

VOSHA REVIEW BOARD MEETING MINUTES
13 Baldwin Street, Montpelier, VT 05633

May 3, 2016
8:30 a.m.

The Board Meeting was attended by Leigh Keyser Phillips (Chair) by telephone, Benjamin R. O'Brien (Member) by telephone, Thomas Jagielski (Member) by telephone, and Carolyn Desch (Clerk).

ADDITIONS OR DELETIONS TO THE AGENDA: None

APPROVAL OF MINUTES

RESOLUTION PASSED: Upon motion made by Benjamin O'Brien, and seconded by Thomas Jagielski, the Board unanimously vote to approve the minutes of the March 1, 2016 VRB meeting as amended. Roll Call Vote: Thomas Jagielski-YES, Benjamin O'Brien – YES, Leigh Keyser Phillips – YES.

DISCUSSION OF OPEN MEETING LAWS: A Guide to Open Meetings is attached to these minutes. Discussion included that we could deliberate in private; that all of our meetings are Special Meetings and Carolyn will mark the agenda as such in the future; that roll call is required for any meetings having attendance by telephone; and that minutes need to be posted five business days after the meeting.

CLOSED CASES

We have closed two cases (Farm to Fridge V.R.B. 966 & Vaillancourt Property Mgt., V. R.B. 975) since the March Board Meeting. In total, we have closed 11 cases since the beginning of FY16.

REVIEW OF OPEN CASES

We have opened five cases since the March Board Meeting, making a total of ten open cases currently. This total is three more than total of open cases at the March 2016 meeting. Carolyn Desch reviewed the docket. The docket summary is attached to the minutes. Any discussion and action are set forth below.

Approval of Settlement Agreements (attached to minutes)

RESOLUTION PASSED: Upon motion duly made by Thomas Jagielski, and seconded by Benjamin O'Brien and after full discussion, the Board unanimously voted to ratify and approve the settlement agreement of Big Lots Stores, Inc. (VRB 979). Roll Call Vote: Thomas Jagielski-YES, Benjamin O'Brien – YES, Leigh Keyser Phillips – YES.

RESOLUTION PASSED: Upon motion duly made by Benjamin O'Brien, and seconded by Thomas Jagielski and after full discussion, the Board unanimously voted to ratify and approve the settlement agreement of Rutland City Schools (VRB 982). Roll Call VOTE: Thomas

Jagielski-YES, Benjamin O'Brien – YES, Leigh Keyser Phillips – YES.

Discussion of Other Cases listed on the Docket Summary:

Moon Ridge Home Owners Association (VRB 972): The Hearing Officer's Decision has not been completed yet. Board discussed issues related to the delay in the Hearing officer's decision.

FINANCIAL

The Board reviewed the financials for the current FY 2016 through the end of April 2016. A meeting with legislators on the 2017 FY budget has not been scheduled yet.

SIMPLIFIED PROCEEDINGS DISCUSSION. (see attached). The Board discussed and agreed that 90 days was a reasonable amount of time by which to expect a decision after a hearing is held under the Simplified Proceedings Rule of the Rules of Procedure. In addition, they concurred that 20 days was a reasonable amount of time for a brief to be filed, but that rules should allow the Hearing Officer or Board the discretion to allow additional time to do so.

DISCUSSION OF VOSHA REVIEW BOARD PERFORMANCE STANDARDS. (see attached). The Board reviewed the Performance Standards and added a third proposed by Leigh Keyser Phillips. Upon motion duly made by Thomas Jagielski, and seconded by Benjamin O'Brien and after full discussion, the Board unanimously voted to approve the following performance standards for the VOSHA Review Board:

1. Percentage of open cases at the end of the fiscal year.
2. Percentage of closed cases in the fiscal year that have been closed in one year or less.
3. Percentage of hearing officers with law degrees.

Roll Call Vote: Thomas Jagielski-YES, Benjamin O'Brien – YES, Leigh Keyser Phillips – YES.

REAPPOINTMENT DISCUSSION: Thomas Jagielski who is up for reappointment next year said that he would continue on the Board. Leigh Keyser Phillips said that she would give us fair notice when she is ready to retire.

SCHEDULING OF BOARD MEETINGS.

The next Board meetings is scheduled for August 30, 2016 at 9:00 a.m. at the VRB offices at 13 Baldwin Street in Montpelier, Vermont.

Adjourn

Upon motion duly made by Thomas Jagielski, and seconded by Benjamin O'Brien The meeting of the VOSHA Review Board was adjourned at 9:35. Roll Call Vote: Thomas Jagielski-YES, Benjamin O'Brien – YES, Leigh Keyser Phillips – YES.