

Joint Meeting of the Waterbury Select Board and Village Trustees
Monday November 4th, 2013
Main Street Fire Station

Present: John Grenier, Chair; R. Ellis, K. Miller, and C. Nordle, Select Board; P. Howard Flanders, Village President; N. Howell-Sherman and L. Sayah, Trustees; W. Shepeluk, Municipal Manager; L. Oates, VISTA; S. Lotspeich, Community Planner; A. Tuscany, Public Works Director; B. Farr, Long Term Recovery Director; E. Loomis; A. Imhoff, ORCA Media; Miranda Orso, Waterbury Record; and C. Lawrence, Town Clerk.

Public: Roy Schiff, Milone and MacBroom; Jeff Poitras; Kathy & Robert Grace; Charles Merriman; Moe Lavanway.

The meeting of both Boards was called to order at 6:05pm.

CHOKES STUDY FINAL REPORT

Roy Schiff was present to give the Boards a final report on the Choke Study. He gave a recap of Phase 1, 2, and 3 of the flood study. A memo was previously submitted summarizing their findings (attached to these minutes). He stated the emphasis is about the flood plain in broad settings. There are localized benefits with floodplain reconnection at the State corn field and the back of the complex, and the State is supportive of the project. At this point in time, the Harvey family is not interested in flood plain reconnection on their property in Duxbury.

Moving forward, R. Schiff will remain in contact with Harvey's, pursue floodplain restoration on State lands if HMGP funds area awarded, coordinate with USGS on the current inundation study, meet with MMI to review scope of LCBP floodplain management study and develop alternatives, a LIDAR flight to take place this fall, and update FEMA floodway and floodplain maps.

K. Grace asked if the South Main Street Bridge was part of the study, and R. Schiff responded it was but the Winooski Street Bridge was the focus. On behalf of C. Viens, K. Miller asked how many homeowners would benefit from the reduction in the floodplain. They will be studying this question further to determine the exact change. The biggest impact will be on the periphery of the floodplain. Moe Lavanway expressed concerns that dropping the level of floodplain would create a new direction for the river to flow. It was asked whether the undergrounding of utilities as part of the Main Street project would be compromised during a flood. R. Schiff stated that it would be best to have utilities underground during a flood.

PUBLIC HEARING ON DRAFT #2 OF MUNICIPAL PLAN

Also joining the meeting: Judi Kamien, Darren Winham, Monica Callan, Rebecca Washburn, Carol Miller, Jason Wulff, John & Linda Farr, Alice Durkin, Linda Parks, Peter Hack, Ken Belliveau, and Mary Koen.

S. Lotspeich distributed a memo of Planning Commission draft edits as of October 28, 2013. The Planning Commission went through the comments from Karen & Carol Miller after the last public hearing, which were focused on local economy and facilities chapters. R. Washburn stated that the Planning Commission worked through the local economy chapter based on comments from Carol Miller. They have not made it through all of Karen Miller's comments to date.

The draft edits are substantive and may require a further public hearing. C. Miller commended the Planning Commission for their work, care, and willingness to take into account comments. K. Miller feels that more time is required with the plan, and still has questions about some of the text. S. Lotspeich spoke to the facilities chapter and indicated that the Planning Commission could address K. Miller's comments at their meeting next Monday. His hope is that a third draft could be approved at the next Select Board meeting and then warned for another public hearing at that point in time.

M. Callan addressed a couple of K. Miller's concerns with Across Roads Center for the Arts. She stated that the Center is a community effort and will not be funded by taxpayer dollars. It is supported by the Town but will not be maintained by the Town.

R. Ellis asked if the Plan is sent back to the Planning Commission and changes are made, will another public hearing have to be warned and what would be the timing on that. If changes are presented as Draft #3 at the next meeting, it would then require a 15 warning for the hearing, and the Plan could be adopted at that hearing. K. Belliveau feels an additional public hearing is necessary given proposed changes to the Plan. The Planning Commission would like feedback as soon as possible from the Select Board and Trustees because time is of the essence. J. Grenier asked why a paragraph was taken out on page 10. R. Washburn explained they did not want to include advocacy statements from other organizations. They are hoping to arrive at some alternative language.

R. Ellis suggested that the Board readopt Draft #2 of the Plan to give the Planning Commission more time. She expressed concern that Town Plan has lapsed. She encouraged the Board to adopt the Town plan as provided by the Commission and encouraged them to come up with revisions to be warned at a public hearing in a few months, as it is not a good idea to leave the Town hanging with no Plan. K. Miller stated she is not in favor of adopting the Plan as it currently stands as some of the text is in question. R. Washburn stated that the biggest risk is Act 250 and the Planning Commission is very motivated to conclude the project.

R. Ellis indicated that the Planning Commission meets on November 11th, the Select Board meets next on November 18th, the hearing must be warned 15 days ahead so the earliest a public hearing could be held is Tuesday December 3rd, or at a regular Select Board meeting on December 16th.

K. Miller asked about the Act 250 concerns. C. Nordle explained the Act 250 criterion as to whether a project is in compliance with Town plan and gave a brief explanation.

S. Lotspeich suggested that the Planning Commission spend one more meeting addressing comments from K. Miller and others, and warn a draft #3 at the next Select Board meeting. C. Miller stated she is uncomfortable approving a plan tonight.

A decision was made to get comments to the Planning Commission by the end of the week, for review by the Planning Commission at their next meeting.

The Joint Meeting was adjourned and the meeting of the Municipal Building Committee commenced at 7:15pm.

Select Board Business continued at the conclusion of the MBC meeting at 9:25pm.

ARCHEOLOGICAL CONSULTANT MOA

B. Farr stated that three firms submitted proposals for the archeological study that needs to be completed on the 1.5 acres behind the Jane's House. Proposals were submitted by Hartgen, UVM, and Geoarch, and B. Farr recommended choosing Hartgen. It was decided that the fees would be paid from the municipal complex line item.

C. Nordle made a motion to authorize the Municipal Manager to enter into a contract with Hartgen for the archeological services as part of the Memorandum of Agreement with the State Historic Preservation Office. The motion was seconded by K. Miller. C. Viens asked about timing if something is found. The project cannot go forward without this assessment. The motion passed unanimously.

E911 STREET NAMING

S. Lotspeich updated the Board on the need to rename a portion of Little River Road due to the relocation of the lower end of Farr Road under the I-89 Bridge to US Route 2 and the anticipated removal of the Farr Road Bridge over the Little River. The suggested name is Little Fox Forest Road. R. Ellis made a motion to rename the lower end of Farr Road to Little Fox Forest Road. The motion was seconded by K. Miller and passed unanimously.

MANAGER'S BUSINESS

Pilgrim Partnership has an interest in allowing the fire department to burn down a house they own at 160 South Main Street. The Select Board previously asked Pilgrim Partnership to contact the State of Vermont Act 250 Board to see if they would be required to have Act 250 approval to burn the building. It has been determined that no Act 250 permit is required for this project. The intent of the Pilgrims is to take this building down, and this does not require a permit. Gary and Sally Dillon were present to answer any questions about the proposed burn.

R. Ellis previously opposed having the fire department burn the building as this building is a building of historic note and is a pleasant building in a neighborhood setting most visible when you enter Village from the south end.

G. Dillon stated that the Fire department has been doing this type of training for years. They run live scenarios until people are worn out. This is the best type of training a fire fighter can receive. When the training has been completed, they strategically burn the building and debris is pushed into the cellar hole, and any refuse is hauled off by the owner. K. Miller made a motion to allow the Municipal fire department the ability to burn 160 South Main Street on December 1st. The motion was seconded by C. Nordle and passed with one member opposed.

C. Nordle suggested that the Town needs to look at extending the historic district on South Main Street. S. Lotspeich stated this project is in the Municipal Work plan.

W. Shepeluk gave a brief review upcoming highway projects and suggested further in depth review at the November 18th meeting. He distributed a sheet showing the projects and the local and state/federal share. A. Tuscany is preparing an extensive memo to review at the next meeting. The Town will need to reach out to the community and businesses with regard to all of the projects (construction fatigue).

C. Rock issued a notice of violation to Mr. Sanborn on Little River Road for a junkyard and other activities not allowed by zoning ordinances. At least one 'last chance' letter has been written to Mr. Sanborn. C. Rock would like the Select Board to authorize a court action to move forward and enforce the zoning bylaws. This could cost up to \$1,500. K. Miller made a motion to authorize staff to engage an attorney to move forward with an enforcement action on the Sanborn property. The motion was seconded by C. Nordle and passed unanimously.

TOWN CLERK ITEMS

R. Ellis made a motion to approve the minutes of the October 7th and October 21st meetings. The motion was seconded by K. Miller and passed unanimously.

C. Lawrence stated that the American Red Cross has asked for Town funding in the amount of \$2,000. A brief discussion was held as to whether a petition would be required. R. Ellis stated that the American Red Cross provided a lot of services to Waterbury in the wake of Irene, including shelter training, cots, blankets and other support.

R. Ellis made a motion to put on the Town Meeting Day warning a special article for \$2,000 for the American Red Cross. The motion was seconded by K. Miller and passed.

There being no further business, the meeting was adjourned at 10:00pm.

Respectfully submitted,

Carla Lawrence, Town Clerk

Approved on: November 18, 2013