

**Meeting of the Waterbury Select Board**  
**March 15<sup>th</sup>, 2021**  
**28 North Main Street**

Present: M. Bard, K. Martin, M. Frier, C. Viens and D. Kehlmann, Select Board; W. Shepeluk, Municipal Manager; and C. Lawrence, Town Clerk. The meeting was held via videoconference.

Public: Lisa Scagliotti, Waterbury Roundabout; ORCA Media; Dana Allen, Alyssa Johnson, Jonathan Siegel, Michael Thompson, and Glenn Andersen.

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

C. Lawrence welcomed Dani Kehlmann to the Select Board and congratulated her on her election. C. Lawrence congratulated M. Frier and K. Martin on their reelection to the Select Board.

**APPROVE AGENDA**

C. Lawrence asked to add a liquor licenses for the Reservoir to the consent agenda items and that the consideration of the newspaper of record be moved from the consent agenda items to item b. under Select Board Business. M. Bard made a motion to approve the agenda as amended. The motion was seconded by C. Viens and passed unanimously.

**SELECT BOARD ORGANIZATION**

**Elect Chair, Vice Chair and Secretary**

C. Viens nominated M. Frier as Chair of the Select Board for the ensuing year. The nomination was seconded by M. Bard. Hearing no further nominations, M. Frier was elected Chair of the Select Board for the ensuing year.

K. Martin nominated C. Viens as Vice Chair of the Select Board for the ensuing year. The nomination was seconded by M. Bard. Hearing no further nominations, C. Viens was elected Vice Chair of the Select Board for the ensuing year.

C. Viens nominated M. Bard as Secretary of the Select Board for the ensuing year. The nomination was seconded by K. Martin. Hearing no further nominations, M. Bard was elected Secretary of the Select Board for the ensuing year.

**Consider Conflict of Interest Policy**

D. Kehlmann suggested that the policy contain gender neutral language (they, them, themselves). C. Viens made a motion to approve the Conflict of Interest Policy for the ensuing year. The motion was seconded by M. Bard and passed unanimously. The policy will be readopted at the next Board meeting once the language has been changed to reflect gender neutrality.

**Consider Rules of Procedure**

D. Kehlmann asked about Rule #9 and asked for clarification as to whether the Rules of Procedure are made available at each meeting and whether the rules for public comment are announced at the beginning of the meeting, as Rule #9 states. W. Shepeluk responded that the public is given time at the beginning of each meeting and that the Board is liberal in allowing the public to chime in. Discussion continued as to how the rule should be handled and worded. K. Martin made a motion to approve the Select Board Rules of Procedure for the ensuing year, with a change in Rule #9 to reflect that procedures for public comment *may* be reviewed at the beginning of all meetings. The motion was seconded by C. Viens and passed unanimously. The Rules of Procedure are made available to the public on the Waterbury website.

### **Discuss Process for Signing Warrants**

W. Shepeluk explained that bills for payment and payroll are processed every week. The Treasurer may not draw checks on the checking account unless the Select Board approves the warrant orders. The Select Board can choose to designate one or all Board members to sign orders. M. Bard made a motion to authorize each Board member to sign the orders and authorize only one to sign the warrants. The motion was seconded by K. Martin and passed unanimously.

### **CONSENT AGENDA ITEMS**

K. Martin made a motion to approve the minutes of the March 1<sup>st</sup> meeting, liquor licenses for Cold Hollow Cider Mill, Jimmz Pizza, Crossroads Beverage, The Reservoir, and an outside consumption permit for Best Western Plus. The motion was seconded by M. Bard and passed with M. Frier recusing himself.

### **PUBLIC**

There was no public comment.

### **SELECT BOARD BUSINESS**

#### **Discuss Ice Center and Senior Center**

K. Martin has been distributing Ice Center Board of Directors minutes to the Board and asked if the Select Board had any questions. W. Shepeluk explained that the Ice Center receives no funding from the municipalities. It is a not-for-profit organization and is tax exempt. The Ice Center has borrowed money from the Edward Farrar Utility District. EFUD suspended principal payments and interest on UDAG loans from the start of COVID through the end of 2021. K. Martin was asked to share the minutes with the Ice Center staff and Board of Directors prior to distribution to the Select Board. J. Siegel explained that the Ice Center asked for municipal representatives to have better communications and support. M. Thompson stated that the Ice Center is currently in good shape financially.

#### **Consider Newspaper of Record and Alternate Newspaper of Record**

W. Shepeluk explained that some public notices must be posted in the newspaper. M Bard made a motion that the Waterbury Reader be the newspaper of record and that the Times Argus be the alternate newspaper of record. The motion was seconded by D. Kehlmann and passed with K. Martin abstaining.

#### **Discussion on Little River Road Property**

The Board received an email about an abandoned property on Little River Road that is being inhabited by a squatter in a camper. W. Shepeluk stated that there is really nothing the Town can do. The bank continues to pay taxes on the property so there has been no way for the Town to get the title. It is difficult to declare the property as a public nuisance. W. Shepeluk has mailed letters and pictures to the mortgage holders but has not received a response.

### **MANAGER'S ITEMS**

#### **Discuss Board Email Addresses**

It has been suggested that elected officials have a Town email address for use with Town business. The Town server could then capture all emails sent relating to Board business which would be helpful in the event of a public records request. Staff will coordinate this process with our IT provider.

#### **New Board Member Orientation**

There is one new member on the Board. D. Kehlmann is signed up for a Select Board training on March 24<sup>th</sup>. W. Shepeluk explained that in the Municipal Manager form of government, the Select Board has limited authority over employees and day to day administration of the Town. The Manager is also the purchasing agent for the Town. The Municipal Manager has all authority that the Select Board would have in Towns without a Municipal Manager, however it is a very collaborative process between the Manager and the Board. The Board was reminded not to conduct business outside of a regular Board meeting as a group via email or in person.

### **Investment Portfolio**

W. Shepeluk previously emailed the Board balance sheets on the Town's Edward Jones investment portfolio and also shared them on the screen. He reviewed the history of the Tax Stabilization fund and the current status of the fund. W. Shepeluk stated that there is an investment policy that he can forward to the Board. W. Shepeluk reviewed the C.C. Fisher fund history and stated that the fund is used for the benefit of the firefighters. W. Shepeluk then reviewed the Cemetery fund and stated the funds are under control of the Cemetery Commissioners. Lastly, W. Shepeluk reviewed the Veteran's Monument fund that the VFW donated to the Town to be used to maintain and repair military monuments in Town.

### **Discuss Arbor Day Tree Planting Grant**

W. Shepeluk previously shared a memo from S. Lotspeich with regard to the tree planting grant. There is an opportunity to apply for a \$1,000 grant from the Department of Forests, Parks and Recreation. If the grant is awarded, the Tree Committee will plant 2 trees at the Hope Davey Park.

K. Martin made a motion to approve the submission of the Arbor Day Tree Planting Grant in the amount of \$1,000 being offered by the Vermont Department of Forests, Parks, & Recreation and authorize the Municipal Manager to sign the application for the Town. The motion was seconded by C. Viens and passed unanimously.

### **Discuss Zoning Appeal – Grayson/Andersen – Possible Executive Session**

W. Shepeluk stated that there is a subdivision on Sweet Farm Road the Mr. Grayson applied for and the DRB issued the permit. Mr. Andersen has appealed the decision to the Vermont Superior Court. W. Shepeluk explained that this type of appeal is heard de novo by the Judge whereby the Judge will act as the DRB. The Town will have a minor role in the appeal process. The Town attorney will be present to inform the Judge what the bylaw means and how it informs the Town Plan.

M. Bard made a motion to approve representation of the Town, and the filing of an Entry of Appearance, by Stitzel, Page & Fletcher, PC in the Grayson Subdivision Permit appeal before the Environmental Division of Vermont Superior Court. The motion was seconded by C. Viens and passed unanimously.

W. Shepeluk updated the Board on the Perry Hill Partners Stowe Street appeal and the discussion about the interim bylaws. The Judge has directed mediation as a first step. Mediation must be started by May 21<sup>st</sup>. The Planning Commission is working towards providing input to the interim bylaws. The hope is that by the end of the month, they will transmit to the Select Board updated interim bylaws and hopefully schedule a public hearing and potentially avoid mediation.

There being no further Select Board business, the meeting adjourned at 9:05pm.

Respectfully submitted,

Carla Lawrence, Town Clerk

Approved on: April 5, 2021