

**Meeting of the Waterbury Board of Civil Authority
Monday April 17, 2023
Steele Community Room, 28 North Main Street**

Attendees:

BCA: K. Petrovic, Town Clerk, A. Johnson, R. Clapp, K. Sweeney, D. Kehlmann, L. Schlegel, S. Karcher, C. McKay, L. Gravell, J. Bauer, B. King, G. Dillon, B. Butler, R. Dostis, K. VanTyne
D. Sweet Assessor, M. Woodruff, Lister, T. Leitz, Town Manager

Attending by Zoom: J. Adams, BCA

Public Attendees: L. Scagliotti, Waterbury Roundabout; D. McDougall, Children's Literacy Foundation (CLiF)

The meeting was called to order by BCA Chair L. Schlegel at 6:00pm

Approve Agenda

J. Bauer moved to approve the agenda which was seconded by L. Gravell. A vote was held and passed unanimously

Public: no comment

Approve the Minutes of the February 7, 2023 Meeting: Minutes were tabled until later in the meeting until more members could read them.

Hear appeal from Children's Literacy Foundation regarding charitable tax exemption: L. Schlegel reviewed the process for this meeting as well as the Board's Conflict of Interest policy. She gave ample opportunity to anyone on the Board to recuse themselves if they found a possible Conflict of Interest in this case. Being none, the Board proceeded with the hearing. L. Schlegel reminded all that this case should not be discussed outside the meeting.

L. Schlegel delivered the following oath to D. Sweet and D. McDougall "*Under the pains and penalties of perjury, do you solemnly swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth?*" Both agreed.

D. Sweet presented the facts of the property located at 3579 Waterbury Stowe Road. Brief history of sales going back to the Flatow family as the parcel was known for many years. The questions of whether the property qualifies for Public, Pious and Charitable Use were what the Listers were charged with determining when they met on February 16, 2023. The consensus of the Listers was that the property did not meet the first question of the public, private and charitable use test as defined in the case of *American Museum of Fly Fishing, Inc., vs. Town of Manchester* by being dedicated unconditionally to public use.

D. McDougall provided the Board with background on the Children's Literacy Foundation, which he founded 25 years ago and for many years, until this new facility was built, operated out of his family's garage. D. McDougall spoke of the organization's mission, which is focused on fostering literacy for disadvantaged children in Vermont and New Hampshire. CLiF arranges for more than 60 professional authors, illustrators, poets, graphic novelists, and storytellers each year to give inspiring

presentations for children in Vermont and New Hampshire as well as librarians and teachers. CLiF began by serving 500 children per year, and is now serving 52,000 per year. The organization does not receive any State or Federal Funding, all funding comes via donations from foundations, nonprofit organizations and 75% from individual private donations. An acknowledgement was made that the property will not be open to the public for use 24/7 but will host public events. There will be a conference room in the building but there is no intent to rent or offer it for public consumption. It will not be possible to allow for public walk-in business because it is not an efficient way to serve their target population of children.

Both the listers and D. McDougall responded to questions from the BCA members. D. Sweet stated there are approximately 45 tax exempt properties in Waterbury including Town, EFUD, Church, State of Vermont, the elementary school, the Ice Center and the American Legion.

D. McDougall referenced case law from a case involving the Shelburne Museum, in which the home of the Director of the Shelburne Museum, who lives in a house on the Museum grounds, was found eligible for exemption despite not being used solely for public use 24/7.

L. Schlegel invited any additional questions and testimony, there being none, the Listers, D. McDougall and the public were dismissed from the room. The Board then entered Deliberative Session at 6:47pm

B. King made a motion to recess until Tuesday April 18, 2023 at 7pm. The motion was seconded by J. Bauer.

The meeting reopened at 7pm as scheduled in person at the Steele Community Room and via Zoom.

Attendees: A. Johnson, R. Clapp, D. Kehlmann; K. Petrovic, Town Clerk, S. Karcher, L. Gravell, B. King, G. Dillon, R. Dostis, L. Schlegel, K. VanTyne

Attending via Zoom: T. Leitz, Manager, B. Fletcher Attorney, C. McKay, J. Bauer, B. Butler, J. Adams

After deliberation **S. Karcher made a motion to approve the appeal request from the Children's Literacy Foundation for tax exemption. The motion was seconded by R. Clapp, a vote was held, the motion passed by a 10-2 vote.**

L. Schlegel and K. Petrovic are responsible for notification within 14 days.

B. King made a motion to approve the minutes of February 7, 2023 with two edits (The word poll is spelled incorrectly and K. Petrovic's name was omitted from the list of attendees). With these two edits a motion was made and seconded by L. Gravell to approve the minutes, the motion passed unanimously.

L. Gravell made a motion to adjourn which was seconded by A. Johnson and passed unanimously.

Submitted by Karen Petrovic.