



**Minutes of the Vermont Passenger Tramway Board Meeting held on  
February 23, 2023 at the Vermont Department of Labor,  
5 Green Mountain Drive, Montpelier, Vermont**

Board Members and Staff present as well as virtually Board Chair, Commissioner Michael Harrington, Board Members, Scott Reeves, Kirsten Ericksen, Michael Tarricone Interim member, Tom Buchanan Staff Members, Mike Nellis, CFO, Chad Wawrzyniak, Director, Dirk Anderson (late), Michael Morelli, Robert Swift. Erin Sylvia, Rachel Dumeny, Outreach Coordinator, Molly Mahar and Alicia O’Gorman, Vermont Ski Area Association.

Public Members: Attending virtually.

Board Chair, Michael Harrington calls this meeting to order on 1:05pm. With an introduction of interim board member, Tom Buchanan. Tom comes to the Board with over 25 years of snowboarding and ski diving experience including instructing. He additionally has been the Regional Planning Commissioner for the Southern area of Vermont. Welcome Tom.

**Approval of the September 22, 2022, minutes.**

Board Member, Scott Reeves makes motion to approve.

Board Member, Kiersten Ericksen seconds the motion.

No question or discussion

All in favor. With Tom Buchanan abstaining

Approved

**Budget Update, CFO Chad Wawrzyniak**

Chad provides an up-to-date budget through December 2022. The first three months of the budget was less than expected due to vacancy savings of Jack Savasta retirement. His replacement, Rob Swift was brought on in May and hired at an increased rate due to his experience. This is evident as the budget begins to balance itself by years end. Chad predicts this budget will remain relatively as scheduled.

The Fee Due for the season has been invoiced in the amount of \$470,912.00. The current monies collected are \$470,740.00. The two variables are Camp Ethan Allen has not paid the \$171.00 due as well as Killington made a change to their summer operations causing a \$131.00 decrease in their amount due. The Tramway budget has a surplus at this time of \$33,000.00.

There are no questions or concerns regarding the budget.

Board member Scott Reeves supports this idea and states again, that is what he means when he talks about having a base amount to collect and the construction increases would be additional cushion money so to speak from year to year.

The group agrees to run more reports and provide up to date figures at the fee due rate meeting.

**ANSI-B77 and Addendum Update: Presented by Mike Nellis**

The 2022, ANSI B77, has been published and just become available on-line from the National Ski Areas Association. The Department has completed the Addendum that accompanies this standard and is now ready to begin the rule-making process. The goal is to adopt both the ANSI B77 and the Addendum at the same time. Once this process is underway, there will be the public comment period at which time any questions and concerns from the public will be addressed.

Interim board member, Tom Buchanan asks if the addendum is available currently for the Board to review. Board Chair, Commissioner Harrington states it is not available at this time but states it will be forwarded to all Board members as soon as possible.

No questions or comments.

**Magic Mountain variance request – presented by Paul Maitland**

Paul Maitland is requesting snow decks be allowed on the Red Chair. Currently Magic Mountain has an approved variance on their Green Chair. He has provided the Board with Standard Operating Procedures (SOP's)

Mike Nellis states all SOP's look good, however the lift evacuation will still need to be demonstrated and approved.

Board Chair, Commissioner Harrington asks Mike Nellis if he is comfortable approving the variance pending this demonstration.

Mike Nellis states he would be comfortable approving this variance and performing this demonstration at a later date.

Board Member, Mike Tarricone asks if we have the SOPs that were submitted for the Green Chair.

Board Chair, Commissioner Harrington forwards them.

Board member, Scott Reeves makes motion to approve a preliminary variance pending a successful evacuation demonstration to be performed within 15 days of this vote.

Board member, Tom Buchanan seconds to approve.

All members in favor

**Smugglers Notch variance- Presented by Mark Delaney**

Smugglers Notch is requesting a variance to allow children age ranging from three to six years of age attending the ski school, ride both the Mogul Mouse and Morse Highlands double lifts, typically two students and one instructor This has been in practice since approximately 1993 when Al Barber, the Vermont Tramway Inspector at that time verbally approved such a practice. The Mountain cannot locate anything in writing, however, therefore Mr. Delaney brings it to the Board for approval officially in writing.

Inspector Mike Nellis states his only concern is the legal repercussions in approving a practice that is outside of what the lift is designed for.

Board Chair, Commissioner Harrington agrees with that concern. He would want to get the legal opinion of Dirk Anderson on behalf of the Department. Additionally, he would want to know if there are any other resorts throughout the country that allow this practice.

Mike Nellis states he has discussed this concern with Dirk Anderson as well and the legal concerns are consistent with Dirk Anderson.

Mark Delaney states he is not aware of any other resorts in the Country allowing three passengers on a double chair lift.

Board member Tom Buchanan states that he has several concerns regarding this request.

The first being that the actual seat design is clearly meant for two people. He has not been provided with the actual dimensions of the seat length.

The photo that has been provided as an example, he observes that the instructor is in the center of the two children, with their arms in the back of the students and it looks very uncomfortable and tight in spacing. He states that while watching the video of the evacuation demonstration, the difference in safe spacing is dramatically different while watching three people ride and exit, verses when two people ride and exit the lift.

Board member Kirsten Erickson asks Mark Delaney if they have consulted with their insurance company on this matter and if yes, what is their stance.

Mark Delaney states that the insurance company has not offered their option one way or the other at this point.

Board member, Michael Tarricone states he has concerns in what he observed in the photos regarding how the lift attendance will handle the riders exiting the lift is there is only one attendant He does state that he feels it is a safer practice for two small children with their instructor in the center seems safer than watching a small child ride with an inexperienced younger rider, thus supporting Mark Delaney's request.

Mark Delaney states that there are normally two attendants, one on each side.

He would remind the Board that this has been in practice since 1993 with no incidents.

As far as the weight ranges of a 3- and 6-year-old, they do not believe they will ever exceed that limit no matter the size of the child. If that ever presents itself, they will use common sense.

Board Chair, Commissioner Harrington asks the Board what their choice of action at this time is. The options are to approve or deny OR to table the discussion until a more comprehensible review can be performed.

Board member, Scott Reeves has concerns that if this is approved by the Board now, it will set a precedent for all other resorts, and he is not comfortable with this.

Board Chair, Commissioner Harrington asks Mark Delaney what impact this would have on your resort if it was to be denied.

Mark Delaney states this would impact the progression in the skills of their students as it would decrease the number of runs each student can take.

Board member, Tom Buchanan asks to table this and not make a vote currently. He agrees that there are some unanswered questions.

Board member, Michael Tarricone would like to table this vote as well. He would ask that the insurance company state a definitive stance on the matter before voting.

Mark Delaney asks the Board if this is tabled, to allow him time to research and answer all the questions.

Board member, Michael Tarricone makes a motion to table this vote in order to gather additional information. While this is tabled, the Mountain can operate this lift as usual.

Board member, Kirsten Erickson seconds this motion.

All in favor

#### **Stowe Resort final variance approval- Mike Nellis**

Stowe has preliminary approval for the use of snow bikes on lift No. 1119, Sunrise detachable Quad. No discussion is necessary as this is the final approval now that lift evacuation has been performed and approved.

Board member, Kirsten Erickson makes motion to approve.

Board member, Tom Buchanan seconded the motion.

Board member, Scott Reeves is abstaining from voting.

All in favor

#### **Mountain Update: Presented by Mike Nellis**

There have been three new detachable lifts for new construction, two at Mount Snow and one at Stowe. There have been 207 lifts inspected overall this season.

A series accident occurred this season on a conveyer lift. The attendant had his arm broken in two places due to this incident. He reminds the group that conveyors can be dangerous without proper training.

Inspector Rob Swift gives a brief on the falls from lifts report for the season.

There have been 9 falls this season, with only one being considered a serious injury, with a five-year-old boy falling 15 feet.

The biggest trend is that a large percentage are children under 18 years of age.

Summer construction is at Middlebury Snow bowl with a new fixed grip Sky Trac.

#### **Public Comment:**

No public comment

Director Dirk Anderson states he will be distributing a copy of the addendum to Board members for their review.

Jeff Temple asks if we have a plan to eliminate the Vermont addendum at any point, additionally, he asks if others besides the Board can review and comment about the Addendum.

Director Anderson has never considered not having an Addendum. He believes it addresses specific practices for Vermont only, such as the Fee Due State billing process.

Date for next meeting- Board Chair, Commissioner Harrington  
June 15, 2023.

Board member, Tom Buchanan makes motion to adjourn.

Board member, Scott Reeves seconded the motion.

All in favor

Meeting adjourned.

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