

**Meeting of the Waterbury Select Board
September 15, 2014
Main Street Fire Station**

Present: C. Nordle, Chair; K. Miller, C. Viens, and D. Schneider, Select Board; A. Tuscany, Public Works Director; B. Farr, Long Term Community Recovery Director; M. Orso, Waterbury Record; A. Imhoff, ORCA Media; and C. Lawrence, Town Clerk.

Public: Peg Elmer, Peter Turmelle, Rebecca Ellis, Peter Milne, Dan Sweet, Peter and Sally Kulis, Charlotte Strasser, Nat Fish, Laura Flint, Tom Thurston, Everett Coffey, Skip Flanders, Rebecca Stone, Allan Thompson, Luke Shullenberger, Geoff Blanck, John Wolfe, Zinn Wolfe, Kurt Hekeler, Brad Moskowitz, Lorne Thomsen, Tom Vickery, Chad Ummel, Tom Berry, Katherine Nolan, Chris Palermo, Harriet Grenier Job Heintz, and Joan Beard.

The meeting of the Select Board was called to order at 7:08pm.

APPROVE AGENDA

There was a request to swap the items to have Open Meeting Law first, followed by Green Lantern Contract. D. Schneider made a motion to approve the agenda. The motion was seconded by K. Miller and passed unanimously.

CONSENT AGENDA ITEMS

K. Miller made a motion to approve the consent agenda items. The motion was seconded by D. Schneider and passed unanimously. [Minutes of the September 2nd meeting approved]

PUBLIC

E. Coffey would like to speak to some of the items on the agenda.

COMMUNITY RESILIENCE ORGANIZATION (CRO)

Peg Elmer was present to talk about the Community Resilience Organization, and gave a brief background of her work trying to help communities become more resilient. They would like to work with the Town of Waterbury as one of 5 pilot towns in the first year.

P. Elmer would like an appointment of 3 to 5 people to make up the CROs team members. R. Ellis stated that the Waterbury flood plain working group has been meeting regularly to monitor HMGP grants that have been applied for, and they wish to do more outreach. This would be a good way to get more people involved in the flood plain working group, and get the public more involved in the process.

The organization of the CRO members was discussed, and may include one staff member. The appointments should be made by November 7th.

OPEN MEETING LAW

C. Nordle received a note from a community member who was concerned about the addition of an agenda item at the September 2nd meeting. At that meeting, an agenda item was added to consider an amendment to the Green Lantern contract. A determination needs to be made whether there was no violation, an intentional violation, or inadvertent violation of the open meeting law.

K. Miller stated that the Open Meeting Law is in place so that the public can be informed. In this case, it was not intentional to hide anything. Items come up that need to be addressed. An effort should be made that if an item can wait, it will be included it on the next agenda.

C. Nordle stated that the intent is to get the agenda out by noon on the Friday before the meeting. He does not believe that was a violation of the law. The agenda item was an amendment to an existing contract, and was presented as something that was time sensitive. D. Schneider stated that the school board handled the same issue at the end of August.

P. Kulis spoke and said that D. Sweet had called on the day of the meeting and asked if the item was going to be on an agenda, and that the minutes did not indicate that the item was time sensitive. He is worried that this will happen again in the future and the public will not be included in the conversation. D. Sweet stated that for any large project, it is remiss of the Board to add an item at the last minute. K. Miller indicated that the item added was a change in contract as to how much excess energy credits the Town will receive. P. Milne stated that if the Board knew that a third party was coming to meeting, it should have been posted as soon as that was known. C. Nordle recalled telling D. Sweet that the item would most likely be on the agenda.

E. Coffey gave a brief history of a similar meeting held by the school board and how the agenda item came about. He firmly feels there was a violation of the open meeting law.

P. Kulis is sympathetic to the work that the Board does, and knows that there are often contract changes. He believes that the Board did not have to take action that evening. K. Miller made a motion that the Board make a finding that there was not a violation of the open meeting law, with lessons learned moving forward. The motion was seconded by D. Schneider. A brief discussion followed. The motion passed by a vote of 3 – 1.

PUBLIC COMMENT ON SOLAR PROJECT

C. Nordle stated that the project is a Village project that was discussed at 21 separate meetings. D. Sweet stated that since the Board believes that there was no violation of the open meeting law, this discussion is moot. K. Miller asked that if the Town was not involved in the contract to receive excess energy credits, would the project move forward. L. Shullenberger stated that the project would move forward. The Town's allocation is only 2%. The tax effect of the solar facility was discussed. The facility itself is taxable. A concern was expressed about property values around the facility decreasing, causing a loss in taxes.

Lorne Thomsen asked for a do-over if the Board felt like they made a mistake in discussing the contract at the last meeting. C. Viens made a motion to reconsider the prior motion on whether or not the last meeting discussion on the solar array was an inadvertent violation of the open meeting law. D. Schneider seconded the motion. C. Nordle stated that the open meeting law allows items to be added to the agenda at the start of the meeting. The motion passed by a vote of 3 – 1.

K. Miller made a motion that the Select Board added an agenda item that was inadvertently in violation of the open meeting law. The motion was seconded by C. Viens and passed by a vote of 3 – 1.

K. Miller suggested that the action plan should be to reconsider adding any items if there is public concern. If the item is time sensitive, it should be allowed to be added at the beginning of the meeting.

P. Kulis would like the same consideration and time that was allowed at the last meeting, which was approximately 45 minutes. The Board feels that the information could be presented a little more quickly, as they now better understand the issues and numbers that were discussed at the last meeting. C. Viens made a motion to table the discussion on the Sweet field solar array to another meeting. The motion was seconded by D. Schneider.

K. Miller reiterated that the discussion is about the town's allocation of solar credits. The question being discussed is whether or not to amend the contract.

At 8:40pm, C. Nordle requested a recess to review the open meeting laws. The meeting reconvened at 8:50pm. The action to cure will either ratify the action taken at the last meeting, or take a new vote.

The motion to table the discussion passed by a vote of 3 – 1.

RECREATION EVENTS AND PROGRAM REVIEW

C. Ummel was present to ask for approval of some upcoming recreational programming, including a haunted house fundraiser, winter day camp, and winterfest. Funds raised have not been specifically targeted, but a request may be made as these events are planned to target funding to specific projects. C. Nordle expressed concern about pedestrian access for the haunted house fundraiser given the roundabout project, and asked C. Ummel to coordinate with the Village police about access and safety. D. Schneider made a motion to move forward with all three events subject to working with the appropriate municipal staff with regard to pedestrian access. The motion was seconded by C. Viens and passed unanimously. L. Flint gave kudos to C. Ummel for his efforts. E. Coffey asked how much money the community garden fees raised. He stated that many people refused to pay so the gardens were not utilized. C. Ummel responded that the money generated covered the costs of creating new gardens on Winooski Street.

CONSIDER GRANT APPLICATION FOR SMART GROWTH FEASIBILITY STUDY

B. Farr described the feasibility study to involve the Planning Commission on appropriate land uses on the Route 100 corridor for consideration of a sewer line extension when reconstruction takes place in 2016. The grant is \$40,000 with a local cash match of \$4,000 which would come from the 2015 budget. C. Viens made a motion to authorize B. Farr to prepare the Strong Communities grant application for a feasibility study for Route 100 with a \$4,000 local match. The motion was seconded by D. Schneider and passed unanimously.

MUNICIPAL BUILDING ITEMS

B. Farr asked for authorization to prepare a grant application for the Jane's House to request historic preservation funds for windows for \$20,000 with a 50/50 match. K. Miller made a motion to authorize the grant application. The motion was seconded by C. Viens and passed unanimously.

The Historical Society MOU was discussed. C. Nordle had a discussion with Paul Giuliani who recommended that language be included that the lease is not assignable, that there is no subletting allowed, and that the Town maintain control over security and access of the municipal building. On a large conceptual level, maintenance costs should be apportioned between the Town of Waterbury and the Historical Society space. These suggested changes will be included in the current draft of the document. K. Miller made a motion to ratify the MOU with revisions discussed this evening. The motion was seconded by C. Viens and passed unanimously.

H. Grenier asked if the lobby and community room could be considered as naming opportunities as part of the fundraising efforts. C. Nordle feels that there needs to be Select Board involvement in the process. H. Grenier asked the Board to support the capital campaign and agree to include the lobby and meeting room in the naming opportunities. The funds raised will go towards the capital campaign. The Select Board will need to understand the process and determine whether they will need to review and approve the naming opportunities for these two areas.

K. Miller made a motion to approve the gift acceptance policy for the Friends of the Waterbury Library and Historical Society capital campaign. The motion was seconded by D. Schneider and passed unanimously. D. Schneider volunteered to be on the committee.

DISCUSSION ON ROADS

C. Viens stated he was not aware that the highway department would be participating in the dog park project. He feels there are enough road projects for the department to deal with. He asked about the road maintenance agenda for the fall.

A. Tuscany stated that the Town expended \$4,610 on materials for the dog park. Fundraising by the dog park group will be done to help cover the costs. In addition there was a total of 177 staff hours spent on the project as well as use of Town of equipment. A. Imhoff stated that over \$2,000 has already been raised towards the materials.

C. Viens expressed concern about pulling the highway department personnel away from what they were supposed to be doing to assist with recreational activities. He feels more aggressive road patching needs to be done and more money spent in this area. In addition, brush needs to be cut along the edge of the roads for better road views, as this is becoming a public safety issue. Cracks need to be filled on Kneeland Flats road. Japanese knotweed is pervasive, and people mowing roadsides need to stay away from it to prevent it from spreading.

Prioritization of projects, and upcoming projects were discussed. C. Nordle suggested that W. Shepeluk, C. Clark and A. Tuscany get together to discuss whether there is a capacity issue and whether there needs to be a realignment of duties. Discussions have been held about contracting out the maintenance of the ball parks. It was suggested that staff get together to evaluate whether there is a resource need and/or if there is a problem meeting objectives, and come up with a solution.

There being no further business, the meeting was adjourned at 10:30pm.

Respectfully submitted,

Carla Lawrence, Town Clerk

Approved on: October 20, 2014