

**Meeting of the Waterbury Select Board
October 5, 2015
Main Street Fire Station**

Present: C. Nordle, Chair; D. Schneider, C. Viens, and J. Brown, Select Board; W. Shepeluk, Municipal Manager; C. Ummel, Recreation Director; A. Imhoff, ORCA Media; and C. Lawrence, Town Clerk.

Public: See Attached List

The meeting was called to order at 7:03pm.

APPROVE AGENDA

C. Viens made a motion to approve the agenda. The motion was seconded by D. Schneider and passed by those present.

CONSENT AGENDA ITEMS

C. Viens made a motion to approve the consent agenda items including the minutes of the September 21st meeting and to appoint William Shepeluk as the delegate to Town Fair. The motion was seconded by D. Schneider and passed by those present.

PUBLIC

No public comment.

ROUTE 100/HOWARD AVENUE SPEED LIMIT

John Pitrowiski was present to discuss a building project at the intersection of Route 100 and Howard Avenue and the request for a reduction of the speed limit at that location. The request would have to go to VTrans from the Select Board. Property owner Jeff Atwood has the permits to renovate the existing house on that parcel and build 2 additional duplexes. Additional improvements for the road have already been approved by the State. The request is to lower the speed limit at that location to 35 miles per hour. J. Pitrowiski indicated that VTrans would support this request. C. Nordle expressed hope that the proposed limit would get people to slow down in that area. W. Shepeluk suggested that the speed limit between Guptil Road and this section be reviewed as well. The request is not critical to the project but makes sense for safety reasons.

D. Schneider made a motion to authorize W. Shepeluk to send a letter of request to AOT to reduce the speed limit from 40mph to 35mph in that section of Route 100. The motion was seconded by J. Brown and passed by those present.

MUNICIPAL BUILDING ITEMS

The Town applied for and received a \$50,000 accessibility modifications grant for lifts and handicapped ramps in the municipal center. W. Shepeluk presented the grant agreement. C. Viens made a motion to appoint W. Shepeluk as Chief Executive Officer and to appoint B. Farr as the administrative contact point for the agreement, and to authorize W. Shepeluk to sign grant agreement with the State of Vermont Agency of Commerce and Community Development. The motion was seconded by J. Brown and passed by those present.

MANAGER'S ITEMS

The Town has been awarded a \$33,000 grant for the Colbyville bike/pedestrian study. C. Nordle asked to incorporate a conversation about speed along that corridor as part of the scope of the project. J. Brown made a motion to authorize the Manager to sign the Grant

Recipients Project Commitments Form for the bike/pedestrian study of Colbyville. The motion was seconded by C. Viens and passed by those present.

W. Shepeluk stated that the Trustees have amended their traffic ordinance which will take effect at the end of November. The section on parades has been condensed and addresses a permitting process for parades. The organizers of the 'River of Light Parade' are starting preparations for the 2015 parade. They would like to reorganize the parade this year to have 2 rivers of light. W. Shepeluk explained the routes, and the organizers have asked for formal acknowledgement of the route that has two 'tributaries' merging at Stowe and Main Streets. Traffic and safety issues have been addressed. J. Brown made a motion to approve the revised River of Light Parade routes. The motion was seconded by C. Viens and passed by a vote of 3 – 0 with D. Schneider abstaining.

A not-for-profit called Friends of Waterbury Area Recreation Development (FORWARD) has been formed. They will be handling the funds for the Recreation Department's larger fundraisers such as Winterfest. W. Shepeluk explained that Winterfest is not really a Town event although it is hosted on Town property, but the Town has been used as a fiscal agent and it has been cumbersome to track the cash flow. The profits will be turned over to the Town at the end of the event. The recreation committee will need to specify to the Board their desire as to how they wish the funds to be spent. The Recreation Director will be a liaison between FORWARD and the Town. C. Nordle stated any expenditures would have to be part of the budget process, and that the Select Board would have to be informed of any potential projects. C. Viens expressed concern that taxpayers would be on the hook for additional expenditures. W. Shepeluk reiterated that they would have to come before the board with desired projects.

C. Ummel requested a revision of the Animal Control Ordinance that was recently adopted. He has received many comments about the revised ordinance, specifically as they apply to the parks. The revisions are as follows:

1. Redefine recreation playing fields as fields maintained for the playing of organized sports during its season of use;
2. add a "fetch" clause in the parks that allows a pet to be demonstrably under owner control and when no other persons are in the immediate vicinity, approximately a radius of no less than 50 feet;
3. allow dogs into bleachers and dugouts, and exclude them from community gardens, tennis courts, and skate/bike parks.

C. Nordle stated that he would like to see the proposed revisions to the ordinance and has concerns with some of the revisions including having dogs off leash in parks to play fetch.

NORTH HILL COMMUNICATIONS TOWER

C. Nordle turned the meeting over to D. Schneider and recused himself from the discussion. W. Shepeluk stated that at the previous meeting, the Board authorized him to seek party status under the Public Service Board (PSB). He has not yet heard back but expects the request to be approved. Dan Burke of the Department of Public Service (present) had previously suggested to the Manager that the Town could order an aesthetics and propagation study. The intent of a propagation study is to determine whether there is another tower that the project can be co-located on. W. Shepeluk also received a call from Brian Sullivan (present) representing Verizon. The intent of the meeting tonight was to inform the public that the Town has asked for party status and that the Select Board has not yet taken a position. J. Brown expressed concerns about the wildlife aspects of the project.

D. Burke distributed a guide for the section 248a process. He clarified that the Department of Public Service is not part of the Public Service Board, rather a statutory party to the proceedings. Upon request, his Department can hire an aesthetics expert to review the project and give an independent objective review, and they can also look at the co-location issue or determine if the height of the tower can be reduced. ANR has done wildlife study and submitted comments to the PSB. If someone requests party status, they need to demonstrate that there is a significant issue with one of the applicable criteria, like aesthetics. He stated that Verizon is very amenable to working with the Town.

The Select Board needs to consider whether they want the aesthetic and propagation study done, and whether to ask the PSB for a hearing on these issues. The Town is not charged for the studies. D. Burke suggested that the Town seek their own legal counsel if they wish to participate. W. Shepeluk reiterated that the Board has not yet taken a formal position on the project. The Town can make recommendations to PSB based on Town zoning and planning guidelines.

Brian Sullivan stated that Verizon has no objection to aesthetics or propagation study or the Town's request for party status, and handed out simulations of the tower done by professionals.

Public comments followed. There were concerns about the height and width of the tower and whether it could be expanded in the future. It was asked if the Town can present their own evidence, and if so, what evidence might the Town like. Members of the Conservation Commission indicated they would have information to share. The Town can present its own testimony and witnesses.

M. Blauvelt read a letter with concerns to the Board, and has a petition with 150 names. There were concerns expressed about the impact on property values as the proposed height of the tower is 93 feet.

It was asked what other technologies are available, if the tower is necessary, and if it could be collated on WDEV towers or VELCO poles. B. Sullivan stated that the tower will provide voice and data improvements and improved coverage in Waterbury Center and the Interstate 89 corridor.

J. Brown made a motion to request an aesthetic study and a propagation study, and to ask for a public hearing on aesthetics, natural environments, and scenic roads. The motion was seconded by C. Viens. After further discussion, the motion passed by a vote of 3 -0.

There being no further business, the meeting adjourned at 9:10pm.

Respectfully submitted,

Carla Lawrence, Town Clerk

Approved on: October 19, 2015