

**Joint Meeting of the Waterbury Select Board & Village Trustees**  
**March 7, 2016**  
**Steele Community Room – 28 North Main Street**

Present: C. Nordle, C. Viens, D. Schneider, M. Frier, and J. Brown, Select Board; P. H. Flanders, Village President; L. Sayah and N. Sherman, Trustees; W. Shepeluk, Municipal Manager; S. Lotspeich, Community Planner; S. Blow, Waterbury Record; and C. Lawrence, Town Clerk.

Public: Mike & Dianne LaRock, Theresa Wood, Gordon Miller, Jean Snelling, Becca Washburn, Jeff Larkin, Mary Koen, Hershell Murray, Zoe Gordon, Anne Imhoff, Bill Minter, Whitney Aldrich, C. Paul Reed, John Grenier, Pete Martell, Jason Gibbs, Everett Coffey.

The meeting of the Select Board was called to order at 7:03pm.

**APPROVE AGENDA**

C. Viens made a motion to approve the agenda as presented. The motion was seconded by D. Schneider and passed unanimously.

**SELECT BOARD ORGANIZATION**

C. Viens made a motion to nominate D. Schneider as Chair for the ensuing year. The motion was seconded by M. Frier. There being no further nominations, D. Schneider was elected Chair.

M. Frier made a motion to nominate C. Viens as Vice Chair for the ensuing year. The motion was seconded by J. Brown. There being no further nominations, C. Viens was elected Vice Chair.

C. Viens made a motion to nominate M. Frier as Secretary for the ensuing year. The motion was seconded by J. Brown. There being no further nominations, M. Frier was elected Secretary.

J. Brown made a motion to adopt the Town of Waterbury Conflict of Interest Policy. The motion was seconded by M. Frier and passed unanimously.

D. Schneider reviewed the Select Board Rules of Procedure. M. Frier made a motion to adopt the Town of Waterbury Select Board Rules of Procedure. The motion was seconded by C. Viens and passed unanimously.

W. Shepeluk explained the process for weekly warrants and payroll reports. He stated that at least one member of the Select board needs to sign off on the warrants so that vendors can be paid and payroll processed. C. Viens is unable to sign warrants as he is married to the bookkeeper. J. Brown made a motion for the Select Board to authorize M. Frier, D. Schneider, C. Nordle, or J. Brown; or any one member to sign the warrants. The motion was seconded by M. Frier and passed unanimously.

**CONSENT AGENDA ITEMS**

W. Shepeluk explained all consent agenda items are approved at the same time, and that any consent agenda item can be removed for further discussion. C. Viens asked that consent agenda item f. (dog policy for Municipal buildings) be removed for further discussion. D. Schneider asked that item a. (minutes of previous meetings) be removed for further discussion of the March 1<sup>st</sup> Annual Meeting minutes.

C. Viens made a motion to approve the consent agenda items with exception of items a. and f., to be discussed separately. The motion was seconded by M. Frier and passed unanimously.

#### **APPOINTMENTS AND COMMITTEES**

C. Nordle made a motion to appoint the Waterbury Record as the primary newspaper of record and the Times Argus as the backup newspaper of record. The motion was seconded by J. Brown and passed unanimously.

A. Tuscany has resigned as the Emergency Management Director because he is semi-retired and spends time away from Waterbury. W. Shepeluk recommended appointing William Woodruff as his replacement. J. Brown made a motion to appoint William Woodruff as the Emergency Management Director. The motion was seconded by M. Frier and passed unanimously. C. Nordle thanked A. Tuscany for all of his service over the past several years.

Each year there are open committee positions and openings for other appointed officials. C. Lawrence will place an ad in the Waterbury Record and ask for letters of interest. The goal will be to interview interested candidates on April 18<sup>th</sup>. C. Lawrence was instructed to advertise only those positions that are vacant.

D. Schneider asked for a change in the March 1<sup>st</sup> minutes to reflect that John Bauer spoke, versus Chuck Bauer as noted in the minutes. C. Nordle made a motion to approve the minutes of all meetings with the March 1<sup>st</sup> minutes as amended. The motion was seconded by J. Brown and passed unanimously.

C. Viens asked what prompted the dog policy. The Library Director was concerned that people were bringing dogs into the Library and asked if there was a policy with regard to dogs in the building. Years ago, a highway employee was asked to not bring her dog to work in the Town vehicle. C. Nordle suggested that there be a place outside where dogs can be hitched. It was decided to table the proposed policy to ensure that it is in line with the Animal Control Ordinance.

G. Miller stated that there should have been better communication and that the dog park committee should have been consulted. C. Nordle stated that the dog park committee is not an official committee appointed by the Select Board. The Board needs to hear from the committee on what their activities are if they wish to be recognized.

#### **PUBLIC**

Theresa Wood asked about the Tax Stabilization fund. W. Shepeluk stated that the information on the fund is contained in the Annual Town Report, and stated that at the 2014 Town meeting, the voters approved borrowing from the fund. He explained Town borrowing and repayment of the fund over the past couple of years. There is \$308,000 that is owed to the fund from two Capital Improvement projects for which the Select Board borrowed and pledged to pay back at 4%. This generates more income for the fund.

Theresa Wood stated that there are substantial anticipated changes to the ANR Pilot program income over the next three years. The payment expected for next year is \$38,160.

T. Wood asked to discuss security cameras in the building at a future meeting.

G. Miller stated that the Recreation Committee tried to engage the Board about the activities of the Committee and the Recreation Director position and read something called 'Are You Kidding Me' extolling the virtues of the previous Recreation Director.

J. Brown made a motion to allow additional public comment. The motion was seconded by M. Frier and passed unanimously.

J. Snelling stated that there is interest in the dog park committee wanting to have a liaison to communicate with the Select Board. They have the community's and animal's wellbeing at heart. They would like to have input in any issues relating to dogs, be it the Ordinance or a dog policy.

P. H. Flanders called the meeting of the Trustees to order at 7:20pm and opened the Public Hearing to consider and receive public comment on draft #2 of the proposed campus and downtown area zoning bylaw amendments dated November 23, 2015.

D. Schneider opened the Public Hearing for the Select Board to consider and receive public comment on draft #2 of the proposed campus and downtown area zoning bylaw amendments dated November 23, 2015.

**PUBLIC HEARING TO CONSIDER AND RECEIVE PUBLIC COMMENT OF DRAFT #2 OF THE PROPOSED CAMPUS & DOWNTOWN AREA ZONING BYLAW AMENDMENTS DATED NOVEMBER 23, 2015**

S. Lotspeich gave a brief overview of the most recent draft. The amendments facilitate redevelopment of some parcels that the State wishes to divest. C. Nordle had previously asked that the Planning Commission look at some standards in the ordinance and thanked them for doing so.

P. Martell is a direct abutter to the Stanley Hall site at the State complex. He asked about the setback in that area. S. Lotspeich responded that any new building has a 15 foot setback. P. Martell asked the Boards to be mindful of that setback when considering the amendments.

W. Aldrich stated there is a large generator that sits outside of the State forensics lab and asked if the ordinance considers outside mechanical equipment. She hopes for language that addresses noise related to outside equipment. S. Lotspeich stated that Development Review Board looks at conditional use criteria including noise. It may be worthwhile revisiting the application for the forensics lab. C. Nordle stated that if noise is going to be considered, it will be incumbent on the Town to bring in a professional noise consultant. P. Martel asked if utilities count as part of the setback. S. Lotspeich responded that it depends on the size of the structure.

C. Nordle made a motion to close the Public Hearing to consider and receive public comment on draft #2 of the proposed campus and downtown area zoning bylaw amendments dated November 23, 2015. The motion was seconded by C. Viens and passed unanimously.

N. Sherman made a motion to close the Public Hearing to consider and receive public comment on draft #2 of the proposed campus and downtown area zoning bylaw amendments dated November 23, 2015. The motion was seconded by L. Sayah and passed unanimously.

C. Nordle made a motion to approve the adoption of draft #2 of the proposed campus and downtown area zoning bylaw amendments dated November 23, 2015. The motion was seconded by C. Viens and passed unanimously.

N. Sherman made a motion to approve the adoption of draft #2 of the proposed campus and downtown area zoning bylaw amendments dated November 23, 2015. The motion was seconded by L. Sayah and passed unanimously.

P. H. Flanders opened the public hearing to consider and receive public comment on draft #3 of the proposed amendments to the flood hazard area regulations dated December 14, 2015.

D. Schneider opened the public hearing to consider and receive public comment on draft #3 of the proposed amendments to the flood hazard area regulations dated December 14, 2015.

**PUBLIC HEARING TO CONSIDER AND RECEIVE PUBLIC COMMENT ON DRAFT #3 OF THE PROPOSED AMENDMENTS TO THE FLOOD HAZARD AREA REGULATIONS DATED DECEMBER 14, 2015.**

S. Lotspeich stated that the Planning Commission has been working for a couple of years on the amendments. Two public hearings have been held to date. S. Lotspeich then reviewed proposed changes to the amendments. The Planning Commission received a letter from Kathi Grace who is out of town. Mike LaRock read the letter in support of approving the proposed amendments this evening.

S. Lotspeich stated that C. Nordle worked with a lawyer in Burlington to examine an opinion on the variance process. The opinion agrees that draft is structured so that the Town is on good legal footing.

M. Frier talked about allowing development within the flood plain, and stated that it is easy to forget the Village is in a floodplain. He has concerns with telling existing homeowner that they need to move utilities, as it is very expensive. He also expressed concern that the amendments will delay people moving into their home or not allow people to move back into their own homes. New construction should be allowed but with the least amount of impact on neighboring properties. M. Frier expressed concerns with density and stated development needs to happen responsibly.

B. Minter asked if existing buildings could be increased in height, which would address some density issues. S. Lotspeich stated the amendments do not change the height limit in the existing zoning regulations, and height limits depend on the zoning district.

C. Viens asked J. Grenier what his concerns are about the three foot elevation increase. J. Grenier stated that the FEMA regulations are not adequate and he believes the Town should follow the State's guidance with regard to elevation. Additional discussion was held with regard to compensatory storage. Paul Reed supported John Grenier's contentions that following state standards is appropriate, and respectfully asked that the elevation be two feet.

J. Larkin expressed about the amendments as they relate to small lots, and suggested some sort of exemption for small lots to allow fill. S. Lotspeich stated the amendments do not prevent doing compensatory storage on a nearby property.

The Trustees thanked the Planning Commission for the time and effort put into drafting the amendments. P. H. Flanders expressed interest in knowing how many non-residential properties are within the 100 year flood plain, how many residential properties are not historic, and the frequency of flooding above the two feet versus three feet elevation.

Jason Gibbs stated that the proposed amendments would create a significant damper on the pace of development in the Village.

Zoe Gordon commented from an Economic Development standpoint, and stated that there is a lot of value with being in alignment with the State. She seeks out businesses to come to Waterbury, and would like to stay competitive with other communities.

E. Coffey explained the flood damage from Tropical Storm Irene to several of his properties. Irregularities in elevations on South Main make it difficult to meet specific criteria.

N. Sherman made a motion to close the public hearing to consider and receive public comment on draft #3 of the proposed amendments to the flood hazard area regulations dated December 14, 2015. The motion was seconded by L. Sayah and passed unanimously.

C. Nordle made a motion to close the public hearing to consider and receive public comment on draft #3 of the proposed amendments to the flood hazard area regulations dated December 14, 2015. The motion was seconded by J. Brown and passed unanimously.

C. Nordle would like to see this item on the next agenda.

The Trustees will take comments under advisement and discuss at a future meeting. The Trustees adjourned at 9:00pm.

#### **GRANT AGREEMENT FOR COLBYVILLE SIDEWALK/PATH STUDY**

S. Lotspeich gave the Board a description of a grant agreement, for which an application was authorized last year. The grant is for \$29,700 with a \$3,300 in kind match. J. Brown made a motion to authorize the Manager to sign the grant agreement. The motion was seconded by M. Frier and passed unanimously.

#### **TOWN MEETING POST MORTEM – JEFF KILGORE**

J. Kilgore congratulated the Board and Town Clerk on an extremely well run Town Meeting and election, and thanked the Town for the quality of their discourse. He received more than the usual number of calls after Town meeting and wanted to share some comments with the Board. Waterbury is one of the few Towns that incorporate their budget into one motion. He would like the Board to split budget items into several motions so that people can better understand what is happening. There were a number of comments that dealt with Articles 11 through 20 – funding for the non-profits. Someone made a suggestion to have a discussion as to how to address these articles more creatively so as not to lose participation once these articles start.

J. Kilgore criticized himself for not informing the voters early on in the procedural announcements that no applause will be allowed. Moderators should not let residents boo, nor should they let people applaud. When people are allowed to applaud, it may hamper someone else from speaking which has a negative effect on participation.

Annual Meeting is a meeting of the Townspeople. Board members cannot jump in and comment on every other comment that is made. Comment is not always required, especially when responding out of turn.

W. Shepeluk stated that there are four components of budget article. Previous boards decided on a global motion so as not to presume that one part of the budget is more important than another.

#### **CONSIDER LOAN DOCUMENTS FOR TAX ANTICIPATION BORROWING**

W. Shepeluk stated that the Town may have to borrow money in anticipation of taxes. He recommended approving a line of credit with the People's United Bank for \$1.4 million at an interest rate of 1.35%. M. Frier made a motion to approve the loan document for tax anticipation borrowing and to authorize the Manager, Town Clerk and Assistant Town Clerk to make draws. The motion was seconded by J. Brown and passed unanimously.

**RECOGNITION OF VERMONT ARTS COUNCIL GRANT AND SPECIAL THANK YOU TO ALL CONTRIBUTORS**

The Board recognized and thanked the Vermont Arts Council and all contributors to the Municipal Center.

M. Frier expressed concern about the emotions expressed during public portion of the meeting in relation to recreation. He is concerned that some town residents feel they are not being listened to and wants them to know that the Board is working for them, not against them. He asked about the procedure for public comment.

Agenda items for the next meeting were discussed.

There being no further business, the meeting of the Select Board adjourned at 9:39pm.

Respectfully submitted,

Carla Lawrence, Town Clerk

Approved on: March 21, 2016