

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

5 Date: Wednesday, December 21, 2005  
6 Time: 7:00 p.m.  
7 Place: CCMPO Offices, 30 Kimball Avenue, Suite 206, So. Burlington, VT 05403  
8 Present: Gerard Mullen, Bolton Jeff McDonald, Charlotte  
9 Marc Landry, Colchester (7:08) Jeff Carr, Essex (Sec-Treas.)  
10 Dale Arango, Essex Junction Andrea Morgante, Hinesburg (7:18)  
11 Bob Penniman, Jericho (Chair) Virginia Clarke, Richmond  
12 Jim Dudley, Shelburne Jim Condos, South Burlington  
13 Marc Maheux, Underhill Alternate George Gerecke, Williston  
14 Mike O'Brien, Winooski (V-Chair) Polly McMurtry, VTrans  
15 Ex-Officio: Lew Wetzel, CCRPC  
16 Others: Matthew Langham, VTrans Rich Ranaldo, VTrans Special Projects  
17 Jim Purdy, Louis Berger Co.  
18 Staff: Scott Johnstone, Executive Director Peter Keating, Sr. Trans. Planner  
19 Christine Forde, Sr. Trans. Planner David Roberts, Sr. Trans. Planner  
20 Susan Smichenko, Sr. Trans.Planner Daryl Benoit, Trans. Planner  
21 Bernadette Ferenc, Executive Asst.  
22

23 The meeting was called to order by the Chair, Bob Penniman, at 7:07 p.m. after determining the  
24 presence of a quorum.  
25

26 1. Changes to the agenda.

- 27 • Virginia Clarke asked to add Strategic Plan Committee report under Item 9.d.  
28 • Jeff Carr would like to delete item 9.c.i. (acceptance of FY05 Audit). We have not received  
29 the copies of the final audit so it is premature to bring it to the board for acceptance.  
30

31 2. Public Comment Period. There were none.  
32

33 3. Action on the Consent Agenda. There was one item on the consent agenda for a minor TIP  
34 amendment. GEORGE GERECKE MADE A MOTION, SECONDED BY JIM DUDLEY, TO  
35 APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY.  
36

37 4. Approval of Minutes. JEFF CARR MADE A MOTION TO APPROVE THE MINUTES OF  
38 NOVEMBER 16, 2005, WITH CORRECTIONS. JIM DUDLEY SECONDED. The following  
39 corrections were made:

- 40 • Page 4, line 25, should be "storm water" not "solid waste" for "S" in TUSC.  
41 • Page 3, item 9.1. Clarify the route of the Champlain Parkway by rewording lines 38 & 39 to  
42 read "It then snakes along Pine Street taking a westward turn south of Gregory Supply  
43 connecting to Battery Street."  
44 • Page 3, lines 19 & 20 to clarify that it should read "...a staff person review VTrans invoices  
45 prepared by the CCMPO accounting consultant in advance of being submitted."

46 VOTE: MOTION CARRIED UNANIMOUSLY TO APPROVE THE MINUTES AS  
47 CORRECTED.  
48

1 5. Public Transportation Policy. When Virginia Clarke questioned whether we should discuss  
2 this now or wait until the committee report, JEFF CARR MADE A MOTION TO AMEND THE  
3 AGENDA TO TAKE ITEM 5. PUBLIC TRANSPORTATION POLICY, AND MOVE IT TO  
4 ITEM 9.b.i. VIRGINIA CLARKE SECONDED AND THE MOTION CARRIED  
5 UNANIMOUSLY.  
6

7 6. Circ EIS Update. Rich Ranaldo is the project manager for VTrans. Over the last 8 months  
8 they have visited 9 communities, and held 14 public meetings which 500 people attended. Their  
9 main objective is to provide information to the public. They are in the beginning phase of Step 3  
10 in a 5 step process, which is a detailed analysis of the alternatives. Jim Purdy of Louis Berger  
11 Group distributed material that was used in the November public meetings – maps which showed  
12 the alternatives to be analyzed, the power point presentation used in those meetings and a table  
13 listing items in response to public comments during the scoping and screening steps. They're  
14 beginning the interactive process of engineering design at the concept level and traffic analysis.  
15 He reviewed several of the alternatives they'll be analyzing. They met with public works  
16 directors, managers, etc. in Williston, Essex and Essex Junction today and they're planning to  
17 have design workshops in early February located in the project area. They will also have next set  
18 of technical workshops on secondary and cumulative impacts in late January. Virginia Clarke  
19 suggested they get the details published on those workshops quickly so that folks can plan to  
20 attend. Jim Purdy said he hopes to get the dates up by the end of the month.  
21

22 7. Regional Plan Comment Process. Scott Johnstone said the board has expressed an interest in  
23 making comments on the CCRPC regional plan. It's a fast moving process and the RPC plan  
24 review committee is meeting quite often. He has developed a process on how we're going to  
25 deal with those comments and the cost would be board volunteer hours and Peter Keating for  
26 staff assistance. His scope lays out what he feels the MPO should be looking at such as regional  
27 transportation impact, where land use has influence on transportation and raise issues with  
28 inconsistencies. Almost all the towns have put in their comments and we don't want to redo  
29 those. We should focus the scope on transportation related issues that may be of interest locally,  
30 but surely at the regional level. He tried to lay out a first cut of the scope and will then have a  
31 team charter of what is expected of them. We really have to get moving on this pretty quickly as  
32 January-March will be the comment period. Bob Penniman feels we need to have board  
33 ownership of products like this. He did note that we're also going to ask for volunteers to serve  
34 on the UPWP Committee during this same time period. He asked for volunteers tonight, but  
35 would like to know within the next two weeks because we'd like to make appointments at the  
36 January Executive Committee meeting. We are also still trying to find an alternate for Mike at  
37 the RPC and ideally that person would also serve on the RPC's TUSC.  
38

39 8. Executive Director's Report. This was sent electronically the other day.  
40

41 9. Committee Reports.

42 a. Executive Committee. Draft minutes are provided for members' information.

43 b. Public Transportation Committee Report and action on Public Transportation Policy.

44 Virginia Clarke reported that the committee met on December 7<sup>th</sup> and prepared a policy  
45 statement that they hope will be reviewed and adopted by the CCMPO. They feel it was  
46 important to have a succinct policy to take to the legislature. They intend to have this made  
47 into a booklet that we can present to legislators, towns, etc. as part of a set of policy  
48 statements. They also had a report from Chris Cole on the legislative working group that has  
49 been meeting to review public transportation statutes; and to put together a Vermont state

1 public transportation policy. That group has just started to talk about the funding. He attends  
2 those meetings, but feels the MPO may want to have its own representative attend since he  
3 really can't represent both groups. Peter Keating is working on the unmet needs study. The  
4 data is difficult to gather because the needs are known and are being met by a lot of different  
5 groups. It's going slowly but we're trying to really document this. Their next meeting is  
6 January 23, 2006. When asked about copies of the minutes of those meetings, Peter Keating  
7 suggested we put them on the website, which was agreeable.

8  
9 Andrea Morgante asked if we should consider having this be an addendum to the MTP so  
10 we're consistent with the plan. Scott Johnstone said this is similar to the rail resolution that  
11 we adopted which is a policy. There was a brief discussion of what types of funding might  
12 be considered. Jim Condos noted that "local option tax" does have meaning in state statutes.  
13 JERRY MULLEN MADE A MOTION TO ADOPT THE PROPOSED POLICY.  
14 VIRGINIA CLARKE SECONDED.

15  
16 CCMPO Policy Statement on Public Transportation  
17 December 7, 2005

18 **Legislative action is needed to free CCTA from its funding constraints in order to meet the current**  
19 **and growing needs for public transportation service in Chittenden County.** This can be achieved by  
20 either:

- 21  
22 1. Allowing local option taxes or,  
23 2. By additional state funding of public transportation.

24  
25 Positive action now will reduce growing congestion and future investment in highway capacity. Failure to  
26 act will result in even greater congestion and the need for greater investment in highway capacity than  
27 currently projected in the CCMPO's MTP.

28  
29 Public Transportation in Chittenden County is hampered in its ability to expand necessary services by a  
30 lack of access to additional funding, including funds other than the local property tax. The local property  
31 tax revenue base is over extended in Vermont and many question the use of local revenues as a source to  
32 fund a regional service. Only 5 of 18 Chittenden County municipalities are members of CCTA. No new  
33 municipalities have joined CCTA since 1983 due to local funding constraints. Only CCTA member  
34 municipalities have access to state and federal general public transportation operating funds.

35  
36 While commuter services serving primarily residents of communities outside of Chittenden County have  
37 been established by the state and CCTA, there has been no additional local public investment to expand  
38 public transportation in Chittenden County. This lack of investment in Chittenden County services is  
39 compounded by the fact that Chittenden County municipalities, with the exception of Burlington and  
40 Williston, have only the property tax as a revenue source to support these services. Williston has access to  
41 local sales tax revenues until 2008.

42  
43 The state, in Title 24 § 5082, declares that "Public transportation is an important matter of state concern,  
44 essential to the economic growth of the state and to the public health, safety and welfare of present and  
45 future generations of Vermonters." As gasoline and other energy prices increase and our populace ages,  
46 this statement only grows in importance.

47  
48 **The CCMPO believes that the service recommendations found in the state's transit providers Short**  
49 **Range Transit Plans must be fully funded within the timeframes outlined in those documents. This**  
50 **can be achieved by either allowing municipalities to raise revenues by additional means beyond the**  
51 **local property tax or through additional state funds.**

52  
53 JIM CONDOS MADE A FRIENDLY AMENDMENT TO AMEND WHAT IS LISTED AS  
54 #1 "ALLOWING LOCAL OPTION TAXES" TO "ALTERNATIVE METHODS TO RAISE  
55 REVENUES LOCALLY/REGIONALLY." JERRY MULLEN AND VIRGINIA CLARKE

1 ACCEPTED THE FRIENDLY AMENDMENT. After a brief discussion about which method  
2 of funding should be listed as 1 or 2, it was agreed that we just bullet them and say “and/or”.

3  
4 Jim Dudley noted that there are only 5-6 communities in the system and if there are more  
5 communities in the system we’d have a much different picture. Bob Penniman noted the way  
6 the current funding mechanism in the CCTA bylaws are written, the system would never go  
7 beyond those 5 communities as long as it’s funded by the property tax. Virginia Clarke said  
8 the policy is really directed at the legislature to make a change to allow this. Discussion  
9 continued. When asked if Williston could use the local options tax for this, Bob Penniman said  
10 not as the CCTA charter is written now. He noted that Vermont does not fund public  
11 transportation as much as other states do. He also noted that other providers in the state are  
12 funded with a higher percentage of state dollars.

13  
14 Peter Keating said this policy was not developed in the dark. We did have the MTP in mind.  
15 He noted that we could tack on a sentence that this policy is based on the MTP. ANDREA  
16 MORGANTE OFFERED A FRIENDLY AMENDMENT TO ADD THAT “THIS POLICY IS  
17 CONSISTENT WITH THE FINDINGS AND RECOMMENDATIONS OF THE MTP; AND  
18 THAT IT BE ADDED AT THE END OF THE LAST PARAGRAPH. JERRY MULLEN  
19 AND VIRGINIA CLARKE AGREED TO THIS FRIENDLY AMENDMENT. VOTE ON  
20 THE MOTION WITH THE FRIENDLY AMENDMENTS: CARRIED UNANIMOUSLY,  
21 WITH POLLY MCMURTRY ABSTAINING.

22  
23 9.c. Finance Committee Report. i. FY2005 Audit. As we discussed earlier, we do not have the  
24 final bound copies of the audit so we will postpone action until the January meeting.

25  
26 ii. Pension Resolution. Jeff Carr reported that the Finance committee has been concerned  
27 about this for about a year. We had our Third Party Administrator develop a resolution. He  
28 noted some of the changes that we had been doing by practice that were not in the retirement  
29 plan documents, such as 10% of salary instead of 15%. This will bring our documentation in  
30 compliance with IRS regulations and will make Scott Johnstone the trustee of the plan. The  
31 Finance Committee recommends that we adopt the resolution. After we adopt the resolution he  
32 recommends that a fidelity bond be purchased even though it is not required by a public entity.  
33 JIM CONDOS MADE A MOTION TO ADOPT THE RESOLUTION. JIM DUDLEY  
34 SECONDED. Bob Penniman noted that this does not lock the plan in, but only corrects  
35 technical deficiencies. Scott Johnstone noted that we discovered that we had \$10,000 in  
36 fidelity bond through our general liability carrier and to bring it to \$30,000 it would cost \$194  
37 more per year. Marc Landry said we should do a separate pension bond because it’ll cost less.  
38 Staff will look into that. VOTE ON MOTION CARRIED UNANIMOUSLY.

39  
40 d. Technical Advisory Committee (TAC) Report – December 6, 2005. This is presented for  
41 members’ information.

42  
43 e. Strategic Planning Committee. Virginia Clarke reported that the committee met on  
44 December 14 and had two goals. 1) To finalize vision, mission and goals; and 2) lay out  
45 mechanism to go forward. They have put together a vision, mission and goal statement to  
46 present to the Executive Committee and then on to the Board in January. The second they see  
47 is distribution of work and what has to be done such as reviewing bylaws, reformulating  
48 committees, taking goals and integrating them in the UPWP, reviewing oversight of MTP. The  
49 big issue is going to be who will do this work. We’ve already seen that board members are

1 going to be needed on both the UPWP committee and regional plan review committee.  
2 Members need to talk about how we distribute this work. Do we have volunteers or do we  
3 want to ask each member to serve on at least one of these committees. She asked members to  
4 think about this for the January meeting. Bob Penniman thanked Virginia for keeping things  
5 moving on this.

6  
7 10. Rail Authority Update. Bob Penniman reflected on last month's minutes. The legislative  
8 summer study committee is to have a report to the legislature for January 16<sup>th</sup>. He feels there  
9 are two basic issues. 1) In lieu of an authority, VTrans would have to show they could  
10 reorganize and restaff and have the capacity to do what the authority could do. VTrans has  
11 done some reorganizing. 2) Can an authority levy money any differently than the state? He  
12 doesn't think there is anything the authority can do that the state can't do.

13  
14 Rail doesn't have federal formula money coming in, so we've had to fund rail by earmarks or  
15 state funds. He feels earmarks should be leveraged and not just spent for funding one project.  
16 Say there is \$30M in earmarks for the western rail corridor from St. Albans, to ABRBE. If the  
17 \$30M could be 30% of funding with 70% to be a revenue bond, it would be \$100M in  
18 investment and then it could be paid for with trackage and freight fees, etc. There is still an  
19 equity issue of NECR lines having equity on investment with all dollars going into state owned  
20 lines over the last 8-9 years.

21  
22 There's been a lot of dialog since the last meeting. One group thinks they should give the  
23 report to the legislature and wrap it up because the legislature will decide anyway. Another  
24 group thinks they haven't answered all the questions and should keep going. They do want to  
25 be sure that whatever they choose can't be undone by a new administration. Jerry Mullen  
26 asked whether there were any legal complications using public dollars for private owned rail  
27 lines. Bob Penniman said no, NECR/RailAmerica does 20% match all over the country.  
28 That's the spirit of public/private partnerships. Jim Condos said there is a county that thinks  
29 the \$30M is destined to go there. He said the committee has a very heavy Rutland influence.  
30 Discussion continued. Bob Penniman hopes Daryl and Scott will join him for the January 6<sup>th</sup>  
31 study committee meeting.

32  
33 11. SAFETEA LU, earmarks and other fiscal matters. Scott Johnstone said staff felt it was  
34 important to keep members up to date as more information comes in. Things are changing.  
35 There are lots of opportunities in SAFETEA LU and we have more planning funds. There are  
36 18 earmarks (approximately \$41M) between SAFETEA LU and appropriations bill within  
37 Chittenden County. There are also challenges. VTrans needs to come up with the match  
38 dollars for them, which is about \$20-22M. The good news is that because the match is a pretty  
39 good deal for Vermont we'll try to figure it out, rather than talk about sending money back.  
40 Where and how that match comes from will require a lot of dialog about what programs will  
41 need match, etc. They may fall back on where there will be economic development  
42 opportunities and public/private partnerships to help create the match.

43  
44 On the earmarks issue, Christine Forde has created a table to show where these projects are.  
45 Some projects are in the TIP and others you've never heard of. Some things on the TIP will be  
46 funded through earmarks thereby freeing up funds to be used on other projects. Staff brought  
47 all these folks in the other day to get some dialog going and help them know how to proceed.  
48 VTrans and FHWA were there as well. It's likely that we'll bring you a major TIP amendment  
49 in the next few months.

1 The other piece is the message about public private partnerships through the Secretary that new  
2 capacity projects will not be matched by the state and perhaps that we could wait a long time  
3 for federal dollars but that you should find local and private dollars. Jim Condos said that  
4 although the Secretary said that, it might be the Administration's position, but is not the  
5 legislature's position. Scott Johnstone said these are all connected and VTrans needs to figure  
6 out how to pay the bill. Other states have had to face this so they've decided not to make state  
7 or federal dollars available for certain types of projects, such as congestion or economic  
8 development. Chittenden County as the economic engine of the state has noted that they really  
9 shouldn't do this because economic development may not happen. He wanted to let members  
10 know that there are a lot of moving parts. VTrans and CCMPO have agreed to co-fund a look  
11 at local and regional revenue generating ideas. It's clearly stated that there is no guarantee the  
12 administration will go along with the outcome. The caveat is that it has to be things that could  
13 work in Vermont. If we're going to do this to come up with funding for capacity projects, we  
14 have to put CCTA funding into this as well.

15  
16 Bob Penniman said that the struggle that we have had is that we understand earmarks and the  
17 flow of federal dollars because we're the MPO. The rest of the state doesn't understand that  
18 because they don't get funded that way. Whatever the state ends up doing, we need a level  
19 playing field and they should not treat Chittenden County differently. We'll be watching for  
20 equity in this process. It was noted that not all projects listed in a particular municipality were  
21 municipal projects – e.g. Vermont Local Roads is to help with stormwater issues statewide; 2  
22 interstate projects are not So. Burlington projects. Jim Condos said VTrans does not like all  
23 these earmarks because they would like the flexibility to build projects to their priorities. Then  
24 we have the policy for capacity projects not being funded for awhile and it'll just make  
25 communities go to Washington for more money. That is not good public policy, but the hands  
26 of the local communities are tied. Bob Penniman said with Vermont being a small state and  
27 the Congressional delegation being a phone call away, sometimes they call communities to see  
28 what they need. All agreed that we may never see another transportation bill with all these  
29 earmarks ever again. Andrea Morgante expressed concern that local communities bypass the  
30 MPO planning process for these earmark projects. Bob Penniman said the majority of these  
31 came out of MPO studies that the Congressional delegation knew about. Scott Johnstone said  
32 we'll be monitoring this at the legislature and VTrans will be talking about this to the  
33 appropriate committees and vice versa. Christine Forde said that she hadn't notified all board  
34 members who had projects on the earmark list of this meeting, but will in the future.

35  
36 12. Members items: a. The Chair noted that all the communities should have received an  
37 invitation to a Safe Routes to Schools training session to educate communities about the  
38 benefits and we should let the schools and towns know about this. Peter Keating is the contact  
39 here.

40  
41 JIM CONDOS MOVED TO ADJOURN AT 8:50 P.M. JIM DUDLEY SECONDED AND  
42 THE MOTION CARRIED UNANIMOUSLY.

43  
44 Respectfully submitted,

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46  
47 Bernadette Ferenc, Executive Assistant