

**Waterbury Select Board Meeting
July 15, 2013
Main Street Fire Station**

Present: J. Grenier, Chair; C. Viens, R. Ellis, K. Miller, and C. Nordle, Select Board; W. Shepeluk, Municipal Manager; A. Imhoff, ORCA Media; K. Fountain, Waterbury Record; and C. Lawrence, Town Clerk.

Public: Carol Miller, Martha Staskus, and Andrew Savage.

The meeting was called to order at 7:04pm.

HOW TO RUN AND PARTICIPATE IN A SMOOTH MEETING

J. Grenier expressed that communication amongst the Board and the public has been trying as of late. He would like the meetings run more effectively but also wants to balance participation of the public. He would like to manage the meeting, and ask that participants respond through the Chair. He is not looking to quell debate but would like to keep it on track. K. Miller asked that the Board members be heard and not rushed, and be given opportunity to respond to comments. R. Ellis appreciates having the Chair call on members when they wish to speak, and stated that this also provides an example to the public. C. Viens stated that some meetings have been contentious and that it is hard to respond directly sometimes without losing the topic. C. Nordle expressed that his concern is not that meetings have been contentious but that during some Board meetings the members have been disrespectful. K. Miller expressed the desire to stick to the agenda. C. Nordle suggested that the agenda be approved at the start of the meeting, especially if items are to be added that evening. The Board may also wish to reopen the discussion about a consent agenda. It is in the Rules of Procedure to receive a draft agenda and approve the agenda at the onset of the meeting.

Three items were added to the agenda: an Errors and Omissions letter, approval of the minutes of the July 8th meeting, and a maintenance agreement between AOT and the Town of Waterbury.

W. Shepeluk recommended to the Board several months ago to try the consent agenda process. The Board discussed whether or not they would be in favor of the consent agenda process. C. Nordle thought it would be helpful to run through the agenda at the beginning of the meeting. The Board decided to try the consent agenda process.

ANIMAL CONTROL COMPLAINTS

J. Grenier was contacted about an animal issue on Ashford Lane. The ACO has been contacted, and the process for handling complaints was discussed. The ACO will talk with the dog owner and explain the process, and he has the authority to issue citations. R. Ellis stated that sometimes complaints get forwarded to the Select Board, who can then bring an action to the small claims court. It makes sense for the ACO to follow through the process before the Board gets involved. C. Viens asked if Ed Brown should be asked to attend a meeting. He also asked if this was in violation of an Act 250 permit for that area. This may not be an area where the ACO should get involved and the homeowners should adjudicate this in civil court. Discussion continued as to how to enforce the dog ordinances. J. Grenier will have a discussion with the ACO to see what the Board can do to make his job easier. C. Viens asked if dog fines could be attached to taxes. C. Nordle explained the Judicial Bureau process, and stated that a judgment could be recorded as lien on the property. K. Miller stated that the ordinance was adopted in 2010 and is very good, and also that Ed Brown does a great job. J. Grenier will talk with E. Brown about fines and how the Board can help.

SOLAR TAX STABILIZATION REQUESTS

A memo was distributed on Solar Array Valuations. W. Shepeluk reviewed the current taxation situation. There was a motion passed at a 1997 Town Meeting that Board could enter into some tax stabilization agreements on certain commercial and industrial properties, although he has not gotten a legal opinion whether solar arrays apply. If the Town taxed all arrays over 10KW, the amount of taxes would be just over \$2,000. R. Ellis had previously circulated a bulletin stating that municipalities have the authority to exempt these properties. K. Miller asked for clarification. The question is whether the voters would grant the exemption, or the Board.

T. Vickery distributed a memo entitled 'Analysis of Village of Waterbury Solar Array Tax Impact'. The Village Trustees have asked what the tax impact would be on the proposed Village array. He explained the tax impacts of that particular array. If there were a stabilization contract, the tax impact would go from \$2,694 to \$1,000 per year. There are 7 lots on Sweet Road that would have some impact because of the viewscape. The loss in taxes would be between \$259 and \$518 in total for the 7 sites.

K. Miller asked for clarification: would the land under the solar arrays be exempt, and are the solar arrays going to be exempt from municipal taxes? C. Nordle reviewed language in Title 32 as to whether the land would be exempt. W. Shepeluk suggested that the Board first decide if the solar arrays should be exempt. K. Miller stated that she would be in favor of exemption, as Waterbury wants to be a green community. C. Viens is opposed to exemption. C. Nordle expressed concern about exempting one type of small business investment, but not others. R. Ellis expressed concern about what authority they have to grant the exemptions, and asked how the value of the solar arrays are set. Andrew Savage of All Earth Renewables was present and stated that it is his hope that the Select Board will seek an exemption. They have two systems in the community currently. His company views this tax as a new tax and talked about the benefits that net metering provides to a community. Once solar arrays are purchased by the organizations that currently lease the arrays, the business will have to pay the taxes. W. Shepeluk offered that the State Legislature should also analyze the impact of taxes on solar arrays. A discussion was held as to how hydro projects are taxed. M. Staskus suggested that the Board think about the scale of the project and stated that the projects are small and the economics are tight. These projects also help reduce the future development of poles and wires. J. Grenier summarized that the questions to be answered are: does the Select Board have authority to exempt taxes, and is the land included? C. Nordle is in favor of allowing the voters to determine whether or not the arrays should be exempt from taxes. By consensus, the Board decided to bring this question to Town meeting.

MANAGER'S REPORT

W. Shepeluk gave the Board an update on highway conditions. Most of the damages, except for some paving on Perry Hill, Crossroad, Ripley Road, have been buttoned up. The culvert on Shaw Mansion has been taken care of, but more work has to be done on the ditches. About 11 roads sustained damages and almost all have been repaired. The cost is in excess of \$75,000, and there are still some unknowns. If a FEMA declaration is made, the Town may be eligible for some reimbursements of anywhere between 5 and 12 percent of the total cost. W. Shepeluk distributed the highway budget and gave a review.

W. Shepeluk updated the Board on the VISTA interviews. VISTA training is August 28th, and the hope was to get someone on Board by July 12th. Staff is moving forward to hire another VISTA member. The position has been advertised and staff is ready to interview applicants. K. Miller asked if the candidates would be told that the position is pending funding. S. Lotspeich explained the process as to how the applicants were informed of the position. There were 5 responses to the national solicitation and there are two interviews on Tuesday. The training is required but there can be a waiver if there is no availability in the training session.

A discussion was held as to whether the Town should pay \$7,000 for a new VISTA member to work for 2,000 hours. R. Ellis expressed that she is in favor of hiring a new VISTA. K. Miller asked where in the budget the money would come from? W. Shepeluk indicated that budgets are plans, and the Board needs to consider whether that work performed is productive and worth the cost. He does not feel it is a budgetary issue. C. Miller asked what the role of Town meeting is in the budgetary process. Voters are presented with line items, so ultimately it is the voters that make the spending decisions. J. Grenier responded that there is some flexibility in how the funds are spent. W. Shepeluk stated that there are sometimes exceptions. This money was not put explicitly in the budget but there may be capacity in the LTCR project line item. Sometimes mistakes are made in the budget. K. Miller stated that there are philosophical differences on how the budget is managed, and last year is the first year in a long time that money was transferred from the tax stabilization fund. W. Shepeluk reminded the Board that in 2012, the voters authorized borrowing \$300,000 and a transfer of \$100,000, and the Board did neither, and that no tax anticipation borrowing has been done.

R. Ellis made a motion that the Town fund the VISTA position for 2013-14 for up to \$7,000 contingent on finding a qualified applicant. The motion was seconded by C. Nordle and passed unanimously.

W. Shepeluk updated the Board on the hiring of a Recreation Director. Applications have been reviewed and the field has been narrowed down to 6 – 8, and interviews should start within the next week or two.

W. Shepeluk updated the board on the Economic Development Director, whose contract specifies that he have a 6 month review. This will be done during the week of August 12th. K. Miller asked to part of the review board. R. Ellis and P. H. Flanders will be on the board as well.

There will be a meeting on August 14th at 7:00pm with VLCT about the Vermont Health Exchange. C. Nordle asked that materials be available a week in advance of the meeting due to the complexity of the subject.

S. Lotspeich updated the Board on the CDBG-DR \$100,000 planning grant for the municipal building project. The grant agreement was not received until last month. Black River Design's contract will have to be amended. C. Nordle made a motion authorizing the Municipal Manager to sign the Amendment to Agreement for Professional Services with Black River Design. The motion was seconded by R. Ellis and passed unanimously.

W. Shepeluk presented a maintenance agreement between the Town of Waterbury and AOT. AOT is trying to clear right-of-way on the Farr Road Bridge project. The agreement states that the road will be a town road and will pass under the interstate right of way, and the town will be responsible for maintaining the road and that there will no encroachments

on the interstate 89 right-of-way. R. Ellis Made a motion to authorize the Municipal Manager to sign the agreement between AOT and the Town with respect the Farr Road extension. The motion was seconded by K. Miller and passed unanimously.

CLERK'S BUSINESS

C. Nordle made a motion to approve the minutes of the June 13th, June 20th, July 1st and July 8th meeting. The motion was seconded by K. Miller and passed unanimously.

C. Lawrence gave a review of fees waived and collected during 2012 and 2013 year to date. The fee waiver policy will be discussed at a future meeting.

K. Miller made a motion to close Stowe Street from Main Street to Railroad Street on July 31st from 5:00pm to 8:00pm for Art in the Alley. The motion was seconded by R. Ellis and passed unanimously.

R. Ellis made a motion to accept letter of Errors and Omissions from the Town Assessor, action on behalf of the Board of Listers, dated July 15th, 2013. The motion was seconded by K. Miller and passed by a vote of 4 – 0 with C. Nordle recusing himself.

Agenda items for the next meeting were discussed.

C. Viens had a conversation with Bill Woodruff about fluoride in the water. C. Viens was directed to the Water & Sewer Commissioners for further discussion.

W. Shepeluk stated that the Village has scheduled a Special Village meeting on August 1st to consider annexing 1100 Waterbury Stowe Road. They have an issue with wastewater disposal and would like to be on the Village Septic system.

There being no further business, the meeting was adjourned at 9:50pm.

Respectfully submitted,

Carla Lawrence
Town Clerk

Approved on: August 5, 2013