

**Meeting of the Waterbury Select Board
September 8, 2015
Main Street Fire Station**

Present: D. Schneider, Vice Chair, C. Viens, M. Frier and J. Brown, Select Board; W. Shepeluk, Municipal Manager; S. Lotspeich, Community Planner; B. Farr, Long Term Recovery Director; A. Imhoff, ORCA Media; and C. Lawrence, Town Clerk.

Public: P. Howard Flanders, Brian Lindner, Robert Edmonds, Tom Stevens, Lynn Gorski, Mary Kasamatsu, Rhonda Williams, Rebecca Ryan, Chad Ummel.

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

APPROVE AGENDA

C. Viens made a motion to approve the agenda with the donor list for the municipal complex tabled until the next meeting. The motion was seconded by M. Frier and passed by those present.

CONSENT AGENDA ITEMS

C. Viens made a motion to approve the consent agenda items including the minutes of the August 3rd meeting, and a waiver of fee for the use of Hope Davey Pavilion by the Waterbury Center Church on August 23rd. The motion was seconded by M. Frier and passed by those present.

PUBLIC

P. H. Flanders hopes to hold an employee breakfast during October, with help from all of the Boards. He will set a date with the Manager to hold the event at St. Leo's. He would like to extend the invitation to all of the volunteer boards and committees as well.

CDBG PLANNING GRANT – PUBLIC HEARING

D. Schneider opened the public hearing at 7:10pm.

B. Farr explained that the grant is for 8 home elevation projects on Randall, Elm and Union Streets. The homes are of historic nature and some of the homes are in the historic district, so additional work will need to be done including schematic design and architectural renderings. The total budget for the grant is \$59,000 and requires a 10% match by the Town. There is a resolution as part of the application naming a designee. P. H. Flanders stated he supports what the grant proposes to accomplish. The grant requirements were discussed in more detail (see attached Planning Grant Request Summary).

At 7:40pm, C. Viens made a motion to close the public hearing on the planning grant request. The motion was seconded by M. Frier and passed by those present.

D. Schneider read the Resolution for Disaster Recovery Grant Application Authority. C. Viens made a motion to approve the resolution. The motion was seconded by J. Brown and passed by those present. J. Brown made a motion to commit the Town to a \$6,000 local match. The motion was seconded by M. Frier. C. Viens asked about the nature of the match and confirmed that the match will show in the Town report for the taxpayers to see. The motion passed by those present.

S. Lotspeich gave the Board an update on the flood hazard area regulations. The Planning Commission has prepared a revised draft and would like to schedule a joint meeting sometime this month. S. Lotspeich will coordinate with the Boards to set a date. C. Viens requested that a date be found whereby C. Nordle can attend.

DISCUSS MUNICIPAL PLANNING GRANT APPLICATION FOR FUTURE DEVELOPMENT STUDY FOR VILLAGE

S. Lotspeich explained that the Planning Commission is recommending moving forward with this grant (see attached draft project description dated August 14, 2015). The concept is to look at the Villages of Waterbury and Waterbury Center to explore growth and expansion. S. Lotspeich received a cost proposal from Resilience Planning and Design in the amount of \$27,470. S. Lotspeich recommended a proposed budget of \$28,000 with an \$8,000 cash match. P. H. Flanders asked if the application could be a joint one between the Town and the Village. W. Shepeluk expressed concern with regard to staff capacity. S. Lotspeich stated that he would engage the Recovery Director and Zoning Administrator in the project. C. Viens stated concern that there is no mention of conservation in the application. The conversation was suspended to move to the next agenda item.

REQUEST FOR NON-SMOKING ORDINANCE

R. Edmonds and several members of the public were present to talk about a request for a non-smoking ordinance. L. Gorski distributed information on the harmful effects of second hand smoke, and gave a brief background on her work and volunteer experiences. She explained that there is no safe level of second hand smoke and gave other facts on the harmful effects. The objective is to protect the nonsmokers in their own home and to protect the most vulnerable. They are requesting that the Town implement a nonsmoking ordinance for all condominium associations, multi-family housing, and apartment complexes with attached dwellings.

C. Viens asked if the Town had any authority in this matter, or if legislative steps need to be taken first. W. Shepeluk stated the Town most likely has the authority, but in Vermont the municipality can only do things as allowed by state statute. He is unsure whether a smoking ordinance is specifically included. He stated that adopting an ordinance sends a message that the Town has the ability to enforce it, and the Town does not have building codes. He agrees with what they are trying to do, however they are asking the Town to do what the condominium association will not do, and it is a statewide issue. L. Gorski stated that it will take time and education, and they will start with the condominium association but passing an ordinance will give them a leg to stand on. B. Lindner spoke to Oakwood Estates declarations and by-laws and stated the officers have no power to enforce them. R. Ryan for the American Lung Association stated that enforcement tends not to be an issue if there is education.

D. Schneider suggested that an ordinance be drafted, and then the Town determine whether or not it is legal to enforce such an ordinance. W. Shepeluk asked the Board to consider if this is Town business or not.

W. Shepeluk reiterated that condominiums are personal property and the association should handle the issue. T. Stevens stated that condominium associations are their own municipalities with their own rules, and it is difficult to change rules. C. Viens suggested looking at the association by-laws and what it would take to change them, then develop a fund to support court action if/when the by-laws are violated. W. Shepeluk was directed to see if the Town has legal authority for such an ordinance. M. Frier suggested they approach the topic with the Village as the Village has a police department and to look at their own by-laws. J. Brown suggested they draft a sample ordinance.

W. Shepeluk stated that this is a public health issue and private property issue and recommended that even if the Town has the authority to enact an ordinance, that this is not a municipal issue.

FUTURE DEVELOPMENT STUDY FOR VILLAGES (CONT'D)

S. Lotspeich stated that the planning project is not proposed as a conservation plan. C. Viens expressed concern about outgrowing current zoning regulations.

D. Schneider read the Resolution for Municipal Planning Grant. C. Viens made a motion to approve the resolution. The motion was seconded by M. Frier and passed by those present. C. Viens made a motion to budget \$8,000 in to the Town budget for a total of \$28,000 to participate in the project. The motion was seconded by M. Frier and passed by those present.

DISCUSS ROAD NAMING FOR 2069 BLUSH HILL ROAD TRUST SUBDIVISION

The Town has received a request to establish the name for a private road to serve a six-lot subdivision off the west side of Blush Hill Road north of the Wallace Farm. The requested road name is Rachel Road. J. Brown made a motion to approve the request. The motion was seconded by M. Frier and passed by those present.

MUNICIPAL BUILDING ITEMS

B. Farr asked the Board for their thoughts on a sign for the municipal complex, to be located on the canopy of the new building. There will be a larger sign in front of the building and way finding signs to each section of the building. It was suggested that some options be put out on Front Porch Forum, including Main Entrance, Town of Waterbury, and Waterbury Municipal Center.

D. Schneider is representing the Select Board on a donor recognition committee. Sarah Lee Terrat is the artist working on a mural on panels to be stationed at the new building under the canopy. D. Schneider stated that parts of the building will be named.

A decision needs to be made on a grand opening and ribbon cutting ceremony. The building will most likely to be turned over to the Town during the first week of January. B. Farr asked if these should be one event, perhaps during the first week of February due to municipal workload in January. W. Shepeluk suggested having a grand opening and cutting ceremony at the same time, when the building is occupied. He feels it would best to move the library first. It was suggested to look at the 2nd week of February for the event.

MANAGER'S ITEMS

W. Shepeluk brought the Board's attention to Zoe Gordon, who is the new Economic Development Director and employee of Revitalizing Waterbury. Z. Gordon stated she would be meeting monthly with the WADC and looking to the Select Board and Trustees for guidance. She will keep the Board in the loop with a weekly update. W. Shepeluk explained the funding of the position.

W. Shepeluk presented the December 31, 2014 audit engagement letter to the Board. M. Frier made a motion to authorize W. Shepeluk and D. Schneider to sign the letter. The motion was seconded by J. Brown and passed by those present.

The Animal Control Officer has requested that a small donation be given to the organization Justice for Dogs for their help in placing a dog or two that were not claimed by their owners. C. Viens stated he was not interested in the request. In the interest of time, D. Schneider suggested that this be revisited at a future meeting.

A new draft of the MOU between the Town of Waterbury and Wade Hodge and Whitney Aldrich was distributed. S. Lotspeich gave an explanation of the changes to the MOU which included establishing an escrow account that is reserved for the Hazard Mitigation Grant Program. The MOU will be executed in the early spring, and the homeowner is amenable to the approach. W. Shepeluk stated that from staff's perspective, the MOU is ready for

approval in form. C. Viens made a motion to approve the form of the MOU between the Town of Waterbury and Wade Hodge and Whitney Aldrich. The motion was seconded by M. Frier and passed by those present.

REQUEST FOR ALCOHOL AT HOPE DAVEY PAVILION

Some people request the rental of the pavilion to include alcohol use. W. Shepeluk asked to discuss the issue of alcohol in parks as a whole. C. Ummel stated that a prohibition on alcohol would be unenforceable, and the consumption of alcohol in parks has not been an issue. The current park rules state that no alcohol is allowed. M. Frier asked if there were any concerns about lifting the ban on alcohol in parks. The Board concurred that the use of alcohol is acceptable unless the privilege is abused and this can be incorporated in the rental forms. W. Shepeluk will work with C. Ummel to develop policies for alcohol use in the parks.

J. Brown made a motion to approve a request for alcohol at a wedding reception on Saturday September 12th at Hope Davey Pavilion from noon to 3:00pm. The motion was seconded by M. Frier and passed by those present.

M. Frier made a motion to approve a request for alcohol at a wedding reception on Saturday September 26th at Hope Davey Pavilion from 8:00am to 4:00pm. The motion was seconded by C. Viens and passed by those present.

There being no further business, the meeting was adjourned at 10:20pm.

Respectfully submitted,

Carla Lawrence, Town Clerk

Approved on: September 21, 2015