) THAT IT  
3 DIRECT THE STAFF TO WORK WITH VTRANS AND CCTA TO PROVIDE  
4 AMENDMENTS TO THE FY2004-2006 TIP TO THE TAC AND THE BOARD IN  
5 SEPTEMBER 2004 TO BRING FY2004 UP TO DATE AND TO FY2005 SO THAT WE CAN  
6 USE THE EXISTING AMENDED TIP IN FY2005. MOTION CARRIED WITH VTRANS  
7 ABSTAINING.

8  
9 11 a. FY04-06 TIP Amendments. It has come to our attention in the past couple of days that we  
10 will need to make some amendments to FY 04 year of the TIP, but right now we're not sure if  
11 they are minor amendments or major amendments. Members discussed various options of how  
12 to warn a hearing if there are indeed major amendments that need to be approved before the end  
13 of the federal fiscal year. Chris Jolly noted that because of the continuing resolutions Congress  
14 has been passing on the Transportation Bill, the federal fiscal year will actually end on  
15 September 24 (not the 30<sup>th</sup>), so we have a tighter deadline.

16  
17 Christine Forde noted that this is not new information. This was information that we had  
18 included in the draft FY05-07 TIP. There are projects that we're trying to get out to bid this  
19 year: Kennedy Drive; Lime Kiln Bridge and Riverside Avenue and we need to get the funding  
20 obligated by the end of the federal fiscal year. VTrans feels that only Riverside Avenue will be  
21 ready to go to bid this year. Jim Condos voiced his concern about delaying Lime Kiln Bridge  
22 and Kennedy Drive.

23  
24 Christine Forde distributed material describing TIP changes that would be required to allow  
25 Riverside Avenue project to bid in FY04. We would have to add \$2M to the Riverside Avenue  
26 project in FY04, so this would have to be approved by the middle of Sept. She noted 6 projects  
27 that will not be obligated in FY 04; four amendments that would be required to keep the FY04-  
28 06 TIP in effect past October 1, 2004; and 3 changes required to balance the fiscal constraint  
29 limit. These would be the amendments we propose for FY04-06 TIP, since she feels the MPO's  
30 priority should be to use the money.

31  
32 Bob Penniman questioned feds/state whether they need to obligate all the money. Chris Jolly  
33 said in order for FHWA to authorize funds, a project must include the total cost of the project.  
34 The TIP amendments would have to be made before FHWA could authorize the funds. You  
35 could put zero dollars in FY04 with a note that you're going to use AC (advance construction)  
36 funds in FY04 if needed. Chris Cole asked if a project takes longer than the 3 years of the TIP,  
37 how do you include the total project cost? Chris Jolly noted that the "remarks" can say that the  
38 balance will be obligated in out years. Christine Forde said an alternative is to not put the money  
39 into Riverside Avenue, but Shelburne Road. We would need to amend Riverside Avenue at  
40 some point so it can go to bid.

41  
42 Jim Condos said there was a statement made earlier that \$59M was obligated to Chittenden  
43 County, which is half of the state budget. We knew that two or three years ago because VTrans  
44 kept moving our big projects out and now they're all ready to go at the same time and need a lot  
45 of the money. We've been put in this position through no fault of our own. He feels we take so  
46 long to get projects to construction that it costs us way more than it should.

47  
48 It was noted that since the Board meeting is September 15<sup>th</sup>, and we have to have a 15 day  
49 warning period for a public hearing, we'd either have to hold a special MPO meeting to warn the

1 hearing or we could warn the hearing tonight, and give the executive committee authority to  
2 review the final amendments to be warned, since their meeting is August 30th. Since the TAC  
3 meeting is Sept. 7<sup>th</sup> we could get their input to have for the actual hearing.

4

5 BILL KEOGH MADE A MOTION TO SCHEDULE A PUBLIC HEARING ON THESE  
6 MAJOR AMENDMENTS AT THE SEPTEMBER MEETING WITH INPUT FROM THE  
7 EXECUTIVE COMMITTEE AND THE TAC. MIKE O'BRIEN SECONDED. MOTION  
8 CARRIED UNANIMOUSLY.

9

10 BILL KEOGH MADE A MOTION, SECONDED BY MIKE O'BRIEN, TO ADJOURN AT  
11 9:50 P.M. MOTION CARRIED UNANIMOUSLY.

12

13 Respectfully submitted,

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17 Bernadette Ferenc, Adm. Asst.

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