

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

**March 11, 2021**

The Review Board Meeting began at 9:33 A.M. and was attended remotely via instantaneous transmission of video through Microsoft Teams by Leigh Keyser Phillips (Chair), Mark J. Gregoritsch (Board Member), Benjamin R. O'Brien (Member), and Carolyn Desch (Clerk). Also present was Curtis Carpenter acting as a consultant for the Review Board.

ADDITIONS OR DELETIONS TO THE AGENDA.

The following item was added to the agenda: Discussion related to the settlement of VRB1034 Killington/Pico Ski Resort Partners, LLC.

APPROVAL OF MINUTES

RESOLUTION PASSED: After discussion and upon motion made by Benjamin O'Brien and seconded by Mark J. Gregoritsch, the Board unanimously voted to approve the February 19, 2021 VRB meeting minutes as presented. - PASSED

CASE DELIBERATION OF VRB1001 EUSTIS CABLE ENTERPRISES, LTD.

Upon a motion made by Benjamin O'Brien and seconded by Mark J. Gregoritsch, the Board unanimously voted to enter into executive session at 9:35 A.M. to review and discuss the VRB Hearing Officer's decision and order related to penalties in VRB1001 Eustis Cable Enterprises, which case was remanded back to the VRB by the Vermont Superior Court. At the request of the Board, Curtis Carpenter attended the executive session. The Board came out of executive session at 9:45 A.M. No action was taken by the Board as a result of the discussion in the executive session.

DISCUSSION OF VRB1034 KILLINGTON/PICO SKI RESORT PARTNERS, LLC SETTLEMENT

The Board discussed the language in paragraph 6 of this settlement, pertaining to no admissions of the allegations in the citations. After reviewing memorandums from 2002 related to such settlement language, it was determined that the second sentence of paragraph 6, which excludes future OSHA violations from the limitations of using the settlement agreement in other proceedings and matters, clarifies that the settlement agreement will not prevent the OSHA violations it covers from being considered for employer's history and repeat violations in the case of any future violations. Therefore, the Review Board members determined that such provisions in settlement agreements would continue to be acceptable. It was noted that under the proposed revision of the rules, settlement agreements will no longer be filed with the VRB for any type of approval.

SET UPCOMING MEETINGS

The next Board meeting is scheduled for June 2, 2021 at 8:30 A.M.

ADJOURN

This meeting of the VOSHA Review Board was adjourned at 10:06 A.M.