

**Meeting of the Waterbury Select Board  
December 7<sup>th</sup>, 2020  
28 North Main Street**

Present: C. Viens, M. Bard, K. Martin, M. Frier and N. Fish, Select Board; W. Shepeluk, Municipal Manager; S. Lotspeich, Community Planner; and C. Lawrence, Town Clerk. The meeting was held via videoconference.

Public: Lisa Scagliotti, Waterbury Roundabout; ORCA Media; Ken Belliveau and Mary Koen, Planning Commission; Anne Imhoff, George McCain, Dani Kehlman, Allysa Johnson, Jason Wulff, Laura Hardie, Dana Allen, Michael Thompson, Jonathan Siegel, Michael Thompson, and Bob Parette.

The meeting was called to order at 7:00pm.

**APPROVE AGENDA**

M. Bard made a motion to approve the agenda. The motion was seconded by C. Viens and passed unanimously. Given today is Pearl Harbor Day, M. Bard gave thanks to all veterans.

**CONSENT AGENDA ITEMS**

C. Viens made a motion to approve the consent agenda items including the minutes of the November 16<sup>th</sup> meeting and the Errors & Omissions letter dated December 3, 2020. The motion was seconded by K. Martin and passed unanimously.

**PUBLIC**

K. Belliveau congratulated A. Johnson on her new job and stated she did an outstanding job of attending Planning Commission meetings and understanding the issues.

**SELECT BOARD ITEMS**

**Update of Draft Unified Development Bylaws and Timeline for Approval**

K. Belliveau stated that the Planning Commission has been working on a comprehensive rewrite of the Zoning Regulations for quite some time. He stated that it has been a painfully slow process and explained the reasons why. The Planning Commission has been focusing on the Downtown District area. K. Belliveau stated that the timeline is unclear. S. Lotspeich stated that the Planning Commission could focus on the Downtown District area and break the amendments into sections of focus. M. Frier stated that there are some businesses that are struggling to find a location to operate. W. Shepeluk asked if it is possible for the Planning Commission to focus on one particular district and K. Belliveau responded in the affirmative. K. Belliveau stated that this conversation with the Select Board is helpful and he will take it back to the Planning Commission. S. Lotspeich stated that the Planning Commission can discuss options to move forward and perhaps explore some interim by-laws. A lengthy discussion followed. W. Shepeluk suggested that S. Lotspeich send out of map of the Downtown District and that some of the definitions be updated.

**Discussion of Special Appropriations/Articles**

The Board received an email from Jim Boylan of Mad River Research who provided technical assistance to the Town of Waitsfield on their special appropriations procedures. M. Bard spoke to the topic and stated that there should be more scrutiny of these organizations. M. Bard stated that every group should have a representative at Town meeting and that a simple short questionnaire should be submitted with the funding request. M. Frier suggested that some special articles could be moved into the budget. W. Shepeluk stated that even if placed in the budget, residents still would vote on it by virtue of voting on the budget. M. Bard suggested that the organization's annual report illustrate how many Waterbury residents have been served.

### **Discuss Options for Town Meeting**

W. Shepeluk stated that a decision will have to be made by the end of January as to how Town Meeting will be conducted. That is when the warning will need to be posted. The legislature has passed a law for 2021 that the Select Board can decide to conduct Town meeting by Australian ballot. If this decision is made, the Select Board will have to hold an informational meeting within 10 days of Town meeting most likely by Zoom. W. Shepeluk stated that to hold a regular Town Meeting via Zoom would be very unwieldy and suggested that the use of Australian ballot with an informational meeting preceding Town Meeting. M. Bard pointed out that there is no legislative authority for municipalities to hold a remote Town Meeting.

### **MANAGER'S ITEMS**

#### **HMCC Property Tax Appeal to Vermont Superior Court**

W. Shepeluk stated that Hunger Mountain Children's Center appealed the decision of the BCA to the Vermont Superior Court. They feel they should be a tax-exempt organization and the Board of Listers and BCA did not agree. W. Shepeluk asked the Board to engage Stitzel, Page & Fletcher to assist with the appeal.

M. Bard made a motion to authorize Stitzel, Page & Fletcher to enter an appearance on behalf of the Town in the appeal of Hunger Mountain Children's Center from a decision of the Board of Civil Authority and to take such other steps as it deems appropriate, in consultation with the Town Manager, to represent the Town's interests and/or defend the appeal. The motion was seconded by K. Martin and passed unanimously.

#### **Zoning Enforcement – Legal Action**

W. Shepeluk explained that there is a property on Moody Court that is in violation of the zoning regulations. A Notice of Violation was sent to the property in October of 2019 and there has been follow up. The property owner has not taken any action to remedy the situation. There have been numerous complaints from neighbors.

N. Fish made a motion to authorize Stitzel, Page & Fletcher to commence a zoning enforcement action in the Environmental Division of Vermont Superior Court against Darren Tebeau at 5 Moody Court based on his failure to remedy the zoning violations addressed in the Zoning Administrator's October 9, 2019 Notice of Violation. K. Martin seconded the motion. C. Viens asked about the legal line item in the budget. W. Shepeluk stated that the current legal budget is overspent and that most of this work will not happen until 2021. The motion passed unanimously.

#### **Consider Responses to a Request for Proposal for Financing Capital Expenditures**

W. Shepeluk stated that he received four different offers from local banks to borrow \$1,366,880 to finance capital expenditures. The lowest offer came from Community National Bank at an interest rate of 1.55% on the 5-year loan. M. Bard made a motion to accept the Manager's recommendation based on the proposals received and authorize the Municipal Manager to accept the offer from Community National Bank. The motion was seconded by K. Martin and passed unanimously.

#### **Considering Renewing MOU for Barb Farr's Position: Special Liaison for Community Transportation Projects & Special Assistant for Grants Management and Emergency Planning**

W. Shepeluk explained that the Municipality has had an MOU with B. Farr since 2014. The MOU is typically approved on April 1<sup>st</sup>, but due to COVID this was overlooked. There is, however, an automatic renewal provision built in and the pay rate remained level. C. Viens made a motion to approve 2020 MOU between B. Farr and the Town retroactive to April 1<sup>st</sup> 2020 through December 31, 2020. The motion was seconded by K. Martin and passed unanimously. C. Viens made a motion to approve the 2021 MOU between B. Farr and the Town from January 1, 2021 to December 31, 2021. The motion was seconded by N. Fish and passed unanimously.

### **Discuss Opportunity for Town Input on Operations of the Ice Center**

Members of the Board of Directors of the Ice Center were present. W. Shepeluk explained that the Ice Center is a not-for-profit organization that provides services to the surrounding communities and the Harwood community. The Ice Center is currently closed and the Board has done what they can to keep expenses down. The Board has asked for more transparent communications with the community and perhaps there's an opportunity to have someone from the Select Board and EFUD serve on the Board. J. Siegel explained that while they are currently closed, the ice is in and they are in limbo. B. Parette stated that there are costs to keep the ice in and costs to remove the ice with about an 8 week break even period. The purpose of having municipal officials on the Board is to enhance communications and get connected. The Board is not asking for any funding at this time. K. Martin offered to volunteer as the municipal representative on behalf of the Town. W. Shepeluk stated that the EFUD Commissioners are meeting on Wednesday and that this topic is on their agenda. C. Viens made a motion to appoint K. Martin as the Select Board representative to the Ice Center Board of Directors. The motion was seconded by N. Fish and passed unanimously.

There being no further Select Board business, the meeting adjourned at 9:30pm.

Respectfully submitted,

Carla Lawrence, Town Clerk

Approved on: December 21, 2020